

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
1402 SCOMM 52; JOINT SPEC. COMMITTEE ON LOCAL OPTION LAWS 1985-86

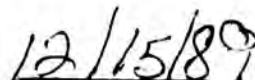


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#52:30

last witness - not on tape

Paul Agimuk - Toksook Bay

~~He says~~

He mentioned 2 incidents
in Toksook

1 murdered by another
it was alcohol related

another person was
paralyzed as a result of
alcohol

his first son died in
Bethel because of alcohol

local Yukon laws not
enforceable or enforced

let find someone to help
our children

he has epileptic son who
is abusing marijuana -
he has been 2x refused
to persons who can help -
he suggests other ref
men leads to persons who
can counsel and help

Toksook Bay

JOINT SPECIAL COMMITTEE ON LOCAL OPTIONS LAWS

November 19, 1985

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

(This begins tape 6, part 4)

Rep.
Binkley: This is a joint committee between the senate and the house of representatives from Juneau. They wanted us through legislation - they've enacted this committee to come out and study some of the problems that are taking place with the local option provisions that communities have with alcohol. One of the communities we've chosen to come to on Nelson Island is Toksook Bay. We want to take testimony today regarding your community. And we want to talk about ways that we can help to change some of the laws that talk about - ways that we can help change some of the laws that might give more control to the villages so they can better deal with the problem of alcohol.

(Introduction of committee members) I want to apologize for being so late. Thank you for your patience for waiting for us to arrive. We were in Emmonak, and as people were expressing their opinions, it lasted a little longer than we expected. It also was windy as we were coming down here, so we were going pretty slow.

Adolph: (Translated Rep. Binkley's opening remarks into Yupik)

Rep.
Binkley: It some times is easier when we're making laws down at Juneau to forget to get input from the people. This is why we're here, so we can get testimony from the people that are most affected by the laws about how their working and the changes that could be made to make them better for the people here. We can begin with

Toksook B; Loc. Option Hearing"2"

testimony. People who would like to testify and talk to us about what some of the problems are with alcohol here. You can testify in Yupik if you feel more comfortable with that. If you like you can testify in English - which ever way is best for you.

Adolph: (Translated into Yupik)

Tom T.

Carl: Yes, sir. My name is Tom T. Carl, city counselor. (Yupik speaker)

Adolph: (Translated from Yupik) Just 3 days ago Paul John was elected to become the chief of the village counsel here. He will testify what he knows about alcohol. He admits he used it a long time ago. He said alcohol takes away what could have been used like money wise. It takes away money where it could of been used for something worth while. It also causes separation in the family - especially through the married couple. It also cause loneliness, with the ultimate end being death. People with families and children know that alcohol causes unhappiness within that family and constant emotional pain. Here in Toksook Bay, local option law was passed some years back. There's a lot of importation going on. Suitcases, backpacks makes it impossible for people to see that person as importing alcohol. This is one way importation takes place. The way marijuana was shipped from the states it would go to Anchorage and then from Anchorage to Bethel, and from Bethel it would go in every direction. He says he has never tried the substance before. He hears comments from people that used it who talk about the affects of marijuana. That's the only way he knows how that drug affects the people. People who stop using the drug will share their experiences to other people. People who still use the substance will keep quiet about it, and they won't talk about where they buy the stuff from. One solution he's suggesting - in small communities, people know who imports alcohol and drugs and marijuana. If those name of people who violate the local option law were given to the airlines in Bethel. When those names are given to the airline what the airline can do is call the authorities and have them come up and have them come up and search their baggage. Without ever searching their baggage, the importation will not stop. One thing he came to understand how marijuana is shipped from Anchorage to Bethel is through any container -

Toksook B; Loc. Option Hearing "3"

like a tire. Something you can use to stuff in the marijuana. That's how he understands the substance is being shipped in. Do you guys have any questions?

Rep.

Binkley: Yes, maybe we do. Thank you Tom. Are there some specific problems? Can you think of any crimes that have been committed here in the town of Toksook Bay Tom, That have been cause by alcohol.

Adolph: Translated from Yupik for Tom Carl) He hears comments from other people like comments having to do with uneasiness. If it's somebody that's related to the person, he'll make a comment like: I'm feeling bad because so and so is probably under the influence of alcohol. People find empty containers lying anywhere outside. People find joints outside. Parents find pot from the house where the abuser has hidden it. The parents who find these don't say anything about it.

Rep.

Binkley: Carl, thanks so much. Quiana. Is there people from out of town that need to get back?

Adolph: (Translated from Yupik) Other villages are not going home tonight.

Jents

Flynn: (Yupik Speaker)

Adolph: (Translated from Yupik) This is Jents Flynn from Tununak, the next village.

(End of tape 6, side 4; tape 7 part 2 begins)

When he was listening to Tom Carl speaking, he felt like he was listening to his own experience now. The uneasiness and unhappiness that he goes through. he pointed out that alcohol in communities like Toksook Bay, Tununak causes elders to be unhappy. Again he pointed out that every village has that problem with alcohol. He first became aware of alcohol and it was in the form of home brew then. Once in a great great while, people drink that stuff. It wasn't like everyday, only once in a while. People drank the substance. he admitted that he was drinking home brew for a short period of time. He found out it wasn't going to help him physically or help his family. he also stated that he had never tried alcohol, but the way he sees it alcohol is worse

Toksook B; Loc. Option Hearing"4"

than home brew. He said people will continue to have problems if the substance is still around. He made an example of what alcohol is like. Our land is becoming drown^d by alcohol - the whole state of Alaska. The way he pictures alcohol coming into Alaska is like when Alaska was new. He pictures it didn't have alcohol in the state. When the white culture started to move in, the substance also started to move in and started to drown out the land. He asked a question. He doesn't have an understanding on how the authority system works. He asked, can the certified police officers make searches alone - not the V.P.S.O.'s?

Laurie

Otto: Who, the village police officer?

Adolph: (Translated from Yupik) No, the State Trooper. A police officer with some kind of backup on paper.

Laurie

Otto: The State Troopers, the V.P.S.O.'s, or the village police officers can all make searches if 2 conditions are met. One, if they have permission from the person whose baggage is going to be searched. If they say to that person, "may I search your baggage?" and that person says "yes," then they may search it. If they don't have permission, if they either don't ask or they ask the person and he says no, the only way that they can search him is if they contact a judge. He has to tell the judge that there are enough reasons to believe that a person has an illegal substance. In this case alcohol because Toksook is dry and Tununak is dry. If there's enough reasons to believe that there is alcohol in the bag, the judge can sign a piece of paper that says the police has permission to search. Now that can be done over the phone, so you don't have to have somebody flying into Bethel where there's a magistrate. You either have to have permission or you have to have a search warrant. I don't know if that answers his question.

Adolph: (Translated into Yupik)

Rep.

Binkley: Jents, thank you very much. Quyana. Lupe?

Luke

Amik Sr.: (Yupik speaker)

Toksook B; Loc. Option Hearing"5"

Adolph: (Translated Lupe from Yupik) His name is Lupe Amik Sr., and he's from Kipnuk. He's also a church member. The village had asked him to come with another man from Kipnuk - and he's here. This other guy is on the village counsel and he'll probably testify. He's been a Seair agent for about 15 years now. Seair is an airlines. Most families in villages go through hardships a like. Tununak, Kipnuk is no different from Toksook Bay. Other villages are no different from a village that is have a bad time with alcohol. He said when John Binkley was elected, local option law was also being voted in villages. Different ordinance within the village are set up like local option law. Local option law, we know bans the importation. People still import the substance. V.P.S.O.'s and church members work together in Kipnuk in trying to arrest the alcohol problem. He knows some incidents where V.P.S.O. makes a report to Bethel headquarters. They in turn will say, you got to have evidence. A lot of time they wait till someone gets hurt - somebody commits a more serious crime. Luke says he's in favor of enforcing laws such as local option law or any law that has been enacted. He feels any law that has been set up has to be enforced. He shared two incidents that happened in Kipnuk. A guy from Anchorage came into a village for the first time. He was selling drugs. He brought it up to the unintentional V.P.S.O.'s in Kipnuk. The next time he came in, he made that report. This guy had a locker suitcase and it had a lock on it. He notified the V.P.S.O. in Kipnuk. They made the search and found he had imported alcohol and marijuana. When they were searching his body they found more marijuana in his boots. Another person started to come into Kipnuk a lot. He's been a native for a long period of time and he know and starts to suspect people that are coming in with drugs. He grabbed this man from Bethel to the attention of the V.P.S.O. and the search was made. They found that he had some pot with him. This guy never came back to Kipnuk to this day. He feels that search so necessary in villages. He feels that this is the only way the problem with alcohol and drugs can be reduced even in Bethel. Not only in the villages, but Bethel too. He pointed out that he suspects a group of young adults in villages get together and picks out somebody to make the run for them. A lot of times these young adults go into Bethel with out any baggage and come back with a backpack or something else. It's obvious to him

Toksook B; Loc. Option Hearing "6"

that their importing marijuana. He feels search is necessary to reduce the importation problem.

Laurie
Otto

Could you ask him. Speaking just about alcohol, since that's what the committee is here to talk about - acknowledging that there's a problem with drugs, we'd like to hear about alcohol. Why does he say alcohol is a problem? What ~~has~~ it done? What types of behavior results from people drinking that makes ~~them~~ say it's a problem?

Adolph:

(Translated into Yupik. He translated Luke's testimony into English.) He's got 5 sons and 5 daughters. He doesn't want to see his children die because of alcohol. He's got one son that abuses alcohol right now. He's constantly worrying about that son. He doesn't want to hear about the son getting drunk and killing somebody. He doesn't want to hear someone died because he was drinking. It causes a lot of sadness, not only for him, but for the rest of the family members. He wants to encourage the committee to be in favor of search. V.P.S.O.'s being able to search baggage. He feels this is the only way importation can be reduced. A lot of times, he hears comments from V.P.S.O. that this certain law isn't working because it was made by senators and the house. He's heard comments like that, but he wants to encourage the committee to focus on that area - V.P.S.O.'s being able to conduct searches.

Rep.
Binkley:

We'll, that's one of the reasons we've come here is to find out what we can do to strengthen the law. There's some problems in allowing V.P.S.O.'s or State Troopers or anybody to search anybody else without getting a warrant. One of the things we've thought of, and I think you explained a little bit earlier Adolph, was having another option that a community could choose to ban possession. If the V.P.S.O. even saw any alcohol, they could take that away from the person and confiscate it, so there's a problem, and fine the person. If you don't see the bottle... Maybe Laurie could speak more of what it takes to get a search warrant. How much probable cause do you have to show in order to get a search warrant?

Adolph:

But you know the person is caring it.

Toksook B; Loc. Option Hearing"7"

Laurie

Otto: You have to show - it's just the words - that it's probable that the person has, probably has liquor on them. The problem about search is something these legislators can't change because it's something that the courts have interpreted and said in order to be able to search someone or their baggage you have to show it's probable. They're probably carrying alcohol. If you can't show that to a judge, you can't search them.

Adolph: Can you explain what you mean by probably? What's probably to the court? What's probably to the judge?

Laurie

Otto: It's very hard to generalize because so much depends on the facts of the particular case. If you showed a pattern of behavior, for example this person... Like if you had somebody in that's probably using the suitcase and saw them get on the plane, and they called the V.P.S.O., and the V.P.S.O. reported those facts to the court, that would probably be enough to get a search warrant because he probably has it on him. He could ~~of~~ have gotten rid of it on the plane, but he probably has it on him. I could tell you 500 situations where there was or was not probable cause, but that's why. It's common sense. If I say I think that Adolph Lewis is a bootlegger, and I think he has booze right now, the court would say, "what's your reason for saying that." If I just said, "Well, I just know it to be true," that's not enough because you have to tell the court facts which would show that a person has liquor on him. Like Johnne says, "I saw somebody put a bottle in the case, then I saw him get on the plane."

Adolph: (Translated into Yupik. Translated from Yupik) When he pointed out conducting searches, he said conducting of searches ought to be done to those that are looking suspicious. He knows he's been working he airlines for a long time. When somebody starts to come into a village with no reason and stays for a short period of time - gone for so long without carrying anything except for only a back pack. Those people he starts to suspect and things that they ought to search.

Rep.

Binkley: I guess it's the judge that makes the decision, isn't it Laurie?

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Laurie

Otto: That's the important thing to remember is that the law about whether or not searches are ok are set by courts, not by legislators. Again, I would say that these people can not decide at all whether or not somebody can search. The only people who can do that is the judge or the court. Although I'm sure every single person says....

