

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

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NUNAPITCHUK
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
November 20, 1985

Present: Rep. John Binkley, Chairman
Rep. John Sund
Laurie Otto, legal counsel
Adolph Lewis, translator

Binkley: I would like to open up the hearing this morning. This is the hearing of the special House and Senate Joint Committee on Local Options. We're holding the hearing this morning at Nunapitchuk. The Legislature wanted us to come out to some of the communities in Alaska to find out what some of the problems are with alcohol, and more specifically, what some of the problems are with the local option laws that were enacted by the Legislature in 1980. We know that there are not only problems with alcohol but with other drugs similar to marijuana and some of the other drugs. We've heard that from other people in other villages. This hearing is more specifically to deal with the problems of alcohol and how we can effectively pass legislation that might help these communities with alcohol. We'd appreciate it if you could in your testimony speak more specifically to alcohol than other drugs in general.

Most communities, including the community of Nunapitchuk, have chosen to ban the importation of alcohol and the sale of alcohol. Many of the people that I've talked to have said that this simply does not work, that you can not enforce a ban on the importation of alcohol. One of the proposals that the committee is considering is allowing the communities to ban possession of alcohol within the communities. We would like to hear what your thoughts on that are; if you're in favor of allowing communities to ban possession within the villages; if you think that would be a good idea, a bad idea, would that help the problem, or would it create more problems. What are some of your ideas? We'd also like to hear some of the specific problems that alcohol creates in the communities, what some of the effects of alcohol are. Does it cause crimes in the community? Does it cause people to fight among each other? Does it break up families or cause neglect with children? One of the things that we would like to do is hear specific testimony. We all know that alcohol is a big problem, but what we need to do in order to build the record on this legislation is to have specific facts about alcohol and the problems that are caused by it. To introduce ourselves, this is Representative John Sund, who's from Ketchikan in southeastern Alaska. Laurie Otto is the legal counsel for the committee. Adolph

Lewis is our translator, and I'm Representative John Binkley from this area. Feel free to testify in either English or Yupik, whichever you are most comfortable with. Adolph will translate, if you testify in Yupik, into English for the record. We have a sign-up sheet that we've sent around for people who would like to testify and we could send that around again. Maybe we could start off with the mayor. If there are people who need to travel back to the other villages, we could have them testify first.

Lloyd

Andrew:

(As translated by interpreter) I want to point out two constitutional laws, one having to do with transportation. We know today that airlines transport anything to different places. Another thing is the privacy act. People can't just go over to another person's house and make searches or take anything from that person. Those two are the main problems that the villages are going to run across when they're trying to deal with the alcohol problem. I encourage this group to listen carefully so things won't be repeated too much.

Binkley:

Mr. Mayor, what are some of the problems that alcohol causes in the village of Nunapitchuk, for instance?

Andrew:

When somebody has already imported alcohol to the village there's nothing you can do about it. Because of the way local option law is interpreted, they have problems dealing with offenders.

Binkley:

When people do have alcohol in the village and start to drink, what sometimes happens when people get drunk? Are there crimes that are committed sometimes as a result of the alcohol?

Andrew:

Alcohol isn't our everyday drinking substance. The people don't know how to handle it, especially within the younger age group. Sometimes when they are intoxicated they cause disruption within their families and within the community. They no longer show respect to their elders and even if they're requested to stay in the house, they still go out and cause disruption within the community.

Rep. Sund:

Just one question, Mr. Mayor. Have there been any deaths within the last year or two that are specifically as a result of drinking alcohol?

Andrew:

Ever since alcohol came to this area, there have been problems with drownings. Drowning is a major problem around here, not just within this village, but the surrounding villages too. The past two weeks we've been searching for a guy that drowned in the open water. We who believe in God need to put him first in everything

and now I'd like to say a short prayer before we go any further. By the way, this is our traditional way of starting any meetings that are conducted in villages.

Binkley: Adolph, for the people here, note that every day in the legislature, we also start every day in Juneau with a prayer.

James

Berlin: In the past you sometimes heard that alcoholism is a disease. But from what I've been observing all my life, I think it is not a disease, but the cause of all the disruption that goes on in the community. I can remember when I was a younger man there were hardly any deaths relating to alcohol. People were hardly dying. There was no real terminal illness going on. Today young adults are dying. The death rate is increasing. There are a lot of alcohol related deaths within a year. The local option law was passed here in the village but they're facing another problem and that's the constitutional right of a person. Once that person imports alcohol and takes it to his house, there's nothing the village can do to stop that person. A lot of times, problems come up as a result of persons importing alcohol and consuming it in their homes.

Binkley: Do you think it's worth invading that person's right to privacy in his own home for the good of the whole community to be able to ban possession of alcohol?

Berlin: Because our constitutional rights are already written on paper, they can't violate that right and just go into the house to deal with the person. When the person is drinking in their home, there's nothing you can do about it until something has already happened.

Binkley: But do you think that if you had a scale and a balance, that the problems of alcohol in the village and the problems that it causes, some of the deaths that it causes, do you think for the good of the whole community that that is heavier or weighs more than that individual's right to have alcohol in his own home?

Berlin: If the constitutional law, in regard to our rights was changed, then they could deal with the person without any problem. Because of the way it's written now, there's nothing we can do unless the law was changed to being able to do something about that person in their own home.

Binkley: John, do you think that banning possession in the village would help the problem here?

Berlin: Yes, I think so. People who believe in God, their job is to talk to people. But then the problem is when the community members are abusing, they affect the people who are working in the field of church activities. They suffer as a result of somebody abusing. Christianity teaches that a prson abstain from drinking.

Binkley: So those people drinking alcohol affects innocent people?

Berlin: Yes.

Binkley: Would you like to testify now?

Tsikoyuk
Andrew: (As translated from Yupik) He says that he has always been looking for a way to deal with the alcohol problem that exists in the community and he wants to let you know that he is praying not just for the group here but the people who work for the people, like senators and representatives, to give you wisdom. He says that he prays for you every morning and he thinks that his prayers are being answered now by you coming in and gathering information and dealing with how to find a better solution for dealing with the alcohol problem. When you came here on campaign you stated that you would try to help the people find answers to our alcohol problem. He's giving the committee his support and encourages the villagers to do likewise. He has a son who lives right next door to him and the son uses alcohol and when he comes into the village after being away the other young adults tend to gather in that house. The only people who gather in that house are those who use alcohol. Once in a great while he would come into that house and find a lot of people and would say "There's too many people here". One by one the people start leaving when he comes into the house. They start to feel uneasy and start to leave. Yesterday one of his sons was calling him. Each time he asked God to give him the right words to say. He did the same thing just before he came up here. Sometimes he steps out of his house and sees a couple guys standing right outside of his son's place. When he does that one of the guys will go back and try to avoid being seen. So he stands right outside of his house until the people start leaving his son's house. He wants to encourage the rest of the villagers to keep going, to try to find answers for the alcohol problem. What he would like to see before he dies is the solution to the alcohol problem. He thinks this is just the beginning here in finding that solution. He hears about the word city, but he doesn't understand what the word means at all. He says the reason we have more problems here is because laws are not being enforced. Back when he was a young man laws were enforced,

offenders were dealt with, but today you hardly see enforcement and people who were put in jail for something they have done can get out of jail by paying bail. A lot of time offenders who were in jail come back to the village and feel that nothing serious will happen to them even if they continue to drink. This goes in cycles. A lot of times offenders end up doing something more serious. A lot of people are dying in this day, especially this year there seems to be more deaths and the year isn't over yet. This is the result of not enforcing the law. The condition is worse. He tries to work with the council. Some of the council members are not cooperative. They're not ready to give help except Robert Nick. Robert Nick helps him a lot. He requested a trooper to come into the village through Robert and that trooper came. Again, he wants to thank you for being here and meeting what you had promised to do in trying to deal with our present alcohol problem.

Binkley: It's a very very difficult problem and it's a very large problem. I don't know if it's something I can solve in my lifetime. But I'm concerned about it and working hard on it and other legislators are too.

Tsikoyuk
Andrew: (As translated from Yupik). He knows the alcohol problem will always exist but he looks forward to the time when a better solution will be found.

Binkley: Thank you for your wisdom and your prayers too.

Otto: I just wanted to clarify, when you were speaking about deaths earlier, were those alcohol related deaths?

Tsikoyuk
Andrew: (as translated by interpreter:) Some of the deaths were alcohol related. The incident that he can remember the most was the airplane crash in Red Devil which was alcohol related.

Paul
Jenkins: Who sent out a survey? IRA received the papers, state law, I think there is a state law or federal law which includes marijuana and alcohol, are written in those laws. What we don't like, we scratch them and we change them, IRA. We received them. Who sent it out?

Binkley: I don't know. You mean you received a copy of the laws?

Jenkins: Yes. They surveyed all the villages I guess.

Binkley: Maybe Community and Regional Affairs. I don't know. AVCP?

Jenkins: IRA received them. Most of it was on drugs and

marijuana and what we didn't like we scratched out.

Binkley: And changed the law the way that you...

Jenkins: Changed the law. I thought you knew about it, that's why I asked you.

Binkley: I don't know exactly what you're talking about, Paul, I'm sorry.

Jenkins: This is important that you come out and survey the villages. I believe you are going to survey the rest of them too?

Binkley: We're going to be having hearings like this. We've been holding them around the Yukon-Kuskokwim Delta, and we're also going to go to the Kodiak area, down in Dillingham and Togiak, Nome and Kotzebue.

Jenkins: The villages have a right to make their own laws. Everything is not impossible. Some ways it is possible for us to control the situation in the villages. Now we have the most important part that I see in the villages is marijuana. My son, I don't have to mention it, there's some I know using the marijuana. Sometimes when I look at it, it seems to me they're not in the right position. They're off, but we're supposed to stand. The marijuana in the villages is happening. There's a possibility for you and for other senators or judges. If the airlines, I can order something I want from Anchorage, that's free to me to order, but when I worked for the airlines, I used to send most of it back, because the people, I knew them. Then later when I got out from the airlines work, I went back to village and most of the villagers start receiving liquor from Anchorage. I know this law that we can not touch .. and the way the law said it, there's a possibility to stop it. You see the bush pilot is not supposed to carry liquors into the community of Nunapitchuk. I don't know where they get the marijuana. Marijuana seems to me to be worse than liquor because the marijuana is for the young people. Their mind can't think straight. That's the main thing that I don't like. I don't like liquor too. Happening here once in awhile in the springtime and summertime and any time they have it. I cannot tell you some people who are happening. Every time I hear of the people who have accidents, I never see them with my own eyes. If I had seen them with my own eyes I would tell you. But I heard that so many times they're under liquor. That's a real problem, it's a danger for us. You see, the Eskimos have strong blood. They can stand the winter. But when they take the liquor, they take it. They can't

stop, until sometimes they're passed out. They cannot control themselves. The white man has light blood. I believe that I have light blood. They can control, but Eskimos can take as much as he can until he passes out. That's the dangerous part for Eskimos in the wintertime. In the summertime driving a boat. It's happened in our river once, maybe twice. All I know is once when it happened in our river. One died, one survived. That's the main parts that I want to tell you about. There's a possibility to fight state law. They say that we cannot search but one thing that the village should have is one person or police, or state police, city police, should have search warrants...to go into the house or take the liquors and destroy them I believe our police don't have any search warrants. I don't know how that works. You should know better than I do because you're a white man. Then I don't know how they get it. They should get it to villages. That's a problem that we cannot go into the house and search for liquor in the house. If the person has a search warrant, then he can go in. I think that would be the best way to handle the behavior of people. That's all I have to say.

Binkley: Paul, thank you very much.

Golka Maxie: (As translated from Yupik) Local option law was passed here in the village, thinking it would solve the problem with alcohol. But it never worked and he says that he thinks more problems were surfacing after local option law was passed. Right next door to his house is a house that is like the center of drug activity. When a lot of guys gather in that house at nighttime, he doesn't sleep, sometimes all night. The reason why he doesn't sleep sometimes is that he's afraid that somebody from that next door house might come over and disturb him. He says that he's not able to defend himself if some aggressive person comes over and bothers him. A lot of the villagers when they come, they tend to come to that house. He sees a lot of people in that house when he looks out through the window. His house is on the other end of the village.

Binkley: Do they drink alcohol at that house?

