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TOWN LAW AND VILLAGE LAW: SATELLITE VILLAGES,
BETHEL AND ALCOHOL CONTRL. IN THE MODERN ERA --
THE WORKING RELATIONSHIP AND ITS DEMISE

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ABSTRACT

In Southwestern Alaska, the underpinning of the working relationship between official law and village social control was tied to alcohol control. This paper examines the breakdown of this relationship in the 1960's and its impact on village law. It also assesses the role of town liquor policy and town police and treatment resources on alcohol-related violence in the villages in the 1970's. It argues that a recent movement to reinstitute prohibition of importation and sale in many villages must be understood as a desire for renewal of a working relationship between two centers of legal authority.

Introduction

On June 19, 1981 Alaska Governor Hammond signed into law state legislation which allowed both municipalities and established villages not incorporated under state law to vote into effect (among options afforded) prohibitions on both the sale and importation of alcoholic beverages.

By the following June, more than 30 of the 110 villages contacted by representatives of Alaska Legal Services, who spelled out the options as well as the legal mechanics, had voted for a ban on sale and importation. Of these, fourteen villages of about fifty Yupik Eskimo and Athabascan villages in the Yukon-Kuskokwim Delta had voted in favor of the ban, each one a Yupik Eskimo village of about 400 persons served by the 3,500 person town of Bethel, the government center of the Delta. (Tundra Drums, June 24, 1982:1) One of the Yukon Indian villages in the 90,000 square mile region had voted to a tie.

This research monograph, one of a series on the impact of alcohol control laws on Alaska Natives, took on special importance as a result of what appears to be a movement throughout rural Alaska to make sale and importation of liquor crimes prosecutable as misdemeanors with minimum ten day terms and vehicular confiscation possible outcomes, village laws now enforceable by state troopers.

Had Native Alaskans abdicated their own legal authority to state law? Were Native Alaskans victims of a century of missionarization or now true believers in their own eternal

fallibility when liquor was present?

Speculation by non-Native migrants to Alaska, persons who come to govern Native Alaska through centralized state bureaucracies, may have settled on any of these theories.

In fact, villages in Alaska operated from a special historical perspective. When territorial and late state law was concerned, each could relate to a time in the not too distant past when a working relationship between village law and outside law had as its underpinning, alcohol control. Each had experienced a change in that relationship with the coming of statehood that had disempowered villages. Some had observed the shift in patterns of alcohol-related violence as Bethel had shifted from a legal source of liquor to an illegal source in 1974 when it voted to ban sales.

The movement to validate the local option law can only be understood in the context of an ongoing relationship between outside law and village law. It must also be understood in terms of the relationship between Bethel, the source of law and liquor, and villages within its orbit.

Methodology

The paper draws upon several forms of data. Indian hospital records, jail booking sheets, treatment center records, letters to troopers, village council records, unpublished meeting records, field interviews and investigations all find a place in this analysis. Standard crime reports were limited to those matters dealt with by state troopers. Much alcohol-related violence

was not reported to police or perused and could best be discovered in hospital records¹ or in village accounts informally kept. (See Angell, 1981)

The purpose of this paper is to educate state legal officials to the legal culture which they created in rural Alaska. One hopes that it will serve to dispel the impression that villages developed problems legal and governmental out of cultural inadequacies, culture shock or that grand catchall, social breakdown.

In fact, the breakdown in rural law stemmed from a failure to listen to Alaska Native leadership in the villages and to reinforce and respect village legal authority when respect was critical to the quality of village life.

The Breakdown

Representatives of eleven villages in the 57-village 19,000-person Bethel region met in Bethel on September 19, 1962, both to organize what came to be the Association of Village Council Presidents and to discuss the interplay between state law and traditional social control meted out by village councils as each dealt with liquor-related problems. (See map, Appendix 2.)

In this epoch (the early 1960's), village councils were the mainstay of ins...ionalized village social control (Hippler and Conn: 1973, 1975). Village police, jails or judges were nearly non-existent. Where village police were retained, they were untrained individuals who served to bring persons before the councils (Angell: 1978).

The state legal system was then represented by a single state trooper in Bethel, charged with law enforcement throughout the 90,000 square mile region. The daughter of a marriage between an Alaska sourdough and Yupik Eskimo, former U.S. Commissioner Nora Guinn was the State magistrate in Bethel. Law school-trained judges with authority to try felonies flew into Bethel periodically to try cases, as did attorneys for the prosecution and the defense.

The minutes of the meeting reveals the liquor-related problems of the epoch, the work of councils in unincorporated communities, and the limited capacity of the state to reinforce village control of alcohol.

(Transcript Excerpts)

The meeting was brought to order at 9:35 a.m., September 19, 1962, by Mr. R. D. Hollingsworth, Area Field Representative for the Bethel District. In opening, he stated that this meeting was called by Peter Carter, president of the Eek Village Council, and welcomed each village representative present. He explained that a meeting similar to this had been held in Kotzebue, Tanana and Barrow and then proceeded to introduce the officials attending the meeting: State Trooper Robert Redstone; Captain Mayfield, Alaska State Police; Mrs. Nora Guinn, Deputy Magistrate of the Bethel District; Mr. Hall of the Realty Office; Arthur Nagazruk, Tribal Relations Officer from Nome; Mr. Jenson from Juneau who assists villages in developing economic projects; Mr. Charles O'Brien, Finance Specialist; and Mr. J. Lloyd Watkins, Education Specialist of the Bethel Office. He stressed that these officials were not here to run their meeting, but to help them and give advice where needed.

The Meeting was turned over to Peter Carter, president of the Eek Village Council. He stated that the objective of this meeting was to try and standardize the village council rules in the area. The first, and most important, rule to be talked about was the problem of making and drinking home brew in the villages. Second, fines - how much to be fined a person for the first charge, second, etc., and how many times they should be fined. He said that the enforcement of the village council rules has to be carried out by the village council members. He asked who they should call or write to when they need help. They were told to write to the State Trooper or Mrs. Nora Guinn, Deputy Magistrate. The meeting was then open for group participation and questions.

Steven Maxie, president, Napaskiak Village Council, stated that he liked the idea of trying to standardize the rules of the village councils and the fact that everyone is getting together to try to form rules that will help the whole area.

Nile Smith, president, Hooper Bay Village Council, also liked the idea of standardizing the rules and regulations of all villages and stated that it will strengthen the rules and regulations and help in the enforcement of them and will be good for future generations.

Dan Akeralrea, president, Scammon Bay Village Council, stated that he had come a long way to attend this meeting and that it was the first meeting of this type that he has ever attended. The standardization of the rules and regulations of the villages has long been needed. He is anxious to return to his village and report to the other members of the council whatever he learns here this day. He mentioned that the council rules and regulations should go along with the State rules.

William Lomack, president, Akiachuk Village Council, said that he approved of this type of meeting and its objective. He,

too, agreed that the rules should go along with the State to strengthen them. He mentioned that it would be necessary to see that these rules are applied and carried through.

Captain Mayfield of the Alaska State Police in Anchorage stated that he was pleased to see that the people were interested in rules and regulations to make this a better place to live. He is here, not to interfere, but to give these people present any assistance they may request.

Peter Carter then read the rules of Eek for the other villagers to compare with their own:

1. If anyone from any other village should get drunk in town or making trouble, should be fined \$10.00.
2. Anyone making alcoholic brew without a license will be reported to the State Police.
3. Anyone stealing or using somebody else's property without permission will have to pay the owner of the property.
4. Loose dogs of six months should be tied down by the owner. If not tied up after told two times by the council, the dog will be shot.
5. On school days the curfew will be at 9:00 p.m. Week-ends 10:00.
6. If a man is drunk and makes trouble, will be stopped by the council and if he does not obey the council will be fined \$10.00.
7. Children using BB guns will be fined \$10.00. The fine will be charged to the parents.
8. Gambling prohibited.

Peter asked for comment on these rules. William Lomack, Akiachuk, said he was interested in the rule regarding the making of home brew. He wants to go back to Akiachuk with an understanding what this group has decided on the making of home brew in the villages. He mentioned the bad parts of home brew making such as stomach disorders and the various unnecessary trouble it causes. Nile Smith, Hooper Bay, felt that we should work on this problem first, particularly on the fine and the punishment. The fine should be set to coincide in all villages. He told of the rules in Hooper Bay pertaining to this problem. When a person is found guilty of making home brew he is first given a warning by the council. The second time he is fined \$25.00, and the third time the officials are called and he is reported to the State Police. Steven Maxie, Napaskiak, informed us that a new council had been elected on August 12 and that he

was comparatively new as president of the village. The village has been going by an old set of rules and regulations and the new council is presently going over these old rules and adding new ones. He told the group what is done in Napaskiak when a person is found guilty of making home brew and is drunk from it. He stated that Napaskiak has had many of their villagers drown because of this problem. For the first offense the person is fined. The second time, they work 8 hours a day for one week in the village. The third time, he is restricted to the village for three weeks and they work for three weeks on village projects. They are allowed to go to church and to the hospital only. If a man comes in from another village and acts violently, they ask for help from the State Trooper if they are unable to handle it themselves.

Peter Carter stated that in Eek they also report to the State Trooper when drinking and home brew making laws are not adhered to. He asked for further instructions regarding the reporting of these cases to the State Trooper.

Trooper Redstone told the group that the laws put down state that as far as making home brew, they can do nothing on it or stop them unless they make it for re-sale. If they drink it themselves, there is nothing they can do.

Mrs. Guinn said that the villages, legally, cannot have an ordinance that will conflict with the State laws, but she felt that the village councils can make their own rules and make their own punishments as an unincorporated village.

Captain Mayfield said that the villages can pass a law that would prohibit them from making home brew, but they cannot make rules that are more strict or more lenient than those of the State. Mr. Hollingsworth explained to Captain Mayfield that some rules that the village councils make are enforced by the village council but not by the State. He asked that if they should have someone in the village who will not obey the council and his behavior leads into breaking a State rule, will the police be harder on him than they would be if they had punished in the village? Captain Mayfield said they certainly would go all the way and would refer him to the courts. They will take ones that the villagers have had no success in dealing with. Mr. Jensen asked if there was any State law relating to creating a public nuisance, or could be classed as such, in case a person insisted on making home brew. Mr. O'Brien stressed that they should be careful in making their rules in that they do not take away the rights of the people. The meeting was adjourned temporarily for a 15-minute coffee break at 10:30 a.m. [AVCP, 1962: 1-6]

Comment:

In this epoch, Southwestern Eskimo villages confronted the making of home brew as the major alcohol-related problem and not

liquor purchased from liquor stores or bars.

This focus on home brew demonstrates the rather belated introduction of other sources of liquor to this Alaska region. Tom Brower, the whaling station boss and "father" of the Northern outpost of Barrow described the manufacture of hootch from sugar and molasses, purchased from his post in that area of the territory and his destruction of stills in 1896 (Brower, 1960). Southwestern Alaska did not join other regions in active commercial liquor trade until much later.

Councils had found support in the work of United States Commissioners at Bethel and Fortuna Ledge, Moravian and Catholic missionaries and liquor suppression officers hired for the territory prior to 1953. They had also looked to their status as villages organized under the Indian Reorganization Act for legal authority in territorial days (Peratrovitch, 1974) as well as territorial laws which allowed unincorporated village councils without commissioners to enforce police ordinances.

What each discovered in 1962 was that the backing of state law was not the same as the backing of other earlier, territorial sources of legal authority. Even Federal law appeared to offer no reinforcement of council attempts to impose village rules.

Transcript Continues:

Mr. Carter brought the meeting back to order at 10:45 a.m. He said that everyone should know what the Federal laws state regarding the making of home brew and other alcoholic beverages. He asked the State Trooper to tell them what he knew about this. Trooper Redstone said that the first problem he ran into when he came to the Bethel District was that of home brew making. In our

State laws, he could find nothing on the making of beer where they could enforce it or where they could do anything about it. He further stated that there is a Federal law which says you cannot make wine without a license and it states the certain kinds of wines which this rule applies to and the percentages of alcohol content. He has taken this problem to the State Attorney and there is nothing at all on the making of home brew. Nile Smith, Hooper Bay, said that, to them, wine was the same thing as beer and they both take away food items that the villagers need in their homes such as sugar, yeast, etc. He urged the group not to be afraid to get up and talk and let their feelings be known. Peter Carter asked the group to let him know what they think about the rules of the Eek village - if they think they should be changed, say so, and if they think they are fine, let it be known. Trooper Redstone let it be known again that the making of home brew is not a criminal offense and that they can do nothing to enforce it. Mr. Hollingsworth informed the group that there is no way they can make a law which would interfere with the personal liberties of the people. Captain Mayfield added that they cannot stop them from making this a law in the village, but that this is a problem which should be asked of an attorney as it would be a defiance of constitutional rights. The group was cautioned again that they must be careful in making their rules that they do not take away the rights of the people in their own home. [AVCP, 1962: 6-7]

Comment:

Village leaders were confronted with two problems. First, the backing of state law was not evident in dealing with the major liquor problem of the period and, second, they, as law enforcers, were warned by police authorities that their acts in protection of community interests might make them subject to law suit or arrest. Village leaders had too little experience with courts to evaluate these warnings of legal actions which might be brought against them.