(Tape 7, side 5 ends; tape 7, side 6 begins)

Rep.

Binkley: Would it then be easier to, in some cases, get search warrants to go in and find out if that person actually had alcohol. Since you no longer have to prove importation, but simply possession.

Laurie

Otto: The difference between the offense of possession, assuming it's made against the law, and the offense of importation is proving that somebody brought it in. So you would have one less element to prove and that's one less element that you needed to show the judge was present in order to get a search warrant. It still would require specific facts showing why you believe the person to be in possession of alcohol. If somebody saw them, which is a lot easier when talking about possession, rather than importation. If you go to somebody's house to visit them, and they got booze there brewing to make it against the law. These people's testimony could be used to get a search warrant. Where as now you would have to show they had home brew or booze in the house. You'd have to show some fact that they're the person who brought it in.

Rep.

Binkley: In many cases it would make it easier to get a search warrant. Not necessarily in the process of bringing the alcohol into the community, but by virtue of the fact that you had in the community.

Adolph: (Translated into Yupik)
(Translated from Yupik)

Laurie

Otto: I'm a lawyer in private practice right now. I used to be a prosecutor.

Adolph: (Translated into Yupik)

Toksook B; Loc. Option Hearing "9"

Rep.

Binkley: Adolph, maybe you could make a general announcement. One of the things we're looking for is specific instances and problems that have been caused by alcohol. Deaths that may have occurred in villages and crimes as a result of alcohol. We would like to get that on the record - some of the problems that have been associated with alcohol.

Adolph: (Translated into Yupik)

Rep.

Binkley: The reason we need to do that is if we're going to enact a law that's going to stand up constitutionally with the courts, we have to be able to demonstrate that there's enough public and safety problems associated with alcohol. It may outweigh an individual's right to privacy for the benefit of the whole community to be able to ban possession within that community. That's what we need to build up the record.

Adolph: (Translated into Yupik)

Nick:

Chonav

Adolph: (Yupik speaker)
(Translated from Yupik) [~~Adolph never said Nick's last name~~] Nick pointed out the local option law was first introduced to the village. A lot of people didn't understand what they really meant. From what he observed before that law was enacted in Toksook Bay there was a lot of importation. People were importing alcohol in boxes. After the law was passed it has improved a little. He wants to encourage the committee or the house and the senate to work on this problem more intensely. He said in the past the legislature would just work on it for the money and he wants to encourage you guys now to not think about the money too much, but to help people understand. To help people with the local option law, or any law you're working on.

Rep

Binkley: What are some of the problems, Nick, that you see with the local option now? Are there some ways you can think of that we can make the local option laws better?

Adolph: (Translated from Yupik) Because people don't have a real understanding of local option, maybe that's the cause of it not working in the

community. People don't have real understanding what that law is.

Rep.

Binkley: The thing we could do is to educate people more on what the local option law are. Is that a solution to that?

Adolph: He thinks people ought to be educated about local option laws. Conducting a search ought to be done because a lot of times people don't know if the community members are importing alcohol in to villages.

Rep.

Sund: Could you ask him, Adolph, if anybody has lost their lives out here because of any alcohol related incidents like suicide or loss of life?

Adolph: (Translated Nick's response) He stated earlier they lost 1 person after the local option law passed. He thinks because that law was passed, it cut down a lot of accidents that could of happened if the law hadn't been passed.

Rep.

Binkley: Thanks Nick. Appreciate it. Carl?

Carl

Flynn: (Yupik speaker)

Adolph: Carl Flynn is from Tununak, and is a member of the IRA council over there. He thinks he understands what the committee is working on. He believes alcohol is the cause of all problems. Aside from alcohol, marijuana is becoming a problem too. These people here, one after the other, mentioned marijuana. These people think marijuana is worse than alcohol because marijuana takes away the whole persons concept. The person becomes disrespectful of himself, disrespectful of elders, and that's why they keep mentioning marijuana. It's just been from what they've been observing through their children. He says marijuana wastes the persons mind. He shared that someone who was drinking in his village came by and broke all his windows at one time. Sometimes he can't sleep after he sees somebody drinking or smells that somebody has been drinking. He worries about that person. He feels bad for people who abuse alcohol. Today a lot of young people travel to Bethel and look forward to drink at a party up there. A lot of time these young people come back into village

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with a bottle. Just like they suspect they would. When they do that they cause a lot of problems - uneasiness and disruption in the village as well as their family. A person who dies can not be replaced by someone else. What the village needs to start doing is start counseling those who are abusing it. That's how he wants it.

Rep.

Hurley:

Have young people died because the accidents have been related to the consumption of alcohol? Have there been any knowledge of their accidents going on snow machines and getting lost because they were drinking? Do you have any information on that?

Adolph:

(Translated into Yupik)(Translated from Yupik)
Anybody who experiences something bad through the past and doesn't talk about it - keeps it to himself that will cause a person to isolate themselves. That will eventually lead a person to commit suicide unless some kind of counseling takes place that person will eventually die through alcohol.

Rep.

Binkley:

Quyana. Samuel?

Samuel

Smith:

My name is Samuel Smith from Mekoryuk. I'd like to say that traditional IRA council can outlaw the possession of alcohol in villages. One village in the interior of Alaska did that. They have their own law right here. They Federal registered on May 12, 1983. There was a resolution from Norton Sound Health Corp. 1983, where the title was "resolution of State assist to enforce tribal laws." There's a lot of whereas, but in the end it says, therefore, be resolved that we as concerned Alaskan Native Americans, and cities of Alaska recommend that the State of Alaska adopt a policy allowing State Troopers and V.P.S.O.'s and the representative of tribal governing bodies to be deputized, and to assist in enforcement of federally recognized laws in acted by said tribal bodies. This was signed by Albert Washington, Nov. 1982.

Laurie

Otto:

Could we have a copy?

Samuel:

Yes, the whole copy. In November, 1980, ~~the city of Mekoryuk~~ *the city of Mekoryuk*
~~McGraw~~ conducted a local option law on ban of the

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possession of alcohol. It was invalidated by the attorney general down in Juneau. Thank you. So we help another local option on sale and importation and this still valid. Today in the city of Mekoryuk, we have an emergency city ordinance, ordinance number 8502 where it say, "any person who appears and smells of alcohol in public place, shall be in violation of this ordinance." Public places shall mean stores, meeting halls, movie theatre, army, post office, side walks, roads, schools, recreation hall or any other place where the public is present. Section 102 says, "any person or without police records who violated sect. 101 of this ordinance shall be placed in city jail for a period of 12 hours, or less, but not less than 4 hours, and be fined not to exceed the sum of \$500 with no suspension. If excess fine can not be paid, person convicted will be placed into community work service at \$10 a day until his fine is exhausted." Population of Mekoryuk is 160 people and for 1985 statistics. We have 1 male adult murdered, 2 people that are in jail for along time, 2 people who's been shot with a rifle.

Laurie
Otto:

That was in their own home when they were sleeping?

Samuel:

Yes. We had 10 people who were put into protective custody. I don't know how you place that into percentages.

Rep.
Hurley:

All of these are alcohol related?

Samuel:

Yes. Alcohol and marijuana. These 2 people who were put in jail for a long time they have a history of alcohol use and marijuana.

Rep.
Hurley:

That was a second category?

Rep.
Binkley:

Yes. Samuel do you know if - when they committed those crimes if they were drinking alcohol?

Samuel:

Yes. When the one person murdered the other person, he was under the influence.

Laurie
Otto:

The shooting, as well, was a person who was under the influence.

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Rep.

Hurley: Is this just in the last year?

Samuel: Yes, this is is 1985 only, but 1985 isn't over yet.

Rep.

Hurley: That's right.

Samuel: Before we had ~~stayed~~^{state} local option law, we tried to use a federal alcohol laws where it says no public vehicle will carry any passenger - who is obviously intoxicated. Before we had local option law, the people drank visibly on the streets and after we had local option law on sale and importation - the people who were drinking started hiding in their homes. They also started making home brews. There's also other unsaid problems broken hearts, family was,...

(Part 3, side 6 of tape 7 ends, tape 8, side 7)

Rep.

Hurley: ...assault is what it's really called.

Samuel: Before local option law when my brother was drinking, my father used to tie him up with ropes - the hands and feet. People change, they change after they ~~start~~ using alcohol.

Rep.

Binkley: Samuel, it sounded like you had tried to do on you own back in 1980, what one of the proposals of the committee's looking at now. Banning the possession of alcohol within the community. Apparently you voted to ban the possession, but the attorney general said that you couldn't do that?

Samuel: That's right. If there's a state law right now, today, banning the possession of alcohol. I think the community of Mekoryuk will have another election on local option law, but we always get stuck on the fourth amendment of the U.S. Constitution on search and conceal a person.

Rep.

Binkley: So you think we did in act that legislation that allowed for that law that Mekoryuk would adopt that local option?

Samuel: I think we will because we tried before.

Toksook B; Loc. Option Hearing "14"

Rep.
Binkley: Do you think that would help in the community?

Samuel: Like I said earlier, people used to drink visibly and charter planes would bring in alcohol, but after we had the ban of sale or importation - drinking slowed down. People started hiding and bringing it in their homes by making home brew.

Laurie
Otto: The person who is now in jail for killing somebody, and the person who is now in jail for shooting the two people, do they have children?

Samuel: Of those two males, one is single and one just got married, and he shot this person.

Otto: So there's not a ripple affect in that way. What I wondered was if their were other people being affected besides the person who's in jail, and the person who actually got shot.

Samuel: The whole village suffers. Last spring when this person wounded two people during our fishcamp, the families of these two people ~~were~~ affected. They went home from fishcamp before they were finished their fishing. Subsistent fishing was interrupted.

Rep.
Binkley: Samuel, do you think you could give the committee a few of the details of what took place during that incident? I only read about it in the newspaper, but some of the other committee members might not of been aware of what took place. Was there drinking in the home going on?

Samuel: I was at fishcamp when the first one where one male wounded two people.

Rep.
Binkley: If I understood it right, they were drinking in one home. Then they went over to somebody else's house who was not drinking.

Samuel: I heard this person entered home. he had rifle with him and shot one lady in the head. She's blind now on one side. Her brother shot in the hand in the process.

Rep.
Binkley: Do you know if they were drinking?

Toksook B; Loc. Option Hearing "15"

Samuel: No. The people who got shot were not drinking. They were sleeping.

Rep.
Binkley: So as a result of the alcohol and drinking that some people, who weren't drinking at all in the community.

Samuel: When one person is drinking, they have a family that is affected.

Rep.
Binkley: Samuel, thank you. ^{Louie}
~~Louie?~~

~~Louie:~~
~~Louis Andrew~~
Thank you very much for letting me speak in front of these people. I work in a program which requires a lot of travel on my part, and I have done that in the past. My parents are originally from this island, but I was born and raised in Bethel. The newspapers state a lot of crimes, violence, and alcohol related deaths. We just had one not to long ago out in Tundra Ridge. He got on his snow machine and took off and went into a creek, and they couldn't find his body. In regards to the statistics there are violence and sexual assaults. I know that local option law has been passed several years ago. Quite a number of villages have voted themselves dry - although they have not gone without problems. They have problems with enforcement because people here aren't understanding completely the law. Others have expressed how they can make it more clearly. There are a number of complicated laws that are related to it. Prior to Alaska becoming a state, the tribal councils of each community within this region had the judicial powers to enforce laws that they've laid for the people. If several of the laws were broken or about to be broken, they would fine him, or work him in some service for the community in one form or another. They dealt with problems with no interference. To the law again, nothing matters. There's a V.P.S.O. coming in then they have to get permission from the court. This is very time consuming for the judge or who ever maybe busy getting back with the people - if they had their own powers to deal with problems. If there was an amendment or change added into the local option law where the people take action immediately to prevent or punish such person. Then again you'll be running into other laws as well. The white man's law says - talks about a mans constitutional rights of privacy, and other related laws. If we were able to go back to the

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tribal governing body of that community. If we could have the power then it would eliminate the court, lawyers, V.P.S.O.'s, State Troopers, and the people themselves would have that power to deal with that person immediately. I know very well that this law would have to be in line with the law of the U.S.

Laurie
Otto:

^{Louis}
~~Lewie~~, what specifically is your job?

~~Lewie~~:
^{Louis}

What ever job I can get. I work with the Yukon ^{Kuskokwim} Health Corporation in the alcohol department. I've been working in the alcohol field for 15 years. Not only related to alcohol related problems in the local option law, but also having to breath marijuana. I don't know if there's any legislation in banning marijuana. I think there's permissiveness by the state for an individual to carry so many ounces. I think that is a motion by the state as far as I'm concerned.

