

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1391 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86

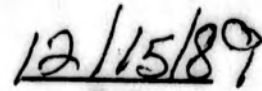


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Signature of Camera Operator


Date

SCOMM

#52:12

PERSONS WISHING TO TESTIFY

Pt. BARROW

- | | | |
|-------------------------|----------------|--------|
| 1. Ida Olemaun | Health Dept. | Barrow |
| 2. Neta Olemaun, nurse | city of Barrow | Barrow |
| 3. Kenneth Jorvaklu | M. S. B. | Barrow |
| 4. Wagon Mathumek | NSB | Barrow |
| 5. Daniel T Leavitt | | Barrow |
| 6. Jack Smith | NSB | Barrow |
| 7. John Whisman | Personal | Barrow |
| 8. Dennis Pacher | public safety | |
| 9. Arnold Brower | | |
| 10. Delbert Rexford | | |
| 11. KATHLEEN STRASBAUGH | | |
| 12. | | |
| 13. | | |
| 14. | | |
| 15. | | |

IF YOU WANT TO TESTIFY
PLEASE SIGN IN:

- ✓1. Jim Filip
- ✓2. Steve Ginnis - TCC Yukon Flats Subregion - Ft. Yukon, AK.
- ✓3. James Nathaniel Sr. T.C.C. Yukon Flats Subregion Ft. Yukon
- ✓4. Mary Beth Solomon - Native Village of Fort Yukon Tribal Gov't
- ✓5. Betty Horace - Upper Yukon Behavioral Health Service
- ✓6. Judy Peter
- ✓7. John Thomas Box 76 Fort Yukon, AK
- ✓8. Marlow Solomon Jr. Box 63 FYU MARLOW SOLOMON, SR.
9. ~~Walter J. P.~~
- ✓10. Jonathan Solomon Jr. Native Council
- ✓11. Pitua Peter - Upper Yukon Behavioral Service
- ✓12. Marilyn Alexander Box 65 Ft Yukon Ak. 99740
- ✓13. SHELLY FORBES
- ✓14. Bessie Biederman

TOKSOOK BAY

11-19-85

Persons wishing to testify or comment

- ✓ 1. Tom T. Carl
- ✓ 2. James F. Ingram
- ✓ 3. Luke Amilk Sr
- ✓ 4. Carl Glynn D.R.A. Tank.
- ✓ 5. Samuel Smith - MEKORYUK
- ✓ 6. Louie Andrew
- ✓ 7. Michael Albert
8. Espar Chaparrak
9. Larry A. A. A.
10. John Alirhar
- ✓ 11. Tom Jimmy
- ✓ 12. Nick Chapman
- ✓ 13. Paul John
14. Moses Charac
15. Joseph Bruno
16. Dick Lawrence
- ✓ 17. James Paul Sr Kepnek.

6:50 18. THORESA MORGAN CHEFORNAK

~~PAUL~~ JAMES SIPART COOK

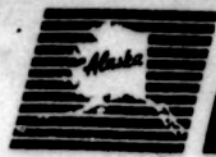
7:30 PAUL AGHEMAK COOK

PLEASE SIGN THIS LIST IF
WOULD LIKE TO TESTIFY OR
SPEAK TO THE COMMITTEE.

- ✓ (0) Lloyd Andrew C
- ✓ (1) John B Berlin
- ✓ (2) Tsikoyak Andrew
- ✓ (3) Paul Jenkins
- ✓ (4) Golka Maxie
- ✓ (5) John Wassilie Sr.
- ✓ (6) Oscar Vink
- (7) John Alexie
- (8) Nikolai Berlin
- (9) Moses Tobchuk
- (10) Martha Keene
- (11) Ellen Jenkins
- (12) Daniel Andrew Sr.
- (13) Frank W. Wassilie Nenapitchuk, AK
- ✓ (14) Evan Alexie - have to leave before 11:30 AM.
- (15) Anna A. Wassilie

Andrew Wassilie

✓ Aneta Hoover



ALASKA MARINE LINES

LURI -

CAN I ADD MY
NAME TO LIST?

(I'VE GOT SOMEONE
AT THE OFFICE FROM
S. NAIWEK NEEDING
HELP ON AN RDA
GRANT FOR THEIR
PUBLIC SAFETY BUILDING)

DEBBY TENNYSON

7100 Second Ave. S.W.
Seattle, Washington 98106
(206) 763-4244

P.O. Box 469
Douglas, Alaska 99824
(907) 586-3790

TOLL FREE NUMBER
800-443-4343

There are a few
people that were
here yesterday
that you should
get to

Larry Eck - Market
manager

Curt Armstrong - Local Air
Charter
Owner

We the Emmonak Headstart Parent
 would like to ask the Senate and the
 House of Representatives to allocate
 more monies for the Headstart
 programs in the State of Alaska. Education
 is really important for our children.

- | | |
|--------------------------|--------------------------------|
| 1. Wilma Christensen | 21 Anja Majovich |
| 2. Chaeli T. Kiangak Sr. | 22 Fred Moore |
| 3. Zere H. Kiangak | 23 Joe M. Suter |
| 4. Oscar Leopold | 24 Agnes Uink |
| 5. Nordro Westlock | 25 Eunice Suter |
| 6. Francis Leopold | 26 Mary Moore |
| 7. Eugenie Augustine | 27 June Kame |
| 8. W. S. Augustine | 28 |
| 9. Jerry F. Barrett | 29 John F. Westlock |
| 10. Veronica Barrett - | 30 Frank Jensen |
| 11. Ann Westlock | 31 Paul Jensen |
| 12. James Horn | 32 Aloysius Uink |
| 13. Emily Crane | 33 Mary Uink |
| 14. Margaret Crane | 34 Mary A. Jmer |
| 15. Lorena Odono | 35 Molly T. Kangeroff |
| 16. Edna Kaseock | 36 Donald R. Christensen |
| 17. Ray Vignin | 37 Lynn Bird |
| 18. Bob B. Vignin | 38 ~~John Westlock Sr~~ |
| 19. Nora Westlock | 39 Flora Westlock - Staff |
| 20. Lucy Larou | 40 Mam Kelly - Staff |

Bethel
11/20/85

WITNESS SIGN UP SHEET

✓ 1. Eddie Hoffman

✓ 2. Capt. Detemple

✓ 3. Chiet Clayton

✓ 4. George Ives

✓ 5. Laurie Maum

✓ 6. Carl Berger

✓ 7. Sylvia Elliott

8. Dave Tranthan

✓ 9. Peter Jacobs

10. ~~Michael Brown~~

11. Charlie Brown - Eek

12. Drake Carpenter

✓ Dan Hicklen

Wagner Marx

Sean Stithan

~~George Parham~~

PERSONS WISHING TO TESTIFY

- ✓1. REV THOMAS HAULUND
- ✓2. Rose Megli
- ✓3. ROBERT WALEMAN
- ✓4. Jack Norman
5. Patrick B. Hefley
6. Susie Kallenbacher
7. Kent Kallenbacher
8. ~~James~~ Jack Brink
9. Kathy Linn
10. Lew & Reith JAST
11. Geoff Comfort - magistrate
12. ~~Kathy Stout - DPT~~
13. Debby Tennyson
- 14.



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James O. Smith
Signature of Camera Operator

12/15/89
Date

SCOMM

#52:13

AKIACHAK

JOINT SPECIAL ON LOCAL OPTION LAWS

NOVEMBER 18, 1985

PRESENT: Rep. John Binkley, chairman
Sen. Vic Fischer
Rep. John Sund
Mark Earnest for Sen. Sachett
Translator: Adolph Lewis
Legal Counsel: Laurie Otto

Rep. Binkley: Let's go ahead and begin. Ok. Willie Kasayulie.

Willie: Good afternoon. First of all I would like to extend a warm welcome to the committee members from the village of Akiachak. We appreciate the Local option committee for selecting Akiachak as one of the villages to conduct the hearing on the alcohol issues and problems. Alcohol has been an on going problem with in the community and the region for several decades. It will continue to be a problem unless, the United front of villages initiate accent to eliminate alcohol abuse with the assistance of the state of Alaska. Several of the villages within the state of Alaska has utilized the existing local option law to ban alcohol in their communities, with out a great deal of success. Akiachak la^{ti}ve community through the IRA counsel has drafted local legislation to address the problem. Associate Professor and Chairman for the University of Alaska Dept. of Anthropology conducted of how two native communities dealt with alcohol problems in each village. Although Akiachak was not mentioned by name the study identified how each village worked within the villages to eliminate the alcohol problem. In the mid 1960's the community organized an alcoholism board to work with local residents with alcohol problems. Eventually the Akiachak alcoholism board was chartered under state laws. Because of this organization the village has been working with near by villages even through out the region through alcohol education counselor. Nevertheless, alcohol problems still exist within the community. The Akiachak IRA counsel hasbeen

Akiakchak; Local Option Hearing "2"

active in fighting the alcohol problems through resolutions and recommendations within the regional meetings. There are several ways alcohol can be alleviated and eventually eliminated within the region. Without the support of the villages in this region alcohol will continue to flow unless a united position is established. I've mentioned that several villages in the region has offered to ban alcohol in their villages using the states local option laws. As long as the regional communities with large air fields keep taking villages exist within the regions. I feel that alcohol will be a problem. There are several possible solutions that exist we will need to work together with the native community and the state of Alaska to address the problem. One of the recommendations that we have been voicing is to utilize the tribal government of the traditional counsels in addressing such problems. Just recently our community conducted an elder conference whereby we would like to utilize elders in any of these type of problems that exist with in the villages. Not only alcohol, but also the drug abuse problem that is growing with in the region and will continue to grow unless drastic actions are taken. The other aspect we would like to see is some type of coordination between the native communities and the state of Alaska. We feel that we can work together much better on the local level if we involve the local community to work with in their members or the residents for that community. Again, as I mentioned earlier alcohol will continue to be around unless we work together with the native community and the state of Alaska to eliminate hopefully to eliminate the existing problem that still exists with in the native communities. Unless, there is any questions that is the state of my testimony. I feel that there are others in the building that will provide the other aspects of it.

Rep.
Binkley:

Thank you Willie. Maybe I could go ahead and introduce the panel and talk a little about why we've come to Akiachak and what we are here for. This is a committee called the Joint House and Senate Local Option Committee. Created by the legislature to come out and to assess what some of the effects are and some of the problems with the current local option laws we now have in the state of Alaska. How we can possibly make changes in those local laws to better help the people out in these areas. Adolph maybe you

Akiakchak;Local Option Hearing"3"

could translate that please.

Adolph: Adolph Lewis translated what Rep. Binkley said into Yupik.

Rep.
Binkley: Introduction of the committee members.

Adolph: (Translated into Yupik)

Rep.
Binkley: We're here primarily to listen to you. To find out some of the problems you're having with alcohol in the community are. Is the local option law working for this community? Are there ways we can change it, to help this community better deal with the alcohol problem here? We're not here to tell you what we think or to tell you what we ought to do about alcohol. Simply to listen to you to see what we might be able to gather from that and in act laws that might help. As Willie said, "Help us to work together" to try and over come what we've perceived to be a major problem in all of Alaska.

Adolph: (Translated into Yupik)

Rep.
Binkley: Currently there are four different options a community can choose under the local option law. I believe the one Akiachak has chosen and I'm not certain is a ban of importation and a ban of sale of alcohol with in the community. Some communities have said. Laurie's shaking here head so she doesn't agree, but that may be the perception the people have in their community.

Laurie
Otto: Haven't you voted dry under federal law not under state law?

Willie: No, we haven't voted either way. We have established ordinances. Not under federal law, but under tribal laws. Through the IRA counsel.

Laurie
Otto: Under federal law. They have not used a local option election.

Rep.
Binkley: Ok. Some communities have felt even though they were voted to ban the importation and ban the sale of alcohol. That this was not working, and having another option that they could choose from

Akiakchak;Local Option Hearing"4"

of the list of options. This is one of the things we wanted to talk about also. Should a community be able to vote as a community to say they want to ban the possession of alcohol with in that community?

Adolph: (Translated into Yupik)

Sen

Fischer: One of the questions that have come up in previous testimony as one of the issues is, problem of enforcing liquor laws with in villages. I have not had a chance to read your law on alcohol and drug abuse. Could you tell us how you enforce violations of the law?

Willie: As far as alcohol is concerned in relation with our community law. We have the village police officers working for the IRA counsel. If there are any alcohol related problems most of them are mostly sleep off kinds. Where they are brought to our village police station and they are to sleep it off. The alcohol itself is confiscated and put into the building back there. As far as those individuals breaking community laws we haven't established a judicial committee members of the IRA and members of the community that sit on the committee often referred to as the tribal court. Those people are the ones who impose sentencing on some of the individuals that break the community laws. Mostly to follow through the procedures the established to date. As far as following the Indian Civil Rights Act they pretty leave it up to the discretion of the community members that sit on the judicial committee.

Sen

Fischer: Has this law been in effect for a long time?

Willie: No. This is one of the drafts. We did have an emergency ordinance similar to this law right here, but essentially it's the same.

Sen.

Fischer: How serious is the alcohol in Akiachak?

Willie: Being our village close to Bethel, it's serious enough that our police will have to conduct on going to patrols to the trails that are going back and forth between here and Bethel. Not only that we watch out for the other trails that go to the other villages like Kwethluk and Akiak up river. So in a sense with in our jurisdiction or our boundaries we generally have on going patrols

Akiakchak;Local Option Hearing"5"

during the winter time and summer time. Mostly those people are put into custody here in the village.

Sen.

Fischer: Is this to stop alcohol being brought in?

Willie:

Yes, but it's still coming in. One of the concerns like I mentioned in my testimony is that we feel as long as regional centers that have airport capabilities alcohol will continue to come into the region-unless the villages work together with those regional centers to come up with some time of quorum or something. Somehow limit alcohol coming into the region. We've discussed it with in ourselves. As far as identifying problems it's the regional centers that have airport capabilities to bring in the jets and alcohol into those communities and eventually fan out into the villages.

