

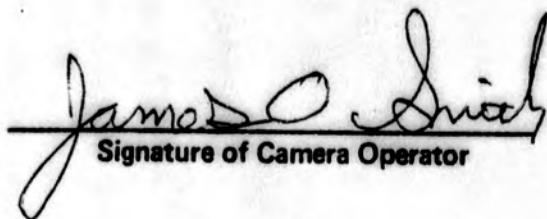
ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1396 SCOMM 52. JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86



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Emmonak

Joint Special Committee On Local Option Laws

November 19, 1985

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

(Tape 5)

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

Adolph: (Translated into Yupik)

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

Adolph: (Translated into Yupik)

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

Adolph: (Translated into Yupik)

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

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

Mary Ann
Immamak:

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

Rep.
Binkley:

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

Mary Ann:

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

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opinion first before they go and make the laws.

Rep.

Binkley:

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

Mary Ann:

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

Rep.

Binkley:

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

Mary Ann:

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

Rep.

Sund:

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

Mary Ann:

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

Emmonak; Local Option Hearing "4"

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

Rep.
Sund:

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

Mary Ann:

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

Laurie
Otto:

State Troopers.

Mary Ann:

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

Rep.
Sund:

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

Mary Ann:

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

Sen.
Fischer:

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

Mary Ann:

That's true.

Sen.
Fischer:

Have any of them been prosecuted?

Emmonak; Local Option Hearing "5"

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

Sen.
Fischer: Who sells it?

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

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

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

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

Mary Ann: It must be visible.

Rep.
Hurley: You must actually catch them selling?

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

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

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

Mary Ann: You know we follow the State law.

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

Emmonak; Local Option Hearing "6"

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

Rep.
Hurley:

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

Mary Ann:

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

Rep.
Hurley:

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

Mary Ann:

No, never like that.

Laurie
Otto:

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

Mary Ann:

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

Laurie
Otto:

How long have you lived in Emmonak.

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Mary Ann: Most of my life.

Laurie

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

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

Rep.

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

Rep.

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

Chris

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

Rep.

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

Chris:

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

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would be less if we didn't have alcohol.

Rep.

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

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

Rep.

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

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

Rep.

Sund: You have a court system?

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

Rep.

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

Chris: Males between 19 thru 27 or so.

Rep.

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

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

Rep.

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

Chris: About 4 or 5.

Rep.

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

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

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

Chris: No.

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

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

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

Chris: Yes.

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

Chris: Yes.

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

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

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Rep.

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

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

Rep.

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

Chris: Yes.

Rep.

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

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

Rep.

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

Chris: Yes.

Rep.

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

Chris: Yes.

Laurie

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

Chris: Yes.

Laurie

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

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

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conditions...

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

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

Laurie
Otto:

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

Chris:

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

Laurie
Otto:

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

Chris:

We have the magistrate summon him to court.

Laurie
Otto:

So you the magistrate?

Chris:

Yes.

Rep.
Hurley:

Are you the only police officer in the village?

Chris:

There are two of us here in town.

Rep.
Hurley:

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

Chris:

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

Rep.
Linkley:

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

Martin B.
Moore:

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

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

Rep.

Binkley:

Could you please move up to the mic?

Martin

Moore:

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

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

Sen.

Fischer:

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

Martin:

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

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Sen.

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

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

Sen.

Fischer: Rural development board?

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

Rep.

Hurley: That taskforce that the governor had on alcohol?

Rep.

Binkley: There's an alcohol taskforce in Bethel.

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

Rep.

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

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

Rep.

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

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

Rep.

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

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

Rep.

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

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

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

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

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

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

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

Rep.
Hurley:

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

Martin:

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

Rep.
Binkley:

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

Martin:

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

Tommy
Moses:

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

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

Rep.

Hurley:

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

Tommy:

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

Rep.

Binkley:

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

Nicholas C.

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

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

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

Rep.

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

Nickolas: Yes, for about 8 years now.

Rep.

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

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

Rep.

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

Emmonak; Local Option Hearing "20"

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

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

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

Rep.
Binkley: Do people bring booze into drink?

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

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

Nickolas: I believe so.

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

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

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

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Nickolas: No.

Rep.

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

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

Sen.

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

Sen.

Fischer: Thank you.

Rep.

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

Nickolas: I believe there is.

Rep.

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

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

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Rep.

Binkley: Yes thanks Tommy. Good morning Stan.

Stan

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

Rep.

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

Stan:

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

Rep.

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

Stan:

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

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Rep.

Binkley:

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

Stan:

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

Rep.

Binkley:

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

Stan:

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

Rep.

Binkley:

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

Stan:

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

Rep.

Binkley:

So his family also ends up suffering as well?

Stan:

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

Rep.

Binkley

Counseling program?

Stan:

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

Emmonak; Local Option Hearing: "24"

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

Rep.

Binkley:

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

Paul

Crane:

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

Rep.

Binkley:

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

Stan:

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

Rep.

Binkley:

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

Stan:

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

Emmonak; Local Option Hearing: "25"

suppose is home brew.

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

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

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

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

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

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

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

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

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

Sen.

Fischer:

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

Billy:

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

Sen.

Fischer:

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

Billy:

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

Rep.

Hurley:

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

Billy:

I know that's not the problem.

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

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

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

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

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

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

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

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

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

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

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Natalia
Andrews:

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

Rep.
Binkley:

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

Alfred
Redfox:

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

Adolph:

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

Sen.
Fischer:

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

Alfred:

Yes.

Sen.

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

Adolph: (Translated into Yupik)

Alfred: (Yupik Speaker)

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

Sen.
Fischer: We will try.

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

Adolph: (Translated into Yupik)

Alfred: (Yupik speaker)

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

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

Adolph: Yes, but they need money.

Rep.
Hurley: Right.

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

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

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

Emmonak; Local Option Hearing: "30"

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

(Conclusion of cassette 8, part 3)

(Emmonak hearing continues on cassette 8, part 4)

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

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

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

Adolph: (Translated into Yupik)

Alex: (Yupik speaker)

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

Rep.
Hurley: Thank you.

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Rep.

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

Humphrey

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

Rep.

Binkley: Do you want to do this informally afterwards?

Humphrey: Yes we can.

Rep.