It is not surprising that the discussion shifted to a second question. If councils did not possess legal authority to deal directly with liquor manufacture, as each had in territorial days, who then could be called into the village to enforce state

law?

Transcript Continues:

Dan Akeralrea, Scammon Bay, asked the question who they should call or who to write to when they have trouble in the village. They were told to write to Trooper Redstone or Mrs. Guinn. Trooper Redstone said to address all letters to State Police, Bethel, Alaska. This way, their letters will always get to the proper person in charge in case of personnel changes. The group asked Trooper Redstone to advise them on what instances they should write or call for help. Redstone said he would like to be notified of all accidents where someone is drowned, shooting accidents, any injury resulting in death, and instances where someone is drunk and acts violently, placing other members of the village in danger. If it is an emergency, they can notify him by radio; if not, by mail. [AVCP, 1962: 7-8]

Comment:

Trooper Redstone accurately described legal matters emanating from small villages that the state police were prepared to handle, not only in this epoch, but throughout the 1960's and 1970's. Serious, felonious acts were viewed as trooper business in the village. Though state law had removed direct responsibility over village crime from the villages, the state legal apparatus was not prepared to prevent crime in the villages or to deal with minor offenses, this in an epoch when councilmen perceived that village liquor control and action against minor offenses was the key to prevention of serious crime in the village.

Transcript Continues:

Nicholai Steven pointed out to the group that the problem of drinking and home brew making in the villages is beginning to draw in the young people more and more and it is bad thing for the villages to allow it. Mr. Hollingsworth interrupted for a moment to inform the group that he had just made a phone call to the State Solicitor's office in Anchorage asking for their interpretation regarding home brew making and if it is, or is

not, illegal. Their answer was: "No, it is not illegal, but if they give it to minors or start throwing things and causing a disturbance, it is against the law." A gentleman got up to state that this problem cannot be overlooked in their villages and if they do not make an ordinance prohibiting the making of home brew, it will continue to be a major problem. He put the question before the group - are we or are we not going to allow the making of home brew in our villages? They discussed this in Eskimo and a final decision was made that they do want to have an ordinance stating that they do not want people making home brew in their homes. Mr. O'Brien stressed that the people should understand that this rule about home brew will be up to them and they should understand that if they go into someone's house, they are trespassing and should know that this is not right. [AVCP, 1962: 8] The group posed the question as to whether or not they could go into a home to stop the making of home brew. They were told that this is breaking the law in that it is trespassing and the person involved could file charges against whoever goes into the house to stop this. This law cannot be enforced by anyone but by the village council members themselves. If the group thinks that it will help the majority of the people, to go ahead and pass the ordinance. A discussion in Eskimo was held and they decided that they still wanted the ordinance prohibiting the making of home brew in the home. They expressed their understanding that this ordinance would have to be enforced by the council members only and realized the fact that they could not call upon the State Police for help in this enforcement. [AVCP, 1962: 8-9]

Comment:

Even in the face of threatened state prosecution for trespass and withdrawal of official state support for their work, councilmen decided to continue to support direct action against home brew manufacture in their villages.

The afternoon session then turned to a second problem, the role that Bethel then played in creating liquor-related problems in their villages.

Transcript Continues:

Peter Carter called the meeting to order at 1:00 p.m. and asked of Trooper Redstone what can be done to individuals who are known to be "boot-leggers". Trooper Redstone said to write a letter to the State Police, Bethel, giving information such as

who bought the bottle, from whom and state everything they know about it and they will take it from there.

Peter said they have heard that there is "boot-legging" in Bethel. Sometimes some of their villagers buy a boot-leg bottle from Bethel and return to the village and cause trouble there. Trooper Redstone told them that if a person from another village buys a bottle from Bethel and goes back to the village and causes disturbances, to try to find out where that person got the bottle in Bethel and let him know so he can do something about it. The subject of fines was brought up. Some people are fined a small amount while others are fined too much. They felt that their fines should be the same as what the State fines their people for drinking, and wanted to know how many times they are fined and any other additional information concerning this. Redstone advised the group that he had taken this up with the District Attorney also. The people are not allowed to fine by law. You can fine them daily if they agree to pay the fine to make up for what they have done. It is all right to fine if all parties are agreeable. If they do not go along with it, there is nothing they can do to make him pay except to apply social pressure. Peter Carter asked if the people that are picked up and put in jail in Bethel are fined. They were told they were since Bethel is incorporated. The definition of the word "incorporated" was questioned. Mr. Hollingsworth and Mr. O'Brien defined the word as best as they could for the group. Mr. Jensen then explained about a fourth class village and what it has to offer. Mr. Carter asked the group if they should go ahead and continue fining people in their own villages with the full knowledge that it will be up to the council members only to collect these fines. Sam Alexie said that the fine placed on the villagers for drinking usually prevents them from drinking again since they do not like to pay the fines. He felt that if they did not continue to fine villagers for this, they will cause more trouble than before. Trooper Redstone told the group that the decision would have to be up to the people. [AVCP, 1962: 10]

Peter Carter stated that in some villages the fine for the first charge of drinking is \$20.00. In Eek, the fine for the first charge is \$10.00. He asked how that compared to that of the State fines. Redstone said it was hard to compare since fines are sometimes suspended and that the magistrate often fines just as she sees fit according to the circumstances and the fines are not always uniform among their cases. The group expressed their desire to make the fines uniform among all the villages.

Steven Maxie of Napaskiak said their village has the person work his fine out if he does not have the money to pay. He said they also have the rule that if he will not pay or work it out, they can turn it over to higher authorities. Trooper Redstone said they cannot make the person pay, but they can turn the complaint into him and he can work on the complaint, but not on the fines or penalties. The subject of fines was then dismissed at this point. [AVCP, 1962: 11]

Comment:

To the further surprise of some councils who had emulated territorial commissioners and levied fines, state police officials now informed them that this authority, along with the authority to prohibit manufacture of home brew, did not enjoy overt support of state legal officials.

The council's fining authority had given them symbolic identity with other mechanisms of white law such as the Bethel commissioner. Now it appeared that this method of identifying village legal power with state legal power would not be supported by state legal authorities.

It appeared then that the only basis of authority to be found for this form of alcohol control would be through uniform action among the Eskimo villages and not from state law.

From this matter, the AVCP addressed yet a third problem within the realm of liquor control; the problem of pilots bringing in liquor to the villages.

Transcript Continues:

Peter Carter stated that when he first was elected president of the Eek village council, the villagers wanted him to meet each plane coming into the village and see if liquor was taken off the plane. If there was, he was to tell the pilot to put it back on the plane. He said that this was hard for him to do, and since he knows the State Trooper can't do such a thing, he wouldn't do it either. A gentleman got up and stated that in Togiak the council has a rule that if a pilot brings in liquor to the village or a drunk passenger, the passenger is fined \$25.00 and the pilot \$500.00. The group discussed this subject in Eskimo. Mr. Carter told the group that since this was the first meeting of this sort and since not all the villages were represented at this time, it would be better to go over only a couple rules or so and not try to go over them all at one time. For a start, the

most important rules have been discussed and there will be another meeting of this type in the near future. . .[AVCP, 1962: 12]

Comment:

From what had transpired, village officials understood that they would find no support from state police for prohibiting alcohol transport by pilots into their villages.

Bureau of Indian Affairs officials, apparently as surprised as village leaders with the interpretation of state law placed before them, could only promise to seek assistance from attorneys.

Transcript Continues:

Mr. Hollingsworth stated that after the minutes of this meeting were typed, he would pick out the rules which were decided upon and send them to a lawyer to look over. If the lawyer finds fault with them, he will be requested to re-write them and make any comments that he might have. He said that at the next meeting, he will try to have a lawyer to sit in at the meeting and help them with their rules. [AVCP, 1962: 13]

Comment:

The message of the 1962 village meeting was not good. Councils discovered that general prohibitions of liquor backed by village consensus and historically by teacher-missionaries and territorial officials would not receive the backing of state law. Instead, state law made them vulnerable to lawsuits if they enforced bans against manufacture of home brew or introduction of liquor into their villages.

The 1963 Meeting

Bureau of Indian Affairs officials, State Judge Guinn and the District Attorney for the judicial district attempted to construct both a legal and extralegal basis upon which the state and villages could operate in controlling liquor problems.

This they accomplished in the second, September 1963, meeting of the Association of Village Council presidents of the Bethel area. This meeting was attended by officers of nineteen village councils.

(1963 Transcript Excerpts)

Village Rules:

Mr. Carter of Eek mentioned that a lot of time was spent on village rules last year but nothing was accomplished. This year, he said, they should try to get something done. First, it should be decided on how to handle the use of alcoholic beverages and drunk and disorderly people in the villages where there is no State Trooper. Mr. Carter mentioned a letter he received from the Kwethluk village council requesting that they discuss the bootlegger presently operating in Bethel. Moses Straus, the president of Kwigillingok, suggested a uniform set of rules for the village.

Mr. Egoak said that the reservation laws prohibited the importation and use of liquor. Mr. Jones pointed out that civil and criminal jurisdiction of restricted Indian lands and reservations in Alaska had been transferred to the State. Mr. Soll, District Attorney of the Fairbanks District, suggested this subject be brought up later when village rules were discussed. . . . [AVCP, 1963:3]

Mr. Carter announced that they would now take up the subject of village rules as the officials present to answer their questions would have to leave sooner than expected. He proceeded to read a letter from the Kwethluk Village Council dated 8-10-63 which mentioned liquor problems and the troubles which attended them. It also mentioned a Bethel bootlegger who sells liquor \$20.00 for a quart of whiskey. Mr. Carter said the letter suggested that the State Police should do something about it to cease his operating or be thrown out of Bethel. . . . These problems, plus the matter of home brew making and the punishment of trouble-makers in the villages, would now be up for discussion. [AVCP, 1963:4]

Kenneth Cleveland, Quinhagak, stated that when persons are fined, many times they don't have the money to pay. When given 90 days to pay and this period elapses if the fine is still not paid, the matter is usually forgotten. He said that this should not be. Sam Westcoast, Councilman from Goodnews Bay, asked how the drunks should be handled in villages where there is no State Trooper or Marshall. Mr. Soll, District Attorney for the Fairbanks District, suggested that, first of all, the village council should do all it can to handle the problems locally through fines, warnings, etc. If this does not bring any results, they should notify the State Trooper, make a charge against the individual and he could then be brought before the Magistrate for punishment. He stated that this was his only proposal to them. Discussion followed in Eskimo in which no translation was made. [AVCP, 1963:5]

Comment:

The district attorney for the Bethel village region, Herb Soll of Fairbanks, had apparently been briefed on the vacuum created by direct withdrawal of state support for open-ended village council activity to control alcohol. He advocated a two tier approach of village and state law, not unlike that found in other developing countries. Given the absence of trooper and judicial activity in all villages except for Bethel and Aniak, his suggestion implied some continued form of collaboration between state law and village law, even though law enforcement was viewed as extralegal by state officialdom.

Transcript Continues:

Charles Harry, representative from Alakanak, read the village rules which had been adopted in his village. These covered drinking, sniffing gasoline, drunken driving of motor vehicles, delinquency of minors, operating a motor boat while intoxicated, loose dogs and their disposition, burial of dead animals, discharge of firearms near the village and damaging other people's property. Fines ranged from a minimum of \$10.00 to a maximum of \$25.00. Any serious breach of law would be turned over to the State Police. Any person unable to pay fines is put to work at the rate of \$1.50 an hour until the fine is paid in full. Mr. Carter translated these rules into Eskimo for the benefit of non-English speaking members. Frank Kameroff then

spoke in Eskimo on the village rules of Emmonak after which a discussion was held in Eskimo. The members decided to develop a general law and order rule which could be adopted and used in all villages.