John

Sund:

One of the things we're trying to do at this committee is to try and identify some of the actual problems caused by alcohol. There's a lot of recognition to say that alcohol is a major problem. Do you have your testimony yourself or somebody else that can testify today as to some specific instances of either child neglect, abuse, or assaults or something on that order that are alcohol related?

Willie:

I'm sure there will be some other people who will testify to that effect. We do have one of our elders that's considered to be a traditional counselor, Mr. William Lomack. He has had the opportunity to testify to testify in front of Senator McClowski to build that thing through Anchorage during A.F.N. week. There will be several members from the community that will be able to voice that concern in bringing out what we're doing as far as the native community here.

Mark

Earnest:

Really I haven't had a chance to read through this yet, but does this address the possession of alcohol or does it coincide with existing law of importation and sale.

Willie:

Yes, it would coincide with the existing laws. As far as there is also a way where federal people can be involved in these types of things. One procedure is the community of Akiachak votes to accept this ordinance in reference to alcohol

Akiakchak;Local Option Hearing"6"

and drug abuse, then the IRA counsel would have an option of having this community law put into a federal registrar. If this community is put into a federal registrar then the federal people would also be involved in enforcing this law as far as this community is concerned. I'm sure that those laws have already been in existent as far as handling our chief areas is concerned. There's one or two villages that utilize the federal procedure in enforcing their procedure in alcohol.

Rep.
Binkley:

Right, and that was one of the things that prompted this is that those villages that have chosen that and I think there are two at least Chalkyitsik and not sure the other one that have it. That have adopted I think it's through the Federal Indian Liquor Laws that their able to do that. It's not the same as it is a state law. If we did have a state law that allowed for the banning of possession, then the federal law that a community could in act by it's own ordinances and publishing it in federal legislature, would coincide then with the state law and it would be the same. It would be easier to get enforcement at the state level.

Laurie
Otto:

It's not true in that under federal law you there's an exception for home brew. Under the proposal for state law it would also ban the possession of home brew. That's also something that should be considered as a difference between the two laws.

Rep.
Binkley:

One of the things we are considering like Laurie just pointed out is not only just alcohol but also home brew. We can get into that as we also go along is to talk a little bit about home brew too. What some of the effects of that are and what some of the effects of that are and some of the problems you may have with home brew.

Willie:

I guess as far as enforcing local alcohol laws in working with the state of Alaska, there can be ways where we can have some current jurisdiction on the problem of alcohol abuse. Whether the local community law is enforced or whether the state law should be enforced. So there are provisions in there somewhere, where any native community can have some current jurisdictions. Either of the two governments the federal or the state.

Akiachak; Local Option Hearing"7"

Laurie

Otto: Willie, I have a question. How many policeman do you hire?

Willie: We have three usually.

Laurie

Otto: How much of the work they do is not related to problems caused by people abusing alcohol or patrolling for people who may be bringing it in?

Willie: I'm not sure. I can't answer that.

Laurie

Otto: Is there somebody here who would know that?

Willie: Probably the village police officers that deal directly with that problem.

Laurie

Otto: (Side two of Akiachak starts like this)...Know what kinds of problems there are so then when they go back to Juneau they will have those facts all in one place together. They will be able to check out whether they have enough evidence to justify interfering with people right to privacy. So see what their doing know is trying to get the back up information. Just in the same way when your doing your dissolution process there's things you have to put on the record before you can do it. What they need to do here is put certain facts on the record before their in a position to pass laws that will stand up in court.

Fritz

George: Isn't there enough evidence in Bethel people dying and all. So far people of the state of Alaska should see it with their own eyes and do something about it.

Laurie

Otto: The evidence may exist some place, but it's not gathered together in one place before this legislative body who are the people in Juneau who can pass the laws. They have to consider the evidence themselves. They can't just have people say: "There are alcohol problems in the Y.K. Delta", "There are people dying in Bethel". What they need to know is how many people are dying. When they died, why they died, and what's going on in this village too. What's going on all over the region. So yes, because it probably exists their holding hearings to gather the evidence.

Akiachak; Local Option Hearing"8"

It's like a criminal case. Everybody in the village may know somebody committed a crime, but until the court hears the evidence and makes a decision based on the evidence that's presented that person can never be convicted or found guilty. What they are doing is gathering evidence.

Fritz: Is that why the ban was in Bethel, because there's not enough evidence?

Sen.

Fischer: What I would like to know Fritz, is were going to be in Bethel in two days. We will be talking to Bethel people then. Today, we would like to know from you - what the situation is in Akiachak. Could you tell us what the situation is here on alcohol is it a problem?

Fritz: Yes it is. Seems like a few weeks ago one of our people almost froze to death. Got the bottle from Bethel. Mainly because Bethel is always wet.

Adolph

Lewis: Translates all that has been spoken about.

Jackson

Lomack: Hello. My name is Jackson Lomack and I work for the IRA counsel for Akiachak as a executive vice president, also recognized as a judicial committee liaison. Regarding to the problem that is suffering by the villages by the term alcohol, that liquid. To confront the problems that now lies with in the whole state of Alaska. A village government regardless of what government we're talking about, IRA, Traditional, First or Second Class Cities, and even borough. These kind are entities may some what want organize and to have the state legislatures listen to their comments regarding this problem of alcohol and drug abuse that has existed for long period of time. To do this you know the efforts of the local communities has to be recognized by the state legislatures by any local governments that is now trying to confront a problem. In doing so to protect our common Yupik livelihood and culture, the concept of self determination has to be practiced in full scale. Confronting the problem that now lies with in our lives and the eyes of our Elders. In doing so to create a manner that will be reasonable in the state, local or federal government. There should be some kind of a comprehensive plan that should be

Akiachak; Local Option Hearing "9"

looked upon and write a master plan; then organize each villages efforts in banning the alcohol. In the subject matters of organizing the effort of the concept of government to government relationship with the state and local government, it has to deal with these problems. The tribal governments which now lies in the eyes of the state and local government have to deal with these problems. The tribal governments which now lies in the eyes of state the tribal issue of sovereignties the other problem that the state government is looking at. The human resources should also be strengthened. Let the state and federal government know that the human resources of the whole entire state of Alaska should also be in the comprehensive plan. Rather, how we're going to protect our livelihood and our culture from these alcohol and drugs. The culture resources should be conducted. Housing, recreation sites, scenic resources, public facilities and all these things; it goes on and on. In order for these problems to be solved in the eyes of the state government, and local governments. You know the self-determination has to be in full scale to have the self-determination practiced. According to the public law 83280 back in the 1950's when the United States constitution made this act to have authorized Alaska's state courts to exercise jurisdiction over the judicial cases of both civil cause of accidents and criminal offenses involving in Indian country. This has to be interpreted by state legislation. Under the state legislation - you know the public law and community status that gives us the full authority to the state government, to make any laws that is related to any problems, such as alcohol. Right now, it's the number one problem that is totally killing our people. To solve these issues, state government should give lots of effort and monies to the local governments in creating a alcohol and drug counselor. An example: 2 or 3 weeks ago, Akiachak IRA and the community designed a program for alcoholism and drug program. Every Monday from 7:00 pm. - 9:00 pm. anybody who is welcome to attend this program. This way to conduct this program or to solve the problems. It's to the communities effort to solve their own problems. To do this, the community should work together as a team - the IRA counsel, the church counsel, and the student counsel should as well. We the people of Akiachak, also should be looking to the state and other villages to see what is going on in the community. We as a people would

Akiachak; Local Option Hearing "10"

like to be an example, to confront the problem of alcohol and drug abuse, to let the other local communities to do the same thing that Akiachak native community is doing. This should be the whole community's effort, but I am thankful you people are doing a hearing in the problems which we are on top - concerning the problem of alcohol and drugs. The United States federal government gives us an opportunity that the federal government promises the Indian tribes or tribal counsel, by existing law, that the tribes have the right to negotiate with the federal and state government. In doing so, this exercise has to be dealt with the community. However, as noted earlier, these inherited powers maybe some what limited to the application of public law 83280, that was added by congress in 1953. In the community of Akiachak, since we are designing the city government, you'll notice that we have one government. Then we have a right to create our own laws, to protect the members by adopting and creating our own tribal courts. In this case, Peter Jackson had mentioned that law that was a draft. Once that draft is totally accepted and adopted by the community, that the law will be existed and that law will be executed by the executive committee - which is the team who executes the laws. On the other hand, the community, rather the community sees the need for changing the Alaska option laws, ways to include a community ban the possession of alcohol, like I mentioned earlier. The governments, regardless of what government I'm talking about, have to work together and try to solve this problem of alcohol. In doing so, we have to have you guys listen and open your minds and hearts that alcohol is number one enemy to our tribes. Thanks.

Rep.
Binkley:

Thank you Jackson.

Willie:

If anyone has a question, I'd be glad to answer them.

Sen.
Fischer:

If the community adopts this draft law, what kind of penalties would fall with the tradition and customary law of the Akiachak Native Community? If you found somebody illegally and improperly importing alcohol, what kind of penalties - what is the traditional penalty?

Jackson:

Once the person has a total problem with alcohol and everytime he goes down to Bethel and comes

Akiachak; Local Option Hearing "11"

back staggering. Our elders have been focusing to work as a team - the tribal community. It's all up to the community that any law should be practiced for any law that has been put in front of you. That is just a ninety day deal, that is going to exist for ninety day. That has to be extended and made more reasonable. Let the Akiachak Native community be aware that law is existing. That way, we'll totally let the people, who have problems with alcohol, know that Akiachak Native community is in full scale to stop them. You know the importation of alcohol to the community.

Sen.

Fischer:

Under state law, when somebody is arrested for drunk driving, they have 3 days in jail and maybe a fine. They have to pay money. If they are drunk again, or they violate some other law, the penalty increases. What I'm trying to find out is: What would be the tradition village way? Do you have a jail? Do you put someone in jail, or do you go to talk to them? Do the elders talk to them? How do you do it?

Jackson:

No. Although we are in the middle the high civilized people; since we are on the top of the regulation and what not, we can go back to the traditional way of life style where the alcohol is totally surrounding us just like the bows and arrow. Traditional ways to do it is to ban the alcohol forever. Let the state legislatures, together with our tribal counsel and let the airlines know that this law is now existent, and that it was adopted by the communities of the State of Alaska - to ban the alcohol and the importation to our region. This is what the traditional way is.

Sen.

Fischer:

Ok, thank you.

Rep.

Sund:

I just have a question Jackson. More to the specific problem of alcohol. Are there any major crimes or family problems in Akiachak that are not related to alcohol at all?

Jackson:

Everything that I remember is totally related to alcohol.

Rep.

Sund:

All the major problems?

Akiachak; Local Option Hearing "12"

Jackson: All the major problems are totally related to alcohol. Just because the person is intoxicated and doesn't know what he's doing, that creates problems with the families. Everything is boiled down to alcohol.

Rep. Sund: In prior hearings that we've had there was a tie between the abuse of alcohol and jobs and unemployment. If people had jobs and were employed, they would have less of a tendency to use alcohol or abuse alcohol. Do you see that in this village? Is there any relationship between alcohol abuse with jobs and employment?

Jackson: I don't think so. Mostly in the cases of the other villages there's some problems. As you are well aware that Akiachak Native community pulls full scale to go towards the self-determination. Perhaps it's the right of self-determination. We want to be as an example for our next generation, that they'll be a beater. We want to be totally sober in the eyes of our young kids, so that way when we grow older, they would say, "I'd like to be like him." The alcohol and drugs will totally not be seen in the community as well as to the efforts of our jobs.

Rep. Sund: Right now under state laws, various villages have options to ban the importation or do other things. One of the issues we're looking at is to give the village the option, under state law, to ban the possession of alcohol. In your opinion, would a state law allow in a village the option to do that? Would that help Akiachak at all?

Jackson: I'd say after you guys do a lot of traveling to the villages and have lots of ideas. What the procedures are at the end of the trail. To me, like what I state earlier, each state and local government, regardless of what government we're talking about - IRA traditional or municipality. Those all have to be dealt with in the arena of the state legislatures. Once that is totally solved, the state legislatures would make some kind of a certain law that the importation of alcohol from the urban areas to the rural areas should be banned. This way, all airlines would look up to the high officials. Indicate to the airlines, no more importation of alcohol. This is the law. That way the bootleggers would totally be socked out.

Akiachak; Local Option Hearing "13"

Rep.

Binkley: Jackson, around here when people do drink and bring booze in, where do they generally drink?

Jackson: Anywhere. In the homes, everywhere I go to a village. For an example: In Bethel I always look around at the empty bottles. There are also empty bottles in our community. It always makes me wonder why. Just because the state is not doing its part or because a community is doing its part. Once these governments get their minds together and work as a team - fighting the problem of alcohol. We will go on somewhere, instead of alcohol being in control. One good example: Have you guys read the article in the Tundra Drums in the community of Bethel alone. They had some kind of research on the bootleggers, and found out that they made 7.3 million dollars in one year. Just for bootlegging! If there is such a law now existing to ban alcohol, to urban it to rural areas would be totally helpful.

Rep.

Binkley: Ok Jackson. Thank you very much.