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



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FORT YUKON
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 18, 1985

Present:

Johne
Rep. Binkley, Chairman
Senator Edna DeVries
Senator Vic Fischer
Rep. Katie Hurley
Laurie Otto, legal counsel

Rep.
Binkley:

I'd like to open the public hearing here in Fort Yukon on Wednesday, December 18, at 2:30 p.m. If I could introduce our committee to the assembled gathering here. To my far left is Senator Edna DeVries from the Mat-Su area, Senator Vic Fischer from Anchorage, Representative Katie Hurley from the Mat-Su area, Wasilla. Legal counsel for the committee is Laurie Otto, and I'm Representative John Binkley from the Bethel area. Also as members of our committee are Senator John Sackett and Representative John Sund. I know Senator Sackett had wanted to come along but he didn't have the opportunity to come on this particular trip, and he wanted us to pass on his best wishes to the community. We'll be making a report of the concerns of the local community here and passing that on to the Senator. Also Representative Kay Wallace will be getting a report of what's taking place here and we'll share your concerns regarding alcohol with her. This is a committee that was organized to study the local option laws which deal with community's ability to regulate alcohol within their own communities. We're taking testimony around the State, getting suggestions from people as to what changes might be made in the local option laws to better help communities deal with their own alcohol problems, and also to find out what some of their problems are associated with alcohol. We invite you to step up and testify in front of the committee. We want to hear what the concerns are from the people here, find out how we might be able to change some of the laws to better help communities deal with their problems associated with alcohol. We're going to have to shut down the hearing at 4:30, which is two hours from now. We need to catch a plane back to Fairbanks and then on to our

respective homes for Christmas next week, so whoever wants to start out, come on up and tell us what you think.

Otto: Johnne, excuse me, maybe it would be helpful if we could have Jim Filip, the city manager, speak first to describe the situation in Fort Yukon. I know that recently there's been an election and they've changed their status, to put things in perspective. Maybe you can give us an historical description of the community status.

Jim Filip: My name is Jim Filip, I'm presently the city manager for the city of Fort Yukon. And the municipality of course has several interests, shall we say, in the alcoholism question or problem as it exists in the community. One, we have the citizenry that can be and has been adversely affected by abuses of alcohol. Secondly, we are in the business of selling, or were in the business of selling, alcohol through a community liquor store. So we were gathering shall we say a profit from a commodity that can be abused, could be abused, and perhaps was abused in several ways. My experience with it starts almost at the day, or at the time, when the local citizenry decided to petition the council under the local option law and to take steps to prohibit the sale and the importation of alcohol into the community. On November 6 the citizens voted here in Fort Yukon on that question. It was a close election actually. One hundred thirty-five to one hundred twenty-two, out of three hundred ninety-three registered voters. So sixty-five percent of the people in the community turned out at that election. And of those that turned out just a little bit more than half voted for prohibition. So that importation stopped on the first of the month following the certification of the election law, on December the first, just a year ago.

Rep. Binkley: Just so I understand, you allowed a community liquor store prior to that time, you voted the fourth option to ban importation and sale?

Filip: Right. And so then the liquor store was also given ninety days in which to close or until his stocks were depleted. The last day of sale was almost a year ago exactly. As I look back in my records, December 20, 1984, was the last day that the city actively sold liquor in the community. It didn't last very long because the council was petitioned almost immediately for a re-vote. There was a petition that was filed on the eighth of January and a special election was set for the twenty-second.

But it was not sufficient in terms of registered voters by one signature, so that was set back. And as the law happens to be triggered, in this case if you don't have a certified or sufficient petition, then you're held out from taking this to vote for six months. So we had then a period of six months in which no action could be taken. But in July then, at the regular meeting in July, a petition was accepted, set for election on August six, certified on the twenty-sixth of August, but this time the vote was significantly different. We had fifty-three yes votes, fifty three people were still of the opinion that the alcohol should be prohibited and the sale stopped, but one hundred fifty-eight said no, they wanted to return it to the original condition. So it was three to one, or seventy-five percent of those people voting at that second election that the prohibition should be repealed.

Rep.

Binkley:

How was that worded? Did you actually repeal the fourth option or do you institute another option?

Filip:

It just effectively cancels it. The local option law that you are allowing us to vote on as to be worded in the same language as the original proposition. And it just sets back to the voters another chance to reconfirm or to rebuke that original position.

Rep.

Binkley:

Does it go back to its original status?

Otto:

But wouldn't you then have to have two questions on the ballot? One, shall the sale and importation be banned and two, shall there be a community owned liquor store.

Filip:

Well, that gets into a different area that I'm not qualified to talk about specifically. But what gets it here is that we deal with the Alcoholic Beverage Control Board and they're saying that that is not required. They're the ones that we direct our request to re-licensure to. And so as far as I know that is not required. But we are the only one that had a community liquor store until one other community was certified this year. So it's a unique thing. Whatever you say about Fort Yukon could be considered to be unique.

Otto:

But since right now the status is you voted down the question "shall the sale and importation be banned?", conceivably other liquor outlets could be authorized by the Alcohol Beverage Control Board.

Filip: Only if it's voted on by the public again. You'd need another election for that. Because the only thing you've done is turn the light on and off with respect to the prohibition or sale and importation. That's all our city can do with this thing, and that's all that the law says we can do. But we get into the mechanics of this thing which is an entirely different thing. I've only gone through the election history here pretty much and the citizens who come out and vote for these things. Anyway, so where we're at right now is that importation was allowed to begin on September 1, but because of the year hold out now there's also an element of State law in this regard. We couldn't get a liquor license until late in 1985 so we're going to go for '86, starting January of '86. The city has not sold any liquor in 1985 at all.

Otto: But the city is going to apply?

Filip: But we're going to apply. To my knowledge now that application has been accepted and we're just clearing up the procedural details that have to do with the new license because by definition the Alcohol Beverage Control Board is saying that we're a new licensee. Not a renewal. I take exception to that. I think we are a renewal or at least a re-instatement, and not a new license.

Senator
DeVries: Does it complicate the matter to have to apply for a new license versus a re-instatement or re-issue?

Filip: It's the same way as if you would have to go in with your automobile and pay your fee for the license plate. You already had one, you just give them the money and ? . But if you haven't had one you've got to more or less get a certificate of title and safety check and all these things to go through the process of it, and it does make it more difficult.

Senator
DeVries: When the city applies for the community liquor license, will that be a package store, is that what you applied for?

Filip: Package store only.

Senator
DeVries: So then there wouldn't be available a beverage dispensary license for this area?

Filip: I don't think so, because I think the law is specific. It says this is allowed by the

community's desire to be limited to a package store only.

Rep.
Binkley: Did they vote at one time?

Filip: At one time.

Rep.
Binkley: They voted for a community liquor store and they never repealed that, they only voted in another option which would ban importation and sale, then they repealed that so you're back to the status quo.

Otto: Frankly I think that's a question that's open to significant legal difference. I interpret the law differently than they.

Rep.
Binkley: But that's the way that you're proceeding?

Filip: Right. To do it differently would be just to ask to get another election going. Are you in the business of doing something or are you in the business of holding elections? I could hold an election on this topic every three or four months, it's going to go back and forth. It gets to the place where one wonders what we're supposed to be doing.

?Audience: I just have a question. I had thought that with a local option election the application for that whole past election is being repealed, just by election. And once you repeal the local option law that ?? that applies to wine, liquor, or beer, and then you can apply for a liquor license.

Otto: I'd interpret the law the way he is.

Senator
DeVries: And is that what the ABC Board is telling you sir?

?Audience: (unintelligible)

Rep.
Binkley: Well, we're not legal experts. I guess the Liquor Control Board is the one that made that determination.