Maxie: Sometimes there's drinking going on. The situation has improved now but before there was a lot of drinking going on. He's not lying when he says he stays up during the night worrying that some drunk person might go in and bother him because he's weak and can't defend himself. He thinks the best solution is to start enforcing the law. A lot of times young people come into the village looking innocent but

they're still importing alcohol and drugs. If there was some way to stop that and start enforcing, the problem with alcohol would improve. When there are a whole bunch of people right next door to his house, he sometimes goes without food because he worries and when that happens he doesn't feel like eating. It affects him. The people next door make him worry.

Henry

Tobeluk:

(as translated by interpreter) He's encouraging the village to talk to people that have alcohol problems, people that have emotional problems. He went on to explain that when Jesus was on earth, he came to earth to try and save the people that were lost. That was his mission. He wants to encourage the people to start talking to those that are lost in alcohol, or somebody that is just depressed. People won't be of any help if they gossip about that person, or put down that person. But they will help if they just start talking to them. That's basically what he was talking about. He was encouraging the group to start doing that.

Binkley:

Thank you. Evan Alexie?

Alexie:

(As translated from Yupik) He's saying that when he first became aware of policemen, he thought that they were enforcing the law. They arrested people that were drunk in Bethel. Back then there were no VPSO's in the village, there were no police in villages. But that's what the police were doing in Bethel. They were working, they were enforcing what needed to be enforced. From what he's been observing, when a young man drinks a small amount of alcohol, and mixes it with marijuana, he seems to act crazy. He's more aggressive in a negative way, doesn't show any respect. He's not afraid to do anything. He says when people mix alcohol and marijuana, that's what happens. And then he went on to say something about his kids. He can't make them stay home. The kids leave the house and abuse marijuana. That causes disrespect to the elders. Marijuana is a drug that's hard to find on a person, comparing marijuana with alcohol. Young persons who just abuse marijuana, their attitudes begin to change. They're not afraid to do anything. They just don't show respect to elders. Just marijuana alone can do that, he says. That's all he wanted to say and he wanted to thank you for being here. He's hopeful that some solution will be found to deal with the present problem we're having today.

Binkley:

Thank you. John Wassillie.

?

May I interrupt? We thank you very kindly for this

opportunity to witness government in action. The high school class must return. Thank you sir.

Binkley: We appreciate the participation of the high school class and are glad you could come here today. John Wassillie, Sr. is the next one.

Wassillie: (As translated from Yupik) He's aware of the alcohol problem existing in the community. And he knows local option law has been passed here, but states that it's not working. People don't show respect to the law. He knows that the village is against importation but it's becoming worse, the problem is progressing in a negative way. Then he shared that one of his daughters died in a fire, not here but in Bethel, and that the fire was alcohol related. After the local option law was passed, there was another death here in the village. A young girl was drowned and that death was alcohol related. Another incident that happened last year was a stabbing. This was alcohol related but there was no death. Thank you. He wants it pointed out that one of his sons abuses alcohol and when he's under the influence he plays with firearms and sometimes shoots a live round right here within the village boundaries. He caught him twice in the house when he played with a rifle and heard at one time the same guy shot a live round at another house.

Anesia
Hoover:

(As translated from Yupik) She stated that the alcohol problem is increasing, not just in one village but within the whole region. It's becoming a major problem. And not only alcohol; marijuana and other drugs are starting to flow into villages. She knows that marijuana is just the same as alcohol, causing problems worse in the people who abuse it. And many are starting to abuse these drugs here. People who import alcohol and other drugs are hard to find because they import it secretly. The substance is not out in the open. It's packed somewhere. They don't know until they hear about it in the village that there is a problem with somebody abusing. She says that alcohol will never go away. It will continue to be a problem. Children who are abusing, even her children who are abusing, show no more respect. It affects the family. A married couple is separated because of alcohol. A lot of times the couple who are separated don't care about their kids. Their kids are also suffering. She says that those who are suffering are non-abusers. A lot of times they're sad and unhappy and uneasy because of that problem. We try to talk to our kids about the way of life. There's not

one parent in the whole wide world that doesn't give direction to their kids. Everybody tries. This is what she does as much as she can. Back when there was no local option law, when there was an abuser in the village, the council went to their house and talked to that person. But now people know about the constitutional law. The Constitution protects that person. That's because they know that, so the problem with alcohol is progressing. She mentioned again talking to kids. Even if they don't listen, just keep talking to them. As long as alcohol is made, people will continue to drink it. Because of white culture invading the small community, they no longer can deal with their own problems like they used to when constitutional law wasn't heard of that much. But now because people have some knowledge in that the problem of enforcement has increased a lot. Unless there is some way to stop making alcohol, people who abuse it, if it's not available, they will stop suffering. Alcohol is like a whiplash. Elders are being emotionally beaten because of alcohol. A lot of times when her children that abuse alcohol go out of the village, either to Bethel or Anchorage, she's at home worrying that something's going to happen. And that's all she wants to talk about.

Binkley: Thank you Anesia. Oscar Nick?

Nick: My name is Oscar Nick from...council member. (as translated from Yupik) The Yupik culture can't become white. We can't become white people even if we're being educated the other culture way and because Yupik never made alcohol we will continue to have that problem. Alcohol never existed in our culture. The parents, if they have a child who's an abuser, they don't readily report that abuser to the authorities. In our culture the child can remain with the family for as long as he likes. A lot of times when that child is causing problems in the family, the parents tend to run out of the house. In your culture that isn't a problem with the parents running out of the house because of the child getting drunk in their home.

Otto: Where do the parents go?

Nick: (As translated from Yupik) Away from the house. They leave their home. When he goes into Bethel he sees a lot of drinking activities. Just recently when he was coming home from Bethel he was standing outside of some terminal and found this and thought it was a hat or something but when he looked closer he

found it was a pipe used for smoking. If the community got together and said that they no longer want alcohol or drugs in their communities, and send that letter, how would that affect the community?

Binkley: It would help, just like the testimony that we're getting today helps. That's why we're here--to gather the facts and the information so that we can take it back down to Juneau and present it to the legislature. A resolution from your council, letters from people, testimony on the record, that all helps us to let other people know what some of the problems are and to build up the record so that we can justify any laws that we enact.

We're also running kind of late, so I don't know if we're going to be able to get to everybody that wants to testify today. If we don't, you can send a letter in, it doesn't have to be a long one. And you can call Laurie and talk to her about what to talk about in the letter and when you send the letter to her it will be entered as an official part of the record that goes into our report to the legislature. I know one person we wanted to hear from is the village police officer so that we could get for the record some of the specific crimes and problems that you see from a policeman's standpoint, so maybe you could testify please.

Andrew

Wassillie: I'm Andrew Wassillie, village police officer. (As interpreted from Yupik) There's more alcohol problems within the community. One good thing about working as VPSO now is that people can call for help over the telephone or TV. One time when they were making arrests on somebody they took their bottle and found that he had a bag of marijuana with him. When people are mixing those two substances they're more aggressive. They're not afraid. They can fight back. When there are cases like an abuser being arrested in the community, Council meets with that person and talks with them. What they do is practice confidentiality. After the meeting is over, Council doesn't go out and talk to the community, they don't give out the names of abusers. Whereas in Bethel, when you look at the "Drums", you find a lot of names of the people who were arrested. That's why people in the community think that the Council isn't doing anything or doing their job. It's because they don't talk about it and make public what they did with the abuser. He knows Local Option Law was passed in Bethel but it's not working. People who go into Bethel import alcohol to here. When he makes the arrests, he fills out a form and on that form there

are several questions. If the form isn't filled out and if he doesn't have a witness and go to court, most of the time the case is dismissed, even if the person has done something serious. If there's not enough evidence and if he doesn't have a witness, most of the time the case is dismissed.

Binkley: What are some of the problems when people do start drinking? What are some of the results?

Wassillie: The problem is somebody else. They get mad and they get starting to drink. Sometimes they get into accidents or big trouble. The result is fights. When that happens one of the people get hurt. Some of the fights that come up don't always relate to alcohol. Because he's a public safety officer he tries to take care of the whole matter before it gets worse.

Sund: I have a question. I'm from the other side of the state, in Ketchikan, and I want to make sure that "big trouble" is the same to you as it is to me. So I was just looking for some specific examples of, say in the last month or year in this village, what's happening related to alcohol in terms of fights or accidents or child abuse? What are some of the specific instances? What do you do with them? Do you have a jail here, or how do you deal with the people?

Wassillie: Yes. We put them away. Some of the big trouble we have we call the State Trooper and the State Trooper comes up and takes them.

Sund: Have you had any instances of people abusing alcohol, getting drunk and then going through the village and destroying other property.

Wassillie: Yes, we have.

Sund: And what happens to them?

Wassillie: They brought it down to court, and they worked on it, and when more works pile up, there's delays and they release the person that was in jail maybe after three months.

Sund: We've had some testimony in some other villages that we've been in the last few days that there's some difficulty to get people in a village to testify against other people in order to get a conviction. Do you have that trouble here?

Wassillie: Yes, we have problems with that. They didn't want to make a statement. Some of those who saw what that person did, they wouldn't testify.

Martha

Keene: It's very serious. My husband was a former VPSO. he had that problem.

Sund: Would it make a difference in terms of whether the person was going to go to jail or not go to jail? Would the type of penalty make a difference of whether people would want to testify or not? I can see that I'm not sure that I'd want to testify against my brother if he was going to jail, but if there was another alternative of community service or some other type of punishment, would that make any difference?

Wassillie: (As translated from Yupik) It would probably work that way. A lot of times people don't want to testify. One reason being because they're related and another thing is because they don't want to get involved in court hearing.

Sund: I had one other question in terms of one of the prior people testifying. They stated that there seemed to be a trouble of people being convicted, then put on probation, and then sent back to the village. Some of the other villages testified that the probationary period wasn't followed up very well. Nobody ever checked on the person on probation and he just kept on going on and doing it. Is that a problem here?

Wassillie: Yes, we have sometimes a problem with that. They sometimes send us papers to watch over that guy that is on probation, by weeks, sometimes by months.

Sund: Thank you very much.

Otto: I just wondered if a law which banned possession of alcohol, which made it illegal for people to possess alcohol in the village, would help you at all in law enforcement here. Why do you think so?

Wassillie: (as translated from Yupik) It would be better. But there's another problem to it. Even if somebody's obviously carrying a bottle inside his clothes, they can't go up to him and start searching. They can't do that. It's against the law to make a search in that person's house without a search warrant.

Adolph

Lewis: Can I ask a question? Does a VPSO still need a search warrant to search a man who's obviously carrying a bottle in public?

Otto: If you can see the bottle, assuming there's a law that makes it illegal to possess alcohol, then you can take the bottle. But if it is hidden, it's not in plain view, you need a ...(comment from woman in audience.)

- Otto: Right now you can't, because it's not illegal to possess alcohol. It's illegal to import it, but it's not illegal to possess it.
- Binkley: They couldn't take it away from them if they didn't see it, unless they got a search warrant, which they have to call up to Bethel for. And they can do that over the phone, if they have probable cause, and then search the person or the house, whatever the case may be.
- Jenkins: Another thing, the bush pilots, you should ...the bush pilots. You see the bush pilots in Bethel. That's a big part of it. If they bring out any liquor and if the village police takes that person and asks them, sitting in front of IRA or anybody, they can ask them where that... If it brings down liquor, that's a danger. If he finds out where he buys that, they can do something with the authority.
- Binkley: I think if the pilot knew that the person brought alcohol into the village. But if the pilot didn't know, if the person had hidden the alcohol in his pack or in a box and the pilot didn't know...
- Jenkins: If he knows, the pilot should stop it right there.
- Martha Keene: (As translated by interpreter). She was saying that they have this problem within their families; she shared what she's experiencing now with one of her children. When the child comes home under the influence, they don't stay in the house. And sometimes they don't sleep in the house because of that. Unless something is done with this problem, it will continue to be a problem. She knows people that sell alcohol and marijuana, but she's afraid to turn that person in to authorities. She says there is a law protecting the abuser.
- Binkley; We're going to have time for only one more. Maybe we could get Ivan, from City Council, to testify. For those of you who didn't have time to testify today, I apologize for not having enough time. But you can write the things down and send them to Laurie Otto to that address, or call collect to that number, and she'll tell you the direction that we're trying to go in these committee hearings and she can give you that address again in case you forget it or didn't write it down.
- Jenkins: Tell her that I reject the person that has carried liquor in his house. Everybody rejects him.

John

Alexie: (As translated from Yupik) Even if we do send in our reports to you, it won't make any difference unless we in our own village do something about it.

Binkley: That's exactly right.

Alexie: (As translated from Yupik) If small villages are given the opportunity to vote with the City of Bethel on the options, the problem of alcohol in the village would increase if we don't cut it off from the stem, the stem being the transportation of alcohol from the City of Bethel.