Mr. Soll, District Attorney, spoke and said that the village rules of Alakanak were a good example and there were only a few that the State Trooper could not handle. He said that it is against the law to sell liquor without a license, to be drunk in public, to give liquor to a minor, for a minor to have liquor in his possession, to drive an automobile while drunk or have guns in his possession while drunk. If someone should try to do these things, this would be the time to report to the State Trooper and they would be able to help. He then explained certain activities which the State Trooper could not advise or help them on. He explained that there is no state law that says a person over 21 years cannot have liquor in his possession or that a village cannot show movies, etc.; they would have to be handled at the village level only. He pointed out that the State Troopers are willing to help them if they can. Sometimes the Troopers, when visiting a village, are told about a problem at the last minute. The members were urged to notify the Troopers of their problems by writing him a letter and giving the facts or have all the information on hand when he visits their village.

Lott Egoak, Akiak, asked Mr. Soll to give a step-by-step outline on how to handle drunks. Mr. Soll informed him that he would make some suggestions on this when they drew up a set of village law and order rules. He stated further that when the State says the council should try to handle their law and order problems it does not mean the large problems. Such problems as shooting, stealing of large amounts, etc., should be reported to the State Trooper immediately. Mr. Carter asked Mr. Soll to also suggest an amount concerning fines. It was decided that Mr. Soll should collect all the village rules which were brought to Bethel for his information. Mr. Soll collected these and Mr. Carter selected Charles Harry of Alakanak and Frank Kameroff of Emmonak to work with him as a committee. [AVCP, 1963:5]

Comment:

District Attorney Soll defined specifically laws governing alcohol control capable of enforcement by the village in the first instance with backing by the trooper if council action proved futile. Such activity included dealing with drunken behavior. While more supportive of council activity on behalf of state law, he did not suggest that the state would support

village bans on individual adult use or manufacture of alcoholic beverages in the village.

Transcript Continues:

Steven Maxie, President of Napaskiak, asked if the State Troopers were going to do anything about the bootleggers operating in Bethel. Mr. Soll explained that it was two different matters in knowing that someone is doing something wrong and proving it in court. Under our U.S. law, even if a person is accused of a crime, he is considered innocent until proven guilty. He further stated that one known bootlegger was presently serving a year's sentence in jail and the other had a five-year sentence, pending an appeal decision of the Supreme Court of the State. He urged the people to make an effort to refuse to patronize these men at \$20.00 a bottle, otherwise someone else may try to go into this business. A discussion was held in Eskimo following this.

Steven Maxie, Napaskiak, asked if they should report persons who are driving motorboats while under the influence of alcohol. Mr. Soll stated that the decision would be up to the council. If the village feels they can handle the case themselves, there is no need to call the State Trooper. If the council decides they cannot handle the case, it should be reported to the State Trooper as soon as possible. He pointed out that only the person operating the boat should be reported. Mr. O'Brien mentioned that the Coast Guard would have a man in the area next year enforcing Coast Guard small craft rules on the Kukskokwin...[AVCP, 1963:5]

Comment:

Village councils could not deal with known bootleggers operating from Bethel. Soll admitted that successful prosecution from his base in the interior Alaska city of Fairbanks (the hub of Bethel's judicial district) was difficult. His suggestion that consumers be warned not to buy was not one that councils believed they could act upon without the backing of the troopers.

The district attorney suggested that councils act to end drinking by boat operators. This suggestion that councils act outside of the village on villagers and nonvillagers was taken up

Bethel.

Transcript Continues:

One village delegate asked if they could stop the shipment of liquor into the village. Trooper Redstone explained that if someone orders liquor by airfreight and is over 21 years old, there is no State law which allows the State Police to do anything about it. One member asked if the village, by majority vote, could prevent shipment of liquor into the villages. Trooper Redstone said that if such a rule were made, it could be enforced by the village only. If the village could not enforce it, there would be no recourse to State Police, as there is no violation of State law involved.

Mr. Soll and his committee adjourned to the back room to work on the village law and order rules. [AVCP, 1963:6]

Comment:

The promised support of state law in the realm of alcohol control focused exclusively upon problems which had already begun and not on the presence of liquor as a source of trouble. From the village perspective, liquor's presence and liquor's availability were the logical points of attack by councils and state law. But, as in 1962, state legal officials offered no support to villages who wished to remain dry by curbing introduction of liquor into their communities. Support for such a position at the state level did not occur for another 15 years.

Transcript Continues:

7:30 p.m. Mr. Soll presented Mr. Carter with copies of the village rules developed by his committee. A copy was distributed to each member present and Mr. Carter translated them into Eskimo for the benefit of those who were unable to read.

Village Rules

Any violations of these rules shall be punished by a fine up to _____, as decided by the Council. Any fine may be worked out at the rate of \$2.00 per hour on work decided by the council.

1. Drunk and Disorderly in Public. Any person who appears in any public place while intoxicated or in a low and disorderly manner shall be guilty of disorderly conduct. A public place means any store, meeting hall, show hall, armory, post office, dock, sidewalk, street, road, school or any place where the public is invited.

2. Drunk and Disorderly in Private. Any person who is in a private house while intoxicated or who is acting in a disorderly manner to the disturbance of another person shall be guilty of disorderly conduct.

3. Selling Liquor Without a License. Any person who sells liquor to any other person without a State liquor license shall be in violation of these rules.

4. Giving Liquor to Minors. It shall be in violation of this rule to give, sell, or offer any alcoholic beverage to a person under the age of 21 years. The term alcoholic beverage includes home brew.

5. Minors in Possession of Alcoholic Beverages. No person under the age of 21 shall have, drink, receive or make alcoholic beverages, including home brew.

6. Drunk Operation of a Vehicle or Boat. It shall be a violation of these rules to operate a vehicle, including cars, trucks, snow travelers, snow planes, or dogsleds while intoxicated. It shall be a violation of these rules to drive a boat, with or without a motor, while intoxicated.

7. No person shall gamble with money or property by playing cards, dice, or any other game.

8. Dogs. All dogs older than six months shall be chained or tied so they cannot reach any path or trail or place where children play.

9. Discharging Firearms. No person shall shoot any gun within or near the village.

10. Damaging Property. No person shall damage or destroy the property of others. This includes personal property and buildings.

Subject rules were open for discussion. Mr. Soll pointed out that all ten rules were backed up and founded in State law and that villages enforcing them would have the support of the State. He also suggested that the rules concerning the drunken operation of a motorboat, which has been such a threat to human life, should in almost every case of violation be referred immediately to the State Police for action. The members discussed the rules at length in Eskimo. Mr. Carter said he felt these rules offered a good guide to the villages on ten important areas of law and

order and the members adopted them by acclamation. . . [AVCP, 1963: 8]

Comment:

Six of ten rules promulgated as ex-officio state rules for the villages dealt with alcohol-related conduct. Three others dealt with activities often associated with drinking, e.g., property damage, use of firearms and gambling.

No rule was provided to keep liquor out of the village, to prevent sharing of liquor among adults or, more specifically, to prevent sharing of liquor with persons known by the village to be violent when drunk. Yet officials recognized that these were to be the limits of state support for legal control over alcohol use by councils, acting as informal agents of state law.

Transcript Continues:

The matter of fines arose. Trooper Redstone informed the members that they can fine violators of village rules if they wish, but if the violator refuses to pay the State cannot help them collect the fine. It would have to be enforced by the village council only. The State Trooper has no power to set a fine or collect it for the village. He pointed out that if a person was not willing to pay the fine imposed for breaking any rules shown on the example sheet and the violator refused to cooperate, they could feel free to call upon the State Police for help. The membership continued to discuss the matter of fines in Eskimo. One delegate asked if, after a 90-day period, the violator still refused to pay the fine, he could be turned over to the State Police. Mr. Soll explained that it was not a good idea to wait 90 days to see if the person would cooperate. He suggested a 10-day waiting period as it would be easier to gather the proof necessary to see if the person or persons had broken the law. The members discussed this and agreed on waiting ten days to see if the violator would pay the fine or work; then turn the matter over to the State Police if they saw fit. Mr. Carter asked if the village could decide for themselves what the maximum fine would be. Mr. Soll said that this was satisfactory...[AVCP, 1963:8]

Comment:

Behind the prolonged discussion of collection of fines was the deeper problem of the credibility of the state-council relationship when persons challenged that relationship and did not pay fines. Eskimo officials sought from District Attorney Soll and the trooper representative some firmer understanding regarding trooper intervention.

When would the trooper intervene? Specifically, when would he demonstrate his support of council activity against individuals who challenged the council's authority? The basis for this concern was well known to the trooper in attendance, though perhaps not to Mr. Soll of Fairbanks. Many letters to the trooper post in Bethel regarding persistent acts of law violation related to liquor and repeated unsuccessful attempts by village councils to deal with repeat-offenders had not met with a visit by the trooper to the village. Trooper resources in the region were sparse.

Council members focused on sources of supply and made repeated, futile attempts to seek state support for outright liquor bans. This related to very pragmatic assessments of their limited capacity to act in anticipation of both state legal activity and problems sufficiently serious to merit state legal attention. This focus on supply did not relate to a belief that all Eskimos were incapable of drinking.

Confusion over the role of village prohibition on the part of state and town officials was to figure in the development of

state control mechanisms for another decade. One can argue that it still is a source of confusion. Council members viewed control of supply as a method of control when other kinds of direct control over individual use were not likely, given the continued absence of police service, facilities, prosecutors and other on-the-scene agents who could address problems after they had occurred.

Transcript Continues:

A question was asked regarding gambling. At the village of Kwethluk if a person is caught gambling, he is fined \$10.00 for the first offense, the owner of the house \$10.00 and the rest of the players \$5.00. Mr. Soll said this sounded very reasonable. Trooper Redstone requested the council to keep a record of their minutes concerning the facts surrounding a violation, mentioning the time, place, what happened, etc. In this way, when a case is referred to the Police, the council will be able to provide the basic facts in the case. [AVCP, 1963:9]

Comment:

The brief description of Kwethluk's approach to gambling conveyed to Soll and the troopers the strongly held belief of villagers regarding ultimate criminal responsibility. Villagers viewed the person who set in motion deviant activity as more responsible for that activity than any other person. State law viewed the actual perpetrator as independently responsible.

Thus, the person who gave liquor to a person known to be violent when intoxicated was for many villagers the person to be punished. When bootleggers began to operate more actively in Bethel in the 1970's, it was reported that they screened buyers and did not sell to such dangerous persons, thus avoiding responsibility for that person's ultimate acts and (perhaps) disclosure

by other community members. This same perspective, a dram shop perspective, also figured in the use of a "black list" in Bethel during the 1950's by legal sources of liquor and vigorous prosecution of those who sold to persons on the black list.

Yet the shape of state law conveyed to the Native population in the 1962 and 1963 meetings was otherwise. All adult persons were assumed capable of drinking until individuals among them committed disorderly acts. Then, and only then, did state law intervene or authorize intervention by the council.

Transcript Continues:

A question arose as to visitors in the villages violating the village rules. Mr. Soll stated that they should be handled the same as for residents of the village. If they refused to cooperate, they could be referred to the State Police. He inquired as to the use of the money collected by the village councils. Lott Egoak of Akiak stated that the money collected at his village is used to buy medicine for the village and to pay the plane fares for indigent families needing emergency treatment at the hospital. Mr. Soll suggested it be pointed out to all the members that the money collected from fines should not be used for private purposes, but for services which benefit the whole community. [AVCP, 1963:9]

Comment:

Village councils began to work under this cooperative procedure. They kept detailed council minutes of offenders; they also sent detailed letters regarding persons who would not abide with repeated attempts to enforce alcohol rules.

Critical to the operation of the system was effective state backing. What council presidents and village residents discovered was that the State Police were capable of dealing only with the limited number of violent occurrences and not with lesser

offenses that could lead to violence. Many requests for assistance went unanswered. The theoretical posture of State law was not reflected in reality.

Bethel opened a liquor store. Liquor traffic from Bethel to the villages was not curbed by State law enforcement. The problem grew along with changes in the region.

Council presidents returned to village alcohol problems in their 1965 meeting.

(Excerpts From 1965 Meeting)

Bethel Sales (Liquor Store)

Peter Carter made an opening statement about the liquor store. He informed the group about the complaints of many people and that many might want the establishment closed. He asked the group to bring out anything the members want to say about the liquor store.