Phillip
Peters:

Hello. My name is Phillip Peters. I am a IRA counsel member also, a judicial committee member of the IRA counsel in the tribal court. The testimony I'd like to make is a short speech, or give a little testimony. Hello ladies and gentlemen and honored guests. The topic which I'm going to make is a testimony about the local option law. I'm totally against this law because it's not workable to the other villages. In the past, Bethel passed a liquor law, voting to be a dry community. Even though Bethel passed a law to be dry, there are bootleggers, drug dealers and pushers, etc. The reason I said that local option isn't working because Bethel is the station where the other villages and the residents of Bethel get the booze. Alascom ordered by telephone and also there is an increase, not only in Akiachak, but in other villages. Liquor is the number one problem. Our number two problem is drugs. Marijuana is increasing. Here in Akiachak, we do arrest those people. The person who is carrying marijuana or any drugs. The law which the legislature passed in their local option law stated: road transportation of liquor, any means by airplane and any other vehicles that is workable to transport the booze; it is not working. The state isn't enforcing it, and the residents are

Akiachak; Local Option Hearing"14"

not enforcing that law. Probably they were scared or they're playing games. When they were playing games, we get so many deaths related to alcohol. Now this drug came in and hurt our youngsters. They fight their parents to get money to buy that marijuana. It's increasing, not only here, but in other villages. In my mind, I was wondering why Bethel voted dry. It would be better not to pass the ordinance. They were playing games with other villages - where they try to limit funds from the bootleggers, and make the city a happy place. Everytime I go to Bethel and see my people passing out on the roads, get into fights, or they come up to my village and fight their families, my heart is broken. We lost many friends through suicides, causing loss of relatives. Some were lost and others were not even found. They disappear because of alcohol. Because of transportation of this alcohol, it would be better for me and my women to work with the other village people about this local option law. In the past when we were a city, we got so many drunks. We arrested, we fined them and made them work. When we dissolved that city and became an IRA counsel, in my mind, the people were decreased to us that liquor in our community. Why? I work in my heart and mind to talk to my people. Sen. Fischer stated asked questions about how do we fine our people. We got the ordinance law which states: the first offense, he is talked to, or we the counsel sends that person to the church elder to be talked to. The second offense, if that person is convicted again, we fine him fifty dollars automatically, or seven days of work - seven hours a day in this community. Third offense, we fine the person a hundred bucks or let that person work 10 days in our community - seven hours a day. Third (fourth?) offense, it goes on and on up to five hundred bucks. When you mentioned that we passed that emergency transporting of alcohol, the first offense that person, who is transporting the alcohol - by plane, three wheeler, or snow machine, truck - if we convict him on his first offense, we automatically fine him \$200, or 1 week of work, or ground the vehicle he used. Second offense, we automatically charge him \$400, and grab the vehicle for a month, and let that person go to a alcohol counselor. The counselor could talk to him, to stop that - not to continue to use liquor. In forth offense (that's our last offense), we automatically fine him \$500, and vehicle grounded for six months. Also the person would be sent to P.A.T.C. in Bethel. In this

Akiachak; Local Option Hearing"15"

community of Akiachak, as I judge the only persons who's got alcohol is when they get a pay check, or get money from dividends, or from his job. These are the persons who drink and get involved and get pushed from Bethel and transport their liquor to this community. These are the persons who get drunk in this community. Lastly, I thank very much. I would be willing to work with you. Share some of my knowledge to help my people to be sober. Thank you.

Rep.
Binkley: Thank you, Phillip.

Rep.
Sund: Just have a question. Phil, in terms of testifying or fining people in the village here for importation of somebody bringing alcohol in, is it a difficult time getting somebody to come and confront you and say this person did it or testify in the village?

Phillip
Peters: Could you repeat that question?

Rep.
Binkley: Maybe you could get Adolph to translate.

Rep.
Sund: Do you know what I'm saying Adolph? Is it difficult to get people within the village to testify against other people in the village?

Adolph: (Translated into Yupik)

Phillip: It's no problem. It's not difficult finding persons who drink liquor - because the witnesses or the person who complains. The cops, who arrest that person, questions him. We go by the ordinance - by the law. It's the people who's up there ____? It's not like in ____? Any questions?

Rep.
Binkley: Thank you very much.

William
Lomack: (Spoken in Yupik)

Adolph: (Translated from Yupik) He wants to thank you for being here. He's going to talk about what he knows and what he's seen in the past. Akiachak has problems with people bringing in alcohol to them within the Akiachak boundaries. He's seen

Akiachak; Local Option Hearing"17"

Moses

Peter:

The result of

My name is Moses Peter. I am vice chairman of the IRA counsel. As second in command of the IRA counsel, I would like to welcome you to our sovereign state of Akiachak again. I don't have a prepared statement right now, but I would like you to find out that the alcohol is a problem. ~~In resolved~~ that the problem is death, death, and more death. As you have been aware of, this has been a problem for a long period of time. I presume that each one of your areas have the same problem. You're sitting in front of me trying to get out the same thing. Last year everybody in this region got together in Bethel and said, "Hey, let's do something about it." Everyone was in agreement, and village people were in agreement. The only thing that stopped was Bethel, because like you people say, personal rights. I've heard some people differentiate between our way of solving problems and the way you people solve problems. When that man was testifying from Akiak, he pointed out the difference there. I know for a fact that government reflects their people. As a minority of the state, the government has never reflected any part of the culture of the language to the state of Alaska. This government is not for us; it's made for the other people and you can see now that your government and my government are very different. For this reason, I guess Akiachak is try to say, let's take care of our problems. If you can not help our problem, let us try and do it ourselves. Let us kill ourselves if we make a mistake. For that purpose I've been trying to say that law, like Phillip testified in front of you, stated that this law is not working. I know for a fact that it is not working as long as we have people opposing it; it will not work. There are 4 - 5,000 people in Bethel. I don't know how many people are in the village - at least another 9-10,000. These 10,000 people are not listened to. That's not American either. That's not right. We're the majority here, and the minority is in Bethel. The mayor of the city last year - that's where the problem stops is right there. I don't know why people go down to Bethel and waist their time. Thank you.

Rep.

Binkley:

Thank you Moses, but I was just a counsel member. I never was mayor. You're right, just for the understanding of the committee, so they'll understand what you're talking about. In

Akiachak; Local Option Hearing "18"

July of last year, the city counsel in Bethel unilaterally put a moratorium on the importation of alcohol in the community of Bethel. A sixty day moratorium. It was subsequently struck down by the court, that said we couldn't take that action. It was reserved for the right of the people to vote on. Not something the city counsel could take. A lot of people from Akiachak came down to Bethel and testified at that hearing, that we held down there.

Rep.
Sund:

Question, if I could? Several times here the proposal has been put forth that you need a regional solution. You can't, or would have a difficult time, solving the alcohol problem in Akiachak unless you solve the problem in Bethel.

William
Lomack:

Moses Peter

We did that last year, sir. Like I said, it stopped right there in Bethel because of one person and one person only. That's not how our traditional peoples work. Just because of one person, there's more death and death and death.

Rep.
Sund:

I come from Southeast Alaska, and this is a long way from home for me. This is the first time I've been here in this part of the state. We have the same problems in Southeast as here in terms of the alcohol related problems. A lot of the villages can't have the same issues of trying to ban the importation when there's a wet village or a wet town right next to it. What is the next best solution providing that? We're not going to change Bethel. You're not going to change Bethel, or Bethel is not going to change. What's the next best solution for Akiachak?

William
Lomack:

Moses
Peter

Well, I don't think there's any solution. It's just like I said, people must work together. People in this whole area must work together. Bethel needs to be straightened out by Eddie (Hoffman), and you, or somebody. Those people have to be put down once in a while. I know that our cultures are different. If we are going to save some lives, we have to do it whether we like it or not. All these people that were testifying down there, they can't do anything about it. They couldn't do anything about it, and that's why I think another reason why - if we're going to be making progress each village must do its own thing, rather than to someone else. I don't

Akiachak; Local Option Hearing"19"

think anybody will listen to any village,
anywhere.

Rep.

Binkley: Thank you, Moses.

Gary

Ivishen:

My name is Gary Ivishen. I've been here for 4 years. I go along with Moses on this, that it's a regional issue. I think if it weren't for the people in the villages, and the surrounding area here, Bethel would not be as fluent economically as it is today. The (Bethel people) pretty much live off the people in the villages as I see it. I go once a month, and spend a good deal of my Money in Bethel for my food - let alone for fuel. I think the people in the surrounding areas do have a voice of what Bethel does do; especially in the issue of alcohol. As I've been here only for a short time associated with school related issues, I'm speaking for myself, not for the school district. Our school activities in the evening and on Friday nights - already one of our activities have been cancelled due to alcohol. In closing down our activity, it wasn't our students that were involved; it was other people. I feel there is a concern here in the village and something does need to be looked at. I think our village is doing a very fine job of trying to control it. We have an out side force, being Bethel, that is difficult for a small community as this to fight against. I feel Bethel has survived because of the communities of Akiachak, Akiak, Tuluksak, Kwethluk, and down coast. We also have a say in what can go on in Bethel, and what goes on in the state. That's all I have to say.

Sen.

Fischer: What grades do you teach, Gary?

Gary: High school. 9th thru 12th.

Sen.

Fischer: Is there any alcohol consumption among the high school kids?

Gary: Not that I've seen this year.

Sen.

Fischer: You're better off than the urban schools then.

Gary:

This is true. I am aware of that. I've been in contact with other principals we've had that are

Akiachak; Local Option Hearing"20"

now in Anchorage. He says his main problem is dealing with alcohol and drug abuse with the students. We fortunately do not have that problem.

Sen.

Fischer:

What about students reflecting directly or indirectly the problems at home of drinking parents? Do you see anything?

Gary:

Not that I see. I feel in Akiachak, the problem is there, but it's not as big as other villages I've visited. Again, I feel fortunate to be here for that reason. As I mentioned other things, that it can grow as I look back when I was in Junior High - things unheard of. Drugs, marijuana were very frightful words. The population that was getting involved was the minority. Now, today, if I go back and talk to my younger brother, it's the minority who aren't doing that - particularly drugs and alcohol. It does grow and I'd like to see it happen in this village. I'd like to see it stopped if it can be stopped.

Rep.

Binkley:

Thank you, Gary. Hello Olinka. Good to see you.

Olinka

George:

(Yupik speaker)

Adolph

Lewis:

(Adolph translated Olinka from Yupik) She's thankful because she's been given time to speak to a group of Senators and Representatives. Her name is Olinka George. She worked as a village alcoholism counselor back in 1982, and attended a workshop in ~~Sho~~ena Hotsprings. During the year she worded as a counselor, they had a meeting with the village counsel, herself, and the community. The meeting wasn't here at the village. It was in ~~Sho~~ena Hotsprings. The meeting involved leaders from each community - leaders from Juneau, Anchorage, and other cities within the state. During that workshop, different representatives from the state gave their testimonies about the problems that exist from alcohol and drugs. She says she's seen when she was getting ready to come home from Anchorage to Bethel. She's seen party time vehicles loaded with liquor. The liquor is sent to Bethel freight. She's talking about what got on the plane at Anchorage. She got off the plane in Bethel and after the baggage were taken off the

Akiachak; Local Option Hearing "21"

plane, people picked up the liquor. Gusiks, that is white men, and a few Yupiks were there to take the freight. She says if there could be something done about it there could be a reduction of alcohol problem in Bethel. If the freight was monitored more, something could be done. Working towards having more peace within the community. She's saying the problem is planes shipping alcohol to the village. Unless Bethel does something about that problem it will continue to exist. Alcohol comes into Bethel and from there it spreads by bootleggers. Villages come to Bethel, and use up what they have - money that could have been spent for something worth while. They end up buying a bottle for \$40 or \$50. Not only white men sell booze, but she's seen natives doing the same thing right here in the village. She knows because she was a counselor here before. She feels that Representatives and Senators need to get together in Juneau and talk about the problem with freight. Do something about the freight! Things then would go in a positive way. You people who are in Juneau have the power to change the law. That is one way alcohol abuse can be reduced within the state. She knows that the house and senate have powers to make changes and laws because she's seen it on tv. She watches what goes on. She wants to know if you understand what she was talking about?

Sen.
Fischer: Yes. It's a very clear testimony.

Olinka: Quyana.

Rep.
Binkley: I know we have some people that have come from Kwethluk. Maybe we could get them to testify.

John
Owens: My name is John Owens, newly elected mayor in the city of Kwethluk. Being the former mayor, I wanted to observe the hearing, this local option law you guys are presenting to us or gathering information. We didn't have time to bring along statements for testifying on alcohol abuse in our village. We don't have to testify because the people of Akiachak have testified for us already. We have the same problem in our village and every village up and down the Yukon/Kuskokwim region. There isn't one village that I know of that doesn't have an alcohol problem. The source is coming from Bethel; it's the main distribution

Akiachak; Local Option Hearing "22"

center and is the backbone of all this problem called alcohol. Alcohol abuse is destroying our lives and others. All the people that were testifying in place right now speak the same language as our people over in Kwethluk. They have the same alcohol problem there. I guess the highest people that have alcohol problems and criminal convictions is my place.

Rep.
Binkley: In Kwethluk?

Owens: Yes. There's a lot of people that have gotten into trouble with the law because of alcohol in our village.

Rep.
Binkley: Do you have any idea John, what the percentage of some of the crimes and problems that you have which are related to alcohol in Kwethluk?

Owens: Most of the problems have been down in Bethel, and some in Kwethluk. Recently there was a police officer that was assaulted and injured because of this person consuming alcohol in our village.

Rep.
Binkley: Is it pretty common that most of the assaults, homicides and criminal problems are related to alcohol, or alcohol is involved somehow?

Owens: Alcohol is involved with problems that occurred.

Rep.
Binkley: How do you deal with it now John? Kwethluk is dry and you've chosen to ban the importation and the sale within your village?

Owens: What we need in our village, like Akiachak is asking, that people should not consume alcohol in the villages or they should not bring in alcohol.

Rep.
Binkley: So that would be something the people in Kwethluk, you feel, would agree with then? They could ban the possession of alcohol within Kwethluk? Is that something people there would support?

