

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1398 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86



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KOTZEBUE

JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS

December 12, 1985

Present: Rep. John Binkley, chairman
Rep. Katie Hurley
Mark Earnest, ~~an~~ aide to Sen. Sachett
Laurie Otto: Legal Counsel

Rep.
Binkley: I call this local option committee to order.
We're in Kotzebue, the date is Dec. 12, 1985, at
1:55 p.m. I understand we have the Kotzebue
police chief with us here to day. Would you like
to come up here and join us?

Rep.
Hurley: Have you been putting on the record who's all
here?

Rep.
Binkley: (Introducing of committee members.)

Don
Buehler: How do you do? My name is Don Buehler. I'm the
police chief in Kotzebue.

Rep.
Binkley: Pleased to meet you Don.

Buehler: Thank you.

Laurie
Otto: I think you understand based on our conversation
the gist of what the committee's interested in
and maybe you could start in a regular fashion
and then the committee can then ask you questions
if they need anything further.

Buehler: I understand you're holding hearings trying to
develop ways to combat the alcohol problem. Not
only in the villages, but all over Alaska. I
understand I'm here to help answer questions the
best that I can.

Rep.
Binkley: Maybe we could get some kind of perspective on
Kotzebue itself Don about the situation is here.

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I understand that there's know regulations on the importation or the sale of alcohol.

Buehler: Right. I believe we would be referred to as a wet community.

Rep.

Binkley: Has Kotzebue always been wet?

Buehler: No it was dry back in the early 1970's to the extent that alcohol could be imported personally, but there was ~~know~~ liquor store. Then they went to a city liquor store. Approximately 1972-1973 it went to a private enterprise.

Rep

Binkley: I see. Maybe you could give us some perspective Don, as far as the law enforcement side. What some of the problems that you see with alcohol consumption here in Kotzebue and alcohol abuse. Some of the crimes that are committed here and if they are related to alcohol or are they non-alcohol related.

Buehler: You have a two part answer. If you want to say what percentage of your crimes are definitely alcohol related because the people so influenced by what they have to drink. You're talking at least 45%, but when you say has somebody involved in the situation been drinking then the number escalates up into 85-90%. For me to say that spread in there people have lost all judgement things like that that would not be fair.

Rep.

Binkley: I see, but 85% there's alcohol somehow involved in what ever the crime is.

Buehler: Somebody either victim, suspect has been drinking. Whether it's one drink or totally drunk there's degrees.

Rep.

Binkley: What has been the impact Don, of the... How long have you been the police chief or have been in the police department?

Buehler: I've finished eight years. I'm starting my ninth year.

Rep.

Binkley: So as you know in 1980 the legislature enacted the local option law which allowed the villages then to start to ban the importation and sale of

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alcohol with in those communities.

Buehler: Yes. I know that.

Rep.

Binkley: Did you see any effects on Kotzebue as that started to take place in the early 80's?

Buehler: There seemed to be a smaller increase in the number of people that made Kotzebue their recreation center. I think the larger the community and the closer it is to main stream transportation people of Kotzebue get on a plane and go to Anchorage. People in the villages get on a plane and come to Kotzebue. We've become their trade center which we are for the whole region. For a while it did increase, but it seems to have leveled out. We have the same numbers approximately as the villages go from dry to wet and back and forth. The number seems to remain the same.

Rep.

Binkley: Do you have any numbers as far as the alcohol related crimes? The people that are involved in those crimes and where they're from. Whether they're from the surrounding communities or from Kotzebue itself.

Buehler: Not as to the crimes themselves, but just from first hand knowledge I would say most of our crimes that people are arrested for in Kotzebue, the people live in Kotzebue and are arrested for crimes with in Kotzebue. There is a small percentage where they are visiting here and do get into problems. The numbers change when you get into protective custody. Then you're getting a first sampling of villagers visiting Kotzebue.

Rep.

Binkley: Do you have any statistics of the number of protective custody intakes that you have?

Buehler: Like I explained to Mrs. Otto. I didn't know what questions that were going to be asked so I had ~~no~~ way of researching and I'm going by memory, but approximately 360 last year.

Rep.

Binkley: Do you have an idea the percentage of those that came from outside the Kotzebue areas?

Buehler: We did a survey 2 years in a row because we shortened the bar hours. Actually it covered

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almost three years because we did a year before the year they shortened the bar hours and a year later. It was approximately 40% people from outside of Kotzebue. Then the year they shortened the hours and the villages went dry and that year the number increased, but not more than a few percentage points. I think about 6, which came to 52%. Then it went back down again.

Laurie

Otto: When did it go back down?

Buehler: We did a survey the following year and it was back down.

Laurie

Otto: Did anything change?

Buehler: No. We still had about the same number in percentages of people going through the jail, but where they were from changed a little bit.

Rep.

Binkley: Laurie, do you have any questions?

Laurie

Otto: I do. Do you also get involved dealing with children whose parents have been drinking where they need to be taken into emergency custody? Do you assist D.F.Y.S. in that?

Buehler: Yes, madam.

Laurie

Otto: About, and again on average how many of those cases do you get a year or month if that would be easier?

Buehler: I would have to say our juvenile problems are approximately 15% of our total work load. Those that would go to Health and Social Services would probably be quite low because we do have full time employees here working on that and you can go to them directly without going to the police department. So we wouldn't be aware of all of the numbers, but I would say probably 40% of our juvenile, unless you want to give me an age from either we're talking up to or down to juvenile to adult.

Laurie

Otto: Let's say up to 10 and then 10 to 18 years old.

Buehler: Ok, very few in the under ten group a significant

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portion are in the ten to eighteen. Of course now eighteens and above are treated as adults and subject to arrest.

Laurie

Otto: These are delinquency problems?

Buehler: In some form or another. Quite often dependency, not delinquency. The child hasn't done anything wrong there's ~~no~~ place to put the child.

Laurie

Otto: These are also situations where the children are being neglected?

Buehler: To an extent yes.

Laurie

Otto: How many of those instances are the parents abusing alcohol, do you know?

Buehler: I would say that is the major reason that we get into it is because there's abusive alcohol or drugs brings the parents to our attention and there's know one to care for the children.

Laurie

Otto: What happens to those kids? Do they get put in foster homes?

Buehler: We have a foster home system and D.H. is available almost 24 hours a day. We have them on a pager system where we can tone them from the police department and get help anytime in the day or night, someone is on call.

Laurie

Otto: Since you've been involved in law enforcement in this community for quite some time have you noticed a pattern of children who you've had to care for in the context of either being neglected or getting into problems because their parents are abusing alcohol. Do you see those same children becoming adult offenders?

Buehler: There's some, but I don't know that there's a particular pattern. I think going back just my full eight years would put some of them down ten or eleven years old. It takes a long time to get a good statistic. You good grab one out of there that would be totally inaccurate, but that is the statistic, but it really wouldn't be a long term statistic. No, I don't readily see a lot of them going forward to become adult problems.

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Laurie

Otto: It happens, but it's not a pattern.

Buehler: It happens I just say it's not it great big quantities.

Laurie

Otto: Right. I know that Kotzebue has both a alcohol advisory board and a commission on homicide and violence.

Buehler: Yes.

Laurie

Otto: I understand that at least in the case of the commission on homicide and violent ~~thefts~~ *it has* been created in response to some specific problems that this area or this community has had a large number of homicides. Not necessarily alcohol related ones. Are you familiar with what those both two intitities are about?

Buehler: Yes.

Laurie

Otto: In your discussions with them have you or they come to any conclusions or reached a point where you feel there's specific things that could be done to curve the problem? Conclusion or cause or things that could be done to curve a problem?

Buehler: I don't think they've come up with definite suggestions yet. They're still looking at the problem very very closely. Besides them we have the Manilaq who has their counseling staff, the hospital with their counseling staff, there's more than just those two groups involved. I think we've discovered or at least the emergency services: police, fire; that quick response was a life saving measure. When somebody is threatening suicide it's not something to be ignored or waited on. It's given it's proper important perspective and it's handled now. We don't wait for the third call. I think that lowered some of the suicide problems. Their coming back up again. It's not totally inaccurate to say that you make a gain and then that gain seems to get over ran somewhere along the line and then you've got to come up with new ideas and I think that's what these commissions are working on now. Is some new ideas. Everybody in the country I think has worked the traditional ideas and a lot of them are not working. So now we're looking for new approaches

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anywhere, anything. Now I've lost track of the point of the last question.

Laurie

Otto:

The point was have you reached any conclusions? I think you answered that as, NO. The second one is have they reached a point where they are ready to make recommendations and I understand the answer to that is NO as well. In the villages that we've gone to in Northwest Alaska a number of them have mentioned problems with alcohol related suicides and attempted suicides. It seems more in this area than some of the other areas that we've gone to. Is that a problem in Kotzebue as well?

Buehler:

Yes. I don't know of very many suicides that weren't alcohol related. There are some specific examples of some that were not. It would be very safe to say that most suicides are alcohol or drug related.

Laurie

Otto:

Is that something that's being addressed by the two commissions, the commission and the advisory board?

Buehler:

Yes.

Laurie

Otto:

Do you get involved in domestic violence situations very frequently I suspect if you're like the rest of the country.

Buehler:

You mean domestic fights?

Laurie

Otto:

Domestic fights, assaults in the home.

Buehler:

Yes.

Laurie

Otto:

Do those tend to be alcohol related more frequently than other kinds of crime?

Buehler:

I wouldn't say more frequently. They're right up there with the rest of them. What ever the percentages are they seem to hold fairly true through out the whole spectrum.

Laurie

Otto:

As a law enforcement professional, what is your opinion of an approach with dealing with alcohol problems that hinges on prohibiting alcohol in

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particular areas?

Buehler: I'm an old man. I know the prohibition age and when you start legislating morality and virtue there's a lot of things work and a lot of things don't work. We have a heck of a problem from a law enforcement stand point in forcing prohibition. You make a community dry and almost with out a period of time that's reasonable elapsing they can vote again and they're wet. People here in town are trying to keep track of that. They're not going to sell the people that they know where that liquors going to go. It makes it real hard. The availability the enforcement is importing inside the city limits, outside the city limits, is it immune? It's state land, does the city ordinance hold true on state property? Are our search warrants from a city any good on the state airport? We have always tried to take kind of a positive...

(Conclusion of Selawik part 3 - Kotzebue part 1, Side A)

(Resuming on Side B of Kotzebue part 2)

...and we're not disappointed in some of the results. Like a lot of things the police department has to do if the people tell you NO, go get lost, you're dead. You walk up and say you know if you take that to the village you're in trouble and quite often it doesn't go to the villa . If you take a positive attitude about it it works. We've worked a lot of cases with the troopers. We're also getting a lot of cooperation from the bars and liquor stores.

Laurie

Otto:

How about the airlines?

Buehler:

I would say up to a short period of time like a year ago one doing a better job than the other, but just here at a meeting of the alcohol advisory board yesterday and a week ago they were complimenting and sending letters of accomodations for the good work they have been doing. Very good work. How many more ideas can come out? I don't know I guess you've just got to try anything that is reasonable and you know the supreme court isn't going to knock down the minute it's tested. That's just cost everybody money. We get tied up in the courts and the

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court system can't afford. The district attorney can't afford it. As long as it has got some good basis and it's worth a shot, give it a shot.

Laurie

Otto:

If you could do anything. Pass any law or take any approach what would you do?

Buehler:

Suspend civil rights. I can almost stop crime, but I don't think the people would go for it and they'd run me out of town. They would use a rail.

Laurie

Otto:

Short of suspending civil rights and you don't look like the kind of guy who would want to do that anyway.

Buehler:

Everybody including the residents of the community have got to get fairly uniform on what they consider serious. When a judge sits it's easy to throw rocks at the court and you can bet a policeman does, but when he by following guidelines established has trouble putting a person in jail for a long period of time for manslaughter or rape or child molestation and the most he can give that person is a year and you've got an importer that maybe has been caught twice in his mind he's having a heck of a time equating an importer and a child molester, but yet in all reasonable the importer is probably creating more of a problem. He's not about to give that importer two years when a person with molest charge is only getting a year. You go through the community and through the region and it's part of law enforcement and it's part of everyday life the little crimes touch everybody. When somebody gets murdered it's big news, but it affects very few people. Everybody can relate to getting three-wheeler stolen, getting smacked in the face by a drunk, but the closeness of a rape victim to the rest of the community is not there. So there attaches of different form of importance and everybody forms their own difference. It's hard for it to meet. You're asking an importation and problems with liquor in the home, you take the child and you have to take the people to court and the child becomes your witness. You're trying to put the family unit back together, but you're using the family unit to testify against the family unit. You're doing the same thing with the alcohol. Now I'm not saying it's bad, as a police officer that's my job. There's a lot of people that has trouble with that. Their not going to put their nieces

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and nephews, brothers, uncles, cousins what ever you name, it's one branch of the family having to testify against the other branch of the family. It's very hard. The smaller the community the harder it gets. Does that explanation make any sense?

Laurie

Otto: Oh, absolutely.

Buehler: Ok. The smaller the village the worst it gets. Even if you're absolutely right, somebody with in the family unit is going to disagree and say there goes the only working person in the family maybe. They just don't attach the same importance to it.

Rep.

Binkley: Any other questions? Don thank you very much, appreciate it.

Buehler: You're very welcome.

Rep.

Binkley: Let's see who else do we have here today? Great Leslie come on up here. Maybe you could give us your name again just for the record to make sure we've got it on there. (Introduction of the committee members again.) Now did Laurie get in touch with you and kind of explain to you what...?

Laurie

Otto: No.

Leslie

Hiebert: No.

Rep.

Binkley: Basically we're out talking about the local option laws, just to give you a little bit of back ground here and there's been a proposal by some of the villages in our area. Sen. Sachett and my own area about adding an additional option to the now existing local options one which would be allowing for the ban of possession both commercial alcohol and home brew in those communities. We're taking testimony from villages and communities such as Kotzebue to see how people think that might effect those communities if it would be good or bad. What other ideas might be how to strengthen the local option laws; also, if this law were instituted there needs to be some significant amount of information and background that's involved in the

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decision we make as a legislative body to substantiate what would be legislating and that is to preempt personal rights to privacy so we need to establish a record that shows some of the significant health and safety hazards that alcohol can create in communities. So we're seeking testimonies along those lines.

Hiebert: Ok. That's sort of what I understood this was going to be about. I don't know if I've got anything in particular to...it sounds like you've covered. My problem with it, which is there is a privacy right that's going to be in conflict with trying to set up making possession illegal.

Rep.

Pinkley: Let's talk about that a little bit. I'd be curious from a public defenders stand point that...

Hiebert: Much of what I could say you have already heard from Chief Buehler. Which is the bulk of the crime is alcohol related. People get hurt because of alcohol. I would probably add, I think Chief Buehler's perspective is more that this is like other communities in many ways. I would see that this is a little less like Anchorage where I used to be located because of the close family ties. There's also the use of alcohol just seems to be so open. It's hard to impress upon the clients I talk to obtaining and following the bail conditions of not consuming and that sort of thing and it's difficult for people to follow them. I do think it's different from probably the rest of the world, there's a lot longer winter, more darkness. Harder to have the social activities, a lot of the traditions are breaking down that used to be in existence and that sort of thing and I think that's leading to a lot of problems. So the tension is there even with out the alcohol. I'm not sure how many of these suicides and crimes would be committed with out alcohol also. I think, I'm not sure the correlation is alcohol leads to crime or whether everybody is using alcohol and the crimes tend to be committed under the influence because you're so often under the influence. Do you see the different perspective?