Mr. Wassillie B. Evan, Councilman of the Napakiak Village Council, gave his views about Bethel Sales. He addressed the group that when the first liquor stores opened at Bethel (in the 1950's), he had consumed alcoholic beverages, and so had some of the members present; but many of them have now given it up because of the dangers involved. He further stated that the younger generation is more reckless than they were during the early years and it would be better to have the liquor store closed.

Mr. Alexie Evan, President of the Napaskiak Village Council, gave his views as follows: He had also used the alcoholic beverage; and during that time when the first liquor stores were open, there was only one drowning directly responsible to liquor. He pointed out that, as all know, there is a war going on. He compared the liquor store with those opposing democracy as being an enemy of our armed forces as many servicemen have drowned directly responsible to liquor. He protested that the liquor store should not be open as it is depriving the closer villages of young people.

Mr. Henry Evan, President of the Kwigillingok Village Council, said that the cause of many young people's downfalls is liquor. As he himself does not drink, he does not know its effects; but it is not good to see a young man die while he is

still strong. And as many young people follow their older fellowmen's examples, they do not listen to warnings from their parents or relatives about staying away from liquor.

He stated, the white people can take their drinking and know when to cease consuming it. It is the opposite with the Eskimo; and not knowing when to stop drinking, there are many accidents caused by liquor.

Mr. Wilson Simon of Bethel, as he wanted to contribute to the complaints against the liquor store, gave his views. Originally from Kwigillingok, he came to Bethel eight years ago. There was no liquor store then; but since the liquor store opened, the City of Bethel was not the same. There was mere uneasiness and many have experienced staying up at nights because of noisy brawls, etc.

Mr. Willie Stone, President of the Napakiak Village Council, said that many have heard of striving for better living; and those concerned organizations striving for that goal overlook the fact that there can be no better living as long as there is a liquor store at Bethel.

Mr. Joe Beaver, President of the Goodnews Bay Village Council, stated that if they united in trying to close the liquor store, they may have results. Speaking in terms of the armed forces, there are many young men eligible to join or have joined who are no longer living because of the liquor store.

Mr. James Paul of Kipnuk said that many people who do not drink will be starting at the present time, it is hard to keep an easy mind when a person finds it necessary to walk in the streets of Bethel at night.

Mr. James Jimmy (Ayagalria) from Napakiak stated that many people would be glad to see the liquor store closed. Although those who consume alcoholic beverages would be able to order liquor by freight, the conditions now prevalent in the surrounding area would improve considerably by having the liquor store closed.

Mr. Paul Black, Vice-President of the Napakiak Village Council, stated that although tuberculosis and other diseases have been the major causes of death, medical assistance has decreased the death rate caused by disease; but since the opening of the liquor store, the death rate has climbed.

Mrs. Nora Guinn, Deputy Magistrate of Bethel, gave some statistics on the arrests made since January, 1965. There were 505 cases brought to her attention [from January to September], the majority of them were charged with disorderly conduct under the influence of alcohol. Up to this date, there were fourteen drownings of which twelve are as a direct result of liquor. she stressed to the group that they must find a way to have the

Bethel City Council change their minds about having a liquor store at Bethel. She stated that she is 100 percent behind the Eskimos in trying to do away with the liquor store.

Mr. Roy Peratrovich, Tribal Operations Officer, BIA, Juneau, offered a suggestion. He said that a concerted effort is needed in order to get the liquor store closed. A petition should be sent out in the next general election of the Bethel City Council. The Bureau of Indian Affairs will do all it can to help in the problem, but the Natives will have to take the first steps in getting Bethel Sales to close down. He added that voters are given an opportunity to decide whether or not to have the liquor store.

Mr. John F. Gordon, Area Field Representative, BIA, Bethel, said that those eligible voters who have not resided at Bethel for 30 days or more are not eligible to vote in the general election of the City Council, but the weight of complaints the Natives could express, to friends or relatives living in Bethel, to close the liquor store would be of some help.

A comment was made that State officials should know of the liquor store problem. Mrs. Nora Guinn wrote some addresses on the blackboard to whom objections to Bethel Sales should be sent.

These being:

Governor William Egan	Alcoholic Beverage Control Board
State Capital Building	State of Alaska
Juneau, Alaska 99801	Thomas Building
	Juneau, Alaska 99801

Copies should be sent to the following:

Bethel City Council	Board of Trustees
Bethel	Bethel Sales, Inc.
Alaska 99559	Bethel, Alaska 99559

Mr. Paul Jenkins, President of the Nunapitchup Village Council, brought up a question from his village. The question was, "Can the liquor store be sued?"

Mr. Roy Peratrovich, Tribal Operations Officer, BIA, Juneau, said the liquor store itself cannot be sued, but the owner can be sued if the store attendants sold liquor to an intoxicated person.

[T]he members were asked to write their letters of objection when they return to their villages and send them to the addresses written earlier and sending copies to those concerned at Bethel.

The members were asked not to put the writing of their complaint letters off too long and to pass on what information they got from this meeting to their villages.

It was agreed not to discuss any further the general election at Bethel as the members of the Association were not eligible to vote. (In order to vote, one of the requirements is to be residing at Bethel for 30 days or more.) [AVCP 1965:9-11]

Comment:

This dialogue among village council presidents concerning Bethel's liquor store pinpoints quite accurately significant changes in Southwestern Alaska and their connection to alcohol use..

In the 1960's the Native population in that region showed an annual increase 29.4 per thousand with a crude birth rate of 45.9, one that Tussing and Arnold noted (1969) was perhaps the highest birth rate in the world. Deaths by tuberculosis have been contained in the 1950's by Public Health service campaigns and infant mortality reduced. The net result was a young population (median age 16.5 in 1969) with increasing pressure upon elders in the villages who exercised traditional guidance and social control (See Hippler and Conn: 1973)

Population increases were significant in both the town of Bethel and in surrounding villages.

Bethel, the only natural deep fresh water port, established itself as administrative center of the region as well as prime market for fish processing. Its population grew from 651 (in 1950) to 1,258 in 1960, and 1,600 in 1966, fed primarily by young Natives who sought access to the limited but new wage opportunities available in that town. Village traffic to Bethel by snowmobile or plane in winter and by boat in summer increased.

Villages surrounding Bethel also grew in population. For example, Akiachuk grew from 179 persons in 1950 to 310 persons in 1966. Kwethluk grew from 242 to 375 persons in 1966. Napakiak grew from 139 to 254 in the same period and Napaskiak from 121 to 215. The neighboring communities of Nunapitchuck and Kasigluk on the Johnson River had, by 1969, combined populations of 626.

Bethel's share of the region's population, estimated by Tussing and Arnold to have changed from 7.9 percent in 1950 to almost 13 percent in 1967(1969:33) occurred because economic development focused there. Along with establishment of State and Federal bureaucracies for the region, came a housing fabrication plant and modern homes, establishment of a regional high school with dormitory facilities and a fishprocessing plant.

While an estimated 70 to 80 percent of the male work force could find seasonal work during the summer as commercial fishermen, cannery employees, or as laborers and tradesmen in Bethel's economic boom, no more than 5 percent of working-age Native population were regular wage earners (1969: 38).

Natives were thus marginal to the region's economy and still largely participants in the subsistence economy. Capital received in wage earning was used to purchase new hunting technology (such as snowmachines), technology which substantially reduced the gap between expert hunter and fisherman and non-expert with some consequent secondary influence on social control by old of young.

Transfer payments (especially welfare) went to about a fourth of the Native households (Tussing, Id.).

Thus, while Bethel as town came to have an allure and importance, not uncommon in prompting outmigration from villages by the young, especially villages distant from the town, population increase was also evident in villages surrounding Bethel. Both towns and villages were changing as Eskimo communities from villages of yesteryear.

What had not occurred in the early and mid-1960's was economic development of significance beyond Bethel in the region. Pressure upon the subsistence economy was already marked. Young Native persons experienced the combined uncertainty of the traditional subsistence life-style and an uncertainty of access to the Western job market in Bethel, an uncertainty that was to characterize the rural Alaska situation for another decade.

Accidents and Deaths a Focal Point

For the village leaders to make a connection between Bethel and its liquor and increasing deaths of young people who traveled to and from Bethel was entirely appropriate. Later studies of Native mortality (including homicide and suicide) especially those by Krauss (1977) show a replacement of deaths by infectious diseases with high rates of deaths by accidents, suicide and homicide, far in excess of non-Native population during the 1960-1969 period.²

Village leaders correctly recognized that violent death,

associated with alcohol use, had established itself as a leading cause of mortality with the decrease in infectious diseases.

Translation of an Interest Into a Demand

Friedman (1975) describes legal change as translation of a societal interest into a concrete demand. While village leaders desired to change Bethel's liquor policy, they were not familiar with the process for inducing this change.

They were still dependent upon Bureau of Indian Affairs personnel who advised Eskimos to write town and state officials. State law did not provide for enfranchisement of non-residents of Bethel when the issue of the liquor store was put to a vote.

Villagers also desired but did not receive preventative law enforcement in the villages when requested by village councils.

The 1965 discussion discloses then an important recognition by village leaders of several developments coincident with increased availability of liquor in the region:

1. Population growth in the town and in many nearby villages.
2. Internal migration of young people to Bethel and to villages near Bethel.
3. Increased travel to and from Bethel.
4. An attitude of young people at variance with earlier attitudes toward liquor use, more open ended, more experimental, less concerned with the dangers of alcohol use.
5. An upsurge in violent deaths and accidents associated

with alcohol; an upsurge of arrests in Bethel and in the arrest rate for drunken behavior.

Bethel's impact on the young and through them, the region was apparently not amenable to direct control by the village residents. Its influence was, however, still limited by depressed wage opportunities for Natives in both Bethel and the region, and very limited air transportation and communication with Bethel.³

The legal system of the state had very little to offer village residents by means of support or prevention. A single state trooper still served the region. A lay Eskimo judge resided in Bethel. Higher court judges, prosecutors and public defenders still commuted to Bethel to hold trials. Police jailed drunks in Bethel and kept peace among its summertime tent population. Few villages had their own police; few villages had state magistrates. None had jails. The most active legal force in the village were councils. These councils, however, had not been active traditionally as police mechanisms to fine and jail. Instead, they had acted to confirm pre-established village consensus.

Village leaders had discovered that Bethel could set in motion a change in use of liquor in the villages and outside of Bethel by making it available. Neither state legal options nor police or court activity flowing from Bethel could offset this impact upon village attitudes toward alcohol as they were redefined by young people.

If material opportunities stemmed from economic development centered in Bethel, these new opportunities were offset by an emerging problem of liquor use in the region.

The problems described by the councilmen were set within three specific contexts:

First, Bethel was a more dangerous and noisy place than the villages. Yet villages recognized that alcohol-related conduct in Bethel was there at least subject to direct controls of town police before it got out of hand.

Second, problems of intoxicated persons who traveled by water from Bethel to the villages. Prevention of accidents by these fishermen was difficult since many drank up their liquor before reaching home so as to avoid village sanctions.

Some Bethel arrests were made of villagers before they left the Bethel slough. Still other arrests were made extralegally by the Napakiak policeman, James Willie, upriver from Bethel. Willie's independent action met with resistance from villagers, but he had, in the mid-1960's, the support of his own village council as well as state police in Bethel.

Third, village problems. Councils had learned that they had no state legal basis to keep all liquor out of their villages. According to state law, they were forced to wait to act until misconduct had occurred as a result of alcohol consumption. While intervention after misconduct and not in anticipation of deviance was appropriate to Western police and courts, it had not been the

typical response of Native councils. Village councils typically anticipated serious violence and acted to curb its source.⁴

The logic of traditional village council activity and control would have suggested that a liquor store responsible for setting in motion conduct that resulted in accidents and death should be closed. The logic of the state legal control was that problems on the part of those who drank and misbehaved should be dealt with only after misconduct had occurred. Neither the state nor the rural population had the capacity to act on its logic.

In the next decade, agents of Alaska law in the towns adopted the logic of villagers to alcohol control as they employed protective custody and police transfers to sleep-off centers as well as dry legislation to curb sales of liquor. Most villagers, however, adopted the wait-and-see approach to social deviance of the agents of Alaska law.

Village Council Reaction to the New Rules on Drinking

Some village councils responded to the new rules on alcohol control by directing their village police and citizens to bring complaints to the council.

In Fishnet 2, a Bethel-region village, the council adopted in March, 1964, a rule against making home brew in any person's house without his permission or knowledge.

Yet, problems dealt with more typically were complaints against public and private disorder caused by drink and complaints against minors who consumed liquor. In the latter

cases, the source of liquor was sought and the offender was called before the council.

The village police had no jail facilities and no training.