Ivan

Wassillie: My name is Ivan Wassillie. I'm a City Council member. All the words from the previous testimonies were taken out of my mouth and I agree with all of the elders that have spoken before me. This Local Option Law, since it was enacted back in 1979 or 1980, it seems like when we adopted this Local Option Law the City Council had their hopes tied up in one of the provisions of the Local Option Law. That is the local control of the substances, alcohol and drugs. I think that they got their hands tied in that and they couldn't control it locally. The problems of alcohol in the small villages are just like the way the elders have been talking about: respect and family relations and it's costing lots of people jobs. People in small villages are closely related even though they're not family members. Some of this alcohol and drug abuse causes lots of people's attitudes to change. They get temperamental. That breaks up family or social relations. Or families with lots of children are living in constant fear whenever their children go to Bethel or come back from Bethel or they're thinking that they may be bringing in alcohol. And we voted this Local Option Law saying that importation of alcohol is illegal. But then they bring it along with them, putting it way down under the sacks or boxes or whatever they brought, and then they come in looking innocent. There's no way of finding out who's bringing in the alcohol until it starts to make some noise in that house or from that person. I think this Local Option Law and alcohol problems are not coming from the village itself. The problem does not arise from the village itself, or the people who bring it in from other villages, like Bethel. I think just like John Alexie said, it stems from Bethel. That's where it should be cut off I think. Like importing liquor into Bethel or getting those bootleggers off the street in Bethel. I think they're making too much money out of this hard-earned money in bush areas where it's much needed. These people are living with most of their children in the same household with

their parents, even though they're eighteen or twenty-seven years. These families have machines, one snow machine belonging to the same family, or motor belonging to the same family. Once this abuser uses that machine they just abuse it or sometimes break them down and then that leaves the family with no transportation sometimes. It's alcohol arrests or it's Local Option Law. Criminals cannot be arrested because the policemen have to have lots of evidence to nab these offenders. Just like somebody said that these policemen, these village policemen, seem to be living within the Constitution, which is a privacy act or whatever it may be called, and then it seems like whenever these laws were made for offenders, it seems like the law or whoever's working in the court, leans more toward the offender instead of on the law in the courts. And that's what they're afraid of, I think. Lots of people didn't want to witness any arrests that are made. They don't want to be witnesses just because they don't want to stand up in public. I think that Local Option Law penalties are too severe for the village. The enforcement is also a problem because the State Troopers are too slow in responding with Local Option Law when there's no criminal offenses. Maybe we should suggest that under the law, Local Option Law, the penalties should be lightened and they come to the local authorities to work on it. I think that local government should be given a chance to make an ordinance to set up the fines or penalties for offenders. ^{That's pretty} ~~in~~ the case from the very beginning I think the State put, before the State of Alaska becomes a state or even before it becomes a territory. I think that this banning of alcohol in the options ~~4~~ could be the case that would help out the problems or reduce some of the problems, alcohol related problems in the villages. I myself have been a heavy user of alcohol in past and maybe right now maybe once or twice but I'm not constantly using it anymore and I think that these people, because they're closely related, they would be not too severe on their own people. They would be working with some solution that would be workable to make more penalties more understandable to them. It's causing all kinds of troubles like family members being lost or drowning or just like...and right now there's some kids going down about one and a half miles downriver and went into a hole and we heard that person was carrying a couple of bottles too. And that's all I have. City Council had written a letter to ~~Sheffield~~ ^{Sheffield} over the past year and to John Binkley on this to vote on a region-wide basis on an election district. And this one here is subsection C to subsection 04.11.502 Procedure for Local Option Elections. Section C to read as follows: C: ~~the~~ Lieutenant Governor, whenever thirty-five percent of

the registered voters residing within a fifty-mile radius from the 3,000 people municipality or village petition the Lieutenant Governor to do so, shall place upon a separate ballot ~~the~~ question or combination of questions that adversely affects the region set out in Alaska Statutes 04.11.492-04.11.500 which constitutes the subject of the petition. Twenty-five mile radius, 12 ~~persons~~ ^{persons}. Oscarville, Napaskiak, Napakiak, Atmautluak, Nunapitchuk, Akiachak, ~~Quigluk~~ ^{Kwethluk}, Akiak, Kasigluk, Bethel 1, Bethel 2 and Bethel 3. Fifty mile radius, 16 ~~persons~~ ^{persons}. Oscarville, Napaskiak, Napakiak, Atmautluak, Nunapitchuk, Akiachak, ~~Quigluk~~ ^{Kwethluk}, Akiak, Kasigluk, Tuntutuliak, Eek, Bethel 1, Bethel 2 and Bethel 3. Lower Kuskokwim School District 25, 24 ~~persons~~ ^{persons}. Akiachak, Akiak, Atmautluak, Bethel 1, Bethel 2, Bethel 3, Chefnak, Eek, Goodnews Bay, Kasigluk, ~~Takotna~~ ^{Kongiganak}, Kwethluk, Kwigillingok, Mekoryok, Napakiak, Napaskiak, Newtok, Nightmute, Nunapitchuk, Quinhagak, Toksook Bay, Tuntutuliak and Tununak. State of Alaska Election Districts, 14 Senate districts.

- Otto: Could I have a copy of that?
- Wassillie: Yes. We sent one to you last year ^{up} to Governor Sheffield.
- Binkley: If we could get another copy of that and then that modification that you suggested there too.
- Otto: We need to have that as part of this committee record. I have a question. Did the Local Option Law have any effect on the way you drank?
- Wassillie: I think so, because since that local option law I was kind of afraid to bring any liquor any town and then that greatly affected my drinking because I was real down maybe a couple of times...I used to be a constant, like problem drinker myself. Since that Local Option Law came, for some reason I slackened down on that.
- Sund: Not so much a question as just an observation. I just want to say I appreciate the opportunity to be here. I was born and raised in Ketchikan, which is on the other side of this state, probably 1000 miles away from here, and this is the first chance I've ever had to be in the Kuskokwim-Yukon area and we've travelled in the last two days to Aniak and Akiachak and yesterday were in Emmonak and Toksook and today here and in Bethel and it's really given me an opportunity to see a different area of the state and meet some of the people here and see some of your problems and I

think it helps a little bit in being a legislator and knowing a little bit about what flatland looks like. If you want to see mountains come down to my town. And if you want to see some rain...It's been very beautiful weather here the last two days and I think I have a much better understanding of what the alcohol problem here in this area is versus what the issues are down in southeast Alaska. Again I say thank you and we have two more hearings today in Bethel so we have a long day ahead of us. We appreciate it.

Wassillie: Another thing ^{would} I ~~should~~ have mentioned is that ^{could have been} these case hearings ~~was~~ dispersed to each village in the Kuskokwim-Yukon district.

Binkley: We would have liked to have been able to go to every village...(end of tape).

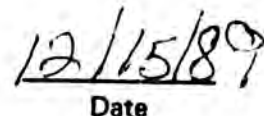


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SELAWIK

JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS

DECEMBER 12, 1985

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

Rep. Binkley: As you've probably heard on the C.B., what we're talking about is the local option laws and how they might be working out here in Selawik. We're looking at making some changes in those local option laws. A lot of people have talked about home brew and about possession of alcohol within the villages. They say the local option laws aren't working well enough and we need to make some changes in those. That's what we are proposing is some changes. We'd like to get testimonies from people and find out how the local option law works here, what's some ideas from you people might be and how we might change that and make it better to help the communities as far as dealing with the alcohol problem; also, to get a feel for how much of a problem alcohol is in the communities. What is happening here because of alcohol, is there people and children not getting a good education because there's drinking in the homes and then they don't get to school on time or their tired when they get to school? Maybe there's domestic problems or people getting lost because of people drinking. What are some of the problems that are happening here? We'll take this this testimony and put it into a report and then present it to the legislature down in Juneau. So if we could get some people to come up we need to get it on the record.

Laurie Otto: How this all came about that this committee is traveling around to the villages to hold public hearings is that John Binkley represents in the legislature the Bethel area. The Yukon Kuskokwim Delta where there is 33 villages that have used the local option law to go dry. They've

Selawik; Local Option Hearing "2"

contacted him and told him that they thought they thought that although they were glad that they had the local option law because they thought it helped they didn't think that it was strong enough or covered all the areas that people in the villages thought needed to be covered. They said as long as your going to ban importation you should talk about possession of alcohol and home brew. They said what's the use of banning importation if people can still have home brew and people can still have as much alcohol as they want and that's not illegal. They asked him to introduce a law which would allow villages to ban possession and would include home brew. You can pass such a law and it will be legal, but before the legislature can do so they need to show through the testimony of people (through people talking on the record) that there are enough problems with alcohol that it's reasonable for the legislature to let communities ban possession of alcohol. That's a pretty serious step. Your really telling people what they can and can not do in their own home. You can do that if there is a good enough reason for doing so. There are two reasons that their going around to the villages. One to see if people would like to see the local option law changed in any way including allowing communities to ban possession and home brew. The second reason is to find out what are the problems with alcohol? Are they serious enough to justify taking that step. So, that's why they are asking for public testimony.

Unidentified

Man from

Audience: Are they going to try and put another (Not loud enough to hear)... amount of alcohol?

Laurie

Otto:

Well, what's happened as a result of holding these hearings is that a lot of people have come up with a lot of suggestions for how the laws could be changed to better help community needs. So their being very receptive and very helpful to listening what people want and if that's a suggestion that you think that should be made then you should make it so we can consider if that's something we should put into law.

Rep.

Binkley:

If you could give us your name for the record then we'll have you sign up on that sheet too.

Fred

Selawik; Local Option Hearing "3"

Thomas: I'm not from here, but... PLeased to meet you all. I'm Fred Thomas. I'm the Prevention coordinator for (couldn't hear village name) alcohol program. I'm on the villages coordinator and I hear lots about alcohol. Even if it's dry now there's some people drinking daily. We had a meeting earlier in Kotzebue and Mr. Gilborn stated that he'd be willing to go along with. Everything the amount of alcohol that could be bought with in the distributor at the (Not clear enough words) ...at Kotzebue. He was willing to go as far as putting a sign in sheet and letting the people (...Not clear C.B. is louder than Mr. Thomas' voice)...alcohol that's being transported to the villages. In the last couple of days people have been going to Kotzebue and coming back with alcohol and then get pretty wild out there. That's not good for our people up here.

Laurie

Otto: What's happened?

Rep.

Hurley: He came back, and they were bringing alcohol you say?

Fred

Thomas: I'm pretty sure that they were. I can't say for sure though.

Laurie

Otto: Just so it's clear there's people that are missing right now as I understand it. So there's a lot of people in Selawik right searching for them and they left a couple days ago from Kotzebue and they haven't been heard from.

Fred

Thomas: People searching from Kotzebue I guess and from another village and one other also. I could see the seriousness of it because right now there's family violence and child neglect. There's a lot of things - alcohol is causing a lot of problems, big problems. Breaking up homes and everything.

Laurie

Otto: How long have you worked for ^{Manila} ~~Munusluk~~ alcohol program?

Fred

Thomas: Since September of 1984.

Laurie

Otto: Have you worked with the field of alcohol before

Selawik; Local Option Hearing "4"

then?

Fred
Thomas: I used to be an alcohol abuser myself.

Laurie
Otto: Do you travel and coordinate with the villages?

Fred
Thomas: Yes, I work with the villages coordinators in every village that we've got.

Laurie
Otto: What villages are you working with?

Fred
Thomas: Presently we're working with one here in Selawik and Mt. Village, Ambler, (couldn't hear one of the villages) Shungnak, ~~Napaskiak~~, Galena, and Kol~~bu~~~~kk~~.

Laurie
Otto: You have personal contact with the alcohol coordinators with each of the villages?

Fred
Thomas: We're in contact with (...there sure is a lot of back ground noise)...they do make weekly reports.

Laurie
Otto: Do the people in the villages provide counseling to people with alcohol abuse problems?

Fred
Thomas: Yes, to a certain extent.

Laurie
Otto: What else do they do?

Fred
Thomas: They (to much back ground noise)... anyone that comes there they will help them.

Laurie
Otto: Do all of the villages have similar problems with alcohol?

Fred
Thomas: Yes. Some of them are, like earlier this fall we had to make a trip to one of the villages and things were (not clear enough talking to type)...doctor...station...danger.

Laurie
Otto: So some villages have more problems than other

Selawik; Local Option Hearing "5"

villages, but when they have problems the problems are similar?