Rep.

Binkley: I see. If there wasn't alcohol there would still be the crimes.

Hiebert: There may still be the crimes from other social

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factors, but I'm not sure of that. Certainly my clients would deny that. I wouldn't ever ~~do~~ ^{have} done that if I was sober.

Rep.

Binkley: Well, what's your personal perspective on the constitutional question that is involved here? Do you think that the communities...?

Hiebert: I think it runs into the privacy right. I think Alaska constitution that's articulated. There is a privacy right ~~an~~ like the federal constitution. Then I think your going to find that it's a up hill battle, but if you can link it strongly to the health hazards then probably you've got a shot. I'm against it. I think it's...especially the possession in the home. There's that drug case, the use of marijuana (the Raven case). I think you're going to have a problem. I would hate to see it also. I think people already having it tough enforcing the minor consuming alcohol cases and those are kids usually picked up sometimes incoherent and then black outs. I mean this isn't just consuming one or two beers, this is consuming a lot. Those kids...I think the community doesn't want to throw those kids in jail and those kids are getting criminal records. I think their community is going to even have a harder problem having mere possession to be an infraction.

Laurie

Otto: Just like, call it possession of marijuana.

Rep.

Binkley: Which would be confiscation and fine.

Hiebert: Well, it would be up to the magistrate's right?

Laurie

Otto: There would be a bail schedule.

Hiebert: Oh, I didn't know that. Do you know when it would be set at?

Rep.

Binkley: What do you think it should be? We're just gathering testimony and getting ideas from people. About \$100.00 we've had suggestions at, and \$200.00 or community service instead of that cash.

Laurie

Otto: Can I say something John? Just as part of the

question. One of the biggest concerns many of the villagers have expressed and one of the reasons the villagers of the Y.K.Delta came to the legislature and asked to have possession added as an option, ban possession. Is the number of cases where they were aware people had alcohol in a dry village, commercial alcohol were aware that they were drinking it. Didn't know who imported it so they really couldn't do anything about it and knew that this is going to lead to massive problems and then watch a murder happen or rape happen or a serious offense happen and say we could of prevented this if we had a mechanism for enforcing. We think the spirit of the local option law is to prevent people from a having alcohol in the villages. So if we had some mechanism where we would be able to confiscate the alcohol and then fine them for violating the spirit of the law, but not give them a criminal record. That we think would help us prevent problems.

Hiebert: I think it is a good theory. Randy Crawford was just saying this morning that the way the troopers handle it sometimes is to, I don't know if you're going to say this to, but. That alcohol is evidence of importation. It didn't get there by itself. Somebody imported it. It's an evidence of a crime of importation and he says that they'll just take it and confiscate it because it's evidence of a crime. Ther. you go ahead and work from there. Now, it's one approach. The villages are small enough to interview people. If you wanted to and you interviewed everybody, everybody is going to tell you; basically people don't lie up here. If you get close enough to someone who knows who brought it in, you'll end up finding out because they'll tell you. So you really could investigate it and do it that way. It takes a lot of time I would think.

Rep.
Binkley: I don't understand what you're saying? Do you agree with the spirit of the importation laws?

Hiebert: I think that half of the village, 51% will vote for banning alcohol. 49% want to drink and import and everything. It's tough on that 49% and they'll...I think you'll have trouble enforcing it just like you do now.

Rep.
Binkley: As far as the constitutional question do you

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think the importation is not a good statue that we now have on the books and should be maybe taken off the books?

Hiebert: I don't know if I'd say to take them off the books. I think the idea of giving the local community the power to decide whether they want alcohol or not is fine. I think the problems I see coming up is you give the enforcement authority to Kotzebue for these villages. What happens is that you make...there's a local election and then if somebody violates the law they go off to Kotzebue to jail or Nome if it's a long enough sentence. So the punishment and the enforcement courts here in Kotzebue, it's not in the village. So, the whole enforcement mechanism has nothing to do with the villages desire. The village doesn't want to get people arrested and go away to jail, for just consuming or possessing.

Rep.,

Binkley: I'm just talking about the conflict between a persons right to privacy and the communities right to say whether or not alcohol falls into that category or not. Whether it be through importation or ban on possession. I mean shouldn't communities have the right to say how they want to control alcohol with in their community?

Hiebert: Well, I don't know how to answer that except to say that the right with out the enforcement ability. See I'm not going to say people have a right to do something with out knowing how that right is enforced; because if the right is enforced in an improper way then it's an illusory right or else it's a right that shouldn't be granted or shouldn't be had. So I don't know how to answer that question.

Rep.

Binkley: Considering the enforcement was all with in the ~~bounds~~ of the law?
sound

Hiebert: With in the ~~bounds~~ *bound* of the village?

Rep.

Binkley: Yes.

Hiebert: I think they can do that now. I think the I.R.A.'s could pass no possession laws.

Laurie

Otto: Not home brew though. They can't regulate home

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brew under the federal current law. They have know authority to do that.

Hiebert: What is that?

Laurie

Otto: Because there's an exemption in federal law 200 gallons of home brew per household.

Hiebert: Seems like...that's pretty odd I've never heard of that.

Laurie

Otto: So there's ~~know~~ really effective way either in the state, federal or tribal law to legally regulate home brew right now.

Hiebert: Well, then I don't think...then what's the initiative to regulate it? What's the goal to be achieved here by regulating it?

Laurie

Otto: The villages would say... I mean there is ~~no~~ legislation right now. There is no proposal right now. What the villages say that they want to be able to ban home brew is their purpose in passing the local option law in which they were given the right to do by the legislature was to ban alcohol in the village. If you just substitute people are drinking home brew for people drinking store bought liquor because it causes the same problems and it really is against the spirit of the local option law which was to prevent alcohol from being in the villages.

Hiebert: But if there's a federal law saying they can have home brew I don't see how that's...?

Laurie

Otto: It's not covered under federal law. It could be under state law. I mean, do you think that's a reasonable thing to let them do?

Hiebert: If there's a...I think it's a democracy. You can vote that. You can vote pretty much anything I think. Like Buehler was saying to ban civil rights. I mean you just can't do that. Even if you want to and even more than half the country would want to.

Laurie

Otto: I don't think if they really thought about it they wouldn't want to.

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Hiebert: I hope not. I don't know I don't think that...all I can tell you is I get cases out of dry villages just like I get them out of wet villages. In fact more out of the dry villages, because I get the importation cases. I don't always get a crime associated with importation of alcohol. I often get kids that just have got minor consuming alcohol on their criminal records. Eight cases of that unassociated with other crimes that have never tried to commit suicide and never hurt anybody else and those people are getting picked up and those are the ones the community is most concerned about.

Laurie
Otto:

Ok. Let me ask you this. If there were a provision in the law where communities could ban possession. City ordinances, civil offense no criminal record. Do you think that would be used more often than some of the other ways of dealing with the problems where people would end up going to jail?

Hiebert: No, because the village police officers a lot of them are associated with the troopers. Their way of acting is to arrest somebody. They never cite anybody for anything. They always arrest somebody. So the whole way of handling cases is that they come down to Kotzebue. That may not be totally true because I may not know how many times they arrest somebody with out having to come to Kotzebue, but I never see a summons complaint. Let's put it that way.

Laurie
Otto:

You wouldn't be involved in these cases.

Hiebert: I know what you are saying. You're saying...what I'm trying to say is that I think the enforcement set up there is to treat...if they see you consuming, if they see importation they're going to get them for that. Then they're going to add the city citation, ok. The city will tack on a new city ordinance, a city citation on top of the crimes that are already charged. I think those are the people that are caught. Those are why cops are called. I don't think people will call because...

Laurie
Otto:

Ok. I understand what you mean.

Rep.
Binkley:

Ok. Leslie thanks a lot. The trooper?

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Randy

Crawford:

I'm Randy Crawford. I'm a corporal with the troopers stationed here in Kotzebue. I think the story Laurie is referring to is my first experience in bush Alaska. I was assigned to a one man post in Holy Cross in late 1979. While my housing was not quite done I was sent to Aniak to work with the trooper there. Had a warrant for a burglary suspect in the village of Sleetmute. We went to Sleetmute. It was the fall time, that drizzly almost freeze up time, real muddy. We started looking for people in this town and the town seemed to be fairly vacant. There's a lot of traffic between Sleetmute, Stony River and Red Devil so less folks travel. As we started to go to some houses knocking on doors looking for folks there, everybody I encountered was intoxicated. Before we were done we walked down the street and picked kids (I'm talking about 8 yr. olds on up to high school) literally picked them up threw them in the nearest door where there was a fire burning in the house, where it was warm inside. I didn't find one adult except for the Health aid, 3 school teachers, and the Grammar school kids that they were baby sitting the school. This was late in the afternoon, after school should have been out, that was sober in that whole community at that point. We did find our burglary suspect later also. That was my first exposure to really severe alcohol importation in the community. That's the worst I've ever seen also. It happened to be my first time.

Rep.

Binkley:

That's a community that had banned importation?

Crawford:

That was before the importation.

Rep.

Binkley:

Prior to the local option laws?

Laurie

Otto:

How many people did you end up arresting?

Crawford:

We filled up the 207 we were in. A couple of them were assaults. We took in one juvenile that had been in serious problems and been in the Bethel Youth Facility several times. Steve Widmer who was the juvenile officer at the time we talked to him and he wanted that juvenile specifically brought in. The most of the crimes were simply assaults and criminal trespass in our

committed

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present~~ed~~ while we were there working on this burglary.

Laurie

Otto: Have you worked in rural law enforcement?

Crawford: Ever since 1979. I was stationed at Holy Cross, from there I went to Fairbanks where I coordinated the village public safety officer program for that detachment. So, I worked out of Eagle, Fort Yukon, and Galena and then Kotzebue 2 1/2 yrs. ago.

Laurie

Otto: What's the range of crimes that you deal with?

Crawford: Everything from minor consuming to homicides.

Laurie

Otto: How much of the crime that you deal with is alcohol related?

Crawford: Easily 95%.

Laurie

Otto: How much of the violent crimes are alcohol related?

Crawford: 1 or 2 cases has not been since I've been out here especially.

Laurie

Otto: Did you notice any difference since you've been involved with rural law enforcement both before and after the local option law was passed by the legislature. Did you notice any difference?

Crawford: I think there's much less violence that are dry, generally speaking. There are exceptions Kiana happens to be an exception. There's very little problem in Kiana wet or dry. Selawik on the other hand was dry some week and we had more assaults in a week than we'd had in a month in Selawik and they voted right back the other way.

Laurie

Otto: They were wet a week or dry a week?

Crawford: Wet a week. They had been dry for some time and they were wet and things just absolutely went crazy including the trooper involved shooting out there, in that period of time.

Laurie

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Otto: I'm not familiar with that.

Crawford: There was a gun call and it resulted in someone being shot. It was all alcohol related.

Laurie

Otto: Do you notice any problem with people who live in dry villages coming to Nome and then being hurt, injured, lost? Excuse me I mean Kotzebue and then being hurt, injured, lost, or killed going back to their village?

Crawford: Yes. We haven't had many injuries. I know there have been a couple, but I can't recall what they are. We have a lot of search and rescues for people who are drinking. On either end I think there is an equal amount of folks drinking out there that decide to come to Kotzebue and get more alcohol. As folks come in here and load up the sled and head home. The majority of those are break downs. A lot of the times the break downs are because their some place they shouldn't have been with the snow machine or they've taken the wrong trail and run out of gas then some other thing that I don't think they may have done they were sober. Because the drinking doesn't start when they get home it starts generally here or on the trail. A matter of fact our search and rescue has been charging people when we can make an importation case or a D.W.I. They're bringing the bottles back and talking to the people on the trail when they find them so we can make those cases.

Laurie

Otto: Have you found the people from Selawik yet?

Crawford: No, we have a search going on right now.

Laurie

Otto: For two people from Selawik?

Crawford: That was a drinking thing. They were drinking out there and headed into town.

Laurie

Otto: What do you think of the proposal that has been made by some places to add an option which would let villages ban possession of alcohol including home brew?

Crawford: I don't have any problem with an easier way of taking the alcohol away when it's seen. Besides the V.P.S.O.'s the rest of the village officers

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are generally untrained and they're going to be the ones that encounter the alcohol the most, second they don't have the training to know when or when they can not seize the alcohol and work the importation from the seizure, back to the seizure. So I think it would be a benefit to that extent. I certainly wouldn't want to see possession wind up as any kind of a criminal violation that would clog the courts.

Laurie

Otto: Or give people criminal records when all their doing is possessing alcohol.

Crawford: I think the intent, the complaints that I hear are mostly someone had alcohol and we know they had it and we know they brought it here. How come you haven't done anything or how come you can't do anything? The town is dry. That's what they generally say. I don't agree with Leslie that we're going to charge the other charges in addition to, were certainly going to continue to try and make the importation case, yes, but I don't know how this would be a less problem or where this would be a lesser included some where. A D.W.I. and main driving and everything else would be...

Laurie

Otto: Do you think it would be that kind of law that would help you stop more serious crimes from happening or is that just a hypothesis?

Crawford: I think in many occasions it would. Especially, the village officers many time respond as many as 2 or 3 times to the same residents and doesn't do anything except break up the fight or look at the fight that has already happened and everybody is calm. They say and don't do it again and they leave. If you respond the first time and took the booze away that's not going to stop the booze where the people are being quiet and minding their own business. As soon as the disturbance starts and somebody does complaining he has reason to go there. If he were to take it at that point. That's the ones were talking about. Some reason to be called to that residence.

Rep.

Binkley: Randy thank you very much, you've been a big help. I guess were scheduled to go back. Maybe we could leave Mark here with the equipment and continue to take testimony and we'll just catch that flight back since everybody here seems to

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have testified and we've got that information.

(The tape Kotzebue side B, part 2 ends here.)

(The tape Kotzebue side A, part 3 resumes with Mark taping the testimonies of the people in Kotzebue. Note: The names for the rest of the testimony is not identified clearly all the way through the rest of this hearing.)

Mark

Earnest:

Ok here we go. This is the committee of local option law. It is 2:50 p.m., Dec. 12, 1985. With me is Randy Crawford. Would you state your name for the record and continue.

Randy

Crawford:

I'm a corporal with the Alaska State Troopers in Kotzebue. The comment that Leslie Hiebert made that lots of importation cases are made and ~~now~~ other crimes are attached I would have to agree with that, but that should be qualified I think that it's quite often the importers not the perpetrator of other crimes. It's after the alcohol has been distributed in the village that are the crimes are occurring. Plus many times there are other crimes that are committed and people are charged with, but it's not possible to make the importation case. So, you may have almost the cart before the horse there. So you don't have the importation arrest that you still, you have the other crimes committed and can't make the importation and even when it's not the importer that commits those crimes sometimes it's hard to go back and trace the actual importation. I just wanted to qualify I think, the comments may have been misleading.