Laurie
Otto:

Did you and another person basically set up Y.K.H.C.'s alcohol programs? Did you and Fred Pete, together, pretty much set up Y.K.H.C.'s alcohol programs?

^{Louis}
~~Lewie~~:

Yes.

Laurie
Otto:

You've been working in it for a long time, and you see us as clearly as anybody. All the problems with enforcement and ~~en~~peating interests of private rights, of public rights.

^{Louis}
~~Lewie~~:

I think the judicial power should go back to the people.

Laurie
Otto:

How could that happen?

^{Louis}
~~Lewie~~:

I know very well that legislative system can wrap some sort of way to do that.

Laurie
Otto:

In your language not in legalities and legislative language. Explain how you would do that. What would you do?

^{Louis}
~~Lewie~~:

In some of the communities, disregarding state law, people have to confer to themselves. Our younger people have much more knowledge than their elders - of course the state laws. They

always end up with an argument that their right to privacy are being invaded and so forth. I think that should be changed.

Laurie

Otto:

You're saying the state should get out of the alcohol regulation business entirely? Are you saying the state should get out of the business of regulating alcohol and leave it totally to the villages?

Lewie:

Referring to regulating alcohol the state is in business like taxing the liquor industry. And taking so many dollars from them and putting it into the state treasury. I think they're obligated in some way or another to draft up laws like local option laws for the benefit of the people. The local option law, however, needs some changes too by the people.

Laurie

Otto:

What changes?

Lewie:

One change I suggested already, is putting back the power to the people and see how that works.

Sen.

Fischer:

You made a comment about marijuana laws. I think it's important to point out that selling and transporting marijuana for sale is illegal. That possession of more than an ounce is illegal. What the people were talking about before was bringing in amounts of marijuana and selling it; it's already illegal.

Lewie:

Ok.

Rep.

Hurley:

You said that a lack of progress in improving the abuse of alcohol is because of a lack of enforcement. What could we do to be sure that there's better enforcement? Is it because we don't have enough troopers in the area, or what is it when your saying lack of enforcement?

Lewie:

Lack of enforcement too, also could make the V.P.S.O. man - I don't understand all the laws in current with the local option law. Maybe the V.P.S.O.'s are related to the person or there's a lot of things that might enter.

Rep.

Hurley:

I know that there was a program for training V.P.S.O.'s, and I believe there's been a cut back

in appropriations for that training. I think you might look into that as something that might be helpful. I do know they used to send them to Sitka. There must not be as much training because I know in the sexual assault programs, and so forth, there used to have special training for the people in the villages. If there's going to be enforcement they almost have to have the same training as a trooper because they have to handle the same laws. I think that we are putting an awful lot on the V.P.S.O. because we ask them to do these things, and then we don't give the training. Then they're sort of caught in the middle. We're fooling the people to think they have safety and protection if we don't give the right training. How do you feel about that?

Louis
Lewie:

I also work together with correction and education in regard to this law. In lessening our problems, the people need to continue education in these things - in order to reduce most of our alcohol related problems that we have in the communities.

Rep.
Binkley:

Lewie, Thank you very much. Mike, you've been very patient. You're next on the list. Last time I was in Toksook, Mike interpreted for me.

Mike:
Albert

Quyana. This afternoon, you've heard the comments and matters about the importation and possession of alcohol and marijuana. One question; is it legal to possess alcoholic beverages?

Rep.
Binkley:

In this community Mike? It is! The law only says that you can't bring the alcohol in or you can't sell it. Right now, in the villages - even though a village may think they have voted dry, it allows people to possess or have alcohol in their community. That's what we're looking at maybe changing.

Mike:
Albert

In regards to the importation of alcohol, since it's an option law, I think the most problem is cause this law is not enforced. In some matters this law is not enforced by the village police officers is because they know it's a state law and they depend mostly on the state to handle it - the cases instead of the village police. On the possession of alcohol, we all know that unless the alcohol is imported to the village, that no one can possess any alcohol in

the village. I think the possession has to be banned and that home brew should be included too. I think whoever made these options made a mistake or would make a mistake if home brew is not included. Home brew itself outside a bottle is alcohol. Home brew today has help make enough criminal today in the villages. One man in prison in my village has died by suicide. Two families homes have been burned and people burned out of those home because of home brew. This is why I'd like to see the home brew banned too.

(Tape 8, part 7 ends; tape 8, part 8 begins)

...not only in this area right here, it's in other areas too. All of these are known, but the village police haven't enforced this law up to now. Mostly because the...

Rep.
Binkley:

Mike, can I interrupt just for a second? If we had a law that allowed the community to make their own ordinance then, that said they wanted to ban possession, then the local village police office could enforce that law? Is that what you're suggestion that we allow the local community to make the ordinance that would allow them to ban possession, and then they could enforce it themselves and not have to depend on the State Troopers?

Mike:
Almk
Rep.
Hurley:

Yes.

Didn't he say that the reason they couldn't have enforcement was because it's a state law, but I thought it was a local option? They voted to ban....

Laurie
Otto:

It's a violation to the state law; it's a misdemeanor. It's a state violation.

Rep.
Hurley:

They voted.

Laurie
Otto:

Under state law. One of the differences is the fines if it's a state law.

Mike:

Almk

Wrong. We were also talking about searching of luggage before the person is allowed in the airplane. We all know that it can't be done until the warrant to search the luggage of such a

person. When we know it's a federal law, however, we all knew at the same time that the federal government does not know our problems in the villages of this area. I think that the tribal governments should put it on the constitution and make it available for the police to go ahead and search even with out a warrant, or maybe make some kind of agreement to carry on that order. On the legality of the possession of marijuana, you've got to understand. I think I understand you say, that it is legal to sell marijuana.

Rep.
Binkley: It is illegal.

Sen.
Fischer: It is not legal!

Mike: You say it is legal to possess a small amount of marijuana.

Sen.
Fischer: One ounce.

Mike: Ok. That's all. Quiana.

Rep.
Binkley: Mike, thank you very much. Quiana. James Paul Sr.

James
Paul Sr.: (Yupik speaker)

Adolph: (Translated from Yupik) James Paul Sr. is from Kipnuk. He's a member of traditional counsel, and he also has his own business there. He knows that local option law will pass in these village, Tununak, Kipnuk, and Toksook Bay. The problems that are caused by alcohol has increased a lot. Alcohol is becoming a problem. He knows because he listens to KYUK radio in Bethel. He hears a lot about the incidents that relate to alcohol, D.W.I.'s, accidents, people drowning, people getting run over by drunk drivers, even airplane crashes related to alcohol. Alcohol doesn't come into Bethel by itself; it's shipped by someone. Villagers know that it's available - they can purchase it. They know where to find the substance. In spite of the local option law, offenders are still importing that stuff into villages. At first the offenders feel scared like an authority might do something, but nothing happens. As a result from them not getting

caught they import more because of no enforcement under local option law. If we don't do something about the problem now, it'll continue to grow. We'll have more accidents and deaths because of alcohol abuse. Previously people were talking about search warrants. He's suggesting that search warrants ought to be on hand with the V.P.S.O.'s in villages. They should be available for V.P.S.O.'s to use when needed. He says he hears remarks from people that work under authority. A lot of time when they have a case, they call to Bethel and make a report the majority of the time people up there will say this isn't serious. It seems to him that they wait for a murder or something serious to happen, and then they'll respond to the call. The V.P.S.O., a lot of times, aren't getting response from the people up there in the headquarters. He want to thank you guys for coming and listening to what they have to say. He wants to thank you and encourage the group. Quyana.

Rep.

Binkley:

Thank you, James. Quyana. I know on this list, some people have come and gone. What we could do is those people who haven't testified, who still wish to testify, could come and give their name for the record and testify because some of the people have gone, and have come off this list.

Teresa

Morgan:

Teresa Morgan from Chefnak city counsel;
secretary for Fish and Wildlife.
(Yupik speaker)

Adolph:

(Translated from Yupik) Teresa Morgan is from Chefnak. She's a member of the city counsel. She's a secretary. She states the problem exists in Chefnak - alcohol problem. Local option law doesn't work because offenders get away with what they do. The problem is growing. Our city counsel and the V.P.S.O.'s instead of following that local option law, what they do is pity around people even if they break that law. We pity around people even if we want to turn them into the authorities. Whoever is related to that person is being turned in, they'll turn to the city counsel or V.P.S.O.'s, and they'll be problems. Do you understand?

Rep.

Binkley:

Yes.

Adolph:

(Translated Teresa from Yupik) Today people

Toksook B; Loc. Option Hearing "22"

can buy Lysol from the store and drink it.
You've heard of incidents like that right?

Rep.

Binkley: Yes.

Adolph: People drinking Lysol, vanilla or anything with alcohol in it. Can those things be controlled in the future?

Rep.

Binkley: Boy, that's pretty tough.

Laurie

Otto: Do you have any suggestions on how you can control Lysol, Listerine or vanilla?

Teresa: No. I mean, it seems like that's away to get high in the future.

Laurie

Otto: Then there's gas sniffing. Do you prohibit gasoline?

Rep.

Binkley: That's pretty hard Teresa. It's a problem. I know in Bethel that happens a lot. It all has alcohol in it. Yes, even Lysol.

Adolph: In Bethel the stores let the clerks know who they think is an abuser of detergents.

Laurie

Otto: Some stores keep Lysol locked behind counters.

Rep.

Hurley: Could you put poison on it or something?

Laurie

Otto: Well, they keep it locked behind glass counters. Lysol is the biggest shop lifting problem in Bethel.

Teresa: (Yupik speaker)

Adolph: Village of Chefornek once asked public safety office in Anchorage if they could have a trooper stationed in their village. They said they don't have the money to place somebody there. She thinks the solution in villages can be like this: if they find an offender that, offender can be dealt with by the community only. Not refer that offender to another place.

Toksook B; Loc. Option Hearing "23"

Sen.

Fischer: Couldn't the community dealt with the offender now? Let's say the community knows that somebody is an abuser of alcohol, and the person drinks too much. He beats up on the wife or women and does all sorts of bad things. Couldn't the community informally do something about that person?

Adolph: (Translated Teresa from Yupik) Yes. In our community we have done that before. We have called it that alcohol center up there?

Rep.

Binkley: P.A.T.C.?

Teresa: Yes. Then we referred those couple in, and they were flown in a couple of items.

Sen.

Fischer: Could you bring this person before a community council and talk to that person with the elders?

Teresa: Yes, we do. But we haven't done that. So far have the community involved with our council when they talk to that person. The city council and the V.P.S.O. and get together with that person who is causing the problems.

Sen.

Fischer: Is that what you mean by letting the community handle it?

Teresa: No. Like if the legislature can pass some kind of paper where the head governing body of the village can be - instead of having to run to the judge in Bethel or Anchorage. They'll have that paper right there in front of them where if they do it, the other way it may take a couple more days.

Rep.

Hurley: You mean leverage fines and arrest people on a local level?

Sen.

Fischer: Search warrant.

Teresa: Yes. Have the paper right in front of them, a search warrant.

Sen.

Fischer: I'm afraid that can't be done.

Rep.

Toksook B; Loc. Option Hearing"24"

Binkley: You can get it over the telephone, but it has to be by a judge.

Teresa: Doesn't that take longer through?

Rep.

Binkley: No, you don't have to physically get the paper from the judge. You can call the judge and they can give you permission. I believe you take an oath over the phone. Then you write out a search warrant.

Rep.

Hurley: But you have to have evidence or strong suspicion don't you?

Laurie

Otto: Probable cause.

Rep.

Binkley: You can transmit that over the phone.

Adolph: That makes it possible for the V.P.S.O. 's to obtain that.

Laurie

Otto: That's not true. It's impossible for a village police officer to do it if he doesn't have training. If he has training, the village police officer is just as smart as a Bethel police officer. I've seen both prepare adequate search warrants. Besides that in this area, and in all the other areas of the state, there's always a district attorney on duty whose job it is to give advice to police officers who need help doing search warrants. If there are facts to support issuing a search warrant, there's a district attorney the police can call here or a V.P.S.O.' can call. There's also the judge. Because a judge won't issue a search warrant with out probable cause, the judge usually asks the person question to lead them through the process of obtaining a search warrant. I've done it. I've helped V.P.S.O.'s get search warrants. I've seen them...

Adolph: How long does it take to get that warrant?