Filip: The Attorney General made that determination. The same way that he made the determination that the year holdout is the first election and not the second one. That's where I would disagree. I would think that the last election would be the year holdout. But it isn't. It's the first election. These things

are subject to a wide range of interpretation. I'm at odds with the ABCA on the question of new versus reinstatement. I had to give up because I could sit here all day and say "it's not new" and they would say "tough".

Senator
DeVries:

If you want our license consider yourself new.

Filip:

Right. So I'm considering myself new. It's a minor point but a serious one because we weren't expecting it at this particular point in time and that creates a different level of involvement, and an investment of time.

Senator
DeVries:

Can I ask you what kind of revenues in the past the community store has brought into the city. Does this go into the general fund or is it designated funds?

Filip:

It's general fund, and you could say that ten thousand dollars a month, approximatey, was up taken into the general fund, plus three percent sales tax. So in the twelve months that we were out of business we've lost by rough calculation one hundred and twenty-three thousand dollars.

Senator
DeVries:

Is that profit or is that gross?

Filip:

This would be profit. In other words this would be income significant to the general fund, over and above the cost of operating the liquor store. And the local option law caused us to reduce the number of employees in the community by three, which is about fifteen percent of our workforce. And I say that as a percentage of the workforce because, take this into your own communities and apply it to your own municipal governments, and take fifteen percent of your workers out. And that's the kind of significance that this had on the community. And that represents about seventeen percent of our budget.

Senator
DeVries:

Now were you open certain hours of the day or were you open twenty-four hours?

Filip:

It was within limits. I don't know what the limits were then, but the new limits that we've proposed are from ten in the morning until ten in the evening, Tuesday through Saturday, closed Sunday, Monday.

Senator

DeVries: Thanks. And you sell any kind of packaged liquor there is.

Filip: Well, a variety, but whatever will sell ,what the community wants.

Senator

DeVries: But it's not just beer or wine?

Filip: No, it's hard liquor too.

Rep.

Binkley: Did you see any significant change as far as drinking patterns of people in the last year?

Filip: No, because we ran into a problem of enforcement.

Rep.

Binkley: The importation aspect?

Filip: Right. There's no practical way that we can enforce the law. Matter of fact we got chased out of the airlines office because we were attempting to look after this particular problem, told that our presence was not wanted there and was in fact going to be subject to legal involvement, which never came to pass.

Senator

Fischer: Was that through your police?

Filip: Police presence, right. And unless you have probable cause, you can't really go and get a warrant and really involve yourself. What you need is a random frisk function if you're going to make this thing work such that you can pick it up. Which is anathema to most traditional democratic systems. You don't want to have to subject your person and your baggage to random frisk, but that's the only thing that would do it. So it's unenforcable in its present frame. Also we requested assistance from the State, to come in and monitor, help us with some ideas, and that letter was ignored, we got nothing from the State.

Rep.

Binkley: Now Jim, in some communities where they're having problems with the importation and sale law, they've suggested and we're considering an additional option to the local options of allowing communities to ban possession of alcohol. They feel that this will make the spirit of the law, which is really to stop the flow of alcohol into a community, more effective. They may be able to more effectively control the

alcohol by allowing to ban possession of both commercial alcohol and home brew.

Filip: I could only make a personal statement on that one. I don't think it would do a lot of good. Because first of all you would make honest people criminals if they wanted to take a drink, and the person who doesn't care will do anything.

Rep.
Binkley: Well of course now with the importation law if people bring alcohol in they're breaking the law also.

Filip: It's the same thing. I don't think that's going to do it. I think that there has to be a different approach to the problem. And I think first of all you have to define what the problem is. Maybe that hasn't been done yet well enough. This seems to be an attempt at doing something, but I think maybe it's a Trojan horse. You are putting it into the city but it is ??.

Rep.
Binkley: You mean the local community adopting their local option.

Filip: The local community.

Rep.
Binkley: Do you feel though, Jim, that communities ought to have that choice as an additional choice under the local option?

Filip: I think so. I don't think that it would hurt us particularly to do that. It just didn't work here. And I would not deny them the opportunity to put it in.

Rep.
Binkley: It didn't work because of the enforcement aspect?

Filip: I would say so.

Rep.
Binkley: But if you had more effective enforcement?

Filip: Say, one police officer for every person, more effective enforcement. That's what you're coming to. A conscience for every person and one that is bound to this thing. I don't think that is the only answer. There has to be something else. That's my personal opinion. I don't see us, even doubling or tripling the police department, as being able to close the door. Even if it was actually illegal. I

think the problem is more significant. It's more individual. And since it has to do with a type of morality question, and legislative morals, I just wonder if it isn't something that is going to be wishful thinking rather than a practical approach to a reasonable solution.

Rep.

Binkley: Do you think some control is necessary though?

Filip: I think you've got..

Rep.

Binkley: It's just a question of determining where that amount of control should be, whether it should be tighter or looser.

Filip: Yes. And then the, I think your cost benefit has to be determined in this thing too. If you invest in enforcement, that seems to be the last ?, when everything else has been tried and you don't have anything else, put another police officer on it. I think there has to be something earlier on. And I think the educational programs that are being developed are essentially more beneficial and more cost effective. Because they counter the positive aspects of the culture against the negative ones. And it gives you some benefit that way. Now who's to monitor or enforce or program these things I don't know. The school in my mind has got to take a greater responsibility, because at the municipal level it's probably already too late. And what's my role?

Rep.

Binkley: Any other questions?

Otto: I do have one. Jim, do you see problems created in Fort Yukon by people from other villages in the area that have elected to ban importation because it is a hub community?

Filip: There may be an element of it, but I think that's getting pretty much controllable.

Otto: Not real significant?

Filip: It is, I think, a fact of life, that when you go somewhere else you have a tendency to lose your inhibitions. So when you go to Fairbanks or somewhere else it might be a little bit different there than from the village kind of party, but I think the significance is probably there.

Otto: So it's being away from home than being in some place that may have different ways of regulating alcohol?

Filip: I think so and I think too that it's a matter of individual decision making. If you have a community that has a certain amount of respect for itself and the people who are in it, you'll have less trouble with alcohol. And it's an educational thing along those lines.

Otto: Okay, thank you.

Rep.
Binkley: Jim, thanks a lot. Jonathon?

Jonathon
Solomon: My name is Jonathon Solomon, I'm a City Council member, I'm also on the Village Council.

Rep.
Binkley: And you've been mayor here for years, too right?

Solomon: Yes, before now. The thing, the local option law was a pretty good idea until you get in this deal where you have to enforce it. Say Fort Yukon is unique, we're ? Because in order to control all liquor you can get it by air, you can get it by river, you can get it by land. It's pretty hard to enforce it unless we come up with some kind of law that you can work with. And that's what we run into here in Fort Yukon. All of a sudden we find out it was understood that it was going to stop the flow of liquor into Fort Yukon to begin. Well, then they come out with all these constitutional rights of people, that we are stepping over the line of constitutional rights. And that's where it became a problem. Too me it never stoped the flow of liquor into Fort Yukon. That I see. I don't know if somebody else would see it different. All it did was take revenue away from the city, and put revenue into someone else's private pocket. Because even our own police force couldn't control the flow of liquor into the city, because there were no law to look at packages within the airlines' office, or into the freight areas, which is right. Because the freight area is also the U.S. Mail area. So it's off limits to all not employed by the airlines. And all these things come up. So if you want an option, local option, you've got to put teeth into it. And it's not doing it right now. Especially for Fort Yukon. I don't know about any other villages. If there's any questions I'd be glad to answer it.