Mark

Earnest:

Ok thank you very much. How many places have you folks been around here? Because of your experience in dealing with communities that are or have banned importation and sale of alcohol for instance other communities, I would like to try and get I think some feel for how effective or ineffective the communities that have voted to do that. How ~~effective~~ that has been. I understand, but I guess I would like to get a little more information. The question has come in a number of villages that have voted to ban sale and importation and perhaps in some instances it was effective or learned that there were ways of

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getting around that law. Initially the feeling in the village was that they were going to be banning alcohol from the village, but some people have found that there are ways of getting around that law. So this was actually a request from communities, villages to strengthen the law or tighten the loop holes and I just wanted to get your feeling on or your experience in the villages and all of that since.

Crawford: Everytime I speak of the local option in the community or asked to go out because the community has a complaint that the law is not working. First and foremost the way the law is set up is it's a community law. If the village passes it or the city passes it they have to enforce it. This is not normally a law that a police agency, especially not the troopers coming in out side a day later can effectively enforce unless there is an attached crime. So it's only as strong as the community support. My experience with the local option law in this country, the ~~Kenana~~ region has been that it's working very effectively to slow down the flow of alcohol in the communities. That's because the majority of the votes in this area are 70 to 22 or 70 to 5 things like that. When I worked out of Galena the ~~Nalut~~ ^{Huslia} ~~Howse~~ ^{Nalut}-Kallag area ~~Kioaugh~~ ^{Koyukuk}, all experimented with it. It was just very ineffective because all of the votes were just one or two off. It was almost a fifty - fifty depending on who was in town is how the vote went. Many times the importers and/or bootleggers are more the ~~ruffians~~ ^{ruffians} in town and a little bit more intimidating. If the numbers are equally divided the other folks seem to stay quiet longer. So I think the effectiveness has strictly to do with the city and the community itself. If they want to make the law effective it's extremely effective. If they don't participate then it's a very ineffective law and that's what it boils down to.

Mark Earnest: That's with any ordinance or any law. What in your estimation would the ability of a village to vote to ban possession, would that an effective tool to deal with some of the alcohol related crimes and problems in the village?

Crawford: Yes, I think it would.

Mark Earnest: As an enforcement tool.

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Crawford: Even for know other, even if there was no penalty attached at all if the untrained officer can cease any alcohol tha. they saw at any given time. I think that in itself, I know of village officers that go to places to a disturbance call and there's a tub 15 - 20 gallon tub of home brew sitting there and everybody is already extremely intoxicated. If they could spill that it's either go some place else and get more alcohol or start brewing another tub. There is then a delay of time that would let everybody start coming down some. The drinking does seem to just escalate in those instances.

Mark

Earnest: Very good thank you. Ok. It's 2:55 p.m. Let's make this official. It's now 3:20 p.m. Dec. 12, 1985 and continuing testimony of the Local Option Hearing. Please state your name please.

Don

Buehler: My name is Don Buehler. Police Chief in Kotzebue. Going to the airport with some of the people of the committee we're talking and they told me to come back and say the same thing on the record. One of the things that have been successful in Kotzebue with agencies helping, the police department it's been that the city has been willing to fund a police department to a degree to go out and do the job. We don't have intoxicated people dying in snow banks. I'm not saying if it ever happened that it would be the policeman's fault. That's not what I mean. Money has been put into training, sure we can't afford what the troopers do and what Anchorage does. Yet, money is appropriated for training. They've staffed the department to work and do a reasonably good job and we've trained them to where they can do a reasonably good job. It helps retention. We don't pay that well, but it does help retention. I think that's one of the reasons that we haven't had a lot of associated deaths. We have the suicides and so forth and sometimes even those prompt a response makes a difference. We don't get that with out having a sufficient staff and mobility to respond.

Mark

Earnest: So you do have the support from the community and the city council.

Chief

Buehler: And the city manager. We're going through a budget crunch now and everybody has been told to

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trim their budgets. I'm sure there's going to be a few jobs that are lost. Over all the city, the city council and the city manager and your citizens have supported the police department. Not only the police department, but the fire department becomes part of it because we need their ambulance and their E.M.T.'s. Emergency services becomes part of it. They're all funded. I'm not saying they're funded to a golden label that's not what I mean, but they can go out and do their job and that's important.

Mark

Earnest: What is the normal process for intoxicated person, P.C. case? What is the process that's involved?

Chief

Buehler: Keep in mind we have Manilaq association who handles alcohol problems, but they are counselors. It's an after the fact situation for them. They don't have the beds or the staff. The police department is the only agency that can handle public intoxication where it gets to protective custody limits. We try to be very judicious as to who, you know you don't want to get to the point of harassment. You look at them and if they are really having a tough time and they're laying on the ground we try and find a home for them. We will spend a great amount of time, like an hour trying to find a relative, a friend, some responsible person that will take - you've got to keep in mind we're dealing with a highly intoxicated person to start with. We're taking their suggestions to where they may go. Now after a while we become acquainted with some of them. We can try a few houses where we've been successful before. Last resort is the jail and jail is not the place. Luckily we have a lot of officers who are E.M.T.'s, emergency medical technician. We have a lot of E.T.T.'s which is emergency, next lower step down. And the A car crew, we get to check them. The hospital I'm sure would like to, but they don't have the staff to call out in the middle of the night to do it. We check them just those that we can't take a chance on go to the hospital they have to be checked. It means tying up a policeman. Somebody has got to stay there if that person is semi-conscious, semi-aroused and comes all of the way up the nurses can't handle them. So somebody has to stay there. It takes man power and they wind up in jail if there's no other place once they're checked. Most of them probably

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in the 85-90% are checked by the officers or the ambulance crew. We just put them under close watch at the jail. They have to be mixed in with the rest of the jail population and it isn't that big.

Mark

Earnest:

I understand there was another person testifying that mentioned or maybe perhaps that the airlines have made substantial effort to reduce the exportation of alcohol into the villages. Have the liquor stores, do they make an effort to reduce the export? If they know somebody for example is from a village and they know that that person is going to be exporting it. Is there any way for those liquor stores or do they try to help in that area?

Chief

Buehler:

Yes, they do. What they felt they could do in the past they usually called the police department or the troopers. Mostly the troopers because the exportation and importation kind of falls outside of Kotzebue and advised them of what was going on. We did get involved in many of the calls. We answered, there's 4 troopers to cover 40 some odd thousand square miles. Three troopers and one at Kotzebue. That is not very many. They can be gone from their office. We answer their phones 24 hours a day. We are their radio communications link. When they're not available we try and fill in as best as we can with out stepping on anybody's toes or creating animosities. So we will get the calls sometime direct and sometimes indirect and we'll try and handle it. As of a few days ago the bars are setting up a system where they are going to ask people to sign a statement and identify themselves. You're buying a large quantity of liquor, do you live in a village, are you taking it there? You know it's against the law. Just trying to persuade people to not to. More familiarity with the law. Let's face it you can't hire enough cops to enforce a law that the public doesn't want to enforce. It can't be done. So it takes the public cooperation. They are trying for public cooperation.

Mark

Earnest:

Has this been one of the result of the committee meetings that have come out?

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Chief

Buehler:

The alcohol advisory board this has come about through them. The board is made up of a liquor industry representative, a church representative, somebody not associated with the industry, and there's one that...

(Kotzebue part 3 came to an abrupt ending - cause unknown.) This concludes all of Kotzebue's hearing on the Local Option Law due to the tape not recording the rest of Chief Buehler's testimony. ~~This concludes all of our tapes on the Local Option Law Hearings.~~



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MINTO
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 16, 1985

Present: Rep. John Binkley, Chairman
Sen. Edna DeVries
Laurie Otto, legal counsel

Rep. Binkley: We could open the meeting with an invocation. (prayer said) Good afternoon, I apologize for being late to start with. I'd like to introduce the committee the members that are here anyhow. This is Senator Edna DeVries from the Palmer area. And I'm Representative John Binkley I live out in the Bethel area now but of course I grew up around this country in Fairbanks. This is Laurie Otto who's the lawyer, or legal counsel for our committee. And for those of you, I know there's many people here that know my family in Fairbanks and they asked me to express their love and concern and for everybody here say hello to all and I'll pass that on from here. This committee is called a Joint for Local Option Committee. It's some members from the Senate and some member from the house that are going out and trying to determine what some of the problems are with the local option laws. Which have to do with the alcohol in communities. And so we're going out to find out, these laws were enacted by the state in 1980. And so they been in effect for about 5 years now and some people particularly down in the place where I live now in the Lower Kuskokwim in Yukon Delta, have come to me and said these local options aren't working well in our community. That there still alcohol that comes in even though it's helped some. They haven't helped as much as they thought it could. And they asked me to get some legislation through that would allow them to ban possession of alcohol and to ban the possession of home brew within their communities so they could add another option to their list of options that they choose from to help control alcohol within their local community. There still alot of violence, alot of problems that are created by alcohol and it's a real concern I know in the communities that I serve and as we've been holding these hearings around Alaska. There's been that common theme among communities that alcohol is still causing alot of problems and alot of strife for communities. So we're here today to get testimony to listen to you on what some of the problems of alcohol here are, here in the Minto area. What you think of that idea of allowing communities to ban possession. What some of the problems are as a result of alcohol. Some of the things that you see that happen as a result of alcohol. And any suggestions you can give us on how we can change the

law to better help local communities with their problems with alcohol.

We'll tape the whole meeting, after it's taped it will be typed up so it's written down. And then all the other committee members as well as the other members in the house and the Senate will get copies of what has been said here today. So, we'll be able to provide them a copy of what's going on. And I know that Representative Wallace, who's a Representative for this area and Senator Sackett are also very concerned about this and very interested in what the people in this community think. And what some of your problems are and how they can better help also. So if we could just basically turn it over to you and you could just come up individually and sit here and speak so we can get it on the tape and talk to us about the local option laws and what some of your ideas are and how we might be able to better help this community. And then me might just have some dialog too or be able to ask some questions too so we could. Get some of the things.

Unidentified: I wanted I got (UNINTELLIGIBLE) try talking about speaker. We can talk right from here (UNINTELLIGIBLE).

Rep. Binkley: Uh-huh.

Unidentified: Ok, but who's hand? Alot of things happened.

Rep. Binkley: Uh-huh.

Unidentified: Some people wouldn't speak in that speaker very good, you and me. So you got to dicker with younger people in there. You're not hard to reach then right? You understand. And I want to speak. I don't care how good it goes. I'm pretty happy to see you for that alcoholic I got alot of things happen, when the (UNINTELLIGIBLE) coming behind. And most don't look after them here. The first time now I try to close it. Not to try, but we try our best for it. We do anything to do. How many people who don't. Wonder why? A whole lot of people. That's alot of. And long has it there, young kids, are adults all those changes. Were the eh, to talk about know what's going on. Because this is one little small village. And it's easy to protect our homes, right there. And this thing goes way back trying to (UNINTELLIGIBLE) now, right now. I got lots more to talk about.

Rep. Binkley: Ok, one of the reasons we got a tape this is just so the other people have a benefit of that. So we can let them know what, you know, some of your thoughts are back in Juneau. That's the only reason we want to tape it.

Just so we can pass that on.

Otto: Can I say something?

Rep. Binkley: Go ahead Laurie.

Otto: The other thing and I don't mean to interrupt Johnne but, one of the other things that's important about these hears, if communities want to be able to ban possession of alcohol, including home brew, and I don't know about this community, maybe you don't think that's a good idea maybe you don't want it. But some of the other communities that we've gone to want that option. And if you want that option it's going to be challenged in court. And in order to stand up in court, there has to be people have to say things on the record and have them considered by the legislator. So that when the lawyer go to court, they can say well Mr. Titus in Minto said that there are these problems because of alcohol. And Mr. Charlie in Minto said that was right and so that there is evidence that the lawyers later on can use to support the law. So, I would say, and this is based on holding these hearings in the villages, and as you call the old people, often have the most important things to say. And they have the wisdom of experience and the wisdom of living for many years and have seen what works and what doesn't work in the community and I think it's important that you and some of the other people, who you said may not want to speak in the microphone do in fact speak in the microphone cause that will, if you want to see that kind of law, that's the only way that kind of law is going to stand up. And Minto may be a small village but in this state, it's made up of small villages and the small villages make a difference. And what you say can make a difference. So, it's really important that we have a record that can be used later on, and I would really encourage you for that purpose to come and talk in the microphone. It's not different then standing where you are right now and speaking. So just you so you understand the reason that's it being tape recorded, it's not just for our entertainment.

Unidentified: Ok, I don't think I get up and walk. I don't know. Thank you.

Unidentified: We don't have much time, I think if people want to talk I think right now is the time, cause they got to fly back to Fairbanks.

Rep. Binkley: What? Yeah, we're willing to take as much time it takes. We got to get back to Fairbanks tonight but we want to, you know make sure we get, we hear everybody too, that's important.

Otto: Let's pass around this sign up sheet.

Rep. Binkley: Ok. Matthew?

Matthew Titus: For a year now I've been working on this thing here. Not to fine here, I've been working pretty hard on it. All these people were going around, but I think they're-they're (UNINTELLIGIBLE) see that's why the booze come in. People it's kind of protect their liquor, liquor, go up. See they'll touch it. (UNINTELLIGIBLE) now, it's the best time to stop. Stop the whole thing. I suppose they can. If they want to - want to try to all their best to stop it the best they can through. (UNINTELLIGIBLE) place to grow up, try to drink like old people been doing, well be hard. So the best time is to catch is right now and try to stop it. One way or another, try to hold this this best. So we can protect the village then, better. We we want to see you peoples and have some way or another, and help the peoples just help them. One uh, we don't know where it come from, night time somebody sneak in the booze in here. (UNINTELLIGIBLE) alright, come in around. We don't know where it come from and we don't know how it get here.

Rep. Binkley: So even though Minto has voted to ban the importation of alcohol, you still see that alcohol comes into the community?

Matthew Titus: It's coming in just the same. We were try to do all of it, trying to stop it but can't do much forever. We want to please stop it one way or another, to try to stop it, but can't.

Rep. Binkley: Ok, thank you very much Matthew. For the record it was Matthew Titus. And we could get for the record too, if you could just give your name into the microphone that way when we're typing it out we know what .

Andy Jimmy: My name is Andy Jimmy, uh, we had this voted to ban booze year- year and a half ago or so. But our main problem is enforcement. This uh, catching people and sending them to Fairbanks and some state court up there, well seem like the laws are just slapping them on the hand and sending them home. They do the same thing over again. So we started this tribal court, which is uh, working fairly good I guess. Well it's uh, fairly new thing and I think if we put a little more effort in this tribal court we might be able to correct a lot of it, alot of this booze coming in. Cause it is against the law. Suppose to be against the state law, as far as we're concerned. But we uh, like I say, it's pretty hard to enforce anything like that. We, all we have is State Trooper and VPSO here and it's pretty hard, he's

backed by the council members and it's still hard.

It's really hard to uh, if we can find a way to enforce it then go by tribal court I think it work pretty good.

Rep. Binkley: Well that's what alot of people of my area have said also Andy, is that it's hard to catch people actually bringing it in, and once you see the people have alcohol in the community as the law stands now, there's nothing you can really do as far as the state law goes. Once people have the alcohol in the community, you can't go back and prove necessary they brought it in. And that causes some problems sometimes. And uh, you know that's why they thought that if you could ban possession, if you caught the person with the alcohol and that would be an infraction. And one thing we've been looking at is not having it a jailable offense, but, one that would be a fine or a community service work, and confiscation of the alcohol.

