

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672

1401 SCOMM 52: JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86



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SHISHMAREF
JOINT SPECIAL COMMITTEE ON LOCAL OPTION LAWS
December 10, 1985

Present: Rep. John Binkley, Chairman
Senator Vic Fischer
Rep. Katie Hurley
Laurie Otto, legal counsel

Rep. Binkley: We'll open the public hearing of the Local Option Committee here in Shishmaref, on Tuesday, the tenth of December, at 12:48. Our first witness today is Chuck Newburg.

Chuck Newburg: My name is Chuck Newburg. I'm City Clerk for the City of Shishmaref. I've been a resident of Shishmaref since 1977, and a resident of the state since 1972. Local Option Law, initially the concept was a good idea. It was good to see the law in effect because it was good to see some people sober for awhile. We found out they were good people when they weren't able to bring it in as frequently and as often as before. The local option law didn't stop the importation or legal sale. It slowed it down. It slowed it down considerably. However there is still importation but we've found that it's the same group of people basically that continue with the importation. And the Alaska State Troopers have been very helpful in handling the importation cases. The airlines have been helpful also in tracking down possible importers, that type of thing. The possible cut for Alaska State Trooper funding will indeed hinder the assistance given and the actions that local police departments are able to take. Because if we lose the Trooper assistance, there won't be as many judgments or sentences, I think. As that are going on now. One problem, it's not a large problem, but there is importation through the mail system. And that has happened occasionally. Of course it is against the law, etc., etc., but it still happens. And there is some of that importation. One problem is not so much now the importation or sale of alcoholic beverages, it's the home brew. There's nothing in the books against home brew. There's a federal law that states you can brew X number of gallons of this or X number of gallons of that, but the State, according to the Troopers, there's no way

the Troopers can enforce anything on that. You can brew it as often as you like and who keeps track of how many gallons of brew per year of this or that? And the home brew is a whole lot more wicked than anything you can buy at a liquor store in Nome unless you get to the 100 proof, 200 proof shelf. And it seems that if there is a disturbance with home brew, it seems to be a little more violent than with regular importation. That occurs. That's what I've seen since living here. If something can be done on the home brew. It's not the importing, but the alcohol is still there. And it's not hard to run to the store and buy raisins.

Rep.

Binkley: How do they generally brew home brew here?

Newberg: I don't know. I've never made it. There isn't a secret recipe that's passed along from person to person. I think it's generated from the Yukon Jack, they call it Raisin Jack. I know there's been a lot of home brew going on for years and years and years all over bush Alaska. But since the importation law has gone into effect, the local home brew has started. God knows what's in it once it's brewed up. I don't know what the answer would be. It would almost have to be a ban of alcohol, or the possibility that each respective village could vote on the ban of possession altogether. There's something a little more...The law as it is now sort of ties the law enforcers' hands in areas, where they can enforce it here but they can't enforce it here. They can enforce it there but they can't enforce it over there. So it's done good. It's been good since it's been passed, but then it hasn't quite done the job. If there was an intent for it to cure all the problems I don't know.

Rep.

Binkley: I don't know if we'll ever get anything that's going to cure all the problems, Chuck, but banning the possession might be something that would continue to restrict the alcohol consumption in the village and cut down on some of the violence and problems that are associated with alcohol?

Newberg: It's a possibility. Of course I would assume and think that would have to be voted on by each municipality, just as the local option law was voted on. I know some of the villages have voted to go with the local option law, and then voted to not go with the local option law. And have voted to go back to the local option law. So you can see right there that it has worked but it hasn't quite worked.

Rep.

Binkley: From your perspective, Chuck, as the City Clerk, one

possibility we're looking at is, if there were a ban on possession as an option that a community could choose, would be to have that a local ordinance the community adopted, and instead of having it a jailable offense, having it an offense that would be one of simply a fine and a confiscation of the alcohol. That fine then going to the local municipality, or in lieu of the fine, some kind of community service work. From your perspective as the City Clerk, how would you see that?

Newberg: It would depend on who's setting the fine. Who's enforcing that ordinance. We have no magistrate system here. All fines and sentences are set by the judge in Nome.

Rep.
Binkley: This would be envisioned that the fine schedule would be set by the Legislature, presumably, and then you would adopt that schedule, that violation schedule, similar to when you get a speeding ticket or you get a parking ticket, you would forfeit the alcohol, and then you would have to pay that amount of money. If you contested it, then you would have the opportunity to go before a magistrate and plead your case before a magistrate. But otherwise you simply pay the fine, the alcohol is confiscated, and there's no...

Newberg: The way I understand it is that all sentencing and confiscation and such would be done on a local level. There'd be no Trooper involvement or any district involvement at all.

Rep.
Binkley: Right.

Newberg: That would depend a lot on the village's respective police department.

Otto: How about here?

Newberg: Currently, yes. I feel that it could be handled. However when you're in a village such as this, it's a small village, it's a confined, I don't want to abuse the world isolated, because we don't feel very isolated here, but in the sense to somebody from Anchorage, we may be an isolated village. Everybody knows everybody. Everybody's related to everybody. And working on the police department is a very hard job. It's a difficult job. We're very lucky to have the staff that we have now and they have been a stable staff. We have had them for a couple of years now and that's the longest we've had a stable police department for quite a while now. It depends on how

much pressure the State wants to give on each respective police department in each respective village. A lot of villages only have a VPSO. And a lot of the VPSOs are not experienced, don't have enough years of experience. And that's going to create a lot of pressure on that particular person. My personal feeling is you can't just say "Okay, we're going to slap your hands and leave everything on the local level". There has to be some Trooper involvement, some involvement of the Troopers. I go back to the Troopers because I hear that the funding may be cut. I think that would be disastrous to bush villages, because that enforcement, that back-up, the confidence you get from, "I can't handle this, they're not listening to me, they're not listening to the Council, let's call the Troopers." And when you have the Troopers come in everybody knows that "I better stand up and listen. This man means business." When you're talking to your cousin or your brother or your wife's uncle or something, you don't think as seriously about it as you do when Trooper Charleton or Trooper Ballard comes in. Then you realize, well "I goofed up. This man means business. I best listen to him." I don't think just putting everything on a local level's going to take care of anything.

Otto: Except, this is the scheme and I guess I'm asking for your response, how it would work in Shishmaref if it were implemented. That the local option laws as they exist right now would still exist. Importation would be against the law. It would be a misdemeanor. It would be obviously subject to Trooper back-up. Sale would be against the law. It would be a misdemeanor or felony depending on the quantity subject to Trooper back-up. All the other criminal laws would exist. But what's under discussion is adding, as a supplement to the existing local option scheme, a village ordinance, which would prohibit the possession of alcohol, which would be punishable only by fine, that would be set by a uniform bail schedule. The people could pay the fine, forfeit the booze, or contest it and go before the magistrate. So the Troopers would be involved if it were an importation case, the Troopers would be involved if it were a sale case, and of course Troopers would be involved if there were any other criminal offense, like even conceivable disorderly conduct if your Troopers get involved in misdemeanors that are at that level. But as a supplement to the existing statutes, would it make things better in Shishmaref to allow you to have a village ordinance prohibiting possession of alcohol?

Newberg: That's sort of a difficult question to answer because we've not had a magistrate here before. I know that's not what you're talking about, but talking about it, putting it into effect and actually doing it after you all go home is a different thing. If there was a magistrate here and that were put into effect, I think it would be for the better.

Otto: No. Not with a magistrate here. With the existing judicial system. But as a village ordinance. If people wanted to deal with it locally, they didn't want to contest it, they'd just pay the fine. The money would then come back to the municipality. If they wanted to contest it they'd have to go to where the nearest magistrate is.

Rep.
Binkley: Like a parking ticket or speeding ticket. You know, generally if you get caught for speeding or you get a parking ticket, it's pretty rare that you contest those.

Newberg: It might work. It depends on the time of the year and if you have the money. There's no economic base here. And that would all really depend on the time of year and if they happen to have the money and what the fine might be.

Rep.
Binkley: What would you think a fair fine would be in Shishmaref?

Newberg: I don't know if I could answer that right now. I would have to see examples.

Rep.
Hurley: But I thought there was a discussion that it wouldn't have to be money. The fine could be community service in lieu of, because of the fact that a lot of places don't have an economic base.

Newberg: The program that's in effect right now that they have in Nome...

Rep.
Binkley: You could have them shovel snow or haul water or whatever, to work off that fine.

Newberg: That might be a workable idea. I'd sort of like to sit on that and let the police department answer that as such, because they're a little more knowledgeable on that than I am.

Senator
Fischer: I have a somewhat related question. Do you have some sort of a dog control ordinance?

Newberg: There's a generic dog control ordinance. It's a general ordinance, I call it generic, because every village has a standard set of ordinances that's basically the same that's been received and passed through the Department of Regional and Community Affairs. Those who want to improve it go ahead and do so.

Senator Fischer: What happens if somebody violates an ordinance here?

Newberg: If somebody violates an ordinance? Not much. A warning. It depends on the ordinance.

Otto: Ever?

Newberg: If it's something that falls under State law, then there's actually State.

Senator Fischer: I'm looking for something city.

Newberg: Something city? I don't know if the ordinances have really ever been enforced. And I don't think we're much different than a lot of other bush communities in western Alaska in that question. Warnings have been given that this is against the city ordinance. A lot of people don't realize that what they've done is against the city ordinance. But none of the city ordinances have been really violated to the point that...There's been nothing major. Some minor violations I guess.

Senator Fischer: You mentioned that the airlines had been cooperative in slowing down importation of alcohol. How do they do that?

Newberg: That's another one I'd sort of like to let the Police Chief answer. Basically, if they think the party is semi-intoxicated and they believe he may have alcoholic beverages in his luggage they have the right to search that luggage at the air terminal.

Otto: Is that Ryan that checks them?

Newberg: I believe it's all of them. At least they had before. I've seen it done in Nome.

Otto: The airlines can search whoever they want to search. They're private, not subject to the search and seizure laws.

Rep. Binkley: A scheduled air carrier can search you? Search your bags?

Otto: That's right. The State can't ask them to do it. If the State asks them to do it, then it's State action and against search and seizure laws.

Rep.
Binkley: But Alaska Airlines can go in and search your bags? I didn't realize that.

Otto: Yes. There's all kinds of regulations about what you can't take in your baggage, and if they think you've got it in...

Senator
Fischer: Maybe you ought to get testimony on that someday, somewhere, as to authority of the airlines.

Otto: I'll write you a legal memo.

Senator
Fischer: In the meantime, I have another question. What kind of problems does alcohol cause in Shishmaref. What kind of troubles?

Newberg: Basically domestic.

Senator
Fischer: Domestic violence?

Newberg: It has come to that at times. That's another question I'd rather have the police department answer. I'm sure they're more knowledgeable and able to answer it better than I could. Maybe Davis could be after me and answer all these questions.

Rep.
Binkley: Okay. Chuck, thanks a lot. Appreciate it. Davis, come on up here.

Davis
Sockpick: My name is Davis Sockpick. Present Chief of Police of Shishmaref Police Department. I'm going to start off with the local option election ordinance that was adopted in January 1983 to ban the sale or importation of alcoholic beverages in Shishmaref. The only thing that it states in there is that it shall be unlawful to sell or import alcoholic beverages in Shishmaref. That's the only enforceable ordinance attached in there. Nowhere in this ordinance is there a law where it says the possession of alcohol to be illegal. That's one of the major problems that we are running into in our work in the police department. There's no law banning the possession. I worked for the police department for the past year now. Most of the problems that we run into, the major problems, charges and stuff that are

filed, are alcohol related one way or another. If I could give you a percentage, it would be between eighty-five to ninety-five percent of all the cases that we worked on are alcohol related. In some cases there's violence involved in a call. And with this present law we have it's very difficult to enforce this ordinance, this option law where we are unable to search baggage or things like that. Once in awhile out of ??, sometimes we get a call, somebody calls in to inform us that so and so is coming in and possibly carrying some alcohol. In that case we have the option of either having the person sign away for search, which normally, about one hundred percent of the time they don't agree to, or we could confiscate their baggage and lock them up in the police department, and require a search warrant, which takes a lot of time. And in order to get a search warrant we have to contact the district attorney in Nome, the judge, and set up a hearing through telephone. And it takes a lot of time.

Rep.

Binkley: Have you ever done that?

Sockpick: Yes we have. Sometimes we've done that, and like I said, it takes a lot of time to require a search warrant, and in the meantime, a person in Shishmaref, while we're going through that process, the contrabands are usually either consumed or taken somewhere where we can't find them. And the search warrant is so very specific. It can only be like, it can only be on a person, or a person's residence, or the other warehouses and stuff like that are not included in it, because they are not in immediate possession of the person, and police search the person or the building. A lot of time, we know that contrabands were removed from a house and another thing that pertains to this is, Chuck Newberg was talking about a fine or system like traffic court. Working in the police department in Shishmaref and other places I believe if some kind of resolution passed where a fine system was set up, I don't think that alone will stop the importation that people do. My own opinion is that this could be amended where it would be easier to enforce and at the same time set penalties for, like in drunk driving cases, there's a mandatory sentence of seventy-two hours or something like that. I believe, my own opinion is, that if penalties could be set something similiar to drunk driving law or a mandatory sentence to be served by the person plus the fines and community work and stuff like that, I think alcohol importation would slow down maybe fifty percent or more. I've worked in other police departments on the fine system. It

works with most of the people but there are some cases where it doesn't work. It depends on, if this alcohol option law is amended where the penalties are so ?, where the person isn't fined, I don't think that's going to stop alcohol coming into town. Like take myself for instance. If I decided, for instance, that this is only a fine system. If I decided to bring in a bottle or something, in my own opinion, I don't think that would stop me too much, because the occasional ? sentence or anything law. If I would have to serve, ? money ? (unintelligible). That's my own opinion.