- Senator DeVries: Maybe I should ask the city manager this, but one of the other places we were, where they had a community liquor store, they would only allow a person to buy a quantity of a certain size. When you had your community liquor store was that true?
- Solomon: There's a State law, one bottle(?) of it.
- Senator DeVries: I thought somebody said that State law had been rescinded. Is that correct Laurie?
- Otto: I'm like the other fellow. I keep hearing about the State law and I've looked in the statutes and looked in the statutes and I've never been able to find it.
- Senator DeVries: You did have, when you had your community store, if there was a State law that said you could only buy two quarts or whatever, you followed that?
- Solomon: I never checked on it.
- Senator Fischer: I understand that the people voted to permit sale after the experience of liquor coming in anyway. When the people voted the previous time had they sort of expected that Fort Yukon would be completely dry? Was that the purpose?
- Solomon: I don't know about anybody else. That was my expectation.
- Senator Fischer: And it had no effect? The ban on importation had no effect on the amount of liquor in the community?
- Solomon: Yes, that's my experience.
- Senator Fischer: Were individuals importing it, most of it, all of it, or was there private sale going on in the community insofar as you can tell?
- Solomon: There's a lot of bootleggers here, I call them.
- Senator Fischer: When the city sold, before when the city had a store, was there any bootlegging going on?
- Solomon: I believe there was. It was the city liquor store, the hours are set by ordinances of the city, and it's

not that long of hours. So there was bootlegging, even when the city had its liquor store.

Senator
Fischer:

What about the problems caused by liquor. Are their significant problems here? Is there violence, child abuse, child neglect? Are there liquor caused problems now even though you in effect have a form of prohibition.

Solomon:

I don't know. I've never experienced all of this stuff. There's some of them here to testify to that, but you can ask him. He runs our alcohol center here.

Senator
Fischer:

Okay, thanks.

Otto:

What were the reasons that you originally supported the ban on importation? Why did you support that?

Solomon:

Why did I support it? I didn't support it.

Otto:

Oh you didn't. I thought you did because you were saying your expectation was that it would stop liquor.

Solomon:

Yes, that's my understanding. After it was worded on, it was you know.

Rep.
Binkley:

Thanks a lot Jonathon. Titus Peter.

Titus
Peter:

My name is Titus Peter. I'm counselor on alcoholism working for Yukon Native Health Service. I'll start off by saying that liquor store being closed has made some significant difference in my area. I've been working with these people. I've seen a lot of difference. I have sent four people to detoxification center in Fairbanks in the year 1985, the whole year. The liquor store's been closed that whole year. Previous to that there's not a month passed without me sending anyone over. Either detox or the clinic. People seem to start sobering themselves up. For one thing the liquor is not so easy to come by when there's no liquor store. There are some bootleggers. The price is so high that they can't afford buying it. A lot of them are forced to sober up. This doesn't really, it isn't dissolving the problem. There's still a lot of problem, but it alleviates a lot of problem that had existed. We have a little program which is information and referral helping. And I feel that this place is very, a necessity, Fort

Yukon. We not only serve Fort Yukon but we serve the villages surrounding Fort Yukon. One thing it does for people, it gives people an awareness of their problem. They take time of to think "my drinking is nuts." Sometimes they wander into the office and find out whether they're drinking too much or not. One thing that I know we don't need here is a liquor store. I don't see where it's helping any. I've heard phrases in the past, whenever you legalize anything it also produces a lot of problem. Right now people are saying that the reason people get so far gone with drugs because it's not legalized and they don't want to come out in the open. I don't know this is right. I'm sure people get along a lot better without booze and, if they don't booze they are a lot better off than they are when they are boozing. I don't know what is your interest, what you're trying to find out, but as long as the liquor store and alcohol's in this, just mentioned, this is what I have to say about it.

Rep.
Binkley:

Thank you. I see you came in a little bit after we started here. Just to explain what we are looking at, we're not trying to make the determination for the community of Fort Yukon as to whether or not they should have a community liquor store or not have a community liquor store, we're simply looking at the law itself, the local option laws, and what choices communities have to make. And a lot of people in my area, down around the Bethel area, which have banned importation and banned sale, say that it doesn't seem to work in a lot of their villages. There's still alcohol coming in, there's still home brew that's generated in the village, and they feel there's nothing they can do about it. So they've wanted to add another option that would allow to ban possession of alcohol, both store bought alcohol and home brew. And they feel if they had that ban on possession, that it would be easier for them to control alcohol in their own communities. And so that's one of the things that we're taking testimony on around the State, is what people's reaction to that, are there some other ways that we might be able to change the law that would help communities and also to find out what are some of the impacts that alcohol has, what are some of the problems that it causes, particularly to people that don't necessarily drink alcohol, like maybe children who even though they don't drink alcohol, when their parents drink, how does that affect them? Are they not taken care of properly, do they not get enough sleep so that they don't do well in school? Are there other people maybe that are innocent and as a result of somebody drinking

alcohol, maybe they get hurt, maybe they're assaulted by that person who's drinking. So those are some of the things that we're trying to get testimony on. And I know that it's a sensitive issue here in Fort Yukon, as to whether or not communities should have a liquor store or not. And I think some of us are curious to see the effects that the ban on importation and sale have had, but that's not our real primary purpose in our hearings.

Peter:

I'm sure the way people drink day in and day out, it is affecting some in the family, children. I'm not at liberty to say just how it affects the family. I haven't gone into it that far. I'm sorry that I don't. I really should work with the family as much as we do with the alcoholic themselves. But we just don't have time to do that and we don't have enough workers to do it. A guy gets himself sick drinking so much and we're just involved in trying to unsick him, and that's about as far as we go. We need a lot better program ourselves. We just don't have it. We don't have the funding. And I'm sure that it does affect a lot of people. I know some people have lost jobs because of their drinking. And that's something there itself. And families have been very upset because of their family, son or daughter or spouse creates a lot of problems.

Rep.
Binkley:

One of the reasons we thought it would be good to come to Fort Yukon, is to find out, since Fort Yukon had banned importation and sale, and then they voted to change and, as Jonathon pointed out, and as Jim pointed out earlier, the people here felt that it really wasn't working, that's why some people maybe wanted to change back. And we want to know is there some way that we could change the State law that would help work better. It seems that when the people first voted and the majority of the people said we want to stop alcohol from coming in, we don't want to sell alcohol, that they made a pretty strong statement about what they felt alcohol should be in this community. But then apparently it didn't work. And maybe there's some way we could change that State law so that when communities, maybe not Fort Yukon, but other communities made that same statement to say that we don't want alcohol in this community. How we can have the State law set up so that it works better for people?

