

ALASKA LEGISLATURE SPECIAL COMMITTEE / SUBJECT FILE 8672
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without risk of a damage suit; the mayor indicated he was willing to risk the suit. Other councils, when informed that their bans of possession, their search procedures, and so on were unconstitutional altered their formal actions. However, the response of many communities was "What do you mean we can't? We'll do what-ever is necessary, regardless."

These actions include:

- universal search of all luggage, cargo, and passengers
- X-ray of all baggage
- banning all possession and consumption
- illegal search
- banning the manufacture of homebrew
- seizing all transport vehicles
- selective searches of individuals
- selective blacklisting of individuals from ability to purchase
- selective blacklisting of individuals who are required to be searched
- banning only certain alcoholic substances (beer, wine, spirits, by percent of alcohol)
- limiting amounts that may be imported, by person, by time period
- exempting bans during specific purposes (e.g., fairs, potlatches, holidays, celebrations, birthdays) and periods (e.g., weekends).

Actions suggested by but not adopted by villages include the issuance of a revocable drinking license, issued to individuals and limited to specific substances or amounts. These actions occur both in conjunction with and separate from the adoption of a local option. It is unclear whether councils and communities recognize that these actions are not authorized by nor derive from the local option law; it is also unclear whether these extra-legal and illegal actions unduly disturb these control agents.

Western law allows for the control of access to alcohol (no sale or no sale/ no importation) and it allows for punishment of criminal behaviors performed while intoxicated. What Western law appears less able to do is to allow access to alcohol on a discriminatory basis nor can it intervene in behavior from a preventive standpoint. That is to say, Western law could not "black list" cer-

tain community residents from having alcohol while allowing others to have it. Nor can Western law stop an individual from drinking more than a certain volume of alcohol on the basis that if he/she drank more, he/she would abuse his/her children.

Formal systems of law cannot be this flexible or discriminatory. The informal systems, which cannot be legislated, are the only means of ensuring controls over both the substance and the individual consumer. Community consensus and community action in response to the consensus establishes this informal system.

What appears to be of greater concern to communities than the noncongruence of western and local law and law enforcement methods is the relative success of these control efforts. This is measured by significant changes in perceived alcohol-related problems.

One measure of the success of local rules on alcohol importation or use/possession is a total absence of alcohol and its use in the community. Few, if any, communities have achieved this level of success; no community touched by this study reported such success. All communities reported that drinking was still going on, which disturbs some residents more than others, depending on their level and type of concern; however, since the majority of community members either hoped or thought that, following rule-making, there would be no drinking at all, there is often considerable disappointment at the failures -- lack of successful voluntary adherence to local rule, lack of successful enforcement tools and methods, and continuing drinking (at some level) in the community. On the other hand, since much of the community concern is with alcohol-related public behaviors and violence rather than with private drinking, communities see their option as "sort of working"; they "sort of overlook" the remaining drinking as long as behaviors do not overstep other residents' standards, rights, or safety. This creates a new synthesis, wherein law is not stringently enforced and behaviors are kept within tolerable bounds.

D. Selective Enforcement

Some simple statutes, such as the local option law, are by their nature both rigid and exact. They do not lend themselves to the flexibility of methods and selectivity of enforcement desired by many rural residents. Villages express a desire for the enforcement of local laws to be selective -- by person, practice, and season. For example, many villages will identify those persons whose access to and use of alcohol should be absolutely banned; conversely they will identify those persons whose private use is non-problematic. Selectivity may be used to control or punish "outsiders", seasonal visitors (such as miners, fishermen, firefighters, construction workers), and "bad people". Villages will suggest that, even under option #4, drinking in private and importing small quantities should not be banned.

Similarly, they suggest that there are periods of the year when alcohol control measures should be either more stringently enforced and other periods when enforcement should be relaxed. This selectivity, as it actually occurs, is not legally sanctioned under the local option law; thus, its application to a particular individual or time or substance may be construed as arbitrary.

On the other hand, in most communities, the priorities of law enforcement officials are dictated by councils and these constantly change as the community assesses its changing pattern of problems. This power to shape the enforcement effort is as significant a tool of local self-control as is the ability to manipulate or interpret the meaning of laws. In fact, selective enforcement was available earlier, when communities had the power to pass emergency ordinances which could be targeted to control persons, practices, and seasons.

One of the principal instruments of selective enforcement is the VPSO who receives his directions directly from the council. For the VPSO to act without this direction would put him/her in serious jeopardy. In different villages, the VPSO is told to search all or only some cargo and luggage, to interrupt only

bulk importation of alcohol, to selectively search only certain individuals, to perform a variety of illegal searches and seizures, and to report only certain persons to the trooper for criminal investigation and prosecution. For example, one community was interested in voting for "no sale, no importation" primarily to stop serious bootlegging. One resident said that they would have to bring in a jumbo aircraft to take away everyone who imports.

Selective enforcement by season places the VPSO in the greatest difficulty because, during those periods, the law is violated in a visible and wholesale fashion. During this period, the VPSO will be either sent out of the village, participate in the violation, or simply be stymied because he lacks council and community support.

Alcohol control is not the only area of selective enforcement by the VPSO. Other examples of selective enforcement by VPSOs include fish and game regulations. Alcohol and fish and game regulations are the hardest laws for VPSOs to enforce, because of family and cultural obligations and traditions.

The demand for selective enforcement is often difficult for those VPSOs who feel that they are true police officers, responsible to the state for uniform application of laws. It is also difficult for those citizens who voted for "no sale, no importation" and really meant that there would be absolutely no alcohol tolerated in the community. It is expectable that, over time, strict enforcement of any law will wax and wane, depending on community feeling. For example, village elders are likely to demand stringent and uniform application over time. Others, whose vote was in reaction to a serious tragic event, will lose interest over time. Selective enforcement is likely to be supported by younger people, including the VPSO who is likely to be a member of this peer group.

E. Symbolic Rules and Self-Indications

It is not possible to conclude from an overwhelming vote in favor of banning the sale and importation of alcohol that the voters actually intend to prohibit all access to or use of alcohol. Many voters are willing to support such an option because they see that the option will assist the community in managing its major problem; however, they do not see their own use of alcohol as part of that problem. For example, in one village, the city council members partied for a week, then met formally to levy a fine against itself for having violated the law. In this sense, the village is gesturing to itself, particularly to some of its most abusive drinkers and recalcitrant, lawless members, that it intends to control behavior. It is also gesturing to the village youth that drinking is a bad activity. This use of symbolic gesture gains significance when one recalls that the passage of the local option law and the adoption of a community option does not result in any increase in enforcement and judicial resources or efforts.

Some communities regularly indicate to themselves that they continue to support these community controls. In one village, for example, the residents regularly sign a petition re-affirming their individual and collective support for council ordinance banning alcohol. This re-affirmation indicates not only support of the ban, but the individual assenting to and sanctioning the authority of the community and giving control to the community. By assenting to this "contract", the individual is self-imposing a law and is therefore not having the will of the majority imposed on him/her. Admittedly, some residents place their names on the petition under the weight of peer pressure; on the other hand, when they are accused of having violated the law, the indictment is not that they have violated the will of the majority but have violated a freely-entered contract with the community.

F. Real and Certain Enforcement and Penalty

A significant problem for village law in transitional communities (that is, communities which no longer exercise traditional authority and which lack sufficient law enforcement and judicial control) is making the violators of laws see the resulting penalties as real and certain. Penalties appear real and certain if 1) law enforcement personnel are readily at hand, 2) judicial functions are readily at hand, and 3) conviction and penalty are not easily avoided. In those situations where local law enforcement is absent, where communications, transportation, and logistics delay trooper response, where evidence is easily lost or mishandled, where testimony long after the fact is difficult to secure, where witnesses must leave their home communities to testify, where judicial personnel are unfamiliar with village conditions, history, organization, and persons, and where detention or other punishment cannot be assured in the village, penalties for violations are not seen as real. Even in the instances of successful arrest, prosecution, and time served in jail, the home community may not view the outcome as successful, particularly if the community views the time served as either insufficient or excessive (compared to the offense, the situation of the offender or his family, or the standards of the community) or if the community feels that the return of the offender is threatening. Even though the troopers tend to be in fairly uniform support of the formal and informal village methods to control alcohol, they cannot shorten the time between report and conviction in the formal external system. Each step in that system is time consuming and energy-consuming, with no certitude of success.

Conn (8, p. 23) points out that "inadequate trooper response...destroys the credibility of village law within its own realm. That credibility is, in part, state determined." Inadequate trooper response does not necessarily mean that the troopers have failed to meet their obligations but that there is a limited number of troopers scattered throughout the Bush areas, travel is complicated,

travel time is lengthy, response times are often slow, troopers often hesitate to come to the village on minor matters or to intervene in developing problems, and troopers often appear only following a serious act of violence.

As a consequence, villages are often left to their own devices to enforce their laws and intentions. Those communities which use traditional and informal means to control alcohol use are bound by less rigorous (and often extralegal) means and standards for identifying violators, trying and convicting violators, and fining or otherwise punishing them. There is little uncertainty about conviction and punishment under these circumstances. For example, while bootlegging may remain invisible to a non-local judge basing his understanding on admissible testimony and evidence only, bootlegging in the village is a very visible activity.

State troopers, city police, VPSOs, magistrates, and judges are bound by more stringent legal standards and means -- civil rights, the handling of evidence, "probable cause", and so on. The development of legal evidence often requires a great deal of time and effort by both the VPSO and the trooper. By the time the trial occurs, the village is no longer interested in the crime or the criminal, because the final result is uncertain, delayed, and of little utility. That is, the community is interested in modifying the behavior of its members; delayed and uncertain punishment is not perceived to modify behavior effectively. It results in only retributive justice, a product of little use to a community which values its members.

Some village residents suggest that penalties would be more "real" if trials were held in the village and penalties served in the close and unpleasant confines of village detention facilities and/or in VPSO supervised community service work. They suggest the most rigorous pursuit and punishment of cases of organized bootlegging and other alcohol-related felonies, and more personalized

penalties for misdemeanants. The exact penalty, they suggest, should be stringent enough to result in positive behaviors, but also related to the life situation of the offender; "what purpose," they ask, "is served by placing an unemployed person in a warm jail cell for 15 days?" Villages are more concerned that the penalty fit the individual than that the penalty fit the crime.

Penalties become "real" only when residents report on one another to the council or to law enforcement personnel, when trial and conviction are fairly certain, when penalties are perceived as neither too weak nor too stringent to alter behavior, and when the enforcement of the penalty is also seen as uncertain.

Enforcing the law in the formal system introduces a component which is relatively new in village life -- reporting of a resident's behavior to an external authority. This is distinctly different from the traditional forms of social control through visiting, talking, and shaming. Reporting is, most commonly, an individual act that is not shared with the rest of the village. An individual reports someone to a VPSO or trooper and testifies in writing or in public.

The more inter-related the village and its members, the stronger will be the feelings of guilt about reporting on the unlawful behaviors of other members. The cost to the reporting member can be heavier than the penalty applied to the lawbreaking member; these costs include guilt about penalty itself, concern that the penalty (such as jail, money, or vehicle loss) will damage the offender or his family, violation of family ties, violation of trust, individuation within the community, fear of retaliation. It is difficult for informers to remain anonymous since:

- 1) criminal defendants have the right to confront witnesses against them
- 2) background investigation must be accomplished to determine the likely veracity of witnesses supporting a search warrant
- 3) the informer, to have such vital knowledge, may have been an active

participant in the violation.

It appears that anonymity of reporting can be maintained only if 1) the accused freely admits his/her violation, 2) the prosecution can present sufficient alternative evidence, 3) there can be proved a danger to the informer, 4) the informer was not a witness but only a "tipster", or 5) the informer was only one of several witnesses. Reporting can be done with greater relative safety and cost if a group (e.g., council, elders, consensus) conducts the reporting and has a voice in suggesting or determining the appropriate penalty. Reporting is enhanced when the residents can report to an internal rather than external agency and when the village can either recommend or effectuate a person-specific penalty.

If residents have little or no say or contribution to assigning the penalty, they hesitate to report for fear that the penalty will be too damaging to the individual or, alternatively, insufficiently protective of the village.

Indeed, Conn (8, p. 23) reports that

"when villages complained...that offenders returned home to their villages on the next plane after their arrest and before victims returned from hospitals, they communicated a concern about state justice which not only reflected their perception of its activity but one that suggested that the offender's rapid return affected ongoing collaboration [between the village and state justice systems]. Defendants had been released on their own recognizance because each enjoyed a constitutional right to bail. They may have returned with restrictions placed on drinking and use of firearms, but these restrictions were not communicated. Even when the chief justice issued a memorandum asking that restrictions be explained, field operatives were uncertain as to whom to communicate this information. Villagers were uncertain as to who was to react to this information on behalf of the State."

Villagers reported that, on many occasions, the offender returned home earlier than the witnesses who had gone to court to testify.

Many villagers report that judges are excessively lenient with offenders, often giving them suspended sentences with minimal conditions and sending them

to their home communities without fine or jail time. One judge was even reported to be lenient with bootleggers, under the assumption that the villagers wanted bootlegging. Villagers view that, in these court actions, no action was taken.

In an attempt to address the problem of courts returning an offender in a shorter period of time than the community wanted or was willing to tolerate, councils and others will write directly to the courts or through the troopers, indicating their level of concern and their desires. On occasion, judges have been reported as making exile from the community for a specified period of time a condition of probation.

While the villages understand some of the constraints on the western system, they find that it continues to place both villagers and offenders at increased risk. The villagers are placed at greater risk by having the offender returned home without penalty (thus encouraged in their negative behaviors) and angry enough to seek retaliation on reporters and witnesses. Similarly, villages without effective police powers or agents can provide little protection for the drinkers themselves; that is, these villages are not sheltered environments for the drinkers, either. They can protect neither the offender from his own actions nor those of others.