Rep.

Binkley: You think people would just take the chance then? They'd say, well, I might get fined a couple hundred bucks but it's worth it to me to try and get a bottle in?

Sockpick: Right. It seems like that's the way it works at present. Like I said, this option law, most of the time we don't hear about it until a day, two days, even a week later. This makes it hard to enforce this law. The first offense, if the person is given a sentence of seventy-two hours on the first offense, I think that would help a lot of that coming in. And the next offense ten to thirty days, something like that. And possibly the third offense, maybe make it class A felony with the judge's discretion.

Senator

Fischer: This is for what, for possession or for sale?

Sockpick: For importation. My opinion is that possession of it, I think there should be some law on that too, where there's a fine or jail sentence or something like that. What I'm concerned about is the importation. If the person imported and there was some kind of a mandatory sentence.

Rep.

Binkley: Well right now there is, what's the fine? \$5,000 and a year, for importation?

Otto: But it's discretionary with the judge.

Rep.

Binkley: Right now the maximum penalty for conviction under importation is a five thousand dollar fine and one year in jail.

Sockpick: I realize that. A lot of cases we turn into for assistance, in some cases the person is given just

twenty hours of community work sentence. And some times they're sentenced to five days. On the penalties, if we could set up some kind of a mandatory sentence to be served on a first offense or anybody, to slow it down a little bit.

Rep.

Binkley:

So what you're saying is presumptive sentencing, then. Which means that it takes the discretion away from the judge. He doesn't get to decide how much time. If you're convicted, the first time you get seventy-two hours, the second time 10, 20, 30 days, whatever, felony.

Sockpick:

I think, my own opinion on that is that it would work a lot better if the law was set up like that. Another thing we have a problem with is the home brew. At present there is no state law nor city ordinance restricting that. The only restriction that is put on that, the federal government, where a couple can brew up to two hundred gallons of home brew. A single person can brew up to a hundred gallons. There's no ? ? that it is not sufficient.

Senator

Fischer:

How is home brew made?

Sockpick:

Home brew is made any way a person makes it, I guess. I haven't seen one yet. Word I'm getting from Tom is that some people make it with rice, beans, whatever they can get their hands on. Raisins, whatever.

Rep.

Binkley:

Do you put it all in a bucket?

Sockpick:

Bucket or whatever. I think the most popular one is the five gallon buckets that they use to brew home brew in.

Rep.

Binkley:

Those white five gallon buckets?

Sockpick:

That's what I understand. Now if you place some kind of a restriction on that, legislation on home brew, and at the same time make it an illegal offense or something like that, I'm not sure how it would go. Some of the problems arise from home brew too. Violence, other things arise from it. And it's just not, for instance, a small rural community like this, when alcohol is present it's very hard to enforce. Not only is it hard to enforce but there's a lot of people kill themselves that arise from it. In our case being a police officer and working on a case for importation and stuff like that, we get a lot of pressure, not only from the person, the immediate person, but it seems like the whole community itself because

communities like Shishmaref are real closely related. And that's one of the major problems that we run into, is too many pressures that we are getting. Not only is it directed to the police officers, but to the police officer's immediate family. And I guess that results in the constant turnovers of police officers in small villages like Shishmaref. That's my own opinion. That if, on the basis of these continuous turnovers, not only of city police, but VPSO positions, and all of the communities, at least alcohol related issues.

Senator
Fischer:

I have a question. If Legislature, or if there were some kind of a law, restricting home brew, how could you enforce that? People make it in their own homes.

Sockpick:

You'd have to do legal research on that. Possibly there's some legal ?? or something like that. I'm not really sure. If the only way that we enforce home brew is if something happens as a result of a drinking party where a person got violent, then we handle that like any other case. But home brew itself, there's no restriction, there's no law.

Senator
Fischer:

But if there were.

Sockpick:

If there were then I assume we'd work with it like that importation law we now have. Get statements and things like that, which takes a lot of time.

Rep.
Binkley:

Does it sometimes happen, Davis, that you know that something's going on, somebody's having a big party or there's drinking going on someplace, maybe home brew, and you're aware of it but there's nothing that you can do about it?

Sockpick:

Yes, it's happened quite a few times.

Otto:

And then things get out of hand later?

Sockpick:

Under the present law we have, if a person is doing something in their own homes and nobody complains about it, there's nothing we can do. If we know there's a party at so and so's house there's nothing we can do, unless they complain about it, such as loud noises.

Rep.
Binkley:

What if somebody does complain there's loud noises?

Sockpick:

On things like that there's nothing we could do.

Rep.
Binkley:

Go up and knock on the door?

Sockpick: Go knock on the door and tell them the ~~Natives~~^{neighbors} are complaining about loud noises coming out of the houses, and disturbing the privacy in their own homes. Then you go ahead and tell those people to cut the noise down then.

Rep.
Binkley: What if they don't cut the noise down? What if they keep on partying?

Sockpick: In that case it's very difficult. Under the present laws we have, we could charge people for disorderly conduct. Which was State law. But now on the home brewing it's the rights of the person to do it. Nobody violated any laws. There's no law on that.

Rep.
Binkley: Laurie, I've got a question. If that case happened and he came up to the door and he saw home brew there, what appeared to be home brew in the house. He knocked on the door, the people opened the door, he said, neighbors have complained and we want to find out what's going on here, and in the course of that he saw what appeared to be home brew in the house, would he then have to go back and get a search warrant, or would there be?

Otto: Which side of the doorstep is he on?

Rep.
Binkley: The outside.

Otto: He'd have to go and get a search warrant.

Rep.
Binkley: If they invited him in?

Otto: He can take it and charge them. You see, he needs a search warrant to get into the house. Once he's in, if there's contraband that's in plain view, he can seize it. But to get in, to go over the doorstep, he either needs to have permission of the owner, or he needs a search warrant.

Sockpick: If it's home brew, I don't know.

Otto: Well, not right now.

Rep.
Binkley: What we're saying, if there is a law that said you couldn't have home brew, you could have possession only.

Sockpick: Right. Then we'd have something to work on. On this importation law we have, the same thing happened, loud noise coming out, partying, we knock on the door, say the neighbors are complaining, then we see an empty bottle or half full bottle of alcohol or something like that, we've got a right to confiscate that. We know that it's imported by somebody. Who, we don't know. And that's one of the problems that we run into. The possession, it goes back to the possession of alcohol. There's no law in that

Rep.
Hurley: If possession is illegal, if there was an ordinance that said possession, you still could not destroy home brew without a search warrant?

Otto: As a basic principle. Let me go back to the basics for a second. Our constitution says people have a right to be protected from unreasonable searches and seizures. The courts say an unreasonable search and seizure is one that takes place without your permission or without a warrant. That means that you don't have a right to go into somebody's house as a police officer, or a state agent, to take anything, because that is without a warrant and without permission, per se unreasonable. So to get into he house, to seize it, even if you see it, you need to have a search warrant.

Rep.
Hurley: What if their ? is doing harm at that very moment?

Rep.
Binkley: You still have the search and seizure problem. But what if you did this Laurie. What if you illegally confiscated the alcohol. And then of course they would say, and you charged the person with possession. They would contest it and go before the magistrate. The magistrate would say there was illegal search and seizure. Throw this case out. Now what happens? Does the guy go back and say give me my booze back?

Otto: Well, if it is contraband, you don't need to give somebody back contraband. So the police illegally seize marijuana now or cocaine now, and the police suppress the evidence. They don't build a case up, the court suppresses the evidence. Then a person can't go up to Davis Sockpick and say Davis Sockpick, give me my half ounce of cocaine back, because you illegally seized it. That's preposterous. If home brew were contraband or alcohol were contraband because of a ban on possession, it's the same thing. It's illegal...

Rep.
Binkley: So you couldn't make the case but you would have

precluded the party from proceeding without alcohol.

Otto: Certainly if you seize it people won't be able to drink it.

Rep.
Hurley: I wanted to ask a question about, for young people in the community is it a big problem amongst the young people?

Sockpick: Mostly the last cases we have, home brewing, tend to be made by these young people that just recently turned twenty-one. Some cases, somebody younger. And like we were just talking about the rights of a person. Illegal search and the right of a person. In a case like that, if a case gets thrown out from a court, and it was illegal search, I believe the police officer or officers that handled that case are subject to suit from that person.

Otto: Yes. And that's a good point.

Sockpick: Because we've invaded their privacy, constitutional rights they have. Enforcing this law is so difficult right now because all these people, ? have suits, things like that. (unintelligible). The police officer, where somehow it would be easier for police officers to enforce, set up some mandatory sentences and such things. I think helps the problem be taken care of. Everybody ? ? serve seventy-two hours for just plain boozing, not myself or none of those. I think that eliminates some real problems. People start thinking, I'll take my chances, I might get caught and spend a few days.

Rep.
Binkley: Looking at the importation is having, the presumptive sentencing you were talking about, separating that from the actual possession, if you had a local city ordinance that banned possession of alcohol, including home brew in Shishmaref, what about the penalties for just possession.

Sockpick: Possession penalties I believe could be some kind of a fine system. Possession of alcohol, alone, not importation. I would recommend that some kind of a fine instead of a jail sentence or something like that. Unless that same person that possessed it.

Rep.
Binkley: If you could prove the importation?

Sockpick: Right. There's some cases that we worked with on the past where possession of alcohol which somebody else imported. There is no law against that person.

Rep.

Binkley: What do you think, Davis, would be a fair fine for possessing alcohol in Shishmaref?

Sockpick: I'm not sure, but we worked previously with one hundred dollars on up. I think they were (weren't?) (unintelligible) appropriate. Two hundred dollars. I believe the fine was traditionally set too low and they have the same problems we have, ??? I think if the fine system is set up to hurt them maybe they'll stop it. I believe ?? Still under this option law, under recommendations about, if I had my own way, and said to State Troopers, like in Nome or Kotzebue or wherever alcohol is legal, if they search the baggage of people. A person departs from Nome, Kotzebue or whatever and the police officers or State Troopers, take somebody that has imported alcohol before, automatically that person is subject to be searched upon departure from Nome or something like that. If some kind of a law elected or something like that would solve, there would be no more of the problem. That way alcohol would be confiscated before it gets to the villages. It gets to the villages, is passed on and consumed, and that's where the problems begin. Everybody in Shishmaref and small communities, it's a closely related place and even though we have the same authority the Troopers do, within our jurisdiction, the people don't think of us like we were the Trooper. The Trooper, they don't know who the guy is, he's in uniform, and the guy doesn't have to live in the same town you do. So that's the reason why ?, have the Troopers search villagers who depart from points where alcohol is legal for sale. And another thing that I've noticed is that before this alcohol option law becomes law, there used to be no home brew in Shishmaref that I can think of. Might have sometime in the past but not like the brew now, simply because they're not written in the law. Still like imported alcohol, we're seeing an effect in the same problem. People don't take it seriously, feel like if there's some kind of restriction on it, not only in Shishmaref, but other villages, some of these problems would be taken care of.

Otto: How serious a problem is alcohol here?
(end of tape).

Sockpick: At least quite serious. As a result there's a lot of problems and a lot of ill feelings. Sooner or later some major problem will arise from it, in my own opinion. It's mostly things like ?? without, a lot of times a big problem. Just improving rural communities like Shishmaref, there's fines, as a

result of a person consuming alcohol. So if we could eliminate this problem from Shishmaref and other communities some of the problems would be gone.

Otto: How long have you been involved in law enforcement?

Sockpick: On and off better than twelve years.

Otto: All in Alaska?

Sockpick: All in Alaska.

Otto: What other communities?

Sockpick: Nome, Pt. Barrow, Shishmaref now. I worked for the State of Alaska as security officer for the airports, mostly in Anchorage. Worked on that for over a year. And I put in some work with security outlets working on the pipeline. And the job description that we have to do is the same thing, law enforcement.

Otto: And as I understand it you were the police chief in Nome for awhile.

Sockpick: I was police chief in Pt. Barrow in 1970. And worked in Nome most of those years. I worked as acting police chief in Nome two or three times.

Otto: In your experience in the other communities, how serious a problem is alcohol? How much of the law enforcement problems in those communities are related to alcohol?

Sockpick: Even Shishmaref, I figure from seventy-five percent to eighty percent, something like that, is problems we have where alcohol is related. There's no alcohol or cases where booze, in court the number would be real low.

Rep.
Hurley: Is the problem worse since the local option, or do you think it's a drinking problem where alcohol?

Sockpick: I believe, my own opinion is that alcohol has always been a problem. Option law and all those things, I believe that nothing can ? ? I know that alcohol will always be a problem unless we combine our efforts with some stiff rules where we can control it easier, and more efforts to ? ? compound, alcohol related problems. In Shishmaref they don't have all the things they have in the bigger cities like Nome. Like Chuck said earlier, every time we work on a case where alcohol is consumed or is imported, we work on the case for the district attorney who in turn

presents it to the court, and as a result a summons is issued to that person. Having no magistrate in town that person has to pay his own round-trip fare to Nome to go to court. And a lot of town that person doesn't have money to report to court in Nome, he doesn't have money for his round-trip fare. If he has a magistrate in town, it would be easier for the police department to ? itself to. I believe that if we do have a magistrate people tend to start thinking of ways that ? ? now. Simply the presence of the magistrate and police officers could possibly bring the crime rate now. It seems to me that if a person can be immediately sentenced or whatever is necessary.

Senator
Fischer:

Did Shishmaref ever have a magistrate?