Owens: Yes. I think if it's pressured enough, our city counsel might be enacted - like Akiachak is planning to do that 90 day period of a total ban on alcohol from this village.

Akiachak; Local Option Hearing "23"

Rep.

Binkley: Right now John, the banning of importation and the sale is a penalty prosecuted by the state government. What we had talked about, or invisioned, is the possibility that the local community could enact to ban possession. They could take care of the penalties; however, the penalties would be prescribed by state law, but the action of that could be taken by the local communtiy. This way, the state won't be dealing with it in Bethel. The local community could deal with the problem there as an ordinance.

Owens: All we're asking is ban alcohol from coming into Bethel and our regions. This is what all these people are asking - that you guys make a law. I'm sure all these problems will be reduced if you people in Juneau could make a law about this local option problem we have in this region.

Rep.

Binkley: If we aren't able to get a law that says we're going to ban it into the entire region, but would a law whcih allows each local community to deal with it - is this something that would help Kwethluk? If the local community could vote to ban possession within that community?

Owens: They have a local ordinance that bans importation of alcohol and possession. Our ordinance is if a person gets caught with a bottle in our village is fined \$500 on the spot. A person has a choice to be tried in Bethel, or by our city counsel.

Mark

Earnest: John, is that \$500 if that person has a bottle, or is it for bringing it into the village?

Owens: Possession and importation.

Laurie

Otto: What about home brew?

Owens: We don't have a problem with that in our village.

Laurie

Otto: People don't make it in Kwethluk?

Owens: No.

Sen.

Fischer: Has anyone been caught with a bottle and fined? Have you had any violaters?

Akiachak; Local Option Hearing "24"

Owens: Yes. We've fined quite a few people in our village. They have to pay up, or do community service to the counsel's standards.

Mark
Earnest: Has anyone been caught twice?

Owens: Yes. They have been caught.

Mark: I think after \$500 fine, they'd get the message.

Owens: It raises up to a \$1000.

Sen.
Fischer: The second time, he means, is \$1000.

Owens: I'd like to know what you're planning to do about the bootleggers in Bethel?

Rep.
Binkley: We're not proposing any specific legislation that deals with the bootleggers, specifically in Bethel. Bethel is like any of the other communities; they've made a choice as to which form of the local options that they want. They've opted to ban the sale of alcohol, but not the importation. That's where one of the problems occurs because of the ban of the sale. A large amount of bootlegging has flourished within Bethel, which effects other communities. We don't have anything specific that we're proposing. We're here to hear suggestions, ideas, and input from people in the communities to see how we can best deal with the problem. Senator?

Sen.
Fischer: I have the same question. You just asked us, and I'd like to ask Laurie - somebody who knows. What are the penalties now for bootlegging?

Laurie
Otto: Bootlegging for a first offense is a class A misdemeanor. It has a possible fine of \$5,000, and a possible year in jail. Obviously, that's for the worst offender. The average penalty for a first offender is 180 day, with 90 days suspended, and \$1,000 fine, with \$500 suspended - that's your average sentence. If you have been convicted of bootlegging and you are caught, and convicted again, it's a class C felony. Then it depends on who the individual person is. It's hard to generalize about what the average sentence would be. If you sell more than a specified

Akiachak; Local Option Hearing"25"

amount, say about 4 cases of beer and about a case of whiskey, this is considered a felony - even if it's a first offense.

Sen.

Fischer: Have any actions been taken against liquor stores or against airlines?

Laurie

Otto: The A.B.C. Board has done investigations into several liquor stores, but to date there have been no cases that have been brought as a result of their investigations. The problem is it's not illegal, right now, to bring 500 cases of booze into Bethel. That's why everybody has been complaining-because people legally bring 500 cases of booze into Bethel, and then put a case of booze on a snow machine and bring it into Kwethluk, Akiachak, or any of the other villages around here. It's very difficult to enforce the importation law because of one of the elements of the crime being that somebody imported it. You have to show that they brought it in.

Sen.

Fischer: In partial answer to your question, I certainly think that this committee should look at the enforcement of the local option. Whatever the local option is, if it's to ban importation, we ought to look at every possible way of enforcing the ban. If necessary, higher penalties, increase law enforcement. The thought I had was, if necessary, increase the tax on liquor and put that money gained into two purposes. One, enforcement of bans and restrictions. Secondly, on the treatment and rehabilitation. I hope this can be thought of within the scope of this committee.

Rep.

Binkley: You bet. That's certainly something we can address. I think it's important we do that.

Owens: Even main distributors and senators in Anchorage for those taxes?

Sen.

Fischer: Well, I thought of that too. They might not like it, but a lot of groups are concerned about the fact that we have very low tax on liquor. The lower the cost of liquor, the greater the consumption. So if we increase the cost, consumption may go down. If we can then take some of the money and put it to good uses it

Akiachak; Local Option Hearing"26"

would assist, not only to rural areas, but would assist Anchorage and Ketchikan, and other areas as well. We need alcohol rehabilitation for these people too.

Laurie

Otto: How much liquor do you think is being brought into Kwethluk a month now? Do you have any idea?

Owens: We don't have any idea. When we go back to Kwethluk now, there will be some intoxicated person there.

Laurie

Otto: Every weekend is probably the same way?

Owens: Weekend and weekday.

Laurie

Otto: Ignoring the stopping of liquor from coming into Bethel, what do you think would help stop the flow into Kwethluk? More policemen - better trained policemen? Can it help at all? In your opinion, is it just to stop booze from coming into Bethel?

Owens: We need an ordinance now to have more enforcement of that ordinance.

Laurie

Otto: You need an ordinance that bans possession?

Owens: Yes. Possession and consumption.

Laurie

Otto: You need an ordinance that bans possession and consumption, and you need policemen?

Owens: I don't know if we need that policeman.

Laurie

Otto: What do you mean by more enforcement?

Owens: Pressure groups that try and enact this.

Laurie

Otto: Do you mean like Jackson was talking about? Having the church counsel and the IRA counsel, and various organizations within the community working together.

Owens: Yes. We have an alcohol program going on in our city of Kwethluk. It was started last month by our alcoholism board. There is starting to be

Akiachak; Local Option Hearing"27"

business there - dealing with alcohol abuse and reaching our programs.

Rep.

Binkley:

Thanks so much John, appreciate it. Thank you for coming from Kwethluk. Peter, do you have anything to add to that?

Peter C.
Jackson:

My name is Peter C. Jackson, for the city of Kwethluk and our brothers. I got some ideas about your local option law. I think it would be a better idea if the local villagers make their own law because they have knowledge of making their own laws. They know how to make ordinances and resolutions. Each village should be able to make their own laws and submit it to you guys. I think it would be better to reverse that enforcing because these local villages have knowledge in making their own laws. In our own village will make our own laws. I think it could be helping to make it better, with you guys moving from one village to another village and getting testimonies from each individual. On the local option law you guys issued, it's not even working. It has no clarification or understanding to each people that read your local option law, which was posted in most police stations.

(This is the end of Tape 3, part 5 of Akiachak; Tape 4 begins)

I've been reading through the local option law, and I understand most of it, but to some people it's just ordinary writing to them. The other thing is that banning of alcohol is to stop liquor from coming inside the village, right? It didn't clarify that or say anything for a person drinking - banning alcohol.

Rep.

Binkley:

This is just a proposal. There isn't even a law yet.

Peter:

In our village it says ban alcohol and block out importation of alcohol. It doesn't clarify anything. If I bring alcohol in my village, it doesn't say that I can't drink it. When I read the ordinance, from when the former mayor was mayor, it says banning and blocking out importation, but it doesn't say anything about a person drinking it. Those are just the recommendation I had in mind since others hadn't

Akiachak; Local Option Hearing "28"

mentioned it. Thank you.

Rep.

Binkley:

Ok, Sam.

Sam J.

George:

I don't want to be left out. I'm getting all confused about what you were talking about. I just came from a long trip so I'm grubby. My name is Sam J. George, interpreter ?? for Calista Corporation. In the past, I've worked for Akiachak for the last 5 years on and off. I have looked extensively at this particular law, but it doesn't, in any way, reflect what some of the communities would like in Akiachak. Some of the penalties that are imposed - Laurie could explain them. Without those fines imposed within the law, it is too excessive for the people that are the victims of alcohol abuse. I know what alcohol is. I've experience it and abused it. I know it's our own problem. Looking at it from perspective of tribal or versus local option law. I think if we are talking about constitutional rights, and so on - if the state would recognize a village to utilize the tribal form of government versus the city form. If it's their right and if they want to do it, I think that is one option that should be available. Talking about tribal versus state, we wouldn't have any problems with the constitutional rights. We would also have to comply with the Indian Civil Rights Act. We should respect individual rights, to do what ever they please. In a way, it seems the tribal governments are trying hard to protect the interest of the people of the tribe. Their members are limited to those people. I've been dealing with constitutional ~~christians~~ for a long time, trying to get recognition for the IRA's to contract with the state and get state funding. Those are some of the things that should be looked at as the whole problem of alcohol and drugs. If such a law is enacted through the state legislature, that doesn't even ban importation from major distribution centers like Anchorage or Bethel. What good is a law if it's not going to work? As one of our judicial committee members stated, if there was a law limiting how much an individual could order then it would be one solution. One individual would be given so much - whatever is right, not fighting one or two cases at at time. Whoever orders two cases of liquor is bound to sell it. I've heard state troopers talking about a taskforce on alcohol and drug abuse in Bethel.

questions

Akiachak; Local Option Hearing"29"

The state troopers mentioned that they could monitor the alcohol that's going. I believe through alcohol, they could tell you where the bootleggers are. It's easy to pin point where ever, and whoever is the major bootlegger. Not much of a big man as he thinks he is, and I could go on and on.

Rep.
Binkley:

What you were saying is limiting how much a person could order. That would be; say somebody who lived in Bethel just liked to drink beer themselves - they wouldn't sell it or become bootleggers. Every once in a while, they want to have a 6 pack of beer in their house and drink a beer at night. They could order a case of beer and they could drink it in their own home as long as they're not bothering anybody. If you put a limit then, on those bootleggers that bring in case after case of whiskey, they couldn't have that much whiskey at once in their possession. Right?

Sam
George:

When you talk about a case, you're talking about 12 cans. Limiting how much each individual has the right to consume. Canada in one week period, you would be allowed this much, but I guess we would end up grading it to constitutional business.

Rep.
Binkley:

Well, we might not. I think it's a good point.

Sam
George:

That would be one of the things I've listened to my mom. And she mentioned that importation how much an individual would be able to order in a week or a day. I think whoever drinks knows how much they want. Whoever wants to distribute it will figure out a way to distribute it. Whoever is in that business would have to try to supply it. I'm referring to the bootleggers. Those individual bootleggers always have a way to bring it in - by friends or buddies that order for them. This main man would be the one to distribute - that's how it's operated. I've lived and seen the problem growing. It's also nationwide and state wide. I've seen my family getting into alcohol and drugs. Those people that use to drink are not drinking. One solution would be a prevention type of deal. Let's start from the beginning where a child would know what the alcohol is all about, and what a drug can do,

Akiachak; Local Option Hearing "30"

and so on. The school districts are spending enough money for prevention type programs instead of fighting a losing battle with a problem here. I've heard about treatment center, and how individuals enter in there and go out abusing alcohol again. It's a problem to people that travel, and there's nothing to do, so you start drinking. You end up becoming a sick person again - even when you're suppose to be healthy. That's what alcohol does. It's costly to the state and businesses, so many dollars a year in buildings. I'm sure you've heard about it. If more money is spent in prevention, that would eliminate some problems. In Japan, I've heard it's a disgrace to the family if one of the family members gets drunk. In Europe, they've been drinking wine for a long time, and they do because it's part of their way. If we could look at the whole perspective, not leaving out one item, the local option law is not going to work. Importation is not going to work, unless there's some way we can prevent it. There's people in town who don't even drink alcohol. Indirectly they are effected by alcohol. My colleague mentioned one ultimate customary law that was to dis-ban an individual. Kicking him out of the village was one of the worst things a person has to face.

Mark

Earnest:

Sam, how would a person go about getting alcohol here?

Sam

George:

Here? You can bring it in. You can go to Bethel and buy it. For me, I bring it by suitcase. Bringing it in is the only way. The easiest way to bring it to the villages is going to Bethel. Go to Swansons and sit around until someone will ask you if you want a bottle. If you have the money, you have it. This is the best way to do it. It's so easy - just ask around and it's available.

Mark

Earnest:

Seems to me the testimony we've heard today has been pointing consistently toward the Bethel connection.

Sam:

For me I would most likely bring it with me from Anchorage.

Mark

Earnest:

The people that don't travel to Anchorage would

Akiachak; Local Option Hearing "31"

have to go to Bethel to get it. That would involve a bootlegger.

Sam: Most like yes, or you can order it through R.C.A, but now they have to preregister their home, or put in a credit process. You have to fill out that deal and notarize it. I'm sure you're aware of it.

Sen.
Fischer: No, what is it?

Sam: It was a recent law that was....

Laurie
Otto: What happened is, as a result of people complaining in this area about the ease of being able to pick up the phone and ordering booze.

Sen.
Fischer: From Anchorage?

Laurie
Otto: From Anchorage. The A.B.C. Board passed a regulation saying in order to get that booze long distance, they have to have a notarized statement in writing that you're the right age. They have to keep that on record, unless they have this notarized statement in writing, you can't call up and order booze.

Mark
Earnest: There are ways to get around that. If you know somebody that has something on file and then order through them. So there is problems with that. Sam, I'd like to know what you think about this. If there's a way to crack down on the bootlegging problem, would that solve a lot of problems with alcohol?

Sam: If the supply is cut, then it's hard to get it.

Mark
Earnest: If we couldn't limit the amount of alcohol the people in Bethel could bring in to Bethel, but we could do something about bootlegging, do you think that would be a step in the right direction?