Fred

Thomas:

Yes. I think all of the villages do have problems. It's just some of the villagers are just more open about the problem than others.

Laurie

Otto:

How long have you lived in this area all of your life?

Fred

Thomas:

Not quite. I used to spend a couple of years out in the lower forty-eight too.

Laurie

Otto:

But pretty much. So you lived here before there was the local option law and after?

Fred

Thomas:

Yes. I was in first grade we moved to Kotzebue, then Wrangell.

Laurie

Otto:

Do you think the local option law has helped at all?

Fred

Thomas:

I'm not sure. I don't think so.

Laurie

Otto:

Is that because their Troopers don't provide enough back up or the V.P.S.O.'s aren't trained well enough or why do you think it's not being enforced?

Fred

Thomas:

I'm not really sure. I've got some personal views. There's some people that maybe know that there are some people are bootlegging, but the people in the villages are kind of related in some certain way. So they don't want to turn in their relatives. Maybe with more education, maybe they'd see by turning them in they would be helping.

Laurie

Otto:

I know that you were here earlier when I was talking about what the villages in Rep. Binkley's area had asked for. They want to be able to ban possession of alcohol including home brew; so sale would be banned, importation would be banned, but it would also be illegal to possess

Selawik; Local Option Hearing "6"

alcohol including home brew. That would be to close what those villages view as loop holes in the law. Do you think that would be a good idea? Would you recommend to these legislatures that they take that approach?

Fred
Thomas:

I think I would.

Laurie
Otto:

How come:

Fred
Thomas:

Because of the reason I just gave you. With all the trouble it causes. Look at the number of suicides we've had almost 94% of them are alcohol related. I'm not real sure of the percentage, but way up there. If you look at the alcohol related crimes it's way up there in the 90's (%) also.

Laurie
Otto:

In the Bethel area they said of the violent crime that it's almost all alcohol related. Is that true up here too?

Fred
Thomas:

Yes.

Laurie
Otto:

So what you're saying if I'm understanding you correctly, and I want to make sure that I am is that the problems that are in this area are so serious that in order to deal with them possession of alcohol needs to be banned.

Fred
Thomas:

Unfortunately our funds are kind of limited. If we had more people working with us we could do a better job. Right now we're really over working (Not clear)...our program.

Laurie
Otto:

I don't have any other questions.

Rep.
Hurley:

You said you had been an abuser. Was it the fact that alcohol was banned that helped you or was it counseling? What helped you?

Fred
Thomas:

Counseling and the desire to quit. Even before I found out about alcohol, just like everybody used the alcohol and abused it. Just like 4th ave. in

Selawik; Local Option Hearing "7"

Anchorage or like in Kotzebue somebody (not clear)...or something like that. I didn't think of...(not clear)...alcohol...were like some people Doctors, Judges, anybody Pastors. Anybody that's human can be an alcoholic, right?

Rep.

Hurley:

Thank you for answering that very personal question. I didn't mean to be too personal, but I think it's important to the people to know what happens - why people can change.

Fred

Thomas:

I think it takes one to recognize the dangers of it too.

Mark

Earnest:

I've traveled to a lot of the villages in this region. A number of them have banned the importation of alcohol. Do you find that there is a lot of alcoholism even though the villages have banned importation?

Fred

Thomas:

Yes there is even our villages are basically wet.

Mark

Earnest:

So the alcohol still gets in then. Do you have any understanding or any feeling why that is? Why there is a problem?

Fred

Thomas:

Well, when you look at the isolation of most of these people and lack of work I can see why now why some of the younger ones might be kind of torn between two different cultures. That might have a lot to do with it. I think a lot of it might be something to do like, construction or some activities - alternative activities that they can have. I understand...(Not clear) starting a mens club and...(Not clear) interested then when he left that kind of left with him. Something they can do recreational activity or some kind of school or maybe carving.

Mark

Earnest:

Some other activity that people could do instead of sitting around. Do you think - I know that some of the problem is from the area I come from which is the Bethel area has been inability of the enforcement village public safety officers and village police officers in stopping the people from bringing it in. Part of the problem is that once the alcohol is in the community it's

Selawik; Local Option Hearing "8"

not - the village can't do anything about it. It can't enforce any laws. Like Laurie and Rep. Binkley was saying one of the options that this committee is looking at is banning the possession of alcohol. So it would provide a mechanism for the communities to deal with alcohol once it's in the villages. Do you think that would be helpful?

Fred
Thomas:

Yes, I think it would be helpful. Every (...can't hear clear enough) public...maybe even not...are going to start putting in now. The violators they are going to make a public announcement over the intercom.

Rep.
Binkley:

Fred I can't quite hear you. Can you speak up more.

Fred
Thomas:

I'm not sure, but I think they're going to make public...(Can't hear).

Rep.
Binkley:

Oh, I see. Publicizing the offenders. Putting social pressure on the people then to... Ok, Fred thank you very much. Appreciate it.

Laurie
Otto:

Are you Richard Mashburn the V.P.S.O.?

Richard
Mashburn:

Yes I am.

Laurie
Otto:

Maybe we could hear from you, please.

Rep.
Binkley:

Richard have you had a chance to talk with Laurie about what...?

Laurie
Otto:

No, he doesn't have a telephone.

Richard
Mashburn:

Just got it hooked up.

Rep.
Binkley:

Well at any rate Richard, I don't know if you got a chance to hear us on the C.B. or if you know what we're even doing here.

Mashburn:

I heard briefly over the C.B.

Selawik; Local Option Hearing "9"

Rep.

Binkley:

Well, I'm representative Johnne Binkley from the Bethel area. This is representative Katie Hurley from the Wasilla-Matsu area. Mark Earnest who is an aid for Sen. Sachett from our area also and Laurie Otto who is the Legal Counsel for the committee. We're studying the local options, finding out some changes we could make that might help communities with dealing with alcohol problems. One of the proposed changes is to allow communities an additional option that would go a step further and banning possess of both commercially produced alcohol and home brew. So that a lot of communities in Sen. Sachett's and my district have indicated that the ban on importation simply does not work. It's impractical to be there to meet all the flights to check people. You can't just go in and discriminatively search people and say come in and once the alcohol is in the community there's nothing you can do your hands are tied you can't go in legally and confiscate it from people. So we're looking at the possibility of allowing to ban the possession and if you did then see somebody that had alcohol in the community where you would be able to confiscate the alcohol. What we've invisioned is some kind of a fine, a uniform fine system where the person would be fined or do some community work.

Richard

Marshburn:

My name is Richard Wayne Mashburn. I'm a V.P.S.O. and a police officer. I've been here since 1983. I've been a V.P.S.O. about a month. I've been a chief of police about 7 months. I've been working out in the field a lot with people. Do you want me to start talking about...

Rep.

Binkley:

Maybe in order to support a legislation like this constitutionally we have to show there's a significant health and public safety problem with alcohol in the communities. It's so significant in some areas that it out weighs some individuals right to privacy. For the good of the whole community it's important to give communities that flexibility to ban possession of alcohol. Over-riding the individual personal rights of privacy. So we need to establish how bad the problem of alcohol is in the community. What the public health and safety threats maybe to the community as a result of alcohol. So some of the problems that you see from your perspective of alcohol. What are some of the crimes that are

Selawik; Local Option Hearing "10"

committed as the result of alcohol, how are some times innocent people affected when others drink in the community, children maybe.

Marshburn: Ok, we've been having a lot of children left alone. Like when their whole family is drunk there's ~~no~~ way they can take care of them good. Their house gets cold. Let's see a fifth of Whiskey here costs \$120.00, a pint is \$60.00 average. That takes a lot of money away from the kids, stove oil and things like that. When the biggest majority gets paid the first thing they do too is get on the plane immediately, the first flight that comes. Then they get a lot of suicides, a lot of deaths.

Rep.
Binkley: Are these then alcohol related?

Mashburn: Yes everyone.

Rep.
Binkley: Everyone has been alcohol related.

Rep.
Hurley: What age?

Mashburn: Maybe 20's mostly.

Rep.
Hurley: They're real young then.

Mashburn: I've found a lot of people lying out on the ground passed out or not able to take care of themselves. I mean that's real common. Lots of assaults are real common.

Rep.
Hurley: Family assaults?

Mashburn: Yes. We get a little of everything. Any amount of quantity can come in so they can sale a lot. There's a lot of criminal activity.

Rep.
Binkley: Richard is most of the alcohol bootlegged in Selawik or do people usually go back to Kotzebue and bring their own alcohol in?

Mashburn: Mostly you got your bootleggers.

Rep.
Binkley: People that do it professionally that bring in a case of booze or a couple of cases and then there

Selawik; Local Option Hearing "11"

are individuals that people know that people know that they sell booze and they can go there when ever they want. When ever they have the money and buy a bottle.

Mashburn: We've got quite a few bootleggers that bootleg regularly.

Rep.

Binkley: Now what's the current status of Selawik? Have you banned importation or the sale?

Mashburn: They're not supposed to import or sell.

Rep.

Binkley: So you've banned importation and banned sale. Now has it gone back and forth? Seems to me wasn't it at one time that they did allow for importation.

Mashburn: One time they did say bring it, but couldn't sell it.

Unidentified

Lady from

Audience: Only 2 cases of beer. It was in the city ordinance.

Mashburn: It must of been on the tail end here when I moved here.

Rep.

Binkley: Well, maybe we can get that from somebody else that has the knowledge of that information. Do you ever run into situations Richard where you know somebody's got alcohol in this community, but because you haven't actually caught them importing it that you feel as though your hands are tied and there's nothing you can do?

Mashburn: Yes. Almost every day I get calls that somebody is selling. They won't tell me how they know because they like to leave their names out because everybody is so close. They won't tell on their relatives or put their name on any paperwork. They want to help, but they're too close to help. So we've made the community support too, but it's hard for them to tell on someone when their relatives or friends or the like. They don't like to see (to much background noise)...

Rep.

Binkley: Why don't they like to get involved? Is it

Selawik; Local Option Hearing "12"

because they are afraid of the severity of the penalties and they don't want to see those people go to jail or because of the social pressure they don't want to be associated with telling on them.

Mashburn: There is social pressure. If I told on somebody they would be real funny, treat you funny. There's so many different ways people could bother you.

Rep.

Binkley: What we've heard in some other communities is that other people are hesitant to turn in their relatives because there's a very stiff penalty for bootlegging. You know the second time your caught it becomes a class C felony. And their hesitant to turn their relatives in because they may be the wage earner in the family or providing income or they just don't want to see them taken away and put in jail. People have indicated that if the penalty were less for possession of alcohol, if there simply was a manner of a fine and there wasn't a jail term associated with it and that the police would be able to confiscate the alcohol if the alcohol had of been in the situation and fine the person that they would be more willing to assist the police in doing that for the people's own good. What is your perception on that?

Mashburn: There's so many different ways.

Rep.

Binkley: As you know even if somebody comes to you and says my cousin has got some booze in their house and their drinking. Even if we did have this law in the books you still have to get a search warrant to go into that house. In order to get a search warrant you would have to have probable cause and probably have to have (and I'm not a lawyer by any means) to my understanding is that you'd have to have when you call the magistrate or the judge to get your search warrant you'd have to tell that person's name that told you.

Laurie

Otto: No, it's a lot more complicated than that. Search and seizure law will fill to legal text books and so I think it's really difficult when we start generalizing sometimes you don't have to use peoples name it depends on what the information is.

Rep.

Selawik; Local Option Hearing "13"

Binkley: I see.

Mashburn: Sometimes you can leave their name out. A lot of times they want to tell you because their probably bootlegging and they want their name out. What could you ~~right~~ ^{write}?

Laurie

Otto: You can use a nonlisted informant and it might be like I was saying, it's too complicated to go into right now, but you might want to contact your district attorney or somebody who gives you legal advice to teach you how to do that because you can use anonymous people as the bases for getting a search warrant.

Rep.

Binkley: I guess the point I was leading to even if that person had to be utilized in order to get the search warrant it wouldn't be as though that individual were contributing to throw that person in jail. It simply allows you to confiscate you the alcohol and get the alcohol out of the situation and to fine the individual. My question would be do you think people would be more willing to help you out if they knew that person wasn't going to be put in jail as a result of that felony. Just lose the alcohol and maybe be fined or have to do community service work instead of the fine.

Mashburn: Yes, they would help more. Where I think the fine should be mostly is when they get caught bringing it in.

Rep.

Binkley: Have you been able to catch people bringing alcohol in?

Mashburn: Yes. We had two last week. It was about 4 to 5 people .