Peter:

I don't know much about laws. I do know that the city of Fort Yukon would be a lot better off without any booze. Whether that's possible or not I don't know. Because I now don't drink, I used to drink a

lot. I'm an alcoholic so I can't drink at all. And because of that I could very easily say let's just do away with it. I myself can get along a lot better without it. But there are some people who have to have it. And these are the people who want it open. Because they are used to having it in their homes and they can use it they can leave it. They are able to control it. I work with so many people who can't control it. I've seen so many people just go down the drain as far as six feet under the ground. Sometimes I feel like I'm in the wrong business. Maybe I should start a business as an undertaker.

Rep.

Binkley:

Any other questions? Titus, thank you very much. I appreciate it. Steve Ginnis?

Steve

Ginnis:

First of all, my name's Steve Ginnis and I work for Tanana Chiefs Conference, I work with all the surrounding villaes in the area here. First I would like to say that I do support the laws, the options regarding local option laws. I also support stopping the importation and sale of alcohol in the community. Although some people may argue that it infringes on some people that may drink occasionally and so forth and so on, I look at it from a different perspective. The perspective I look at it in is that I look at it as community wide. I don't look at individuals and say, well that guy has a problem and this guy doesn't and like that. I look at it from a community wide perspective. Therefore I believe that we do have a problem in Fort Yukon and we ought to address it. Unfortunately the law does have some drawbacks in it. I think one of them is just the enforcement aspect of it, the fact that you can't search individuals. The other drawback I see in it is that I think there ought to be some limit to how often petitions can be initiated to put these things back on the ballot. My experience here in Fort Yukon has been that we've gone through I guess three elections or two elections in the period of a year, which doesn't give the community time to really look at whether this whole thing is working or not. So I think that there ought to be something written into the law to at least give us a year to put this thing back on the ballot, to give us some time to see if it's working or not. The other thing I would like to say is that unfortunately here in the city of Fort Yukon, city government relies on a city-owned liquor store, which I don't support the idea of a liquor store supporting a city government. But I guess when you look at State and Federal revenue sharing monies that have come in, it's kind of difficult for those monies to support

the things that go on in this community. The other thing is that I don't think that just a law alone will address the problem of alcohol in any community. I think other programs, alcohol counseling programs, recreational activities, and things of that nature ought to be looked at too. And I think the State ought to support communities that want to go dry, with those type of programs, in terms of money. Here we're just talking about the law itself and I think it can go a little further than that. The other question that was brought up earlier was about the election itself, here in Fort Yukon, and whether that means that the city can still apply for a liquor license. I'm not an attorney or anything, but from my own point of view I really think that the issue of whether we're going to have a community liquor store in Fort Yukon or not is another issue that needs to be voted on. That's the way I feel about it. And I hope that somebody would come up with some legal opinion about it. Because the city manager himself has a different opinion and I visited him on a couple occasions and brought the subject up, and I get the same answer. So I hope that's something that will be dealt with here, or somebody give us an opinion on that, a written opinion. I guess that's about all I have to say.

Senator
Fischer:

Steve, you work in a number of villages. Some are dry and some are wet. Can you tell, in terms of your knowledge of the town, as to the difference in terms of the quality of life, in terms of safety of the people?

Ginnis:

Well, there is an individual here that's from Chalkyitsik, his name's James Daniel, and he was the chief at the time that the local option law was passed up in Chalkyitsik. And he can testify to what's been happening there. Up in Arctic and Venetie it's totally different in terms of how they deal with it. They don't really have a local option law, per se. It's more like the village council ordinance that they abide by, and it seems to me that they don't have any problems there. They control it right at the airport when they come into the community. I think you can see the results of it. The results of it is that people work a lot closer together. They're more like one family. Which is really positive I think.

Senator
Fischer:

Steve, there's another village in this district, Birch Creek?

Ginnis: Birch Creek is just south of here.

Senator
Fischer: Is that in your district?

Ginnis: Sure is.

Senator
Fischer: That's not dry. They allow importation.

Ginnis: Well, I knew about three years ago they tried to deal with it on a local level, through a village ordinance, and it did work for a short period of time, but I think due to the changes in the council and things of that nature, right now I think it's pretty much open. (end of tape.)
I don't have any kind of statistics to present to you, but yes I think there is quite a bit of difference in the kind of accidents that may occur in Birch Creek and what may happen up in Arctic Village. The accidents that do occur over in that part of the country I think it's alcohol related.

Senator
Fischer: You live in Fort Yukon. Why do the people vote by a margin of three to one to allow liquor again?

Ginnis: That's been mind boggling for me too. I can't really testify to why that is, but you know, when you have an election as often as we did, it confuses people I think. And I think that's what happened in this particular case is it just confused people. The other factor I guess that plays into this is people think about what might happen to the city government if the source of funds from the liquor sales weren't up there. I think that also plays a factor in how people vote, decide.

Senator
Fischer: Thank you.

Rep.
Hurley: Was the second election, maybe this isn't a fair question for you, but was that second election held during a time of year when people were out fishing or hunting and weren't in town to vote.

Ginnis: I don't think so.

Otto: Fewer people did vote in the second election.

Audience: ... fire.

Ginnis: Oh yeah, they were out on a fire when that election

took place.

Audience: The people that could have voted were out on a fire and those people that were out on the fire would have voted ...

Otto: Would have voted what?

Audience: For having liquor.

Rep.

Binkley: So it would have been a wider margin here from.

Ginnis: I understand that they did vote, they did go out there. Is that right Jim?

Filip: Absentee ballots were provided on requests. So some of those who were out on fire, true, did vote. But you're right, there were less voters at the second election than at the first. And ... to what Steve has been talking about, too many elections, people get tired of voting on the same question. And so voter apathy is part of it and the fact that fire season was also upon us was also part of it.

Otto: How long have you lived here?

Ginnis: All my life. Thirty-five years.

Otto: Why do you say that alcohol's a problem here?

Ginnis: Why do I say that?

Otto: Yes, what facts lead you to that conclusion? I don't live here, I don't know. I could tell you about Bethel, I can tell you why it's a problem there.

Ginnis: I don't think I'll comment on that.

Otto: You won't say why it's a problem?

Rep.

Binkley: Any other questions? Steve, thanks a lot. James Nathaniel. Did you come all the way down from Chalkyitsik?