Sam: There are some networks that I feel are big enough to have a constant supply, and they would make a fortune on it. I feel there's certain networks that can be broken down through better law enforcement - such as dealing with drugs. In Bethel, there it's easily accessible all over. I

Akiachak; Local Option Hearing "32"

think better enforcement , even if they monitor individuals ordering would help. More undercover operations, more of everything. The less the supplies are the less they can sell.

Rep.
Sund:

On the enforcement issue. In the testimonies earlier they mentioned there was a difficulty in villages to get people to testify against other members in the village. You run into a big enforcement problem of who's going to testify against their family. I know I'd have a real hard time testifying against my family. If the bootleg operation is so well known in Bethel, I don't understand why. Is it a lack of testimony? Isn't there more enforcement?

Laurie
Otto:

One of the ways is it's a small area and people tend to know each other. Number two, one of the ways that the bootleggers protect themselves is that they sell only to people already drunk or people they know.

Sam:

That's the people they know.

Laurie
Otto:

The problem with that from a law enforcement standpoint is if you send out an agent who is intoxicated, then you don't have a witness; juries won't convict people of bootlegging. Somebody said it's been going on for so long that the smart have figured out a way around it. Anytime the police try one tact, the bootleggers figure out away around that enforcement act.

Sam:

So it's like any other business. I've observed it and I went through it here and there. It's just the whole operation. I think it's more or less loyalty in the customers. Somebody from here who's loyal won't even talk about it. That's how it is.

Laurie
Otto:

The other way is using middle men. The way around that system is if your friends were someone who was a loyal customer, then you could get the booze through them. As a law enforcement person, you could prosecute the middle man. This is just a favor for somebody else, and doesn't have a supply of booze. This is not stopping the bootlegging.

Sam:

I don't want to be an expert witness. I think

Akiachak; Local Option Hearing "33"

that business destroys too many families here and there. Too many children are neglected. Unfortunately, that's what is happening. If all the enforces would come together, including better recognition by the state what Akiachak is trying to do in terms of enforcing the laws. With no disrespect to the constitutional rights of individual, versus what the community feels. It's for the interest of the community. Maybe something like this would work. If there's a mechanism within the state law allowing each village to determine whether or not that alcohol problem is big enough - that it's affecting the health and the welfare of the people. It would be more or less like police acts. We're talking about the safety of the people versus an individual right. If the communities going to be completely destroyed by the alcohol, I think then that this is the time to forget about constitutional rights. Something like that whereby each village would determine in which way what is best for the people.

A man from
audience:

My chairman, a brief statement I'd like to add to Sam's. In Greenland the country is on a point system where they provide certain amounts of points to their population. I don't know how it works, but in order to purchase liquor you have to have this point system on hand. If you run out before the month is over, that's to bad if you used up your point system. Maybe in urban and rural villages where they serve liquor - in urban Canada is in the restaurants. You can't order liquor unless you order a meal first prior to consuming alcohol. That's another idea as far as cities like Sitka, Bethel, Aniak, and where ever there's liquor available.

Rep.
Binkley:

Do you think that would help the bootlegging problem? If you could get just beer or wine in a restaurant ordered with a meal - do you think that would...?

Man from
Audience:

I don't know; it's hard to say. It seemed to be working in Canada when we were over there as far as serving liquor in the restaurants. There weren't any liquor stores or bars. The only place they served liquor was in the restaurants. They had certain hours when they served liquor. They served it during lunch and supper time.

Akiachak; Local Option Hearing"34"

Mark

Earnest: There's a market now for those stamps. Somebody who doesn't drink can get a book of stamps and they could sell them to their friends that do.

Edith

Manutoli: (Yupik speaker)

Adolph:

(Translating from Yupik) Edith is a village counselor for 3 years. She was hired after Olinka retired from that position. She thinks Akiachak has problems with alcohol, marijuana; and cocaine is just coming into the village now. She's seen alcohol related problems such as sexual abuse with the children. She serves two other villages also, Kwethluk and Marshall. For a little history on what counselors do. Within the Yukon Kuskokwim Delta there's only ten counselors. The counselors not only serve their village, but others as well. In Edith's case, it's very expensive for her to go to Marshall because Marshall is way up from Akiachak. She works with the church members, village counsel members, health aides, and V.P.S.O.'s. Another problem she's beginning to see is children sniffing gas. It's been a problem here and in Marshall. She hasn't heard of any in Kwethluk. They think I can make them stop sniffing or smoking marijuana. They're the ones that choose. A lot of people in the village expects her to solve the problem. Parents go to her and complain about her kids. They tell her, go talk to my kid and make them stop abusing marijuana or alcohol. She thinks she can't do that. She can't make them stop. It's their choice to take the substance. She can only educate the people about the effects. She forgot to mention that she has been recently certified as a substance abuse counselor. She's got ten volunteer alcohol board members. People who were testifying before her stated the local option isn't working. She's heard people talking about someone selling marijuana, She says it's hard to find those people who sell. She's let clients come to her and tell her about the selling, but when she asks who was that person, they won't name the person. Only after that person is ready to speak up, then he or she will talk. She doesn't know if it exists in other villages - Kwethluk or Marshall. She knows about right here in the village. People make laws, but after that law is amended in the village, that law is not practiced. Even if the law is something strong, it isn't put into practice it's no use at all. Our action is

Akiachak; Local Option Hearing "35"

louder than our speech. If she uses the substance and people know about her using it, her efforts to help people to become sober won't be of any use.

Edith: Here's a note someone handed me. It says to stop advertisements of alcohol in magazines and sports T.V. adds for beer.

Rep.
Binkley: Edith, thank you very much. Any questions?

Brad
Raphel: I'm Brad Raphel, newly appointed superintendent of the Yupik school district. I've been on location since the first of September. I'm testifying simply to answer your question more, directly perhaps than you had answered before. You asked specifically, "Could we cite any incidents that have occurred within the village that could be directly related to alcohol or drug abuse?" Since September, we have had a junior high girl raped - alcohol related. I have received several letters from a young man that was a recent student. He writes back from prison indicating he is in jail specifically because of a drug related rape a couple of years ago. We have had to censor our school dances at the high school because of the outsiders coming around that have been drinking. We had an elementary girl struck in the face and severely bruised. We've had other incidents where one of my employees left for Bethel and never returned. He left his family unattended for several days or weeks. The incidents of drug abuse is quite big. I would suggest that anything that could be done to strengthen the law, whether it be local or state, certainly would be beneficial. Compound that over several months and you've got suicide, and it could get out of hand.

Laurie
Otto: How much of that is alcohol, and how much is other drugs?

Brad: The incidents I've described specifically were alcohol. I do know there's a drug problem.

Laurie
Otto: Ok, but the ones you were describing were alcohol. You were using the words drug and alcohol. I didn't know since alcohol is a drug.

Brad: Yes, this is specifically alcohol that prompted

Akiachak; Local Option Hearing"36"

those. As was indicated earlier in the testimony, alcohol is the biggest. Marijuana is as accessible - just a short ride to Bethel. The younger adults are able to get in through some kind of an organizational meeting, or strictly with the military routine trips they take to Bethel or outside of the Bethel area. It seems everytime there's a maneuver, we find the smell of marijuana is more noticeable around the village. I'm saying it is a problem.

(Tape 4 part 6 ends; the other side now begins)

Wassillie
George Sr.: My name is Wassillie George Sr.. (He speaks in Yupik)

Adolph: (Translated Wassillie's testimony from Yupik) He wants to ask if all of you are from the state of Alaska?

Rep.
Binkley: I was born and raised in Fairbanks.

Rep.
Sund: I was born and raised in Ketchikan. I live in Tununak.

Adolph: (Translating for Wassillie) He wants to share a story he heard from the late Joe Andrews from Bethel. During the time Bethel was dry, the airports were locally monitored too. One way to reduce the problem with alcohol is work with the airlines. Make sure the airlines don't ship in alcohol to villages. He wants to know if there's any way to ground the airlines that help import alcohol to a village that voted to ban importation or the sale of it.

Rep.
Binkley: It could be, yes. If they knowingly do it.

Adolph: (Translated from Yupik) Who can ground that airline, the village or who?

Rep.
Binkley: The court system.

Laurie
Otto: The court. It's a criminal act for an airline to bring booze into a village that has banned importation. If they break the law, it's like any criminal act. It has to be reported to the State Troopers, then they investigate. The

Akiachak; Local Option Hearing"37"

district attorney takes it to court. If a person in this case - the airlines - is convicted of bringing booze into a dry village, the court can punish them. Yes, that's one of the ways they can punish it=s to take their plane.

Rep.

Binkley: Can they take the airplane?

Adolph: (Translated from Yupik) He say when Bethel was just starting to grow, nobody could import alcohol to the village. The airport was closely monitored. That's how they re-enforce; they were in touch with the airline there. Quyana.

Rep.

Binkley: Thanks a lot, Wassillie. Also, thank you for the ride down too!

Alvin S.

Ivanoff: I'm Alvin Ivanoff. I've been since the early 60's and 70's where the local residents have lost their lives due to alcohol. I'd say in 200 villages throughout Alaska. I hope they do it different because we do have problems with misuse of chemical substance and smoking substance. in light of the many social problems created by the transition of traditional ways and cultural practices by most villages throughout the State of Alaska. Alcohol abuse is not a month the controlled, which is misused; it is clearly recognizable, Alaska liquor option law, is a trace of each village. It can be controlled by amending the existing law. The rules and regulations for each option should be redesigned to fit more into the present norm for each village excepting one of the 4 options. For example: Very few of the village people would want to enforce the present law surrounding these liquor laws. In other words, no one wants to send their relative to jail or impose a heavy fine on that person. In this case the law does not fit into the village practices. In our tradition, we do not impose hardship on a family or person who may have broken a law. Especially when this law is born from an alien institution. Now the State. should not be singled out and lay the faults wholly on the present liquor option law if the law isn't working. The State should allow each village, once the choice is made, to implement - once it's excepted - option by designing a method workable in their community. The four options are what a village can do once they make a choice. The present law then is not

Akiachak; Local Option Hearing "38"

a problem within itself, but it is on what our villages must face and carry on the responsibility of what ever choice we make. Self determination by each village should be a critical how this law is written. Social impact is still great no matter what laws are written concerning liquor. It's still the community choice how they will handle the problem. They are in the best position to deal directly when implementing any of the other four options. The village knows best the traditions and occurrence which they inherit from their ancestors. In this testimony I did not try to analyze the four options, but rather suggesting that all villages in Alaska should ultimately make a choice which option they wish to adopt and redesign the actual implementation of these choices. That's all I got.

Mark

Earnest:

Alvin, I just had a question. I appreciate what you said, but I'd like to clarify something. You've mentioned that the villages should be able to adopt or form their own ordinances or law based on the traditional ways of handling that problem. Is that what your asking?

Alvin:

Yes, because no matter what the State comes up with some kind of laws concerning our way of life, and when it does not work it means something is definitely wrong. It does not answer exactly what the practices and value systems our village people are accustomed to. The law just because these problems of these villages. A matter of fact, problems once in a while it becomes very confusing to the people.

Rep.

Binkley:

You've been very patient, Joe.

Joe

Lomack:

My name is Joe, and I've been in Akiachak and Anchorage too. What I remember on that it...saw us in Anchorage. I went on it one time. I couldn't stay in there and they weren't going out. In the night time when I went walking in Anchorage - not scare of nothing. I traveled all over and I went over to Ketchikan, Juneau, Petersburg, Wrangell, Seattle, and St. Paul, Minnesota. I traveled to Nome, Kotzebue, Pt. Barrow. They had problems just like Bethel's problem. Akiachak - there's 3 or 4 spellings. First, second, third; right now it's different spelling. We know based on that. I've seen the

Akiachak; Local Option Hearing "39"

Rev. Michael, James Detemire, Schwalbe and Saul Sneider, old man Schmidt and Ted McRoberts. That white Ted McRoberts, they call that marshal and sheriff. That commissioner is old man Schmidt; he used to have that's judge. At that time we had liquor. Bethel had three liquor stores - Monture, Chris ~~W. N. Erb~~, A.C. Company and the floors - wood slats. A guy went to the liquor store and I miss he falls right out.

Rep.

Binkley: I see if he's drunk he...

Joe:

They don't have any trouble and they got Marshal. When he smells it on him, the Marshall takes him with out trouble. They take him to the jail. I don't know what he did with it at that time. Not long ago those preacher, and he called that alcohol - in the Bible they call it sin. Not long ago they called it sickness. My understanding on that is like bacterial or an epidemic like flu. The sickness of all kind, but they call that diseased - death. Most of the old timers, he told them about that one. Right now when I went over to Anchorage on that, everywhere got problems in Bethel. In Bethel they got each village - they have problems. Most of them on that forcing too much. Those alcoholism on those board on that so they won't get the blame, nothing. When he perfectly, those Elders you know work in the church too. Hark work in that time. Somebody brings that liquor after he drink. Those Elders in the church he take him, but he got cheated. Work hard and next day he doesn't do it any more. I don't know how we talked on that. Finally no forcing their used to talking on that. Right now, every where on that young one get use to have - he drink. Like beer or any booze. These villages go problems. In old days they used to get counsel on that - they'd get hard work. Those Elders for the church he worked for the alcoholism when he could disobey. Maybe 2 or 3 times they don't listen to them, so he gives it to the counsel and the counsel would get something to do for that in that time.

Rep.

Binkley: You thing that's what we need to go back to? That type - where?

Joe:

Yes, the counsel and the church counsel. They give it to the counsel and the counsel working on it. At that time, he called that booze, he

Akiachak; Local Option Hearing"40"

called when he pulled that criminal in old days. Right now they don't care anywhere on it. When they look on that - didn't something happening on that? I don't want my relative on that. I can't count it on that - maybe I counted nine on that who got in on that booze, and drugs. I know so far about that much. Maybe nine that have died.