Sockpick:

Shishmaref never did have a magistrate. And looking at past records the council members and the city clerks have been trying to get a magistrate for Shishmaref starting way back in the early seventies. The City of Shishmaref is just about the size as Savoonga where they have a magistrate down there. If a magistrate was assigned to Shishmaref, not only say Shishmaref but the small communities like Williams, Grayling, Kettle, ?.

Rep.

Hurley:

The population is it the same, pretty stable all these years or is it growing.

Sockpick:

I believe the population is pretty stable. It's not rising a lot. The City Clerk should know.

Rep.

Hurley:

Did you hear my question? Has the population changed much over the years or is this about, ten, twenty years ago was it still the same?

Newberg:

The population ten years ago was about two hundred and eighty, two hundred and sixty four. Current population, this summer's census is four hundred and twelve. And probably forty-five percent of the population is twenty-one years or younger.

Otto:

What is the crime rate here? Are there felonies? Or is it all misdemeanors?

Sockpick:

There are felonies that we work on. I don't know the exact number though.

Otto:

What kind of felonies?

Sockpick:

Assault with weapons and sexual offenses and such

things like that. And cases I know about are alcohol related.

Otto: All the felonies are alcohol related?

Sockpick: Right.

Otto: If the Legislature added an additional option that communities could ban sale, importation and possession. And sale and importation would stay the same as they are right now and possession would be punishable by a fine, but there'd be all three. Do you think that would be adopted in Shishmaref?

Sockpick: I'm pretty sure it would be no problem.

Otto: Do you think people would want to have it?

Sockpick: I don't know exactly what the people would want, but I assume that they want to make a better case of it, and I assume that they...

Otto: Would that law make your job easier?

Sockpick: It sure would.

Rep.

Hurley: Is there counseling going on for those who have a problem with drinking?

Sockpick: Very little. We don't have any counselors in town other than at the school. Once in a while a judge will say as one part of the sentencing they'll require them to go to social services or such things like that.

Rep.

Binkley: Davis, thank you very much. We appreciate your testimony. Just let me explain what we're doing here. I see we've got a lot more people from when we started. Let us introduce ourselves. I'm Representative John Binkley from the Bethel area. This is Senator Vic Fischer from the Anchorage area, Representative Katie Hurley from the Wasilla area, and this is the legal counsel for our committee, Laurie Otto, from Bethel also. This is a joint Senate and House committee that was put into being by the resolution in the Legislature last year that instructed us to go out and to find out what's happening with the local option laws in Alaska which were adopted in 1980, to find out if they are working, what some of the problems are with those laws, and to determine to what extent some of the alcohol problems are, particularly in some of the

rural areas in Alaska. So that's what we're doing. We're taking testimony on those things and travelling to many different villages throughout Alaska, also to Anchorage and Fairbanks to take testimony. We'll be gathering all this testimony, compiling it into a report, and presenting it to the Legislature. And then if there are some recommendations that come out of there, we'll introduce those as laws and if they do pass the House and the Senate and are signed by the governor, then they would become law. So that's what we're doing here today and I see there's a few high school students here. We welcome you out today. We're pleased to be in Shishmaref. Of course Shishmaref is known all over Alaska as the home of the Shishmaref Cannonball, so we're very pleased to be able to be here, and also Representative Jack Fuller who represents this district is very concerned about the alcohol problem in his district. We'll be presenting a report to him as to what we found out in the communities in his district. And he passes on his best wishes. I spoke with him this morning and just wanted to introduce ourselves. Let's continue on with the hearings here. Is there anybody else here that would like to testify regarding this?

Steve
Dahl:

My name is Pastor Steve Dahl. I'm the pastor of the Lutheran Church here in Shishmaref. I haven't prepared any formal statements, but there are some things that have kind of come to my mind as I heard Davis testify. Some of the problems that I see in terms of alcohol use and abuse in Shishmaref, and some of the problems that I deal with are domestic violence, physical health problems, mental health problems, and family crises that are precipitated by any of those things or all of those things. I think that the young people who are here today each one could think of specific instances in their own families, maybe not nuclear families but extended families, where alcohol and alcohol abuse has had a tremendous impact on the family. One of the things that I see as a cultural difference from what I grew up with is the extended family, an emphasis on that. And I see the use and abuse of alcohol as really

threatening the whole structure of extended family, in that not only are parents sometimes afraid to have their children even in their homes, but grandparents are afraid to have grandchildren in their homes, people are afraid to have neices, nephews actually participate in that extended family life. And by the same token sometimes those who would normally participate opt out of participation in that. There is counseling available, religious counseling, for alcohol problems and alcohol related problems. Some of those that I've listed. Unfortunately those of us who are trained for ministry aren't extensively trained in chemical dependency counseling. We do have some background and some training. But for the most part people who receive counseling are either referred by the courts, and that is quite good, or they need to go outside the village to receive the kind of professional counseling that they would need to receive. That involves, if it's not mandated by the court, that involves expense that isn't always easily handled and inconvenience that really nips that kind of process in the bud. So another observation and opinion I'd like to express is that the local option as it exists now is better than no local option at all. In other words I believe that the impact, the negative impact of alcohol on the community, is less than it would be without the local option as it exists. My personal opinion and the opinion of my colleagues in Nome and ~~Teller~~ and ? are that, and I will speak for the collective, that we would like to see the option opened for people to choose to ban possession, or make possession illegal. Another observation as we have met as colleagues and discussed this problem, is that the impact, the negative impact of alcohol on communities, varies with the amount and energy of enforcement. In other words, the impact of alcohol on the people of Shishmaref is less than some places, because the police officers, the public safety officers, are actually willing to enforce the option as well as they are able. So I'll bring those observations and just answer any questions you might have.

Rep.

Binkley:

Thanks Steve. So even though, in spite of its shortcomings, the local option from your standpoint does appear to be working, and to add an additional option which might include banning possession in your opinion and that of your colleagues, would further improve the situation.

Dahl:

I believe so.

Rep.

Hurley:

How long have you lived here?

Dahl: We've lived here for two and a half years.

Rep.
Hurley: And you were the victims of the fire?

Dahl: We were the victims of a fire, yes.

Rep.
Binkley: I guess I didn't hear about that.

Rep.
Hurley: The church and parsonage burned to the ground last, about the year before last.

Dahl: It will be two years in March.

Rep.
Hurley: I happen to be a member of the Lutheran Church in Juneau and they were having a fund-raising for you. Don't you have some relatives, or your wife has a good friend she went to school with, or somebody.

Senator
Fischer: Reference has been made to home brew. Do you have any feel as to the extent of the problem or do you see?

Dahl: There's no question that home brew is a problem. And it's coming to supplant imported alcohol. That's one of the reasons why I think it's important for people to be able to consider the option of making possession illegal. I realize that that's difficult to enforce, but I also realize that there are ways that police officers and public safety officers can be helped through directives and advisory bulletins from possibly the District Attorney or the State Troopers and other interested parties. That if there are guidelines spelled out that at least it would be possible and I think that it would be, if not a very effective deterrent, at least a deterrent.

Rep.
Hurley: Are there a lot of activities for people to do for relaxation here? I noticed they have bingo and I'm sure the churches have things, and the schools have, I hope, activities for the young people, but I wonder if the long winters and so forth, what...

Dahl: In terms of structured activities, we could always use more of those kind of things. Like you say there are bingo, the high school gym is open evenings for recreation. There's the recreation center across the street, and also some church activities. I believe that if we had more structured activities in the community it would possibly help to alleviate some of

the alcohol problems. But I think that the two things that would address the problem more directly would be educational campaigns and opportunities. And also the strengthening of local option laws, and review of the penalties.

Rep.

Hurley: Do you have TV here?

Dahl: We have TV, and they just added cable TV.

Rep.

Hurley: Because there was a move on the line that comes out here from Anchorage, RATNET, that they are not to show alcohol ads on, and I wonder whether that is happening.

Otto: Well, actually they show the ads, but then they run a disclaimer, saying this isn't our fault, we don't believe in it.

Rep.

Hurley: Because I know they get programs from the States and I wondered, there's so many alcohol ads.

Dahl: I'm not in a position to say whether those ads actually would encourage or induce people to use or abuse alcohol. Maybe some of the younger people could answer that question.

Rep.

Binkley: Steve, thank you very much. We appreciate it.

Tony

Weyiouanna: My name is Tony Weyiouanna and I'm the City Planner for the City of Shishmaref. A lot of the things that I was going to say about the local option law here have already been mentioned by other people, but there might be some things that differ or re-emphasize what they said. Since the local option law came into State law, to ban importation, from my observation prior to this stay dry option in Shishmaref, I've seen some problems that, a lot worse probably than what we are having now staying wet. Before people used to, there'd be a lot of parties going on, everybody, a lot of people would bring in booze and have a good time and not pay attention to any other activities that they probably should. But the problem that I see with a town like this staying dry is more local like we see different people, and a lot of people they make home brew, Davis and the other people mentioned that has become a real problem since the town started going dry in 1983. It didn't take effect real quick, but after a certain amount of time it started up and that has been the main problem

locally. I think you were mentioning earlier something about the option to have fines or community service work. That could be one way to kind of curb that problem of importing and public disturbances, you know, because like home brew, that kind of stuff. Personally I think the main thing that would work in my view is community service work and like Steve said, maybe counseling or professional help if it was available. Otherwise I don't have too much to say about this, just re-emphasize what they were saying. But you have different people here, representatives from the city, church, police or school, individuals, they all have different views. But hopefully a solution will come up so that it can be helpful and useful to everyone in the long run. Although I think whatever is done I don't think it will solve all the problems that we're having now or will have in the future. Although since we went dry I think our town's lot better, but it has some drawbacks, and the main one is home brew.

Rep.

Binkley:

Okay, Tony, thank you very much. Any questions?
Thank you Tony.

Johnson

Eningowuk:

My name is Johnson Eningowuk, and I'm on the City Council, and also serve on the board of directors for the Native Corporation. I also serve as chairman of the coastal management program. And I think my greatest fear for the village, if local option law is again voted by the village, that if the vote does come back, and it does pass, my greatest fear as a elder is that alcohol problem will just resume so intense that it will create a lot of problems for a short period of time. I think the present local option law, as voted by the people, has been helpful to especially the elders in that they don't see this alcohol problems in the streets and the homes create problems themselves. The present, the way it is right now, I think it could be a little bit more stronger, especially for the elders. I don't know how much more stronger it should be, like the problem of home brew, there are probably some people that don't even know how to make home brew, and I think some of the fears of the elders is that they're going to poison themselves sometime, if it's not done correctly and so forth. It could create mental health problems, and those kind of thing that relate to unhealthy process of making home brew. And I think currently that the city and the village is much more healthier with the law and I think it's much more nice to be here. People who use alcohol, we don't see them in town. It does create, somebody has to pay an air fare. And I think my greatest fear is

if the local option law is voted again by people, if it does pass, it could become wet and for a short period of time it's going to create problems, because there's a time it should come to where people have been dry and just come back, it could really become worse. And I think that's the fears of most of the elders.

Rep.

Binkley: Do you think if they had a vote today Johnson, do you think the village would go back to wet?

Eningowuk: I don't know. I think it would be pretty close. I really don't know which way it would go.

Rep.

Binkley: Do you remember in 1983 how close the vote was?

Eningowuk: (Unintelligible). I don't remember the results.

Otto: What's your view on the Legislature giving communities the option of banning possession, including home brew?

Eningowuk: I think that I would be in favor of it.

Otto: Why is that?

Eningowuk: Then we have a say so on what we really want within the village. If there are enough people that wanted ban, I would be in favor of it. Mainly for the elders I think and for older people, better, right now are very comfortable with this law.

Otto: What happens to the elders, or with the elders when it's wet?

Eningowuk: It creates problems. The older children, who are old enough to drink, it creates problems for them.

Otto: What problems?

Eningowuk: They get embarrassed by some of their children. They can go to town or doing something, they're worried that they might get hurt.

Rep.

Binkley: And they worry about them?

Eningowuk: Yes. Mostly they're worried they might get hurt. You know how old people are, they love their grandchildren and children.

Otto: In Bethel one of the doctors from the hospital testified that he saw a lot of the elders actually

getting sick, going to the hospital, and on investigation it turned out that the problem was they were worrying so much about their children and their grandchildren who were drinking. Does that happen here as well?

Eningowuk: I think it would, yes. I think in the past it has happened. They would worry themselves sick I think.

Rep.

Binkley: Okay. Thank you very much John.

Reila

Oikpowuk: My name is Reila Oikpowuk. I ? (unintelligible) with my two boys. You wouldn't have thought that, tried to stop that liquor in Shishmaref. Because I have one boy in jail right now. He went to Nome, came back with liquor. We tried to stop him but he can't. So we need to stop the liquor from Shishmaref. I think it's better to get the elders together, vote on that thing. Because there's too many home brews doing it right now in Shishmaref. And we want to try to stop that too. I had one boy had that problem too. I don't know how many times I stopped his home brew, dump it out. We want that home brew to stop in Shishmaref.

Rep.

Binkley: Do you know how they make home brew here Reila? Do they use raisins or orange juice or what do they use up here?

Oikpowuk: They use rice and raisins, that's what I find out from one of my boys.

Rep.

Binkley: What, do they mix it up in the bucket?

Oikpowuk: No, they put it in a bucket, they let it stay, I don't know how many days.

Rep.

Binkley: They put it by the stove or something?