Rep.

Binkley: I'm curious how does it work? Somebody tipped you off that they were bringing in alcohol? You were able to get a warrant to search them or ?

Mashburn: Yes. It's the only one we've got all year.

Rep.

Hurley: But you got them.

Mashburn: Yes.

Selawik; Local Option Hearing "14"

Rep.

Binkley: How? Did you get a telephonic warrant?

Mashburn: No I asked them could I look in it and they let me look in it.

Rep.

Binkley: Oh, I see.

Mashburn: I told them will you let me look in it? They asked if I had a warrant and I said no. I told them if I go into it and let me look in it you won't go to jail today. I'll fly (the witness is not talking loud enough for me to hear clearly)...so they just let me look in it.

Rep.

Hurley: So did you take it then, the alcohol? We're they fined then or what?

Mashburn: Yes. The troopers are the ones that asked them the questions the first time. This last time me and Isaiah Gary got a permit there.

Rep.

Hurley: I just wondered how often the troopers gets to here to give you assistance. Does he come here regularly or did you call him or what?

Mashburn: Well, they picked me up and took me to training for about two days in Kotzebue and we just happened to be there at the airport.

Rep.

Binkley: Is there a trooper that's in charge or an over site trooper for this area that over sees your responsibilities?

Mashburn: Trooper Crawford, out of Kotzebue.

Rep.

Binkley: How often does he get out here to check on how things are going?

Mashburn: I've seen him twice. (...can't hear him very clearly)...Steve Smith comes, but the only time they stay over night is when we had those (?...can't hear). But we should have a trooper here.

Laurie

Otto: How many cases do you investigate every week?

Mashburn: Total cases, even public assistance?

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Laurie

Otto: How many calls do you go out on in a week?

Mashburn: Maybe around 40 on everything.

Laurie

Otto: 40 a week, 160 a month?

Mashburn: I get lots of cards. I use the plain cards now. If there's drinking, by the time you get out of one house you'd be going to another if there's drinking. Sometimes and sometimes you don't go out at all if there's nobody drinking.

Laurie

Otto: Of the average 40 calls that you go out a week how many of those are alcohol related calls?

Mashburn: Maybe 30.

Laurie

Otto: What are the other ten?

Mashburn: Burglars.

Laurie

Otto: Then the burglaries that you have are to steal booze?

Mashburn: Maybe 8% of the people will be sober. When their drinking they just go inside and be (...can't hear).

Laurie

Otto: So only 8% are sober people burglaries?

Mashburn: Yes.

Laurie

Otto: How many people work for the police here?

Mashburn: Just two.

Laurie

Otto: So both of you spend most of your time on the job? When your actually working dealing with people who are in trouble for one reason or another because of alcohol.

Mashburn: Yes.

Laurie

Otto: Did you live here when you couldn't sell, but

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Mashburn: could import?
No.

Laurie
Otto: You've only lived here when the town has been completely dry, supposedly.

Mashburn: Well, I moved here they were quitting bringing it in here. I wasn't up on what law the was in affect at that time. The law that's been in affect now is all that I remember.

Laurie
Otto: What do you do with people that are passed out outside?

Mashburn: Well, if they're not frozen and they're still ok, just sleeping outside then I take them to see if any of their relatives are sober. I try and take them home first. If they're all drinking and no ones watching he'll go right back out again. So then I take him down and let him sleep 8 hours and sleep it off.

Laurie
Otto: What if he's froze?

Mashburn: Take him to the Health Clinic.

Laurie
Otto: How often do you find people with either mild or severe frost bite or being frozen?

Mashburn: Once on my shift maybe last year.

Laurie
Otto: Do you have people making home brew here?

Mashburn: Yes.

Laurie
Otto: Do you have people getting in trouble because of drinking home brew?

Mashburn: Yes.

Laurie
Otto: If the law said people can not make home brew. Can not possess home brew and can not possess alcohol. Do you think that law would help you in being able to prevent more serious crimes from happening?

Mashburn: Yes.

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Laurie

Otto: How?

Mashburn: Like if there wasn't that much drinking - most people that I dealt with I know them when they're sober and their real nice. I know one instance for sure I knew well there was some violent crime just on home brew. Some people make it just all the time. They go over and start fighting and let their buddies come over because their my friend. They make lots. There's a lot of people that makes that home brew.

Laurie

Otto: Would you be able to enforce the law that said people could not make or have home brew?

Mashburn: Yes.

Laurie

Otto: How may felonies do you have here? Very many?

Mashburn: Last week just alone maybe 1 for sure maybe 2. The average about 3 or 4.

Laurie

Otto: Are all of the felonies alcohol related?

Mashburn: Yes.

Laurie

Otto: Do you have any violent crimes here that are not alcohol related?

Mashburn: I don't remember going to any that isn't violence or sober.

Laurie

Otto: So the only violence is when people are drinking.

Mashburn: Yes.

Laurie

Otto: Has there been in the time you have been here any homicides in Selawik?

Mashburn: Like suicides?

Laurie

Otto: Well, suicides is somebody killing themselves, but homicides is when somebody is killing somebody else.

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Mashburn: That happened only once that I remember.

Laurie

Otto: That was alcohol related?

Mashburn: Yes.

Laurie

Otto: Ok. Thank you.

Rep.

Binkley: Richard, how do they make home brew around here?

Mashburn: Well, you get you some yeast, sugar, fruit, water, a five gallon bucket or some garbage cans.

Rep.

Binkley: They use fruit?

Mashburn: Yes. Like orange juice or grapefruit juice.

Rep.

Binkley: Dump it in and put the yeast in it.

Mashburn: Some people drink it within 8-24 hours.

Rep.

Binkley: That quick you can drink it?

Mashburn: You're not suppose to, but I know some people that do. They even drink shaving lotion. They don't even sell it now down here in town.

Laurie

Otto: It takes about 5 minutes to heat up?

Mashburn: Well you have to heat the water.

Rep.

Binkley: You heat up the water?

Mashburn: Just to warm temperature and get it started.

Rep.

Binkley: And you dump it in the orange juice?

Unidentified

Man yells: I thought we were talking about Option Law?

Rep.

Binkley: Well, one thing we need to do is to show how easy it is to make home brew.

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Laurie

Otto: Who's the expert?

Rep.

Binkley: Any more questions for Richard? Ok thanks a lot.

Laurie

Otto: No.

Rena

Ballot: My name is Rena Ballot. Sometimes my name gets spelled wrong. I heard she was asking about home brew and alcohol. About being illegal from here. How would you freeze alcohol, cause I've known people to drink shaving lotion, perfume, and anything with alcohol. If you go to ban everything with alcohol would all these be covered?

Laurie

Otto: No.

Ballot: I don't know how people can stand drinking perfume and shaving lotion, but I know for a fact that people do drink that.

Rep.

Binkley: We down in the Bethel area have the same problem. Vanilla, Lysol, and other things.

Ballot: I just wondered too out of all of the communities you've been to is there anything in the community that would people from drinking? I don't know anything that's to do with alcohol in our village. Wouldn't that have to be an input from the community?

Rep.

Binkley: Oh, yes. We're...

(Selawik Side A is finished)

(Resuming on Side B of Selawik hearing).

Laurie

Otto: There would still need to be an election a local option election and it would just add another option that communities could ban alcohol and home brew if they wanted to do so. It would just be like what you've done here sometimes it's been wet sometimes dry depending on what the community has wanted in any given point and time. It would just give communities another option. Right not it's not legal to pass a option law that says you can't have home brew and you can't have alcohol

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it would just make it permissible if communities wanted to do that if they wanted it.

Ballot: If you wanted to altogether stop the drinking you would have to ban home brew too. I know for a fact that when the first local option law came through a lot of people started making home brew. I'm not an expert either on making home brew, but I could probably give you a couple recipes. I guess it doesn't really matter whether you drink alcohol or home brew if all the ~~crimes~~ are alcohol related. It's all over. I've been so depressed like I've been trying to quit drinking to and I've done it for 5 months. Sometimes I get so depressed I want to just go back to drinking. I have nobody to turn to. When you have a community where you know you don't care and you just keep drinking and you have no place to turn that's pretty hard. That's depressing. Ok, I've got family that just drinks, drinks, drinks, and specially my sister her kids are the ones that are affected. I've seen families where - we just had an incident where the grandchildren were taken away because the grandmother and mother were drinking and this was all alcohol related. When you think about all these things you get hurt. My sister too she drinks the people that suffers are mostly the children. The children when they have to stay up, the older ones have to stay home and watch the younger ones we have reports of children falling a sleep a child and you know that's because of home. If we ask enough I'm sure we could get some kind of money that would - like I.R.A. is trying to get a child welfare act. For at least to set up some homes that kids can go to sleep when the parents or guardians are drinking. I don't know, my personal feelings is if the community wants absolutely no drinking in a community you have to ban home brew. If you can't get 150's here in the community you sure -if you get the urge you're going to ask around if you don't know how to make home brew to make home brew. I guess that's all I got.

Laurie

Otto: Have you lived here all your life Rena?

Ballot: Yes, except for the 4 years I went to High school.

Laurie

Otto: What's been the history or the order that there have been various ways of regulating alcohol here?

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Ballot: Well at first they limited in 1973 the city council put in an ordinance limiting importation of alcohol to 6 fifths or two cases of beer. Then that wasn't working either because you could pack 6 bottles and you could take 2 cases of beer with somebody else's name. That was kind of limiting bringing in the booze. Then they only put it down to 3 bottles, a couple of years after that. After they put in that 6 bottles or 2 cases of beer and then that local option law came.

Laurie
Otto: You first passed the local option which allowed no sale or importation. Then it went to no sale and importation was ok. Then it went to no sale and no importation again? Is that the order?

Ballot: I don't know I'm not to sure on that.

Laurie
Otto: Were you here when it was both...

Ballot: Well the local option law everything was banned. They voted again and they said they lost and they said it was ok. How long did that go about 2 months? It was ok to bring in alcohol. It wasn't doing any good so they revoted and they ban the importation.

Laurie
Otto: During the year that it was wet, or when you could bring it in and that was ok. Were there more problems here, did it make a difference?

Ballot: Not necessarily I guess. Even with the local option law people still bring it in. Some people gets so wise, I mean you figured out ways to bring it in.

Laurie
Otto: I understand even with no sale and no importation people still bring alcohol in. Plus they make home brew so I understand that there's alcohol here no matter what. Was there more alcohol here when people could legally import it?

Ballot: Not really I guess it depends on how many people were working, or the flow of money that was coming into the community.

Laurie
Otto: Why did the community go dry again?

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Ballot: I guess people got fed up with it mostly. They just went around petitioning.

Laurie

Otto: What did they get fed up with?

Ballot: Well, mostly families that just continually keep drinking and boot legging to supply their needs. It was a cycle thing.

Laurie

Otto: Did the local option law help? When it was no sale no importation.

Ballot: At first it did. Everybody got fat and they started sewing and kids were happy. Another thing too I wanted to bring out was if these airlines would do their part like Ryan Air does. They make sure they search all of the bags. Like me for instance I've been searched twice. Shelabarbies (an airlines I assume) will just have you sign a sheet saying I certify that I am not importing any alcohol that's all. You can easily lie. Just like they gave me - they said are you sure? Sure, I'm sure. It's as easy as that. Even if they give you a sign sheet certifying your not bringing in alcohol it's not very affective. Over here to if our patrolmen and our police would enforce it more or the city council would enforce it more that would help.

Rep.

Hurley: I lived in Alaska all my life and I used to work in Juneau with the government and Selawik was always pointed out as being a very special village in the 1940's, 50's and up into the 60's. Coming here is very special. What I'd like to know is what you think really happened that changed because I never heard that there was a lot of alcohol problems here at that time. I just wondered if you had any feel for what made the difference that there is now more alcohol because alcohol was available. Is it because transportation is easier?

Ballot: First of all are you saying now that Selawik is not a special village.

Rep.

Hurley: No, I still think it's a special village. What I'm talking about is that they didn't have the kinds of problems that - I never heard about the fact that you had a lot of crime and suicides and those tragedies.

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Ballot: We did. I lost a couple of my good friends and a couple of my cousins and some close relatives just because of alcohol. It was always alcohol related. I don't know what really changed. It must be the flow of money or a lot of it too has to do with the Alaska permanent dividend fund, plus we also get our Native Land Claim dividend. It seems like those months we get those months we get those dividends and that (can't hear)...check when there's a lot of flow of alcohol. Right now I guess people figured it's not safe to go by plane. Rumor is that every item you check is is getting checked. I don't know about the other airlines. Now people want to go by snow machine. Like right now there's a search effort. I don't know if it's alcohol related, but most of the search efforts are always at least half of them are always alcohol related. Personally from Kotzebue then tries to go to Selawik then somewhere's down the line gets drunk or lost.