Rep.

Binkley: Relatives? From alcohol?

Joe: Relatives. It's from alcohol. Not long ago, he bring on that and they dried in Bethel. I talked to the city counsel one time, but they don't listen to me. Oh, that's - their good for the road. I don't see any good road yet the high. Just want to get a road. He can open that liquor store again and it closed up and get dried. Everywhere in the United States they get proper. When their talking nice to the people on the no forcing. No forcing with loved one, or sometimes he divide it to the house. I don't see anything, and he could think hard. That means love, that's in our future old timers. And my great fathers, he telling about in old days. We are the fourth generation right now. I still mistake until they listen. Everywhere they get problem. In Bethel it get dry to many on there. I don't want to cut it secretly. Life like was once everywhere. My brother didn't fight them on that. To late now. I don't know what's the problem in there until the state never find him. Maybe it's from booze I don't know.

Rep.

Binkley: From maybe Red Devil, up there?

Joe: Lots of Red Devil in hunting time, and that's a problem. Each village is lower or upper villages.

Rep.

Binkley: Do you think then, when you have some place like Red Devil that's close like Bethel where there is a lot of alcohol. Do you think it makes more of a problem for the communities then that are close to that?

Joe: This close to Bethel like Kwethluk, Akiachak, Tuluksak, Oscarville, Nunapitchuk, you live very close on there. You could ride it by snow machine. From Anchorage it keeps on coming to those people who are already bootlegging.

Akiachak; Local Option Hearing "41"

Rep.
Binkley: So it's easier to get the alcohol when the source is closer? So you think on having allowed the local village to ban possession would help some of the alcohol problems in the villages?

Joe: Try to get something to them. I would like to see something on that to the people who got that alcoholism. Put them to work on something, but I don't have any grant for the villages. Close to the weekend they put him to work or study on a old house or on garbage or something. Fix things up and try to write a grant for Akiachak.

Rep.
Binkley: Like community service work or something like that?

Joe: Yes, busy on that, but we don't have any money for that.

Rep.
Binkley: Any other questions?

Joe: Try to get money for that - somehow you can work on that for the grant. Guyana.

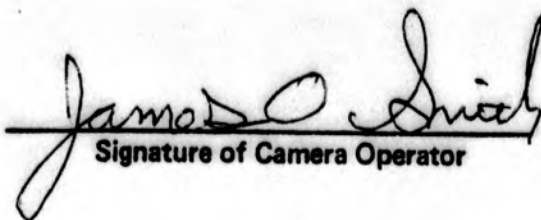
(End of Akiachak hearing)



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ANCHORAGE
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 19, 1985

Present: Representative John Binkley, Chairman
Senator Edna DeVries
Senator Vic Fischer
Representative Katie Hurley
Representative John Sund
Laurie Otto, legal counsel

Rep.
Binkley: I'd like introduce the Joint Special Committee on Local Option Laws. Here today is Senator Edna DeVries from the Wasilla area. I'm Representative John Binkley. There's several other members on the committee who aren't here yet, and they'll probably be joining us as we get started on this process. This committee was enacted by the Legislature in this last session for two purposes. One is to go out and take testimony on the local option laws, to find out to what extent those local option laws which were enacted in 1980 are working, which ones are not working, what some of the problems associated with them are, and in general to gather testimony on the extent of the alcohol problem in Alaska. So if we could, in the testimony that we're gathering today, cover those two different areas. One, specifically on the local option laws and second, more general in nature, as to some of the problems that are related to alcohol and alcohol abuse. I think we'll go ahead and begin since our time is limited here today. I might introduce our legal counsel, Laurie Otto, who is with us also today.

Otto: I think that Tom Lonner and Steve Edwards are going to be testifying first. They have done, as you know, extensive research into the local option law and looked at exactly some of the questions that the committee is most interested in. They will be speaking first about the work that they have done this year and in the past, and then we will go down the list of people who have signed up. There is a

sign up sheet, so if anybody is not on the list yet, and want to sign up, feel free to do so. I think that would be the best way to proceed.

Tom
Lonner:

Mr. Chairman, Senator DeVries, it's a pleasure being here today. My name is Tom Lonner, I'm with the Center for Alcohol Addiction Studies, University of Alaska, Anchorage. My associate is Dr. Steven Edwards from the School of Justice, also at the University of Alaska, Anchorage. Approximately five years ago, not long after the passage of the State's local option law, I approached the Legislature with a one-page proposal, those were possible in those days, to study the implications of the implementation of the State's local option law. It seemed to me that it would be inappropriate for too much time to pass from the passage of the law to just wait four or five years and find out what actually had occurred. Through the good offices of Senator Ferguson, we received legislative funding for that study. It's resulted in this particular product, called "Village Alcohol Control and the Local Option Law" authored by myself and Associate Kenneth Duff and Fred Wemark from NANA region was one of our principal research associates at the time. The study was done in the NANA region, in the Y-K and also in the ?Kutchin? area of the State. That report got a fair amount of play because good sections of it dealt with the problems of enforcement, both the legal problems of enforcement, and the problems of the cost of enforcement of the local option law. I'm not sure what the fiscal note was that accompanied the local option law, but whatever it was, it was too small. The costs of enforcement were quite heavy, and I think in some ways were not paid and there have been serious gaps in the enforcement of the law.

Nonetheless, people found this particular study of some use. It was a qualitative study. We relied heavily on interviews with a wide variety of agency personnel, of local officials, and of residents in the State, to find out what actually had occurred in specific and regional hubs. We followed that study with another that was funded also by the Legislature, I believe, which was an attempt to quantify some of the concerns and some of the interests we had, to see what in fact had occurred. Was there less violence? Were there fewer suicides? Were there other changes in mental health, health, alcoholism and public safety issues, accidents and those sorts of things. And we found that by using the State's and the Federal government's Statewide data-collecting mechanisms, we were not able to answer those questions. The numbers that we're dealing with are so small, we couldn't go out and quantify the changes

that were used specifically for local option. The following year we had the opportunity at the University, through the School of Justice, the Justice Center, to respond to a request for proposals by the State Office on Alcoholism and Drug Abuse, which asked us to do a feasibility study on the effects of the local option law. That is, to do a preliminary study of changes up through 1985, and see what further studies needed to be accomplished. And that resulted in this report which is out essentially now, called "A Feasibility Study on the Effects of the Local Option Law on Local Communities", which Steve and I did together. Also relying somewhat heavily on the experiences of Dr. Steven Conn. I don't believe Steve is here yet, but he was hoping to have an opportunity to also speak to the committee on this subject. Steve being a specialist on bush justice matters and local adjudication.

What I'd like to do, I don't have a plan of attack. I over-write, as you can see, and Steve and I, when we get together, write even more. But we had a series of messages that we thought needed to be conveyed to you and I'll just try to relay those to you as best I can without reference to each specific documents. I know that Laurie has some items that she would like to highlight, and we'd be glad to respond to questions anytime.

Where I'd like to begin is sort of at the beginning. In the beginning, before the State, there were alcohol problems in the communities and villages that we're concerned about, the small communities and the regional hubs of the Territory at the time. The federal government was very actively involved in attempting to, from time to time, curtail the amount of alcohol that was available in the communities, or to curtail alcohol entirely. The revenue cutters, the federal commissioners and so on, put a great deal of emphasis on the banning of alcohol. And very strict control of alcohol. The local communities in the main desired to have those kinds of controls. They felt that those controls were very important and they looked forward to the visits of the commissioner and the revenue cutters and of other federal agents to really curtail the use of alcohol in the communities. In 1959, with Statehood, those controls were lost. Essentially under the new State constitution and the new State regime, the intent of the State was not to have these special controls in native Alaska in particular, nor to use the same kinds of mechanisms for control that had existed before. As a consequence, the communities were thrown on their own. And I believe Stephen Conn in his papers that I believe the committee has, has reflected very heavily on meetings that were held in

Bethel in 1960, if I remember correctly. Wherever the former federal commissioner and the new State officials got together with the local community members and officials and regional officials and they had a thorough discussion of how many of the controls had been lost, the State officials were very sympathetic with the community's needs and desires for alcohol control, and essentially were sympathetic with any mechanisms that those communities could use, as long as they didn't violate State law, or as long as the State did not become aware of those actions. Essentially they were encouraging somewhat less legitimate activity on the part of community members to do whatever they felt was necessary to control the problem. That kind of tepid support for the communities didn't work altogether very well and the problems of alcohol have simply increased in the State along with economic growth, the increase in disposable income, and the simple availability of alcohol as transportation costs declined and alcohol became more readily available. Skipping along, in the late 1970's or mid 1970's the Legislature became quite interested in this subject through a lot of different forces at work. I believe in 1976 a legislative package was prepared by the administration, I think stemming largely from the work of the State Office of Alcoholism and Drug Abuse. A whole series of potential pieces of legislation that could be accomplished at once, including excise taxes and other mechanisms which George McDowell and others here are more familiar with than I am. The local option law was one of those. The concept of local option went through two sets of hearings, one set conducted by Senator Mike Cletta, another one by Representative Russ Meekins. A number of villages were visited, not for very extensive periods of time in any one community, but a great deal of testimony was gathered. And the testimony bespoke the tremendous need that village Alaska and small community Alaska felt in regard to control of alcohol. They needed help. They desperately needed help. And they needed help principally not because of alcohol but because of what alcohol created. Which is an inordinate amount of death and injury to community members. These are small communities, essentially extended families. The people who were dying of alcohol or being quite disabled by alcohol were the younger generations, which meant that the future of the culture was seriously in doubt. So it was both a grave public health problem as well as a grave threat to the future of these communities as distinct cultures. All that was known to the legislature at the time, a great deal of work was done within the

administration and within the legislature to devise the local option law. Understanding that the local option law was not written by Native people. It was not written by villagers. Villagers provided a great deal of testimony, and then other people went out and wrote the law and gave it back to the communities. Which is the way legislation works. I learned a great deal about civics in watching this process on how laws were written. A good deal of that legislation that was proposed back in the late seventies failed. It was very complex legislation. A lot of powerful interest groups were struggling with one another, but the local option law passed. And it was immediately greeted Statewide with a great deal of interest. Communities, having heard that the local option law had passed, immediately went out and adopted one, even though there was a whole series of procedures they needed to go through in terms of electoral processes. A whole series of their actions were considered illegitimate and they had to go back and re-do them at a later date. The State Office on Alcoholism and Drug Abuse funded Carol Backe, who was Alaska Legal Services Attorney, to essentially go to those communities in the State that had expressed an interest in local option, and simply inform them about what the actual nature of that law was, its restrictions, limitations and so on. And she became the resident expert on this stage of implementation, visiting and providing advice to probably over one hundred communities in the State. She's now, by the way, the coordinator of the State's magistrate program and I suggest that sometime you talk to her about her experiences in implementation. That may have some utility here in terms of what people understand. The implementation period was a very cloudy area. People thought that they simply could vote dry. They thought they were voting for no alcohol in the community. They thought that by passing these laws they could do that. Because in the past they had done that. In the past communities had mis-used a particular portion of State statute which allowed small communities, or communities, to vote emergency ordinances. Emergency ordinances are usually used to abate nuisances for thirty, sixty, ninety days. A dock is rotting and you don't want anyone out on that, you pass an emergency ordinance, "no one shall step on this dock" and the community has solved its problem. Well, communities passed emergency ordinances in the past saying, "For the next ninety days there shall be no alcohol in this community. And from time to time they managed to accomplish that. Because they actually believed they had the power. When the local option law passed, the community discovered that in fact, while they may

have had that power in the past, now immediately they no longer had that power. The State's local option law superseded the power of communities, particularly those communities, unincorporated and incorporated, from passing emergency ordinances dealing with alcohol. It was no longer in their power to do so. The local option law was the procedure for controlling alcohol.

Another change that took place is that communities, up to that point, had not passed legislation governing themselves. Essentially what they had done is they had elected councils and the councils made the decisions for the community. This State law required the communities no longer to turn to their representatives to pass a law, but that the entire community vote on the passage of actions this complicated and this profound. I think that's tended to erode somewhat the centralized authority of the city council or the village council or traditional council, whatever the governing body was. And that has eroded some of the authority. Communities have tremendous expectations for this. Particularly and only option number four. For all practical purposes, at least in village Alaska, there is only one option, and that is option number four, which is banning the sale and importation of alcohol. By which they meant "dry". And they talk about it in terms of dry and wet. They thought that the law was going to be self-executing. Simply by passing the law it would happen. That didn't occur. The elections were fraught with a variety of complications, both procedural and political within each community. Those communities that had exercised the most consistent and continuous traditional authority for long periods of time felt they had little need of the law. Many of them didn't even address the law. Particularly some from your own area. They just felt, we have control over this anyway. We'll just use our traditional authority. We don't have to worry about the authority of the State, which is external to us, as the federal law was external. Other communities couldn't get themselves organized to hold local option law elections. They were so disabled by alcohol or internal strife that there was no way they could get themselves together to do that. Those communities are scattered around the State and I'm sure you're familiar with many of them. They're troubled places. The communities that seem to be taking advantage of the local option law were those that wanted to become better, or were in the process of becoming better for some reason or other. They began to take action on their own behalf. Not only because of the local option law, but in other efforts in conjunction with the local option law. I remember

at the same time the local option law was coming into place, VPSOs were beginning to appear throughout the State in large numbers. So self-policing and new law-making powers were occurring at roughly the same time. And communities were beginning to feel their own internal strength. Many of them thought that with a self-executing law and with village public safety officers, their problems with alcohol would finally be contained.