Given this lack of protection, villages find themselves compelled to deal with the negative effects of drinking such as loss of life, fear among elders, neglect and abuse of women and children, and failure of village officials to perform adequately in their community, council, or corporate roles. The communities turn to either formal or informal, legitimate or illegitimate authority and means to protect themselves.

There is a very long history of Alaska Native disappointment with law enforcement, prosecution, and judicial systems in their perceived failure to actively

pursue alcohol-related violations. This has led to growing disrespect and disregard for the law and its agents. Villages' belief in the reality of external enforcement of the local option law occurred when a village reported and the troopers arrested a trooper who allegedly violated that law. The successful prosecution of that trooper enhanced the villages' feeling that the State was serious about this law and that internal power was more effective when it was tied to external power. Their feelings of some magical new control and effectiveness were seriously dampened when the penalty assigned to that trooper was perceived as insignificant.

The short-term costs associated with failure to arrest, prosecute, convict, and punish violators of the local option law include erosion of community morale and self-confidence and continuation of alcohol use and related-problems. The long-term costs are, potentially, as or more severe; if this high-profile law were ignored without penalty, it is feared that young people will follow bad role models in lawless and irresponsible patterns of behavior. Thus, villages feel, short-term positive outcomes, unless supported by long-term correction of system-wide deficiencies in the enforcement and judicial systems, are an insufficient and misleading measure of long-term success.

Communities find that enforcement of the local option law is more complicated and difficult than is the passage of this law. Some factors which contribute to this difficulty:

- the unworked out relationships among traditional informal and formal enforcement methods and the new systems relying on new enforcers (e.g., VPSOs) and external enforcers (e.g., state troopers)
- the required level of political, physical, psychological, and technical support for the VPSO from the community, the council, and the state troopers
- the reluctance to report violations to the VPSO and/or the trooper, due to family ties, lack of investment in external judicial and corrections systems, the time lag between offense and arrest, and uncertainty in the minds of the reporters about whether their reporting is helping or damaging the offender

- the variable factor of the white residents in villages, some of whom support such controls, some of whom reject not only the ordinances but the authority of traditional village councils.

G. Enforcement Personnel

The presence of law enforcement is absolutely critical to successful implementation of the local option law. Such law enforcement can be in the form of state troopers, city police, constables, VPSOs, council presidents or chiefs, entire councils, community committees, or the community as a whole. Each of these has its own costs and benefits. In general, the more external the system, the more fear is created of serious penalties; on the other hand, the more external the system, the more likely that it is seen as too distant or too self-constrained (by rules of evidence, by legal charge) to be an effective deterrent.

The more local the law enforcement, the more pressure can be brought to bear, by political or illegitimate means, to deter real law enforcement. The more that local systems delegate the enforcement authority and responsibility on specific individuals (e.g., mayor, VPSO), the more vulnerable these individuals become to isolation, personal risk, and abandonment of their charge. The low pay, low prestige, long hours, and other personal costs of local formal law enforcement encourage these feelings of isolation.

These individuals are vulnerable to intense pressures, unless they are publicly, physically, and psychologically well-supported by other community members. For example, in one instance, a young council president was ostracized by some community members and had important personal property destroyed by anonymous vandals. He persisted because he:

- 1) saw that the future of his village culture rested with the young
- 2) the young were damaged by their own alcohol use and the practices of their peers and parents
- 3) it was incumbent on him to save the culture by protecting

the young through vigorous enforcement of the local option law.

The local option law can be an effective statute when the community, its VPSO, and the trooper work together, to report, collect and maintain evidence, conduct investigations, monitor the actions of the alleged violator not only in the home village but elsewhere, establish probable cause for search and arrest, testify in court, and so on. In the attempt to control the flow of alcohol, the community cannot enforce intermittently, on a selective case-by-case basis only. Enforcement of the local option law does not rely on the individual reporting of a violation, but on the constant vigilance and determination of residents and the VPSO to intercept illegal importation. That constancy is undermined the greater the distance in time from the tragic events which precipitated the vote, the more unwieldy and ineffective prosecution appears, and the more the younger people successfully challenge, ignore, or forget the law and the authority of the community.

Even the VPSO will hesitate to provide constant effort in enforcement of the local option, particularly the "less serious" infractions such as importing a small amount for personal and private use. This hesitancy is due to:

- uncertain council or community interest and support
- problems in obtaining and maintaining evidence
- inability to engage in illegal search and seizure
- heavy paperwork burdens
- pressure, even threats, from friends and relatives
- other job priorities
- their own violations of alcohol restrictions
- discontent with the legal process and procedures
- successful challenge by offenders who understand and use their rights
- the effort required to intercept alcohol through its several access routes, transportation methods, and schedules, particularly in communities connected by road to retailing or exporting communities.

H. The "Problem" of Legal Requirements

The effectiveness of the local option law is constrained by normal legal and police procedures, such as establishing probable cause, issuing warrants, gathering and maintaining evidence, and so on. Early in the local option law implementation process, there was a lack of civil rights knowledge and education among local law enforcement personnel as well as residents. One of the consequences of this lack of knowledge was the development of very effective search methods applied to persons and cargo entering the community. As civil rights education improved, searches became more restricted, less enthusiastic, and less effective, resulting in reduced search effort and increased importation. Some communities interpreted this change as reduced VPSO effort rather than as a response to limited powers, methods, and success. It also appeared that VPSOs were selectively enforcing the law on the easiest targets -- drunks, rather than on the more covert and cautious bootleggers.

The stringent requirement for the proper handling of evidence coupled with many residents' reluctance to testify and the violators' knowledge of civil rights often result in an inability to assure conviction and penalty. This is particularly true for those cases which involve chronic violators who have had extensive experience with the courts, who refuse to have their cases heard by local magistrates, who refuse to plead guilty to the charge, and who demand legal counsel. Thus, those who are most likely to be successfully prosecuted under the law are those who:

- are not chronic or serious violators
- have little prior experience with law enforcement
- freely admit their guilt to the charge
- freely accept the penalty imposed by the magistrate or council.

Since the law is least successful in curbing the behaviors of the most recalcitrant and dangerous offenders (that is, specifically those that the com-

munity wished to control through a local option), some residents view the product of this process as neither appropriate and equal justice nor meeting community objectives.

Some of the evidence which had been presented against violators in the early stages of local option law implementation was the product of illegal search and seizure. While some was gathered by VPSOs new to the legal system, much was also due to illegal search and seizure by council members and other private citizens. These took the form of establishing illegal roadblocks and searching all private vehicles, searching all airline luggage and cargo, and breaking into private homes where drinking was occurring. Since neither public officials nor private citizens may violate the civil rights of other citizens, the product of these illegal actions may not be admissible evidence in court and those who violated these civil rights are open to legal action, both criminal and civil. In addition, it is possible that law enforcement officials receiving the illegally obtained evidence from private citizens may be accused of complicity in those illegal acts, since it may be construed that these citizens were acting at the direction of law enforcement officials.

One of the peculiarities of the local option law is that, as noted earlier in this report, since the most restrictive option is "no sale, no importation", a person who possesses or uses alcohol within the village boundaries may be doing so legally, even though he or she has violated the "no importation" clause. In effect, since the law does not make possession, use, consumption, or drunk-in-public illegal, the ban on importation can be enforced only as the person is transporting the alcohol through the community boundaries; this seems to reward the successful covert importation and importer.

The authors have found few cases of successful prosecution of a violation of the local option law where the possession of alcohol was construed by the court as "circumstantial evidence" that the ban on importation had been violated. It

is primarily those cases in which the violator freely admits his guilt that possession has been successfully equated with illegal importation.

It is not clear to what degree possessing alcohol or appearing intoxicated in public has been used as "probable cause" in seeking a search warrant or making an arrest under the local option law. In an effort to establish "probable cause" to, for example, search luggage, VPSOs and council have tried a variety of means; these include conducting searches on anonymous tips, asking that villagers and others submit to voluntary random searches (with refusal used to indicate probable cause), and other techniques. Since VPSOs and troopers are few in number, some citizens have attempted to make "citizen's arrests" of persons they thought, knew, or perceived were violating the ban on importation, only to discover that the power to make citizen's arrests was limited to direct knowledge of or good reason to believe that a felony was about to take place or was taking place.

Information that would constitute probable cause to believe that a local option law violation is taking place and intervention is warranted transcends the commonsense logic of the average citizen. Knowledge of a fellow resident's drinking history coupled with the fact that the resident was returning from the regional hub could constitute sufficient probable cause for a formal or informal community enforcement response and yet be insufficient and even illegal as perceived by a court.

In order to establish sufficient probable cause to sustain the issuance of a search warrant, courts require some tangible evidence, such as direct witnesses to a person unloading alcohol to a boat or plane, sales receipts for wholesale alcohol purchases, or having quantities of alcohol in plain view. Establishing this evidence in a legally prescribed manner is a slow, tedious, uncertain process which does not produce the immediate results desired by communities. It

generates the village perspective that the courts operate on the side of the individual violator against the welfare of the community.

There is no doubt that many communities were disappointed that they could not use such methods as universal X-ray of all luggage and cargo to stop the flow of alcohol because of constitutional limitations. They were also disappointed that similar constraints applied to airlines and their employees, that is, that these employees are also required to have a reasonable and supportable suspicion that a specific (not universal) search will uncover contraband alcohol and that such a search be free from the instigation or participation of government. Finally, both communities and law enforcement officials express concern that all persons in the chain of alcohol transportation in violation of the local option law do not appear to be equally culpable, that the law may not encompass transporters who deliver alcohol to points and persons just outside village boundaries unless the intent to violate the law can be clearly demonstrated.

Through repeated experiences with law enforcement, village residents have acquired a practical education in civil rights, discovering that 1) the violators were surrounded by many protections and 2) the community and the victims were somewhat less well protected. This education tends to both demoralize residents and their law enforcement agents and encourage a variety of extralegal and illegal controls.

The troopers attempt to ameliorate both the demoralization and the extralegal actions by taking specific actions such as:

- 1) encouraging local efforts to control access to alcohol
- 2) encouraging the reporting of violations
- 3) counselling the community on the limits of their rights and the risks of violating someone else's civil rights
- 4) trying to intercept the repeated violator at the point of alcohol purchase or while in transit
- 5) counseling the offender and letting him know that the trooper was watching him and was on the lookout for bootlegging, a serious offense

- 6) counseling manufacturers of homebrew that they had better avoid selling their product or giving it to minors.

Troopers were reported to support the villages' attempts to control their own affairs and to attempt, within the limits of the law, to support community actions. Where they have been called on complaints about illegal search and seizure, it is reported that they have counselled seriously with those offenders and have, concurrently, leaned heavily on the person importing the alcohol in violation of the local option.

It was suggested by many respondents that the weakest link in the enforcement of the local option law was not the VPSO, the trooper, the citizens, or the council, but the judicial system (e.g., prosecution, trial, conviction, sentencing). It has been noted elsewhere that neither law enforcement nor judicial bodies received additional resources under the local option law; for them, the local option law implementation is merely another task to be accomplished by already overcommitted resources. It has also been reported that many prosecutors and judges are disinterested in local option law misdemeanors.

The vast majority of cases that are made on the local option law are misdemeanors. Thus far, most of the few felony cases have been dismissed on various technicalities. It is, of course, far easier to obtain sufficient evidence and confessions for the successful conviction of misdemeanors than it is for felonies. So far, the role of magistrates in the local option law has been minimal since, in many cases, they function to take voluntary guilty pleas for Class A misdemeanors only and apply appropriate penalties. In more serious or contested cases, an accused person will be arraigned by a magistrate, plead not guilty, go to trial, be assigned a public defender, and there plead no contest. At sentencing, these cases are commonly given ten days in jail and 20-60 hours of community service.

The successful achievement of community expectations under the local option

law requires that the judicial system will apply appropriate penalties as a deterrent to future violations. This places a burden on the judicial system (whether a magistrate or a judge) to find those penalties which both further the objectives of the community and minimize the damage to individuals and families.

Some villages expressed a great fear that a non-local judge would impose a \$5000 penalty or a 30-day jail term on a village resident for a violation of the local option law. While observers have suggested that no judge would be likely to impose such a harsh judgement (cutting firewood for the council and other forms of community service are more common), this fear by villagers is difficult to assuage. Other villages expressed a concern that judges were too lenient, returning the violator to the community with a suspended sentence.

What is suggested as more desirable is trial and sentencing by a local judicial body or trial by an external body coupled with sentencing either determined by or recommended by the village council. These practices occur in a number of villages. A problem for councils is acquiring the means to be certain that locally-imposed fines or other penalties are paid. Some villages appear to believe that, if a resident continues to ignore the fines attached to violation of local ordinances, this constitutes grounds for trooper arrest and non-local prosecution; they are often disappointed to discover that troopers can respond only to violations of state and federal law.

XI. Dividing and Deciding on the Local Option Law

The issue of alcohol control in Native villages is as divisive a concern as can be found, because it engages a great range of village factors -- leadership, families, control, religion, economics, power, demographics, ethnicity, consensus, and so on. This chapter will depict some of these complexities to explain why many communities find decisionmaking about alcohol control so easy and others find it so difficult.

In general, the village attributes which are most likely to be predictive of holding a successful local option law are:

- a secure, activist, and strong village or city council
- a council which is not itself typified by abusive use of alcohol
- consolidation of or unanimity among all village power bases
- a population marked by stability, in terms of racial composition, migration, economy, goals, and problem rates
- a community desire and ability to identify problems, set goals, establish priorities, establish solutions, and take action as a community
- other difficult goal-directed actions taken by the community which indicate that the community can exercise self-control.