Oikpowuk: I don't know where he hides it. Sometimes I find it inside the washing machine. And after that when I was looking for my bucket he said he doesn't know and I know he used it. And there were lots of white buckets at the Native store. That's what they always use for it. We want to stop that liquor too in Shishmaref. Bring it to Shishmaref, so that those under age start drinking in Shishmaref. We want to stop that too. I think it's better to let the elders, we used to go to Nome for Elders' Conference, that's what we used to talk about that liquor and other

things. And we don't want to let somebody get hurt or somebody get shot or something when they get drunk.

Rep.

Binkley: Does that sometimes worry you?

Ookpowuk: Yes.

Rep.

Hurley: I want to ask a question of maybe someone out there. Do you have any visiting health people who come through, nurses, or do you have a physician's assistant or anyone, health aides here, in Shismaref. Does anyone come?

Newberg: We do have two full-time primary health aides, ? ? Health Corporation in Nome. And two alternate health aides, and scheduled visits from ? personnel, doctors, dentists, that type of thing. A bimonthly schedule.

Rep.

Hurley: Well you know, there should be some kind of an educational program about how dangerous home brew is. It's made in a way, and it isn't...But that to me, young people especially need to know that they're taking a real chance with their life.

Otto: When you went to the elder's conference in Nome, are people from other villages also concerned about the problems with home brew? Has home brew gotten to be a bigger problem in the last few years?

Ookpowuk: Yes. In Shismaref right now.

Otto: Is there more people, or you might not even know the answer to this, but are more people drinking home brew now here than sneaking liquor in, bottled liquor in?

Ookpowuk: I really don't know. I just stay home.

Rep.

Binkley: Reila, thank you very much. We appreciate it.

Albert

Ningeulook: My name is Albert Ningeulook. I'm a resident of Shishmaref. I don't have any phobias about my personal ? in this. First of all, like I say, I'm glad that each of you that have been elected to represent people from districts have been chosen to be the panel here and why you are here. I'm sure each of you are very about the alcohol problems throughout our State. I've had the radio listening to the comments by some of the people here. And I'm wondering, I'd like to ask each of you a question:

what does the constitution say about our rights? I'd like to ask one of you to please answer that question for me.

Rep.

Binkley: Well, it says we all have the right to privacy.

Otto: It's about a lot of things.

Ningeulook: Does our constitution say anything about the pursuit of happiness for each individual, those three words?

Otto: The Declaration of Independence.

Rep.

Hurley: Senator Fischer was one of those who helped write the Constitution and we have a bill of rights that says, modelled after the, isn't it? Part of those words are right in there. Everywhere you're entitled to life, liberty and the pursuit of happiness.

Senator

Fischer: The wording is somewhat different, but certainly the intent is that the individual and community rights are fully protected.

Ningeulook. Thank you for answering that. My main point for asking that particular question is to try and make a point here. In light of that, I know there are many things that our State is trying to do in order to protect the State citizen's health, well-being and so forth. And I can see some good points in the local option laws that have been enforced or have been introduced into our State. There are also some negative sides to the local option law itself. Please understand I'm not representing the people here. I'm just representing my own self and my own opinions right now. I'm wondering are the churches in our State exempt from his law. Because in the holy communions they have wine in the churches.

Otto: They are exempt from the law.

Ningeulook: I'm wondering why the churches are exempt. If a minister or missionary can bring in any alcoholic beverage into a village he's like a villager too since he's serving the community. So I don't see why there's an exemption like that. I don't have anything against the church or the ministers or anything, but I just see the constitutional aspect of that in reference to our rights.

Rep.

Binkley: What you're saying, Albert, is it's not fair for churches to bring in alcohol to use if everybody else can't.

Ningeulook: It's all right for religious purposes, for the holy communion or things like that, but just the fact that bringing it in by the local minister, himself or herself into the village, what I at least know is that the minister's supposed to be a representative. (unintelligible).

Rep.
Hurley: Actually it's illegal for him to do that though. The only thing they're exempt from is the communion wine. That is correct. They are disobeying the law just as much as the people. They're not given any sanction for personal possession. It's the communion wine only.

Rep.
Binkley: And only to be used in conjunction with.

Ningeulook: But the alcohol itself, right, is made by humans. It's all fermented. I know places where they make wine. But home brew is made by anyone. It can be made by anybody. That's another subject, but I'm thinking about the wine itself is man-made, then how can it be defined to be, it's a very complex question actually. I shouldn't even bring it up. The main reason I'm bringing this particular subject up is because of the importation of it to a village where it's legally not supposed to be brought in. So the importation of it is legally permissible by allowing a minister to hand carry the wine or whatever they have to use for communion. Is that right?

Rep.
Binkley: I guess so.

Ningeulook: That's one thing I don't see about the local option law itself, that particular subject. And another particular area is that there is a lot of home brew being made. And I've heard it has some serious complications if it's not properly made. Now do I understand it correctly that you are thinking about introducing or making a local option law against home brew too?

Rep.
Binkley: Yes. We're considering it.

Ningeulook: After that, what type of subject will be made into local option law?

Rep.
Binkley: Lysol, vanilla. No, just kidding.

Rep.

Hurley: No, possession.

Rep.
Binkley: Yes. Possession of alcohol, whether it be home brew or commercial.

Otto: I'm curious. Instead of you asking them questions, I'm really curious what you think. Do you think that the local option law is bad? Do you think that the Legislature should not pass a law letting villages ban possession of alcohol? What's your point of view on the issue?

Ningeulook: My point of view is I think the villages be given the opportunity to have another election. Because we've seen how the local option law has been affecting the village so far (end of tape).

Rep.
Binkley: A couple different ways that you can get it on the ballot. One, the city council can put it on the ballot, by a majority of the members on the council, or you have to circulate a petition and enough people sign that, is it fifteen percent of the registered voters that voted in the last election? Sign the petition then you can have it put on the ballot.

Otto: I'm not exactly sure.

Rep.
Binkley: Something to that effect anyhow.

Rep.
Hurley: But the question would have to be to repeal.

Otto: Do you think that it should be repealed? Do you think that Shishmaref should not be dry?

Ningeulook: That's the main thing of having another election is that would answer your question.

Otto: But what do you think?

Ningeulook: I don't have anything against the local option law itself, but frankly I don't like it at all.

Otto: So you'd get rid of it?

Ningeulook: No, I'm not saying that. I think it should be revised so that all the parties are the people in the villages can assess better what would be resulting from such an action.

Otto: How should it be revised?

Ningeulook: I don't have too much thinking to do about this until just now. That's the reason I have my notes with me so. Anyway, I hope I can answer it by reading my notes here. One of the things that I'm concerned about is a lot of people in other villages and here in the village who have been incarcerated because of the law, law-abiding citizens. I don't like to mention the villages' names or places or whatever, but there's been some people who are respected in their own villages who have been caught bringing in their own alcoholic beverages so they can peacefully consume it in their own home. I don't know how they were caught but because of this law they have been incarcerated. Whereas if it wasn't in effect they wouldn't be. People who are responsible for themselves and are mature. I'd like to know what other problems have you had so far in your hearings? What is the overall reaction?

Rep.

Binkley: We've gotten quite a good reaction. I think the reaction we got in most of the testimony you heard earlier is pretty typical of what we heard around different communities.

Ningeulook: One of the suggestions that I wrote down is to have a survey made to find out exactly how the people feel about it. A non-partisan type survey. Not sponsored by the Legislature or whatever, but the Legislature probably can appropriate some funding to have surveys made in each village to get a feel of how the people feel. Another of the things that I have written down, and that we all have our own observations of the law, and I think the result of the hearings should be compiled and very carefully looked at before you make any suggestions for the Legislature, and not to get one-sided opinions, but to try and get as many opinions from people like myself or in the villages all the time. And it seems like the local option law on the surface is really working well. Just like it's the law and we all have to abide by it. But at the same time there's a lot of turmoil under the law, drugs, home brew, things like that that are not being mentioned too well. But the one thing that's always coming back with those other problems is the local option law. And I think that you have to keep on pursuing local option laws. We have to make local option laws even for home brew and drugs. It's just started hard drugs in the region now. It's never been actually surfacing up until the law came into effect. I don't know. It's just my own opinion. I'm not speaking for the village. It's my own opinion. And I believe that the local option law can not be used as a crutch to deny or eliminate

human rights as villagers who are living in a village. Like in Anchorage or Juneau or anyplace, cities have a different environment, whereby our own villages have their own laws. And I really appreciate the local policemen and the local authorities who are trying to neutralize. But there's some negative aspects to the local option law. It had to be addressed I think. I would encourage you to go back to the Legislature and have some more funding appropriated to open some regional corporations so they can have more programs and more education. I believe that education is the best tool to try and help our own people. I don't know how much money was allocated to make some appropriation for organizations, but more funding should be appropriated in this budget, so that programs should be instigated. This is all I have on my notes here.

Senator
Fischer:

You mention the drugs. We have testimony in at least one other case where it was suggested that the local option laws, the prohibition on importation, has sort of tended to get people to import drugs because this is so much easier to conceal. Do you think the same situation is true here. Because alcohol importation is restricted, it's prohibited, that more drugs have been coming in?

Ningeulook:

I can't speak for myself. I would have to do more research in order to answer you truthfully. As to exactly what's going on. But as a villager I'm aware that in the region, and I'm not mentioning villages, but in our region here in the Nome area, that there are more drugs because of the local option law. In those ways I believe the best answer to your question I hope.

Rep.
Hurley:

We've heard that before in several villages. What I wanted to ask you, when we were in Dillingham, which is a wet city, and Togiak, which is a village which is dry, they say the people go into Dillingham to drink. Does that happen here that people go to Nome to party, and get lost and so forth, and hurt while they're in there.

Ningeulook:

That's another very hard question to answer. Being a village resident here. You need to ask the village policemen or the mayor or the people in charge here. Because personally myself I don't want to be involved in any...I'm just representing my own self. But I would suggest that in the future such hearings can be publicized more so that there be more input from the people. So that people who are interested, not just people who represent the whole village.

Rep.

Binkley: Albert, thank you very much.

Rep.

Hurley: There is an opportunity for a teleconference in January. Won't we have a teleconference?

Rep.

Binkley: Yes, probably sometime in January.

Rep.

Hurley: Do you have teleconference equipment here?

Ningeulook: I don't know.

Rep.

Hurley: But you can dial in.

Rep.

Binkley: Is there anybody else here today wishing to testify. If not we'll go ahead and officially close the public hearing here in Shishmaref.



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TOGIAK
JOINT SPECIAL HEARING ON LOCAL OPTION LAWS
November 25, 1985

Present: Representative Johnne Binkley, Chairman
Representative Katie Binkley
Laurie Otto, legal counsel.

Binkley: Okay, it's November 25, at 10 o'clock in the morning here in Togiak. This will convene the public hearing of the Local Option Committee. As I mentioned earlier, David, and I'll try to go over it a little bit, what we're doing is going out and reviewing the Local Option Laws to get a feel for how they're working, if they've been working in the communities, are they effective, are they some ways we can make some changes in the laws that would help communities deal with alcohol problems? Should we get rid of them altogether? We're out to get public testimony on that, to see what people think of it. One proposal that's come up, a lot of people have mentioned it up in our area, a lot of the villagers, is a problem of once alcohol is in the village, people get it in, they don't catch them when they actually import it. And once they have it in the village, there's nothing that the local police can do about it. They see somebody that's got alcohol, they're causing a problem, they're partying, they can't go up and take that alcohol away from them. So a lot of people would like to have another option that they could choose, which is to ban possession of alcohol. So if the community votes on that, to ban importation, ban sale, ban possession, then they could, if they see a situation where somebody's got alcohol in the village and is causing problems, they could confiscate the alcohol, take it away, and fine that person for having alcohol in the village. So we want to get your comments overall on what you think of the Local Option Law, how it has worked or hasn't worked in Togiak, and what you maybe think about that kind of an idea. Also what are some of the alcohol related problems that you have in your community? What happens as a result of alcohol here in Togiak? If you could state your name for the record and then we'll be all set to go.

David

Nanalook: Yes, my name is David Nanalook, I'm a resident of the village of Togiak. Johnne, in regards to the Local Option, and to the Committee especially, that's going to be addressing the Local Option Laws in the State of Alaska. Again since the enactment of that legislation in 1980, here in Togiak alone, the problems incurred out of alcohol that I've seen are deaths in various numbers, a number of different families. I don't know the exact number, but there's deaths related to alcohol, drownings that are related to alcohol. A very

small amount has been in regards to that Option is that the law is enacted. The choice was given to the communities whether it should be dry or whether it should be wet. And in a lot of areas wherein there are no liquor stores that alcohol is being imported, either by private persons or by a group of people that come in. One of the basic problems that I see with that option, is that the State of Alaska's Constitution guarantees every person his or her right to the use of various different things. And one of them is the consumption of alcohol is a private matter within the home. And there again, the problem that I have seen in the past is that the State of Alaska within its Constitution, cannot discriminate, although Federal law can be able to do that. There again the problems that I have seen and one of the possible solutions that may be addressed to the Committee is the possibility of having an option, I understand, under the licensing of alcohol, tobacco and firearms. Especially in the Alcoholic Beverage Control Board. You know the Alcohol Beverage Control Board has the discretionary power, whether that license should be granted. And I think that the problem here that should be addressed in regards to the Alcoholic Beverage Control Board, from the Committee, after travelling to the villages, is that the villages request the Alcoholic Beverage Control Board wherever, especially here in the Bristol Bay Region, that if the licensing of the liquor stores comes up, or wherever the sale of alcohol is done in public, within near the villages in the Bristol Bay Region, is that the villages get together and write a letter in consortium opposing the reissuance of the licenses. The Alcoholic Beverage Control Board can have that discretionary authority. Because I think the track record, due to the licensing of alcohol, has already taken at least three and a half, maybe even up to six percent of the prospective population. Increase that could have happened here within the Bristol Bay region.