Laurie

Otto: It depends on how well organized a V.P.S.O. is at the time he makes a phone call. If the investigation is complete - if the V.P.S.O. has interviewed people and found out enough facts that would support getting a search warrant -

it's just a matter of making a phone call and finding the judge. Being placed under oath, and relating the facts and answering questions and signing a piece of paper. So it's a very very straight forward case. It can take a very short period of time. One of the things that often takes more time is people think they may have something, but they're not sure, so they call to get help. Then the person that they called says you need to find out x, y, and z. Then they have to run around and find out those things before they can get a search warrant. Assuming you give the V.P.S.O.'s adequate training. I agree with you that that's the key. They then are certainly capable of putting together a search warrant.

Rep.

Hurley: Would it help if we could get such a plan going that troopers could drop in, on a village unannounced on short periods of time? Do you think that would help at all?

Teresa: You mean to come in every now and then.

Rep.

Hurley: To stay maybe a week. Not let people know that they were coming at that particular time. Like if a police officer that would rotate and go to the village and give them that kind of support. Would that be a help or would it be useless?

Teresa: In most villages before somebody comes in they usually know who's coming. I think in some communities, it would be a problem. Like if we did that, they'd say why did you have that person come in with the notice of the public? (She then speaks in Yupik)

Adolph: (Translated from Yupik) She doesn't know if there's any deaths related to alcohol in Chefnak. There's some crime committed. Alcohol is causing teen pregnancy. Teenagers are abusing alcohol, and as a result there's teen pregnancy. She knows of one woman who was out in public with no clothes on. She says she wouldn't ^{have} ~~do~~ done it if she was in her right mind, but because she was under the influence she walked around like that. Quayana.

Rep.

Binkley: Thank you for coming from Chefnak. Say hello to Glenn. Is there anybody else this evening?

Tom: (Yupik speaker)

Toksook B; Loc. Option Hearing "26"

Adolph: (Translated Tom from Yupik) Tom stated that alcohol is a problem from what he's seen around here. Marijuana seems to be worse drug than alcohol. He know of two married couples in Chefnak that abuse alcohol. He knows their children are suffering as a result from that. He feels that V.P.S.O. needs more authority to reduce the problem of alcoholism. He lived in the Kuskokwim area for thirty years, and he's seen a lot of drowning from alcohol. People who abuse alcohol for a long period of time commits felony crimes like murdering their spouse, family member, a relative of being murdered - killed because of the abuse. He knows that Bethel voted for local option law. He feels that people who order booze from or brings in booze from Anchorage ought to be monitored on how much booze they bring in. Young adults from villages go into Bethel and purchase a bottle and bring it back to the village. He thinks people that buy the alcohol from people who order more than what they need. He hears of incidents where somebody from his village had imported alcohol, but nothing is done. That's all.

Rep.
Binkley: Guyana, Tom. Is there anybody else who wants to testify. Ok, we'll go ahead and conclude the hearing of....

Rep.
Hurley: Just one idea. Is it possible when people buy it for their own use that they would have to tell that when they're having it shipped in? Is that an invasion of privacy?

Rep.
Binkley: To specify what the use of it was?

Rep.
Hurley: No. If you bought it - for instance, I'd say I buy a case for my personal use and when I have that come in I announce it.

Rep.
Binkley: James? Hi.

James
Sipary: I'm ^{James} Dan Sipary, a resident here in the village. As that lady from Chefnak was speaking on behalf of her village one question was asked to her: What would your community government do to that person that has violated the crime? What

would your village do as a punishment for that person? The question came up to my mind to your vote. Does the community have the authority over any ordinance in the villages that have been made? Do we give have the full authority to make any ordinance in the village that we want?

Rep.

Binkley:

The answer, James, is no. One of the things we're considering with this local option is having a local option which would ban possession, but would allow the city to make that local option themselves as an ordinance.

James:

Yes, I understand that. I was an alcoholic and I admit that I am. The worst problem that we have now in all the villages is alcohol and drug abuse. We've had the local option law voted here to go dry, but still comes in and is sold. We can't do anything about it. The drugs come in and is sold. When we ask for the State Troopers to come and help ~~without~~ with problems that we're facing, the answer is always, "we don't have the money." As I was here for just a little while, I notice your group is trying to find out a way to try and stop these things. I think it would be much cheaper since I've heard that there are the animals that are well trained on sniffing for those kind of drugs in the back packs. I think the drug is smuggled through the post offices and also the individuals that sell it locally. I think it would be much cheaper for the state if they could get well trained dogs in the post offices and in the terminals. I think that would cut down the abuse in the marijuana that are smuggled through into the small communities from Bethel. I think that would cut down and would cost less than funding the State Troopers to be running around all over the place. If the state could fund for having the animals sniff out those bags, I think it would really cut down on the problem.

Rep.

Binkley:

We did that, James, in Bethel when I was on the counsel there. We saw the same problem with marijuana and what not coming into Bethel. The city counsel bought a drug sniffing dog just to do that, so they could check the airports and post office. We ran into all kinds of legal problems to where we couldn't use it because of some of these search and censure laws that are in place. We finally had to give up on it.

Toksook B; Loc. Option Hearing "28"

James: On the alcohol itself, I think it would be better if the law could be passed for the villages to make their own ordinances. Let them set their own penalties. Penalties for the violators. I think the only way to cut that down is to have the community itself involved in enforcing. I think that's the only way as now for us to try and cut down this problem that is getting way out of hand. Here in the village locally the past summer we're finding young people way under age found laying around in the streets passed out. I think it has to be stopped before it gets way out of hand.

Rep.
Binkley: The alcohol is affecting the young kids too. They're drinking alcohol too.

James: Yes. I think the community itself should make their own ordinances and set the penalties for the violators. I think that would kind of scare us off. I think that would be a tremendous help to the communities - not only in the village of Toksook Bay, but outside the village too. In other communities do the same thing. Quyana.

Rep.
Binkley: Ok James. Thank you. We appreciate it. Quyana. Again, I'd like to thank the people of Toksook Bay for allowing us to come here and use your community hall. I thank also many of the elders. Hello, Shemie. Ok good.

Shemie?: Hi Binkley. (Yupik speaker)

Adolph: (Translated Shemie from Yupik) He said....

(Conclusion of Tape 8, part 8. End of Toksook Bay hearing.)



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Date

SCOMM

#52:31

DEC. 6, 1985
Sleetmute, AK. 99668

Local Option Committee
Bethel, AK. 99559

Honorable Members

My name is Paul J. Lougaré and I am presently the VPSO in the Village of Sleetmute. A VERY UNpopular position at the present time. I recognize that the # 1 problem in this village is Alcohol Abuse. 99.9% of the calls and complaints I get ARE Alcohol related. I've been doing this job for at least 3 months now, and I admit that because of Alcohol Abuse throughout the community that this is the most depressing and discouraging job on earth. No exaggeration intended. Because Alcohol Abuse is so prevalent, at all levels of the community, from the very young to the very old, that drinking, to the point of oblivion is the accepted norm for the majority of the population. And what that accepted norm means is: the Alcohol Abusers, i.e. the bad guys look at themselves as the good guys. Anybody else, the sober, are regarded as the bad guys. And so it is; the community actually lives in constant fear of itself.

As VPSO, ALONE, with the nearest help about 90 miles away. And in regards to Alcohol Abuse, All I can do is pick up the pieces, so to speak, after the Alcohol binge is over, and care for the victims, usually the innocent, young children that are neglected and sometime abused, older persons, and women, or weaker men who get beat upon by the drunks who the next day no longer have any recollection of their actions. The real abusers simply sleep it off until the next binge with alcohol.

I'm seeing a lot of horror stories here that I would not have known were possible. Men with facial cuts and bruises, women with black eyes who outright refuse to talk about what happened. It is ~~blatant~~ heroic not to 'rat' on another person.

Oh, I forgot to mention, this is a community that voted for banning the importation + sale of alcoholic beverages. A law that cannot be enforced most of the time. The booze comes in by way of Red Devil and McGrath, stowed away beneath groceries, personal baggage, hidden on a person or mailed in mixed with groceries shipped into the community by friend or relative.

I'm a firm believer in individual rights, even in regards to purchasing and drinking alcohol... except in the community of Sleethmote where

Alcohol Abuse is still out of control. Perhaps there are other villages like this one, although I doubt it. The only hope lies in the fact that a good portion of this community is really sick and tired of living with Alcohol Abuse ... even those persons who drink too much themselves. However, as it is now, whenever alcohol is imported into the village, the whole village goes on an alcohol binge.

I know of two (2) families only who no longer drink at all. And no one drinks in moderation. Alcohol abusers carry the day.

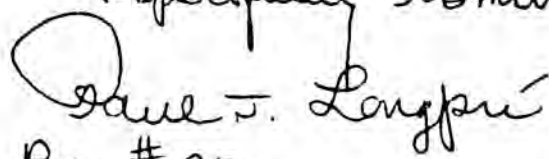
Because of this situation, in this village, living in terror of itself, I recognize a sickness, a disease, so deeply set in alcohol that the individuals no longer know what is good and not good for themselves, their families, relatives, friends and neighbors. Under these most severe conditions, stricter enforcement tools are needed. It should be a crime for anybody to sell liquor, beer + alcohol to another person living in a village like Sleetmute. Or for anybody to possess any type of alcohol within this community (including home brew), just as long as alcohol abuse is prevalent. I would also recommend that an Alaska State Trooper be stationed here for a set amount of time, like maybe a year or 2.

Although I've only been VPSO in Sleetmote for 3 months, I've otherwise have lived in this area since Fall (August) 1972. I'm raising a family here too. Beginning in 1979 I've seen 3 good friends die from drownings, Alcohol related, 6 in a plane crashes, Alcohol related, and one person who was murdered, also Alcohol related. I personally know of at least 6 Rape victims in a similar period of time between 1979 and 1985... all were Alcohol related. I know of at least 4 elderly members of the community that have been beat up, both women and men, as well as younger people. I know of one case where a boyfriend beat up his girl friend, using his hands and feet, blows to the head + body and when finished w/ the beating actually 'pissed' on the victim. The victim was pregnant and the baby was born with respiratory problems and died about a month after birth. I know a guy who got his arm broken trying to save a girl from being beaten on. And so on and so on, horror stories ad infinitum.

Just one more thing. You will not find these stories in the official statistics. Most of these cases, mentioned in this letter, were never reported. In fact, perhaps only about 10% of all Alcohol related crimes and incident ever get reported. About 90% is never

Reported. IN A VILLAGE LIKE SLEETMUTE, the only crimes that get Reported ARE the ONES Perpetrated MANY times by the SAME individual. This individual is turned in to the troopers AS A LAST RESORT, meaning that the community has given this individual one break AFTER another, NEVER Reporting the crimes, until the community as a whole is completely terrorized by this individual. Yet, when that SAME individual is brought before a Judge, he is Always treated AS A 1st OFFENDER and he is therefore released to the very community that he has so terrorized, Just to start his revenge on those who turned him in. And so the community LIVES in terror... at night doors ARE Locked, barred and blockaded.

Alcohol Abuse.... strikes terror in the hearts of everyone... but it is still the individual abuser who is actually striking Fear and terror in others.

Respectfully Submitted,

 Box # 23
 Sleetmute, AK. 99668.

P.S.

- 6 -

ONE OF THE SHEETMUTE teachers, going thru his 2nd year in the village, described to me recently what he thinks it is like to live in the village: "It's just like living on Fourth Ave. in Anchorage all the time," he said.

"Would you like to raise your family on Fourth Ave.?" "Would anyone even consider opening a school on Fourth Ave.?" "That's what I'm doing. In Sheetmute, I'm raising a family and teaching school in an environment just like Fourth Ave."

Another teacher, a single male, lives in continuous fear of his life or at least physical well being whenever a certain village bully is in the village. Right now the individual is in jail. It is a well known fact that this teacher is the best the community has ever had, yet because of the terror of alcohol abuses, this teacher will not return after the end of this school year.

A third teacher, an elderly black lady, spends almost all of her awake time in the school building. She is so afraid she will not venture anywhere in the community except the post office.

Respectfully submitted

Gaul J. Longpre

MEMORANDUM

State of Alaska

TO: Lew Reece, R.A.
Department of Corrections
Northern Region
Fairbanks, Alaska

DATE: 11-07-85

FILE NO:

TELEPHONE NO: 543-2075

FROM: Dan W. Hicklin
District Supervisor
Probation/Parole
Bethel, Alaska

SUBJECT: Bethel District
Overview for Bush
Justice Conference

Per your request during our recent phone conversation, I am providing you with the following overview of the Bethel District office.