James

Nathaniel: My name is James Nathaniel, Senior. I'm with the TCC, Yukon Flats Subregion here in Fort Yukon. I'd like to make a comment in regards to when I was first chief in Chalkyitsik in 1983 and 1984. And this also regards what the alcohol and drug abuse related problems in that village. What I've done is

first was about our number one priority or our number one problem within that village is alcohol. So as a new elected chief along with six other council members, we also form a women's council also. Five members on the women's council. Altogether we worked up a plan. Our number one priority is alcohol so we made that our number one fund within the village. At that time we started working on this alcohol problem. We'd written up our village ordinances. We sent them out to the surrounding villages, to Fairbanks, Fort Yukon, even into Anchorage and elsewhere. This is what our law's going to do in our village of Chalkyitsik. In the beginning we still had some problems with individuals transporting liquor to the village. And they thought that we're not going to do anything about it. So we called them into our council meeting. And we have our own court right there in the village. Two village councils and our own women's club included. And we worked with these people who violated our liquor law. We fined them and this occurred again then we transferred the whole thing over to State Trooper, let them handle it. And it's written in our government. It's written under State local option law. And I have a copy right here for anybody that wants to read it. So after a while it slowed down a little bit. And they knew that we meant business. And finding people we talked to them. And I think it's not easy to do all these things. Very hard to be a first chief but I had had experience. A lot of the complicated responsibilities they have. But if we do have a back-up, things went along very easy. And the other thing I want to point out is, when we controlled the liquor in that village I had a two year term of being a first chief. Within this two year term we as a council, women's council, local people of Chalkyitsik, we accomplished many things. Like our capital projects. We accomplished things that never occurred in the past. And I could name half a dozen things that were accomplished since we controlled the liquor. And now people do a lot of things that never has been done before. And we could control the local option laws, drug abuse. Any questions? I'd like to answer them if possible.

Rep.

Binkley: In your local ordinances, James, did you ban the possession of alcohol?

Nathaniel: Yes.

Rep.

Binkley: Okay, and then you had this published in the Federal Register too?

Nathaniel: No, just under the State.

Senator
Fischer: Could we have copies of that?

Otto: Do you have copies here or will you have to send
copies to us?

Nathaniel: I just have one copy, but I might have to run some
off.

Rep.
Binkley: Any other questions? James, thanks a lot.

Nathaniel: I'd like to say one other thing in regards to this.
I'd like to say have a nice Christmas and best of
luck in 1986.

Rep.
Binkley: Thank you very much. Mary Beth Solomon.

Mary Beth
Solomon: My name's Mary Solomon, I work for the native village
here in Fort Yukon. I wasn't too sure about what
this hearing was about, but I thought you guys want
to find out about our local option law. I know the
first election, myself I was disappointed in it.
Because I thought it would make a difference in town.
And I know it did. But also still bringing it in.
And even with that I myself drink. And if it's
there I'll drink it. If it's not there maybe I'll
crave for it and I'll go look for it, but this is
our problem, then we should be doing something about
it. And I start hearing about this banning the
possession of alcohol. Maybe that would be the way
to do it. I would support that. But I'm not too
sure if it's going to do any good down the road.
Maybe it will stop it.

Otto: One of things that I've heard said about the local
option law is that it helps people who want to stay
sober stay sober. Do you think that's true?

M. Solomon: Well, for myself, I was sober for quite a while
myself.

Otto: Did the local option law help?

M. Solomon: That's probably why. And now they hold this other
election. And people are bringing it in. They're
not hiding it anymore.

Rep.
Binkley: People aren't even trying to hide it now when it comes in?

M. Solomon: No. The election already passed.

Rep.
Binkley: Thanks a lot Mary. We appreciate it. Betty Horace.

Betty
Horace: My name is Betty Horace. I work with the Upper Yukon Behavioral Health.

Senator
Fischer: What is Upper Yukon Behavioral Health?

Horace: It's to help people with alcohol problems and things like that.

Rep.
Hurley: Is it part of Tanana Chiefs?

Horace: Yes.

Otto: Is that where Mr. Peter works?

Rep.
Binkley: So you're counseling there also?

Horace: Yes. I'm the secretary/counselor trainee. I made out a newsletter and said that I didn't know if banning the alcohol from Fort Yukon did any good, but now that I've been there for a few months I can see that it did do good. When they closed the liquor store I moved out of town and I just moved back in September and in the three months I've been working at the Behavioral Health again, I can see the difference. There wasn't that many people go into the clinic and detox. And I know that there hasn't been that many accidents in town.

Rep.
Binkley: Any questions? Okay Betty, thanks a lot. We appreciate that. John Thomas.

John
Thomas: I'm John Thomas. I'm retired and I kind of misunderstood your being here. I didn't really intend to testify.

Rep.
Binkley: Well now that we've got you here.

Thomas: I've lived here all my life and I haven't seen too much difference with or without alcohol for sale or for no sale. I mean the amount of alcohol I think perhaps there was as much came in here as much as when there was for no liquor. I don't think it made much difference. I remember my father talking about during prohibition, he said it made no difference. That's all I have to say.

Senator
Fischer: Just as a retired observer, do you see alcohol as a problem in Fort Yukon? Does it cause problems?

Thomas: I believe it does to a certain extent yes. But there seems to be no solution as to a law as to importation or sale or whatever.

Senator
Fischer: I probably should have asked somebody else, but do you know of any educational programs in the schools or in the community to deal with other than just prohibiting things.

Thomas: I don't know if there's any, but I believe that would probably be the only solution to this problem, ? ban or importation. Seems like it hasn't made any difference.

Otto: Mr. Thomas, I've heard it said that the local option law, the ban on importation, doesn't necessarily stop the quantity of alcohol coming into villages anywhere. But what it does change is the kind of behavior that people engage in after they've been drinking, that they tend to control their behavior better when the local option law is in effect. Would you think that that is the case here?

Thomas: I don't know. I didn't notice any difference.

Otto: So you still saw people obviously drinking and obviously being in public after they had been drinking?

Thomas: Yes ma'am.

Otto: And you didn't notice any change at all?

Thomas: No ma'am.

Otto: Thank you.

Rep.
Binkley: John, thanks a lot. Is there anybody here from the school district? We just had a question about any

educational program in the school district. Does anybody know? Jonathon, do you know?

Jonathon
Solomon:

Years ago ? ? within our school district. And the people believed in it so much that the city bought the system. But the teachers didn't believe in it. That's why they're not here today. It was never taught as far as I know. They have the curriculum, they have the material, it was bought by the city of Fort Yukon for five thousand dollars. The curriculum and material. As far as I know the city ? ? (unintelligible).

Shelly
Forbes:

I'd like to speak to that. I'm a teacher here, my name is Shelly Forbes. I wasn't planning on being here. I just heard about the meeting about five minutes before I came over. Are you talking about the "Here's Looking at You" program? I know that I'm teaching elementary right now and I did teach high school previously, and I believe that one or two of the elementary teachers, which will cover four of the elementary grades, do something with that program every year. And I know that the high school teachers took one whole week, at least one of those years and maybe another year, where we incorporated it into our curriculum. I believe we voted or discussed it in a teacher meeting whether we should do it over a period of time or whether we should just take a complete week out and really devote it to that, and I guess the final decision was to just take one week out. My personal thoughts on it are, one week intensified is not enough. And why more teachers aren't over here, I don't think we even knew about it, and we have to stay in the building until 3:30 and I know I asked the principal for permission as soon as I did hear about it from one of our community members to get out early. And I know another teacher asked me "would you please go over and tell me what it's about because we can't all just get out early." I had a conference period so I had free time. So I think we are interested. We need to be more so.