Binkley: You mean as far as deaths?

David

Nanalook: Yes, deaths related to alcohol. Although the figures that I give may be high to some people, but I wouldn't be surprised if they are even higher. Because of the violence that's related to alcohol and the consumption of alcohol.

Hurley: Where can we get those statistics?

Otto: The Trooper should be testifying in Dillingham this afternoon and he's supposed to have that information.

Otto: Can I ask a couple questions please? David, how serious, on a scale of one to ten, if you could put it on that scale, do you think the problems of alcohol are in this region?

David
Nanaloook: The seriousness, especially in the summertimes, right here in Togiak alone we've got X number of vessels, and A F&G can give you the numbers. We have X number of vessels which are over the 250 or even close to 300 vessels that come in for the herring fishery.

Hurley: Who come in here from outside?

David
Nanaloook: Yes, so alcohol, and not alcohol alone. But you've got alcohol and the hallucinogenic drugs as well as your herbivous drugs that are brought in and that adds to the instability that's being brought in. Now there again I have to say that, although you have municipal governments that were set up by the State of Alaska under Title 29, I think that the State of Alaska should very seriously reconsider its position under Title 29. I think that the State of Alaska should really seriously consider recognizing and really understand where the real political structure of Title 29 is within the villages. Especially when your population is 98% Native people. Because with the traditional council and your Native councils that have always been there even before the State of Alaska, even before the territorial days, is that the cultural laws that had been passed down traditionally, have more weight than what is guaranteed by the Constitution for the safety and the welfare of the Native communities and what the State of Alaska can give. And then there again the reason why I say that is that, as a Native community, they can petition the State of Alaska to do specific things that they would like to do. And yet there again under the traditional council's concept is that the Federal government can be enlisted and requested to do specific things that the villages would like to do.

Binkley: So to turn more of that authority for regulating the alcohol over to the local traditional councils or the local community to deal with the regulation of alcohol?

David
Nanaloook: Yes, I think that would be an option that could be researched, that could be looked into.

Otto: Do you think that the problems with alcohol in this area are serious enough that you should be able to

invade people's right to privacy? Do you think that you should be able to say what they can do in their own homes?

David

Nanalook: I think there again that the Committee ought to address, if you're asking about the seriousness of the alcohol situation, is that you ought to sit down and research the statistics from the State Troopers, or the Health and Human Services in the area of family violence, in the area of alcohol related deaths, alcohol related accidents, alcohol related injuries for that matter.

Otto: I think the Committee is doing that, very clearly we're doing that. But because I think people are more important than just the statistics, the Committee's also traveling to the villages to hear what people have to say, not just what the statistics say. And I guess what I'm asking you, you were talking earlier about the Constitutional right to privacy, and you can't invade people's home. In fact you can, constitutionally, say what people can do in their own home, you can prohibit them from possessing alcohol, if the problems with alcohol abuse are so serious that a reasonable way to protect the public health, safety and welfare is to say what people can do in their own homes. So I'm asking you the question that the court will ask and that is, are the problems of alcohol abuse serious enough to justify invading people's privacy in their own homes?

David

Nanalook: In answer to your question, if the courts are going to be asking that question, I think the solution could lie in that as we recognize the constitutionality of the issue. We recognize that. But I think in recognizing the Constitutionality of the issue is then furthering and fostering the problem of alcohol within rural communities.

Otto: What's the answer to the problem?

David

Nanalook: The answer to the problem would probably be that in the past our own people, even before the State of Alaska, even before the municipal governments, we had people that were in possession of alcohol. And it don't make no difference whether it was on that person or whether it was at the home. The Native Village of Togiak had said there's no alcohol in this village, period. We're not going to foster it. So they went directly over to the home, went directly over to that person and took it away. Now that you have municipal governments within these Native communities, all of a sudden they say well, we're borrowing a system that is

not going to help us. We're borrowing a system that was set up by the Western culture, so that we could live like the Western culture. Some of it is good, yes, but some of the issues and problems that arise in the Native communities are not the issues that should be addressed by the Western culture. It should be addressed by the local villages.

Otto: So you think the Legislature should say the laws of the State of Alaska don't apply to Native villages, they only apply in the rest of the State. Is that what you're saying.

David
Nanalook: Yes, I think that should be the answer. Because if a Native village passed a law and you came into that Native village and you did something contrary to that law, wouldn't you recognize that law? Because it comes out of the Native community? But that's not the way the State Troopers and the rest of the State of Alaska see it. They say that they're the only law. But where are they when you need them?

Otto: What kind of service do you get from the State Troopers here?

David
Nanalook: I think that we get excellent service out of this office, because we've got the Village Public Safety Officer program here. Yet you know some of the problems that arise should be addressed by the Native village itself, instead of looking to the State.

Binkley: I think you're absolutely right David. Back to that one question that Laurie had touched upon earlier. Do you think then that the alcohol problem is serious enough in Togiak to justify people's invading that right to privacy for the good of the whole community some people have to give up that right of privacy in order to protect the rest of the community?

David
Nanalook: Let me ask you this question, first in answer to your question. From whence comes the right of privacy? Where does it come from?

Otto: The Alaska Constitution.

Binkley: In 1972 there was an amendment to the State Constitution that said that people have the right to privacy in their homes.

David
Nanalook: Don't you already have that? You know, it doesn't need to be written. It's culturally accepted that every person has his or her rights to privacy. So that was already there. But the right to alcohol is not a right but it's a privilege. It's not a right.

So you have to separate the two concepts--a right and a privilege are two different things.

Binkley: If you asked me the same question I would say yes, as far as is it worth jeopardizing a person's individual right to privacy to protect the good of the whole community, my answer would be yes, I certainly think it is. But we just want to get the opinions of individual people in villages.

David
Nanalog: Yes, I have to agree with you there. If I have to invade somebody else's private home in order to protect that person's children or himself for that matter from accidental injury.

Binkley: Or to protect him from going out, ^{maybe if} ~~in other words~~ he gets too drunk and ~~can hurt~~ himself or somebody else.

David
Nanalog: Yes. It has to be done. Because that's the way it's always been. I've seen it. Even before the village council was terminated by Title 29 enacted, I've seen that. I've seen those elders say, you're not going to have it regardless of what you say. It's not good for your health, it's not good for the welfare of the community. Nobody turned around and said "Hey, I've got a right". The only time that we started seeing the problems against our cultural laws was when Title 29 was enacted.

Otto: Do you have a Title 29 city council?

David
Nanalog: They say that we do but I haven't seen a charter.

Otto: Are you the traditional council president?

David
Nanalog: Yes. So that's all I've got. I've got to go.

Binkley: Okay, David, thank you very much.

Hurley: Thank you for coming. You said that before Title 29 passed you could have your own traditional councils and they were in charge, is that correct?

David
Nanalog: Yes.

Hurley: When Title 29 was passed it did away with the traditional councils and you had to organize under that law?

David
Nanalog: Well, that's the understanding. At that time I was in school. But I understand that they burned the books

after Title 29 was enacted. After fourth class city status was enacted. But whether that vote is a real vote is a question. I still question it. Because everything is done by a vote.

Hurley: What kind of city are you? Fourth class?

David

Nanalook: I understand it's a second class.

Binkley: I think it's a second class. David, thank you very much. We appreciate you taking the time to come talk to us, it's a help too.

Antone

~~Gussack~~

Gosuk

(As translated from Yupik) That was Antone ~~Gussack~~ ^{Gosuk} that made a statement that before the Local Option was voted on, you didn't see that much of the problem, alcohol related problems within the villages. Once after the Local Option Law was presented to us and voted on, it seems like you see the problem proliferating. One of the basic problems that the proliferation was there was the availability of transportation by air. Because that's the only way that you can come in and out of. But there again between the time that that person gets on board that aircraft, where does the problem begin? It actually begins right there where it's available for public sale. I've got to go. Johnne, I'd like to introduce your translator. That's Sara Topiak This is Johnne Binkley.

Binkley: I'll go ahead and start over again and introduce everybody. First of all I'll apologize for not bringing our own interpreter. We had a translator that we've been taking with us around to the villages and just before we left to come out here he called and said he couldn't make it, so we have to prevail on the good services of Sara. We appreciate it Sara. I'll just introduce us. Maybe you can explain what the positions are in Yupik. This is Representative Katie Hurley, from Wasilla. This is Laurie Otto, who's the legal counsel, or the lawyer for the Committee. She's from Bethel. This committee is called the Local Option Committee. I'm Representative Johnne Binkley, from the Bethel area. The Committee was formed by the Legislature. They wanted us to come out to some of the communities around Alaska, some of the villages, to talk to people, to find out if the Local Option Laws are working within the communities. And to find out from you if you have any ideas or suggestions on how you might change the law to better help the community to deal with alcohol. Also to find out specifically what some of the problems are that alcohol causes within the community. We're making a

record of this hearing and all the hearings that we're having. We'll make a report from those records and then present it to the Legislature in January down in Juneau. We've had seven different hearings in the Bethel area. We'll have hearings out of this area, in the Nome area, Kotzebue, Point Barrow and villages around there, Fort Yukon and villages, Anchorage and Fairbanks. One of the suggestions that has come up in the region around Bethel, the Calista region, the AVCP region, is to allow communities an additional option, to allow them to choose if they want to by local vote to ban the possession of alcohol within communities. We invite you to testify. If you feel more comfortable testifying in Yupik, Sara will translate into English for the record and for our benefit. Or if you'd rather testify in English that's fine. We'll have to stop at about twelve o'clock because we need to go on to another hearing this afternoon. Maybe the first person we could hear from is the VPSO. We could get some of those statistics from him. Then people can just feel free after that to come up and testify.

Stanley
Active:

I'm Stanley Active Jr., Village Public Safety Officer here in Togiak. The only problem we have with Local Option Law is the communication with the court systems in Dillingham and the surveillance that needs to be done with the Dillingham Police Department. The problem is trying to get the telephonic search warrants. On most occasions we get a complaint from somebody that he heard somebody saying that this guy is going to Dillingham to get some booze, and when we first tried it, this guy went to Dillingham and came back and we took his boxes or his sacks. Then we tried to get a telephonic search warrant. I talked with the Judge for over a half hour and the Judge told me that we couldn't get a search warrant based on hearsay. I knew there was some liquor in that box or that paper sack. Some people, we are all relatives in this community and people are afraid to go to court against their own relatives. It's real hard for us to try to convict this people.

Binkley:

What happens sometimes Stanley when somebody brings in alcohol? What typically happens as a result of alcohol? Do people drink in their homes then sometimes or do they drink in public?

Active:

When they bring in the liquor they tend to drink in their homes then after a period of time they walk out of the homes and start creating problems. We have had some deaths related to alcohol, suicides related to alcohol, drownings related to alcohol after that Local Option Law came.

Binkley: Stanley, sometimes when you're on duty, do you have an occasion to see a situation developing sometimes? Do you sometimes know that somebody's got alcohol, that they're drinking, that there's a potential for them to maybe hurt somebody else as maybe they continue to drink and they get more and more intoxicated. Is it sometimes, if you had the ability to go in and take the alcohol away from that person, would that assist you, or do you think that would benefit or somehow help to protect that person or the public?

Active: I guess that would really help the guy that's drinking. It's his problem and if we took away that liquor from him maybe he won't turn into any problems like going to jail or hurting someone else or hurting himself.

Binkley: Is that sometimes the case though? You're able to detect that somebody's drinking? You know when that's taking place sometimes?

Active: Sometimes I have to take away their liquor even though I'm scared of being sued. I sometimes take away their liquor and dump it.

Binkley: And what do they say about that when you do that?

Active: They get mad, but they tend to call relatives. When they get sober they don't like the way they were before.

Binkley: Can you do that now in present law?

Active: No, we can't do that.

Hurley: Did you used to do it?

Active: Yes, we used to do it before the Local Option Law was voted on.

Hurley: Now the Troopers say you can't do it, is that it? Or the people?

Active: The people say that we can't do it.

Otto: I have a series of questions. How long have you been a VPSO?

Active: I've been a VPSO since 1980.

Otto: So five years? How much of your workload, your cases are alcohol related?

- Active: About one hundred percent.
- Otto: How many calls do you have a week?
- Active: Right after summer we usually get at least ten calls a week.
- Otto: Do you have felony crimes ^{here}
- Active: ^{Occasionally} ~~what kinds of felony crime?~~ One year we had rape. I think we've had only one rape back in 1980 when I first started.
- Otto: So you don't have very much felony ~~cr~~ crime. How about juvenile crime?
- Active: Many, ~~numbers~~. We've had approximately five (~~unintelligible~~) ~~back~~ a week, I think
- Otto: Are the problems with juveniles alcohol related?
- Active: Most of them.
- Otto: Is there much of a problem with domestic violence?
- Active: Yes.
- Otto: Serious problems with domestic violence? ^{Active: 'Serious problems}
^{up:} Do you have people then with real serious drinking problems?
- Active: Yes.
- Otto: What happens to their kids?
- Active: What do you mean what happens to their kids?
- Otto: What happens to the kids when the parents are drinking?
- Active: They stay with grandparents for a night or a couple nights. When the parents stop drinking they go back.
- Otto: How long do the kids sometimes stay with their grandparents? Two or three days?
- Active: Yes.
- Otto: Would it help you in law enforcement if the law didn't just ban importation, but also banned possession of alcohol. How would it help?
- Active: It would decrease the crime rate. If we saw a drunk out there walking around we could pick him up for

arrest and place him in the cellar. Maybe a kid come to us and say his parents are drinking, we could pick up the parents and it would probably decrease crime. It probably would help us.

Binkley: Let me ask one question. Go ahead Katie.