Unfortunately, VPSOs found themselves crippled by this particular problem in many instances. If they had any personal problems, those personal problems were likely to be around alcohol. If their families, who they had to police, had any problems, it was likely to be around alcohol problems that they had difficulty in dealing with. The law itself was complicated. The evidentiary standards of the State were complex. Troopers were not in a position to give a tremendous amount of support. District attorneys didn't know exactly what they were going to do under the local option, and the courts were undecided as to how they were going to handle their first cases that came through. The local option enforcement was never the number one priority of the Alaska State Troopers, nor should it have been, I assume. But they were spread far too thin to offer much support. As a consequence enforcement looked very weak to everyone, and in fact I think it's proved to be consistently the case. I'm not sure whether enforcement has eroded over time, but I don't think it has improved. District attorneys are requiring, because of bad experiences they have had with the courts, have been requiring better evidentiary base. They pass that down to the Troopers, who are requiring VPSOs to provide a better evidentiary base. It's very difficult for them to build a case. In essence the local option law criminalized what had been a social problem, a social, medical, health problem. By the time it got through the courts, the courts were sending people not to jail, but into treatment. So they were medicalizing the problem that had just become criminalized. You don't have a lot of people serving time in jail for violations of local option. There are people who serve time for bootlegging and other offenses, but those are not prohibited under the local option. Those laws were already on the books. So enforcement has been seen as a major problem and I think the communities felt that somehow the State didn't do right by them. They passed a law saying the State was going to be the principal threat, and the State followed through not very often. The people who learned most about the law were not the people who spent the time putting together local

option law elections, but people who were arrested for violations of local option. They learned about the law in a hurry. And they learned about all the other laws that surround the local option law: all about due process and the handling of evidence, and so on. They became real students of how to avoid the implications of the local option law. And quite often the story is, people being arrested, going to the hub, the witnesses going to the hub, and the perpetrator, or the offender, or the accused getting back even faster than the witnesses did from the hub communities when they stood trial, if they stood trial at all. So there were a series of problems with local option, but also a series of successes. And that's the part that we have a difficult time understanding as social scientists, though we have spent a lot of time trying to figure out what actually occurred. Communities became very attached to their local option law. There were some communities like Selawik and others which had major political conflicts and had rescinded the law, re-enacted it, rescinded it and re-enacted it. But in most communities the local option laws that they adopted in 1980, 1981, 1982 are still in place. Communities are proud of those local options. They intend for them to be enforced somehow. They feel that their communities are better off, and they can provide us with information as to how their communities are better off. A decline in certain forms of violence. A decline in public drunkenness. A decline in the number of bottles one sees outside of homes and residences. A whole series of events that they perceive as having incurred because of their local option law. So they, while unhappy with the lack of enforcement, still find that behaviors are changed. And it was behaviors they were interested in. They weren't as concerned about alcohol as they were about those deadly behaviors. When they saw those deadly and destructive behaviors declining, they felt that their local option law was working for them.

Steven
Edwards:

Injuries too. You might mention injuries have declined. Public Health aides made a big note, at least in this latter study, that injuries were down from the time of before. In fact we have one caveat of one village where we said "How do you know it's declined?" She said "I know it's declined. I'm using less gauze." And we said "How much gauze?" because we have to ask that question.

Lonner:

The problem that the community's encountered that I guess is of greatest concern to you is the question of, the community's concerned that no matter what

they do there's still alcohol in the community. Not only from home brew, which this State law does not affect. But also somehow people are still getting commercial alcohol, retail alcohol, in. We haven't found very many instances of wholesale bootlegging going on. But there is a tremendous amount of bootlegging going on. Bootlegging in the sense that people go into town and they buy bottles for themselves and for their friends. They're essentially marketing for their friends and they come back to their home communities, pass that invisible five-mile perimeter around the community, and have the alcohol inside, and they clearly are in the process of bootlegging. The problem is that once the alcohol is inside the community, there isn't very much that anybody can do about it. The ban is on the sale and importation of alcohol. Once it's successfully imported, it's very difficult to establish a chain back outside, to use possession of alcohol as prima facie evidence that the alcohol was illegally imported. They have no really good handle for that. Cases are not made on that process. And so communities have turned more and more to the notion that perhaps what is needed is a ban on the possession of alcohol. It's a lot easier for law enforcement personnel, VPSOs, State Troopers and everyone else, to establish a long chain of events and a short chain of events that's necessary for a conviction, if the substance is actually banned, no matter where it is, within that five mile perimeter of the community. There are two processes then that occur. And it's been the most serious matter I think confronting this committee. Number one, my firm belief is, as a student of Alaska Native communities, and community life, that if villages ask for something they ask for it with a great deal of seriousness.

Rep.

Binkley:

I'd like to recognize Representative Hurley, who's just joined us, for the record.

Lonner:

The serious matter for communities is that, communities would like to see alcohol not present at all. A ban on possession helps them a great deal. If the ban on possession is seriously enforced by external law enforcement agents, which include Troopers, Village Public Safety Officers, who work both for the State as well as working for the local community. And by district attorneys and by courts and so on. If it's heavily enforced it will probably work and the absence of alcohol will mean a great deal to them in their community life. You know and I know that a ban on possession will be violated tremendously. Serious enforcement will mean a lot of

people in jail. It will mean a lot of people with criminal records. Since the people who will most likely be arrested will be young people and particularly young men, they will not be able to get into the National Guard, they will have more difficulty attaining employment with a criminal record. And the communities are really concerned. They don't want to damage their people at the same time they're saving them, the very same people. They need something else. Thus far the State law has operated in the form that the law and the power and the authority of the law resided outside the community. Communities would prefer that power and authority reside within the community, so that they can handle what is going on. They can control people's behaviors, and control the amount of alcohol without necessarily having this extraordinary penalty of jail time and a criminal record. That's the hazard that I see at least. Steve and I have talked about it at some length. We've written about it only briefly in our report. But we're very concerned about the process of creating such a hazardous road. I think one thing that would happen, if in fact you put in a fifth option, and that was a ban on possession, and it had severe criminal penalties, and the State also indicated that it was going to seriously enforce that, I think that very communities would actually be able to adopt such an option. And if they did they would have to rescind it as soon as one of their council members in particular,, or two of their council members, or one of their deacons was caught, arrested, tried and jailed on those grounds. It seems to me that the communities that are powerful enough to organize themselves to ban the possession of alcohol entirely are those communities that don't need such a ban because they have the internal where-withal, using their own processes, whether those processes are what they consider to be tribal government or whether it's just the way they organize themselves to deal with problems over a long period of time. They already have the ability to do that in communities like Arctic Village for one, which has its own set of special controls. I think that's where we are now with these.

There's a whole series of issues dealing with control mechanisms and things the communities desired. Communities desired a whole lot of things when the hearings were held originally. And they still do. Some communities would like to be able to turn alcohol off and on, through an emergency ordinance or through simply the power of the council. When the fishing fleet was in, turn it off. When it was good festival time, turn it on. When strangers were gone, turn the alcohol back on when it was less

of a problem and things were more normal. When there was less money, you could turn the spigot back off. Other communities wanted to be able to control the amount of alcohol that any one person could buy, limited to, you can import a fifth of distilled spirits or a case of beer at a time and no more. Or you could possess only that amount. And they have whole ranges of options that they thought suited them. Now obviously the State can't write such a complex law that would allow seventy-five different options essentially. Or one hundred and fifty, one for each community that would like to have such an option. Nonetheless they asked for a great deal more latitude than they received here in the first four options. If you can in fact provide them with additional controls that do two things. One is increase their ability to control alcohol, and two, not cause any further potential damage to their residents through the penalty process or through the adjudication process. I think both of us would be really supportive of such legislation.

Steve
Edwards:

I think there's another point here. One of the things that struck me about our looking into this whole issue is that the amount of home brew that now is starting to surface. It's one thing to put commercial controls out there and to create an orderly community through this legislative process. But there aren't controls to deal with the home brew. And the toxicity of that, it has the same debilitating effects to the community, but the toxic effects to that individual or individuals over a long period of time seems to me to be far greater than what maybe a legislation for total possession would do for that particular community. Certainly betwixt by the problem here, of what to do with it. You certainly want to give people some latitude, as Tom was talking about, to turn things on and off. At the same time I think to move away from the toxic levels of home brew or that process that goes on. Not to push them in that direction. More strident enforcement is I guess one of the fears that Tom and I both have talked about at great length. The more you start screwing down on people through the legal process, and put, I think, the representative of law enforcement, the VPSO or the Trooper in that position. Where villagers, and there will be significant individuals that will call for that kind of activity, it seems to do nothing more than to just heighten and exacerbate an already complex situation. And we certainly don't have any answers as to how to address that. That's just sort of our gut feeling of going through this process of how to deal with it, at the same time having a feel for the community to take

care of its order issues. And I don't think we've come to resolution, at least among ourselves, about that.

Lonner: If the communities had the power, the authority, to exercise control directly over the behaviors that they found most dangerous, which in many cases were drunken behaviors: drunken driving, assault, violence and so on, very difficult issues for small communities, they probably would not need a local option law. We're using the local option law as a vehicle to alter behaviors that are only partially related to alcohol. They really are concerned with the issues of violence, injury, homicide, suicide, assault and so on. And with the removal of drunk in public kinds of legislation and so on, they simply don't have any other tools. So they're using any tools the State provides for them to control those behaviors that they find most dangerous.

Rep.
Binkley: One thing you mentioned, Tom, is that if we were to institute a fifth option that dealt with possession, if that were a criminal offense, that you didn't think that communities would embrace that. If it were simply a civil offense, and we talked about this somewhat on the committee, and that would be something along the lines of an ordinance that the local community could enact, that would deal with possession in the sense that it would simply be a process of a fine for possessing alcohol and a forfeiture of the alcohol. Do you think then communities might embrace that?

Lonner: I think they would embrace it a great deal. I think a couple of things operate here. One is that, whether we like it or not, in a municipality the size of Anchorage, or a village as small as the smallest village in Alaska, law enforcement is a kind of a selective process. We don't look at everyone in exactly the same way. Communities would like to have some mechanism for controlling the behavior of those people who engage in the most obnoxious behaviors, obnoxious in this case meaning dangerous. If they had a mechanism to do that without losing the person to the community, without having to exile them through a jail process, unless they chose to exile them. Giving those kinds of mechanisms, giving them serious fines. Serious fines in the community can be two weeks or three weeks or four weeks worth of work, day in and day out for the village council, chopping wood for the village council house. That reasserts to the individual and to the community itself that it has controls over its own internal operations. If it has to rely on external agencies, it tells those

communities they are not in control. And frankly, telling communities they are not in control is what we've all been about here in the last few decades and I think it's been very damaging to communities. Telling them that they are in control and showing them how they are in control, and the State is sort of a distant back-up in case people don't believe, that might be very very effective in solving not just those immediate alcohol and behavior problems, but some other long-range serious morale problems in modern villages.

Edwards:

It's also an issue of response. If you have to wait to take a person to the hub center to adjudicate them, whatever you have, that communicates certain messages to violators. It's that education process that Tom talked about earlier. That's a wonderful opportunity for people to get the free trip in and back and so forth and to understand all these things that go on. And to some degree people become folk heroes through that whole effort. But at the local level where the response was fairly quick and swift and you know you're not going to go anywhere, it's a different message that is communicated to those that are there. And I think that is important. I think your criteria are quite correct. By removing the criminal aspect of it by creating some kind of fine or a penalty, having the adjudication and fining as a local event, locally enforced, combination of peer pressure plus the formal structures of magistrate system or whatever else you anticipate as being the entity that does this I think that you really do begin to alter people's attitudes about what the community will and will not live with. And each community will be somewhat different. I think the problem will occur in those communities where a resident, either a native or non-native, denies the authority of the community to impose the fine. I don't know how you deal with that issue because we have a mixture of governmental forms of villages. We have village traditional councils, we have incorporated communities in others. And in some cases it is those people who are most marginal to the authority of the community anyway will be the first ones to violate that prohibition and will be the first ones to say I dare you to impose this fine. Of course they're doing this in the criminal justice system anyway. And finding out that they can beat that system relatively readily. The question is, what can you provide to those communities to assure them that all people that live within that five-mile perimeter obey the ban on sales, importation and possession. And really obey it, no matter who they are. And I don't know what mechanisms we can

recommend, but I think that's the only serious obstacle that I see is a uniform application of that particular ban to everyone who lives within the boundaries of that community.

Senator
Fischer:

Tom, you mentioned and you keep talking about the role of the community itself. We had testimony to that effect in a couple of villages also and it is a very attractive approach of course. To what extent has your study shown that this kind of community enforcement, community discipline has been applied to this issue of importation and sale?

Lonner:

The only clear example that I know that has a long-term effect, a long-term consequence, and does not derive from the local option laws, are the communities within the Native Village of Unatai? Inc. That tribal government corporation has a ban on alcohol. My own experiences in Arctic Village in early 1981, I remember arriving there, having been forewarned that there was a trespass license to arrive on those lands. We arrived on those lands, were greeted by somebody, had to fill out a license, had to pay ten dollars, had to promise not to hunt, fish or build and not import alcohol. They examined our baggage and then we were free to go. They did it themselves. They simply asserted their authority to do that and by consistently asserting that authority they proved to themselves over time that they could do it and no one that I know of has successfully challenged their right or their ability to pull off that kind of community control.

Senator
Fischer:

Are they completely dry?

Lonner:

No. No community is completely dry. I'm not exactly sure that they ever intended to be completely dry. What they wanted to do was to control behaviors. Trying to sever the relationship between alcohol and dangerous behaviors is the critical ingredient there as opposed to just the amount of alcohol that was available. They go through an ebb and flow of problems as any other communities do, as we do here in Anchorage. The intent is to begin to alter the other behaviors. People privatize their behaviors. We found, oddly enough, and we found it in different regions, there's no indication of any serious decline in the amount of alcohol that is sold for purchase in any one region. But we found that the behaviors become less public behaviors. People are drinking in their own homes. They're not sharing alcohol as readily. They're not having large parties. They are essentially becoming more circumspect in their

behaviors. That's exactly what the community would want them to do. It's the random gunfire, it's the violence with large parties with unlimited amounts of alcohol, that have created most of the hazards. So what the communities are finding is altered behaviors without necessarily a very great decline in the amount of alcohol that's actually consumed.