Below are excerpts from representative council hearings of the period (1964-65). Note that persons brought before the council were asked if the complaint was "true" and not whether his acts violated village rules.

(Case Excerpts)

March 31, 1965

Council Meeting

P.M. read the complaint to B.O. made by city chief police J.J. (about) going into show hall while drinking. He was fined two sled loads of wood for the community hall. He was given ten days to pay his fine. He was told by the city council not to go in public place while drinking.

March 31, 1965

City Council Meeting Time 7:20 P.M.

1. P.M. read the complaint by A.K. city police. Complaint against T.K. getting into L.I.'s house while drunk. Date March 5, 1965.
2. P.M. read the complaint made by C.H. against T.K. going into bath while drunk. Dated March 6, 1965.
3. P.M. ask L.I. and C.H. if the complaint against T.K. if the complaint was true. P.M. ask J.P. and L.I. if the complaint is correct. They stated the complaint was correct.
4. P.M. ask T.K. if he had anything to say. T.K. said he got nothing to say.
5. T.K. was fined on two charges. First offense \$10.00. Second offense \$20.00 for drinking in Public Place. T.K. was given ten days to pay his fine. He said he got no money to pay his fine. He was told to get six loads of wood for the community hall or pay his fine if he got the money inside ten days. T.K. was told by City Council to think of his kids before he starts drinking.

City Council Meeting
April 1, 1964

The first business presented to the Council was a complaint of Mr. and Mrs. G.P. against W.W. J.J., Chief of City Police, read the complaint to the council members; also explained the situation and the state of the complainants. After hearing the evidence, the council ruled out the complaint, since both parties were intoxicated at the time the complaint was made.

The complainant, G.P., was advised against making complaints while intoxicated. When asked whether he wished to make another complaint, he said no but said to warn W.W.

L.I. explained why the complaint was not accepted by the council. D.R. advised W.W. about the dangers of drinking, and the rest of the councilmen did likewise. The case was closed, after both parties shook hands.

(Case was not booked.)

The second business was cases No. 64-4-1 and No. 64-4-2. These two cases were taken together because they were related.

Case No. 64-4-1:

Mrs. T. charged for disorderly conduct in a public by J.J., Chief of City Police. L.I. read the complaint and asked Mrs. T. if it was true. She said it was true. J.J. then [related] the facts and the condition of the offender to the council and went on to explain the conditions and the situation of P.H.'s case which is connected to Mrs. T.'s.

Case No. 64-4-2:

P.H. was also charged of appearing in a public place while drunk by J.J. P.H. admitted his guilt as charged.

After hearing the evidence from both cases, the council charged Mrs. T. and P.H. of Disorderly Conduct in a Public Place.

Both were fined \$10.00 for 1st offense. After words of warning, both cases were closed.

City Council Meeting
April 1, 1964 (cont'd)

The third business was another case brought before the council by J.J., Chief of City Police.

Case No. 64-4-3

Complaint of J.J. against I.P. for appearing in a public place while intoxicated.

L.I. read the complaint and asked the subject if the charge was true. I.P. admitted the truth of the complaint but denied seeing J.J. J.J. related the facts and the condition of I.P. to the council. After hearing the evidence, I.P. was charged of being guilty of appearing in a public place while drunk. He was fined \$10.00 for 1st offense. The case was closed and booked.

To avoid any complications in the files, the council decided to consider all violations of the law as 1st offenses as of today, April 1, 1964.

The next meeting was scheduled for April 3, 1964.

The meeting adjourned at 10:32 p.m.

Police report

April 4, 1964; 10:28 a.m.

C.H. reported that A.M. told C.H. that he was going to make a bang when I came around his place with a 12 gauge short gun. He saw two shot gun shells (plastic) on the table with a pump gun 12 gauge on the floor. This was on April 2nd, 1964. 5 p.m. Mr. M was feeling good.

He came to warn me because he was afraid this person might carry out his intentions.

City Council Meeting

April 4, 1964

A case classified as Case No. 64-4-4 was brought before the council for a hearing. C.H. reported that A.M., while intoxicated had threatened to shoot J.J. with a 12 ga. shot gun. The witness, C.H., claims that she saw the gun and the shell in the house of the accused, and heard A. say that he was waiting for a chance to see J.J. After hearing the story and listened to the evidence, the council charged A.M. of being guilty of Misdemeanor and fined \$20.00 for second offense. The enormity of the case caused A.M. to be fined as for a second offense.

*A. was not charged of Felony since he was not in a normal state of mind and he didn't carry out his threat and was never seen with the weapon in his hands.

L.I. and F.K. and D.R. warned and advised A.M. J.J., also, warned A.M. that this is his last chance. With that the case was closed and filed. The meeting adjourned at 1:05 p.m.

October 18, 1966

A.B. came in to us at 9:15 drunk on the evening of October 17. I was sleeping but was awoken when he came in. I got up to see who came in with all that racket, it was A.B. He complained why I always bother his wife. I told him I never bother his wife, except when he's around just to make them laugh. I told him to get out and stay out when he's drunk like that. He got hold of me and beat me up in my house. I wasn't able to get away from him. He broke two window panes also. After he got through with me, he grab my wife telling her he's going to throw her at me, but my wife push him and got away from him. At first he hit me with his fist, I was knocked out. I don't exactly how long he beat me up. When I come to I had enough strength so I got up and stayed away from him, circling the two bedrooms. He fell down and passed out. So I lie down to my bed exhausted. Result of the fight, I was all bruised up in my back and on my left arm. My eyes was closed of swelling.

Sign: AT

Witness: MT
WNJ

City Council meeting -- (no date attached)

1. Mr. and Mrs. C.R. were questioned by the City Council President J.B.C. All the information written corresponds to Mr. R.'s story.
2. J.G. was told to tell his side of story of what happened during the general meeting. He stated that he drank from C.B. and he passed out before he went home. He came to his senses in his house and he passed out again. The next day his wife told him that City Police took him home.
3. City Police was called in to his records on J.G. It was found that this was his 2nd offense. He was given 10 days to pay up since he did not have money at present. Fined \$20.00.
4. It was considered that he broke ordinance #1c.

1-11-65 Meeting open 10:15 p.m. in School house

Meeting with Trooper S.

All council present except M.M. Few general public around.

1. The case against F.L. vs. N.L. was taken care of by Trooper S.

2. Trooper take care of S. and M.A. vs. P.H. and P.Y. for breaking into M.D.'s house, with broken lock, and gave P.Y. 45 days sweeping up the school house floors. P.H. drunk tonite, unable to prove with what intent he entered M.D. house, so can't prosecute, but keep eye on him to see if he cause any trouble. Council to warn him on next meeting.
3. Trooper took care of the case between P.W. vs. A.K. 12-25 (city police) and charged with disorderly conduct and filed informal complaint against P.W. Charged 90 days in jail (suspended).

Drunken Comportment and the Law

The president of the Kwigillingok described then contemporary Eskimo drinking as binge drinking. In a second discussion on liquor problems held a year later a council member from Nunapitchuk referred to Eskimos who drank as persons gone crazy.

From an earlier period when observers of early alcohol use reported indifference or distaste to alcohol by Natives, Natives now viewed the conduct associated with drinking with special alarm.

Were these leaders deluded? Or had they, at this early stage, accepted the white stereotype of "drunken Indian?"

If we assume that the perspective and fears of these councilmen was accurate for the time and place in which they spoke, what developments had occurred in the regions to give rise to this form of drinking behavior as prevalent drinking behavior?

Natives in the Bethel regions experienced the classic historical confrontation between Western prohibitionism, as promoted by the agents of Moravian church and the agents of law, and

Western licentiousness as exemplified by white sourdoughs, fishermen and traders. There was no middle ground demonstrated for liquor use and alcoholic behavior, no significant model for learning to drink with moderation.

In Northern Alaska, whalers introduced both liquor and the outrageous conduct associated with drink prior to the introduction of restraints in the persons of Coast Guard Cutter personnel and teacher-missionaries. The Bethel regions was contacted first by Moravians (and Roman Catholics in the upriver Athabascan region). Only at the turn of the century did sourdoughs use the Kuskokwim to make a crosscountry passage to mineral deposits. Military personnel and bureaucrats followed. (See Conn, 1981b)

Non-prohibitionists confirmed the worst expectations of prohibitionists. Moravians decried liquor and associated it with all that was dangerous or evil. White bureaucrats concealed their excessive use of alcohol. Military personnel engaged in binge drinking during time off, as did fishermen and fish processors. Such were the conflicting role models thrust before young Natives who learned of Western life in Bethel.

Territorial law, repealed in 1953, prohibited purchase or sale to Natives. But the influence of that law in Bethel had been limited to selective enforcement by marshalls stationed in Bethel, Platinum and Aniak. These cases flowed to U.S. Commissioners who were transformed into district magistrates (justice of the peace) with the coming of statehood in 1959.

Cases from villages surrounding Bethel brought to the U.S. Commissioners were rare. Usual Bethel cases in the 1950's focused upon persons who sold liquor to those Natives or non-Natives on a "blacklist" developed by the local marshall or those upon the "blacklist" who attempted to purchase liquor from the Northern Commercial Company Store or the Dewdrop Inn, a Bethel roadhouse. Out of towners, engaged in Bethel construction, were prosecuted for giving liquor to minor females.

Sentences meted out for drunken behavior by Commissioners, later magistrates, and finally district court judges, were severe. Six months in jail was not uncommon.

But state law's primary function was to reinforce as best it could village justice. Government officials looked to village councils to deal with minor alcohol-related violations of village ordinances. Only when formalization of the relationship between the state and villages was sought, were limits placed on the role of village law in alcohol control.

The failure of state law to adequately reinforce council justice became more evident in the second discussion of liquor and Bethel's primary role as supplier in 1967. Concern of the councilmen had shifted from the dangers of Bethel living to dealing with problems in their own villages.

(Excerpts of 1967 Meeting)

Axel Johnson (of Emmonak) called on Chester Gordon to take the floor. He introduced himself as State Director of the Alcoholic Beverage Control Board. He wants the opinion of anyone present regarding liquor. His job is divided into three parts.

(1) licensing of liquor (2) protection of licensees and the public (3) enforcement. The one problem he pointed out was drinking done by minors. How can liquor be best controlled? Is it best to have a liquor store and let the community derive betterment from the profit or is it better for a bootlegger to derive betterment from the profit? Should the liquor board do something about the retail stores that ship liquor to the villages like in Anchorage and Fairbanks? Mr. Gordon wanted to know the opinion of the surrounding villages of the Bethel Liquor Store.

Kenneth Cleveland from Quinhagak stated, "In our village we have people under 21 that drink, hiding and bringing it into the village. Our job in this drinking problem is that if there is an accident we feel bad and seems like it is our fault as a councilman when something happens. We want to stop this liquor store where they get the liquor from."

It was also stated by James Willie that the village of Napakiak where he is from, is the center of travel from the tundra to Bethel. He has stopped a lot of boats that have been passing while drinking with a boatload of gas barrels, etc. Some of the people from Napakiak and other places do not like him because he is strict with people that drink and travel in boats. Even in some cases, they have threatened to kill him. Mr. Gordon asked Mr. Willie if he has stopped more boats than last year and Mr. Willie replied, yes, about triple the amount of last year. Mr. Gordon asked him where they bought their liquor last year and Mr. Willie said that when young people get a hold of liquor they do not tell who they got it from. Last year shipments of liquor came from Anchorage through RCA.

Mr. Gordon said that he has discovered that these young people get liquor either from home, from persons between the ages of 21 - 26, from winos and taxi cab drivers.

People have talked in this area that maybe if the liquor store was converted to a bar it might be better. These young people now let somebody buy their liquor for them, whereas in a bar they could not do that. Mr. Gordon asked if the liquor store could exercise a little more judgment in selling liquor to someone who might give it to a minor?

Phillip Guy (of Kwethluk) stated that as far as he knew, they do not sell too much liquor to any one person, it is limited. He knows that when a person repeatedly goes back to the liquor store he is refused.

It was pointed out by Herman Neck from Nunapitchuk that whenever a young person is caught drunk they ask for a cop to come out to the village but he does not come. These young people do not respect their councilmen anymore.

Mr. Reader asked if there was any way the liquor store might be forbidden to sell to the residents of another area.