Andy Jimmy: That's one of the main reasons we uh, went to tribal court so we can do exactly that. And don't have to send them to Fairbanks.

Rep. Binkley: Do it locally?

Andy Jimmy: Yeah, work it off, or, fine right here in the village.

Rep. Binkley: Right.

Sen. DeVries: That was going to be my questions, was, what you did, you said it you said that you either did a fine or have them work it out in the village. And that's really, you seem to be a deterrent. I'm sorry, hahaha.

Rep. Binkley: We don't want to let you go.

Sen. DeVries: I want to get all the information I need, you got in this. And you really feel that's working out the best. Now how long have you been doing that, you say, the tribal court? How many? A few months or few weeks or?

Andy Jimmy: Yeah, less than a year eh?

Unidentified: 6 months.

Sen. DeVries: Six months? Ok, and you really see a drastic change, you feel that alcohol isn't avail-

Andy Jimmy: And uh, like I say, it just couple, uh, it's still hard to enforce it.

Sen. DeVries: Yeah, sure.

Andy Jimmy: That's the route we're going now, tribal court.

Sen. DeVries: Uh-huh, ok good, thanks.

Rep. Binkley: Laurie.

Otto: How does the trial court work, who's in charge of it?

Andy Jimmy: Uh, why don't I, let Luke will problem come up here and he knows more.

Otto: Ok, if the state adopted a law which would let villages ban possession and it would be as John described punishable only by a fine or community service and confiscation of the booze, do you think Minto would take advantage of that law? Or does your tribal court satisfy the gaps involved?

Neil Charlie: Uh, we're trying to make this tribal court depend solely on the tribal court. That we wouldn't have to go to state and ask them.

Otto: So that's what your focusing in on entirely in that.

Neil Charlie: Yeah, that's what we uh, I personally would like to see because that way we wouldn't have to send anybody to Fairbanks and wouldn't have to call anybody from Fairbanks and get the State Troopers out here, or anything or anything that we - we could handle.

Otto: Does your VPSO then, enforce laws that are passed by the tribal council?

Neil Charlie: Yes.

Otto: What made Minto decide to pass a law to banning alcohol?

Neil Charlie: There was just too- too much- too close a town, it's uh, you got Manley down the road a little ways and then you got Fairbanks up here and it's just- coming to the two. It's uh, just too much. It's such a small village.

Otto: What goes on here when people are drinking?

Neil Charlie: I think we have to (UNINTELLIGIBLE), I think it's wrong to say we don't need no help. I do think that we do need help from every source that we can get. If ban it that alcohol completely. And to do that I think that it takes money. We're gonna need a loan on it, I think that the thing you have to do it, you have ban it, completely ban it. Get it out altogether. I think that what it takes, is gonna take more money, more money government is gonna have to put more money into it. We only got one policeman.

And he only works in the daytime. What we need is two or three policemen. That will watch during the night and all. I don't think that it's fair that we just try to do halfway thing on it. But that's not enough if we're gonna try to get rid of it, we're gonna have to try to get rid of it completely. I'm talking about all the villages now. I - I go to meeting where we have people complain about liquor all the time, they have all the kind of problems with liquor and I'm really glad I see people who try to do something about getting rid of the whole thing. But I think we need more money, to enforce the law more. Like Andy said about that tribal court. That's working but then we need people out there who can enforce it. There's one more thing for sure that helps, in the villages and I think that some people don't understand this, is that God, there is a God up there that can help people that can't quit drinking. I'm one of them, I'm one of them that God - I believe that God helped me, it wasn't the law that helped me it was God that helped me quit drinking. And I think that's the kind of thing that we need in the villages. We need people out there that can talk about this kinda things, talk about God, that there's God that can help people. And we need money to get to the villages. I believe that's what the whole thing is about.

Rep. Binkley: May- hope-

Sen. DeVries: What's his name?

Rep. Binkley: We need to get your name for the record too.

Neil Charlie: My name is Neil Charlie.

Rep. Binkley: OK, Neil could we ask a couple questions too? Laurie did you have some?

Otto: Do you need money just from your point of view to hire more policeman to do better law enforcement here?

Neil Charlie: Yes.

Otto: Is there a reason that you need policeman to deal with people who have been drinking and causing problems or do you need more policeman to help you just flat out stop from bring booze in or both?

Neil Charlie: Well we need both of it. Like I said if you're gonna go after it you're gonna go after it in every ways.

Otto: Uh-huh.

Neil Charlie: You figure that out yourself, but, what I'm saying is

that we need to completely, put a stop to it. And we have to do it in which any way we can do it.

Otto: Ok, and you said that when you go to meeting people from other villages talk about problems they're having with alcohol. Do you have similar problems here?

Neil Charlie: Well you ask some of the old people here, I'm one of them.

Otto: So, I'm asking you.

Neil Charlie: Yeah, and I'm gonna be speaking according to what I hear from different old people too. There's two or three old people that got up and said that they were scared to go to bed in the nighttime when they know people are drinking. Because of some young person coming in drunk. They could be no, they couldn't handle it. And I'm sure it must have been serious when old people talk like that. I'm one of them that has little fear of feeling like that. Cause I know that me and my wife can't wrestle with a young drunk in person. So I think you're talking about really serious thing here today.

Otto: In the Bethel hearing one of the doctors from the hospital testified that he saw alot of the older people coming in from the villages with medical problems that were caused by worrying so much about the younger people are drinking any maybe causing problems for them. Do you see that same thing here? He said that the older people were getting sick from worrying so much.

Neil Charlie: Well that could be.

Otto: Is that true here though too?

Neil Charlie: Well I couldn't speak for the rest of us, must have been yeah. But dope too, that's another thing. That dope I think it's worse than booze I think. That dope I hear that even people start going in their house. And I hear they passed the law on that kind of thing. Which kind of a nut law is that they call that anyway? They should have ban that kind of thing. That's no good to grow dope just for your own personal use, that's no good. When we were young we didn't need dope in our head to figure right. We had too much energy in us to monkey around with dope.

Otto: When people drink here, do they drink in their houses? There's no- I assume there's no bar, so they must be drinking in there houses.

Neil Charlie: They go - they go where ever they could go.

Otto: But also in houses?

Neil

Charlie: Oh yeah.

Otto: How about the little kids? How are they being affected by the adults' drinking?

N. Charlie: I believe that whatever little kids see, that's what sticks to his mind. And that's one of the things that we don't want in our village. We don't want to see our kids see people drunk.

Otto: One of the things again that other people, other places, have said is that when there's a lot of alcohol in the village, you know on occasions when a lot of booze comes in, that when the little kids go to school and they're very tired and their clothes are dirty and they fall asleep in the school and they can't pay attention and they don't get a good education and that leads to problems as well. Do you see that going on here?

N. Charlie: Yes. That's a truth there. You don't have to see it, you could just know that that's the truth right there. It will do that. Because that's what alcohol is all about, to make people miserable and to make people no good altogether. That's what I would say about alcohol.

Otto: How serious of a problem would you say alcohol is to this community?

N. Charlie: I tell you it's more serious than any war that's going on in the world. Wars have purpose, they have wars. But alcohol that abuses young children and all that kind of thing, it's totally no good to nobody. That's what I would say about it, really.

Rep.

Binkley: Neil, thank you very much.

Geraldine

Charlie: I wanted to say that my husband was the ? of the tribal court. He's got lot to say, but (unintelligible). We've got four children being abused by alcohol. I for one, and there's a lot of grandma's here that take care of their grandchildren while their mothers or fathers go out drinking. It's not right. It hurts the kids. And not only this village that's going on. All of them. All of the villages. When I go to Fairbanks for ?, there's always old ladies taking care of their grandchildren because the mother ran away or drinking problems.

And we're not the only ones have it. All of the villages. And dope and drinking is no good. I would say that one thing. It's actually no good for the children. They know. I've got my grandchildren staying with me. He doesn't want to stay with his mother, even though she's sober, because he knows that she might go out while he's sleeping, and when he wakes up she's gone and she never comes back right away. That poor kid has to take care of himself. And he don't want to stay with his mother because of that. And I don't think he's the only one. I think all the grandchildren are like that. They take care of their little self. But I think they stay with their grandma they're safe. That's not right for alcohol, for people that got kids to be drinking. It hurts their mind. And pretty soon they can't think straight when they're back at school, because they're worried about what's going on at home. And this drinking in our village, I think the best time they catch this time is when everybody goes to bed, is when they make runs. Because we don't know who do it. We can't say who do it. We can't prove who does it. But we know there's somebody that's going to Mandy or someplace for booze. Because in the morning when we all get up there's somebody drinking, and we don't know where it came from. We are no fools. We can't have this ppor guy working night and day because he doesn't get paid that much. That's why he asked for a second policeman. That's all I have to say. My name is Geraldine Charlie.

Otto: Do people here drink home brew?

G. Charlie: I don't know. I don't know nothing about that.

Rep.

Binkley: Geraldine, thank you very much.

Virgil

Titus: My name is Virgil Titus, I'm from the Minto Council. I'll be speaking on mostly our concerns in the village. The banning of alcohol is mostly on behalf of our concerns for our younger people. We love our younger people, we all love one another, and we don't like to see anything go wrong in this village. It seems like alcohol is a problem that can hurt our younger people. When anything goes wrong among our young people that really hurts our feelings bad. We all know that. So if there's any way the State can help us to have a limit on, like you say, from the Minto turn-off up here, from alcohol coming into the village on the State Highway. From the Minto ?? we have no control over the State Highway, which we very well would like to have. We very well like to have

our village police officers say yes, you could stop that car right at the turn-off and search it, search the car. We don't have that authority because we don't have the rights to search anything on the State Highway. That's going to have to go to the Legislature to get straightened out. Maybe they can do something for us there. But our main concern is our people here are looking after one another. And the things we want to see and the things we want to do, we want to make a law on alcohol banning, we want to keep that law. Because we already passed it. We don't want to turn around and say we'll go at a different channel, we want to do it this other way. That will weaken our foundation. Our truly respect for our young people is truthfully, honest. I believe that that highway coming in from eleven miles up here should be stopped. Any vehicle that's suspect of making a booze run should be stopped and we should have total rights to a search warrant. Thank you.

Rep.

Binkley:

There's some problems with search and seizure, and there's nothing that we can do as much as we might like to do at the State level. There's some U.S. constitutional protections in the Constitution that speak about search and seizure, and we'd have to actually change the U.S. Constitution to be able to do that. So I don't want to mislead people into thinking that we can change the law dealing with how you go about searching people and what the rights are in regards to searching. But to answer another question too that you seemed to raise, and that was about getting rid of the law that you already have. This would be one that we perceive would be in addition to what you already have. You'd still be able to ban the sale of alcohol, you'd still be able to ban the importation of alcohol, and those would still be State statutes. But then to add an additional option that you could choose in addition to that, which would be to ban the possession, and one that you would be able to control locally here within the community?

V. Titus:

We have in our option law, we have along with our corporation on limits. We have our corporation lands. We have our tribal government, our tribal law. The only thing we don't have a sure hold on is the State Highway. That's our big difference. And that's where it's coming from.

Rep.

Binkley:

Thank you. Any other questions?

Otto: The only question I would have is this: If the State passed a law allowing this village and other villages to ban possession of alcohol, which would include home brew, is that something that would be accepted in this community? Would you want that to happen?

V. Titus: Home brew is alcohol. Yes.

Otto: And then the question that the court would ask, and so I'll ask you, is are the public health, safety and welfare problems caused by alcohol so serious that it justifies invading people's privacy and telling them that they can't drink in their own home?

V. Titus: I just said a little while ago, we voted in alcohol bandation. And when we vote something in to make it stay, we want it to stay. We don't change it, no whatsoever. Unless we really have to. That's why we got our concerns for our people is very strong, that's why we got our tribal government. We don't plan on sending them to jail for ten, fifteen years. That's not what we have on our mind for our tribal law. Like I was saying we love our younger people and we like to see them have nothing too hard on them, but our bandation law stands. And what I was just talking about a little while ago, is the public highway up here, the State highway. That's our big problem here. Until we do something about that State highway, then I'm sure there's nothing much can be done about it.

Rep.
Binkley: Thank you.

Sara
Silas: I'm Sara Silas, I'm the Community Health Aide of Minto. If my memory serves me right, the banning alcohol, most of those laws are State laws, am I right?

Rep.
Binkley: Yes, that's right.

S. Silas: And I remember when we voted on the banning the alcohol, they said that in the law it said that, if anybody brought alcohol and we have an eye-witness and we know that the person brought in the alcohol, and we go to the court and we take them through all the channels that we're supposed to go through, enforcing State law, that person is supposed to get ten years in jail, or even if somebody's bringing it in by airplane, they can ground that pilot. And all these laws, you people remember that? And no alcohol is supposed to come in five miles from the post

office, that's the State law. And I know, we're not the only ones that have alcohol problems in the village. We know a lot of villages have. And we are one of the few villages that live on the highway. And it's easy for people to come by Minto. Because we have highway, and we're not too far from Fairbanks, and I just wanted to say that I sure would like to have Larry have another helper. Sometimes it's just too much for one person, he has to get one of the council to work with him. But they're busy too, the council. Sometimes they have meetings all day. The next day or something like that, they have to stay up all night. Because he gets my husband to help him sometimes. And he's the VPSO of the village, Larry Charlie. And I'm the health aide, and when something happens, accidents, we work together, him and I. And I sure would like for Larry to have a vehicle in the village, which the council can't afford to help him with. And he really needs that vehicle, because he works at night, and he drives around the village, checking on people that's drinking, and a lot of times when there's accidents, he had a vehicle once before, but it's broken down and he doesn't have any money to get it fixed. So it's really very important to us for him to have a vehicle. Him and I we work together, and we used that vehicle a lot. There are times when we have to escort patients from here to Fairbanks by the highway, and another thing too, the highway is never always in good driving condition. A lot of times I had to make emergency escort with a patient from here to Fairbanks because of the weather, because airplane couldn't come out, so we had to go by road. And a lot of these accidents are alcohol related accidents. It is right that the elders have medical problems, physical problem due to alcohol, because of fear and depression that leads to different sickness. So it is true. Also with the kids, the same thing, the same problem, all due to alcohol. That's the reason we want to ban alcohol, and that's one thing I know is very hard to do is to ban alcohol totally. But we wish we could do the very best we can and we need help. I think we need help mostly with funds so we can have different programs. Nowadays people don't work for nothing, they have to earn their living to work. So I'd like to see some funds come into the villages so they can have maybe a counselor. We need a counselor in each village, alcohol counselor. We have one here that's certified, but no funds so he doesn't work. He's got a family. So these are the things I would like to see done in the village.

Otto:

I always have questions. How long have you been the health aide?

S. Silas: Ten years.

Otto: Are you the only health aide here?

S. Silas: I'm the primary and I have two alternates.

Otto: So you work in the daytime and you have shifts when you're on call, is that how it works.

S. Silas: We just started that just a few days ago, yes. We're on call twenty-four hours a day. We're just like doctors, all the primary health aides in the villages, we're on twenty-four hours a day call.

Otto: Do you get called out at night very often?

S. Silas: Yes.

Otto: Are all of the calls at night or the majority of the calls at night for alcohol related reasons?