Some communities appear too divided or demoralized, at present, to organize themselves to utilize any of the options provided under state law. Other communities appear to have such strong and intact traditional purposes and forms of social control that they feel they have no need or less need of importing new external powers and control mechanisms. It appears that those communities that desire greater self-determination over aspects of their quality of life and whose traditional systems no longer suffice (for a variety of reasons) to meet these objectives are the most likely to look to the local option law and other tools to achieve their goals. In other words, the communities that are most

likely to avail themselves of the local option law are those that are in a transition, returning to a healthier, self-controlling state; these may be communities that have experienced a twenty-year decline in quality of life due to the historical factors which have pervaded these villages. Thus, it is suggested that the local option law does not create healthier communities but that healthier communities or communities that are becoming healthier are the ones most attracted to the local option law as an additional support.

It is worth recalling that the inability to develop formal city government is not a good predictor of failure to tackle the alcohol control issue. In many villages, the development of city government was not intended to produce new or consolidated governance, but merely to qualify for state-funded programs and facilities. It is also common for city governments to be plagued by high turnover in council membership, closely contested elections, problems in bookkeeping, and an inability to provide the basic functions, services, and tasks of city government; these problems may be more reflective of problems in dealing with the external source, forms, and requirements of formal governance than of the village's ability to control its daily life. For unincorporated communities, the local option law provides some of what a city government would provide but avoids some of the costs in energy, culture conflicts, and power conflicts inherent in continuous electoral government.

A. Power Conflicts

Perhaps the most basic question in assessing the use of power in a village is, who is in charge? As noted earlier in this report, there are many sources of power in a community including its various councils, powerful families, powerful individuals, economic interests (e.g., the store, the alcohol retailer, the village corporation), key officials, the residents as a consensual group, various age groups, the church, and so on. When any of these forces are

seriously divided on the alcohol control issue or on a particular solution or if they find their vital interests at risk, the likelihood of a successful local option law election or successful post-election enforcement is very small.

For example, in one community the IRA was very supportive of the local option law but the city council was opposed to it. The mayor blocked the holding of a local option law election and convinced the city council to enact an invalid emergency ordinance to prohibit the importation of distilled spirits. Meanwhile the IRA returned to the petition process for another try. In other communities, the clerk, the mayor, or the council have deliberately let petitions "die" by not meeting the time limitations. The complexity of the electoral procedures lends itself to these kinds of uses and abuses of office and the subsequent subverting of community consensus by opposed power blocs.

Sometimes, these divisions do not appear to be serious until after an election. Internal conflicts in the local power structure may not surface until the role and interests of different local institutions clash over enforcement. For example, a group of residents invested in maintaining traditional values initiates a petition for Option #4. They receive the support of the IRA council. The city council and the mayor find themselves opposing the passage of the option, but because they fear that the community will blame them for the loss of services produced by the loss of tax revenues from liquor sales or that they will be the "bad guys" when residents and relatives are arrested for violations. Option #4 passes, and the city council must enforce it, but receives no support from the IRA council because the local option law (which the IRA council supported) is a state law and therefore the responsibility of the city council.

B. Conflicts among Vested Economic Interests

Where economic vested interests and other power bases act in concert, the local option law may be perceived to be of little value. For example, in one

community, the alcohol retail outlet, owned by the village corporation, generates sizeable profits by selling alcohol to visiting tourists; rather than closing this outlet, the community agrees that it will limit hours of operations and the amount of alcohol that can be sold to individual village residents. In another community, the IRA owns and operates the alcohol retail outlet, generating income to itself and tax revenues to the city. The city provides the police authority to control alcohol problems and retains the ability to regulate the operations of the retail outlet by ordinance. In fact, the IRA council, the city council, and the health council have overlapping memberships and combine to finely-tune their control over alcohol without having to rely on law-making.

In many other situations, conflicts arise when one local group is vested in catering to the demands of visitors while other groups have little or no interest in this enterprise. For example, in one community, a hunting lodge owned by white hunting guides catered to fly-in hunters; the Native community had no investment in this enterprise and was opposed to this outlet and its license. As Alaska develops its tourist industry, those communities most affected by this development will be less likely to restrict this lucrative economic activity.

In some cases, alcohol sales subsidize the unprofitable portion of the village store. In these instances, there may be a significant difference of opinion about whether the best solution is to continue alcohol sales, discontinue the sales, raise the food prices, improve the management of the store, and so on.

Similarly, communities with competing alcohol retail license applicants may decide that the local option law is a less effective tool than the liquor license protest to ensure that the preferred applicant receives a license and the others are refused. It is primarily when the preferred retailer is the village corporation, the IRA, or the city government that Options #1 and #2 of

the local option law appear attractive.

These economic interests may be translated into votes, as both problem drinkers and non-problem drinkers support the maintenance of the retail outlet and the regularity of supply and moderate prices which it provides.

C. Conflict over Solutions

Communities that are very divided over the issue of the local option law may not be divided at all over the issue of alcohol problems and alcohol control. The division may be more over which solution is most appropriate for that community. For some communities, the problem is seen to be having a local alcohol retail outlet or the practices of that outlet (e.g., selling to minors, selling to intoxicated or dangerous people, selling to bootleggers); in these cases, a successful liquor license protest may be seen as a more direct solution than a local option law election. A local option law election would be only a fall-back solution to a failed protest.

Many view the local option law as a dangerous experiment, perhaps as dangerous as the presence of alcohol. The dangers that are perceived include:

- the intrusion of external authority (e.g., troopers) into the community
- the heavy fines and jail terms inherent in the law
- loss of religious, medicinal, or celebratory use of alcohol
- punishment for non-problematic drinking
- punishment for possession
- fear of search and seizure
- fear of loss of vehicles
- fear of reporting on relatives and friends
- fear of increased and dangerous homebrew
- increases in bootlegging
- loss of more appropriate and flexible control mechanisms
- fear of divisions due to elections
- retaliation from dangerous drinkers
- symbolic loss of local self-control
- more contact with and dependency on external agencies.

Some also compare these inherent dangers with the perceived likelihood of solving the alcohol problem using the law. If the perceived rewards are few and

the risks high, this solution may be avoided.

D. Division over Values

The prospect of a local option law election, in some communities, reveals some deep conflicts over basic values. The choices made about community control over access to alcohol do not seem to divide the drinkers from the non-drinkers. The dividing issue seems to be between responsibility for the welfare of the community and responsibility for the rights of the individual. Those who drink in a responsible fashion, without damaging their communities, do not wish their actions to be limited in order to protect the communities from irresponsible drinkers. Those who are most concerned about community welfare, particularly the life and death situations created by excessive drinking, are willing to go to any lengths to preserve the community, even if personal liberties and constitutional rights have to be abrogated. These latter members do not understand why the legal system, including the new local option law, appears so weak in protecting their communities.

E. Division over Persons

It is one thing for villages to achieve consensus on the nature of the problem and quite another to agree on "who" is the problem. It is common for residents to agree that misuse of alcohol is the danger but for individual residents to say "I am not the problem." Thus, divisions occur when the community considers a universal solution to handle the problems which are perceived to be created by only certain individuals. Some non-abusive drinkers hesitate to pass laws they know they are going to break as a matter of course. On the other hand, both abusive and non-abusive drinkers may support the community consensus on having a "dry" village even though they intend to individually violate that consensus.

It cannot be assumed that those local residents who challenge aspects of alcohol control laws, including the local option law, are the heaviest consumers or most problematic drinkers in the community. Some informants note that these laws have produced "constitutional mini-lawyers" particularly among those who are not alcoholics or problem-drinkers, who are accustomed to drinking in moderation, who find that their drinking is now considered to be a crime, and who, while sharing the general community concern about alcohol-related problems, do not view themselves as a contributor to that community problem.

It was reported that, while in some cases, the greatest divisions appeared between drinkers and nondrinkers, more often the divisions occurred over conflicts of economics, individual versus community rights, and selected solutions. It was also reported that, in some communities:

- many of those who drink heavily in the hubs enforce the local option law most strenuously in their home village
- even the heaviest drinkers and bootleggers supported the local option law because "we needed some control on ourselves"; of course, bootleggers are likely to support a ban on importation as a spur to their trade.

F. Divisions among Groups

Any communitywide solution to the problem to alcohol control is likely to reveal other deep divisions within a village population, such as:

- family and clan factions and feuds
- victims and offenders
- age and sex groups
- ethnic and racial groups
- internal versus external affiliations.

Community control over itself is gutted by inter-family feuds and other historical conflicts; any conflict or division may suffice to disable a community from acquiring unified control. It would be interesting, but probably impossible, to discover how a community local option vote divides along these (non-alcohol related) lines.

In some instances, the local option and its enforcement (via reporting and

the actions of the VPSO) become a battlefield for the continuation of power conflicts among families which is manifest on a regular basis in council elections. Family conflicts become even more heated on the alcohol control issue if the local bootlegging is conducted primarily by one family. Finally, family conflicts surface when the impetus for the local option law comes from the recent alcohol-related death of a member of one family and the issue is skirted by another family.

The local control of alcohol appears to pit the victims (e.g., women, elders) against the offenders, usually young and middle-aged men. Women appear to be at the highest risk to become victims of the alcohol-related behaviors of others. As a consequence, women in general, and mothers in particular, appear to be the most supportive in adopting local legal constraints and enforcing these constraints as observers and reporters. Women appear to be far more likely than men to vote for alcohol restrictions because of the risk of victimization not only to themselves but to their children. The role of women as abusive drinkers and perpetrators of dangerous behaviors is uncertain in its effect on support of the local option law.

In only some communities do women constitute an effective traditional or modern base of power that can be exercised to control the behavior of men. In cultures where women are attributed power as a matter of course, their influence tends to be pervasive, but often only in certain aspects of village life due to a cultural division of authority between men and women. In other cultures, women appear to have been systematically excluded from power. However, in more recent times, women have acquired more power through the electoral process by voting in blocs. In addition, because of their higher levels of education and greater experience with "paperwork" matters, many women know how to obtain and exercise power through the use of formal indirect and non-local means. Given

the ability to call upon troopers and direct the priorities of VPSOs, women may now be gaining increasing power to control the otherwise uncontrolled habits and behaviors of men.

A local option law election can be seen as a challenge to existing authority or the freedom of specific groups by a coalition of persons or groups who may constitute the majority view on this issue. For example, the impetus for holding such an election commonly stems from the efforts of human service providers, churches and their most active members, elders, activist council members, and women. This has been portrayed as a "power grab" by opponents in some villages.

There appears to be a great cultural gap between these concerned adults and some of the village youth. Youth's lack of orientation to the future and their lack of a broad range of values that are patterned on those of adults reduce the ability of adults to control youth's behavior.

Widespread teenage drinking, despite adult disapproval, reflects the operation of a substantially autonomous youth culture in which drinking plays an important role. Particularly where the society has legally restricted drinking to adults, drinking becomes for the underaged a claim to adulthood - one of a long series of such claims, and one more easily attained than others. In such societies, teenage drinking is, perforce, somewhat segregated even from the legally tolerated heavy drinking of those in the first few years beyond majority. (4, p. 24)

The challenge posed by young people is less in the electoral process where they may have little representation than in the actual enforcement of the law. Where the challenge is posed by young people of voting age and inclination, some elders have avoided holding an election for fear that the young voters would successfully support the opening of a village alcohol retail outlet.

When the problem drinkers are predominantly young men, there is some question whether their physical defiance of law and law enforcement would make them immune from traditional or modern rules and authority. For example, in one

community, when the firefighting crews return home, they commonly get drunk. The elders want to jail the drinkers and wanted other villagers to formally file complaints. However, little was done because of the fear that older people "would be punched out."

Younger males are most often identified as the group opposing passage of option #4 in their communities. This group is often reported as wanting the community "wet". They are the primary "party" organizers who collect money and "charter" alcohol in. Young males constitute a peer group which has access to seasonal cash money from commercial fishing, firefighting, and soon, tends to spend the surplus on "partying".

This study has revealed a continuum of responses by this group regarding local option elections. In certain communities the younger voters made up the bulk of opposition votes to the passage of option #4. Petition drives to hold a second vote on option #4 after its initial passage have been initiated by the younger population in the hope of repealing that option. One community experienced its younger electorate circulating a petition for option #2 (a community liquor store) where no liquor outlet had ever existed. On the opposite end of the spectrum is the example of younger voters returning to the community from seasonal employment to voice their opinions about the upcoming option #4 election, but not voting in the election, reportedly out of respect for the wishes of the elders.

Concern has been voiced that when this generation assumes positions of power there will be a wholesale reversal of prohibition efforts in rural communities. Another interpretation is that the younger generation's opposition to the local option election is an expression of their developmental state and, as they progress into positions of responsibility, their opinions regarding this issue will change.

Some residents interpret the lack of organized opposition to the adoption of

presented option by young people as signifying the substitution of alcohol by marijuana and cocaine and, to a lesser degree, by other substance habits (such as vapor sniffing, ingesting hair tonic, and other modes of becoming "high"). As the new penalties for the acquisition, possession, distribution, and use of alcohol begin to approximate those of drugs, the lower costs and greater invisibility of drug use would be predictive of additional substitution. In addition, villages, having less experience with drug use and misuse and seeing the major behavioral outcomes of drug use as involving less risk of violence to self and others, tend to express both concern and helplessness about this use. While their greatest fear tends to focus on the truancy and poor school performance of their children, predictive of poor individual and community outcomes, they see their communities as either powerless or insufficiently organized and educated to deal effectively with this new problem.

G. Divisions between Native and White Residents

In most small communities, the only white long-term residents are often the school teachers. While a significant local employer and charged with the responsibility for village children, teachers' role in community decision-making is often limited by their lack of numbers, their lack of influence, their different ethnic and value identification, their isolated physical living and working locations, and their temporary status. Nonetheless, they appear to have played an active, if paradoxical, role in local option law elections. Native residents appear somewhat confused by the assortment of values exhibited by teachers, including:

- opposition to alcohol use by students
- supportive of village being "dry"
- opposed to being personally "dry"
- opposed or indifferent to school alcohol prevention programs
- supportive of individual, rather than community, controls over consumption

-- supportive of normative (western) drinking patterns and opposed to abstinence.