Mr. Gordon replied that if they did that, people objected might bring discrimination charges against the liquor store. It was stated by Willie Alexie from Napakiak that they hear it is hard to close the liquor store. It would be better if it was turned into a bar, then the minors cannot go in there. The people that buy liquor in Bethel, have good behavior while in Bethel, but when they get to their villages, they think they are bigger than the council. It is better if they had a bar and never travel around after drinking. Nick O. Nick stated that people were foolish when they drank. They drink a little and they go crazy. That is why the villages around here do not want the licenses issued. Mr. Gordon assured the people that there will not be a license issued without the people knowing about it. [AVCP 1967:3-4]

Comment:

Eskimo Representatives constantly probed the illusive, seemingly irrational state law system for answers to the liquor problem as they understood it.

They perceived the key to the liquor problem to be the supply available to young men who endangered themselves and others as they traveled from the town to the village and as they traveled into the villages.

The representatives of state law emphasized the restrictions which the law placed on control of alcohol supply and suggested that these would be overcome by prevention at the village level by the council and, secondarily, by state police.

State legal representatives offered no solution to the apparent chain of causation between the liquor store in Bethel and accidents and deaths in the river and the village. Villagers correctly recognized that state law enforcement was not equipped to arrest drunken behavior that resulted in deaths and injury in either the river or tundra surrounding Bethel or in the villages.

Villages, also, did not have Western law apparatus to take up the job of individualized law enforcement of those who broke the law while drunk. They lacked judges, drunk tanks or police.

Perhaps, most importantly, they lacked sufficient legal information to manipulate the law as it existed, to, for example, incorporate their cities, to use zoning ordinances to press for Western legal machinery, to amend state statutes or administrative regulations.

None of the legal representatives seemed prepared to press for changes in the legal process to address the special needs of the region to, for example, enfranchise villagers when Bethel voted on its liquor policy, to either introduce state and village police to enforce state law in that vast environment or, finally, to curb the supply of liquor until adequate legal, medical or alcohol-counseling resources could be imported into the region along with liquor.

The suggestion that Bethel turn from a liquor store to bars reflected the pragmatic assessment of the liquor problem and the limits of the law's operation as the villages perceived it. Bottles would not then be readily available to take back to the villages. The cost of getting drunk would increase.

More than this, however, Bethel could deal with the liquor problems which it had created. It could prosecute bar owners who served liquor to intoxicated persons. Its police could jail persons who were both drunk and dangerous.

Although the debate between advocates of liquor stores and advocates of bars was not a new one in Alaska, the legal dimension of this suggestion is significant. State law was perceived as happening in the town, but not in the villages.

Transcript Continues:

Phillip Guy asked if he knows of any way anyone who can stop the flow of liquor to these areas.

Mr. Gordon stated "No, I do not now know how to stop it. It is coming in through licenses stores, from Anchorage or from bootlegging. You can stop bootlegging, stop the shipments coming in by freight."

Mr. Pete Reader inquired if there was a way either through legislative action or change in the regulations that people in the outlying villages can make their wishes known on the liquor store.

Ray Christiansen (Bethel state representative) replied that he could not answer that at the present time. If we recommend the governor and the next legislature to change some of the laws to help us in this area, he will certainly be willing to go on the Senate floor.

Mr. Gordon said the only way the Alcoholic Beverage Control Board can close the liquor store is when they apply at the end of the year for a license renewal. The board can say the only reason that we close it is violations. The only way we can refuse the license is to say we do not think it is good for the community of Bethel trade area. They would come right back and take it to court. Mr. Gordon said the liquor board needs more authority and more control. One license is authorized if it is in a five mile area with 1500 people. The population of an incorporated city cannot be counted. A change has to be made to throw the incorporated city law into the total trade area. The law now says that if there is a protest against a license the board shall listen only to those residing within two miles. A question raised if whenever a community is starting a liquor store what are the first steps to take. Mr. Gordon replied the first thing that they do is contact the liquor board and find out if the population is there so they can have a license. They have to advertise for 10 days that they are going to apply for a liquor license. They have to advertise in three places, where the liquor store is going to be, in the post office and one in a prominent place in a community. If it is outside incorporated town, they have to get a petition with the signatures with the majority of the people living within one mile of that location. [AVCP, 1967:5]

Comment:

Alcoholic Beverage Control regulations effectively disenfranchised concerned citizens outside of incorporated cities. In this epoch, nearly all incorporated cities were white towns and not native villages. This disenfranchisement continued into the 1970's.

For example, a total of twenty voters in the tiny mining town of Platinum decided to go wet and issue a license in 1976. Deaths from alcohol climbed in its neighbor, Goodnews Bay, a village of 248 population until the 20-person electorate of Platinum, a village of 57 persons, decided to close the liquor store.

Red Devil, another tiny community, determines the liquor supply of all upriver Athabaskan villages, again without control by the majority of the citizens who live in towns connected by air or boat.

Transcript Continues:

A question was asked about the qualifications for voting. Mr. Gordon replied the law says you have to be a resident of the area, anyone that has lived within the state one year and in the area 90 days, and you have to be 19 years of age. If the person was denied to vote, the person can protest to the Magistrate. Someone stated that there are many people around here that do not speak English and were denied when voting came because they could not speak or write.

Betty Aley stated that when a person that cannot write goes to vote, someone that can read and write can go in with him to the booth, explain what the voting is for and that person can vote...[AVCP 1967:5]

Comment:

In the 1967 meeting with the State Director of the Alcohol Beverage Control Board, the gathered village council presidents learned that as non-residents of Bethel, they had little or no legal control over the liquor store.

The brunt of concern by council presidents were persons who bought liquor in Bethel and took it home. What village people could not do, unless supported by the Bethel electorate, was to follow the lead of tribal councils on most Indian reservations after repeal of the federal ban on use of liquor by Indians and promulgate their own ban on liquor. (Dozier 1966:73) There was no reservation. Bethel profited from the liquor store and could hire police from the revenues it generated. The villages could not stop liquor traffic, nor hire police from liquor revenues.

Why did the village leaders seek to stop the liquor store and not seek some limited other legal option? None was offered to them except "the opportunity" to transform councils into ex-officio law enforcement mechanisms with support of state police.

Villagers questioned the capacity or authority of councils to intervene in liquor problems. As Willie Alexie of Napakiak put it, young people who behaved in Bethel thought they were "bigger than the council" when they returned to the village.

Village authority, exercised through the council, was directly challenged by intoxicated young persons. This role of repeated fining or jailing of intoxicated persons, was in fact

inappropriate to councils and to villages.

The Reign of Councils

Village councils among Eskimo groups had taken on the task of translating village consensus into law with the encouragement of teachers and missionaries and, later, with their reorganization as Indian Reorganization Act councils in the 1930's.

Although village councils made ordinances and applied them, the nature of their work was not to enforce norms uniformly or, even, to create and impose law upon village residents. Unlike courts and police, councils required strong village consensus regarding interpersonal conduct. Like courts and police, councils expected that most persons would learn and follow accepted village practice and not require repeated village intervention.

The attention of village councils in normal times could be directed to the exceptional person who failed to abide by village norms. In most cases, this was a person with limited social ties to the village.

A review of earlier council records does not reveal many cases of necessary council intervention into drinking behavior. For example, in hundreds of cases taken up by the Northern village of "Whale" in twenty years of records, no more than a handful deal with liquor. Attention of the council in these cases was focused on persons who had brought or were inclined to bring liquor into the village. The norm of abstinence (with tolerated private consumption of liquor on special occasions) was

established by village and missionary social norms first and only secondarily by village law.

Bethel developed as a source of wages. This induced an increase of traffic between Bethel and the villages of young fishermen and wage earners who were inclined to drink when liquor and money for purchase of liquor were available in the same place. The village consensus underlying council activity did not include a firm consensus about behavior while drunk. Alcohol use became a central issue in the generational tension between older hunters and younger fishermen. It demanded new and even outside intervention that the state was not able to provide.

Explicit support from state and federal authorities for councils became an increasingly important source of council authority when drinking was concerned, because drinkers were not persons to be controlled by reason. Force was necessary.

In 1963, at the second meeting of the AVCP, Fairbanks prosecutor had worked with council presidents to draft ten village rules, to be enforced by councils with the support of state authorities. State prosecutors took these rules to other regions of the state.

Roy Petrotrovich reminded councilmen in 1966 that the rules were laws for the "IRA"⁵ to enforce. Yet councilmen realized that without reinforcement of their work by a state trooper, a person who stood for state authority, this second source of council authority had no strong credibility among young people

increasingly dubious regarding village law as police law.

In short, councils had been transformed into an agent of state legal power in a realm where village consensus had not been firmly established. The mantle of state authority was also suspect because it was measured, ultimately, by trooper activity.

AVCP records of the period are replete with criticism of trooper service and questions regarding the authority of councilmen to intervene actively in drinking behavior as if they were police and not consensus building agents.

(1967 Excerpt)

There was a point brought up about the difficulty of getting a trooper out to the villages. Ray Christiansen [state senator] mentioned that if the people would complain to him he would take this matter up with the Commissioner [of Public Safety].

President Paukan (St. Mary's) mentioned too that sometimes when they call the Trooper he never comes. Ray Christiansen mentioned that they need a letter to the effect of the Trooper and send a copy to the Commissioner [of Public Safety]. Last year when the Commissioner was here a question was asked how to contact the Trooper. He said if it is an emergency to call on the radio and if it is not to write a letter. Paul John stated that the Trooper should inform the village when he will come out then the council would be ready to meet him. Ray Christiansen pointed out that the State Trooper was appropriated more money this year to do more traveling. Kenneth Cleveland asked if a person could take away a bottle from a person before he starts drinking and getting wild. Paul Guy stated that you can take an opened bottle away and pour it out with a witness with you. Henry Evon (of Kwigillingok) said that when a person is drunk they wait until he is sober to fine him. If he is drinking at home they cannot bother him unless he is raising some trouble [AVCP 1967:19].

(1968)

Elias Joseph mentioned that the problem they have with the State Police is that they never come to Alakanuk when called. Kenneth Chase (of Aniak) said that the laws of the villages should be based on the State laws so that the police would come right away when called. Charlie Fitka of Fortuna Ledge said that

on the minor things that happen in the village they should be taken care of instead of calling on the police.

President Paukan said that we will find out how much area the Deputy Magistrates cover. Perhaps the Emmonak Deputy Magistrate can take care of Alakanuk problems. It was agreed upon that we would wait for Nora Guinn to come to the meeting and tell her the problems that we have about the police not coming to the village when called. Henry Evon suggested that if a person has something to say, he should stand up, be recognized first and then talk...

Nora Guinn, District Judge, said that every Deputy Magistrate in the district has access to a State Law book. Anyone could use them all the time but they cannot remove them from the court room. Elias Joseph said that former council members were against penalizing people that break the laws so many times. At the last meeting it was agreed upon to start penalizing the people that break the laws. President Paukan said he was going to call on each Village President and they will mention their problems..." [AVCP 1967:8]

Comment:

When the complaint about trooper services was raised at yet a third meeting of the AVCP, in 1968, Trooper John Malone was called into the meeting.

Transcript Continues:

Malone reported that he was the only trooper from McGrath down to the Coast and further he lacked both a radio system and a secretary. He said the only things that he tried to handle right away were of a criminal nature and emergencies. (AVCP Sept. 1968, P. 9)

Comment:

Mt. Village's representative pointed out that when a person got drunk and was handling a rifle, the trooper was called. But, said the representative, he did not show up.

As Elias Joseph had mentioned, many persons questioned enforcement of council rules on persons who repeatedly broke laws. The recidivists who challenged village council weakened the village council's authority. State law agents did not

appear. Village consensus was not formed in the realm of alcohol and behavior.

While state officials may not have understood his complaint, it was fundamental. The legal authority of the council as well as its authority derived from a village consensus on alcohol use were both suspect. Persons whose behavior demonstrated persistent disrespect for council rules challenged both the village consensus and the authority of the village council in all of its work as a social control agent.

Where councils could not reliably call in state police to remove the offender and thereby assert their own relationships to state legal power and its demands, councils were hard put to form a working consensus on alcohol use based on a firm non-Native legal position.

A review of letters received by the trooper during this period and for some years thereafter, illustrates the kind of working relationship that the councils of many villages attempted to develop with state law enforcement.

Each council attempted to deal with a person who engaged in alcohol related conduct on a number of occasions. These attempts at counseling and fining were described.

The final call for assistance was usually a request for removal of the person from the village. Judge Nora Guinn received requests to "blue ticket" the resident to Bethel. These requests were rarely honored.