The District Office is located in Bethel, Alaska. Bethel is a remote Eskimo fishing village with an approximate population of 4,000 people. Bethel is only accessible by airplane and ocean going barges during the summer months.

Bethel is the governmental and transportation hub for the Bethel Service District [approximately 100,000 square miles] that contains 57 Eskimo and Athabascan villages located in the Yukon/Kuskokwim Delta.

The Bethel District office data breakdown is as follows:

Staffing

1 - P.O. III
1 - P.O. II
1 - P.O. I
1 - C.T. III

Offender Profile/Field Supervision

2% - Black
6% - White
92% - Native Alaskan

18% ~~18%~~ - of this caseload is located in the immediate Bethel area.

82% ~~82%~~ - of this caseload is located in 50 remote Native villages.

40% - of this caseload are assaults.

28% - of this caseload are sexual assault or abuses.

*one of the highest parole/probation
revocation rate in the State. 98%
alcohol
related*

MEMO TO LEW REECE
NOVEMBER 7, 1985
PAGE 2

Offender Profile/Field Supervision (Continued)

- 21% - of this caseload are burglary or theft.
- 6% - of this caseload are homicides.
- 4% - of this caseload are alcohol or drug offenses.
- 1% - of this caseload is other offenses.

Approximately 96% of this profile, the offenses were alcohol related. At this time 10.8% of all Alaskans currently incarcerated with the Alaska Department of Corrections are from the Bethel Service District.

However, the Bethel Service District contains only about 3.8% [20,000] of the States total population [520,000] while the Greater Anchorage area represents 6.2% of all Alaskans currently incarcerated with the Alaska Department of Corrections.

The Greater Anchorage area contains about 52.8% [275,000] of the State total population [520,00].

Finally, the City of Bethel represents 83 currently incarcerated Alaskan offenders, while the City of Anchorage represents 103 Alaskan offenders and the City of Fairbanks represents 54 Alaskan offenders. This data indicates the following offender per thousand population rate:

City of Bethel = 20.7 offenders per 1,000 population.
City of Fairbanks = 1.35 offenders per 1,000 population.
City of Anchorage = .41 offenders per 1,000 population.

NOTE: This is based on data from the Department of Corrections 1984 annual report.

However, more than half of offenders, nationwide, convicted of violent offenses had been drinking alcohol before committing their offense.

More than half of the convicted offenders that admitted they had been drinking, said they felt "pretty drunk" or "very drunk" just before committing the violent crimes for which they were convicted.

Altogether 54% of the 32,112 offenders, nationwide, convicted of violent crimes had been drinking heavy, according to the survey.

For all crimes, including non-violent offenses, burglary, theft, public disorder, and so forth, 48% of convicted offenders had been using alcohol prior to committing their offenses.

MEMO TO LEW REECE
NOVEMBER 7, 1985
PAGE 3

Offender Profile/Field Supervision (Continued)

Note: This information is based on data from a report by the Bureau of Justice Statistics.

While there has been much publicity in recent years that Alaska has a severe alcohol abuse problem among the offenders from Alaska, the above information tends to indicate the problem is nationwide.

Bethel District Programs

To put it in simple terms, the Bethel District is very resource poor. There is one substance abuse program [Phillips Alcohol Treatment Center], which has a 3 - 4 month waiting list for admission. There is no Halfway House or New Start Center in the Bethel District.

Presentence Investigation

	<u>FY-84</u>	<u>FY-85</u>	<u>% Change</u>
Bethel District	109	135	125%

NOTE: This increase is partially due to the recent case law decision involving a written update investigation for all adjudicated probation violations.

Active Case Supervision

	<u>FY-84</u>	<u>FY-85</u>	<u>% Change</u>
Bethel District	97	139	43.2%

NOTE: All this increased workload activity was completed with no increase in staff at the Bethel District Office.

In conclusion, it is felt by this Officer, due to case law involving written updated presentence investigations for all adjudicated probations violations and the new parole law allowing offenders to be eligible for parole after only serving one-fourth of their sentences will only contribute to the 168.2% increase in the Bethel District Investigation/Supervision workload. This is combined with the Department new levels of minimum field supervision standards.

As the staff level has remained the same at the Bethel District Office since November of 1983 and as you well know, we have been at full staffing level for only about 60% of that time period.

Sally A. Caldwell
P.O. Box 1215
Bethel, Ak. 99559

Local Option
P.O. Box 1672
Bethel, Ak. 99559

November 21, 1986

Dear Friends,

Re: Local Option/How alcohol has hurt friends

Thank you for this opportunity to share my deep concern about obstacles to recovery from alcohol and alcohol-related problems. I want to share three instances in which the possession of alcohol by one party has interfered with the basic rights of a second party in the same community.

As our fostergirl was returning to her home, we visited with her mother. The girl's mother expressed some concern about being able to maintain a sober home. She explained that she and her husband had been sober for a while and that they are committed to remaining sober. They want to return to the traditional values of their people and to many of the traditional customs. They know this requires much work and strict sobriety.

The mother and her husband live in a house that was given to them by her grandmother, and they have invited the grandmother to share that home with them. The girl's mother said that when relatives come into the house, the grandmother shows traditional hospitality which is warm and generous.

However, alcohol is a problem for many of the relatives. They are drunk when they come to the house. They take advantage of the grandmother's hospitality, eating precious food, borrowing money from the collective finances, which they never return, and stealing money and possessions to later sell or trade for alcohol. There have been instances of violence, either initiated by relatives who are drunk or by the conflict of the mother's sober husband trying to protect his family from the relatives. There have been instances when a relative was found passed out in the little girl's bed. The girl has symptoms of a child who has been sexually abused, and it is very possible it was a drunk relative who abused her.

The mother explained that she and her husband have talked to the grandmother about the importance of keeping a sober home and the threat of losing their daughter to state custody. But the grandmother, she said, does not understand the alcohol and its problems and cannot disregard the traditional values of family, generosity, helpfulness and hospitality.

. In a different instance, our fosterboy has been repeatedly abandoned and abused by his alcoholic father since age two. In fostercare six years total by the time he was nine-years-old, he came to our home. As with any child in any situation, the boy remained loyal in his love for his parent and unrealistically hopeful that he could reunite successfully with his family.

The boy was in our home a year then transferred to a residential home for emotionally disturbed. The boy is now 12. The court has returned him to his home in a Yukon River village. Shortly after his return, the boy's two-year-old sister was killed in a three-wheeler accident. This tragedy was very difficult for the family. The alcoholic father began drinking. The boy again became the focus of abuse and socialworkers had to remove him from the home.

The boy is currently living in a group home. He has abandoned all hope of reuniting with his family. He attends middle school and is placed in a restricted special education classroom. Because of these early childhood traumas, the boy is unstable and has been assigned one specially trained teacher aide to follow him throughout the school day.

In a third instance a friend of mine has been recovered from alcohol for a few years now. However, her husband is still alcoholic and violent. They have a granddaughter living with them. The husband frequently drinks until he becomes violent. In his rage he abuses his wife, my friend, and burns his wife's and his granddaughter's personal possessions. My friend and her granddaughter flee for refuge to the granddaughter's natural mother's home, hiding under the beds and in dark closets when the husband comes after them. Though my friend and her granddaughter have come to that house for refuge, the granddaughter has been sexually abused in that home by her mother's husband.

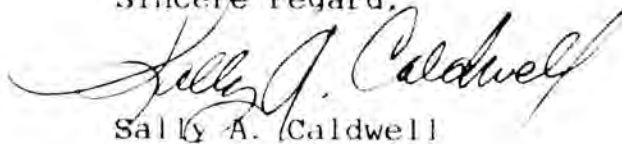
My friend has now intervened in this pattern of violence and has moved, with her granddaughter, into Bethel. My friend's alcoholic husband is trying to sober up. He has applied for treatment at the Bethel treatment center (PATC) but there is no vacancy for a few months. He remains in his village, waiting for help. My friend tells me that in the past her husband has tried to stay sober, but people will come to him and offer him alcohol, even pressure him to drink with them. The granddaughter tells me the degrading names she hears village people call her grandfather, even the men who force him to drink with them call him names. He cannot get sober in that climate.

In these three instances people exercising their individual right to drink has caused great harm to other people in the community. A young family, battling their own alcoholism, struggles to keep their little girl safe from alcoholic relatives imposing on their more gentle ways; a young boy struggles to reunite with his family but finds the family's peacefulness disturbed by the readily-available alcohol during a family crisis; and two elders attempt to intervene in the alcohol and related violence in their own lives only to be up against the forcefulness of other villager's alcohol abuse.

These are not isolated instances. In my five years in the delta and my experience in the villages and in Bethel as an involved private citizen, I can say that these instances are representative of the struggles of a gentle people to survive the debilitating effects of community alcoholism.

I understand that these people want to maintain the integrity of their families and their traditions. This is a very delicate time for them, and they are tenderhearted and gentle people. The forcefulness of those in ^{the} grips of alcohol and of those who lack the human compassion to sacrifice an individual right in order to assure the safety and health and integrity of an entire race of people, seriously threaten these people's noble efforts. By supporting local option, we can give these people an appropriate and peacefull way of protecting themselves. I urge you to support local option.

Sincere regard,



Sally A. Caldwell

NOTE: I DO NOT give permission for any of these statements to be used in any way. You may contact me personally with regard to the use of any of these statement. You are surely aware of a recent abuse of private testimony in the case of the nineteen-year-old misquoted as making statements about drug/alcohol use in Aniak schools. What I have shared with you is very personal to the individuals involved. In a small community as we are here, repeating statements I have made would surely reveal the identity of these individuals and violate their right to privacy.

cc: City of Bethel
Task Force on Alcohol, Violence & Crime

VILLAGE PARTICIPATION CONFERENCE RESOLUTION # 85 - 28

ENTITLED: In Support of Adding a Fifth Option to the Local Option Laws of Title 4 of the Alaska Statutes

WHEREAS, The options currently available to the villages under Title 4 have not been as successful as originally planned, and

WHEREAS, The enforcement of existing laws have ^{been} demonstrated to be extremely difficult, and

WHEREAS, Many villages desire a complete prohibition on the use or possession of alcohol in the villages,

WHEREAS,

WHEREAS,

now, therefore be it

RESOLVED: that the 1985 Village Participation Conference hereby urges the Legislature of the State of Alaska to draft and pass an amendment to Title 4 which would allow villages to ban the possession of alcohol in the villages if they so choose.

to

; and

be it further

RESOLVED:

ADOPTED this 21st day of March, 1985, at the Village Participation Conference in Anchorage, Alaska.

(signature) *Charlie Kairaiuak*
Name, Conference Chairperson
1985 Village Participation Conference



University of Alaska
P. O. Box 368 • Bethel, Alaska 99559
(907) 543-2621

December 20, 1985

Honorable John Binkley,
Representative
P.O. Box 1065
Bethel, Alaska 99559

Dear John,

You asked for comments on your proposed legislature to permit villages to ban alcohol possession. In order to get a cross section of opinion on this important issue I made the question an assignment for my writing students.

It was interesting to me that most of the students were in favor of a ban when we first discussed this in class. However, by the time they had done more thinking and finished their writing, most of them had changed their minds.

I was surprised to find that the Alcohol Task Force had serious concerns as well. The consensus of the Task Force was that increased personal responsibility, community education, and a strong community response to alcohol abuse were preferable to a ban. Concern for private rights, the problem of limiting one person's freedom because of another person's abuse, enforcement costs and problems, and the possible creation of a whole new kind of "criminal behavior" in the villages were raised as concerns. Also mentioned was the likelihood that people deprived of alcohol would drink dangerously toxic substances; that local alcohol abuse would not decrease but would instead move to Bethel; and the certainty that the bootlegging which now plagues Bethel would simply infest the villages as well.

We appreciate your hard work on this issue and hope you will continue working with people of this region in seeking positive long-term solutions.

Sincerely,

Diane Carpenter
Instructor, KuCC
Chairperson, Task Force on Alcohol, Violence and Crime

DC/sb

My
Position
on
Banning Alcohol Possession

by
Samuel Oscar

I present to you one of my reasons for supporting the issue of banning alcohol possession in any one village in Alaska. Like any pro or con issue an individual should base his decision on what is right or what is wrong on his power of reasoning. My own biases and attitudes are hard to leave out of my reasoning of this particular issue, but I will do my best to present my evidence without regard to them.