White residents vary in their responsiveness to community concerns. In some communities, they not only support but spearhead the drive for alcohol controls; some appear to be the vehicle used by elders to organize the local option petition process. In other communities, they set themselves apart and above the authority of the community. In these latter cases, they appear to see the local option law as directed to "the conduct of Natives" rather than to improvement of communitywide social health. The language they use is "they [Natives] really need it, alcohol is their biggest problem." These residents view their own drinking as private and non-problematic; they tend to insist on their individual rights and liberties and challenge all community departures from the letter of state and federal law. They are also aware of and exercise all of their civil rights when reported for violations.

Some white residents note about their peers that it is one thing to stand up for your legal rights and quite another thing to "ignore the reality of where you are living." They suggest that a person's continued defiance of the community can result only in their premature and unwilling exit as orchestrated by the powers of the community. It is only those communities where one or more white residents have economic or police powers that villages find it difficult to control their activities or limit their influence.

Some villages have had some difficulty in the past in controlling the actions of air carriers who provide the primary transportation services to the community. Communities have expressed dismay that, in some instances, air carriers have ignored their requests for assistance and cooperation and have challenged local authority by continuing to deliver alcohol and even bootlegging. For example, one community, in the immediate post-pipeline project period, adopted a control ordinance and sent a notification of this decision to

air carriers, cautioning them not to transport alcohol into the community. The local trooper was reported to have told the community that their prohibition was not enforce-able under state law. The air carriers were reported to have reduced their service level to the community dramatically and immediately as a form of punishment; other carriers ignored the ordinance entirely. It is not surprising that these communities have turned to the state law in order to ensure air carrier compliance with community desires.

H. The Role of Community Support Agencies

A number of regional and statewide agencies provide services to villages; these services include health care, mental health care, alcohol prevention and treatment, domestic violence assistance and other social services, and so on. While agencies and communities share a generalized concern with alcohol use and related problems, their definitions of the problem, their assignment of responsibility for its solution, and the means leading to the solution often appear widely divergent. In an oversimplified model, the way each perceives the other may be characterized as:

1) Agency about Community — village youth are directionless; drinking is accepted by the community; individuals have to take responsibility for their own lives; treatment programs cannot do very much without community support; agencies are only consultants and helpers; communities seem indifferent or helpless to the losses due to alcohol, are unwilling to actively and firmly intervene in others' lives over a long time period.

2) Community about Agency — the agencies are encouraging individuation and its social-psychological risks for small community residents whose culture requires close social relationships and conformity; the agencies are blaming the community for events that have not been under community control, such as rapid "industrialization, modernization, westernization"; communities have never

confronted a range of problems as complex as these and do not have the legal, management, or leadership tools to resolve them; agencies tell communities to use modern legal tools in pursuit of contradictory traditional and modern values; communities do feel the personal and cultural losses deeply, but cultural tradition suggests that "life is fragile, death is not preventable, you do what you do and take your chances".

Depending on the service program, some agency personnel and many community residents view "the problem" as alcohol, that is, "the devil is in the bottle." Controlling the substance and individuals' access to it is seen as a positive permanent or interim step in protecting the individuals and their communities. Other personnel and probably fewer residents see alcohol as the result of "the problem", which is defined as major uncontrolled economic and social transformations of individuals, families, communities, cultural roles and ties, and identity, undermining the sense of local self-control and resulting in feelings of helplessness and weakness.

Both viewpoints have an investment in the local option law. The former sees the law as an effective constraint on access to alcohol; the latter sees the law, not as a solution, but as an interim, stop-gap measure to help villages slow the pace of alcohol-related violence.

Although these programs are subject to community decisionmaking, the regional service providers are not neutral in terms of their support of solutions to the villages, since the function of these providers is to promote the reduction of problems. These providers try to generate community support by showing what new resources and solutions are available and advocating their use. When the providers are well-organized, entire sub-regions can collectively and simultaneously investigate these new solutions. By taking the initiative, these providers provide both facilitation and pressure to hold a local option law election. As one service program respondent noted, "Having a regionwide effort

and a team effort, we made it easier for them to say 'yes'."

I. The Local Option Law and Inter-Community Effects

The local option law was designed to be available to individual villages. However, the ties between villages in the same region and subregion are so great that the alcohol problem is seen as a common regional or subregional issue. Indeed, it is not uncommon for a dozen or more villages to meet together to attempt to devise and enact a regional solution.

Commonly, these meetings, while recording the mutual problem, also note that differences between villages made a solution for one village a problem for another, even though both solutions may be provided by the local option law. For example, if one community enacts a ban on sale and importation (Option #4) and a neighboring community opens an alcohol retail outlet (Option #1 or Option #2), they may be working at cross-purposes; the controlling community's efforts are undermined by the increased availability while the retailing community may receive the exported problems and problem people of the controlling village. Other effects that may occur include:

- increased incidence of alcohol-related accidents and death as residents travel between communities
- changing immigration and outmigration patterns as access to alcohol changes
- the cost of government goes up in the retailing community
- the alcohol outlet becomes a source for increased bootlegging to the controlling community and the rest of the subregion
- power and purposes change as the wealth of one community is accumulated in the other
- the reputation of and quality of life in the retailing community declines.

The same effects may occur when one community votes a ban on sale and importation and a neighboring community takes no positive action at all.

These differences occur for a number of reasons:

- different perceptions of the alcohol problem
- different values applies to drinking and drinking behavior

- different modes for controlling alcohol or alcohol-related behaviors
- different economic, religious, or political orientation
- different self-concepts
- different situations (e.g., road-connected, not road-connected)
- different racial composition
- different history and development.

One of the most serious inter-community problems is created when one community, in order to reduce the availability of alcohol in the subregion, wants a sister community to close down its alcohol retail outlet, particularly if the controlling community writes to the ABC board to protest the license. Closing down a subregional distributor can drastically increase the difficulty in obtaining alcohol by increasing the distance, money, and time that is involved in obtaining it and also result in undesired changes in distribution, such as increased bootlegging.

There was some suggestion that, for purposes of local option law elections and liquor license protest, communities that are geographically tied and tend to function as one community should be allowed to vote on the local option law and/or have standing before the ABC board as if they were all residents of the same community. They suggest that the geographic boundaries that have been provided to distinguish them do not reflect their true nature.

J. The Local Option Law and the Electoral Process

It has been suggested that a valuable product of the local option election process will be "to vest a people in an electoral system with which they are still somewhat unfamiliar and to assist in the realization that voting can make a crucial difference in the fabric of their lives" (5, p. 8) and that the local option elections will be "tangible evidence that each registered voter in a village can be a part of the voting process and that villages can be self-determining entities." (5, p. 11)

This, in fact, may be the case only in a select number of communities in

which the outcome of the local option election has been a mirroring of the total community consensus and enforcement is backed by the whole community.

Those communities holding a local option election in the hope that the law will "make a crucial difference in the fabric of their lives" have often held the election in response to a recent tragedy. In these communities the results of the election are less an expression of the community consensus regarding alcohol use than an emotional reaction to the community's loss. The resulting problems of enforcement and the tensions created within the community because of the reality of the vote tend to disillusion the voters rather than "vest" them in the electoral process.

In other instances, local option law elections have been held in response to an unsuccessful liquor license protest, to perceived lack of trooper enforcement efforts against bootlegging, and so on. These also are less an investment in the electoral process than using any means to meet the same objective. It is not at all clear that going through the complex, energy-consuming electoral process to enact a local option even helps villagers understand the process; the less they understand it, the less likely they will be to become invested in it. Similarly, the less that they find the law, once enacted and implemented, actually meeting their objectives, the less investment they have.

Establishing village law through the electoral process may have a number of unanticipated consequences:

- it may make law-making and enforcement easier by reducing individuation of council members and the VPSO
- it may shift the burden of control from individuals and groups to the entire voting population
- it may be more effective than a liquor license protest because it involves more people more anonymously
- it may be another means to reaffirm already existing village standards and rules
- it may help the electorate override the weakness or opposition of the council.

On the other hand, the electoral process may be used to challenge the very

roots and legitimacy of village power structures; depending on one's objectives, this may be a very good or very bad outcome. Once the roots and legitimacy have been successfully displaced, the core direction and wisdom of the village may also be lost.

Experience with the local option law election process shows that elections can serve to exacerbate community divisions. Nonetheless, observers tend to agree that controversy over the local option law is good, because it focuses lengthy attention on the problem, helps to clearly identify the issue and establish consensus, and generalizes from the individual loss to the community problem.

It is also clear that the time required to enact a local option allows residents to sort out their objectives. For example, in one village, a petition was circulated following an ALSC presentation and a sufficient number of signatures was obtained within a half-hour. Subsequently, the community overwhelmingly voted for Option #4. Still later, the community defeated the incumbent council president because of his strong support for the law and elected a new council member pledged to more lenient enforcement of the ban on importation.

It would be unwise to attempt to generalize about community desires from the results of a local option law election. Much depends on who voted and why. In one community, for example, it was reported that opposition came from the owner of the alcohol retail outlet; he imported a dozen of his employees to the village, registered them in time for the election, and defeated the option. In other communities, notices were torn down as soon as they went up, petitions were destroyed, and councils have required new elections.

There is insufficient information available to predict or explain the preceding factors in the petition process, the voter turnout, or the outcomes of many local option law elections. In some communities, only a relatively small

fraction of the electorate actually cast ballots. The pattern of "who" voted varied considerably from community to community. In some, only the activists on either side of the issue appeared to come out. In others, non-Native residents either participated actively or appeared to avoid the election entirely. Some residents suggested that these latter members thought that, by not voting, they would not be bound by the election results or by the community feeling expressed in these results. Alternative explanations suggested that non-voting members were allowing other forces in the community (such as voting elders) to dictate their will on community life. Avoidance of voting on such an important aspect of community life appears to be one means of resolving the personal conflict between community and personal rights and responsibilities.

A large number of white residents in a community is not necessarily predictive of a vote against the option; while whites generally tend to have a far higher rate of voting participation than Natives and could dominate elections even while they are in the minority, they also tend to abstain on some issues about which Natives feel strongly or which whites consider to be "Native issues." Low voting participation does not mean low voter interest.

It is not possible to predict the outcomes of elections based on the petitions. In some communities, a small number of signatories supported the petition, but a large number of voters turned out to pass the option. In other communities, a large number of signatories were offset in the election by a motivated electorate in opposition.

An overwhelming vote in favor of an option does not, in and of itself, indicate community consensus; there are several examples of communities feeling that they were "railroaded" into enacting the option by a local power broker or by the rush of events following a community loss. Some feel that they are now "stuck" with a law they do not want and that will require great effort to rescind. The popularity of the option may also not be indicative of the amount

or success of its enforcement.

Conversely, it is difficult to ascertain the meaning of a closely split vote in a community. It could signify a split community or only a split electorate. The council actions which are taken in response to a closely split vote will depend less on the vote than on who the council members are. In many villages, who the elected official is may be more significant than the stated will of the electorate.

The failure of a local option at the polls does not mean that the community is opposed to alcohol control. Since the impetus for such a law commonly begins with a minority of persons (e.g., a health aide, teacher, health council, and so on), it may take concerted campaigning, outside assistance, and more than one election to engage the support of the majority. The very fact that certain villages have held local option law elections, regardless of the outcome, has surprised and pleased many local and non-local observers. They suggest that a closely split vote on an option would have the same effect on community life, whether the option was adopted or rejected, since lack of consensus would diminish enforcement efforts and exacerbate community divisions and tensions. However, in some communities, lack of electoral unanimity has not seemed to damage early and strict enforcement; this suggests that village consensus is not always reflected in electoral results.

Passage of an option may be the produce of symbolic support for the option from prominent persons and agencies rather than the consensus of the community to change its alcohol consumption patterns. The changes which occur as a result of or in conjunction with the local option law election may have more to do with other village factors than with the passage and enforcement of the option.

XII. Changes in Village Life Since the Local Option Law

It is difficult to assess the changes which directly and solely result from the passage of a new law, not because it is difficult to measure change but because it is difficult to prove that the measured change was caused by the new law. There are many concurrent forces of change constantly sweeping through Alaska villages, both internally and externally generated. Many of these are difficult to even perceive until long after the change has actually occurred. We will refrain from attributing changes in village life directly to the local option law, but will show how the local option law, in conjunction with some other forces, is caused by significant change and contributes to significant change in village life.

The authors agree with ALSC alcohol project staff that any solution to alcohol use or other village social issue must come, finally, from the indigenous population rather than from the external "magic" of the state. There is no doubt that the state can tangibly support these solutions, but if the solutions or the method of state supports are not congruent with other basic aspects of village life, both the solutions and the supports will be either subverted or rejected by the village. External government must be very cautious not to use villages and village law as experiments. Failed experiments in a laboratory will make laboratory researchers unhappy; failed experiments in villages further the downward path of repeated demoralization of villages trying to recapture control of their futures.

One popular form of social experimentation is passing a law without "investing" in it; that is, laws are passed as gestures, rather than as mechanisms for social change with the commitment of human energy, human determination, and other resources to make them work. Sociologists have noted that laws are often passed but remain ineffective because they are not enforced. They are not enforced because they are not meant to be enforced; they are merely

ways that politicians use to placate the demands of one group without seriously impacting another group's ability to continue in its activities.

Popular sentiments also affect the enforcement of legislation. Many a control attempt has failed to change consumption because a piece of legislation has not been effectively enforced. Sometimes legislative bodies enact purely symbolic legislation not seriously meant to be enforced, and sometimes the state bureaucracy is simply unsuccessful in enforcing a regulation...