In these early deliberations, one village official asked explicitly how persons could be expelled from villages. He was informed that expulsion was illegal. Yet in the years that followed, the legal system was used as one means to expel residents from village to town. Removal to Bethel of recalcitrant residents came to be viewed as the only significant result of calling into play state legal authority. The transformation of village councils from consensus renewing agents within the context of individualized social control to law imposing agents over persons who perceived drunken behavior as an escape from social control enjoyed only limited success.

Out of desperation, one village council arrested the pilot of a liquor laden plane and confiscated the airplane. The trooper responded by releasing the airplane and threatening the councilman with arrest.

When their attorney secured for defendants the right to return to their home village after arrest and release on bail (or their own recognizance) in the early 1970's, villagers complained that persons arrested often returned before the victim (McKenzie: 1976). The utility of the criminal law system as an expulsion system declined. Still Bethel came to be viewed not only as the source of liquor problems which could not be resolved within the village context, but as the appropriate repository for persons whose alcohol-related conduct made them unwelcome in the villages.

By the 1970's Bethel residents included at least twenty

adults who claimed residence in the villages but drank heavily and consistently, and were unlikely to be welcomed if they returned to the villages.

Why was alcohol-related conduct so poorly adaptive to social control by the council acting as ex-officio agent of state law?

The reasons relate to the perception of alcohol-related behavior by both the drinker and the council as intervening agent.

The Problem From a Traditional Perspective

What state officials who encouraged the transformation of councils into fining police agents did not understand was that this recommendation challenged very basic assumptions about the nature of village social control.

So, also, did alcohol use in the villages require basic reinterpretations regarding the individual's responsibility to constrain himself or to intervene rightly or wrongly in the activities of others.

It is not surprising that village leaders, confronted by liquor use among the young, advocated a ban on legal liquor sales in town and prohibition in the villages. It is also not surprising that they sought active intervention of a non-Native policeman to enforce criminal law to remove recalcitrant fellow residents.

State alcohol law and limited state capacity to redress alcohol related conduct outside of the town limits presented a

challenge to small Eskimo societies without parallel in their history of white contact.

To understand the nature of the crisis and to further understand the changes in villages served by Bethel, one must consider, first, the inner logic of traditional Eskimo social control.

Eskimo Law Ways

Eskimo law ways, though variant in its details from group to group, had as its hallmark no dependence upon legal institutions. Instead, individuals were guided by noncoercive social cues. One did not intervene aggressively in the life of another without due consideration to the ongoing relationship with the person offended and without due consideration of his reputation within the group.

Those who challenged this autonomy of others (including leaders) were talked about or ridiculed. These social pressures were powerful weapons where one's group membership and one's ultimate survival were at stake.

This inner logic of Eskimo law ways was meaningful for the Eskimo person who contemplated aggression upon his neighbor. It has also influenced those who were delegated the responsibility to intercede in the problems of other. Finally, it influenced the character of intervention.

Eskimo village councils drew upon the tradition of the Kashim, the men's sanctuary and ceremonial center common to many

Eskimo villages. In that place, elders would counsel young people without singling out specific young people for punishment. Councils were formed by and drew upon contacts with non-Native authority - the teachers, the missionaries, the Bureau of Indian Affairs, and finally support lent by territorial and state officialdom.

But those who saw in village council activity kinds of tribal police courts were somewhat misled.

Council techniques were originally not explicitly those of Western courts. They did not meet merely to assess innocence and guilt according to preset rules and to punish with fines and jail sentences.

Council members were as grounded in the precept of limited or even non-intervention in the affairs of others as was the typical villager.

John Honigmann wrote, "By themselves, Eskimos leave it largely to individuals to recognize when they have exceeded limits of permissible behavior. Eskimos rely heavily on shame or guilt to signal that they have done wrong or merited disapproval" (Honigmann and Honigmann, 1965:242).

As a practical matter, then, council techniques were calculatedly cautious and non-coercive. Persons asked to appear before Eskimo village councils and bystanders both had to be persuaded that council intervention was logical and appropriate. Councils

did not enjoy the automatic, unquestionable authority behind badges of Western authority. They were, first, fellow villagers. Councils had to develop a clear, rationale for intervention and for punishment, if merited, on a case-by-case basis.

This basis for authority was developed in two ways. One approach was to act as the agent of territorial and later police or, put another way, as a buffer between direct intervention by Western law, and the citizenry. The second approach was to communicate village norms to the deviant so as to seek, as representatives of the village, an understanding with the deviant regarding appropriate behavior in the village.

To the extent that a council represented explicitly outside authority, it was capable of meting out punishment without providing the deviant and the community with a logical basis for intervention in the conduct of another.

Such a posture was hard to achieve for village councils. One might view the development of village rules, based on state law, in 1963 as an attempt to clothe councils with a very limited mantle of external authority. When councils complained that police did not come when called by the council or did not consult the council when they entered the village, the underlying message was that outside authority undercut this important source of derived authority and this important village rationale for council intervention.

Village officials discovered that the substantive law

regarding alcohol control prohibited the traditional mainstay of alcohol control in the village, to wit, local prohibition of liquor use in the village. What it offered to village councils was a set of statutes and regulations developed on the assumption that liquor use by adults was the norm and, further, that deviant behavior an exception to be checked by police action.

The logic of state law was so at variance with the historical message of teachers, missionaries and territorial law enforcement that village councils found their role as social control agents to be sharply limited and even foreclosed by what had previously been an important collaborative arrangement between state and local "legal levels." (Collier: 1973)

This problem of collaboration was one that proved to be without end. For while traveling state officials or field operatives, hard pressed to respond to all village problems, advised villagers to enforce their "own laws," higher state officials had set about constructing a state legal system which, it presumed, was the only legitimate legal system.

Unlike many other colonial regimes where local law and national law officially interact and efficiently divide minor and major disputes, no such explicit allocation of state authority to village councils has occurred since territorial days.⁶ This meant that villages without duly appointed judges or lay magistrates were officially presumed by state officials to be without law. What councils did and continue to accomplish to supplement state legal process was viewed as extralegal or even,

illegal, much to the chagrin of village councils challenged by strangers of young people for their acts.

Where the state nominated village residents to act as state magistrates, trained residents as village police and built jails and courthouses in small villages, it introduced a system which was expected to deliver and impose state law in a Western fashion in the villages. Replacement of local law with state law is far from complete. Many villages still have neither police, nor magistrate nor legal advisor nor a set of state laws.

The second basis for intervention - making intervention logical - required a stylistic approach for village councils substantially at variance with courts.

Council intervention was highly selective. The guilt of deviants who appeared before the council was assured by investigation prior to inviting the deviant to appear. Councils isolated and dealt with those persons not as likely to be amenable to other more important forms of village social control. Social ostracism was a method of non-intervention of far more important influence than council process or even intervention by the trooper. Thus, for persons with roots in the village, and with a desire to remain there and economic and social survival rooted in continuing good relations with village people, the council served merely as a backstop to other forms of non-legal social control.

The village council dealt with problems which had escaped ongoing and more pervasive controls, controls that checked indi-

viduals without necessary intervention of others, be they police or merely relatives or neighbors.

Those strangers or persons with limited reasons to maintain a consensus with villagers were usually addressed on several occasions. Deviants were persuaded, educated, counseled and warned regarding village norms. Repeated offenders were fined or put to work, but only after both offender and the community were satisfied that the offender had broken faith with village norms. An attempt was made to "blue ticket" or expel persons who proved repeatedly that they would not abide with village norms.

While the norm of non-intervention into the conduct of others placed special checks upon the operating authority of councils, village councils had a special kind of knowledge that made their selection of deviants far more accurate than the mechanistic selection of deviants by police.

Village council members knew their constituency and the families of constituents. As a mechanism to backstop other forms of social control, directed through families and communities, village councils knew who was in need of special attention and who was not.

Village councils also had the capacity to see serious problems developing and to recognize their chain of causation. Problems were perceived, accurately, as problems that evolved from and that influenced ongoing relationships.

Councils then were adept at constructing approaches to inte-

vention that focused not merely upon punishment for past acts, but on the deviants' stake in preserving ongoing relationships in the village.

As a legal mechanism, the village council was neatly balanced, between noninstitutionalized methods of social control, and the apparently unchallengeable and often unpredictable intervention of outside authority, police authority meted out without concern for village opinion, village reputation or ongoing relationships.

Alcohol-related conduct, social and economic events then transforming villages as communities within the Bethel region, and the demands made upon councils to act more explicitly as mechanistic (though ex-officio) agents of state police authority, each worked severe hardships upon village councils as central fixtures of village social control.

The Village Council and Its Social Reality

To a far greater extent than Alaska police, courts or attorneys, village council activity mirrored closely social the reality of the village.

As we have seen, the increased supply of liquor available to villagers occurred coincidentally with a breakdown in the isolation of the village and its social realm from the larger realm of the region. The most extreme penalty of village justice, expulsion from the village and its network of social and economic relationships, was substantially muted by the opportunities

available to villagers to migrate to other villages or, even, to break free of village social control by migrating into the town where each person could become a "stranger among strangers."

The classic traditional response to unceasing patterns of aggression by bullies - a decision by individuals to execute the offender who would not remove himself - was eliminated by Western legal authority.

Because the Eskimo legal process was fundamentally rational and logical, its intervention into the drinking activities of peers, required that it flow from the developed logic of Eskimos regarding drinking and drunken comportment.

The logic for dealing with liquor and for assessing responsibility for drunken behavior was developed by rural Eskimos outside of the realm of council activity in the context of daily living.

Social "truths" had emerged from Eskimo contact with Western law givers, missionaries and liquor and, more generally, from white contact.

First, some normally reasonable Eskimos who drank, became unreasonable and dangerous.

Perhaps the first Western statement of this proposition was that of Captain Healy of the Revenue Cutter Corwin:

Naturally peaceful, of a kindly and hospitable disposition and seldom, if ever, quarrelsome when sober, under the influence of a small quantity of liquor they (Eskimos) became demonic. The most brutal fights occur

when they are in this condition. Their long, sharp hunting knives make frightful wounds, and their rifles are used without stint and often with deadly effect. In former years our surgeon has often been called upon to dress these wounds on the bodies of several (Natives). I have seen marks of bullet wounds received in these drunken brawls, and the Omalik of the Diomedes, a comparatively young man, bears three deep scars which he proudly told me he had received in fights, and as proudly boasted of having killed two men while drunk. (Healy, 1887:17-18)

Healy's association of liquor use with violence by Eskimos in his report to Congress was self-serving. His voyages were funded to suppress cartridge sales and liquor traffic among the Natives, the first of many federal appropriations directed at liquor suppression among the Native population with the support of prohibitionist groups.

The message conveyed unrelentingly by the law as written and the law as implemented in white communities throughout Alaska's history was that drinking Natives should be jailed before they endangered themselves or others. After 1953, however, the law did not make drinking by Alaska Natives illegal.

This anticipated dangerous drunken behaviour did not always comport with observed reality by other ethnographers. Gubser wrote that coast Alaska Eskimos merely became happy when drunk (Gubser, 1965:12). The Takamiut, in studies by Graburn, had tried liquor, but did not like it (1969:186). Honigmann explored the early introduction of legal drinking among Canadian Eskimos in Frobisher Bay. While Eskimo informants described an association between violent conduct and drinking, Honigmann (1965:203) found no clear association between the two in the early days of

Frobisher Bay. Yet in that town environment his observation could be challenged. Canadian RCMP's had already begun to arrest all public drunks before their conduct became aggressive (1965:13).

What was the origin, then, of this association between drinking and uncontrolled aggression? MacAndrew and Edgerton (1969) argue persuasively that beyond its universal physical impact upon psychomotor skills, the behavior associated with alcohol use is fundamentally that which any society has come to expect from one who drinks (1969:88). They argue in Drunken Comportment that the state of being drunk is the social occasion in which members of some cultures take "time out" from the normative demands of their culture (1969:88).

Among whites they encountered in the Arctic, Eskimos and other Alaska Natives had numerous opportunities to learn and confirm this association between drinking and open-ended aggression. The drinking habits of whites in the Arctic often involved rapid consumption of existing supplies and violent swings in personalities from sober to drunk to sober again.

Military men, sourdoughs, whaling crews and other foreigners used liquor as an escape valve for Arctic living. Yet, when sober, they went about their normal activities with little or no apparent loss of status.

This model of drunken comportment was conveyed along with liquor sold to Natives and confirmed by missionaries and representatives of law who reacted to drunken Natives as if they were

all likely to be dangerous and crazy.

Legal and social constraints upon Natives from the inception of Western law in the bush both validated the association between antisocial behavior and liquor and served to restrict drinking by Natives to short-term and public binge drinking.