S. Silas: Yes. Alcohol related during the nights.

Otto: And the times when there's booze shipments that come into the villages, do you have more calls?

S. Silas: Yes.

Otto: How much of your work overall is related to alcohol problems? Either people who got sick because their loved ones were drinking, or people who have hurt themselves when they were drinking, or made themselves sick because they were drinking.

S. Silas: I really don't know, I couldn't even estimate how many. Like how many hours?

Otto: Is it more than half of your work, or is it three-quarters of your work, or is it a quarter of your work?

S. Silas: Like I say, most of the sicknesses are due to alcohol, so it takes more than half.

Otto: Do you do a lot of emergency treatment for people who have been injured when they've been drinking, or by somebody who's been drinking?

S. Silas: Right now I wouldn't say lots, since we have the VPSO which really really helped. Before we had the VPSO we had a lot, too much, I couldn't handle it, but since we had the VPSO it's really helped.

- Otto: How long have you had the VPSO? So about four years. Where's the nearest hospital, Fairbanks?
- S. Silas: Fairbanks.
- Otto: So what happens when somebody gets injured here?
- S. Silas: If it's a serious accident we medi-vac them by military or we charter airplanes.
- Otto: What kind of medical problems do you see with kids as a result of booze?
- S. Silas: Colds, they're tired and their diet is not as good as it should be. A lot of colds. And they're not resting.
- Otto: Something that again, I know I keep referring to what other people have said, but I'm trying to learn whether the problems are common around the State. Some of the things that other people have said is that when parents are drinking they tend to spend all their money either on alcohol or on travel costs to go to the nearest place where they can buy it, and that means that their kids don't have the proper clothing and aren't able to be properly cared for, because the parents don't have enough money. Do you see that up here as well?
- S. Silas: The clothing part, it seems like that is okay, but their diet is what I'm concerned about. So that school lunches is really really good, that's really a blessing.
- Otto: Is most of the drinking that you're aware of pretty much going on in people's homes?
- S. Silas: As a health aide I'm always concerned about people that are drinking, because they drive their car on the highway, they use their snow-gos, and they go out in a boat, and things like that. And in their home I really don't know what's going on, I don't know.
- Rep.
Binkley: Sara, thank you very much.
- Charlie
Titus: I'm Charlie Titus, Senior. I live in Minto. And I'm for more money look into alcohol, because I went to training one time for policeman, and I did it for nothing. That time wasn't that much alcohol. That was when the older peoples, and we didn't need to get paid. And then they obeyed the law. Like Leland,

Burton, all them, they were just ?? men. They kind of respected me. And that wouldn't need no pay, see. But right now is different. This alcohol wasn't coming in when that boy had ?, running. After that day broke down, start coming in, you can't keep up with it. In other words, this alcohol, like Neil said, we want it out, completely out. How many young people died here in Minto, since on account of alcohol. If it wasn't for alcohol they would still be living today. Not only the young kids but from way back. It killed a lot of people, and the State should look into those things. And give us more money to look at it closer and it would be easier for the village. In other words, we're too kind-hearted to each other. We can't hurt each other, you know what I mean. We're all like one family. And if I go over and put Burton's boy in jail for five years, what's going to be up to me? How are the families going to look into me. That's what that boy is afraid of too. Because a lot of kids, and if there's two or three of them, all of them will accept the blame, not just one. It will be easier on three people to have the blame than just one person. That's why we want more money for (end of tape)... And the kids now, they have more fun than without those. And why we banned it is because that we're too close to town. There's a liquor store right up there forty miles, and down here forty miles, and it was getting too bad. And since when they cut it down, they cut down when that boy had vehicle, it quietened down quite a bit. Right around nighttime and those kids were kind of scared of him because they don't go out on the street when they see that vehicle. But right now he's got no vehicle and he's not going anywhere. They're not afraid to still be on the street. That's why we need more money to look into that. In other words, we don't think any person will walk around at nighttime for nothing. And you don't know when you're going to get shot. That's right. And you don't know what a drunken person will do. But if a man was getting paid for it, he would enforce it. He'd enforce the law. If you were giving me five thousand dollars a year there's going to be something done about it. If you give me fifteen thousand it will be more dry. You see what I mean, the more money you put in and then you're going to save lives too. The State is going to save lives. Thank you very much.

Rep.

Binkley:

Thank you Charlie. Robert.

Robert

Charlie:

My name is Robert Charlie and I work for the Minto

Village Corporation in our office based in Fairbanks. I'm a vice-manager for the corporation, and my testimony will be in regards to the problems I see with alcohol in Minto. And the other comments I'll have is some of the policies we're going to have to draft up as a corporation for trying to keep liquor off our land. I think the testimonies you heard earlier are all facts and we've experienced a lot of bad accidents and a lot of causes in each community. I'm referring not only to Minto but other villages I know where they're having a hard time with people drinking. It is a problem. It's a problem that can't be resolved until we come up with, develop our own program with ideas from people that are experienced and educated. I wouldn't say that we could handle our own problem here in regards to liquor, but we sure can try if we got some kind of support through the Legislature. It is true the alcohol problems go all the way down to the individual resident's home. The kids are abused. The people are abusing their own bodies. They're making it hard on their community. I think if we can get a program together that will be workable, and in the past my experience is that Minto is always picked for being the guinea pig, we use Minto as a model. So in this case we'll be willing, those of us who are able to, we'll be able to participate and try to work with a program, just to try to get some of the baddest parts out of drinking in villages. I think there was a question asked whether this would be interfering with private life. I would think anything that's bad for everybody else shouldn't be interfering with the private life, private individual kind of tell them what to do. I think we're trying to help the person. I think some of our young people are really hurt by the way they can get booze and stuff like that if it's available. Yet on the other hand they want to show a lot of respect for their parents, their friends and stuff like that. Now when you get back to what is there in the village for people to keep out of these things, we need to develop programs that people keep their mind's busy. It'll probably be educational and a lot of it will be based on educational. I would think if we can get a committee together and come up with ideas, maybe a member from other villages too, and try to put all our ideas, and then have the package drawn up before the Legislators, and get something out of this whole hearing process. The other concern I mentioned earlier was we have over one hundred thousand acres of land we have to manage out here through the corporation. Now we wouldn't want to see things we feel that will abuse our corporate lands, such as liquor. We wouldn't want to see a liquor store

established down the road here or down the river here. Where our people go out there and get drunk and maybe have an accident. We wouldn't want to see that. What will be our priority, is to try and keep booze from on our corporate land. I think it was mentioned earlier by Virgil Titus and Sara that the banning of the alcohol, when they passed it here in the village, was for a five mile radius. And within that five mile radius the individual that brings in liquor has access into the village, which is 100 by 100 on both sides of the highway, and that's what they call the highway right-of-way. Now it's crossing our land, but they still have the right-of-way. And they can haul whatever they choose into the village. We have no control over that area. And to go along with the same comment. When we start drafting up policies to manage our own lands we will have to think of a lot of different things, firearms protection and a lot of other things. But I think my main concern is to try to get some kind of workable idea for the community here in Minto. Now one good thing might happen is there in January we're going to pick three new council members and maybe those three new council members will be the right direction for us to work on issues like this concerning our community. And do you have any questions.

Otto: Just so you understand, what I'm trying to do is make sure that we get enough facts on the record that if the Legislature decides to pass a law letting villages ban possession, that it will stand up in court if anybody challenges it. So that's why I'm asking so many questions. I take it by your comments that you think the problems with alcohol are serious enough that for the good of the entire community it's fair and right to invade people's privacy and tell them that they can't drink in their own homes.

R. Charlie: I definitely think so. That'll be your start. Somewhere along the line if you got ideas together, one of the main concerns I think is going to an individual's house and saying "Hey, I'm doing research, you shouldn't be spending money on what you should be spending on your own household here. And your clothes for your kids and stuff like that. That's what I'm talking about.

Otto: And the other thing, and this is real important for later on down the line. Everybody in Alaska, frankly everybody in the United States, because it's a nation-wide problem, says alcohol is a problem. The reason it's a problem in New York City may differ from the reason it's a problem in Alabama, may differ from the reason it's a problem in Alaska. And within

Alaska the reason alcohol's a problem in Juneau may differ from the reason it's a problem in Minto. So my question to you is, why do you say alcohol is a problem in Minto? What happened or what facts lead you to the conclusion that alcohol is a problem?

R. Charlie: For myself, being a member of Minto, I am concerned about Minto. I'm not concerned about Fairbanks, I'm not concerned about New York, but I'm centered only in Minto, my ideas only are directed to Minto's good. And the reason I said my concern was alcohol, as well as the people in Fairbanks would be concerned about the people drinking on 2 street there, where they come up with the idea providing for those people a place where they can clear their mind andn maybe get off drinking. I think until we do our research and study and put the program together, we're going to have to come up with ideas directed in that way. It is a concern and there is no doubt about it. I drink myself and I had a lot of drinking problems. And I was one of those who didn't have to get recuperated through Fairbanks Rehab Center. I did it on my own because I made up my mind to where I want to go. So I think by the willpower of an individual has a lot to do of where he's directed.

Otto: I guess what I'm asking is, and I don't think I'm asking it the right way, but is it just that people are drinking that makes it a problem, or is it the way that people act when they're drinking that makes them say it's a problem?

R. Charlie: I think yes, well both. When you're drinking it doesn't matter to you what, if you get in an argument you're going to solve the problem one way or another. If you get mad you're going to solve the problem one way or the other when you're drinking, where you wouldn't do it otherwise. And it is a problem. Maybe there's women fighting women and men fighting men. It's like that everywhere where there's alcohol. And it's even causing more problems. I feel that we're neglecting our young children who are learning and getting experience in these things. I remember just for example when I was a kid growing up we saw some of the older people drinking, and pretty soon we started to fall and say "I'm drunk, I'm drunk" and stuff like that. Where did we learn it from? Guys that did it out there and that's the same thing the young generation is going through right now.

Rep.

Binkley: Robert, thanks a lot. Now we'll get back to our list. Berkman?

Berkman

Silas:

I'm Berkman Silas, Minto, Alaska. I work for the village council and I'm also priest in this village. I fight the alcohol that's doing a lot of things I don't like to see. People that were before me, they mentioned most of it. But the thing I'd like to say is, I don't like to see people staggering around out there on the street. Like what Robert was just talking about. And I do feel that if we're going to help each other we have to get out also, even if the State is there to provide money for us. How did we manage before? How did my father and my mother make it? And they didn't have no income. You used to think about this alcohol, it's more than what you see. It's right when they say to ban it. I used to drink. I used to raise money, I get a lot of money, lot of ways. And when I sobered up I thought of all those things. All those hard work went down the drain, took the bread right out of my children's mouth. I'm sorry for it today. I hope that young people can learn and see what, all that their ??, drunk once before. By some way or another. We changed. All of us here. Everyone of us here in this building did drink. I saw with my own two eyes. And I still see it, I see more of it today. Twice, more than when I used to drink. Seems like young people, they're just looking for something to drink only. Just watching for somebody to go to town or somebody coming back from town. Same way with dope. But I thank God today that I'm one of them has been changed. And I say, why don't you take a look at that old person. Look at Charlie Titus, Virgil Titus, people who had no hope, they quit drinking. We have to get up and help each other. And I think this is where it comes in, most of it. We're looking for some hand-out all the time. We don't want to work and make our own things. I say that about the law too. I say let's make law that we can just go by, here in village alone so that we can enforce it. We have to stand up to get these things that are really hurting our people by doing them. We have to work with each other. Work with each other and see that it's done. I don't care if you're not on the board or you're just a person that's living here. I give you that right to go out there and try to help your kids. Because a lot of times we see your kids get hurt and you feel sorry for it. But it's too late to feel sorry sometimes. I feel that. I lost a boy drinking and I lost a nephew drinking almost. All of the kids that died, they didn't die of natural causes. All liquor. They drowned because they were drunk and ?? Some died. I'm for banning liquor completely. And I'm not just speaking just for here. I hope they can do that for all the villages where's there's more liquor in ? (unintelligible).

Rep.

Binkley: Thank you Berkman.

Otto: I was going to ask you why you thought people were drinking, but I decided that was an unanswerable question, and decided to spare everybody.

Luke

Titus: My name is Luke Titus. One of the things I'd like to bring out is that the local option law, I think is one thing that people didn't really understand, and as far as making a law for our village, I work on the Minto Tribal Court, and I think what the State did in putting out the local option law for the village, is they gave us the law and then tie our hands behind our back, and then tell us, I want you people to obey this law. And I think that's what the State did to us. And you're coming back and you're asking us what kind of law you want to make for the village. And I think one point I'd like to make on this is that, let us make our own law. Let us make a law that will be fit for Minto. And I think on the local option law if we would be able to amend that law ourself here in the village and work around the things that are connected. As an example the search and seizure law through the State prohibits the village people from searching any vehicle that comes into Minto. And I think that that's one law that we would be able to make ourselves if we were able to do it ourselves. Instead the State said that we cannot search or put a seizure on vehicles that are coming in on a public road. That's one point on the local option law. The other point I'd like to make is in regards to the education system. As you well understand that Senator Sackett spoke very strongly about alcohol and drug abuse in our village. And I think you heard many times over what it does to our people. And I think if you would be able to use such agencies as the Minto Tribal Court in giving us the option of being able to handle our own cases instead of making a law in Fairbanks to say that Minto's ordinance does not pertain to Fairbanks law. Again I say let us make our own law. We have a lot of, we just started that last year and we're learning a lot of things about what we're doing. And of all the cases that come before the Minto Tribal Court, I would say fourteen cases, seventy-five percent of those cases are alcohol related. And I think if we were to really look at this and all the cases that were alcohol related, I would say each person that we dealt with was very cooperative with the Minto Tribal Court, and the dealing out of a fine or anything that we had to do with the case, these people were really cooperative. But again, sometimes we could say a case

court in Fairbanks which we don't know about. And all they do up here from my experience, we had a Minto alcoholism program for two years, and at that time they opened up a court related case in Fairbanks. In all the court related cases that I handled, all alcohol related out of Fairbanks, maybe two or three cases were not, which were misdemeanor cases that we could not handle. Again I say, if the local people, if we had the control of our own laws, instead of having you people sit down in Juneau and say this is the law for Minto, I think we'll do a lot ourselves. And as far as the abuse of alcohol right here in the village, working as a counselor, I see a lot of children even nowadays have problems in school and not only the children but the people that are sitting in this room. Depression is one. Emotional problems is another one. There's all physical problems that people have. It's all, I would say, related to alcohol and or drug abuse. And we do have that here in Minto. And if we had some way to, if you want to really help us here in Minto, if we can figure out a way to work that out I think it would really be helpful to Minto. That's all I have.

Rep.

Binkley:

I think it's admirable that the community wants to take control of their own problems and try and control the problems and minister to those problems within that community. But speaking to the search and seizure law, that's one thing that even at the State level we can't deal with. There's certain protections that are put into the U.S. Constitution that speak to due process, I don't know if I'm using the right words, but speak to a person's right in regards to search and seizure that apply throughout the entire nation. And that's one problem as much as we'd like to maybe allow Minto or other communities to do that, when that runs up against the U.S. Constitution. Just to be perfectly frank with you, that's the problem we've got with search and seizures. The same questions come up in other villages too. They want to be able to search people's baggage as they come in off the airplane. It's just something that can't be done. It's a safeguard that's put in our U.S. Constitution, I guess so that people don't discriminate go into somebody's home and search them illegally or without any cause. And sometimes those same protections hurt other members of the community, but those are important protections.