The actual impact of control legislation is dependent on the political and legal traditions prevailing in each country. Many North American jurisdictions, for example, traditionally express moral concern in the form of detailed legislation that is neither felt as always binding by the population nor consistently enforced. In countries where the law has greater respectability, such as Scandinavia and Switzerland, purely symbolic pieces of legislation normally do not get passed, whereas those that do, are meticulously enforced and observed. (4, p. 93-4)

Control legislation both expresses and molds the climate of opinion, and both law and opinion change in response to economic and social transformation. Nevertheless, it may make a difference whether or not popular sentiment is transformed into state policies. (4, p. 91)

Failure to legislate for the people may not deter a powerful social transformation coming from the people.

In 1912, about a fourth of the Dutch adult population signed a petition requiring local option. Only the two-chamber structure of the Dutch legislature prevented this mass sentiment from being translated into legislation. In the early 1920s, the House of Commons twice passed local option legislation, but both bills were rejected by the Senate, the first time by one vote only. The temperance ethos that permeated the Dutch population was virtually strong enough to dry up the whole country without the support of legal coercion. (4, p. 92)

In the case of the local option law, as we have seen, the law itself, the path to its use, its enforcement, and its long-term and short-term effects on social organization and culture remain conjectural. We shall confine our descriptions of change largely to the topics of altered access to alcohol, altered use patterns, altered modes of social control, and altered quality of life.

A. Changes in the Distribution of Alcohol

The alcohol distribution industry respondents in this study have suggested that, at the time of the consideration and passage of the local option law, their industry did not believe that it would be significantly damaged by the law. At the time, the industry was far more concerned about the potential increase in excise tax statewide; this prospect was so much more threatening that the industry ignored the local option law and, unintentionally, may have eased its passage. The industry appeared to be less worried by any financial implications of the law than by the array of statewide "neo-prohibitionist" actions being considered by the government at the time.

There does not appear to be any legitimate way to obtain precise information on changing patterns of retail alcohol sales in Bush Alaska because there are so many modes of transportation and sale; where an item is purchased is not indicative of its final destination or user. However, according to industry respondents and Bush retailers, while some concern existed that villages voting "dry" would reduce the business potential of hub alcohol retailers, the loss of direct access to these villages does not appear to have significantly damaged existing sales. This needs to be examined, of course, by review of sales by community, judicial district, region, and the state. If, however, no significant change has occurred, this may be attributed to:

- major failures in enforcement
- major exportation of behaviors to hubs
- lack of significant volumes having appeared previously in villages (that is, villages having populations that are too small to show up in the statistics; a large party in a village may not appear as even a blip in the hub's statistics)
- changes in substances used; that is, substituting distilled spirits for beer, or marijuana for alcohol
- changes within only certain populations, resulting in only a small or immeasurable change in per capita consumption rates across aggregated populations and/or communities
- increased unreported bootlegging or other forms of unreported distribution.
- some retailers altering their merchandising and their

- products to appeal to new, different, and growing demands within the hubs themselves (e.g., selling wines to hub residents rather than spirits to village residents)
- increased sales to some individual members of local option communities coming into town by private vehicle
 - increased informal bootlegging; that these volumes are intended for in-village use is indicated by an increase in the sale of pints, that is, amounts that are easier to smuggle back into the community
 - increased sales resulting as part of the normal shopping in hubs conducted by villagers.

2. Altered Access

The response by alcohol distributors and carriers has been, generally, to comply with the local option law. This is due not only to the stringent penalties which can result from violations, but also to the increased pressure on hub distributors to reduce their contribution to public safety problems in the region as well as in the hub, under the threat of new ordinances, increased taxes, and other restraints on profit potential.

There has been some attempt to apply village local option law restrictions at the point of exit from a retailing hub (on the grounds of "intent to export" to a "dry" community) rather than at point of entry to a village ("intent to import"). The amount of effort and success of this attempt is unknown at this writing.

There is some division of opinion as to who is or should be primarily responsible for stemming the flow of alcohol from hub retailers to the "dry" villages. Hub retailers, while no longer mailing or delivering bulk quantities of alcohol to these villages, deny that they have the right or responsibility to intercept alcohol as it enters village boundaries. Villagers find themselves hard-pressed, in many cases, to effectively intercept alcohol importation, due to the combined ingenuity of importers, lack of sufficient police, and lack of effective after-the-fact policing tools; for example, once alcohol has entered the village, villagers find it legally difficult to confiscate it,

to search for it and seize it when they see a drunk person, or to convict a person based on alcohol presence as prima facie evidence of importation. They can rely only on the less-formal means of direct counseling and warning of the offender by other residents, the council, or the state trooper. Villagers suggest that the hub retailers should exercise more control by restricting sales (e.g., no more than one bottle per person per day), particularly when these retailers know that visiting villagers are taking case lots of alcohol back to the villages.

However, the retailer has no way of knowing that the buyer will attempt to import the alcohol into a non-importing community. Indeed, some buyers will cache their alcohol just outside the community borders, returning to it from time to time, and re-enter the community intoxicated but not transporting alcohol.

Air carriers appear to heed the new restrictions adopted by villages and attempt to prevent flagrant violations; in particular, they have become cautious when communities, individuals, or police have notified them of others who were intending to accomplish a "booze run."

The law and its penalties have altered some of the basic economics of alcohol distribution in the Bush. There is no doubt that damaging the "economies of scale" accompanying legal sale and importation has increased the cost in time, energy, and money to obtain alcohol. Whether this increased cost has reduced the rate or volume of consumption is doubtful.

Probably the most extensive quantitative literature on the correlates and determinants of consumption is the econometric literature on the income and price elasticity of consumption. These studies have reaffirmed that consumption of alcohol, as of other commodities, is responsive to changes in income and price. Nevertheless, there is considerable variation by time and place in the value of the elasticities -- that is, the elasticities themselves are historically conditioned. In the longer run, it is clear that the "long waves" of consumption mentioned earlier cannot be accounted for by changes in income or in price. The period 1950-1975

was marked by a general rise both in affluence and in alcohol consumption in the societies included in the study, but these trends may be most appropriately viewed as specific indications of general changes in the structure and culture of the societies. (4, p. 27)

It is often suggested that, were a liquor retailer or air carrier not available, the money spent by village residents on alcohol would both remain in the community longer and be spent on other, more useful items such as food, energy, clothing, equipment, and so on. There has been no evidence adduced to support this suggestion. It is more often suggested that the money local residents intend to use for alcohol would be spent elsewhere (e.g., with alcohol mail orders, bootleggers, drinking in other towns, buying more expensive alcohol); while this might result in altered drinking patterns (that is, changed amounts, locations, substances), it is uncertain what community objectives would be accomplished by these alterations.

B. Changes in Alcohol Consumption and Alcohol-Related Problems

Because we have no evidence to the contrary, we may assume that the local option law has not significantly reduced the overall volume of alcohol consumed in any region. On the other hand, communities and local social agencies report that there have been significant changes in the reporting of alcohol-related problems, particularly declines in the number and severity of violent incidents. How, then, are we to explain "no significant change" in volume sales accompanied by "high rate of reported changes in problems"?

Recent international literature on the control of alcohol (4, p. 90-1) suggests that the

"relations of alcohol consumption level and patterns to casualties and social problems associated with drinking are far less clear and universal. In cross-sectional comparisons of societies, correlations of these problems with consumption level are frequently negligible. It is clear that both patterns of intake and societal response to alcohol problems have to be taken into account as mediating factors between the level of overall consumption and social consequences of drinking."

This suggests that "alcohol-related problems" may be determined more by other social forces than by changes in absolute consumption levels. For example, where the alcohol is consumed, under what circumstances, and what behaviors are sanctioned within certain populations may have a more significant effect than volume consumed.

The international literature points out, for example, that in some countries with a low rate of overall consumption, there is a very high rate of alcohol-related violence, conflicts, arrests, and poisoning, indicative of unrestrained drinking patterns. "Conflict-prone drunken comportment was not confined to isolated subgroups of inebriates but was a more or less integrated part of the drinking habits culturally prevailing over the general population." (4, p. 45-6) This suggests that what one does intermittent period of unrestrained drinking (i.e., consuming large quantities in a short period of time) is derived directly from one's social and cultural setting. This accounts in part for societies that have a high rate of overall consumption but a low rate of conflict and conflict-prone patterns of drinking behavior.

What implications, then, can be drawn about a decline in overall consumption level in a given society and cultural setting? "Cultural patterns of drinking and drunk behavior do change, as indicated by the fact that in all the societies studied the ratio of indicators of social disturbance to aggregate consumption has gone down." (4, p. 61) This suggests that changes may be more the result of social and cultural changes in sanctioned behavior, in social control and reporting mechanisms, and in patterns of use than changes in overall consumption.

C. Immediate Village Experiences with the Local Option Law

Initial phases in the implementation process of a new rule controlling access to alcohol, whether it is a local ordinance or a local option, often

include:

- a recent series of negative events related to alcohol in the community (it is not common to formulate new community policy based on events involving those villagers absent in hubs or other communities)
- an electoral change in the composition of the village council
- passage of a new ordinance or a local option
- posting of new laws in public places
- new community laws broadcast on regionwide radio
- new community laws transmitted to alcohol retailers, air carriers, and law enforcement agencies
- immediate reduction in serious events.

This last item requires some explication. A combination of forces, rather than a single legal change, tends to create concrete community change. For example, in one village, a community election not only adopted the local option but invested a great deal of authority in its new council chief. This new official assured the village women that he was "really going to work on it, not let anybody go, even my own son or brother." This was said in the same public meeting where all the laws were reaffirmed by consensus of all residents. It was reported that "everyone enthusiastically voted to ban alcohol from this village"; they were tired of the child abuse, the fighting, the stabbings, the shootings, the neglected children. The council extensively broadcast the new laws and invited the state trooper to talk about enforcement. All these steps created fear and caution in some community residents, about the level of reporting, enforcement, and penalty that was actually going to occur, and an alteration of their importing, drinking, and public behaviors.

The immediate effects on alcohol use and behaviors following local option law elections in many communities were quite pronounced, even in those communities where the elections involved low voter turnout and/or narrowly adopted laws. Most communities were marked by immediate, marked dryness, due to:

- fear and uncertainty about enforcement and penalty
- fear of community opinion, feelings, and actions
- shared common objectives
- increasing enforcement by councils and VPSOs at points of

- importation
- adherence by alcohol distributors and transporters,
reducing basic availability
- altered drinking patterns at a distance from the communities
- more cautious and private drinking in the community.

In the past, many of these communities had effected similar change for short periods of time by the issuance of emergency ordinances. Since emergency ordinances were time-limited and village concern seemed to dissipate as time healed the sense of loss, alcohol was often rapidly re-incorporated into village life. (In a few communities, however, the emergency ordinance seems to have been translated, in the minds of residents, into a permanent rule.)

In the case of the local option law, several factors appear to have lengthened the effect of community law-making; these include:

- the presence and efforts of the VPSO and community police
- the active involvement in enforcement by councils
- improved communications with and response time of troopers
- increased responsibilities for law enforcement and
judicial officers
- increased penalties for distributors and transporters
- the fact that the law was adopted by the electorate, not
merely the council
- the non-time limited character of the local option
- the high expectations derived from the experiences of
sister communities
- other substance addictions.

D. Perceived Changes in the Quality of Village Life

Like large urban communities, small communities are less interested in the outputs (e.g., numbers of hours worked, arrests made) of their police agents than in the outcomes (e.g., reduction in perceived violations). In villages, the indicators of outcomes of restrictions on alcohol sale and importation (and possession, in more restrictive communities) are not limited to arrest statistics. In the most restrictive or insistent villages, residents are not satisfied to see their restrictions result in more private, behaviorally unproblematic drinking. These villages insist that the community be free of the presence of alcohol, since they see alcohol as the cause or proximate trigger

for behaviors; they do not believe that people can or will drink in moderation, since the common impulse is to drink in order to get drunk.

However, in most communities, the indicators used by village residents to measure the success of their rule-making are, in many instances, more subtle than those used by public safety agencies. These indicators appear based more on measures and perceptions of changing community quality-of-life. To measure the sum of these changes would require extensive and long-term understanding of each community. These indicators appear to be positive, unlike public safety statistics which are, essentially, measures of negative events. These positive measures are elusive, based on a range of altered hopes, fears, feelings, perceptions, and self-indications rather than changed absolute incidence of consumption rates and alcohol-related behaviors.

These other indicators include a greater sense of safety in allowing kids to play at night (since fewer people are driving drunk), in being alone at night with husbands and fathers absent, and so on. These indicators, for which no data base exists, while quite detailed and subtle, may contribute to as powerful a measure of community self-control and well-being as the public safety measures (which also lack consistent data bases).

Many of those who voted against the presented option still like what the law has done for their communities, in terms of outcomes (e.g., fewer health aide emergency calls, less demand for the constant presence of the magistrate, more privatization of drinking, less public binge drinking, a more quiet community, less fear of others, fewer people hurt). Other indicators include general decline in the incidence of violence or threats of violence and of periods during which the entire village is drunk or drinking. There is a reported decline in drunken sprees as well as a perceived decline in the volume of alcohol imported to or available in the village at any one time.

The international literature (4, p. 24-5) suggests that, in most societies, there is a "temporal specificity" to drinking, a regular, daily, weekly, and seasonal (e.g., celebrations) rhythm. As countries modernize, often this pattern is changed by social and economic factors to more routine and regular patterns. It is suggested that an enforced local option disturbs these patterns of use and intervenes in the social settings which precede or involve serious conflict.

It is not only in subjective quality of life and law enforcement measures that the effect of these changes can be examined. For example, many health care observers have noted no significant change in the type or number of alcohol-related health problems in their communities since the local option law. These problems continue to be gastric problems, withdrawal symptoms, skin problems, toxicity, injuries, cirrhosis, hygiene problems, child neglect, and domestic violence. What they have noted is a reduction in the severity of alcohol-related traumas, due in part to the local option law and to the increased police efforts which intercept parties and fights in earlier stages.