Hurley: I just had a question regarding David Nanalook mentioned that during the herring fisheries there's sometimes one hundred vessels that come in. Do those vessels, is it people on those vessels that have alcohol? How can you control that now and if you had that kind of a ban, could you really control what comes on those vessels.

Active: I can't really say. It's a real big problem when these big ships come in, or these purse seiners come in from a different base to a Togiak base, they bring in alcohol and the kids from the village here they go around down to the Bay and trade whatever they can for liquor. Or buy it. They trade fur caps for a case of beer or whatnot. We had a couple of them last spring and they landed real drunk.

Hurley: There's nothing that you can do now?

Active: Would that law make a difference Laurie?

Otto: Not if they're not inside Togiak.

Hurley: They are though, they're in.

Active: No.

Hurley: Do they anchor out? Don't they come into the dock?

Active: No, they're usually anchored way out there, out in the bay.

Otto: Where are they from, Washington?

Active: They're from down there.

Hurley: They're from Southeast, they're from all over Alaska.

Binkley: But at some point when the problems occur somebody brings the alcohol ashore.

Active: Yes.

Binkley: Now you mentioned Stanley the ability to somebody that possessed alcohol, to put them in jail. What if this ban on possession was only to allow you to confiscate the alcohol, take the alcohol and to fine that person

or to have him do community service work? Do you think that that would be effective? Say if the Legislature enacted a law that said a community could choose to ban possession, but the penalties for possessing alcohol were one, that the VPSO like yourself, when they see somebody that has alcohol, to take that alcohol away and then issue a citation, that would be a fine for them to pay. But that did not mean that they had to go to jail. Do you think that would help the situation?

Active: It could help a little bit but if a guy's drinking, say for instance I'm drinking alcohol now and I drink all of it up and walk upside I still have possession of alcohol.

Binkley: In your body?

Active: Right. In my body. That's still possession.

Binkley: Well, I don't think that's counted as possession.

Active: The way I understand possession, if he's drinking, and I had drank a six-pack of beer or more, then I get drunk and I go outside and I annoyed people, that's still possession. But it would help.

Binkley: Is it very often Stanley, that when somebody's drinking that you actually have an opportunity to see the alcohol in the bottle?

Active: No. (end of tape)

Binkley: To the point where they're intoxicated and they leave their home then, maybe don't take the alcohol with them and then are out in the community causing a problem, either they're drowned or they hurt somebody else or their kids get hurt as a result of that.

Active: Sometimes, but most of the time we usually hear from people that they're drinking at a certain house.

Binkley: So somebody might call you and say "They're having a big party over at that house, it sounds like there's drinking going on" and you could go over there then and, I guess I don't know the technical aspects of this. Laurie, if he knew that there was a party going on and he knocked on the door and the people opened the door and he observed alcohol in the room, could he then go and get a search warrant based on that observation, to go in and search the house?

Otto: If he saw the alcohol he most certainly could. And really if you have, as you know, if you have the

person who sees it go with you to the telephone, you can get a telephone search warrant. And if you can identify the person on the telephone and say, "Jane Smith told me that this is going on and she's a citizen informer and I have no reason to disbelieve her". If she observed it you can. But have you ever gotten a telephonic search warrant?

Active: A couple.

Otto: And that worked? *Active: yes*

Binkley: So that might help then Stanley, if you could go into that house then, into the party, take the alcohol away and issue a citation to those people that were at the party, some kind of a fine that they had to pay, or if they couldn't pay it they had to do community service work for the village.

Active: If there was a party in this house where ^{four} people are drinking, on this possession deal, if see them ~~anywhere~~ ^{anywhere} I be able to issue all of them citations or just one person.

Otto: The law's not passed. They're considering it. How do you think it ought to be?

Active: I think you ought to charge all ^{four of them} ~~people~~ for drinking.

Binkley: What if you came into a situation where somebody had alcohol, of course that would just maybe have to be something that had the discretion of the VPSO. If somebody came into a house where the person had alcohol there but he didn't know that they had alcohol there, well I don't want to get into this. Stanley thank you very much. We appreciate it.

Teddy

Coopchiak: (As translated from Yupik) I'd like to start off with a prayer.

Binkley: Every day in the Legislature we start off our session in the Legislature with a prayer and I appreciate you taking the time to start this meeting with a prayer too. Thank you.

Coopchiak: (As translated from Yupik) In his younger days, he's quite old now, he claims that there was never an alcohol problem in those years, but prior to these years it's been a problem. Before Statehood, the federal government was taking care of Alaska in those days. In those days alcohol was no problem because in those times it was not initiated that much from the outside world. But now it seems that since Statehood

*there was no
problem with
alcohol, b*

everything started rolling in and concerns about ^{alcohol are} how humongous, it's so big now, creating problems. In those times, during his time, the law was, ~~the law~~ came down from the elders. And the elders, when they say that they don't want them to do this, it was the law already stated there. Right now it seems to see to where the younger folks aren't listening to the elders. In his time the elders were the law. When they say something, especially something related to the alcohol, when they say no, it's the law. And they ^{not supposed} to use alcohol. When he got elected to be an elder they made their laws. One of the problems was alcohol and they were the ones that were enforcing the alcohol problems here in Togiak and what he's trying to state is that they were, when they became elders, they were enforcing the law of no alcohol.

Hurley: And people respected it and they obeyed it.

Coopchiak: When they were the elders enforcing the law. When people break the law in terms of alcohol, they respected what they had to say, and they quit drinking in the village. But nowadays it's not the same anymore. It's different than what they used to do. Young folks or people don't seem to, they haven't formed an elder committee to look at the problems or stop the problems. But right now the problems don't seem to be eliminated the way the laws are going. In the past our laws, people were listening to it. But right now in this day and age, there doesn't seem to be any more laws.

Hurley: In the olden days, or before Statehood, they listened more to the elders when there weren't any laws than they're listening now when there are State laws?

Coopchiak: (As translated from Yupik) In the past, in his time, the elders, when any kind of problems arose, the elders would form and they'd go up to the house and they'd settle the problem. Like a committee of elders, by talking to the people, stopping it before it gets out of hand.

Hurley: But that doesn't happen anymore?

Coopchiak: (As translated from Yupik) It can't seem to happen anymore because they're referring to the laws that are being committed to us nowadays. It's kind of, it seems like people are being lost between two laws.

Otto: Since the State laws the Elders committees have stopped working because the State law's supposed to work but the State law doesn't work either?

- Coopchiak: (as translated by interpreter) It's been very recent that the State laws have been implemented to our communities. And since it started it seems like our laws that were with us for many years, just like State law, took our laws, and threw them out the window. It doesn't seem to work for our people anymore. Since State implemented the laws to us it seemed like it created a lot of problems, in terms of alcohol related deaths, suicides, murders, sexual abuses, things like that. As soon as the laws were implemented to us, the feelings got out of hand, that people don't seem to have more laws after that.
- Binkley: Do you think Teddy that if, right now in Togiak, if we said, no more State laws here, no more Federal laws, Togiak can be on its own now. Do you think that would help the problems?
- Coopchiak: (As translated from Yupik) The laws aren't just here in Togiak. The laws start way back then, not just Togiak, it started from way back there and it's going forward.
- Otto: ~~What is he saying?~~ At this point in time given all the history of Federal government in Alaska, of State government in Alaska, and all the laws that there have been, what does he think that can be done now to help with the problems that are obviously here?
- Coopchiak: (As translated from Yupik) If we could stop the importation of alcohol, or even drugs, the people bringing the alcohol and drugs to boats, planes or whatever transportation that they bring them in. If anybody can stop them from doing that, it could eliminate our problem right now.
- Otto: Does he have any suggestions?
- Coopchiak: (As translated from Yupik) Since we didn't create those problems in terms of alcohol, maybe you guys are the ones that should enforce that law not to bring it in. Because we've never had that problem before. If there's any way that it can be stopped from coming into the villages, we give it to you.
- Otto: Would it help to be able to prohibit people from possessing alcohol. Instead of just saying "You can't bring it in" would it help to make a law that says it's illegal to possess alcohol inside Togiak?
- Coopchiak: (As translated from Yupik) It would be good to put into the law not to import or bring in alcohol and also the possession of it, to make it illegal.

Binkley: I've got one more question Teddy. A person over on the Kuskokwim that grew up over there, has lived there a long time, told me that they see the same problem that he mentioned about the younger people nowadays not having the respect they used to for their elders and one of the reasons they think is that today it's so much easier to live. You don't have to pack water anymore, you don't have to chop wood anymore, you don't have to go out and do hunting anymore. And all these things, it used to be that you had to depend very much on your elders to learn how to do these things. You were always working to just provide food for the family, provide heat for the home, to provide clothes, and you were busy with those things all the time. And now sometimes you can get food stamps to get food, you've got electricity and lights, oil for your heat, you can buy food at the stores, it's easy to get a job and people have money sometimes. Does he see that same thing, that maybe that's one of the reasons that people don't have respect for their elders as much? Because they don't have to depend on them as much for skills as they used to?

Coopchiak: (As translated from Yupik) What that person was saying is true. But on the other hand younger folks aren't listening to their elders and right now, since they're not listening to them, or since the elders aren't talking to them, they're misunderstanding on what our laws are, are not implemented to them. Since we're talking about alcohol, they're using their monies without thinking, the young people are. They're not buying things that are to be useful to them, because they are not taught uses.

Hurley: Does the school invite the elders to come in? Do they participate in the education out here? Do they come in let the children know as they're growing up, what life is like, and what's meaningful and, pride in being who they are?

Coopchiak: (As translated from Yupik) In the past, when our school system was B.I.A. funded, the elders used to go down to the schools every so often to teach the students and to tell them about their laws and to talk to the teachers of what is good and bad. But now since they took over, the State acting like they're counselors, the problems in the school are arising. They're not telling them what alcohol is, what problem it creates, and the elders aren't invited anymore to the schools. When the schools were first constructed and when they started going the B.I.A. was the one that was running them,

students had a lot of respect for the school and their teachers and their elders. Now since the State took over the schools, that is not so any more.

Dan

Nanalook:

(As translated from Yupik) My name is Dan Nanalook. I'm from Togiak, originally from Togiak. He grew up here in Togiak and he knows ? and he knows mostly everyone in Togiak. We've always been under some other governments and then city came, Togiak was starting to be called a city, and ~~the city started~~ *since that time he's* ~~being laws~~ *heard a* saying that, the State said that one person ~~had to live~~ *can drink* in his own place without anyone ~~body~~ *body* going to stop him, and ~~it looks like~~ *Since that* they've been trying to fight ~~that~~ *saying that* one person, if he ~~drinks~~ *drinks* in the house, I don't think that ~~worked~~ *worked*. They're trying to say that if a law says that if one person ~~lives~~ *lives* in a house without anyone ~~body~~ *body* stopping him it will become a problem. That one person drinking, ~~him and~~ *him and* some other village people were trying to talk with city council. When they first started city council they ~~was~~ *tried telling him* I don't think that one person drinking in his own place is going to create a problem later on. They didn't listen. I think that started alcoholism in the village.

Otto:

Is he saying that people drinking in their own home does cause problems for other people and he tried to tell the city council that but it didn't work?

Nanalook:

(As translated from Yupik) He's portraying that the city council is saying, one person, the city council told him that this is what the State said. One person can drink in his house and no one can come and bother him.

Otto:

And he doesn't think it should be that way?

Nanalook:

(As translated from Yupik) Yes. When he first heard that he and other people went to them at city council and told them to not do that. They backed it up with whatever would come later on, that it wouldn't happen. ~~They~~ *they* tried to tell them, ~~but the~~ *but the* city council wouldn't listen to him.

Binkley:

So he thinks it would be better for the whole village if that person couldn't drink in their own home.

Nanalook:

(As translated from Yupik) Yes. Our schools used to be B.I.A. and then they changed it into a State school and ~~he's been trying to~~ *from then on* ~~they he~~ *he* always wonders what they teach in the schools now. ~~Because~~ *Because* ~~like to tell~~ *like to tell* ~~some things to avoid~~ *some things to avoid* ~~if he tells them~~ *if he tells them* ~~some~~ *some* things like alcoholism, ~~the person he's speaking~~ *the person he's speaking* to always tells him that, ~~and~~ *and* he always wonders now what they teach in the schools. And some things,

Whenever he
"I've got a right, I've
got a right"

*They always back him up
tries to tell them to
"I'm right" So*

when he's talking to them, this is what they say ^{to him}. I can do it myself" and ~~putting him down~~ can do it. ~~He ??? He~~ ~~talked about he's thinking about others.~~ ^{the things that they say are "I've got a right" and "I can do it."}

Binkley:

Thank you. Billy Blue.

Billy Blue: (As translated from Yupik) Billy Blue is ^{introducing} ~~representing~~ himself. He's originally from upriver Togiak. Growing up he used to see a lot of villages upriver and just like Dan said, ~~he came so the his~~ ^{he came so the his} children could ~~have~~ ^{have} a school and for one other ^{to} purpose so they could have a church, something ^{to} Those are the two main reasons they started moving to Togiak. ~~children.~~ The first thing he said he heard about alcoholism was when somebody else asked him to come with him to ~~something in Bethel when they went~~ ^{in 1983 they were talking about} alcoholism and how they ~~could~~ ^{would} prevent it from happening. Like alcohol kills people before they become aged. Like they were talking about how they can extend the lifespan of a person and they were talking (end of tape) A person lives longer, like without a short life span and after that maybe he hasn't heard anything. When he went to the meeting there were mostly villagers and they were talking about some ways to prevent alcohol from killing people. He's asking, once they tried banning bringing it into the villages and he said now would it be best if alcohol could be banned again from the village.