Otto:

I do have a question. Can you explain how your tribal court works please.

L. Titus:

I understand you're a lawyer.

Otto: Right. I assume it starts with your VPSO giving somebody a citation or referring them to the court in some way.

L. Titus: Yes, we do. The reason I ask you is because I don't want to repeat myself. We do have what we call a village ordinance which covers almost all areas of our village, loose dogs, the local option law and if there was any arrests that were made by the VPSO here in the village, if it was a case where we have a certain level where we can handle these cases, and be referred to a Fairbanks court. But it is referred to the Minto tribal court, and Charlie, myself, Jonathon David, Suzie Charlie and Charlie Titus, we were voted by the people on a voluntary basis to sit on the tribal court handling cases.

Otto: Are they public hearings or are they private hearings?

L. Titus: They're public.

Otto: And does the person just by him or herself come before the tribal court and the person comes, and the VPSO comes and the VPSO says what the person did?

L. Titus: We leave it open, if a person would like to have a lawyer, but they can have a lawyer, but the tribal court insists that lawyers, we do not give them any privileges at all in our tribal court.

Otto: So only the person can talk?

L. Titus: Only the person that's before us.

Otto: What if somebody comes in, is driving on the highway, and stops here and commits a violation, are they subject to the tribal court.

L. Titus: Yes they are. The point was brought up, the only way we deal with these cases, a citation is written up by the VPSO.

Otto: So you don't arrest somebody for the kinds of offenses that go before the tribal court?

L. Titus: It has to come through the VPSO.

Otto: Do you have a jail here?

L. Titus: No we don't.

Otto: So that is not a part of the sentence that you give?

L. Titus: No.

Otto: Is the kind of sentence that you give, do you just in the tribal court give oupunishments, like you have to work for the village for this many hours, or do you also council the person who's breaking the laws?

L. Titus: The way it's set up in the tribal court we have a first, second and third offense. And it depends on the case. Usually on a first alcohol related offense we usually fine the person fifty dollars and a charitable work release. And on the second offense it goes up. And it can go up to five hundred dollars. And the cases that we, after the third offense we ask the federal court to come in to help us.

Otto: Have they ever done that?

L. Titus: No, not at this point. We've been able to handle all our cases here.

Otto: Have you been working with somebody in the U.S. Attorney's office or the federal court system?

L. Titus: We have been dealing mainly with the Tanana Chiefs Council.

Otto: So do you deal with their lawyer, Michael Walleri?

L. Titus: One other thing that was brought to my attention in these things is that we do not have a holding cell here in Minto. And a lot of times we get cases where we need to watch these people overnight. That would really help us. I know a good many times we have to get people from the village to help Larry. If we had a holding cell that would really solve the problem.

Otto: Do you have an ordinance setting up your tribal court?

L. Titus: Yes we do.

Otto: Do you have a copy of it available that we could have before we go today, or I'll give you my address and you could mail it to me.

L. Titus: Yes, we'll do that.

Otto: Thank you.

Rep.

Binkley: That's good. And then you just publish that in the Federal Register?

L. Titus: Yes.

Rep.

Binkley: That's good. I think again it's admirable that you want to try and take care of those problems locally. That's good. Thank you Luke. Annie Titus.

Annie

Titus:

Hello, I'm Mrs. Annie Titus. About the alcohol around here, the way I see it. I go like these older people here who say there's more alcohol in the community than there was long ago. Which is true. And I think why it's like that the way I see it, is it's so easy to get. The transportation, the communication, everything is easier. They can go to Nenana by sno-go, go to Manley, go to Fairbanks, and some coming in by airplane, every way. And it's very hard for these young people to control themselves, for things like this. Right now they're all mixed up with alcohol and drugs. And it's hard for them. It's worse than when we were young, us, because when we were young we had a hard time to get to town. Really. We can't even go to Nenana when we're in Minto. And right now these young people they just go back and forth every way they want to go. I can see why that these young people are having hard times to lay off booze and drugs. I really like to see that alcohol come down. I know it's hard to do. I was an alcoholic myself, very strong one. And a lot of people asked me if I ever went to alcoholism program or rehab center in Fairbanks. I said yes, I went to talk to that guy upstairs, that's how I quit. That's the only way I quit drinking. I had to use my own willpower and I was real bad alcoholic where I can't stay away from it. That's the kind of person I was. I don't drink for eight years now, but these young people they can't do it because they don't try. I think they don't try hard enough. Because it's too easy for them. I'm very glad that we have village police. He's real helpful to us. I know this, my children, I have children that drink. They're grown-up kids but I still call them children, and since we have VPO in Minto, they're scared, they're afraid to drink around here because they know it's banned. But even that, since we've got no vehicle, you could tell they're getting all riled up again, where they start to drink more again, but VPO has got no vehicle, and they say we can go somewhere and have party. That's the way it is now. So I like to see that VPO have his own car now. That alcohol is coming in again, and it comes in night-time like these old people said, we don't know who's doing it. That's all I'd like to say.

Rep.

Binkley: Thank you Annie. Luke.

Luke

Titus: I forgot to mention that I just have a question on how the liquor license is given out. Like at one time they had two liquor stores, one in Livengood and one in Westport(?) about forty miles up the road, and now we have two bars down in Manley Hot Springs. For that size of community they give out licenses for these places. I'm just thinking, if they thought about the population, you don't need that many liquor stores to serve this kind of area. I was just thinking that.

Senator

DeVries: That was one of the laws we changed this last year. It used to be one, like one bar, one beverage dispensary for every fifteen hundred people, and we raised that to three thousand. But what we weren't allowed to do was then go in and revoke a liquor license in order to bring it to the one per three thousand. So both licenses will just stay there until it at least reaches six thousand before someone else can get a new one. So that was one of the changes we did make, and that was passed by both houses and was signed by the governor, that should keep some of those problems for awhile. So we've double the population requirement, but we weren't able to in and revoke anybody's license.

L. Titus: I've got a question on that. When they give out licenses to somebody, do you then protect residents in that community or surrounding communities...(unintelligible).

Senator

DeVries: If it's an incorporated city, then it just goes into that incorporated cit. And if it's a non-incorporated area, my understanding, it goes like for five miles. That's what I remember. It used to be fifteen hundred, and now it's three thousand. Prior to the first of July this last year it was one for every fifteen hundred.

L. Titus: So three thousand residents in one community will automatically be incorporated?

Rep.

Binkley: No, they would be able to get one liquor license, if there was three thousand people.

Senator

DeVries: If they didn't have any liquor license, if there's three thousand people. But prior to July 1, if there was already two licenses and only twenty five hundred,

they still kept those two licenses. We weren't able to go in and take one of the licenses away until they got to six thousand.

? audience--untelligible.

Rep.

Binkley: I don't think they would.

?Audience: Do they count us for Manley residents?

Senator

DeVries: I don't know. How far are you from Manley?

?Audience: Sixty miles.

Senator

DeVries: Sixty miles, no that would be too far. Is Manley a recognized city of any kind? There's different, like for every three thousand people you can have a dispensary license and you can have a package liquor license and you can have a license like for beer and wine with a restaurant, or you could have a motel license, or you can have, like say if you have an Elks Club or a Moose Club or something like that. So there's a whole variety of licenses you can have and still only have three thousand people, okay.

?Audience: I think that is wrong. Manley people use that for... (unintelligible). Right now we're talking against liquor, we don't want to have anything to do with liquor. That's the thing.

Senator

DeVries: I think that's maybe something John we should look into in the law, is to be sure that, you have a community that's voted dry and then within like three miles there's a community that wants a liquor license, be sure they can't count that other community that's already voted to go dry. And I don't know but maybe that's something we could have. Maybe Laurie could look into that to be sure, and if they're doing that we could change it, so maybe that would stop some of the licenses. And I don't know, I'm not clear on the law in that situation, but that's a good point.

?Audience: We have a law that the government it didn't interfere with our law. Neither would the State. They couldn't interfere with our law. Because we have the law concerning our people. We have the law that anybody harboring booze we go over and we search that site. If they find bottles they bust that bottle right now. We had a law like that. And where that law comes that said we can't search nobody's stuff, what kind of law

is that? We're talking about protection in our community, and we have to do everything we can to try to protect our village. That's what we're talking about.

Senator
DeVries:

Sort of on the same subject as that, I agree wholeheartedly with you, but the thing is, I had a very close friend of mine, and her house got robbed, and while she was waiting for the police to come, she was trying to figure out some way she could hold on to the robber so he couldn't get away, and she was thinking about hitting him over the head so he'd pass out, and afterward her lawyer told her if she'd done that he'd probably end up suing her. Now that robber was in her house robbing her. And she didn't have the right to protect. And I agree with you. I think our laws are one hundred eighty degrees opposite of what they're supposed to be in that situation, as well as in lots of other situations where we're trying to protect our home and our family. It's serious.

Rep.
Binkley:

Johnny David.

Johnny
David:

I don't have much to say, but I'd sure like to help my village. I've done a lot of work, ^{up there with the schools,} I was ^{young} for fifty-one years, I've done a lot of work. I worked for BIA, State, and Yukon School District, all those ^{young people there were} six years old. And I started going along with my parents. One thing, I hate to see any more liquor stores come up in this area here. ^{out of} Minto, ^{out in the} ~~all them that fly~~, all the duck hunters, they come from Fairbanks, and they land down there, and they just leave everything there and go away. I hate to see that happen to this village. Because when we see our people go around and work for their living, the only way is to get out of drinking, this fooling around, ^{travelling} ~~travelling~~ we don't have no kind of fun for young people. We work together to put up some kind of a hall, ^{workshop} ~~workshop~~ to keep our kids at one place to work. ^{Council} ~~Households~~ getting older now or going down. Very poor. Those young people should work with the young people, and the head of the leader now. If ~~the teenagers~~ ^{the teenagers} ~~take over~~ ^{take over} ~~unintelligible~~ We've got to go along with everything going on today. All the children. Long time ago. Sometimes we ~~we~~ worked pretty hard for our living. Not so easy. ^{work from ? to now.} ~~(Unintelligible)~~.

*all over Alaska everywhere
that I don't go for.*

Worked for 60¢ an hour

Senator
DeVries:

I hear that from my father all the time.

J. David:

Three, four dollar for that. You think he'll work that

hard for ?? . These young people wouldn't do that. They want to get hundred bucks for work. I work for that. And I don't know how to read. All I read is read the lip, that's all I read. ~~And I didn't go to school.~~ In fact I work for everything. I work pipeline. I've done good stuff for my young people. But I didn't go to school. I hope the daddy and the mother work hard with their kids. They might get by some way. All we need is work for them. All my ^{grandchild,} ~~friends had~~ their mother. All my daughters, I tell them, work with your kid, don't depend on me. You're the mother and the father now. You've got to do the work. And you want to make them understand what to do. That's all there is. Maybe someplace I'm wrong, but I hope by God's power we're able to find work, business, for our young people. ~~And I really~~ I really thank you very much. Too bad you guys just make one day run and back. Looks like we made you run. (end of tape).

You're got to go to school

Rep.
Binkley: Betty Engles.

Betty
Engles: My name is Betty Engles, and I really feel concerned when little young people, I mean four or five years old, there's a little boy that comes around, he's just so starved for love, you just have to pat him and he just eats it all up. It really hurts to see the neglect in young people, the little babies, you know. They don't know what's going on and they have to take care of themselves, but they're hungry for love like all of us are, and that really bothers me. And the nutrition of the child, you can tell that they're nervous, and depression, and loneliness. No one to turn to. And if Grandma and Grandpa are gone for the day, who's going to take care of me? And it really bothers me, it really hurts to see these little kids. Ever since I moved out, every day when you get up in the morning, there's going to be somebody on the street that's drinking. Every day. We don't know where it's coming from. Everybody's close mouthed as to where they get it, and there's drugs. You can just see it, the kids, young people, they know where it's coming from, and the young people seem to me like they just go day by day, just listless. That's the way that I see it from watching. There's no future, there's no firm discipline, they mind their own business and if you try to correct them they argue back, they're just free. And earlier someone said some adult people being afraid. I didn't know it was that bad until last week or week before. As I say I just moved back, and a lot of things I have to learn over about Minto. There was a man that came to my house while I was gone. I didn't lock the door. He

came in my house and he was sitting there. And I don't know how long I was gone, and the abuse you have to take from their drinking. Verbal abuse you have to take from them when you're trying to lead them about. The sexual abuse and the force they use on you are terrible. And there's no one around when you need them. That's why people are fearful, old people. And I understand now what they go through. And that's, there was a little girl that was telling her mother this fall about some person that touch her body, sexual abuse, for little kids, that nobody else know about. And the mother has to explain to her that anything like that happen to her she comes to tell her mother. And I didn't know things like that was going on here. And it seems like our hands are tied as to how to go about this, how to correct it, and who do we talk to for encouragement. How can you come out and say, this person did this to my daughter. Maybe might be a relative you know. These things are hard to work with in a village like this where we're all related to one another. These things really bother me for little people.

Senator

DeVries: Does your tribal council handle child abuse, sexual abuse or physical abuse cases.

B. Engles: Yes, I suppose they do, but there are times when even the mother would be afraid to come out and talk.

Senator

DeVries: Yes, I understand that.

B. Engles: It's just the education of the whole village so we can be free to talk to the tribal council.

?Audience: Are you talking about just verbal abuse?

B. Engles: Physical or sexual.

? ? That's a felony, so the tribal council doesn't do that, it goes to the State.

Senator

DeVries: All right. Thank you.

Otto: I have a question. You've obviously thought about this some. Have you come up with anything in your own mind that you think might help? Just education?

B. Engles: Probably more information and education as to, like this mother. If she had more information that she could feel free, not be afraid to keep these things in herself, because as I see it, now she talked, I think

what she's trying to do is inform her daughter as to how to handle a situation like that. But the mother needs help to, the mother needs encouragement. She needs to have a firm understanding person that will help her and get information or whatever. Because the mother what I see will just go on a depression also, just by the lack of talking now.

Otto: And was the abuser that you're discussing drinking at the time.

B. Engles: I suppose it was, yes. She didn't go into it.

Otto: Okay, thank you.

Rep.

Binkley: Betty, thank you very much. Agnes Moore.

Agnes

Moore: I'm Agnes Moore, I'm not really from Minto. I just moved here in September. And my concern is the alcoholism problem in Minto, in any village. I'm originally from Tanana. And I was headed there to start a program but one way or another I ended up in Minto, and I'm happy. My background is counseling alcoholism. I did that from 1966 to 1970. They labeled me as outreach worker because they had no money at the time, so they just had me working as outreach worker and I worked in the bars, on the streets, and in the homes. Not outreach worker, homemaker, and so that way we got our funding, and I'm alcoholism program oriented. I really truly, I'm directed in that, because you can ban liquor all you want, but I think it's very important too that you work with the individual with the drinking problem. My dream for Minto is, Minto is a very popular village. A lot of people look at Minto as Christian community, praying people, and they're also lively when they do their Indian dancing, they have prayer meetings. They look at Minto as Christian people. And I hope and pray that Minto will be an alcoholism treatment center someday. I was a member of the State Alcoholism Board. I was on board at one time. I know what they say is, okay there's a program in Fairbanks, so therefore there is access, the road to Fairbanks from Minto, so why should there be another program where it's so close? But let's face it, our people or any native people, it's awfully hard to push them into, we're maybe you can say partly prejudiced, but it's just that it's hard for our people to communicate with the white culture, and especially when you're from a village, when you're born and raised in a village. They'll be more comfortable if there would be a native program, alcoholism program in a village.