Senator
DeVries:

What kind of problems do you see in your classroom that are caused by alcohol use?

Forbes:

I have elementary students now and I don't really care to comment on that question.

Senator
Fischer:

But you see problems?

Forbes: Yes. Sometimes.

Senator
Fischer: Who could we talk to to find out more?

Forbes: Whoever wants to volunteer.

Ginnis: I just wanted to say that Tanana Chiefs also do presentations out to the villages, in the schools. Behavioral Health Program, and also through the Health Education Program we have.

Rep.
Binkley: Thank you Shelly. Marda Solomon?

Marda
Solomon Sr: I don't know how you got my name. That's Junior. But I will testify. My name is Marda Solomon. First of all I would like to point out to you that I don't see any drinkers here in the room. I don't think anyone here drinks right now. I'm probably the only one. So how can you have a meeting like this and have the negative aspect of it?

Rep.
Binkley: We just got as much information out to the community as we could, whoever wanted to show up and are interested.

M. Solomon: Perhaps this meeting wouldn't even occur if the first petition was circulated around which caused the voting was circulated the way it should have been circulated. Because I didn't see it. I have no idea when the petition was circulated. I didn't see it. All of a sudden I heard that we are going to vote on whether to close the liquor store or to keep it open. So I came down here and I voted. And the ballot was so stated that if you are going to vote yes you meant no. So therefore although I voted, I always wondered if I voted one way meaning to vote differently.

Rep.
Binkley: You vote yes that means no alcohol?

M. Solomon: Right. No, I don't think that. I think it was yes that we keep it open, no, yes that we close it. It was so worded.

Rep.
Binkley: We've heard that other places, that the question on the ballot is confusing.

M. Solomon: And our ? mentioned twice that one village is making that local option work. And I don't know if they're

trying to let you hear what you want to hear. Because I've heard otherwise. I've heard that it's been a problem in that village. And I know a woman that's going back to Chalkyitsik, she's waiting for money to buy liquor to carry back to the village. When the liquor store was closed, once a month you have people that get a pension check. Since they can't get booze here they go out to Fairbanks. There were two elderly women that chartered a plane from here to Circle to get a load of booze. And they don't get that much money. But since they charter a plane they get more booze than they would if the liquor store was open. If the liquor store was open they would go down and get a bottle, perhaps get another one tomorrow, get another one tomorrow, but as it is they get a load, a load of booze, and they bring it back and that load of booze will probably last a little more than one bottle would. Not one person can drink that much. I've also heard of a person that got a fire check, he couldn't find a bottle here and his check was twenty-four hundred dollars, something like that, so he took it over to Fairbanks. His parents had to pay his way coming back. So I feel no solution of keeping the liquor store closed. The only solution there is, we have drinking problems here in Fort Yukon just as well as any place else. Probably in your location, probably in your city, wherever you're at, it's always been a problem. United States government tried prohibition. They couldn't make it work. The only ones that we have hope for are those that are going to school now. Those that haven't started drinking yet. If we can educate those younger people then we may do what we need to do. If you stop having or failed in importation of liquor, in not keeping any at home, there are some of us who are going to be buying bottled? There are substitutes that we can revert back. And that's all I can say. We do have a problem. I can't see how you're going to keep liquor out of Fort Yukon. You have a village ninety some odd miles upstream that you can reach with a sno-go or a motorboat. Are you going to stop each sno-go that's coming into the village, each motorboat that's coming into the village? There's no way you can do it.

Rep.

Hurley: What village is that?

M. Solomon: Circle.

Rep.

Binkley: Any other question? Marda, thanks a lot. Glad we had a chance to talk to you even though you didn't

sign up.

Titus

Peter:

I think one thing, Circle is importing a lot of booze. I know one person that blew four hundred dollars to charter a flight to Circle. Then he got up there he found out that he only had enough to travel. So he came back with one bottle. If the liquor store were open here he would have bought probably a case and could have been drunk much longer.

Rep.

Binkley:

Is there anybody else who wants to testify?

Bessie

Biederman:

I will. My name is Bessie Biederman.

Rep.

Binkley:

There's some Biedermans up in Eagle I know.

Biederman:

I used to stay there. I work for the elderly program here in Fort Yukon. I was born and raised here. I'd just like to say one thing. Every time there's a meeting they're always talking about liquor, in the villages and towns. As far as I know liquor ain't the only problem. Too much liquor and dope like they call it. Grass, speed, the people get all of it, goes to their head. So I don't think it's liquor mostly. I see a lot of people, I don't say I don't drink on the weekend, but people got to learn how to control their drinking. That's their main problem. That's what they have the alcoholism program for, is to talk to people, to learn how to control their drinking. They have to have the willpower to do it. Nobody can help them. When I used to stay in Fairbanks one time I volunteered to be a counselor, an alcohol counselor. And I helped probably somebody you know, I used to ? ?, from Eagle. He had a drinking problem. And I went to Juneau one time, he called me up, said he got on a drunk after I left. So I told him I'd talk to him when I got back. So when I got back he was on drunk. Took me a while to sober him up, put him in detox. And one day I found him in a bar drinking. He said "How do you drink and just walk off, leave it?" I told him I knew that nobody can help you but yourself. I said I can, I'm your counselor, but you've got to have the willpower to do it. And he was working at Tanana Chiefs. I told him someday I said, you go to a bar, have a beer, tell yourself you're going to leave it. So he said he'd try that. And it worked. He was so happy. Because I told him nobody can help you. I don't care how many programs they go to, they've got to

have their own willpower, to control their drinking. And that's the problem with the people here or anywhere else. People, when they go, if they have alcoholism program here, they have movies and tell them, they think somebody's going to help them right there if they go to the clinic. Sure they help, but the person that's got to control their, you know, have the willpower, control their own drinking. I tell a lot of people that, even my own daughter, my son. They've got to have the willpower, I can not, nobody can do it.

Rep.

Binkley: No magic, right?

Biederman: Right. So you know, there's drinking everywhere. I drink. I drink on weekends when I'm not working. But then ?(unintelligible). But really it's the people got to have their own willpower to beat this thing. So that's what I want to say.

Senator

Fischer: So we have to teach people how to drink rather than...

Biederman: Well, they've got to learn how to control their, run their own willpower, is what I'm trying to say. And on top of that, like I said, liquor ain't the only problem, it's when they smoke and start taking all that other junk. I know a lot of it's here in town. And that really goes to their head.

Rep.

Binkley: Do you think we ought to let villages try and control the alcohol within their own villages?

Biederman: I don't think that would work. I see it here. When we tried about two years ago, and after they closed the liquor store, people were going over to Fairbanks or every check they made, then two weeks back, they'd find it, they can not stop it. It's better I think if they just have it open and people know it's there and they wouldn't crave for it, go look for it. They know it's there and they know at any time they want a drink they can just go down and buy one, instead of making charter planes and go into Fairbanks and all that.

Otto: What do you do for the elderly program?