Otto: It would be best?

Billy Blue: (As translated from Yupik) Yes. Transportation-wise he said would it be best if they make it into a law then.

Otto: Is he asking a question, would it be best? Or is he saying it would be best.

Billy Blue: (As translated from Yupik) He's saying it would be best and ^{then} on the other hand he's saying, would you help us. He's saying that ~~since our culture~~ ^{parents are concerned of} ~~children~~ ^{their} children, ~~and~~ he's also concerned about the next generations ~~to become the villages.~~ They're saying that they make a law, and after they make a law he always wonders why alcoholism, why they drink, after they ban it, why are they drinking it?

Hurley: Did he say that he went to a meeting in Bethel in 1983 and that's the last time he's heard anybody talk about the problems? Before that was there not a problem in Togiak?

Billy Blue: (As translated from Yupik) In 1983 that's the only

time he heard anybody speak^{up} about alcoholism.

Otto: That's the only education he had?

Billy Blue: (As translated from Yupik) No. Any kind of meeting ^{where} people were concerned about it. The first city council made a law banning alcoholism and it worked for about two years. After that the law that they made concerning alcohol wasn't heard of any more. It was like it didn't exist. He's saying something about the State, that the State makes laws and it seems like nothing works. It seems like they don't hear it. He doesn't see it working in the village anymore.

Otto: What would work, does he say?

Billy Blue: (As translated from Yupik) The only thing that I think will help are two things: stop planes or any kind of transportation that brings in alcohol, or go to the nearest place where they sell alcohol, like in Dillingham, and tell them that if they know that any kind of alcohol is going to be coming in, or if they sense anybody buying, if they think they're going to bring it to the village, not to sell it.

Hurley: I want to ask you one more question. With all the alcohol coming in and has been around, why do you not drink?

Billy Blue: (As translated by Yupik) I used to drink every now and then when he was young and then when he moved here he quit and now the younger generation are drinking heavily. He's really concerned about the welfare of his children, because his children now have kids, they're trying to build a family, and especially for some young couples, all they do is get booze ~~and~~ get drunk, and when they're done they don't have any food left to feed their family ~~and~~ no clothing, like winter clothes. He feels sorry for them because whenever he sees some younger people drunk it really hurts them deeply and he's really concerned about their drinking because that's what he sees as abuses in alcohol.

Binkley: Billy, thank you very much. Frank Lagusuk.

Frank

Lagusak: I'm from here and I lived here all my life. First of all, most of the people already told you some of the things I'm supposed to say. First, on disobedience in this time nowadays is because of a law that said I have a right. Dan Nanalook mentioned that one. For these teenagers nowadays to have the right is spoiling them. In my younger days, I'm thirty-five

years old, we don't used to hear that word, but our parents used to have a right to us. We don't used to talk back to them whenever they talked to us. About these laws, what's came to this village, like city ordinances, used to be hanging right on the door showing what the law is. But when this State came, we don't see any city ordinance written on our doors no more. It doesn't even passed out to the houses no more. The teenagers used to to this time, if they're over twenty-one years of age they lived with their parents. Even when they're married they stay in one home. For that reason these older folks are hurt of this alcohol brought into this village and raise trouble inside of their home. That's why these older folks are always hurt every time the liquor comes in and even they're not living with them, they're living next door to their parents. Every time a person drinks in this village, the whole village could hear it--raising hell all night. And the next door neighbors could be awake all night. For these State laws these Village Police Officers have no right to go in there and search that house and take the bottle away because of this State law. In those younger times they didn't used to have that. They used to go in there and take the stuff away from them. And there it doesn't used to have that problem. Also on the other thing. I used to work for this city police and I've been drinking all summer long and I got away from working with them and I ran into a problem not too long ago, just because of this liquor. But I brought in here and I drink it in my home and I always forget what I'm doing and after handling this liquor I always wake up next day ran into trouble. For my testimony added to this one like last couple months ago I got into trouble, sexual assault, and it was a felony charge. I woke up next day in Dillingham and didn't know the reason for I was in there. And if there was a law and if these City Police Officers had a right to search without a search warrant I wouldn't have gone in there. And if they had a right to go into my house and take the bottle away from me, if they had that right, I wouldn't have got into that trouble. In those days they don't used to have those. Also the other thing, I'm one of the ~~rescue~~ teams. I always in past four or five years when there was liquor that was open for awhile in Platinum we used to have problem from this local searching for these people that were bringing liquor through snow machines. Not only from that village, also from Dillingham. We always have problem every year, searching for these people that are trying to bring liquor in. For that it would be better if there was a law made to have every Alaska Native person to have I.D. card to show before they

buy liquor from the liquor store. So that way the persons who are selling liquor would now where that person is from through the identification card. The other thing, it would be better or would be good if these City Police Officers have the right to search these fishing vessels that came from the other area, like from Dillingham without a search warrant within the city annexation boundary. Like one time I asked a Trooper if we got a right to go into a skiff and go after a skiff that's out there with the people that are drunk. And the Trooper told me that you can't do it, you've got no right going into a skiff and going out there and pick them up. We've got to wait for them on the ground, until they get into the ground. That law, you know, bothers me because it's a matter of life and death there according to me. For my testimonies here I'd like to know from you people does these laws that came, was it brought out through you three people or through the Legislature?

Binkley: Well Frank, originally some of the things you've testified on are constitutional laws, which we didn't have anything to do with as far as the drafting of them goes. And just to give you a little background on us personally, both of us, this is the first year we've been in the Legislature, so we didn't have anything to do with the original laws that were enacted. But we're concerned about the laws and want to see what changes we might be able to make to help the situation for the people here in Togiak. The constitutional questions, we can't change the constitution. But we can make laws hopefully that fit within the boundaries of the constitution that will help do some of the things that you are talking about. Searching without a search warrant though, we can never do that. But we can make it so that it may be easier for the people to get a search warrant. If the laws are structured such that all they have to do is see the alcohol, call the judge, get a search warrant and go in and confiscate it, then it may be a little easier. Laurie?

Otto: When you got in trouble were you drinking here or in Dillingham? Where did you get the booze?

Lagusuk: I got it from town.

Otto: So you got it from Dillingham and brought it here?

Lagusuk: Yes.

Otto: Were you sober when you bought it and when you brought it here?

- Lagusuk: I was sober.
- Otto: Then why did you, I'm not being critical, but why?
- Lagusuk: Well I'd been drinking all summer long and I became addicted to it, wanting, wanting to drink more and more and getting.
- Otto: So you were addicted, it was a habit?
- Lagusuk: Yes.
- Otto: What made you start drinking?
- Lagusuk: They put me on young people's leader in the Christian church here and even though I'm a City Police Officer. Arresting these young people, and every time I arrest them they said, "How come you arrest me? You're a young people's leader. You're supposed to love your brother." And what could I do? That mixed it up in my mind. They say "You're just a false preacher in the church. You're talking about these things and then next thing when you became a City Police Officer you do this and you're against us, you don't love us." Every time I arrest somebody they talk to me like that and it really bothers me and it makes me want to quit them both. That's why I quit working with these guys and quit going to church and quit leading young people.
- Otto: And then you started drinking?
- Lagusuk: Yes.
- Otto: Did you stop drinking after you got arrested?
- Lagusuk: Yes.
- Hurley: You said that you thought it would be a good idea to have identification that all Alaska Native persons have an I.D.
- Lagusuk: Yes. To show the I.D., like if I go into a liquor store in Dillingham and I buy liquor and then if there was a law that person selling the liquor to me would ask me, do you have I.D. card, and if I don't have I.D. card, even though I'm over twenty-one years old he can't sell me any liquor.
- Hurley: But that's discrimination. That's not fair, because if everybody had to have an I.D. card that would be one thing, but that discriminates.
- Lagusuk: If it was a discrimination, why do they ask in bars

to have an I.D. card to go into the bar?

Hurley: That's because of your age.

Binkley: I think what he's trying to get across is so that those people from villages wouldn't be more likely to bring alcohol back.

Otto: So white people living in villages would have to have an I.D. card too. Anybody living in a village would have to have an I.D. card.

Binkley: Any more questions? Frank, thank you very much. We're running kind of short of time so we've got to clip right along here. Kenneth NAnalook.

Kenneth NAnalook: I'm Kenneth NAnalook and I was born at Kanakanak over at Dillingham and I was raised here in Togiak and for twenty-six years I've lived here. During that time I have progressed to education and have progressed to determine what has been effective in affecting the Yupik villages that were, in a sense, created and forced to join the totalitarian and municipal governments of the State of Alaska. Now in hearing the Constitution when it was drafted, the guys who drafted the Constitution were not of this people. And it was their right, under the laws of the federal government and the State of Alaska, that they had the right to say, to determine their future and what laws should be implemented toward such laws that would affect our common wealth and the society as sovereign indigenous people. Yet the State of Alaska and the federal government has never ceased or recognized fully to the extent that we have the rights under the laws passed by the federal government and the State of Alaska. How can local control be achieved? It can be achieved and it's not up to the legislators of the State of Alaska nor the federal government to impose such a law. These laws have been implemented to these wonderful people in which their free consent has been violated. Their rights, their human rights has been violated. We now are opposed to the conflictive powers of municipal and tribal governments. Even a municipal government can make an ordinance to that effect toward the betterment of the Local Option Law. It shall not, it will not. It has limitations under Title 29, Municipal Governments of the State of Alaska. Those limitations are to be followed as the Constitution tells them to. The federal government imposed a law that sees eighteen year olds to be on their own. Where in tribal governments from our parents is passed on. If under their roof, they're under our jurisdiction. Just

because the federal government has passed a law that eighteen year olds will be on their own, the fact still exists, most of our drunks still live with their parents, eat out of their parents, live out of their parents. The people, the sovereign people that's called the State of Alaska, that are in the State of Alaska, can and will make these tribal government laws in which the State Legislature and the federal government can not even imbudge or engrudge encroachments to such laws drafted by the tribal governments. Today we are educated. We have leaders in the city government, in the Togiak ? Limited such as a corporation. Leaders which are young and without reasoning. We are very quick to judge and very quick to believe what we read. The thing that we can impose and teach our people and we are obligated to teach these people, the older people what is going to hurt them. As a corporate means, as the city controlled government drafted by the State of Alaska, and which, if violated, and it's the State law, before this Title 29 Municipal Government is to be imposed on thier, it's supposed to be a public hearing, whether it should be approved by the majority of these people affected by this Title 29 Municipal Governments.

Binkley: Kenneth, how do you think the Local Option Laws are working here in Togiak?

Kenenth
NAnalook: The Local Option Law, to my affect, to my understanding has never worked. It will never work.

Binkley: Do you have any suggestions as to how we might change that to make it work a little better?

Kenneth
NAnalook: If there is supposed to be just, and more fixed to this Local Option Law, it should be dealt with by the traditional council.

Binkley: Do you think we should repeal those laws, the Local Option Laws.

Kenneth
NAnalook: Very much so, because in the tribal municipal governments the police powers and the laws drafted by the Title 29 municipal governments are very much limited.

Binkley: What are some of the problems that alcohol causes here in the village of Togiak?

Kenneth
NAnalook: It causes, I have personally seen, a beautiful young couple out of love marry. Some point on down the line I see hair snitched out, gobs of hair snitched out. Just because of our limited powers under Title

29 municipal governments.

Binkley: But as a result of alcohol...

Kenneth
Nanaloook: As a result of alcohol there have been deaths pertaining to riding around just because we could not go out of our city limits, out of our jurisdiction to stop these drunks who had hurt themselves. And we care for them because of who they are. Not what they do to us but who they are.

Binkley: How about kids? A lot of times when there's alcohol abuse do kids' needs go unmet sometimes?

Kenneth
Nanaloook: During the five years that I've seen, I have personally, I don't care what police powers are given, but most of the time, if I go up to a residence and see that the kid is neglected, a diaper so wet that it is dripping down the sides, crying, never cease to cry just because someone is there, I take them out of there and put them to a relative or grandfather or grandparent. But they're children.

Binkley: Could you specifically get to the point Kenneth, and then we'll go on.

Kenneth
Nanaloook: We as people right here have the right to impose laws toward if there is somebody coming in from Dillingham we can under tribal government impose the self-determination act on the federal government has, January 4, 1975 states that these people can do such and act upon that law if they do wish to. And the federal government had no right in enacting a law that eighteen years can be on their own. The village and the people of these people can impose laws that age limit will be under jurisdiction.

Binkley: So what you're saying is we should get rid of the Title 4 local options for community under State law?

Kenneth
Nanaloook: Eliminate them completely and turn it over to these people. They have a right to.

Binkley: Thank you. Any other suggestions as to what we might do with...

Kenneth
Nanaloook: Any further imposing from the Legislature, I wish I had a video camera. I am collecting evidence of what hasn't been imposed to the village under Title 29 municipal government. I was supposed to have a video camera of this hearing to be viewed in case we get to United States Supreme Court. United States Supreme Court has repeatedly.