Laurie

Otto: There's 70 miles between here and Kotzebue?

Ballot: No, 90 miles.

Laurie

Otto: How long does it take by a snow machine?

Ballot: I guess it depends on how fast you go. Two to three hours by land.

Rep.

Hurley: 90 miles?

Ballot: By air.

Rep.

Hurley: How many miles by the snow machine a 100? Did you go to school in Kotzebue?

Ballot: No, I went to Oregon. That's why we learn everything. In those days it was so strict.

Mark

Earnest: Just one question Rena. How much are your (can't tell what the word is) dividends?

Ballot: This year they were \$1.25 a share so we got \$250.00. You know it's good to when people used it for the good. Like a lot of families they get snow machines and stuff that they need and it's

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good to because we have a lot of instances where some people have lots of kids then its good to see that most of their dividends go towards alcohol purposes and the kids suffers for that.

Mark

Earnest:

The same holds true with the permanent fund which you mentioned too and other income. Earlier you mentioned two things that I thought was interesting ways in dealing with the alcohol problems. The I.R.A. working with in the Indian Child Welfare Act in establishing safe homes where children could go. You also mentioned wish is very courageously with dealing with your problem that you felt that you need a place to turn too. Do you have any ideas about how communities can help people?

Ballot:

Sure. If you get interested people wish could form like a club or something you know where we could just go and talk. A lot of instances I know that people get board. Like if you don't have a house full of kids sure you get board. You have nothing else to do.

Rep.

Binkley:

Ok. Rena thank you very much.

Warren

Ramoth:

I'm Warren Ramoth. Plan operator in Selawik. I say I go for Bethel area option law because it's stronger than ours around here. I would like to ban bringing in alcohol and the home brew because when somebody brings in 2 quarts or less when you drink and treat somebody and you have nothing right there that's where two sides started out because of nothing to drink. So that's why they drink home brew. First when we started out they gave us some kind of option law. We followed it for a year or so and it was good because the village policemen always searched the luggage. They took their Whiskey and then here's those 2 guys, those guys and policeman doesn't have any search warrant so everybody started taking that Whiskey in the village and it gets worse. Later on they made a law that they could bring in 2 bottles or 2 cases of beer. That's two sides started out and the young guys started drinking. Then there's no money, just feeling high. They try to drink Whiskey just any kind, it makes you feel high, and that's no good. Right now their having that man check on that whiskey right now and no policeman working on real duty and that's where we're at right now.

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Laurie

Otto: What was it like when it was wet that year, when you could bring it in legally? Was it any different?

Ramoth: Well, I don't remember, but when you have home brew or whiskey it makes it slow drinking.

Rep.

Binkley: Tell me your recipe for home brew.

Ramoth: What? You come to my house I'll show you, but not in front of all of the people.

Rep.

Binkley: Thank you Warren. Good morning.

Mildred

Foster: Good morning. I'm Mildred Foster. I used to work at C.H.P. in the clinic in the last 17 years and since I was working I deal with a lot of people that are alcohol related. All through the years that I've been working even they try to set up an option law to keep Selawik dry. I didn't notice any difference getting better or worse. I think it's the same all of the time because we still deal with a lot of people with alcohol related. If there was some kind of law that really, and not just something that you put up and just let go afterwards. It would have to be freshening up in here. Keep it up all of the time. When you put up a law in, a lot of times I noticed that you put up a law and then few months you try to keep it. Then later on if there's a lot of things start going on then they just start cooling off. Even though the law is still there you know. There has to be a whole group of people that just keep up the law and say that's the law.

Rep.

Binkley: Keep it enforced.

Foster:

Enforced yes. Keep it enforced all of the time and now to know it and not let it go. I think even when we were dry we had the problem going to Kotzebue and stay drunk how long down there and then they can come back and then they get into trouble in Kotzebue. Man these people keep coming to Kotzebue and drink and they give us problems. It just seems to be our problem all of the time then. Our village is dry right now, should be dry. Their trying all kinds of ways

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not to let people bring in the booze. You know they have all kinds of ideas and ways still, to bring it in. If Selawik is growing and they have to be lots of back up people to try and keep the way of liquor, but you know we can't give up we still have to keep trying. There's a lot of people. You can't watch every bit of the people in Selawik, you know it's hard. While you're taking care of these there's people trying to something on the other side. There has to be some kind of...We're all getting concerned. Too much problems in homes with kids and there's been suicides like every year, like alcohol related in our town just because of alcohol, there wouldn't of been that much. We put up this option law I think there should be something done behind the option law to keep the people busy.

Laurie

Otto: Do you have any suggestions?

Foster: That there should be more jobs and more things to do for our young people because there just running along looking for things to do and nothing. More people to talk to and more people to tell them that we love them and stuff. When you find out that people care for you - you want to be the best you can and not just hang around and try to look for booze all over town.

Rep.

Binkley: Mildred did you grow up around here in Selawik?

Foster: Yes.

Rep.

Binkley: What did you used to do when you were a teenager growing up around here?

Foster: Drinking and have the same problem.

Rep.

Binkley: There was still drinking back then?

Foster: Yes. When there's no booze I learned to make home brew. →

Laurie

Otto: How many people live in Selawik?

Foster: Over 600 now.

Laurie

Otto: And you don't notice any difference? The local

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option law you don't notice any difference?

Foster: For one good month or so maybe two there would be, but you know after that everything would start cooling off and people won't watch much after that.

Laurie
Otto: What do you think would help? If you could do anything?

Foster: If I know everything that would keep alcohol out of Selawik I'd preach it every day.

Laurie
Otto: Do you think there's anything that the legislature can do to keep alcohol out?

Foster: If Selawik was going to be banned I think it would have to include Kotzebue. That's the only way because when Kotzebue didn't have that alcohol I think it used to be slower 'cause they had to order it from Fairbanks or Anchorage. That's the only way they could get it when they couldn't get it from Kotzebue. That's the fastest way now to just go down there and go get it. I just started working for Village Coordinator with Fred now.

Laurie
Otto: How long since you were a Health Aid?

Foster: 17 yrs. I've been a Health Aid, but in June I quit of 1985 I haven't been working.

Laurie
Otto: Did you see health problems with children because their parents were drinking? Like what?

Foster: Yes. Like malnourished. They have to go through a lot of surgery because they weren't taken care of (somebody keeps ripping paper right in front of mic, I have a hard time hearing voice)...parents were drinking and not getting them the medicine. There's more accidents in homes like not taking medicine.

Laurie
Otto: So it's a noticeable difference of the kids whose parents drink or don't drink?

Foster: Yes, you can notice. There's more problems in homes when there's drinking.

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Rep.

Hurley: What are most of the jobs in Selawik now?

Foster: The only people are jobs are the ones that are working here and the ones in school. Those that are permanent.

Rep.

Hurley: So it's just sort of the governments jobs?

Foster: Yes, just governments jobs.

Rep.

Hurley: Do they do any selling? Do they do any crafts here that they sell?

Foster: Yes. You know I was telling Fred this morning just like the boys that I meet the girls can go to the sewing class now to make stuff craft and there isn't any for the boys right now. Like if we could have some for the boys we'd be doing good. Carving, a couple of good people can teach carving.

Rep.

Hurley: Don't they have that in the school. I think they do, but they do want out of the school for the evenings, after school hours. What to do with the graduated are the ones that are the most problems that we always seem to have if they don't go to college? What to do no more school, what should they do besides...

Rep.

Binkley: Mildred thank you very much. Good morning.

Chuck

Johnston: Good morning. My name is Chuck Johnston and I'm the mayor here. I'm glad you've come.

Rep.

Binkley: Good to meet you Mr. Mayor.

Mayor

Johnston: I've been in Selawik for, this is my 13 yr. now and I'm a teacher here also in the school. Maybe the comments your getting are ...(Can't tell what he said). I'd like to start my comments saying what Mildred is saying is true. Education is improved in the rural areas spent lots of money building really good high schools and kids are going on further in school and slanted usually towards an academic preparation and when that gets over after high school, if they do not

choose to go on to college which usually amounts to relocating, for a long period of times. This is not an option for those who have close family ties and have a spot in the village here in town. That it builds in a frustration there. I would ask the legislature and the people in Alaska to think about what Anchorage or Fairbanks or an urban center would be if you would restricted mobility. I'm talking about 65-75% unemployment. There aren't even any figures on how high it gets in unemployment in the rural areas in Alaska, not accurate ones in my opinion any way. Cpp that with large amounts of leisure and recreational time with no construction or developed method of applying that and I'll bank that you'll find that if you gave those situations in Anchorage you'd have a tremendous alcohol problem in a urban section as well as a rural center. Children in the high school to raise up here, there's a lot of effort to keep kids in school and there's a lot of activities. There's all of these things, then they graduate boom and then there's are know jobs or very few. There was a time when there was more to see them things or more opportunities to go out and get jobs. We need linkages between the urban areas where jobs are with the support services built in where people can flow. Alaska has a very seasonal employment and it makes a lot of sense to me if we could tap in on state register jobs, private industry and begin to bring people out and offer some support services in Anchorage so the people could go out to work for periods of time. Then come back and if someone else was home sick or they wanted to come someone else would be waiting here that would be willing to try out those kind of jobs. We have some hurdle set. We need the systems to over come. The average rural Alaskan in this village over 90% of the population doesn't even have a drivers license. You go to job service and the first thing their going to require of you for an interview is, do you have an I.D. or Drivers' License, do you know your way around a city? The shock and the feeling of disorientation. I've seen people get off the airplanes in Juneau, here or from where ever in a middle of a snow storm in the winter time there's not much different from what people feel here. They have a high school education, they want to get a job. They want to do something constructive and do something with their life. They go down to Anchorage to try to get one, they get off at the airport and they don't know anyone. There is know linkage or

support service for that. Those things I think would be greatly assisted by the legislation evolved around economic development and job opportunities. The question of the law it's self I would like to see addressed. There's a lot of statutes that says if you have over a certain percentage of alcohol in your blood you're not save to drive a car. We call that D.W.I. and they can put you in holding or do this or that. We had a hard problem here when someone does become intoxicated or they are drinking at what point could we remove them. If we have to go through the formal process of arresting them, charging them with state charges, what's happening is a vicious circle. Someone who had an alcohol problem might get arrested 4,5,6 times or more because they have a alcohol drinking problem. They get longer and longer sentences, more and more of a criminal record. What it boils down to they are less and less employable. They're more and more hopeless, there's more to start the same cycle with drinking again. Perhaps there's something we could do. We have testers, to test percentages of alcohol in blood, if something could be done to put people in protective custody. Most of the offences occur when people have been warned repeatedly. They're not really violating law yet and it's almost like you have to wait until after something terrible happens before you can do something about it. It's tremendously hard when we are running the dangers of - when we tighten down everything with the airlines and most of them are cooperating with us now people start bringing it in with snow machines and then we're running the danger of...we're trying to support the law, but at the same time if somebody freezes to death that's not right either. We're the ones that have a city council are the ones that are going to have to face that. We feel responsible for that end of it too. We're caught between both of those things. It seems like we've criminalized a social problem that I'm not sure we've come up with an answer with. We said a short term we're going to stop the flow of it. It's almost like putting a band aid on someone who's got a cut the length of their body.

Rep.
Binkley:

Chuck, what's your suggestion as far as, you mentioned that criminalizing. Are you talking about drunk in public? Bringing in alcohol?

Mayor

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Johnston: Not necessarily drunk in public. If a person instead of changing it so much with importation that someone was intoxicated and they've taken in so much alcohol that if they take the breath analyzer test that the percentage of their blood they could be considered...given in our unique situation with possibility of freezing to death.

Rep.
Binkley: They've got the protective custody statue now.

Mayor
Johnston: That's right, but the protective custody statue the way it's being interpreted or read right now they basically have to be completely incapacitated.

Rep.
Binkley: Exactly.

Mayor
Johnston: They have to be passed out, drunk in the snow whatever. If someone was given the option they weren't being arrested they had to go down to the jail and sober up and we're going to put you in protective custody until...

Rep.
Binkley: Which is a drunk in public. If someone is intoxicated or legally drunk they can detain them.