And that would be a liaison between the villages and the treatment center in Fairbanks, CAP program. And what I'm dreaming for Minto is, I hope that road gets, everybody mentioned funding. Funding, more money for the village, education wise and. But I can't see nothing wrong with a little overhead, whether Counselor Lucas has done that I hear. I just moved here in September and I've been trying to hold AA meetings. I'm not too familiar with Al-Anon, but I've been trying to hold AA meetings, and Al-Anon meetings here. So far I held two, Anna Frank and I started one Al-Anon meeting, and then I held one AA meeting. Not very many people go because it's not a very popular thing you know. Nobody won't admit. That's really a hard step to make is to say I'm an alcoholic. I know because I was there too. So I don't know. I used to write to Ted Stevens, but now he's no more in Juneau, he's in White House now, he's in Washington, to get information for how we can get money for alcoholism program. But I don't know who to write to anymore. Someone told me there was a grant writer in Minto, and I don't know what would happen if we put in for grant, do you have any idea?

Rep.

Binkley:

Well, one of the problems is right now with the State budget, and you've probably all read about that in the newspapers, or heard about it, is the State's money is going down real fast. So it's harder to start new programs because there's less money, they've got to cut out certain programs. So it's real difficult at this time to start up new programs. But Senator Sackett, certainly, and Representative Kay Wallace are the individual legislators that serve this area, so they would be the one that would work on this aspect of funding. And their offices, you might be able to write to their offices, and we'll certainly as a part of this record give that to them.

A. Moore:

I would so appreciate it if you would. Just don't write it down, I'll put it to one side and I'll forget about it.

Rep.

Binkley:

We'll pass it on.

A. Moore:

I really do see this as a problem with alcohol in the village. I've been here since September and it's really sad to see little kids and the older people suffer as a result of the alcoholism problem. So that's all I have to say.

Otto:

When were you on the State Alcoholism Board?

A. Moore: 1973. I wasn't on there very long. I went to one meeting and then I got hired as a counselor for the program so I had to get off.

Otto: Did you move here from Fairbanks?

A. Moore: In September, yes.

Otto: Were you working in alcoholism there?

A. Moore: I haven't been in that field for a long time, since 1974. I was working for the program and then I went to Japan for two years, and then I came back and I got busy with agriculture, Tanana Chiefs. I changed my order of work. But I really am concerned about alcoholism program, and I want to do volunteer work because I realize that there's no money.

Otto: The question I was going to ask you, and you may not be current enough in the field of alcoholism to answer it. I've heard people say that one of the problems with Alaska's alcoholism program is that they're designed, including AA, for urban white people, and they don't have anything to do with life for villagers and natives. And that I've heard people say that we need to completely rethink our approach to alcoholism counseling and alcoholism programs so that they are more directly designed for people who don't live in urban areas, and are not part of the mainstream.

A. Moore: First of all, I'll give you my little example. As soon as I hit Fairbanks, 1951, I just couldn't relate to the white society, so I just crawled in the bar. Because we have different culture. And I've been in the treatment center up in Fairbanks, and they have Spanish, they have white people, they have black people. Well, it's hard enough to communicate, you know in English. I'm not talking against the program in Fairbanks, but I'm just giving you facts. It's hard, the cultural background that we have. It's not easy. That's why. And another thing too, if they ban the liquor in Minto, my concern is they might break to Fairbanks. And it's more dangerous there because then they're on the street. There's a drop-in center, and there's CAP program, but it's still very dangerous. They go to the banks on Chena River in the summertime, so I really think that working with individuals on their problems, I think that's really the target.

Rep.

Binkley: Agnes, thank you very much. Catherine Charlie.

Catherine

Charlie: Hi. My name is Catherine Charlie and I can only speak as a wife and a mother of two small children. I don't understand the legal aspects of being a dry village, but I think whatever it takes to support the law is well worth it, and that alcohol abuse in our village affects every member of our village, whether it's the grandparents or the parents, the spouse, the brothers or the sisters, and the children in the homes. And the abuse makes us to be afraid in our own homes. Even we don't drink ourselves. We have to lock our doors at night for fear for our own selves and our children. When we let our children out we have to know where they are all the time day or night. In the morning, afternoon or evening, we have to be afraid for our children. I'd like to speak as a mother. Pregnant mothers ruin their unborn babies through the fetal alcohol syndrome. And I can say that from experience. I have an adopted son who's affected by the syndrome. He weighed three pounds when he was born, one of his lungs was collapsed, they had a tube inserted into his lung, and they can't speak for themselves. The mothers are ruining the lives of the unborn babies. And it's happening, you can see it. You can look into kid's eyes, by the shapes of their eyes they can tell you that they're fetal alcohol babies. I had my son examined by a doctor and he told me my son will never be able to go to college and learn the things that most normal people can learn, because he doesn't have the mind to receive those things. Little children that can't talk for themselves, they suffer by not eating, and dressing and sleeping properly. And it affects their school work. And that's a lot of the time. They get up in the morning and go to school by themselves and dress themselves and the mothers of the spouses suffer themselves. They're physically abused and they're constantly in danger of bodily harm. They could be broken up. They don't know when their spouse will come home in a mad rage or bust their eye, you don't know what's going to happen, you just have to live in nervousness all the time, being afraid. The mothers being afraid for themselves and their children. And that goes for girlfriends and boyfriends also abusing one another. Maybe some sort of preventive education might be good for the elementary school. They could start as low as fifth and sixth grade anyway. Just to teach the children what alcohol does to the body. It even affects the skin and the fingernails, the hair. We don't know what it does to us but it does affect every member of your body. And I think whatever work it takes or whatever expense it takes it would be well worth it to try to fight this abuse that goes on. Good for our unborn babies all the way up to the grandparents of

the village. It's just worth it. Whatever it takes is worth it. That's all I have to say.

Rep.

Binkley:

Catherine, I think you're right. It's the most important thing that we've got is the health and the welfare of the people. That's the most important thing we can do. Sometimes we forget that and spend money on different things, and forget that's the most important thing is to make sure everybody's healthy and taken care of. Thank you very much Catherine.
Ron Carter.

Ron

Carter:

My name is Ron Carter, I'm with the Minto Village Council, and I'd like to speak in support of the tribal council. Or in support of the tribal court system. When the State Legislature offered us the local option law we adopted it right away. And it was by an overwhelming majority here in the village. And after we adopted it we found out there was no means to enforce it. So we continued our search of a way that we could enforce these alcohol problems, and what we decided to do and to adopt our own set of ordinances and we did and that passed overwhelmingly. And in these ordinances we banned the importation, the possession, and possession by consumption in the village of Minto. But even with that we had problems with enforcement, because then under our own ordinances the State wouldn't recognize them. So in order to enforce these ordinances that we passed ourselves we re-established the traditional court system, which had been in effect years before. So what we did was pass another ordinance to revise this. And so far it's been pretty successful. Awhile ago a lady over there asked if, she thought it was right that we ban alcohol in the homes, and I think as we've heard in this testimony it's more than worth it. So we have in the past, the council has issued search warrants, we have searched, we have seized. And until we are told to back off by the State or Federal government I think that we're going to continue to do this. And we'll probably increase our efforts. And that's about all I have. And I'd like to see probably legislation that would support our ordinances and our tribal court system.

Senator

DeVries:

To be sure you were right with the search and seizure, to be sure there's no question.

R. Carter: Yes.

Otto:

If there were an additional option added which would

let communities ban possession of alcohol and that would include home brew, would that be adopted here most likely?

Carter: It already has been under our own ordinances.

Otto: Would you re-adopt it under the State laws?

R. Carter: Yes we would.

Otto: And then would it provide assistance to you in enforcing your law then to be able to have State back-up on enforcement?

Carter: Yes, because as it is now we don't get any help from the State.

Otto: Right, because the State's not recognizing tribal courts. How does it work to get a search warrant from the council? What's the standard?

Carter: Usually there has to be someone seeing someone bringing alcohol or seeing someone carrying it around. There has to be a reason. We don't just issue a warrant because we know this guy's been doing it before, we want to bug him. That's not the case.

Otto: Who developed the form for your search warrant? Is it the standard State warrant?

Carter: I believe so. ...probable cause that's all it takes.

Otto: But probable cause is determined by the five member tribal council?

Carter: It's determined by the council.

Otto: The village council or the tribal court?

Carter: The village council.

Otto: And the village council meeting as a body?

Carter: Usually it's just one member.

Otto: So the police officer, if he found a witness who could testify or could give evidence about somebody having possession of alcohol could bring that person before one member of council and get a search warrant issued.

Carter: Yes.

Otto: And then that case goes before the tribal court.

Carter: Yes.

Otto: Just to clarify, I hope you understand that the reason I was asking the question about should it encompass behavior in the house is not necessarily because I think it shouldn't or that I disagree with the things that Catherine and everybody else were saying, but because that's a question that the Supreme Court will ask in analyzing whether the Legislature acted properly in passing such a law. So I was asking the people who live with it, live with the situation, the question that the Supreme Court would ask. Are the problems serious enough to justify invading what people do in their own home? And your answer then is yes.

Carter: Yes. I might add that none of these searches are taking place on State land such as the highway. It's all done on village land. So I don't think we have a problem there.

Otto: Who's considered to be a member of the village, anybody who lives within the boundaries of the village?

Carter: A member of the village is a person who's recognized by a member or who has been voted in by a two-thirds majority of the voting people.

Otto: What if somebody's not a member and they're violating the law?

Carter: As long as they're on village land we feel that they're held to the village ordinances.

Otto: And nobody's challenged you on that yet?

Carter: Not yet.

Otto: So as long as nobody's challenging you it's working and that's the bottom line.

Carter: Yes. That's all I have.

Senator DeVries: I'd just like to ask to get myself a little bit cleared, earlier some other people had testified about the State Highway. At what point does the State Highway enter on to native land?

Carter: The State Highway goes through the middle of the village down to the river.

Senator

DeVries: Okay, that answers my question.

Carter: Everything else belongs to the village.

Senator

DeVries: But it does have the right-of-way right down the middle of town.

Rep.

Binkley: Do you get a lot of people that come in, like to launch boats, like from Manley?

Carter: Occasionally. There's not as much as there used to be.

Rep.

Binkley: How about duck hunters when they come down. Do they use the road or do they generally fly over?

Carter: Use the road, but they're all aware I'm pretty sure that Minto is a dry village and we haven't seen very many problems with them.

Otto: Have you noticed a significant difference in the number of alcohol related problems that you have since you have implemented your village ban on the possession of alcohol? Has it helped in any significant way?

Carter: It's cut it quite a bit. We're still having problems with enforcement, mainly because we didn't have a course of action to follow. We didn't know whether the federal government would back us up, whether the State would, or whether we had to do something about it ourself. And now we seem to have what looks like a solution, we don't know yet because we haven't been tested.

Otto: What's the federal government doing?

Carter: They are going to take over in the event that, say like the tribal court system would issue a fine or community work and the person wouldn't pay the fine or do the community work, then we could turn it over to the Federal Marshall's office, and they would handle it from there.

Otto: Have they agreed to do that?

Carter: Yes.

Otto: Do you know who particularly dealt with that, or is that through your lawyer?

Carter: Through the lawyer.

Rep.
Binkley: Mike Walleri?

Carter: Yes.

Rep.
Binkley: Thanks a lot Ron. Elsie Titus.

Elsie
Titus: My concern is about alcohol in the village and drugs. And one year we all say we don't want no liquor in the village, and I don't understand English very well but at that time my husband go to meeting here, someone come out to the meeting with him, and after the meeting they go home and they tell me what they say, and I understand it the same way Sara said it, it sounds like there won't be no liquor come in. But right now it's worse than ever. And I feel we really need help for it. Because a lot of us can't stand it. We've been through it already. We can't stand it. Of course we've all got young people, our own kids that's doing it and we can't stand it. So I feel, I hope that we get help for it. We always pray, pray, pray about it, but we've never done nothing about it. And I'm glad and thankful to God that that's what come up at this time, that something might be done. And only God can help. Because I know God is the one that helped me and delivered me from drinking. This is all I've got to say.

Rep.
Binkley: Thank you Elsie. Good to see you again. Robert Titus, come on up here. I used to be scared of you when I was a little kid!

Robert
Titus: I'm Robert Titus, I've got five boys, two girls here, they've all just got through talking. I help do this with more people talking. We had sent some papers to you people before. And all them papers said that we can let people drink a little, and take it home and drink at your home. And some people tell me that they can go across dope or something at your house, it's nothing, there's no law. I don't believe in that. I want it to set out. Bring in whiskey, well if you bring whiskey you can leave it on the highway, ??, that's my view. ?(Unintelligible). I've been this way all my life since I quit drinking. I drank for seventeen years and I know what it is, my kids starving and me ?? my stomach, make me sick, it's no good. It's no good for a person. But today I want to

say that I don't think it's right to bring in booze here altogether. Just shut it off. And that's my opinion that that will help the police right there. I believe that he needs the help to any way he can ?? . I believe that he needs the help and we need more money for that so he can get help in that. For like his car and everything. He really needs. And I think Neil he covered everything that I had to say. So he shut me out of words right there. So thank you very much for coming, you people. I think you should have back us up on the, what you call it by law, you have a book.

Rep.

Binkley: Ordinances?

R. Titus: I think that would be a great help for you guys to help us if we made the wrong number, or anything on that law. I think we need you on that book too. We have sent some papers like this out to you Congress to make laws for us, and you keep telling us you had made it, we do best we can. That's all we here. We want to see it. We want to see it come. And that's your big talk right there.

Rep.

Binkley: Phillip Titus.