- Binkley: Kenneth, we're recording this on tape and it's a matter of public record. It's a public hearing so you've certainly got access to the tapes. It's not going to be in view, but.
- Kenneth
Nanaloook: OK, before we go into that, has repeatedly said that tribal governments have their own political powers and jurisdictions under them. Thank you.
- Binkley: Thank you. Al Judson. Please keep in mind, and we don't mean to try and hurry people on, but there's a lot of people.
- Al Judson: You're here to listen and I'm here to tell you something. If you're willing to listen I'm willing to tell you
- Binkley: Great.
- Judson: If that's what you're here for, let's keep it that way.
- Binkley: Okay.
- Judson: Alcoholism is a human problem. It's not limited to Native people. It's non-discriminatory. Every human being suffers from alcoholism. It doesn't matter if they're Native or non-Native. My question to you is, this Local Option Law, who implemented Local Option Law? Who is forming the Local Option Law?
- Binkley: The local community of Togiak voted to enact one of the State statutes, which was to ban importation and sale. I think it was voted on in 1982 in this community.
- Judson: This is why I had to ask the question, because I need to know this before I go on.
- Binkley: The Local Option Laws, to give you a little background Al, aren't something that the State imposed on the village. They are simply choices that they could choose from, if they so chose. And Togiak chose the one of banning importation and sale of alcohol by vote of the local people.
- Judson. I've been an alcoholism counselor for five years and I've lived in the State and I've also been in the lower forty-eight. My experience with counseling people with problems of alcoholism are the same, no matter if they're Native or not. My concern is that Native people have been exposed to alcohol for a relatively short time. Now I've studied a lot of

alcoholism problems, not only nationally but state-wide and it seems to me that there is a lot of racism within the studies of alcoholism. To people that do not know Native people. They are using alcoholism to defame Native people. That's my main concern. And the first step in genocide is to defame a people. So that's my concern, that defamation of Native people. We are not the only ones that suffer from this problem. There are many other problems such as what Kenny Nanalook talked about. We need to be recognized as human beings. Human beings have more than one problem. And it needs to be told that there are more problems than just alcoholism. We as human beings are suffering from more than that. Laws that are being imposed from the outside to local people, there should be more local control. There should be more consulting of local governments as to what local governments want. There should be more concern, real concern, by action. If there is going to be a Local Option Law there should be much more than just one hearing. There needs to be full coverage. There has never yet been a survey comparing the alcoholism problems of non-native people as compared to Native people. It seems to be stressed by newspapers, by news media, by the State, by everybody, that Natives do suffer from alcoholism, that it is the biggest problem of Native people. But that is not true. The biggest problem of Native people right now is survival. And alcoholism is only one of those problems.

Binkley: You're absolutely right Al. Alcohol is Alaska's number one health problem. It's not just the Native community in Alaska. It's the nation's number one health problem, not just the Native community in the whole country. It's everybody's problem. It's Gussack's, it's Native's, it's Athabascan's, it's Yupik's, it's everybody's.

Judson: And I'm not saying this out of a racist attitude. I'm not saying this out of any attitude that would ban any non-native people from their attitude. We live in a democracy and I believe that everyone will always uphold my right to say what I have to say. At the same time I will always agree that other people have the right to say what they believe. My main concern is that these things not be used to defame Native people. We have undergone a lot of stresses, not only alcoholism. I have one idea that a friend of mine that was an alcoholism counselor submitted to the State of Alaska and to our people a long time ago. His name was Bill Wilson and he had an idea that whenever there is a lot of litter on highways, whenever this litter is picked up, especially if

there are beer cans or whatever, alcoholic beverage bottles, the total amount of those things that are picked up, there should be a tax imposed on that litter and that tax should be designated to the local liquor stores, the local bar, the nearest liquor store. Like for example if they do pass the Local Option Law for Togiak, the nearest area that has a liquor store, the tax should go for that liquor store if there can't be a way to stop liquor from coming in. Then the tax should be raised on the outlying areas, the outlying liquor stores. The idea that Bill Wilson had was that any litter that was in a community, the total weight of that should determine (end of tape).

Binkley: Again, this is what we're trying to do and that's the whole idea behind the whole Local Option Laws, is to allow the community to do what they thought was best to control alcohol. Simply give them a choice to say, maybe this solution is right for Togiak and they can do this to control the alcohol in their community. Maybe it's different for Dillingham, maybe it's different for Bethel, maybe it's different for Nunapitchuk or any community. But to allow them to try and control the alcohol the way they best see from their village. And that's all we're trying to do, is just expand that so that they have more options available for them to be able to control alcohol in their own community.

Al Judson: Since the State is making a move to listen to the concerns of Native people concerning alcoholism it should also make a move to determine the other needs of the Native people as human beings within this area, within the State. There are other problems. There are things that should be considered more, and that's the main idea of what I've got to say is that if there's going to be money expended on this problem, alcoholism, there should be money expended to other problems of Native people and non-native people in the State of Alaska. And that the right to be heard should always be within the structure of the State of Alaska. Where before it seems like the State has always been deaf to the needs of the people. Now that there is money allocated for this problem of alcoholism, there should be more money allocated to work on other problems of the villages.

Binkley: Al, thank you very much. Ted Sutton.

Ted Sutton: I'm Ted Sutton of the village. I've been living in Togiak for about twelve years. The person who previously was before me has said basically what I wanted to say. But what I can say is since they

enacted the Option Law, which was to ban the importation of alcohol into the City of Togiak, to me it seems like the problem has escalated, rather than has been on the decline. The reason that I'm saying that is because it has opened the way for opportunists who know that there are individuals in Togiak who are alcoholics, who have a drinking problem and are willing to pay the price. And so they can go to Dillingham and buy a bottle for five bucks, eight bucks, ten bucks and come here and sell it at a two to three hundred percent profit. And what I have seen also is that it has been frustration of the law enforcement, the local law enforcement. Their hands are tied by I suppose State statutes. They have to have a warrant to search and seize contraband. By the time they get all this warrant and stuff the contraband has already been sold and disposed of. So I don't really believe that the Option Law really works. It reinforces the greediness of some people to want to make more money. Especially in the summertimes. They realize that people are making lots of money with ? bars. Prior to the weekend they stock up and people who do have drinking problems or drug problems know where to get the stuff and are willing to pay the price.

Binkley: So you end up with an element of bootleggers in the community that are profiting off of it really?

Sutton: And then another thing is that the drunken public violators, people who are caught drunk in public, they go for a twelve hour dry-out period. There's no positive reinforcement to encourage that person to stay off drinking when he has sobered up.

Binkley: Like no counseling?

Sutton: Yes.

Binkley: Do you think Ted that the Local Option Laws, because of the bootlegging problem that's developed, do you think that they need to be more strict then in trying to control alcohol more tightly, or do you think they should go the other way and make it easier for people to get alcohol so they don't have that situation with the bootlegger who exploits those people who are going to buy alcohol regardless of what you do.

Sutton: I believe that there should be more local enforcement, more local input regarding ordinances or laws passed, that they should be able to enforce it without having to run to Dillingham or find a magistrate to sign a search warrant. It's obvious who are the sellers and who aren't. It becomes

obvious after awhile.

Binkley: So if they could get a telephonic search warrant, call up on the telephone. If you had a law in place that made it fairly easy for them to get a search warrant where they could call up on the telephone.

Sutton: What I'm saying is that local enforcement of any laws that ban the use or sale of alcohol in this local area.

Otto: What do you mean by local enforcement?

Sutton: I don't mean vigilante, if that's what you're thinking.

Otto: Do you mean that you should be able to search somebody's house? I agree with you that in small villages everybody knows who has the booze. Do you think that you should just be able to, because you know, but you don't have any evidence, go to a magistrate? If you know somebody has booze do you think you should just be able to search their house?

Sutton: I don't know.

Otto: It seems to me that you basically have more local enforcement right now. Stanley Active and Ken Nanalook are the VPSOs and they're the ones who are enforcing the laws.

Sutton: Are you aware of what they have to go through to search somebody here?

Otto: Well they have to get a search warrant to search somebody. So what I'm asking you is, instead of having a search warrant, the only other way to go would be to just be able to search whoever you want to search at any time. And I'm asking you if you really think that's a good idea?

Sutton: I don't know.

Otto: It's not Constitutional and it can't happen.

Sutton: If it keeps somebody from drowning to death in the Bay maybe it's worth it. If it keeps all the fishermen in the summertime from having to worry about catching bodies in the nets, maybe it's worth it. If it keeps some child from having to watch the mom and dad deteriorate before their eyes, maybe it's worth it. Whether it's Constitutional or not, we're talking about Togiak. We're not talking about the United States, we're talking about this area and

sometimes different circumstances. Are you aware of the death rate in Togiak over the last five years?

Otto: I'm not aware in Togiak, I'm aware in the Bethel region which is worse than here, so.

Sutton: Do you know that it's worse than here? Then you must know the per capita rate here in Togiak.

Otto: I know that Bethel has the highest in the State, but that doesn't make any difference.

Hurley: What is the rate per capita?

Sutton: It's pretty high. There have been several summer deaths over the last few years that have been the direct result of alcohol and drug abuse.

Binkley: Do you think Ted, you know we're talking about one of the proposals and I don't know when you came in or if you heard, but one of the proposals is to expand those Local Options to allow communities such as Togiak to choose whether or not they would want to ban possession of alcohol. Right now the importation is banned, but as you said it's so difficult to catch people actually bringing it in. But to expand this to allow the community, and again it's only if the community votes as a community to adopt this, to ban the possession of alcohol within the community.

Sutton: Well, why don't you ban the dispensaries?

Binkley: It is banned now in Togiak, the dispensing of alcohol.

Sutton: The State makes enormous amounts of revenues off the sale of alcoholic beverages.

Binkley: You're talking about banning alcohol state-wide?

Sutton: That's an option.

Binkley: What you were saying earlier, and I agree with the concept of local control, allowing individual communities to determine what's best for that community. And that's kind of the basis for this whole local control, these local options, is that it allows you as Togiak to decide what is best for your community in regards to alcohol and the same applies for Dillingham or Ekwok or Goodnews Bay or for Platinum. Each community gets to decide for itself. You don't tell Platinum what to do and Platinum doesn't tell you what to do.

Sutton: It would still fall under State guidelines.

- Binkley: Yes, it would be something that would be constitutionally sound. That's what we're trying a record to make sure that it's constitutionally sound and fits within the framework of the State Constitution.
- Sutton: Yeah.
- Otto: That would help? Banning possession?
- Sutton: Yes. If the community thought it would.
- Otto: Have you and other people started an alcohol advisory board here?
- Sutton: We've started a community alcohol committee. It hasn't been fully recognized as an alcoholism or drug abuse ?
- Binkley: Thanks very much Ted, I appreciate it. Willie
~~Nicholis~~
Nicholai
- Willie
~~Nicholis~~
Nicholai (As translated from Yupik) He doesn't like alcohol. He doesn't like, every time he sees a place where alcohol is at, or a bar, or every time he sees a bottle laying about anywhere, he gets mad. Because his own son froze to death in Dillingham because of alcohol. Because of when his son froze to death because of alcohol, every time a body is found, in Dillingham or anywhere, the State Troopers take him someplace, Anchorage, for whatever reason, and because of that he paid eight hundred dollars fees for having his son taken to Anchorage and to have him brought over here. He doesn't know how much other people pay for doing it. He asks for what reason they take their bodies over to Anchorage.
- Binkley: I think it's to do an autopsy. I think there's a requirement that when there's an accidental death and they don't know what the cause of death is, that they're required to do an autopsy to determine what the cause of death was.
- ~~Nicholis~~
Nicholai (As translated from Yupik) Because of alcohol there's a lot of accidents. Every walk of life, the young people, young women, young men, die because of alcohol. These people who died would have kids, if it weren't for alcohol, they would have lived and become adults. For that reason they don't like, lots of small villages don't like alcohol, because it creates so much problems in the families. He does not know for what reason alcohol is used. The only

things he knows of alcohol, it only kills. It makes people have accidents, boating accidents and other accidents as well.

Binkley: Willie, do you think that for the benefit of the whole community, for all the people, that it is worth it to infringe upon people's individual rights to possess alcohol?

Nicholai: (As translated from Yupik) It's a good idea, but also they should check them, in the airports, what groceries they have, and also check them in Dillingham. And also the pilots should do that so that the coming in of alcohol would be lesser, it would be stopped.

Binkley: Thank you. Jack Hyaxikok.

Jack Hyaxikok: (As translated from Yupik) He moved to Togiak in 1944 and ever since that he's been living here. One reason why he moved was because of the missionaries coming over to Togiak. Moving here to Togiak was one big part because he's thinking the missionaries were doing a good job for the Native people. The thing that mostly enlightened him was that the older folks that were telling him the laws of the Native people, he had always followed the laws that were implemented to him from the older folks. He hadn't had any problem because of them. He's always watched what they have been doing all along. He's also watched what the law-breakers are. That way he's more informed what's going on. The one thing that he stated that if people like us, if we were doing a lot of good things or wanting to learn things that will help us, we would be standing good amongst our people. He's pointing at you guys and stating that I think from his understanding is that you guys are trying to help us. He's thinking that you went to school and learned all the things that you have learned to be here to help this community in terms of alcohol problems that we have. The alcohol problems that we are faced with right now, it should come from the school system also. It should be taught in the schools. If you learn that the problems would not be here as much as is coming into the community right now. The one thing that right now we're talking about younger folks and alcohol. He's stating that, a lot of our younger folks, we might tell them something, that they're breaking a law. If they don't see it in writing they will never believe it. What he's asking you to do, if this goes through, it should be advertised to the villages. His last statement is that Togiak should, in his mind he's

thinking, that importation should be illegal, possession should be illegal also. He doesn't want it here in Togiak. A lot of times, right now we've got students that are going to the high school and graduating. And after graduating, what are they doing? All they're doing is creating problems. That's what he doesn't want to see.

Binkley: Queyana.

Hurley: I've been only in the Legislature one year, but I have been connected with State government work for Earnest ~~Green~~ ^{Greening} when he was governor and have seen legislative sessions. And some of the best legislators and leaders have been those people who were elected by the Native people and our Native leaders.

Binkley: Thank you very much. We appreciate being able to come and talk to you people. The preschool is starting and we've got to get back to Dillingham.