Laurie
Otto: The difference between drunk in public is and what he's saying is drunk in public is a criminal charge that somebody would then need to protectively go to jail for. He's saying that the protective custody law should be changed so that let's say out of point two o. that is sufficient alcohol in your system to pick him up.

Mayor
Johnston: It certainly seems ridiculous to me if you can charge some one - stop some one from driving you...

Rep.
Binkley: So not make it, have something similar to the drunk and public statue, but not have a criminal defense.

Mayor
Johnston: Decriminalize it because it only adds to it. They have nothing to lose now I've already been arrested five times for this. I'd like to see

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the emphasis change to not being...The person that's caught the individual has really the problem. The one that has the drinking problem they're not going to stop ~~know~~ matter what legislation would pass. So they get some counseling and they get some rehabilitation and those kind of things. The bootlegging we just poured out the V.P.S.O. here did 40 bottles. 40 bottles at Selawik at a \$100.00 a bottle would be \$4,000.00. In a community where there are very few jobs that's very tempting source of income. This is really important. I don't mean to go on and on about this, but I think these are important things we need to address up front. The jobs thing, constructed ~~at~~ time is a big key to a lot of it. We have ~~know~~ regional detoxication center other than just a short term thing that Kotzebue basically tried to get people dried out. There are ~~know~~ developmental programs. The ones you hear advertised in Anchorage Charter North and those kinds of things cost thousands and thousands of dollars to attend. We don't have that type of resources in the whole region. Really in where about site of Anchorage or Fairbanks. The whole state.

Rep.

Binkley:

Isn't there an alcohol treatment center like P.A.T.C.?

Laurie

Otto:

No. Is the Red Dog Mine development going to help?

Mayor

Johnston:

If the jobs are actualized and if the shift goes to educating towards strictly academic type of preparation to act on the jobs that are going to be available. If you go to Anchorage and look through the paper there's a lot of jobs available. Particularly in the summer months there are a lot of jobs available, but rural Alaskans never get a shot at those jobs.

Rep.

Binkley:

How come?

Mayor

Johnston:

Several reasons. They don't have any support service when they go into town. They don't know anywhere. They don't usually have driver's license.

Rep.

Selawik; Local Option Hearing "33"

Binkley: Can in the school, can you get them a driver's license by teaching driver's ed. Some program where they go into Kotzebue maybe for a couple of weeks.

Laurie
Otto: Does A.S.R.A. help?

Mayor
Johnston: First of all yes you can give them. That's a direction that the school district, the state department of education, the state as a whole seems to be driving for. Right now the focus is on academic preparation. College bound students that type of thing. It's not on the more practical aspects.

Rep.
Binkley: You can't within your school district...

Mayor
Johnston: If the school district chooses to develop that more as a total school district to get, but in terms of problems that we're having it's not being addressed that way. It's being more addressed as academic.

Rep.
Binkley: How as state legislatures can we preempt local control of the schools to say that you must go in...

Mayor
Johnston: I think it's just as much preempt local control is coming down to is the dollars that are being cut federally. That's what hurt us a lot. It's really hurt us a lot. A lot of it was vocational dollars. We know longer have state, we have J.T.P.A. J.T.P.A. centers around private industry and you have to place so many people in private industry. The jobs that we have are not privacy industry sector jobs. So it comes down to the money from those agencies are going into more urban areas. They're not going into the rural areas.

Rep.
Hurley: What is...

Rep.
Binkley: Just a reminder we've got to leave here at 12:30. Just so everybody is aware of that.

Mayor

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Johnston: Can you own and operate your own small restaurant. We're trying to develop things around here it's called the Northern Lights restaurant. We're in the process right now remodeling totally. If you get a chance I would like you to look at it. They own and operate their own restaurant. We're trying to teach work ethic and work skills. The bottom line is that it's we're making an effort that way. Keep in mind that institutionally that in the (can't hear what type of village he said)...village there was ~~no~~ institution to teach the work ethic in a western sense and that's part of the problem we're running into.

Rep.
Binkley: Check back to the local option laws. I don't know if you've heard, but one of the proposals before us allowing an additional option which would give communities more control over alcohol than being allowed to ban possession of commercial alcohol as well as home brew. What are your thoughts on that?

Mayor
Johnston: I think it's such a critical problem that I would go along with what ever could be done in a short run to solve that. I think in the long run people have such a severe problem with it that prohibition if it's going to be criminalized may end up causing more and more people to become criminals.

Rep.
Binkley: But you do think that the local option law is a good thing for Selawik? The banning of importation the banning of sale?

Mayor
Johnston: I've seen it both ways. Yes. I've think it's helped with some, but Mildred's comments were right. It went from for the first few months being very dry, and then because there was know enforcement those things weren't in place.

Rep.
Binkley: Once people learn the loop holes the fact that once you've got alcohol inside the village there's nothing you can do about it.

Mayor
Johnston: That's exactly right. We're not dealing with a populous that's not educated. These people are...

Selawik; Local Option Hearing "35"

Rep.

Binkley: Right. So that may help in the short term.

Mayor

Johnston: Short term, but I don't think in the long run it's going to be as affected as some of the other things that can be done. Education, development of jobs, counseling those things are regional wide alternatives.

Rep.

Binkley: Education, counseling. Chuck thank you very much. Good morning Paul.

Paul

Savok: Hi. My name is Paul Savok. Everybody has been talking about having alcohol problems and stuff. Where all of the alcohol problems come from is right from the liquor store. So if you could come up with something that would make it harder for the people that sell liquor in the liquor store would solve some of the problems here. Make them responsible for something, make them responsible for a death or something. Make them pay, make it more tougher for them to get liquor and sell it. Anybody can walk into the store that's over 21 and can buy some liquor. They can get any amount if they want. They can get a whole case, 2 or 3 if they want. I think if you make it more tougher on the people who sell the liquor, the liquor stores should take some of the blame. They should see some of the problems here. You should make them responsible for something. Like coming from Kotzebue on a snow machine somebody gets frozen, by freezing to death. Make them responsible for the death, they sold the liquor they have to realize. If they realize they've sold it to the people.

Rep.

Hurley: What is your name again.

Savok:

Paul Savok. That's all I want to say if you make it tougher for them people to sell it.

Rep.

Hurley: Are you from Ambler?

Rep.

Binkley: No. He's from Selawik.

Savok:

Originally from Nome, but have lived here for

Selawik; Local Option Hearing "36"

about 10 years.

Rep.

Binkley: Thank you Paul very much. We've got people from Ambler and Kotzebue too that have come over. Good morning. That's a pretty bracelet you've got.

Lori

Fleshman: Thank you. My name is Lori Fleshman and I'm the magistrate here in Selawik. I have two things to say about the local option law. First again I'm really glad that the state has allowed Selawik to be voted dry. It's a good law, it makes people aware of alcohol. They have to sneak it in now. They can't just openly bring it. So that makes them more aware of alcohol. The problem is it's not being enforced and that's ~~really~~ a problem. For this year I've only had ~~two~~ cases of importing, one case was dismissed and one was enforced. I saw 82 people this year and they had 97 sentence charges total. This was all alcohol related. If alcohol wasn't a problem in our village we wouldn't need a magistrate. I'm here because most of the people have alcohol problems. I heard on the news or somewhere that the legislature is trying to decide on passing a new law or making a new law where it would be illegal to possess. I think that's one way that would help our village police enforce this law. That's all I have to say.

Laurie

Otto: Quick question. One of the things the legislature is considering about the new law which would let villages ban possession is to make it only a civil offense punishable by confiscation of the liquor, a fine or community service. Do you think that would be a sufficient penalty?

Fleshman: Ok right now, like I said I only had two cases this year. I know the police department or the officers know when people have alcohol, but it's just hard to prove in court. So if they could just...

(Conclusion of Selawik, Side B)
(Concluding Selawik, Part 3; on Kotzebue Tape Side A).

Rep.

Binkley: ...what would you suggest as far as an amount for possession?

Selawik; Local Option Hearing "37"

Fleshman: Well, most of the people who are caught with alcohol are not criminals they just have an alcohol problem. So I won't make a dollar amount suggestion, but I would say that it shouldn't be set very high.

Mark

Earnest: Instead of bail, perhaps community service work or do you think possession and then destruction of the alcohol would be enough? Do you think there might be some other community work that might be attached to that?

Rep.

Binkley: It would be a fine that is set I guess and I'm not a lawyer, but Laurie keeps talking about a uniform bail schedule setting as far as a fine for the offense. Maybe a \$100.00 or \$200.00's. If they couldn't pay the money they would have to do community service instead of the cash fine.

Fleshman: Anyway, what would be nice if we had trained alcohol counselors here in Selawik. If we could deal with the alcohol problems it wouldn't really be this big a problem.

Rep.

Binkley: Lori, thank you very much. Appreciate it. Maybe some of those people from Ambler or Kolbuck we're not going to have a chance to come to your villages so it would be good if you'd like to add some input.

Truman

Cleveland: Maybe I could say a few words. My name is Truman Cleveland from Ambler. You know we have a meeting in Kolbuck and we decided to come over and hear these hearings because we have lots of problems about alcohol at home. Our young people they don't - when they have alcohol they aren't like the old peoples. They're strange you know. We have to take care of them because they don't use good. One more thing as a state law we have about the home brew that state law can't have home brew made at the house. Maybe around 200 gallons we've heard and it sure is going against us and state laws make us more proper. They try to go along with the state law.

Rep.

Binkley: What it is my understanding is a federal law that allows up to 200 gallons of home brew for individuals to make that. What we would be proposing is a state law that would, if

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communities so chose, if Ambler wanted to vote to ban that that they would be able to ban that.

Laurie

Otto: Would that be good?

Cleveland: Yes that would be good. You know as long as we don't have much that alcohol we do good at home. You know it's starts at home. Especially when were getting old you know when we knew submitted trait we can't sleep. Maybe Elders they do that. They can't sleep when somebody is drinking.

Rep.

Binkley: That makes you worry about...

Cleveland: Yes. It makes me worry. That's all I have to say.

Rep.

Binkley: Thank you very much Truman I appreciate you coming over.

Walter

Douglas: Walter Douglas from Shungnak. We're having problems down at Shungnak. That alcohol, most every night they, Shungnak is supposed to be dry, but they keep getting that whiskey from Kotzebue. Kotzebue is a little ways just about 10 miles out. They order that whiskey from Kotzebue or somewhere else and they got their whiskey up there. When they get drunk they start making problems. We don't want to freeze to death between Shungnak and Kotzebue. It did one time two or three years ago and we don't want that to happen again. Another thing there's the villagers up there in Kotzebue they got the whiskey. They're out of whiskey and they sell the whiskey to the people.

Rep.

Binkley: Bootleggers right?

Douglas: Bootleggers.

Rep.

Hurley: Is Kotzebue dry?

Rep.

Binkley: What's Kotzebue, is that wet?

Douglas: Yes. It's wet.

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Laurie

Otto: They can't sell.

Rep.

Binkley: But they can import. So people order booze from Kotzebue have it come into Kol~~bu~~uk and then they go up to Kol~~bu~~uk and get...

Douglas: Not ~~really~~ from Kotzebue I think it's from Fairbanks somewhere maybe from Galena somewhere. It's coming down to Kotzebue I think or Kol~~bu~~uk.

Rep.

Binkley: Then people go up to Kol~~bu~~uk to get it.

Douglas: Yes.

Rep.

Binkley: How about home brew, is there much in Shungnak?

Douglas: Yes there is. They make the home brew too, in their homes. That's another problem too.

Rep.

Binkley: Do you have a police officer in Shungnak?

Douglas: Yes. There's one. We've got 2 natives and one V.P.S.O. He's the only one to help us. Those two are not enough. We'd like to have somebody else from another village or not from our village. This would help us in our village.

Rep.

Binkley: Because they don't have relatives in there sometimes?

Douglas: Yes, yes. No relatives. These people, the cops native can't work much because they are related to that village. That's why we're having problems.

Rep.

Binkley: Would it help if the state had a law that Shungnak could adopt that would ban the possession of alcohol and home brew in the village?

Douglas: Maybe, I don't understand.

Rep.

Binkley: Right now Shungnak can stop the importation or the law says they can stop the importation. We're thinking of letting villages like Shungnak have another option that they could choose in

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addition to that which would ban possession. Where people couldn't make home brew and couldn't possess any alcohol. Would that help Shungnak?

Douglas: Yes, that would help Shungnak.

Rep.
Hurley: It would mean there would have to be enforcement. The police officer or someone would have to be sure that it doesn't happen. It's not just...isn't that correct? You can vote for it, but people can still try and bring it in. I just want to make sure he understands.