Phillip
Titus:

My name is Phillip Titus and I'm a native of Minto, and Corporation Board of Director. I've been sitting here listening to all the testimony about making a dry town, total dry ban. You want to do that, you want to make all my friends and us all criminals. It hurts. Alcohol hurts everybody. Not just the one that's drinking. It hurts everyone in the village from young kids all the way up to old villagers, it hurts everybody, not just the guy that's drinking. Because this summer we said it's a dry town, no drinking, so our friend went to Nenana and he got drunk and he lost his life on the river. The State spent a lot of money on that ferry. And the corporation spent money on that search, and the ? spent money on that search, which they should have put the money into education back at the school. I went through the school system from beginner all the way up to graduation and one year of junior college and not once in all the years I was in school was I ever told about alcohol abuse and the problems it caused, and the money and expenses it caused to drink. Because I used to drink, and I drank until I didn't have a dime left in my pocket, and I looked for other ways to get that money to drink on. And education, you've got to teach the kids about it. We all watch football over the State satellite TV,

weekends they have all these high priced football players and actors pushing liquor on State-wide TV. And we see it, we see all these clean-cut American boys drinking, there's no abuse no problems, they don't go home with hangover or wake up with hangover. They've got lots of food in their refrigerator to eat, nice car to drive, they don't show the problems in the village that actually exist. That's where the State should put their money, to educate the people on that State-wide satellite, showing them the problems in the village, that kids got nothing to eat, they couldn't get passing grades in school. That's what messed me up in junior college. It was free and easy to get and I was alone and nobody told me about alcohol, it was just there to use and I got it and it was the end of my education. The State ought to back us up in our plea to control this problem as it exists. We want the law to look in everybody's bags and say this is illegal, you can't possess it here, if you want to drink it you can't drink it in Minto, because it adds to the problem. I never locked the door to the house, even though I'm not home I never lock it because I know somebody's drinking, and I don't want to wake up some morning and find my friend frozen on the doorstep because he was drunk that night before and he couldn't get it. That's what really hurts, is a major problem in our village. Too easy access. That highway into a native village is easy access for alcohol. And I'm opposed to State opening up highways into villages because it will create problems like here. Right now they've got to fly their booze in but if they are allowed to own car, they could all take off like we do. We all take off, when we get the urge we just get in the car and go to town. It's that simple. Town is three hours away. From there you can get on a jet to go anywhere in the world. And it's so easy access we've got to the outside world and the problems that exist on the outside world. It's greatly affected our village since we moved to the road. Sure it's good in some ways but I believe it hurts in more ways than it does good. Now the State got to spend more money on education to educate the youth. The youth got to be educated to the dangers of alcohol. I have more to say but I forgot.

Senator
DeVries:

Let me just make one comment while maybe you think about it. I know last Spring in the United States Congress they were debating a bill that would ban alcohol advertisements on TV. And anything like in a situational comedy or anything like that where it would show that alcohol was sort of a fun thing to do. And I don't think they were able to get enough support to do it, but you might be aware of that, and if that

bill would come up again in Congress you may want to think about signing some petitions or sending it off or something, because I think that's it, you're right. The kids see this, they see their famous football player and he's not starving to death or hungry or anything and he's strong and muscular and still he's drinking. And I think you're right, it creates in their minds a wrong image of what alcohol is.

Rep.

Binkley: Phillip, thanks a lot. Larry Charlie.

Larry

Charlie: My name's Larry Charlie, I'm Public Safety Officer here in Minto. And I work with this job for the ~~last~~ four years. And I really enjoyed it. I think the top priority of this meeting, this hearing is just general public safety. And we're looking for solutions for public safety. From the testimonies of the people, the alcohol is affecting everyone that is in this general area. The young kid right up to the grandma and grandpa. And I can testify to that fact that it's true. And one of the things that I'd like to recommend is to have a protective custody without any paperwork, without any legal, well you take a regular case, you have to produce paperwork and you have to produce evidence that an offense was committed. This protective custody I'd like to have it worked out to protect the domestic violence in the homes or outside the homes. Just violence that occurs that can be handled right here in our own village.

Rep.

Binkley: Larry, do you mean the protective custody statute now that allows you to detain a person who's incapacitated?

L. Charlie: Something along that line. Something like that.

Rep.

Binkley: Similar to, there used to be a statute called drunk in public. And if you were drunk in public then they could put you in.

L Charlie: Something like that. Just take a guy off that's drunk, maybe he's acting a little anxious and belligerent, maybe he wants to fight or you know he's going to get in a fight if you let him go, you take him, you hold him for twelve hours, next morning he wakes up he's sober, he hasn't committed any serious crime, any serious offense.

Rep.

Binkley: Not yet anyhow.

L Charlie: He never did, he'll never do it if you do something before it happens.

Rep.

Binkley: Exactly. Before it progresses to a point where he does commit a crime.

L Charlie: Right. You don't have to wait till somebody killed himself before you act. That's what the Troopers do. They wait till somebody shoots up or beats each other up before they respond to our area. That's what they do. I'm talking about preventing offenses. That's what I'm talking about.

Rep.

Binkley: So if a person was drunk like the description that you just gave, you could pick them up and detain them for twelve hours, let them sleep it off then let them go again.

L Charlie: He hasn't done enough to, no hard feelings you know.

Otto: Why can't you do that now?

L Charlie: That's what I want to tell you. I'm putting that solution right now. I want you to arrange something so we can do this. I want to make sure that we abide by this with all good faith, good conscience.

Otto: What's the problem with the current protective custody law?

L Charlie: Right now? We don't even have a holding celle.

Otto: If you had a holding cell? The law is in place that says you can pick up somebody that's incapacitated by alcohol, a danger to himself or others. If you have a holding facility, is that the only impediment, is that the only thing that's standing in your way for enforcing that law?

L Charlie: I think that's one of the things that we can do with a holding cell here in Minto. And I think a very good one at that, if we want to really set up resistance against this problem. I'm giving you a solution right now.

Rep.

Binkley: So have a place where you can take the people, let them sleep it off?

Ron

Carter: I might give a plug for capital improvement, a public

safety facility for (unintelligible).

Rep.

Binkley: I made a note of that and we'll pass that on to Senator Sackett and Representative Wallace also. Sorry to interrupt you Larry. (end of tape).

L Charlie: ...opportunity and whatever other support you can give us to handle these things so we can handle it here. I don't believe that we need to haul people to town on a misdemeanor charge and have them come back to the village while their casework is being taken care of in Fairbanks. I think any kind of offender against the public or the private citizen make them feel the effect of the law. That's what I believe. Until he can feel that effect I think you've done nothing in his life to change him, change that kind of attitude.

Rep.

Binkley: And probably the most effective is by local people too. People he respects and knows in his community.

Senator

DeVries: And quick, that's the other thing, to get it when it's...

L Charlie: Get it right there when it's just a little peapod, don't wait five years down the road where he's got a mile long record, assau' s. The judge looks at that and says, "Well son you've been a bad boy for the last five years, I think I'll give you thirty days." You don't wait for something like that. You can prevent that. You can anyway. Can you?

Senator

DeVries: We're going to try.

L Charlie: That's what I'm asking you. That's what you're here for. You want to hear solutions, you want to hear our testimonies that will give you some kind of direction to challenge this problem.

Charlie

Titus: I agree with Larry. Before it happens, why don't the State give some money before it happens. After it happens how many thousand dollars do they give us to search for the person. See if you give us that money before maybe we don't have to do some searches, we don't have to spend that money. Somebody spends thousands of dollars searching for one person. They didn't give it to us before, but if they give us that kind of money before things happen like that it might not happen.

L Charlie: And as far as this village being on the public access road, I believe a second patrolman may help in this village. The reason I believe that is because it can almost become a twenty-four hour lifestyle here in this village. A person's got people coming and going all night long. And it's almost impossible for one man to take care of these problems. So a second patrolman would be good.

Senator

DeVries: Can I ask you a question on that while you're talking about it? What happens like when you have vacation? Is there anybody then that takes over or are you getting any days off or anything like that?

L Charlie: Nobody takes over. When I'm gone it's wide open.

? audience

male: When he's gone it seems like it gets worse.

Senator

DeVries: Because they know he's gone?

Betty

Engles: Like what I was saying to you about this man coming to my house he was out of town so I couldn't talk to anybody.

? audience

female: Another thing, we've got these new houses, and a lot of people that lived in Fairbanks moved back to Minto so the population increased in a year. Besides all the people that come through here from Fairbanks and other places.

? audience

male: From now on it's going to keep increasing. It's going up all the time. So the best time to start is right now.

L Charlie: The private rights and the public rights of a citizen, what you do in your private home, if you stay in your private home all night long drinking a case of whiskey, then you come back out there on the street in public, come down to the lodge in public and start harrassing people, you know you're interfering with public rights of people. What you did in your private home affected the public rights of the people. The people, private citizens, need to know that, they can not do that, they can not just get drunk out of their skull and come out to a public dwelling and harrass people verbally. They don't have to do that. I don't go to people's houses and verbally assault them or abuse them. I respect their rights. And I expect

them to do the same to me. And I'm not going to stand for that. I don't think any of these people in this village need to stand for it. I think the people in this village need to be insured when Grandma gets out of her house to go down and visit Junior, she can be insured that she can walk down the street without being mugged by a drunk. And that's what they want.

Rep.

Binkley: That's what public safety is all about, really.

L Charlie: That's what public safety is all about, right. And where we start that is right now. We don't want to wait till ten years from now when we can't even go out of our house because we're afraid to get beaten up. We can't go outside and leave our door open because some drunk come inside and start playing around with your kids. You don't wait for something like that to happen. We're aware of the problem right now. And we want to step on it, put an end to it right now. Not when somebody's laying back there in that grave, some mother's broken hearted over it. That's the things we're talking about today. And another thing is the childhood learning. I think the education ought to educate our kids on good moral principles. Like this gentleman said, he went to school for how many years and not once was he ever made aware of the alcohol problems that alcohol can bring to his life, never. And I wonder if my kids today hear that same thing in that school back there that they're going to. What alcohol can do to them if they let it control them. I wonder if they're aware of that today.

Rep.

Binkley: Well that's one thing that you certainly as a parent can have input to the school board.

L Charlie: My kids are out of my house at nine o'clock in the morning, and they're in the hands of people that I don't know who, teaching them what I don't know what.

Rep.

Binkley: I'll just tell you with my kids, I would make sure I know what's going on in the schools. Go to school board meetings so you can tell them "We want you to be teaching our kids about alcohol". That's something you can have a say on.

L Charlie: I understand, but I want you to know that's what I want you made aware of. I want the education board to be made aware of right now. I'm putting it on record right now. So you're aware of it. And the education people are aware of it.

Rep.

Binkley: That's why we try and give as much local control to the local school boards as we can. So that they can decide those things.

L Charlie: I believe that the education people should give those kids a good foundation. For ten-fifteen years from now when they come up against a problem they'll know how to deal with it, and not turn into something that's nothing but misery. I believe the education people are responsible for a good twenty percent of our children's lives. I believe that. Just as much as the parent is responsible, I believe they're also responsible for that. Because what they learn is going to affect them. I believe that.

Senator

DeVries: Most of the time the teacher spends more waking hours with the child than you do.

L Charlie: Oh yeah. And we also discussed holding cell. And that's the priority of me and a patrol vehicle. During the years that I had a patrol vehicle I made numbers of rescues, rescued people from the road up here. In the middle of the night. I stayed up there all night one time trying to get three, four vehicles through that road. And I just barely made it through. And it's been good in transporting patients back and forth to the airport. It's been good in making the public safety appearances known in this village, that patrol vehicle. I believe we need a good adequate patrol vehicle here in the village.

Rep.

Binkley: I understand you used to have one Larry?

L Charlie: Yes.

Rep.

Binkley: Was that from the State?

L Charlie: That was from the State. That was from the council. The council bought that for the village.

Rep.

Binkley: The council provided it?

? from

audience: ...the State had furnished that car and make sure it runs in good condition all the time. We're talking about year round use. All the time. We don't want something that comes here and breaks down and then no more, that's the end of that...

Sara

Silas: We use it like an ambulance. He had a radio and he had contact with the Troopers. And when we had accidents he'd call the Troopers from his vehicle, the Troopers called the medi-vac.

Rep.

Binkley: What the State's done, we've got the same problem all over the place, same with fire vehicles or different vehicles in different communities. What the State does in all of those cases, they give the community the vehicle, but then that community's got to fix it, they've got to maintain it, they've got to pay the gas, everything like that. And that's just the way they do it all over the State. They give the community the money to go buy the vehicle, but then they've got to maintain it themselves. That's the way they do it all over the State

Senator

DeVries: I was just curious how much does it cost to get it fixed. I remember people said that it needs to be repaired. What do you estimate, or do you need to buy a new one?

L Charlie: I think it's beyond repair. I mean we could fix it, we won't have a real good car because...It was used in transporting prisoners also.

Rep.

Binkley: But I just wanted to let you know how that works on those things. They give the grant for the truck but then they don't buy the gas or anything.

? Audience: They run the program and a good program, they cut it off. I don't think that's right.

Rep.

Binkley: What's that, like the VPSO program?

? audience: They brought in the stuff, it broke down, where is the fund that's supposed to take care of it?

Rep.

Binkley: Well, the council's got on that one.

?: No no, I'm talking about something else from Juneau.

Rep.

Binkley: Juneau gave them the money to buy the truck?

?: No no, wait a minute now. The government we're talking about. The government can see that that

vehicle is running all the time, to make sure that it is running.

Rep.

Binkley: I'm just telling you, that's the way they do it all over the State. Everybody would like that to happen, but what they do in communities, like usually they give them money through municipal assistance and revenue sharing, they give those monies to the councils in different commu vehicle goes.

L Charlie: I understand what you're saying.

? audience: What I'm saying is that I'm not trying to raise Troopers for here. I'm saying it can at last furnish vehicle like they do for the State Trooper. They can maintain it for him. That's just as important as State Trooper or more important, what that boy is doing. He's taking care of a lot of, like he says he runs the road in the middle of the night sometimes, a lot of important things here.

Rep.

Binkley: Neil, what I'm saying is even if Senator DeVries and myself wanted to do it, that doesn't mean that we could get that done in Juneau, because it affects the whole State. Then everybody around the whole State would want the same thing. Every time we gave a fire truck to a community, or an ambulance, or a police car or anything like that, then we'd have to maintain all those, all over the whole State, and we just could never do it. That's the problem. Even though you probably need it here, it would affect everybody in the whole State and we'd have that problem.

?audience: I think when we argue about something, we argue about it because it's hurting. And I think they better get that point across. If it takes the whole State, if they had to cover the whole State, it must have been the whole problem. What I'm saying is why don't the government see that problem there, and they give us money for that kind of things? Why don't we get enough money for the State to take care of all those things, because that is a problem.

Rep.

Binkley: Is that vehicle on your capital projects list Ron?

Ron Carter: No it isn't.

Rep.

Binkley: Well, that's the only way it would get funded. Is through a capital projects request.

Carter: What's this I hear Sheffield is putting more money into public safety?

Senator

DeVries: I don't know. I haven't seen the budget yet. So I don't know. But are you under public safety or community and regional affairs?

Rep.

Binkley: Public Safety.

Otto: Are you a VPSO? Public Safety, with contract to Tanana Chiefs.

Rep.

Binkley: You might check with Tanana Chiefs. They're the ones that contract for the VPSOs.

L Charlie: They don't know nothing. They couldn't do anything if they want to. They couldn't, I asked them before.

Rep.

Binkley: They get a portion of that, of the VPSO money, for contracting, for running the program. That's a question I'd like to ask. What do you think of that? I know in public safety they've talked about contacting directly with the communities for.

L Charlie: I believe that the local government here in the village can take care of their own problems, they can also handle this business that you're suggesting. There's no reason why the money should go through that channel in Fairbanks, then come down here.

Rep.

Binkley: That extra money could buy your vehicle or pay for your gas.

L Charlie: The extra money could take care of a lot of things that need to be taken care of.

Rep.

Binkley: Luke, I see you had a comment.

Luke

Titus: I just wanted to say that if you were thinking like that, that would be the best way to do it, have the funding come straight to Minto and not by way of Tanana Chiefs. Because they take off a certain percentage for administration. And we don't want that. We want to trade Tanana Chiefs for shucking the money out, we want to do it ourselves. That's... (unintelligible).

L Charlie: Once again we get back to the point where we want it