The subjective measures are also supported by "harder" data collected by the Alaska State Troopers which indicate some declines in the regional incidence of suicide and suicide attempts, homicides, severe domestic violence, gun calls, assaults, and search and rescue. They report an increased number of persons willing to work with the trooper or the VPSO to "make cases." They note that the size of their caseloads has remained approximately the same, but has been focused on earlier detection and intervention. There has been, however, no systematic examination of the relationships among having a local option, having a VPSO, and having declines in these negative outcomes.

The combination of the local option and the efforts of the VPSO is likely to result in earlier identification of and intervention in the development of serious problems, thus altering the number, severity, and types of agency-

reported problems. It is likely that rates of less severe problems will rise, initially and dramatically, that rates of more severe problems will decline somewhat and not rise to earlier levels, and that the types of reported problems will change; for example, it is likely that alcohol importation offenses will increase, that alcohol-related deaths and other alcohol-related violence will decline, and that other substance offenses will increase as alcohol availability declines.

As reported earlier in this study, the immediate objective of villages was to reduce the incidence of alcohol-related problem behavior, including public drunkenness and public drinking. Since the local option law elections, many communities have perceived a steep decline in both public drunkenness and public drinking. Whether or not this perception is correct (and it is likely to be correct), whether or not there is less actual drunkenness or drinking, are probably not relevant distinctions in the communities' assessment of the quality of their daily lives. Even though the volumes consumed and the number of intoxicated persons may remain the same, villages will feel positive about their actions and the effectiveness of the law based on a perceived decline in problems. They will "feel" more "dry", even though they may not be more "dry". For some villages, this feeling has been a wonderful, exhilarating experience, enhancing their perception of increased local self-control over their daily lives and their futures. There is some danger that, over time, a decline in reporting, enforcement, and external support or an increase in the visibility of drinking or successful challenge to authority will contribute to an opposite sense of powerlessness.

E. Changing Patterns of Use

If the overall rates and volume of consumption have not changed since the local option law, what then accounts for these perceived declines in alcohol-

related problems and visible behaviors? It is suggested that these changes are due to altered patterns of use by the using population, including:

- increased privatization of use
- altered patterns of access
- substitution of other substances (e.g., drugs, homebrew)
- externalization of the behaviors and problems.

1. Privatization

As reported above, the enforcement of the local option has resulted in less alcohol being available in the village at any one time. Availability resulted in open importation of large quantities, much sharing and giving of alcohol, much public drinking, and much binge drinking. The decline in availability is the result of the banning and interception of large lots of illegally imported alcohol. While violations of the ban on importation are common, the size of imported lots has decreased from cases to bottles. Those residents who illegally import alcohol are importing smaller quantities, sharing it less, hiding it better, hiding their use better, retaining it longer, binging less, drinking alone and engaging in less problematic behavior. This is what is meant by privatization. It is likely that privatization reduces the social contact, rewards, and tensions which often lie at the heart of alcohol-related violence.

The removal of drinking behavior from the public view has reduced the rate of reporting of public behaviors, has increased at least some of the behavioral self-control of drinkers, and has improved the rate of perceived problems by community members. VPSOs, of course, encounter a large number of alcohol-related contacts but these tend to occur more often in private homes, as family members call on the VPSO for earlier interventions into slowly-developing alcohol-related tensions. While the most serious and problematic drinkers may not have altered their behaviors significantly, the more marginally or intermittently problematic drinkers may have substantially altered their pattern of use

in response to disturbed availability and public intolerance of behaviors.

The local option law, while perhaps reducing other forms of crime, has, by definition and in reality, increased the number of reported and unreported misdemeanor and felony violations of the ban on importation. There are many types of violations and violators. Some violators import and use small amounts of alcohol for personal and private use, without resulting behavioral problems, and tend to be tolerated. Those who are caught immediately lose their alcohol supply and often readily admit their violations.

Others attempt to regularly import larger quantities of alcohol, for party use, for distribution to youth, with resulting behavioral problems. They become ingenious, partially because they view the restrictions as a challenge and partially because of their fear of being without alcohol. They cache legally obtained stocks of alcohol just beyond the view and/or legal limits of the community. They send small quantities through the mails. They empty syrup and clorox bottles and refill them with alcohol on shopping trips.

In addition, the ban on importation has resulted in importation and delivery to points just beyond the jurisdictional limits of the community; the alcohol is dropped off or delivered to individual residents who actually import the alcohol across the limits. The law has also led to the consumption of alcohol on the road or water system just beyond these limits (creating a serious increase in the likelihood of alcohol-related accidents, such as drowning and freezing), and to an increase in alcohol transported in personal luggage.

Respondents suggest that there has been a greater increase in "casual" bootlegging and "suitcase" importation than in organized bootlegging. Air carriers have reported an increase in the amount of new luggage being transported between villages and hubs, compared to the recent past when villagers would come to town with their travel necessities contained in a small bag or parcel. This is consistent with observations in hubs, where alcohol is

imported and sold by the case but exported from the hub in luggage.

One of the greatest concerns about economic effects of the local option law was the encouragement of organized bootlegging. Since it takes some time for the informal distribution to recognize and fill the new vacuum potentially created between demand and supply, it is probably too soon to assess any changes that have been made in bootlegging. The troopers have anticipated an increase and have responded in terms of enforcement; in addition, it appears that villages are more readily reporting organized, high volume bootlegging than individual importation for personal use.

2. Substitution

One of the serious dangers in removing the supply of a substance upon which people are dependent is the substitution of other, equally dangerous substances. It has been reported that the absence of alcohol has led to an increased use of marijuana, Lysol, gasoline fumes, hair spray, Listerine, and so on. These responses are consistent with fads and substitutes elsewhere.

Among the concurrent changes in many communities is a partial substitution of marijuana for alcohol, particularly in the 18-25 year old age group. It is reportedly seen as less behaviorally destructive by users than is alcohol.

Before the local option law, alcohol was the most popular substance since its purchase, importation, possession, and personal use were legally sanctioned for adults. By comparison, only the possession of limited amounts of marijuana was sanctioned. In effect, the local option law has altered these relationships, since:

- it is no longer legal in local option villages to sell or import alcohol
- the penalty for both substances are generally equivalent, while alcohol is far more visible and likely to be reported
- alcohol is increasingly expensive in proportion to marijuana and more difficult to transport, hide, distribute, use, and dispose of (e.g., evidence)
- the behavioral effects of marijuana (as well as cocaine

- and some popular drugs) are less obvious to villagers and less troublesome from a public safety perspective; that is, declines in school or work productivity are less visible than alcohol-related motor problems and less critical in the minds of many villagers that the violent consequences of alcohol misuse
- villagers have less direct experience with drugs, their visible effects, their long-term consequences.

In terms of substitution, however, "homebrew" is likely to become much more common since it is legal to make and possess fairly large quantities; it is also more likely to become, as it was in the past, a significant and profitable article of commerce. As predicted by many villagers during the consideration of the local option law, there have already been reports of rapid increases in the manufacture and distribution of homebrew, characterized in one community as "a booming business." It has become most popular with young people who have more time to spend in its manufacture. While it is true that the ban on sale and importation is partially eroded by the availability of homebrew, homebrew is usually made in small batches, requires large expenditures of time and attention, and tends to be consumed immediately upon completion which then requires a "dry" period during which another batch is created. Homebrew is thus likely to produce an altered style of drinking with fewer numbers of drinking, less quantity consumed, and occurring in an intermittent pattern. While the manufacture of homebrew is likely to become more lucrative due to the ban on importation, it is unlikely to seriously compete with distilled spirits because:

- its manufacture is not easy to hide
- its sale is illegal
- its sharing with minors is illegal
- its consumption can be toxic, if not correctly prepared
- it will always take less energy to illegally import alcohol than to manufacture it
- it is a less popular commodity for consumption than spirits or beer.

3. Externalization

There is a growing, although as yet unmeasured, feeling that as certain villages constrain the access to alcohol under the local option law a portion of the reduction in alcohol use and unrelated problems is actually "externalized", that is, removed from the village to some other place. The use and problems can be exported, as occurred in one community that adopted Option #4, because some residents simply move to the next "wet" community. However, the more significant externalization occurs when drinkers take their appetites, habits, and behaviors to the regional hubs. It was reported by older respondents that this pattern has always occurred when the home village rules or penalties became more strict than those in the hubs and/or when alcohol has been more readily available in the hubs. This intermittent (and, sometimes, permanent) migration will increase, to an unknown degree, the problem rate and resulting financial costs occurring in these hubs, particularly in their law enforcement, judicial, corrections, health care, mental health care, and alcohol detoxification and other social support systems.

Whether or not a village exercises formal controls over alcohol importation, sale, possession, or use, much alcohol consumption occurs in hub communities, particularly when seasonal wages and other income are received. Villages are likely to continue to tolerate this export of partying behavior, as long as:

- drinkers take care of their important business before they become intoxicated
- drinkers do not require that their families have to expend energy and time to retrieve them from hub jails
- drinkers do not embarrass or reflect on the reputation of the home village or the family (some regional newspapers now regularly print the names of persons who fall into trouble when away from their villages, so the hidden remote behaviors are now readily visible back home)
- drinkers do not attempt to import alcohol on their return
- drinkers do not return home drunk, violent, or suffering from alcohol withdrawal.

It was reported that many villagers preferred to drink excessively in the

hubs because "we don't want our kids to see us when we are drunk." Thus, these persons can, in good conscience, support restrictions on alcohol use, importation, and sale in their home villages by exporting their habits and problems to the hubs.

Most regional hubs report increased visitation from villages that have enacted a local option. There seems to be consensus that the hubs become recipients for externalizing village problems as villages control alcohol; it is possible that the healthier the villages look, the worse the hub communities will look, by definition. However, there is no indication of a one-to-one correlation, that is, an increase of one hub problem for a decrease of one village problem.

Respondents suggested that, while some extravagant drinking is more common and tolerated in the hubs than in home villages, there are greater control and punishment mechanisms in hubs to intervene in negative behaviors; thus, the exportation of drinking is suggested to result in diminution of village tragedies and earlier and more effective intervention in behaviors in hubs. An alternative view was also suggested that some village residents who drink in hubs are more conscious of serious policing, unpleasant penalties, and the embarrassment of being jailed in hubs and that they therefore moderate their hub behaviors.

Whether village problems are externalized by voluntary actions (e.g., a villager going to the hub to drink) or involuntary actions (e.g., jail sentences, exile from the community), the hubs tend to be the recipients of these problems; in particular, the centralization of regional alcohol treatment services in hubs has led to an increase in caseloads. Caseloads have also increased due to more active referral and outreach efforts, more public awareness, increased policing, increased population size, new standards, and other case-finding changes. As a result, it does not appear possible to ascertain how

much of the increased caseload is due to externalization resulting specifically from the enactment of local options.

F. The Local Option Law as a Solution to Village Problems

Observers within and without the villages express uncertainty about which factors account for the recent declines in village problem rates -- VPSO, local option law, development of councils, stability of populations, earlier detection, earlier intervention, more jobs, maturation of populations, cyclical change in local control, and so on. They hesitate to attribute single changes to single causes, preferring to see the change as a systemwide change. On the other hand, they far more readily attribute negative changes to certain single causes, such as the opening up of an alcohol retail operation in a regional or subregional hub.

The history of past community and agency efforts to restrict access to alcohol has often been marked by immediate, although short-term improvements followed by a decline in enforcement effort and a resurgence of problems.

The international literature (4, p. 111) suggests that:

While the overall increase in alcohol consumption could not be attributed to the general relaxation of control regulations in the study societies, the policy approach taken by most governments reinforced the increasing acceptance of alcohol into people's everyday life, and made way for expanding the supply. Conversely, a policy of avoiding further relaxations in alcohol control could reinforce the more restrictive popular sentiments about drinking that are visible in many countries today. Apart from the direct impact which such a policy can have on drinking patterns or problems, it will provide support for what may already be a trend towards lower levels of consumption. Considering that alcohol issues involve very complex cultural, social, and political phenomena, policy changes on alcohol should be made with caution and with a sense of experiment. Sudden and drastic interventions by the state in drinking practices have often had untoward and unintended effects.

Of great concern is the too sudden imposition and enforcement of new bans in villages. Too strict enforcement of the new law tends to result in a growing

groundswell of resentment, resistance, peer pressure, and power struggle; this, in turn, results in abandonment of enforcement, increase in village problems, and the roots of a new cycle of rule-making and enforcement.

Communities which initially achieve real gains through the election and enforcement process often experience tangible declines as:

- the priorities or interest of the VPSO and/or council change
- the methods for interception decline in effectiveness
- the drinkers become more knowledgeable of the law and their legal rights
- community interest and effort decline
- as the drinkers increasingly assert their political power, challenge the authority of local government, and devise ingenious methods to import and use alcohol and otherwise subvert the intent of the electorate for a "dry" community.

During this period of declining effectiveness, drinking and drunken behavior became more noticed, both on the streets, through visiting, and through the communications of the community (e.g., word-of-mouth, CBs, school behavior, work behavior, and so on). Residents begin to bring more alcohol with them, on their person, in their luggage, and on their own vehicles (e.g., boats, snowmachines); this process begins with a few bottles, then half-cases, and occasionally full cases. While the re-introduced volumes are not insignificant, they are not equivalent to the past mail and charter planeloads of alcohol entering the community. In addition, these more limited volumes tend to require very high prices, varying, it is reported, from \$50 to \$140 a bottle. This cost factor alone will constrain overall consumption rates.

There appears to be little congruence of opinion on the longevity of the local option law as actually used by villages. Some respondents feel that the

law will fail entirely to meet more than immediate needs and will be discarded. Others feel that the law is a stop-gap or interim measure allowing communities to move from a complete lack of control to controlled abstinence to controlled drinking. Still others, particularly village residents, feel that their selected option is a permanent feature of community life.

The debate over the permanent or impermanent life of the local option law is based on the individual's view of the modernization and future of the villages. Some persons feel that Alaska Statehood diminished the powers of the village to control their own fates and that the local option law is one instrument for returning that authority. These persons, predominantly Native, feel that the village control over alcohol will not, in the long run, derive from the local option law but from a more wholesale recovery of lost authority.