In a 1982 report by Shinkwin and Pete concerning their study of alcohol and its effects, they told that Alaskan villages felt alcohol abuse continues to be their major community problem. Here in the Yukon-Kuskokwim delta villages, the feelings of our people concerning alcohol abuse are heard everyday. The grief of losing a loved one in an alcohol-related death hits the heart the hardest causing spiritual, mental, and physical turmoil, especially if a child or a young person is its victim. But, alcohol takes no preference to the age of its victim.

In 1983, out of 46 deaths investigated by the Alaska State Troopers in the Yukon-Kuskokwim delta region, 35% were alcohol-related deaths. One 13 year-old boy died of consuming too much alcohol. A 1½ year-old boy burned to death in a fire along with his father. Four people, between the ages of 19 - 27 years-old, died by homicide. The rivers claimed six lives while two died of accidents and one by asphyxia. And, the number of alcohol-related deaths continue to rise.

Fifty-three percent of the 53 deaths in 1984 were alcohol-related. Three beating murders occurred during this year which included one 3 year-old boy. In a house fire, one 4 year-old boy burned to death with his 10 year-old sister including a 74 year-old man, accounting for five who died by fire. One life was blasted away by a shotgun handled by drunk.

A three-wheeler accident took the life of a 23 year-old man. The rivers claimed nine lives and three took their own lives. Three people succumbed to hypothermia and one to heatstroke. When their plane crashed, two young men died. 1984 saw 28 people die because of alcohol. Death statistics for 1985 are not yet closed.

As of November 11, 1985, 23 people died because of alcohol - 45% of the 49 deaths investigated by the Alaska State Troopers. Roughly, two more months remain in the year 1985. A 23 year-old and a 28 year-old man died of alcohol overdose. One airplane crashed killing the 44 year-old pilot along with a 19 year-old, a 20 year-old, and a 22 year-old youth, accounting for six who died of accidents. There were six people who took their own lives using a shotgun, a rifle, or a handgun. The lives of a 20 year-old, a 22 year-old, and a 26 year-old youth were claimed by the rivers. Two people succumbed to death, one by hypothermia and one by aspiration. The count of victims of alcohol abuse is not yet over.

Alcohol abuse in the Yukon-Kuskokwim delta villages continues to rise, so do the death statistics. The lives of our young people are important to this region, because of their potential to lead productive and useful lives as leaders, legislatures, businesspersons, doctors, lawyers - to name a few. To realize their potentials and their maturity, the issue of alcohol abuse must be hit the hardest so our people do not continue to suffer in their souls, minds, and bodies over their lose.

Little Brown Jug

In the region of the Yukon-Kuskokwim Delta, there is an ongoing debate over local option laws. That is, should communities be allowed to ban alcohol. While various communities have rules governing public drunkenness and even the sale of alcohol, many people feel that this isn't enough. These individuals seek to restrict importation and possession of alcohol, if the community so chooses. While the end result they wish to achieve is needed, their chosen course of action may not serve the purpose. Rather than banning the problem which is nothing more than postponing future trouble, why not educate the public and solve the problem. When an individual realizes and accepts something as wrong or bad for them, they are more willing to change, rather than if you tell them that they have to change simply because someone says so.

It has already been established that there exists in this region an increased crime and death rate, as well as illnesses, which are alcohol related. It makes sense then that something needs to be done about the present level of alcohol abuse. Banning alcohol is not the answer. Anyone can leave the area to obtain alcohol and with the ongoing rash of bootleggers, we can see how difficult it is to control importation. Rather than banning alcohol, the public should be educated.

To clearly understand this, look at the war against cigarette smoking. Tobacco is too deeply ingrained in the United

States to simply ban. People involved in trying to reduce cigarette smoking in the U.S. realize this and have organized their campaign accordingly.

The first step in cutting out cigarettes started with advertising. Actors and actresses against smoking and for the rights of nonsmokers started appearing on our television screens. They made us realize that the effect of cigarette smoke on nonsmokers was real, and that nonsmokers had a right to be heard. Through advertising, the general public has been made aware of the risks of smoking, even if the viewer is a nonsmoker. The advertising campaign didn't stop with ads against smoking though. Those individuals extremely opposed to cigarette smoking and who knew the risks involved, pushed for legislation which required each cigarette manufacturer to carry a warning from the Surgeon General on each package of cigarettes that states the risks involved with cigarette smoking. From there, they are moving to eliminate cigarette and tobacco advertisements from television, magazines, and billboards. (Sort of an out-of-sight, out-of-mind principle.) The preliminary results of educating the public are already evident in the national reduction of cigarette sales and the emergence of laws concerning smoking.

Living in Alaska, we can clearly see the results of this push to educate the public about cigarette smoking, or more accurately, the effects of tobacco on the body. Alaska is one of the few states with legislation prohibiting smoking in public places such as banks, courthouses, and stores. It wasn't too long ago that the rights of smokers far outweighed the rights of

nonsmokers. But by educating the public and taking the fight against tobacco one step at a time, the results have been far more beneficial and lasting than if cigarettes would have been banned. If cigarettes, or tobacco, had been banned outright, smokers, and perhaps zealous 'freedom to do' nonsmokers, may have sought relief from what they saw as an imposition on their rights to live as they so chose by filing suits in courts throughout the United States, and we all know how costly and time consuming that would be.

Educating the public then would be the answer to the alcohol problem which now exists, not only in the Yukon-Kuskokwim Delta, but throughout the state and the country. The first phase has already begun. Advertisements about drinking and driving are common between our favorite television shows and Seagrams, a manufacturer of alcohol, has begun advertising both on television and in magazines about the alcoholic content of a shot of whiskey compared to a can of beer and a glass of wine -- they each have the same alcoholic content. By advertising, alcohol can be de-glamorized. Remember when famous actors and actresses appeared on our screens with cigarettes and made it appear the 'in thing' to do? Now the 'in thing' to do is not smoke. In fact, usually the villain is shown with a cigarette. The message 'bad' is intertwined, even if we are unaware of it. Why not use the same principle with alcohol. There are film strips on the effect of tobacco on the respiratory system and often, when the word cancer is spoken, cigarettes are the first thing that come to mind. Why not show film strips which show the effect of

alcohol on the brain, kidneys, and so forth. The public's way of thinking can be slowly altered. It's much easier to spoon feed the public rather than to force the whole plate down their throat at one time.

Although educating the public is a slow process, the results will be longer lasting. Perhaps in the mean time, if alcohol were uniformly legalized, part of the attraction to it would be removed. (We always want what we can't have, the grass is always greener...that sort of thing.) Or perhaps if stricter fines could be imposed on those who break the present laws. Presently, drunks in the Yukon-Kuskokwim Delta are treated more like children than criminals. They are picked up off the streets in their drunken stupor, more than likely saved from freezing to death, and given sanctuary in a state/tax payer funded jail, only to be released the next day to repeat the pattern. This condones rather than disciplines the unwanted action. When trying to teach a child not to do something, you don't reward him for the undesirable action, instead you ignore the undesirable and reward the desirable. Instead of rewarding a drunk by picking him up, taking him to the hospital to be taken care of, and then offering him free room and board at the local jail, why not book him for public drunkenness and fine him accordingly. Start showing those who abuse the system that it's no longer a game and that what they are doing is wrong, harmful not only to themselves but to their families -- financially, and a disgrace. Then, in the mean time, the push to educate the public can be stepped up.

December 7, 1985

Honorable John Binkley, Chair
Local Option Committee
Box 1672
Bethel, Alaska 99559

Dear Representative Binkley:

I am responding to the Tundra Drums article on 11/21/85 on the current Local Option Law and the issue which is stated below.

The question is, "Should villages have the power to vote to prohibit personal possession of alcohol?" At first, I thought that this proposition would be a good thing, thinking about the long history of abuse. However, after examining the issue more closely, I strongly believe that our rights as U.S. citizens and as Native American citizens will be violated.

The Indian Civil Rights Act of 1968 states "No Indian tribe exercising powers of self-government shall... violate the rights of the people to be secure in their persons, houses, papers, and effects against unreasonable search and seizures, nor issue warrants, but upon probable cause, supported by oath or affirmation and particularly describing the place to be searched and the person or thing to be seized;.... or deprive any person of liberty."

Under the U.S. Constitution and the Indian Civil Rights Act, I would be giving up my privacy rights if this option became Law. I am par-

ticularly using the Indian Civil Rights Act since the issue is addressing predominantly the Yup'ik community who might choose the Option amendment without reviewing all the parameters.

The alcohol problem our region is experiencing is very real and I appreciate our Alcohol and Drug Abuse Committee and Local Option Committee in seeking ways to attack the issue. I strongly doubt that this proposition will cut down the problems of alcohol abuse. The present State and City law enforcement agencies are backlogged and struggling to uphold only the more serious crimes according to previous articles in the Tundra Drums. Will the State increase their Law enforcement agencies funds and workforce? With cutbacks, it is most unlikely. Do we as a society want to create criminals out of people who normally would not commit a crime? These new criminals who possess alcohol, in my mind, are not criminals in a real serious sense. However, after being arrested, served time, have an arrest record, labeled as criminals by our society and try to start their lives over again; will be hardened by circumstances leading to their arrest. Then our system will have to deal with harder-to-deal individuals.

Counseling and better value of individual identity, though it is not 100% successful, is the best method, in my opinion, to deal with alcoholics or problem drinkers. The old saying comes to my mind, "You can lead the horse to the water, but you can't make them drink it." Resistance to authority could stop productive healing counseling methods if counseling took place after the arrests. A person needs to own their alcohol problems before he/she can directly get to the problem roots.

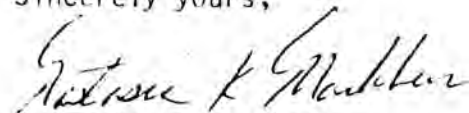
Strengthening and enforcing our drunk driving laws, crime laws so that people are more responsible while under the influence is about the only suggestion I can offer toward the increase of enforcement. However, we should not lose our rights within the process. Stronger drunk driving laws have made our society to be more responsible for each other. Public awareness ads, safety tips and public movements have done the most as far as preventing accidents and crime from happening. The American society in general is more conscientious because these measures were taken.

I oppose this new proposition because I would be losing my privacy rights and the alcohol problem would probably escalate with increased arrests for alcohol related crimes. Owning responsibility for one's self can be done through public education versus this new proposition.

Restricting freedom of rights is a frightening step to take because it is a sign of communism. I urge your committee to bring out all the consequences of this proposition prior to putting it on the ballot, if it gets that far.

Thank you for your hard work on this important issue.

Sincerely yours,


Nastasia K. Markham

cc: Personal copy

Karen R. Takumjenak
P.O. Box 2133
Bethel, Alaska 99559

December 17, 1985

Honorable John Binkley, Chair
Local Option Committee
P.O. Box 1672
Bethel, Alaska 99559

Dear Rep. Binkley,

I am responding to the Tundra Drums newspaper article on November 21, 1985 on the Local Option Law requesting should villagers have the power to vote to prohibit personal possession of alcohol.

I think this would only worsen the problem of alcohol abuse in the Yukon-Kuskokwim Delta. How? Well it would benefit the bootlegger, who would raise the price of purchasing a bottle. It would also effect other people who don't abuse alcohol but have an occasional drink, their rights would be violated. But I believe that it is the responsibility of the abuser to know how much they should consume and they are responsible for their actions afterwards. It's just a matter of how to handle alcohol. But you and I know that this is not always the case. There are many people who abuse alcohol in our region, if not we wouldn't have the problem now would we? There could be a lot of reasons why people abuse alcohol. But I think the main reason is lack of knowledge in how to handle alcohol.

How can we help lessen the alcohol abuse in the Yukon-Kuskokwim Delta? A few are: Start alcohol counseling and abuse programs and have them out in the village as part of the fine for the person who is convicted. Raise funds for the Alcoholic Treatment Center here in Bethel to expand their program and to educate the public so that they will know more about alcohol abuse. At present, we do not have efficient programs but we need to try them out, they may or may not work but at least it's a start towards lessening the abuse of alcohol in our region.

Thank you for hearing me out on this very tough and difficult issue. I wish you the best of luck on whether you choose to go on with this proposal or have second thoughts on it. Merry Christmas to you and your family and have a Happy New Year.

Sincerely,

Karen R. Takumjenak
KuCC Student

Nastasia A. Geerhart
P.O. Box 2117
Bethel, Ak. 99559
December 16, 1985

*Copy of Mrs
letter*

Honorable John Binkley, Chair
Local Option Committee
P.O. Box 1672
Bethel, Ak. 99559

Dear Rep. Binkley:

In response to the Tundra Drums article on the Local Option Law. November 21, 1985, I would like to express my personal opinion on whether or not the villages should be able to ban the possession of alcohol.