Biederman: I'm new at it. I'm trying my best. I'm still learning myself. I take them to lunch in the daytime, up at the lodge, then I answer the phone and they need rides we have a bus I call on the C.B. and

take them to church, like I took them to the Native Festival in Fairbanks, and we're having a big meeting next year.

Otto: So you kind of help coordinate the logistical problems for the elderly as opposed to doing counseling.

Bieiderman: No, I don't do the counseling.

Otto: Okay, thank you.

Rep.

Binkley: Okay, Bessie, thanks a lot. Good to meet you.

Rep.

Hurley: I have a question. I don't know who could answer this but I forgot to ask it, about young people, problems with young people under legal age drinking. Is that a problem here?

?Audience: There are quite a few young people drinking. I guess they are a lot of times getting booze ??.

Rep.

Hurley: Is it different now when the store is closed than when it was open?

?Audience: I think it is.

Rep.

Hurley: There's more drinking or less?

?Audience: There had been more before. There's not quite so much now. There are other things than alcohol. The question was asked, does ?? make much difference than ???. It seems to me that liquor is very little different. They do both have problems. Arctic Village doesn't have much alcohol problems, but they do have drugs. The kids seem to, somehow, seem to quieted down a lot, not so rambunctious, and ??

Sharon

Smyth: I guess I have a question more than anything. I'm Sharon Smyth and I'm the magistrate here, I've been magistrate for about six and a half years, and my question is, a person who is working, they have children and they have insurance that covers different things, maybe it's a good insurance that covers some type long-term counseling or something where a child could be sent to one of these rehabilitation centers for maybe six months or so, whatever it takes. If it takes thirty days or six months, whatever it takes, the insurance would cover

it, you know, for something that's worked in the past. But what about the people that don't have this type of insurance, what can they do? Can they get any kind of long-term, the State doesn't seem to get involved?

Reo.

Binkley: I think the State does have treatment programs. Maybe not in Fort Yukon itself, probably in Fairbanks.

Sharon

Smyth: Well, they say you have to send them to the nearest hospital. The magistrate can't do much. The magistrate can, well, relatives, close friends can have someone come in on an emergency basis, temporary, forty-eight hours, maybe five days. The doctor examines them.

Rep.

Binkley: Just to a detox facility rather than rehabilitation?

Smyth: Yes.

Rep.

Binkley: Jonathon? Have a seat.

Otto: Can I ask the magistrate a question first please. I'm just interested if during the time the importation law was in effect, the ban on importation, did you have any charges filed at all under that law.

Smyth: Yes.

Otto: How many, do you know?

Smyth: We've had five bootlegging charges and four importation charges.

Otto: Were all of those cases prosecuted or were they dismissed.

Smyth: They were all dismissed except one that's pending.

Otto: They were all dismissed by the Fairbanks D.A.'s office?

Smyth: Yes.

Otto: Do you know the reason?

Smyth: I guess you would have to ask him, although the reason that was put on the dismissals was that rule 43.A, the interest of justice.

Otto: And the one that's pending, when's the calendar call on the case that's pending?

Smyth: I believe it's March.

Otto: Do you expect that case to also be dismissed when it comes up for calendar call.

Smyth: I don't know.

Rep.

Binkley: Sharon, thank you. Jonathon.

J. Solomon: I'd like to speak now as an individual. I joined the sober people in August. It seems to me that everybody testifying, I know for a fact, from experience, like the girl that just testified before me, you can't join any court, that practiced controlled drinking. I tried that a lot. I find that don't work. That's why I joined the sober people in August. You talked about Arctic Village versus Birch Creek. In Venetie those people they own their land pretty ???. It's just like you owning a lot, me owning a lot in Fort Yukon. I invite you into my yard and the only way you will come in is you will be sober. You can control your own lot, you can control your own home. And this is the way it's controlled in Arctic Village and Venetie. They can demand that they search your luggage. If you don't want them to search your luggage you leave on the same plane, which you can't do in Birch Creek or Fort Yukon or anywhere else. And they're always using this example. And it's wrong. I support what my counselor said. That there is less drinking because they can't afford it. They be sober that way, I don't know. Legally, ?, questioning the ballot. it is no business how ~~the~~ ballot is worded or how it is worded only in Fort Yukon. So not bearing on this, why it was worded, or how it was worded. Or who gets the liquor license.

Rep.

Binkley: The only thing we might want to do is if we could preclude confusion on the future, if we could maybe rewrite it so it is clearer for everybody to understand in the future.

J. Solomon: The legal question always comes up, how come the city's going to get the license and all that stuff. My question is if it wasn't on the ballot. The only question on the ballot was if there should be importation of liquor or not.

Rep.

Binkley: I agree Jonathon (end of tape).

J. Solomon: The one that took place in August was a rescinding vote. Since you're a legal aid, now you decide. People repent of their action that took place in December.

Rep.

Binkley: Jonathon, you're absolutely right, this committee had nothing to do with that. We're just curious more than anything else I think, and that's the reason we were asking about it.

J. Solomon: I think this committee, if it was true, put teeth into the law, and put in their a clause, personal possession of liquor should be or not be a law, where the importation is voted on. And this committee should advise the State, make a recommendation to the State, that when the village becomes an option law village, it does everything in its power to educate that village of what they were about, and how they should run their program. They should be funded by the State. The State, ever since this option law has become law, has cut our alcoholism program in half. Every year they're cutting it. The city of Fort Yukon put fifteen thousand dollars so that alcohol program in this city serving the surrounding village can operate. Every year it puts in fifteen thousand to help Upper Yukon Development Health Service. It's not up to the city to do, it's up to the State, because that's their laws. Until we do come up with it, Fort Yukon sits here. The north riverbank of this city is the city limits. You go out there in the middle of the Yukon and you can have all the booze you want. You say this that possession of alcohol is illegal within the city limits. You can sit right across the river.

Rep.

Binkley: I think it's written out, a five mile radius from the post office. Do you think that's something that ought to be changed Jonathon?

J. Solomon: I think the option law should also define the area. Even if it's not the city area, if it's an area that can be controlled.

Rep.

Binkley: Any suggestions as to how big it should be?

J. Solomon: It should be looked at. That should come through your area. You should ask these questions. How big an area should it be? ? we have planes lining down

here that serve booze.

Rep.

Binkley: Float planes or ski planes, sand bars or something?

J. Solomon: No, the planes.

Rep.

Hurley: The commercial planes are allowed to serve liquor?

J. Solomon: Commercial planes are allowed to serve liquor, and the airplane that lands here is in city limits.

Rep.

Binkley: Kind of ironic isn't it?

Rep.

Hurley: But the five mile radius is just set by the Alcohol Beverage Control isn't it? Is it in the local option?

J. Solomon: Yes. That's the problem. River is seven miles wide. They can have booze all around. It's only one minute right by snow machine, two minutes by boat.

Rep.

Binkley: Any more questions? Jonathon, thanks for both your questions. If there's no further testimony we'll go ahead and close the public hearing here in Fort Yukon. Thank you very much. We really appreciate everybody coming out and testifying. Merry Christmas too.