Other, predominantly white, persons feel that the local option law is a moratorium or interim measure to help communities get a handle on the devastating effects of alcohol during village transitions into the modern world. As one respondent put it, "Alcohol use dates back too far and is too prevalent to be eradicated by so superficial a device as a law." At the end of this interim, they suggest, the patterns and problems of drinking by Alaska Natives will be "normal," that is, will approximate the patterns and problems in the rest of the industrialized world. During this interim period, they also suggest, alcohol education, preventions, and interventions, coupled with community organization, can be introduced so that once the "band aid" of the local option law is removed, the villages can progress without it.

The authors agree with only a portion of each of the preceding viewpoints. We disagree that the law in its present form is likely to be a permanent feature of Native villages, but also disagree with the suggested inevitability of "normalized" alcohol use and problem rates imitating their white, industrialized, and urbanized counterparts. It is more likely that the future

patterns will derive from whatever the villages desire as they regroup themselves, reorganize their own bases of local authority, devise and utilize their own methods, and control their own long-term objectives. To the degree that state and federal laws and agencies are found useful in meeting these objectives, they are likely to be respected and used. To the degree that they appear as obstacles, the villages will attempt to ignore or manipulate them.

The authors suggest that villages will take this independent path because much of their values, thoughts, and methods continues to be derived from their cultures; many of these village cultures find the local option law inconsistent with their accepted modes of community-solving. Inconsistencies occur in the arena of who makes decisions, how decisions are made, how interventions are made into the behaviors of others, the role of informing as a form of social control, the range of acceptable and appropriate control mechanisms, and the degree of rigidity or flexibility that is desired in communitywide laws, enforcement, penalty, and rehabilitation. Nonetheless, this law has rippled throughout the individual, family, social, community, intercommunity, and agency systems and environments, often redefining, at least temporarily, the balance of interests between individual rights and community rights to collective and individual safety and well-being.

In terms of the relationship between this law and Native culture, it remains to be seen whether alcohol control is a more important or less important issue in the long run than the alteration of traditional decision-making, the local exercise of power, the altered self-perceptions and morale which flow from the effective exercise of power, the sense of village self-control, and so on. Among the issues which remain unresolved in this study has been the symbolic nature of the local option law.

G. The Symbolic Component of the Local Option Law

In order to address the symbolic nature of the local option law, we must first summarize where we have been. We have found that the communities which were most successful in implementing their new law were those which:

- 1) knew that the law would not be self-executing
- 2) placed increased police effort in implementation
- 3) allowed much fear and doubt to continue about enforcement and penalties
- 4) experienced an immediate decline in negative events
- 5) understand that the law cannot keep alcohol out entirely (due to ease and invisibility of transportation) but can control behaviors by vigilant and consistent enforcement.

We suggested that the "healthier" a community is, the more likely that it will take advantage of the local option law. Thus, while this is a useful tool among others to solve local problems, the weakest communities are unlikely to have the other necessary components in place to consider, elect, and enforce an option. This is true not only in the arena of alcohol control, but in many other aspects of community life. The healthier communities get more help because they are in a position to ask for it. Therefore, they get an inordinate share of the available resources. The problem, then, for supportive agencies is to determine if they can cut back on this help and leave these communities to fend for themselves somewhat more and shift some of the limited resources to reach out to the weaker villages. This is a difficult experiment, more often than not left untried, for fear of demoralizing the healthier communities.

However, the local option law is not only most effective where it is "least needed"; it is also most effective where it is most readily "manipulated." Villages are quick to adopt and alter "instruments" derived from the outside. The appropriateness of the instruments or the way they are used will be determined by village objectives and organization, not by the external agency objec-

tives. The methods may be considerably distorted in the process. If a village asks for one instrument and gets another, it will distort the instrument it receives to meet its problem or purpose.

What appears to be happening in many villages is a modification and adaptation of the new legal tool to suit local purposes. In some instances, the image of the law is used to accomplish village objectives while its carefully designed form and substance are generally ignored; for example, the threat inherent in the law is often used to enforce a wide range of local ordinances on alcohol use, even though there is no connection in law between the statute and the ordinances. Its image is also used to justify a wide range of extra-legal and even illegal enforcement practices over alcohol possession and use within certain villages.

The people's perception of their "having" a law is often more powerful than the reality of the existence of the law. There are numerous examples of communities passing emergency ordinances and the residents continuing to conform the intent of the law long after the 60 day life span of an emergency ordinance has passed. In a few instances even air carriers continued to respect the community intent by refusing to openly transport alcohol after the "death" of the emergency ordinance. There are similar results flowing from invalid local option law elections.

The local option law and other, more traditional means of community control over alcohol importation have a large symbolic component; they are self-indications by the community that alcohol is consensually viewed as a problem and must not be allowed within the community borders. For example, strict alcohol control enforcers will party with those persons who successfully sneak alcohol, through many ingenious means, past the enforcement efforts. They will also admit to their violations, if challenged, and pay their fine or penalty without

much argument; this act may be viewed positively, in that it indicates symbolic support for the intentions and legitimacy of locally-adopted rules.

In some communities, adopting a local option is a more symbolic than legal action, in the eyes of voters. Some voters in these communities have suggested that it is important "to have done it" even if it is not enforced. These communities consider themselves to be "dry" already, based on the existing consensus of residents. The local option law election is considered to be primarily an affirmation of the existing status of the village, not a legal tool to be used against residents. In these instances, thinking of the village as "being dry" is equivalent to "not condoning alcohol use," as distinguished from "having no alcohol" and "having no problems".

Thus, a local option law election may be a gesture made by a community to itself and about itself. In theory, a gesture of consensus about alcohol, in and of itself, is important. In practice, real control must be recaptured through concrete action, such as enforcement. An initial willingness to enforce may also be a gesture only. While it is unlikely that there is actual effective prohibition in those communities that wish for and try to enforce it, there is a feeling of prohibition which 1) generates its own rewards and 2) alters, somewhat, alcohol use and behaviors.

What, then, is the benefit of the local option law? What appears to happen in some villages is that the community vote on the local option law is a more elaborate reaffirmation of existing community standards and rules. The prospect of having troopers enforce the law and having magistrates impose formidable penalties and create criminal records is seen as an immediate deterrent; as an external threat of unknown dimensions, it appears to support and mobilize the internal control mechanisms of the community and thereby produce modified behaviors among residents. The longevity of these positive changes will be dependent, ultimately, on 1) the reality of the threat, 2) the development of greater

internal controls, and 3) significant improvements in quality of life.

The active enactment and enforcement of the law contributes to altered community self-concept; the act of exercising power reifies the sense of power and the improved morale that results from no longer feeling helpless. What is achieved by the local option law may not be control over alcohol but control over community.

Appendix 1

References

- 1) Jones, D. Aleuts in Transition
1976 Seattle: University of Washington Press
- 2) Conn, S. "Alcohol Control and Native Alaskans -- From the Russians
1982 to Statehood: The Early Years"
Presentation to 1982 Annual Meeting, Academy of Criminal
Justice Sciences, Louisville, Kentucky
- 3) Jones, D., "Acohol as a Community Problem and Response in Alaska"
A. Shinkwin, Fairbanks: Institute of Social and Economic Research,
M. Pete University of Alaska
1981
- 4) Makela, K., Alcohol, Society, and the State
et al. Toronto: Addiction Research Foundation
1981
- 5) Baekey, C. Voting Rights Act Submission
1982 Alaska Legal Services Corporation
Anchorage, Alaska
- 6) Baekey, C. State of Alaska Title 04 Alcohol Local Option Law
1983 (Volume 1) for Municipalities and (Volume 2) for
Unincorporated Communities
Alaska Legal Services Corporation
Anchorage, Alaska
- 7) Conn, S. "Town Law and Village Law: Satellite Villages, Bethel
1982 and Alcohol Control in the Modern Era -- The Working
Relationship and Its Demise"
Presentation to 1982 Meeting of the American Society of
Criminology, Toronto, Canada
- 8) Conn, S. Alaska Bush Justice: Legal Centralism Confronts Social
1981 Science Research and Village Alaska (Second Draft)
Presentation to IUAES Commission on Contemporary Folk Law
Meeting/Symposium, Bellagio, Lake Como. Italy
- 9) Conn, S. "Alcohol Control in Village Alaska". Semi-annual report
1978 to NIAAA, April 1 - September 30.

INTERDEPARTMENTAL
COORDINATING COMMITTEE (ALCOHOLISM)

REPORT TO THE GOVERNOR.

CHAPTER ONE

INTRODUCTION

1. Assumptions

The following assumptions were made in the preparation of this document:

1. State government should not do for local communities that which they can do for themselves.
2. State government should not do for individuals that which they can do for themselves.
3. There should be maximum public participation into the policy making machinery of State government.
4. State government programs should be goal directed, have measurable outputs, and be cost effective.
5. Because the State sanctions the sale and distribution of beverage alcohol, and derives revenue from such sales, the state is responsible for ensuring that the negative effects of alcohol abuse are addressed in a rational manner.
6. Beverage alcohol is an addictive drug and is easily abused.
7. There is high public tolerance for relatively heavy drinking in Alaska.
8. No one theoretical model can account for all known types of alcohol abuse and alcoholism.
9. Alcohol abuse and alcoholism manifest many interrelated causes and effects which include cultural, economic, social, political, physical, and psychological considerations.
10. Given low average age of the population, high per capita consumption of beverage alcohol, apparently high public tolerance of heavy drinking, relatively low prices of beverage alcohol, rapid growth, cultural change and conflict, and other related conditions and events in Alaska, alcoholism and alcohol abuse will be costly problems for some time to come.
11. Therefore, a realistic prevention and control strategy is not one that expects dramatic reductions in alcoholism and alcohol abuse over the short term.

12. A realistic prevention and control strategy is one that organizes and sets in motion conditions and systems which can be expected to result in gradual and lasting reductions in alcohol abuse and alcoholism while immediately attacking certain specific aspects of the problem which seem to be improvable over the short term.
13. A realistic treatment strategy is one that anticipates no decreases in the number of persons needing treatment for alcoholism over the short term but will instead program for expected increases in the numbers of persons needing treatment for the next decade.
14. There is little agreement in the literature about what combinations of prevention/control/treatment measures "work". Therefore, prevention, control, and treatment of alcohol abuse/alcoholism is an experimental enterprise.
15. Medicine, psychiatry, psychology, social work and sociology and other disciplines disagree about the etiology and treatment of alcoholism. Nevertheless there are generally accepted program and treatment practices which are reflected in the "Joint Commission on Accreditation of Hospitals" standards for alcoholism services, recently adopted by the State through the Alaska Administrative Code.
16. Alaska is in an early and traumatic stage of growth and organizational development. Therefore it is appropriate to view the work of the Inter-departmental Coordinating Committee as an early step in the development of logical policies containing recommended counter measures to a set of problems the causes of which are beyond the control of the Committee.
17. Therefore this document should not be viewed as a panacea but as a rational first building block in the development of long term conditions and systems designed to reduce and treat alcohol abuse and alcoholism.
18. Recommendations presented herein should be rooted in hard evidence when possible.

19. The political power attributed to groups with vested economic interests in current alcohol use patterns is not a consideration in the development of this document.

20. An effective State program to deal with alcohol problems in Alaska must be a balanced, comprehensive approach including components of education, control, and treatment.

II Sources of Policy Questions/Development of this Document

The policy questions addressed in this document were derived from members of the Interagency Coordinating Committee, staff to the Interagency Coordinating Committee, input from other state officials, input from the public and perusal of national and international publications. (See Appendix A)

These policy questions were refined and analyzed by a working group of staff to the Interagency Coordinating Committee to the extent that time permitted.

These policy questions and recommendations were tested, insofar as possible, against hard empirical data. However, hard data is an often scarce commodity in Alaska.

Therefore, many of these questions had to be addressed by policy recommendations which were rooted in an informal "collective agreement" in the absence of empirical data.

A more thorough empirical analysis of many of the same issues explicated in this report will be completed by December 31, 1976.

Many of the proposals included in this report should be re-examined with the benefit of the additional data to be available in December.

CHAPTER TWO

CONFIGURATION OF ALCOHOL PROBLEMS IN ALASKA

It is the purpose of this report to present indicators that are identified on the extent and nature of alcohol-related problems in Alaska, to estimate alcohol-related costs borne by State government and compared with tax revenues unique to the liquor industry, and to recommend action by State government that should effectively reduce the incidence of such problems and place the associated tax burden on the appropriate source. In this report, an alcohol-related event is defined as one in which alcohol is judged to have been a significant contributing factor.

It should be remembered that many alcohol-related problems are not readily apparent to State government and are often beyond our ability to measure. This includes such problems as broken homes, the emotional suffering and economic loss of families, industrial accidents, lost man-hours of productive work, and a variety of health problems related either directly or indirectly to alcohol abuse.

Extent and Nature of Alcohol-Related Problems in Alaska
(Currently visible to and measurable by State Government)

A. Social Services

1. In August, 1975, the Division of Social Services began submitting reports to the American Humane Association (AHA) on each substantiated case of child abuse or neglect brought to the attention of State social workers. The reports contain the social worker's appraisal of major contributing factors in each case. Of 108 child neglect reports submitted to AHA in the latter part of 1975, 49 (45%) were judged to have involved "alcohol dependence". The Division estimates that it responded to approximately 380 substantiated neglect cases over the entire year.

2. Of the ~~11,000~~ reports submitted to ALE in the latter part of 1978, 16 (0.5%) were judged to have involved "alcohol dependence". The Division estimates that it responded to approximately 180 substantiated abuse cases over the entire year. We have no figure for the actual incidence of child abuse and neglect - we know only the number of cases reported to the State. In addition, the above figures do not tell us how often drinking was involved in the incident, but rather how often "alcohol dependence" was later judged to be an overall contributing factor.