I appreciate the concern that you have with the alcohol problem within the state. Many of my friends and relatives have died of alcohol related incidents so you might think I would be in favor of banning possession. However, to ban the possession of alcohol will not solve the problem; it will only benefit the bootlegger who will raise the price per bottle higher.

One way to solve the alcohol problem is try to get funds for the alcohol treatment center to expand their program; to educate the public, to treat the alcoholic, to fight for stronger jail sentences for the persons convicted of bootlegging, and to obtain more funds for the police department to use in investigating cases against bootleggers.

At present, we do not have sufficient funds for education, treatment and enforcement of existing laws. Banning possession will not cure the disease of alcoholism. Furthermore, a total ban on alcohol possession will never be successfully enforced because of the cost involved. There would be a lot of temptation to bootleg which would make criminals out of law abiding citizens.

I appreciate your asking for our opinions. I wish you Merry Christmas and a happy New Year! Thank you for your time in this matter.

Sincerely yours,

Nastasia A. Geerhart
LUCC student

THE OPTION

Local option - the right of a village to vote to ban the possession of alcoholic beverages - is a controversial issue. On the one side are those advocating that to allow it would violate their constitutional rights; on the other side is a people concerned with the future safety of their own. In evaluating the issue, it is important to try and understand some of the cultural differences that exist and to work toward a solution that would keep both sides, if not happy, at least empathetic.

What both sides do agree on is that alcohol abuse is a very serious problem, not only in our area, but in most of bush Alaska. The latest statistics tell us that 90% of all crimes committed in the Yukon Kuskokwim Delta are alcohol related. These stats do not include the accident rate resulting from excessive drinking, nor do they reflect ~~the~~ the resulting neglect of children or other undocumented problems. There is no question per capita wise, that the abuse of alcohol is more of a problem here than in other parts of the lower 48, and similarly our solution might not be appropriate "outside". Both sides agree that some answer is needed. Obviously the long term solution would be education - training the younger generations on the effects of alcohol on them and their families, how to use it, or even whether to use it at all. The difficulty we face now is what to do in the meantime to save lives and reduce the crime rate - hence the request for "local option".

One of the major roadblocks in resolving this problem appears to me to be a cultural one. The Caucasian society is based more on a concern for the individuals rights, sometimes to the point of forgetting the rights of the community. Our justice system has its roots in everyone having their personal rights and freedoms protected, and such a system serves to protect those of the minority views. This in itself makes it admirable. Yet there is a different feeling among our native people, and it too has its place. For them, the rights of the community frequently take precedence over the rights of the individual. Just as a mother or father would not allow their children to do things that would cause them harm, so too the village elders and leaders have said, through requesting (and getting) no importation laws, "Alcohol is destroying our people; to protect ourselves and our children, we must not allow this killer to remain in our community."

Another cultural difference that I see is how we view alcohol itself. To the white people, it is a right, a socially acceptable way to relax and enjoy themselves. But do our native brethren have those same thoughts, or have they said, through laws already enacted, that alcohol is not acceptable for them as a group? Such cultural misunderstandings as these tend to cause many hard feelings on both sides and must be addressed.

External laws such as the banning of importation or no possession rarely get at and solve the root of the problem. Only education can do that. In the meantime, our villages are asking for the authority to attempt to curb the problem now, to protect their family and friends from imminent danger. Are they asking too much? It is felt by many that the law of no possession would infringe on their individual rights not to have their personal belongings and home searched without a warrant. This is a valid point, yet when it was determined that skyjacking was putting the lives of innocent people at risk, airlines were allowed to search luggage hand carried on the plane. Is there a difference? Another argument is that such a law would be impossible to enforce, with too few troopers and VPSO's and too much work. I'm sure there would have to be some changes (possibly to hiring security personnel like the airlines do), but is it logical to make a ruling for or against something based on whether it is enforceable or not? Could not the villagers themselves, if they truly want no liquor in their communities, be given some responsibility to help enforce it?

Will the proposed local option law infringe on the rights of those individuals who do not have a drinking problem? No question about it, and here we must decide whether the community is more important than the individual. The villages have pleaded with us to help them do something about alcohol and the devastating effects it is having on their population. If local option saves even one life, isn't this worth the minority giving up not a necessity, but a privilege? Are our rights to drink really more important than our ability to show some compassion for our troubled brothers and sisters? Is the letter of the law (in this case, personal rights) more important than the spirit with which that law was enacted?

Solving the problem requires compassion and empathy, even sacrifice, in the effort to stem the tide of alcohol abuse. We must at least make an attempt; if it is unsuccessful, then we can try other methods, always remembering that education is the true long range solution.

From birth to death, we are being bombarded with information, from English partibles to historical dates, from the latest exercise fad to political propaganda - all trying to persuade us to look at their views or ideas, to buy their product, to accept that what they have presented is the "gospel" truth. How many of us when we turn on the tube, read the paper, or listen to our friends or co-workers stop to sift through all the data before making a decision? If we don't learn this concept of thinking critically, we are likely to be misled by politicians, salesmen, ministers, friends - even parents. This ability to sort through information should be something we are educated in from childhood to adulthood.

Teaching a child to think for himself should start even before he enters kindergarten. He needs to know that all the ads he sees on television or the information he is given by his parents or relatives is frequently one-sided and that there may be other views. He must be encouraged by his parents to keep an open mind, asking "why" or "how come" things are the way they are. Parents must not insist that theirs is the perfect solution, country, family, religion, etc., but that their ideas are just "different" from others. Through training a child to have an open mind, he then learns to reason on his own and become an independent thinker.

When the child enters the school system, he should be afforded an opportunity to question any of the knowledge he is being presented. Frequently students are required to memorize various facts and figures, and are subsequently tested on that material. Although such rote education may be a necessary part of enhancing a child's ability to retain information, he must also learn what to do with that knowledge.

November 19, 1985

He must be shown how to take what he has learned, dissect it, separating the true from the false, one theory from another. In the same light, the teachers and administrators need to think not only ~~in~~^{of} grading their charges on whether they have learned their facts, but also whether they have learned to evaluate that knowledge. This ability to think for oneself can be very helpful as the child begins to be pressured by his classmates who try to influence him. If he has learned to think critically, that peer pressure is less likely to cause him to stray from his own value system.

By the time the student has finished twelve years of schooling, he will have hopefully learned the skills necessary to assess the information he is presented. If he has not, it will be much more difficult for him to successfully complete his college courses, many of which require being able to express yourself clearly, debate logically with others, or write innovative essays. Likewise, as he moves into the workforce, he will need to be able to evaluate a lot of information to make sound, rational decisions for himself or his employer.

All through our lives we must make decisions on what product to purchase, who to marry, how best to raise our children, who to vote for, etc. If we can learn to think critically during our formative years, we will have a skill that will be extremely useful no matter what our profession or calling in life might be.

1985
DEATH STATISTICS

CASE #	PLACE OF DEATH	DATE	CAUSE OF DEATH	NAME OF VICTIM	D.O.B.	AGE/SEX/ALCOHOL		
8504987	Noatak	01/20/85	Natural Causes	Leela Mitchell	01/25/06	78	F	N
8509370	Koyuk	02/07/85	Aircraft Accident	Clarence Douglas	09/27/39	46	M	N
8524739	Selawik	04/14/85	Suicide	Norman Tickett	08/03/64	20	M	Y
8530971	Gambell	04/25/85	Natural Causes	Samuel Irrigoo	07/10/91	93	M	N
8530479	St. Micheal	05/09/85	Suicide	Jerry Washington	07/14/67	17	M	N
8532300	Cape Darby	05/16/85	Aircraft Accident	Rodney Douglas	04/27/80	5	M	N
8532300	Cape Darby	05/16/85	Aircraft Accident	Meridean A. Takak	04/21/57	28	F	N
8535038	Unalakleet	05/24/85	Suicide	Andrew Shugak	10/08/60	24	M	Y
8534938	Shishmaref	05/27/85	Natural Causes	Sergie T. Obruk	01/28/12	72	M	N
8536871	Noorvik	05/31/85	Natural Causes	Deitrich Field	07/12/33	51	M	N
8540568	Stebbins	06/19/85	Suicide	Sharon Snowball	04/30/85	60K	F	N
8540996	Stebbins	06/21/85	Suicide	Elias Pete Sr.	09/10/36	48	M	Y
8540996	Stebbins	06/21/85	Murder	Josephine Pete	03/26/38	47	F	Y
8544460	Ambler	07/03/85	Drinking, fell on floor, died.	Dora Douglas	01/28/31	54	F	Y
8545348	Fairway Rock	07/06/85	Drowning	Charles Ahkinga	11/24/64	20	M	N
8547800	Golovin	07/17/85	Suicide	Daniel Amaktoolik	01/22/59	26	M	Y
8550427	Noorvik	07/22/85	Natural Causes	Annie N. Connack	04/16/00	85	F	N
8549514	Golovin	07/23/85	Suicide	Laurie Amaktoolik	07/21/42	43	M	Y
8550376	Savoonga	07/23/85	Drowning	Issac F. Kiyuklook	07/31/53	32	M	?
8550376	Savoonga	07/23/85	Drowning	Myrna Kiyuklook	10/07/56	29	F	?
8550376	Savoonga	07/25/85	Drowning	Daisy Kiyuklook	03/22/77	9	F	?
8550376	Savoonga	07/25/85	Drowning	Issac Kiyuklook Jr	11/16/75	10	M	?
8550376	Savoonga	07/25/85	Drowning	Leon Kiyuklook		7	M	?
8550376	Savoonga	07/25/85	Drowning	Percy J. Kiyuklook		4	M	?

CASE #	PLACE OF DEATH	DATE	CAUSE OF DEATH	NAME OF VICTIM	D.O.B.	AGE/SEX/ALCOHOL		
8550376	Savoonga	07/25/85	Drowning	Eugene Kiyuklook	09/14/63	22	M	?
8550376	Savoonga	07/25/85	Drowning	Dale F. Kiyuklook		01	M	?
855771	Koyuk	08/22/85	Natural Causes	John Charles	04/12/13	72	M	N
856226	Stebbins	09/07/85	Drowning	Joseph Odinzoff	04/10/40	45	M	Y
8562750	Brevig Mission	09/09/85	Suicide	Herbert Olanna	09/29/64	20	M	?
8565302	Shaktoolik	09/19/85	3-Wheeler Accid.	Gus T. Sagoonick	10/07/74	10	M	N
8565938	Osborn	09/23/85	Smoke & Fire	Barbara Kalebaugh	09/10/51	34	F	N
8565938	Osborn	09/23/85	Smoke & Fire	Rebecca M. Kalebaugh	01/07/79	6	F	N
8565938	Osborn	09/23/85	Smoke & Fire	Deborah M. Kalebaugh	06/28/80	5	F	N
8565938	Osborn	09/23/85	Smoke & Fire	Stephen M. Kalebaugh	09/22/84	4	M	N
856947	Shishmaref	10/05/85		Gideon K. Barr Jr	03/04/52	33	M	N

1984

DEATH STATISTICS

CASE#	PLACE OF DEATH	DATE	CAUSE OF DEATH	NAME OF VICTIM	D.O.B.	AGE/SEX/ALCOHOL		
841225	Elim	02/01/84	Natural Causes	Judeth Moses	01/01/05	78	F	N
841488	Teller	03/28/84	Natural Causes	Henry Octuck	10/15/43	40	M	Y
841750	Unalakleet	04/23/84	Suffocation	Bernard P. Hunt	11/20/83	6m	M	N
841827	White Mountain	04/28/84	Natural Causes	William Komakhuk	12/24/06	77	M	N
842371	Unalakleet	05/22/84	Accidental-boat	Ray A. Oyoumick	02/20/48	37	M	N
8404306	Nome	05/28/84	Aircraft Accident	Kathy Walters	03/18/58	26	F	Y
8404306	Nome	05/28/84	Aircraft Accident	Dale Fosdick	08/20/48	36	M	Y
8404306	Nome	05/28/84	Aircraft Accident	James Boone	07/02/55	28	M	Y
8414012	Noatak	06/26/84	Natural Causes	Andrew Booth	10/06/04	79	M	N
8419544	White Mountain	07/28/84	Natural Causes	Alex Ashenfelter	01/24/13	77	M	N
8420978	L. Noatak Riv	08/03/84	Aircraft Accident	Percy Jackson Jr.	11/21/50	33	M	Y
8420978	L. Noatak Riv	08/03/84	Aircraft Accident	James Riley Jr.	03/03/61	23	M	Y
8434886	Unalakleet	10/04/84	Suicide	Ben Katchatag	07/15/38	47	M	Y
8441245	Noorvik	10/31/84	Suicide	Elvina L. Brown	07/06/64	20	F	Y
8441996	Selawik	11/05/84	Murder II-Knife	Bryant Tikit	12/06/58	25	M	Y
8449530	Selawik	12/05/84	MVA-Snowmobile	Anna V. Costley	03/18/52	32	F	N
8449530	Selawik	12/05/84	MVA-Snowmobile	James F. Costley	05/28/75	9	M	N

Laurel Otto

The present Local Option law(s):

- are too severe on penalties for villagers with low income.
- enforcement is a problem (State Troopers are too slow in responding to local option criminal offenses.)