Senator
Fischer:

Just a follow-up. To what extent, if any, are there examples of communities that have adopted the option of prohibiting the importation of liquor, and the sale of course. To what extent is there community involvement in community disciplining in those situations?

Lonner:

There are communities, and I hesitate to name them here because we didn't name them in our reports. But there are communities throughout the State where the communities have in fact taken additional steps to those that are provided for them under the law to enforce their own law. One community I know of, which is a highway community, has actually thrown up a roadblock. They put two posts in the ground and a chain across and when people come they simply stop them and they ask them to open up. And they violate constitutional provisions by their asserting that in fact they can control this problem. Almost every community that we've dealt with has indicated to us that their communities are better off. They have indicators that their communities are better off. Their children are coming to school awake, dressed, and having had a hot meal. Which you can't do if you're babysitting drunken parents all night. We've had indications of reduced numbers of accidental drownings, and an export of certain behaviors to the hubs. By definition in a system, as the villagers get better and export some of their problem behaviors, they export them to the hubs, large regional hubs and communities like Anchorage and Fairbanks, which are probably better set up to handle those kinds of problems. So they find, by definition, that they are better off. Perhaps the most winning of all of the indicators that we've found is the fact that this isn't the only vehicle that the communities now use to prevent problems on alcoholism and drug abuse. We find that local option, while it's still maybe the centerpiece, or in the foreground of their actions to deal with alcohol, have turned to a variety of other means, some of them supported by the State in terms of elders' conferences, students' conferences, large community meetings dealing with alcohol, finding natural helpers and engaging in a lot of internal processing and a lot of different

strategies in a lot of different layers of the community, all operating in some form or another to control the alcohol problem. So we think that the local option law has potentiated that particular process and so in the whole armamentarium of tools that the communities use, this has just become one of many.

Senator
Fischer:

We've had some testimony from people in communities, including from VPSOs, that VPSOs have problems enforcing the existing law, because of their relationship to other members of the community.

Lonner:

It's intolerable for them. For many of them it is the only, I think our guess would be and also from talking to Troopers, is that the alcohol problems that some candidate VPSOs have or actual VPSOs have, or that their families have, is probably that factor which accounts for more of the turnover among VPSOs than any other single factor. Fred Wemark might give you a comment from the experience in NANA region. But it actually cripples their ability to function. If they are very tough on enforcement, they may lose the support of the council or of significant families. If they're very weak on enforcement they lose the support of their Troopers. And if they selectively enforce, then they're very political, and they run the risk of finally, at some point, alienating the wrong person. And therefore their jobs are at risk.

Senator
Fischer:

What does that tell us?

Lonner:

The way a VPSO can survive is if he has the unanimous and wholesale and visible support of the council. If the VPSO has to enter a situation in which alcohol is the main component by himself because he's been delegated public safety powers. And he's by himself, he'll never survive in that community. If (end of tape)...the unanimous consent of the community. Understanding that the only way that those communities actually govern themselves is by the consent of the governed. If somebody refuses to respond there isn't very much the VPSO or the community can do other than exiling that person or isolating them within that community. It's a serious social control problem. But the VPSOs are extraordinarily high risk. If you think about the VPSOs, think about them at the bottom of an inverted pyramid. They've got all this weight of expectations, from the council, from their families, from the Troopers, from the corporations that hire them, everyone coming down on this single person saying "You are now responsible for the two hundred

souls in this community in terms of fire safety, water safety and public safety and law enforcement. Impossible without much more support than they're getting right now. I think there have been various proposals before both houses of the Legislature dealing with either cutting back on VPSOs or increasing support for VPSOs. My suggestion would always be to increase the support to VPSOs. I think they're important elements. It's a long wash-out system for this experimental program to work, but I think that if you had a local option law and no local enforcement officer, you'd cripple the law. If you had the public safety officer and no law, you cripple his ability to handle public safety problems. You need both of those in combination with a strong law itself.

Otto: I have a series of questions.

Lonner: May I answer them yes or no, Laurie?

Otto: You can answer them in short answers, yes. What benefit do you think there is to the communities by having a local option law as opposed to just saying the State is no longer going to limit the communities in what options they can have, the communities can pass whatever laws they want to regulate alcohol. In other words, have the State get out of the business of creating alcohol regulation and have it go back to the communities. The significance of that of course is that it would be violations only of city ordinances, not of State law.

Lonner: I think that the State has two things it can do. One is, the State can support whatever programs or changes are occurring in communities as they try and grapple with the alcohol problem. I think that's the function of the State office. Try and move with the communities, enhance whatever communities are doing for themselves. In terms of law, what the State has to be is a viable external threat, very sparingly used. There has to be a last resort for the villages when they find out that their authority is being challenged. That threat is very distant, but from time to time it has to be there. And so throwing communities on their own devices, actually creating a void where there now is at least an implied threat, would create serious hazards for those communities. You'd essentially be going backward to where we were in 1959 when the State told the communities they had no control. I think they'd essentially be saying the same thing. There is no control other than whatever you feel like developing for yourself. I don't think that's responsible

government.

Edwards: Laurie, one other thing. It seems to me that local option as a law, over the period of time it's been enacted, is working in many communities.

Otto: That was going to be my next question.

Edwards: Now, it's working, even though it may not be working to the perfect point everyone thought it might work. It still is an education process that is taking place over this long period of time. The question then becomes, how much do you want to disrupt that education process? Some go through incremental adjustments to make this work better. And I guess if you were thinking in the whole absolute position of letting the State get out, meaning it in absolute, I'm not so sure that that would throw things into a tailspin. Because I think the communities that we studied know it very well. And they've made adjustments. They've made it work for them. And now if you throw something at them that's orthogonal to what they've done, you're going to go back into a re-education process, you may be starting over at square one.

Lonner: One of the keys of that, if I may just finish that thought, is that many of the communities, having adopted a local option, still go ahead and adopt their own ordinances, which they think either alter the terms of the local option, or extend the terms of the local option, or do something else. Enhance it, right, make it better than what you provided for them. And so in fact they are using the State law as the basis upon which they try to build their own authority to make modifications to the terms of that local option, even though they have no legal basis for doing so. So they use that law in its implied power very very heavily.

Otto: So you would say then, in your opinion, both of you, that the communities are better off today than they were five years ago?

Lonner: I'm not sure they're better off. They're better off than they would have been if they had no local option. Some of those communities are still worse off than they were five years ago, because their problems have multiplied. The problems would have been even worse, without at least having the potential of the local option.

Otto: And then to carry it further, do you think that they would be better off still, or the disruption would be

slowed even further if an additional option of allowing them to ban possession, punishable by a civil fine, do you think that would improve?

Lonner: Yes. I think they would be better off and I think that they community would be well advised in that process that any time a community says it wants a particular tool to stop that problem, the committee can seriously consider whether that tool is in fact an appropriate tool for the State government to be granting to them. Because when communities say "We want to handle it, give us the mechanism", give them the handle if you possibly can.

Edwards: Some are working in that direction already within that slight adjustment. So it's not that quantum leap they have to go to and say "total banning". That mechanism is in place, and it's being called for.

Otto: You said earlier that you think a serious fine would be sufficient to deal with the problem. How about a fine in the area of one to two hundred dollars with a uniform bail schedule set by the Supreme Court where everybody has to pay the same amount?

Lonner: I would go back and ask the communities when you ask that question. To university professors, two hundred dollars is not a large amount of money. In the communities it could be quite serious, particularly families. I would think that providing a range of options for adjudication as opposed to a strict penalty might be better. You know, communities devise interesting techniques for punishing their members. It can be two weeks worth of work, it can be money. If someone has no money, let's say you have a person who's primarily a subsistence-dependent person. They work forty hours a week in subsistence. They don't have any wages but they're fully employed. What can you do to get them to remember that the community has certain authority over them? I'm not sure. I would ask that question directly in villages where you're visiting.

Edwards: My response to that: Two hundred dollars would be a lot of money in some of those communities. I guess I endorse what Tom says. It would be a question to propose to the community. "What's acceptable? What's acceptable in the penalty end?"

Otto: Do you think home brew should be included?

Lonner: I'm not sure that you can. You're the attorney, I'm not.

Otto: Ignoring the legal issues, do you think home brew should be included?

Lonner: Yes, I think home brew should be included.

Otto: And you touched on it briefly, and this is my final question, do you think that the State should re-think its approach to dealing with people who have drinking problems and recriminalize drunk in public. In other words deal with the behavior.

Lonner: Yes.

Otto: You think it should be recriminalized.

Lonner: Yes. I think that it's one of the few tools. And not only recriminalized, I think there are benefits to be gained by that. Having drunk tanks is a public safety feature. There are all kinds of legal questions and Constitutional questions involved with that, but the notion of controlling people's behavior and intervening before they become serious and life-threatening is the role of public safety in general. Now the combined schools that we deal with are essentially schools of social health and social justice and we think that social health is paramount in this regard. People need to have their lives and their property and their health maintained. Whatever tools we have available to do that would be worthwhile.

Edwards: If I could take the committee's time for just a bit on this. Having come from Boston a couple years ago and worked a lot in the inner-city areas, when decriminalization of public drunkenness hit, in my view and this is my view, it removed from police a mechanism to create social order in certain communities. Even though you may have arrested someone, there was that threat that they could be taken in, either for safety reasons or for social control reasons. It seems to me that when they lost that you started to pull the police away from what I term a professional model, you pulled them further into this model, to where they don't deal with those issues that can be debilitating to communities. If you see people that are drunk and disorderly in inner cities, that can be frightening to some people. So there has to be a mechanism to deal with it. We've lost that mechanism for police, at least in the inner cities, and I think if you extend it into the rural communities, it's helpful for them as well. Because it may be just an interim mechanism, but it's an important mechanism. If you think of how police

operated twenty, thirty years ago when they had that, there was social order that was controlled in certain communities. And it was done in a fair way and it was done in a responsible way and people understood that. It's like, certain police officers that I knew enforced a rule that said, "If you're going to drink out of your bottle in open public, it has to be in a bag." And they would follow that and it would be in a bag, it wouldn't be opened up. Or, I've walked with a number of patrol officers that don't allow people to lay down on a public bench. "If you're going to drink, you're going to be here, drink it out of your bottle and be upright, or I'm going to take you in." And those were the rules of the game. Those were important. Because it established to that community a social norm. And I think it's important. And we've taken that away. Police no longer have that mechanism to deal with it. It's somebody else that's here in Anchorage, somebody else comes around and sort of sweeps the streets.

Rep.
Hurley:

I'm sorry I missed the beginning of the testimony, but in many of the villages where we've been already, one of the concerns that I've picked up on is that, it seemed to me, that the VPSOs do not have really sufficient training, and they're being set up almost because they don't have enough training to handle the job. And I feel that I don't know if it's our responsibility, but I certainly would be interested in your comment on that.

Lonner:

The VPSOs get six weeks training. I would love to see more training for all police. They simply don't get it. I think that Lieutenant Godfrey would like to see more training for Troopers, and I think probably the Troopers would like to see more training for Troopers and VPSOs. It's a complicated job. For being a VPSO, and I'm very privileged to be able to see some of these individuals operate, it's one of the toughest jobs that I've ever seen done in policing. One individual in a small community. And I couldn't help but endorse further that to see them give more training to them.

Rep.
Hurley:

They're so dedicated and I had the feeling that they were really left sort of hanging there without somebody giving them additional training once they've had that initial, and they get out there and see what some of the problems are. Especially getting the search warrants and all the kinds of things that the higher ups expect them to be doing, and then they lose a case because they don't have.

Lonner:

They're involved in a situation of matrix management.

They have more than one boss. They have two, three, four bosses at a time. Trying to respond to all of that at the same time they have a wide range of tasks to perform and then they're working in their home communities with all the other complex familial and other politics, it puts them in a very difficult position. I think our concern is that they not become casualties also to the process. Somehow they have to be supported so they both help solve the problem and don't become casualties in turn.

Rep.

Hurley:

My other question is, do you think that there should be more Troopers closer by to give them assistance?

Lonner:

I think the closer the Trooper is to community life, the better off they are. The Troopers are viewed as extraordinarily powerful people by the villagers. And by the VPSOs. The closer the Trooper appears, the more safe the community feels.

Rep.

Binkley:

Any further questions? Tom and Steve, thank you very much.

Otto:

The next person is Cindy Scales, from the Alaska Council.

Cindy

Scales:

I'm Cindy Scales. I'm with the Alaska Council on Prevention of Alcohol and Drug Abuse. Today you're going to hear the facts about alcohol abuse and alcoholism in Alaska. But I want to talk about the children. And if I'm nervous it's because they're closest to my heart and what I feel. They have a problem. In Alaska at least one out of every four children in our classrooms have at least one alcoholic parent. The exact figures on the extent of this problem are in this hand-out I'll provide you all with. Including facts that in up to ninety percent of child abuse cases, alcohol is a significant factor. In my job as a prevention trainer, I travel to many rural areas. In fact over half of my working time is spent in villages. In some of those villages, I would guess that fifty to sixty percent of the children there are living with at least one alcoholic parent. Some would put that figure higher. They are the forgotten children. They spend their childhood under a cloud of chronic stress. This stress is comparable to the stress children in Beirut and Ireland live with. Children of alcoholics suffer the same as children of wars. Every day they start out for school hungry, afraid, lonely and tired. They're hungry because, while there may be food in the house, there's no one to fix it for them. They're afraid of what's going to happen while