3. Though firm information is not now available on the extent of alcohol problems among the state's aged population, a conservative estimate concerning the Homemakers program is that 10% of their elderly clients would require significantly less assistance were it not for excessive drinking. This is supported by a sample of 40 elderly clients of the Homemakers program in Southeast Alaska, of which 4 have been judged by the regional coordinator to have significant alcohol problems.

4. The Director of the Division of Social Services estimates that approximately 50% of all social worker time spent on direct counseling and case management is concerned with clients for whom alcohol presents a "significantly complicating problem".

B. Public Assistance

Interviews with the Southeast Regional Manager of the State's public assistance programs and others in the Department of Health and Social Services (DHSS) familiar with the State's welfare recipients have yielded the following conservative estimates:

1. Approximately 15% of all AFDC cases are alcohol-related. In other words, in at least 15% of all cases, alcohol abuse is believed to have significantly contributed to such eligibility factors as income below a certain level and families with one parent absent or incapacitated.

2. According to the Alaska Department of Social Services, the Alaska Division of Social Services, it is the opinion of the Division that alcohol consumption is significantly to the disability or lowered income of 20% or the receipt of aid.

3. By determining the number of individuals who qualified for a Medicaid payment by virtue of their eligibility for AIDC or Aid to the Disabled, and by then applying the above percentages to this group of individuals, it is estimated that at least 6% of the State's Medicaid patients find themselves in a position of dependency due in large part to excessive drinking.

C. Mental Health

A tabulation of discharge reports for Alaska Psychiatric Institute indicates that, in FY 76, 29.5% of all discharges had an alcohol-related primary or secondary diagnosis. A similar tabulation for outpatient discharges from community and State-operated mental health clinics indicates that 4% of these services are alcohol-related.

D. Public Health

The Public Health nurses estimate that 15% of the home accidents that they see and treat are related to alcohol abuse. The percentage varies according to region and bush versus urban setting. In the bush areas the percentage will range from 2% to 40% as some areas are "dry" areas, while others are unrestricted. In the urban areas the problem is not as noticeable as the nurses are not as intimately involved in the handling of cases, especially in Anchorage and Fairbanks.

E. Education

Though any quantification of alcohol-related problems among the state's school age population remains elusive, such information does exist for the State's Boarding Home Program. A tabulation of "termination reports" for Boarding Home students indicates that during the 1975-76

and at young age. Students were more prone early on to serious drinking problems (either drinking regularly or getting into trouble while intoxicated). A total of 1,926 children began the program, and 572 completed a full year. It is estimated by the former director of the program that an additional 10% of the Boarding Home students drink excessively but do not get into trouble serious enough to warrant their early dismissal from the program.

F. Fires

According to the State Fire Marshal, there were 31 fatalities from fire in Alaska in 1975. Of these 31, 10 were positively identified as alcohol-related. These 31 fatalities resulted from 25 fires, 8 of which have been positively identified as alcohol-related while 8 others are possibly related.

Thus far in 1976 (through July), there have been 15 fatalities from fire, 10 of which have been judged to have been alcohol-related. These 15 fatalities resulted from 10 fires, 6 of which were alcohol-related.

G. Boating Accidents

According to the Coast Guard Office of Boating Safety (OBS), there were 62 deaths from boating accidents in Alaska in 1975. Whether or not alcohol was involved is unknown for 15 of these fatalities. Of the remaining 47, OBS has judged 30 to be alcohol-related. It is felt that a similar proportion probably applies to the other 15 fatalities for which the possible involvement of alcohol remains unknown.

H. Traffic Safety

1. The Alaska Traffic Safety Bureau (ATSB) has determined that, in 1975, 45% of fatal accidents (46% of traffic fatalities) were alcohol-related.

2. The national average for OMVI arrests per 1,000 licensed drivers in 1975 was 9.1 (taken from Department of Transportation Highway Safety Report for Congress, 1975). This compares with an Alaska rate of 15.0 for the same year (figure compiled from state trooper and municipal police reports, and the Division of Motor Vehicle records). The Alaska rate for 1974 was 11.6, and for 1973 was 12.5.

3. OMVI recidivism - It has further been determined that, in 1975, 33% of all OMVI arrests in Alaska had been arrested on the same charge at least once before (taken from convicted driver files, Division of Motor Vehicles, Department of Public Safety).

4. The ATSB reports that the average Blood Alcohol Content (BAC) statewide at the time of an OMVI arrest is .177. In 71% of OMVI arrests, the BAC was determined to be .15 or over. Under current State law, an individual with a BAC of .10 or over is presumed intoxicated. This means that only the most serious offenders are currently arrested, and that Alaska's unusually high rate of OMVI arrests per 1,000 licensed drivers is not a result of unusually strict enforcement.

I. Criminal Justice

1. The administrator of the Violent Crime Compensation Board estimates that 50% of those cases for which a compensation grant was made in FY 76 were alcohol-related.

Information shown under #2 - #5 has been extracted from "Alcohol and the Alaskan Offender" by Judy Hill, Division of Corrections, 1975.

2. In 1969, a survey was conducted by the Office of Vocational Rehabilitation of one half the total inmate population at 12 Alaskan State and City jails and at 3 Federal prisons (Alaskan inmates only). Of 173 sampled, 62 had been charged with "Drunk in Public". Excluding

these 62, 88% of all others stated that they had been drinking at the time of the offense. (Including the 62 charged with Drunk in Public, the figure would be 80%.)

3. In a 1974 Division of Corrections random sample of District Court misdemeanor cases in Anchorage, 42% of the charges were directly alcohol-related (OMVI, Drunk on Roadway, Disorderly Conduct).

4. In a Division of Corrections sentencing study for 1974, it was found that 37% of all sentences in Anchorage during that year were directly alcohol-related (17% for OMVI, 10% Drunk on a Roadway, 10% Disorderly Conduct). These figures were taken from Commitment and Release cards in the Division of Corrections. In Fairbanks, Juneau and Ketchikan, data recorded for all offenders sentenced to time in jail during the last six months for 1974 indicates that 41% of all sentences were for alcohol-related offenses.

5. In a 1975 Division of Corrections study of 103 Anchorage offenders with sentences of 6 months or more, 84% stated on anonymous questionnaires that they had been drinking at the time of the offense. The following table summarizes the relationship in this sample between alcohol use and major violent and non-violent offenses:

Alcohol at time of offense, violent crime	44%
Alcohol at time of offense, non-violent crime	40%
No alcohol, violent crime	3%
No alcohol, non-violent crime	8%
Unknown	<u>5%</u>
	100%

J. Per Capita Alcohol Consumption

The table on page 2-3 gives per capita consumption comparisons among the states for 1972 (the last year for which we have comparative

and Vermont. Factors contributing to high consumption in these three states include: Well established tourist industry; and/or low taxes/prices compared with neighboring states; and/or, in 1972, lower drinking ages than neighboring states (e.g., Massachusetts). The table is lifted from a booklet entitled Alcohol and Health by HEW, June, 1974.

An earlier booklet in the same series, prepared by HEW, offers the same kind of table for 1970. The 1970 figures permit us to make some international comparisons. Per capita consumption figures for a wide selection of countries in 1970 are available in a paper presented to the Education Commission of the States by Jan De Lint of the Toronto Addiction Research Foundation. One of the countries in the selection is the United States, for which a per capita consumption rate of 9.74 litres of absolute alcohol per year is given. The 1970 figures from HEW declare that the U.S. per capita consumption rate of absolute alcohol was 2.51 U.S. gallons, or 9.98 litres. In both cases, the population base used in the calculations are all residents 15 years old or older. Given the close similarity of these figures, we feel justified in converting the Alaska per capita consumption rate in 1970 given by HEW into litres, and then comparing Alaska with the other countries on De Lint's list. This is shown on the second table. Though France and Italy seem to be in a class by themselves, Alaska's per capita consumption rate appears to be quite high in comparison with the rest of the world.

TABLE 1
APPARENT CONSUMPTION OF SPIRITS, WINE, AND BEER, AND
OF ABSOLUTE ALCOHOL FROM EACH, AND OF TOTAL ALCOHOL,
IN U.S. GALLONS PER PERSON IN THE DRINKING-AGE
POPULATION, U.S.A. AND BY STATES, 1972

State	Distilled Spirits	Absolute Alcohol	Wine	Absolute Alcohol	Beer	Absolute Alcohol	TOTAL Absolute Alcohol	Rank Order
Alabama	1.06	0.00	0.63	0.09	16.52	0.76	1.45	41
Alaska	5.06	2.18	2.93	0.43	27.87	1.25	3.66	4
Arizona	2.61	1.12	2.46	0.38	34.70	1.56	3.64	5-10
Arkansas	1.30	0.59	0.95	0.14	17.06	0.79	1.52	50
California	3.17	1.35	4.66	0.68	26.60	1.20	3.24	6
Colorado	2.95	1.27	2.64	0.38	29.61	1.33	2.98	2
Connecticut	3.26	1.40	2.43	0.35	21.81	0.93	2.73	21
Delaware	3.79	1.63	1.87	0.27	28.15	1.27	3.17	8
Florida	3.10	1.59	2.36	0.34	23.99	1.30	3.23	7
Georgia	2.69	1.16	1.11	0.16	20.64	0.93	2.25	25
Hawaii	2.55	1.10	1.91	0.28	24.43	1.10	2.48	19
Idaho	1.80	0.77	1.94	0.23	30.65	1.35	2.40	20
Illinois	3.16	1.36	2.18	0.32	27.56	1.23	2.91	4-11
Indiana	1.72	0.74	0.88	0.13	22.78	1.02	1.89	41
Iowa	1.63	0.70	0.55	0.02	25.27	1.14	1.85	43
Kansas	1.99	0.63	0.57	0.03	21.32	0.95	1.77	47
Kentucky	1.93	0.83	0.70	0.10	27.39	1.01	1.94	38
Louisiana	1.04	0.88	2.20	0.32	29.11	1.25	2.66	30
Maine	2.35	1.01	1.63	0.24	29.92	1.35	2.67	16
Maryland	3.57	1.45	2.10	0.30	28.65	1.29	3.04	9-13
Massachusetts	3.18	1.37	2.54	0.37	26.50	1.15	2.93	15
Michigan	1.51	1.08	1.92	0.23	31.25	1.41	2.17	32
Minnesota	2.65	1.14	1.41	0.20	25.28	1.16	2.50	27-31
Mississippi	1.52	0.78	0.82	0.11	21.97	0.99	1.83	42
Missouri	2.18	0.94	1.34	0.19	25.66	1.15	2.33	35
Montana	2.52	1.06	1.14	0.16	34.95	1.57	2.91	18-19
Nebraska	2.42	1.04	1.10	0.16	28.01	1.30	2.50	27-31
Nevada	0.26	3.55	5.23	0.76	41.66	1.83	6.19	1
New Hampshire	2.41	3.19	2.67	0.39	40.93	1.84	5.42	3
New Jersey	3.14	1.35	2.90	0.42	25.32	1.14	2.91	14-15
New Mexico	2.38	1.02	2.42	0.35	32.08	1.44	2.81	18-19
New York	2.93	1.25	3.06	0.44	25.78	1.16	2.85	15
North Carolina	2.08	0.89	1.50	0.22	18.33	0.82	1.93	40
North Dakota	2.60	1.20	1.15	0.17	29.26	1.32	2.69	24
Ohio	1.84	0.79	1.40	0.20	38.33	1.72	2.71	22-23
Oklahoma	1.79	0.77	1.05	0.15	19.67	0.83	1.50	44
Oregon	2.13	0.92	3.29	0.43	28.15	1.27	2.67	25
Pennsylvania	1.83	0.81	1.50	0.22	28.65	1.23	2.32	34
Rhode Island	2.77	1.19	2.97	0.43	33.62	1.33	3.00	11
South Carolina	2.05	1.27	1.52	0.22	21.17	0.95	2.44	31
South Dakota	2.19	0.94	1.15	0.17	23.44	1.05	2.16	33
Tennessee	1.50	0.64	0.79	0.11	22.09	0.99	1.74	48
Texas	1.76	0.76	1.42	0.21	31.95	1.44	2.41	33
Utah	1.37	0.59	1.05	0.16	18.15	0.82	1.56	49
Vermont	1.41	1.90	1.15	0.46	34.78	1.55	3.92	3
Virginia	2.35	1.01	1.51	0.22	22.29	1.00	2.23	37
Washington	2.36	1.01	3.03	0.44	28.05	1.26	2.71	22-23
West Virginia	1.74	0.75	0.69	0.10	20.00	0.93	1.75	45
Wisconsin	3.04	1.31	1.87	0.27	39.73	1.79	3.37	5
Wyoming	2.81	1.21	1.36	0.20	32.10	1.44	2.85	17
District of Columbia	9.9.	4.26	6.31	0.91	30.55	1.37	6.54	
U.S.A.	1.60	1.12	2.16	0.31	26.62	1.20	2.63	

Amounts calculated from tax-paid withdrawals only. The drinking-age population is taken as 15 years and older.

Source: Efron, Keller and Gurion (20).

1970 TOTAL ALCOHOLIC BEVERAGE CONSUMPTION PER CAPITA

14 YEARS AND OLDER IN LITRES OF ABSOLUTE ALCOHOL

Country	1970
France	23.98
Italy	20.73
Spain	16.89
Luxembourg	16.21
W. Germany	16.04
Portugal	15.72
CSSR	14.55
Switzerland	14.52
ALASKA	14.23
Austria	13.29
Belgium	13.21
Hungary	12.95
Australia	11.68
N. Zealand	11.02
E. Germany	10.47
Yugoslavia	10.36
U.S.A.	9.74
Denmark	9.70
Canada	9.58
Gt. Britain	8.32
Sweden	7.94
Netherlands	7.81
Poland	7.52
Rep. Ireland	7.27
Finland	6.33
Norway	4.37