Rep.
Binkley: Yes. Laurie?

Laurie
Otto: One of the things these legislatures are doing is trying to travel around the state and listen to the people who live in places besides Anchorage, Juneau and Fairbanks. Asking the people who live in the other parts of the state what problems they see as a result of alcohol and whether they have any suggestions for what would make things better? They're trying very hard to listen to what people say and to try to take the advice and the knowledge and turn it into laws that can help the people. So my question to is, you obviously have a lot of experience with life. You live in a rural community so you know what life is like in a rural community. What would help you? What do you think could be done to deal with the alcohol problem?

Douglas: Yes. Well, I could tell you that we need police who could search. These people have to work night and day. In the middle of the night they have to search around the people that comes in from Kolbuck or somewhere else. That would help us in our village.

Laurie
Otto: Is there anything else besides more police that would help? You said the law that would let Shungnak have an election which would say alcohol is banned entirely. No home brew, no whiskey, no nothing. You can't import it. You can't sell it and you can't possess it. That would help?

Douglas: Yes, that would help.

Laurie
Otto: Is there anything else that you can think of that

Selawik; Local Option Hearing "41"

would help?

Douglas: No, that's about all I can tell you.

Laurie

Otto: Why do you say that there's a problem with alcohol? What is the problem? What's happening that makes it a problem, besides children being disrespectful?

Douglas: The problem is when they drink just a little a bit. Not like the old timers. They drink just a little bit, just one sip they start making noise, fighting, and anything they can do.

Laurie

Otto: They hurt each other?

Douglas: Yes. They try to hurt each other.

Laurie

Otto: How about the little kids? Do the little kids suffer because maybe their parents are drinking?

Douglas: Yes. The kids they can't even sleep at night, you know. They aren't in school, so something has to be done.

Laurie

Otto: In Shungnak what is the most serious problem that you have? Is alcohol the most serious problem?

Douglas: Alcohol is our most problem we have.

Laurie

Otto: Is it involved in all the other problems that occur? Just for the record Mr. Douglas is nodding his head. I have to say that because this is a tape recorder and we need to have your answers on the record.

Rep.

Hurley: I just wondered if a lot of young people are drinking in your village?

Douglas: Yes, yes.

Mark

Earnest: Walter, how many people live in Shungnak?

Douglas: 100 - 190 people.

Rep.

Binkley: Thanks again Walter. We appreciate you coming

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over.

Douglas: Yes.

Rep.

Binkley: Yes. Go ahead. Please do Roger.

A man by the name of Roger is Translating to all the people at the hearing in Yupik the things that were discussed.

Rep.

Binkley: Thank you Roger.

Margaret
Smith:

My name is Margaret Smith. I run a small bakery here in town. First of all I want to say your dealing with the Eskimo people here. We're not of our culture. We're of a different culture. We function in a different manner than you do. We don't even ... half the people in this town they don't even know the laws, your government even really stands for, really. We're a different people and you can't come in and say, ok we'll put this law here and this law here and you never addressed the fact that we are a native people. You have to think about us in that way first because the majority of this region, we're all natives. Just a real tiny fraction of them are white. If you're going to come up with something you have to come up something dealing with us first, having translators come with you and...

Laurie
Otto:

I talked to both Victoria Ticket and Roland Booth to come here and translate so that there would be a translator here and I think that was something that was considered number one. Number two you should understand that this proposal to allow villages to ban possession of alcohol and to ban home brew did not come from this group of people. It came from villagers on the Yukon Kuskokwim Delta who said, we would like you to be able to pass this law. We took their suggestion and are trying to make it legal. There are legal requirements that you need to go through in order to have that kind of law stand up in court. So we took a suggestion from a group of native villagers on what law they wanted and are trying to turn it into a law that is legal under our state laws and constitution. Just so you understand how this committee came into being and how the law, the suggestion that we're following

Selawik; Local Option Hearing "43"

up on came up into being. It didn't come from this committee.

Rep.

Hurley: We don't want to put anything on you that the people are not going to have a voice in.

Laurie

Otto: And that's why we've come out here.

Smith:

See I didn't even know you guys were coming in today. You make your selves aware to the native people themselves and don't just go out in little meetings you know.

Rep.

Hurley: But, we didn't. She contacted people here before we came.

Smith:

I didn't even know that. But I think that's a really important thing that should be stressed here. You're dealing with native people and you have to really consider us and have us in mind all of the time before you make any decisions.

Rep.

Hurley: That's why...

Smith:

...and make the people really understand because I know most of us, most of the older people they can't understand very much English and you can pass a law and they'll still have a hard time. You have to make it easier for the native people to understand and not just some lawyer some where you know. That's all I have to say.

Rep.

Binkley: Ok Margaret thank you very much. Anybody else?

Katherine

Brown:

My name is Katherine Brown from Ambler. I'm working as a village alcohol coordinator. We've been having problem in our village too on that alcohol importation. Even though they know they are not supposed to bring in alcohol to our dry town. We've been having meetings and meetings and meetings and we haven't come up with anything yet. If we could have that V.P.S.O. or village police have that search warrant with them all of the time. Then if somebody comes in with a plane or charter could go up and catch them. That's what we've been ~~not~~ hollering about, but we haven't gotten anywhere.

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Laurie

Otto: You don't have search warrant forms here for your V.P.S.O.?

Brown: No.

Laurie

Otto: Do you get those from your district attorney in Kotzebue?

Brown: Yes.

Laurie

Otto: And they haven't been sending them to you?

Brown: I'm not sure, but I haven't heard anything about it yet. If you know a village should be dry they should have respect for that or maybe they don't quite understand or maybe we haven't helped them that much. Hopefully there's something we can do now to help.

Laurie

Otto: Is that law, and again to answer sort of the question that Margaret raised which I think is a serious one. One of the things we're trying to do is find out if people want to have that law. If they think it will be workable in their community if that would make the state system, law enforcement more responsive to what people want in the villages. Would that help in Ambler in that way? If you were able to ban possession and home brew as well as just importation.

Brown: Yes. It's been so much better since the village went dry, but once in a while they bring some booze in and have a party. It's been more quieter ever since the village went dry.

Laurie

Otto: But the problems that you still have, the law enforcement problems that you still have are all alcohol related?

Brown: Yes.

Laurie

Otto: Are there situations where the V.P.S.O. knows that somebody has alcohol, yet because he can't prove that's the person who brought it into the village there's nothing he can do about it? And then those people get into trouble later on? So if he could take the booze away from them right when he found out that they had it, it would

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maybe prevent some of the problems?

Brown: Yes. Yes. Because even if we say we saw that person if we don't have proof they can't do nothing about it.

Laurie
Otto: If you don't have proof who imported it?

Brown: Yes.

Laurie
Otto: You say you formed a committee in Ambler?

Brown: We have Koxbuck Elders meeting every month. We talk about these problems.

Laurie
Otto: Is alcohol one of the biggest problems you talk about?

Brown: Yes. Alcohol and suicides.

Laurie
Otto: Do you have a suicide problem there?

Brown: Yes.

Laurie
Otto: How many people in the last couple of years have committed suicide?

Brown: There have been attempts, ever since I started working they have been 5 or 6 I think.

Laurie
Otto: All young people?

Brown: Yes.

Laurie
Otto: Young men?

Brown: Yes. Girls.

Laurie
Otto: Girls too?

Brown: Yes. Most of them are alcohol related.

Laurie
Otto: People get depressed when they're drinking and then try to shoot themselves or ...?

Selawik; Local Option Hearing "46"

Brown: Yes.

Laurie

Otto: Do you also see the same kinds of problems that Mr. Douglas was talking about in Shungnak with the little children staying up late and then sleeping in school and not getting a good education and then probably having problems themselves when they get to be older?

Brown: Yes. Yes.

Laurie

Otto: You see that going on?

Brown: Yes. I haven't seen it, but I've heard of it.

Laurie

Otto: In your discussions at the Elders meetings have you come up for any solutions or anything that you think could happen to try and correct the problems with alcohol?

Brown: Yes. I think we've come up with something, but I don't know how they will work. We're still meeting about it.

Laurie

Otto: What kinds of things did you come up with?

Brown: Like what we're talking about right now about importation and ...

Rep.

Binkley: Possession? Search warrant?

Brown: Search warrant.

Laurie

Otto: Ok.

Rep.

Binkley: Katherine thank you very much, appreciate it. We're kind of running short of time here. Is there anybody else who wanted to testify? Ok thank you.

Robert

Cleveland: I would. I'm Robert Cleveland. The main thing I'm concerned about, I'd like to know what change or changes you're going to try and make on importation of alcohol or if there's going to be changes how are you going to enforce the importation of alcohol?

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Laurie

Otto:

The local option law right now there's four options. Most of the villages have either taken option three which is banning sale only or option four which is banning sale and importation. The proposed changes is to add a fifth option which would have villages be allowed to ban sale, importation, and possession with home brew included in the possession. Before that is introduced and a decision made to introduce that this committee is going around to all of the villages to see if that is what the villagers want to have or if villagers have other suggestions for how the law can be better and help them deal with their problems. Based on the response we've gotten so far it looks like there's going to be some kind of bill that will let villages ban possession, but it depends on what people say on these hearings, what the exact proposed changes will be. Your other question is how you can help enforce importation. Some of the people who live in the villages and have to work with the law say if you could ban possession that would help in the enforcement because you wouldn't have to prove who brought it in and you'd be able to get rid of the booze which is really what most people want to do with out having that hard part of the proof which is who actually was the one who brought it into the village.

Robert

Cleveland:

Yes. I understand that. Do you have a book of some kind that I can take home with and read about this option? Because the Elders meeting is set up for Jan. 10 and by that time they will want to know what's this hear is about.

Laurie

Otto:

Do you have a telephone?

Cleveland:

Yes.

Laurie

Otto:

There's no book because one of the reasons we're having these hearings is because there is no book. The only way you can really find out what's going out with it is to go around and talk to people and see what their experiences are. There are things I can write down that I know about the local option law to explain it if you give me your phone number I will call you when I get back to Bethel after our trip. It will

Selawik; Local Option Hearing "48"

probably be in the end of December. We are going to be traveling all this week and next week.

Rep.

Hurley: Couldn't you send from Kotzebue the local option law that exist?

Laurie

Otto: Well, I can send him a copy of the law, but there's statues in...I'm sure Lori can help you with a copy of the statue that's not the problem. The problem is dealing with the questions so if I could call him I could find out what his specific questions are and write him a letter answering the questions.

Mark

Earnest: I do know there is a booklet which the Dept. of Community and Regional Affairs has put out describing the existing local option laws and helping communities plan for and prepare for which option they would like to adopt, but there is nothing that would deal with what we are talking about here. What we're getting from people is the testimony of what they think changes should be.

Cleveland: Or you can write me a letter.

Laurie

Otto: Yes. I can write you a letter if you give me your phone number.

Cleveland: And you can explain this.

Laurie

Otto: Yes, I will.

Cleveland: Thank you.

Laurie

Otto: Why don't you tell me your phone number and I'll call you when I get back to find out what your specific questions are so I can address specifically what your issues are rather than just writing you a general letter.

Cleveland: I don't have a telephone in my home, but I think you can call Kathy and ...

Katherine

Brown: My telephone number is 445-2198.

Laurie

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Otto: Your last name is Brown?

Brown: Yes.

Laurie

Otto: Ok.

Rep.

Binkley: Yes. That would be good Robert. We'll get something to you so you can present it to that Elders conference on Jan. 10, 1986 so you can explain to them what we're trying to do.

Rep.

Hurley: Also I think the people should understand that this is not annie there will still be an opportunity when the legislature meets for their debate. Do you have teleconference in your area?

Cleveland: Yes.

Rep.

Hurley: So that you'll be sure you hear that there's going to be a hearing so that you can know what's going on in Juneau also.

Cleveland: Well that's all I wanted to say.

Rep.

Binkley: Ok Robert, thank you very much appreciate you coming from Ambler. I think we've got to meet our next scheduled meeting so we're going to have to end our public hearing. I hope everybody got a chance to testify.

Laurie

Otto: There's just one more thing too. In addition to the teleconference this committee is very interested and very excepting of written testimony. I've given the address of the committee to both Victoria Ticket and Fred Thomas who travels around in the villages so if people don't want to talk on the teleconference or don't want to talk in public, but wants to write something down about their views on this issue either one of those two people have the address and we'll be glad to have written testimony as well.

Rep.

Binkley: We'll go ahead and close the public hearing it's 12:30 p.m. Thank you very much. We appreciate it.