Suggestions:

1. Lighten penalties to capabilities of local governments and let local governments set penalties by Ordinance.
2. Include banning of Alcohol in the Options.
3. Also include the making of homebrews, in the banning law.

The City Council of Nunapitchuk wrote to Governor Sheffield over the past year and yourself (Binkley) to vote on a regionwide basis on an Election District.

(Read the typed paper on voting by Election District.)

Add a subsection C to Section 04.11.502, "Procedure for Local Option Elections". Section C to read as follows:

- (C) The lieutenant governor, whenever 35 percent of the registered voters residing within a 50 mile radius from a 3,000 people municipality or village petition the lieutenant governor to do so, shall place upon a separate ballot that question or combination of questions that adversely affects the region set out in AS 04.11.490 - 04.11.500 which constitutes the subject of the petition.

----- 25 mile radius ----- 12 precincts

Oscarville, Napaskiak, Napakiak, Atmautluak, Nunapitchuk, Akiachak, Kwethluk, Akiak, Kasigluk, Bethel 1, Bethel 2 and Bethel 3.

----- 50 mile radius ----- 16 precincts

Oscarville, Napaskiak, Napakiak, Atmautluak, Nunapitchuk, Akiachak, Kwethluk, Akiak, Tuluksak, Kasigluk, Tuntutuliak, Eek, Bethel 1, Bethel 2 and Bethel 3.

----- Lower Kuskokwim District 25 ----- 24 precincts

Akiachak, Akiak, Atmautluak, Bethel 1, Bethel 2, Bethel 3, Cheforak, Eek, Goodnews Bay, Kasigluk, Kipnuk, Kongignak, Kwethluk, Kwigillingok, Mekoryuk, Napakiak, Napaskiak, Nextok, Nightmute, Nunapitchuk, Quinhagak, Tocksook Bay, Tuntutuliak and Tununak.

----- State of Alaska ----- Election Districts -----

14 Senate Districts

MEKORYUK ALASKA

November 16 19 85

Johne Binkley
Representative
Yukon Kuskokwim Delta
P. O. Box 1672
Bethel, Alaska 99559

Dear Binkley;

I have receive your informing letter today and I am write you back Because you write me a very important letter.

Now on this Purpose of Hearing and Testimony is very important to me about this ALCOHOL Problems is very important for the People in Alaska Villages.

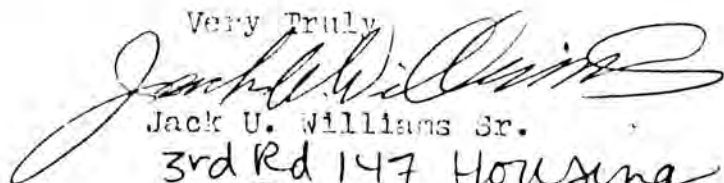
And I am very much like to Attend in this Hearing but I got no time to attend on your meet in Bethel, And I am like to Testify about this Alcohol and Drug and some kind of Smoking beside of Cig. Dope some thing like this.

But I have no time to attend Because I will go to Nome for meet with Fish and Wildlife Service, And also meet with Alaska Eskimo Malrus Commission .

I will leave from Mekoryuk Nov. 18 to Bethel and From Bethel to Anchorage on 19 and move out to Nome on 20 and start meet in Evening, And on 21 in the morning till night and next day on 22 meet again and then start to go home.

So Thank you very much let me hear from you so see you some day.

Very Truly



Jack U. Williams Sr.

3rd Rd 147 Housing
PO Box 81
Mekoryuk 99630-0081

JUW;

November 21, 1985

From: Alexie Kassel Sr.
Public Service Aide
Kasigluk, Alaska 99609

To: Ms. Otto
Local Option Committee
P.O. Box 1672
Bethel, Alaska 99559

Regards to All:

I have not testified at the hearing because there were so many people that wanted to testify. Since the Privacy Act was made known to us, I have been watching and listening to the people, and as I do, there seems to be a need to clearly understand the definition of the Privacy Act. To me Privacy Act is for all individuals not just the head of household or the offender of the law. And to me a person who is drunck and conducts disorderly is depriving his family members of their privacy and happiness. I am in favor of ban of possession.

There is also the problem which occurs from Alcohol and that is when the head of household leaves his family for long time to places like Bethel and Anchorage and spends his money on booze.

There should be provision in the law to prevent this from happening.

Legislators seems to be interested only in crimes and deaths that are caused by alcohol abusers, but also bear in mind that unhappiness is the major cause of many health problems both mentally and phically. And also people that committed suicide are the indirect victims of alcohol abusers.

That is all I have to say for now.

Sincerely,

Alexie Kassel Sr.



Leonard Nowpukahole
Gambell

Home brew should be banned
passion of alcohol should be banned
State people are not here all the time
social drinking → → → alcoholism
troopers should come here after

Alcohol is irrelevant.

irrelevant problems lack local understanding

Drugs too

277



November 25, 1985

John Binkley, Representative
Local Option Committee
Box 1672
Bethel, Alaska 99559

Dear Representative Binkley,

I was unable to attend and testify at the recently held meeting in Aniak concerning Alcohol Abuse and the Local Option Law. I wish to submit the following comments as testimony.

I have been Director of the KNA Community Counseling Center for four months. During my brief tenure there have been ten deaths in the region. All but one death was either directly or indirectly alcohol-related. The KNA Region has a population of approximately fourteen hundred. If the present rate of death persists, I shudder to think how many of us will be left alive a year from now...

My review of annual statistical data collected by the Center during FY85 reveals that the majority of our referrals come from the court. By and large, the court-referred person is an unemployed, single, male between the ages of 18-40 years. Diagnostically, the majority of our referrals display an episodic pattern of alcohol abuse. Meaning that we are not seeing the chronic alcoholic in a classically diagnostic sense. Often, the court-referred person has been before the court more than once. Often, the court-referred person indicates upon intake that they are willing and looking for work. However, opportunities for work irrespective of training seem limited and largely seasonal. In effect, what we see is a seemingly no-win situation for these people in the short-term.

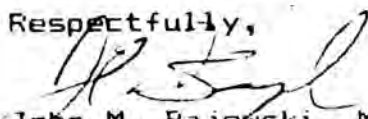
I do not know if providing the option for a community to ban personal possession and subsequent consumption of alcohol is the answer. I tend to think not. In fact, I believe there is no easy answer to the epidemic we are facing. The bottomline is that individuals need to take responsibility for their actions. In my experience no law is truly enforceable without individuals willing and actively enforcing the law in their day to day lives without outside intervention or enforcement. Sleetmute for example has banned importation of alcohol into their village. Though people continue to drink. Violence continues...And the repercussions throughout each and every family persists. I believe part of the solution rests in providing educational experiences, especially to youth of our villages. Thereby, working from a preventive perspective. And sadly, I believe that with many adults, whose learning patterns are well established

Representative John Binkley
November 25, 1985
Page 2 of 2

we can provide care in a remedial or treatment approach. For healthier villages, we can work closely with City and Traditional Councils, Schools, as well as other positive adult role models to provide information and support in their ongoing process.

Finally, I'll add that consistently I've heard various state officials from the Governor on down the ranks allude to declining oil revenues as an indicator that human services are going to have to bite the bullet so to speak when it comes to funding. As a representative of the people, in coordination with other representatives, I hope you will have the foresight to fight for increased funding during these upcoming leaner years. Because as most people in the human services know, when revenues decrease, day to day stress seems to increase resulting in a greater need for help. And often those denied services are the one's who need assistance the most.

Respectfully,


John M. Bajowski, M.A.
Director

cc: Leo Morgan, KNA Executive Director

DAVID DAWID

Tuatutuli, AK 99680

11/25/85

LOCAL OPTION COMMITTEE
Box 1672
Bethel, 99559

DEAR SIR:

THIS IS MY SAY SO ON LOCAL OPTION.

First of all banning possession will not work but make things worse, like banning importation really never worked and this place Certain People got picked up and thrown book at, and usual law breakers get away with it. (still happening)
We did not have real serious problems before it was voted illegal. ~~Resident~~ People residing at this place outlamed it just because other villages were doing it.

THERE SHOULD BE EXCEPTIONS WRITTEN INTO THE LAW FOR ~~an~~ example:

WE PAY YEARLY FEES TO OBTAIN SPECIAL PERMITS TO IMPORT AND POSSESS ALCOHOL. WITH RESTRICTIONS WHEN FILLING OUT PERMIT APPLICATIONS, LIKE FILLING OUT HAND GUN APPLICATIONS AND WHEN YOU VIOLATE THE LAW W/ ALCOHOL RELATED YOU LOSE PERMIT AND PAY FINES AND JAIL TERMS.
THIS IS BEST WAY TO CONTROL ALCOHOL. I KNOW PATC IS DOING POOREST OF JOB ON ALCOHOLISM.

There will always be alcohol and we should cope with it. Try to control it as best as we can.

P.S.

I noticed that there is more dope sold down here too, COKE, MARIJUANA, YOU NAME IT, IT'S DOWN HERE.
There should be some things done about this too!

Thank You for your time
David Dawid

Dec. 12, 1985

To whom it may concern,

I wanted to give testimony on the local option law when you were in Selawik this am. But because there wasn't enough time I'm writing you instead.

This is the eighth year which I have been a resident here in Selawik so I have seen it both, before and after the local option law went into effect. I have severe reservations about the effectiveness of the law. I feel that the alcohol problem here is the same if not worse since the law went into effect.

I had my doubts about the law when we first voted on it because I never felt it addressed any of the causes of alcohol abuse. All the causes are still here. The only

difference is that those with alcohol problems are now criminals ~~and~~ with criminal records.

It's funny, when the law went into effect I didn't think it would affect me personally much since I would ^{only} rarely have a drink. But after I was told by a law that I couldn't have it... I found myself wanting to have a drink more often. I guess that's human nature... to want something that we are told we can't have. It really became a challenging game to many to see how they could get it. (Needless to say... on the other side of the coin is the difficulty in enforcement of this law).

I've always heard that the individual with a drug or alcohol problem has to make the decision themselves to stop drinking before any effective treatment can ~~have~~ begin.

Well, the local option law puts an artificial exterior restraint on the individual - Its ineffective... the person's desire for alcohol is still there and possibly ~~very~~ made stronger by this external restraint.

I feel like we are caught in a trap now. The law has changed things very little here but if ^{we} vote it out things will be worse than they were before we ever had local option. Let me explain... When Selawick voted the option out and we didn't have the law for several months, everyone expected to see quite a bash at first. But the problem was that the party never ended for many people. Several were drunk for months. - a result of not taking the responsibility for their own restraint?

Why make your own restraints when someone else is always doing it for you? What does it teach you about taking responsibility for your own existence?

Rather than restricting alcohol consumption with more legislation and laws prohibiting its use, possession, and making of home brew. I would like to see energies and monies going towards concerns which address some of the causes. I have seen the ~~results~~ positive results of employment and ~~self-worth~~ completion of a training program on a couple of young friends here in Selawik. One friend is still fighting an alcohol addiction but after the continuing support of a good friend was able to have one success after another in ~~exp~~ completing a vocational training. She is now gone on and is continuing her education outside.

The second individual has gone from being a very bitter person who was always ready to jump on anyone and everyone about anything. She tried for a long time to sell hand-made items to make it but finally was able to set up her own business about 7 months ago. She is supporting herself, able to get off the welfare system, and able to move into a place of her own. Just being able to work has had a dramatic effect on her. She is pleasant now and often has a smile.

These two examples are reason to me to strongly urge you to look in a different direction when dealing with the alcohol problems in the bush. Lets quite trying to fix things on the facade (as with local option) and get down to the foundation

where the only truly effective
repairs can be made.

Thank you for your time and
concern. (and having the patience
to read thru a somewhat muddled
letter.)

Sincerely,

Sandy Stolle

Box 0101

Selawik, Ak.

99770