One could argue, for example, that constraints on drinking behavior (but not on sale) evident in Bethel in the mid-1960's and the prospect of constraints on drinking behavior in home villages contributed to very dangerous drinking on the river that James Willie of Napakiak sought to restrain, much to his personal peril.

Social norms had evolved to explain and place drunken comportment in the town and villages. In capsulized fashion, they were these:

First, that a drunken villager and a sober villager were perceived two separate persons. The conduct of a drunken person could not be ascribed to his known sober self. To place the responsibility upon a sober villager for what he did while intoxicated would be to undeservedly stain his social reputation, a reputation based on his behavior while sober.

Drunken behavior challenged the basis of the reasoned village council approach to social deviance. If the community did not blame a sober person for the acts of his drunken separate self, how then could a village council counsel or punish a person for those same acts?

The focus of the council's blame, logically, came to rest on the source of the liquor, be that source Bethel or the person who transported the liquor into the village.

A second social norm firmly rooted in Eskimo experience was that a person was not expected to remember what he did or why he did it when drunk. Village councils could not review acts of conduct over which a sober person had no recollection, nor could they fairly assess blame for those acts. The logic of repeated fines could and was questioned. Fines were not logical. The fining agent and not the person fined was made suspect by his unwarranted intervention into the business of a fellow-villager.

Third, the villages recognized that unlike pathological bullies or crazy persons, drunken behavior was temporary misbehavior by a person who was usually well behaved. A sober villager returned immediately to the fold of the village social consensus regarding conduct, appropriate and inappropriate without council intervention. But for alcohol, he was above reproach.

Fourth, the decision to drink was not per se a socially disapproved act which merited intervention. It was an individual decision that effectively shifted the responsibility for making rational decisions to others. Thus, fellow villagers could join the drinking villager by sharing his liquor supply or retreat from the scene in order to avoid him. Control of drinkers required special authority in the person who sought to control a fellow villager.

Western law and its agents were prepared to intercede and jail drinkers. This intervention may not have been logical. It might leave in its wake hard feelings when the drunk sobered up. But this was, after all, the developed role of town police, liquor suppression officers, territorial police and state troopers after them. They were, after all, non-Eskimos, powerful, and free of constraints placed upon councilmen who lived and worked with the persons they confronted, their families and their friends.

However, AVCP presidents recognized that non-Native police were not prepared to extend their reaction regularly to Native drinking beyond the boundaries of towns.

Given these serious social constraints upon dealing with drunken behavior, how could a council, sustained in part by its allegiance to a shared perspective regarding individual conduct, deal with drunken behavior? How could it engage the deviant and suggest that his conduct deserved special punishment when his conduct was universally viewed as emerging from a bottle?

In earlier days, village councils, supported by teachers and missionaries, by territorial law where operative, and, indirectly by limited opportunities to purchase liquor for transport to the village, could focus on possession of liquor within the village, not on liquor-related conduct. By the mid-1960's, however, liquor traffic became a fixture of regional traffic. State law was not consistent in its support of liquor bans in the villages. It had legalized private use and possession of liquor. Further,

a younger generation discovered that drunken comportment provided "time out" from dealing with demands of both white and Native society.

Although drinking was known to occur in Southwestern villages since the turn of the century (e.g., the private drinking parties of older men that Oswalt (1963) attended in Napaskiak when he was finally assimilated), the problem of alcohol traffic and consumption which village leaders confronted in their discussions with state officials was of an entirely new dimension. It was as open-ended as the availability of liquor was open-ended. A social consensus, especially one that restricted universally individual rights to possess, use and share liquor, was hard to articulate and confirm through council action. State law agents provided no direct support for suppressing liquor use.

The 1970's - The Town and Its Satellites in the Region

The late 1960's and the first seven years of the 1970's have signaled a variety of social changes in the villages. Perhaps the most significant characteristic of changes in population, economic development and, even in further articulation of the state, town and village legal process is the remarkable lack of uniformity in the results upon village life in villages scattered throughout the region.

Villages, or, more specifically, clusters of villages, appear to have gone their separate ways in their response to alcohol problems. While state and town policy regarding alcohol control may have implied some uniform concern for the outlying villages,

the impact of policy change and practice has not been uniform.

Upriver Athabascan Villages

Development of the upriver villages, among them Holy Cross, Shungnak, Grayling and Anvik, has been at variance with Eskimo village development for some time. This region fell under the charge of Catholic missionaries. With the construction of a major school in Holy Cross, near the turn of the century, Athabascans underwent a process of Westernization without precedent in villages tutored by Moravians, Presbyterians or Russian Orthodox teacher-missionaries.

Unlike Eskimos, Athabascans traditionally had a carefully developed system of chiefdoms and lineage. Disputes were resolved through the extended family and through the Chief system (Conn and Hippler, 1972).

Traditional authority was driven under by the Catholic missionaries. But in a startling policy reversal in 1969, the Catholic authorities departed Holy Cross for another Alaskan location.

The upriver region has been increasingly marginalized by the region's development and by the orientation of government service to its Eskimo populations.

Changes in Bethel's policy toward liquor use and distribution have had little or no impact upon the upriver villages. Migration of upriver Athabascans into this Yupik town have been extremely limited. Few were arrested by Bethel town police or

were clients of the sleep-off center. Village council development was not evident in these Athabascan villages. Neither has been introduction of Western law figures such as magistrates or police.

Of all villages in the region, state police service was most deficient for upriver villages. Only in 1978 was a trooper placed in Aniak to serve the villages (after the post was abolished in the late 1960's).

The population of these upriver villages began to decline in the 1970's. Economic development has been stunted. However, trooper arrests (with removal to Bethel) remained the highest in the region. So, also, have serious accidents climbed in the upriver villages. Upriver villages have neither traditional nor Western law services of any significance to deal with minor disputes. Liquor use is uncontrolled.

What is available to these villages is a legal source of liquor. The tiny white mining town of Red Devil is the only legal source of liquor in the region. Purchasers charter or fly commercially to Red Devil and return to their own villages to drink.

The upriver villages formed then one end of a spectrum of liquor policy in the region. Serious accident and trooper arrest rates on serious charges were extreme throughout the 1970's. Legal development in the region did not reach these villages. Access to legal liquor (supplemented by bootleg liquor) remained

constant and high.

The Coastal Villages

On the other end of the spectrum are several "coastal" Eskimo villages. They, also, have seen very little change as a result of changes in state or town policy regarding liquor use.

As in the case of upriver Athabascan villages, statistics drawn from police booking sheets for the five year period show few Bethel arrests, few sleep-off center contacts, and no correlation between serious accident rates and Bethel's decision to be wet from 1971-73 or dry thereafter.

Unlike the Athabascan villages, however, trooper arrests have been extremely infrequent. Serious accident rates have not climbed rapidly or shown any correlation to Bethel accident rates.

This cluster of villages was able to maintain a highly restrictive internal policy on liquor use and possession until 1976-77. In one village, for example, council members were said to regularly go through trash containers to seek evidence of liquor use or consumption. Moravian influence is strong in this cluster of villages. Also, drinkers with serious alcohol problems have, according to sleep-off center and police records, apparently migrated (or have been expelled) to Bethel. The populations of each village stabilized or were slightly reduced by outmigration.

Although the coastal villages share the dominant Yupik

culture and are relatively closer to Bethel in air miles than Athabascan villages and have had relatively frequent air service between Bethel and the villages, the quality of that air service has been markedly deficient throughout the period of study until its closing years.

In a 1973 air transportation hearing sponsored by the AVCP and attended by representatives of the Civil Aeronautics Board and Alaska Transportation Commission, complaints regarding Wien Airline's inability to fly on schedule, delays in freight shipment were widespread but especially detailed from the coastal villages where alternative means of transportation to Bethel were less available. (Appendix 1)

The testimony generated at the 1973 hearing, during the epoch when Bethel bars and its liquor store sold liquor legally, suggests that inferior air transportation substantially reduced the opportunity of some villages, but not all villages, to purchase liquor in Bethel or order from cities beyond Bethel.

The specific problem of air service in the epoch was created when the certified carrier contracted its air routes to small charter outfits in order to shift its own equipment and personnel to the Trans-Alaska Pipeline project.

Shipments of liquor which travel into Bethel on Wien's carriers are stored under lock and key in the Bethel terminal. Villagers report that liquor is given low priority. One unfortunate consequence of this is that liquor shipments build up and

reach a village all at once.

How relevant to the coastal villages has been their markedly more severe problems with scheduled air transportation coupled with fewer options to obtain goods in some other fashion or to travel to and from town to village? This question cannot be answered without study of the relationship between this cluster and town during a period outside of the bounds of this study.

It seems fair to conclude that the same deficient air service which hampered living in the village in many basic ways, afforded coastal villages an advantage when liquor problems were concerned. Yet more relevant than the quality of air service was the village's propensity to define and act on a restrictive liquor policy.

That a community consensus regarding liquor was established, over and above problems with passenger service and freight, seems evident when one observes that even when villagers from this cluster of communities did migrate to Bethel during fishing season, contacts with town police and the treatment center were extremely insignificant.

As the testimony indicated, weather remained a continuing problem in providing scheduled air service. Changes in the level of contacts of many villages including coastal villages, do seem to be influenced by the weather.

No accurate comparison of the influence of air service, good and bad, would in fact emerge from a comparison of the coastal

villages in the period of study with a later epoch. Other changes have intruded along with improved air service.

For example, a regional school has been built in one of the larger villages in the cluster changing the year-round population configuration. In the 1975-77 period when Bethel had a permanent district attorney, his only correspondence from village councils regarding drugs or liquor came from these same coastal villages, as they confronted at a rather late date the problem of youth and drugs.

Economic development and transportation are both then relevant factors in drawing the town and village together in matters related to liquor control.

Migration to and from the villages is not entirely dependent on air transportation or economic means either in the village or in the town. Villagers receive opportunities to travel to Bethel for a variety of meetings and workshops.

Twice yearly AVCP meetings draw in village leaders. So also does the Yukon-Kuskokwim fair attract villagers. PHS patients receive tickets to the hospital. Witnesses and jurors are paid to come to Bethel.

The villages of Chevak and Emmonak represent examples of yet a third relationship with Bethel. Each village has drawn into its environment important new building projects and economic opportunities.

Emmonak, near the mouth of the Yukon river, has a cooperative fish processing plant. The plant and a private out-of-state operation attract many non-villagers to Emmonak during fishing season. Emmonak's population, like Bethel's, doubled during the 1970's. Its residents look to Bethel for less in the way of economic opportunities. They have also shifted their drinking away from Bethel.

Similarly, Chevak has received major grants to construct public buildings and engage in other forms of economic development. Its citizens charter to Red Devil for liquor and are not dependent upon legal or illegal sources of liquor in Bethel.

Suburban Villages

A final category of villages are those with relatively easy access to Bethel throughout the year, and no significant economic development other than that gained through their continuing relationship to Bethel. These villages show slow population growth in the 1970's or simply stagnation.

Taken as a whole, the suburban villages have greater access to state legal services based in Bethel. Villagers from the suburban villages have, however, significantly fewer contacts with troopers for serious law violations and significantly higher contacts with Bethel police and with the sleep-off center than upriver or coastal villages.

Clusters of villages, then, have entirely different sets of relationships to Bethel, its resources, and its liquor supply.

This variation in relationships has, as will be discussed, significant impact on the relevance of legal control strategies initiated by town officials and police or state officials in the town. Further, it appears that the posture of the town-village relationship is capable of influence by matters non-legal to a level far greater than legal.

This is not to say that differing approaches to liquor in the town have no impact on villages. What is significant is that impact is dependent upon more than the legal posture. The role of law is merely one aspect of a larger picture.

Development of the law in Bethel

Bethel's relevance as a source of Western police services, judicial inquiry and institutionalization and the town's position on alcohol has varied throughout the 1970's.

State Service

As the AVCP minutes indicated, a single trooper served the 57 village Bethel region in the 1960's. By the late 1970's, this situation had improved. The Bethel detachment had six troopers. Eskimo constables were stationed in St. Mary's and Upriver in Aniak.

Along with an improvement in trooper staffing, the Department of Public Safety trained village police, locally appointed and hired, village residents. Many Eskimo villages now have resident village constables.

Nine villages in the region have magistrates appointed by the

state. District Court Judge Nora Guinn retired and was replaced by an ex-legal services attorney, married to an Eskimo from Nunapitchuk, as a superior court judge in 1976.

Service by attorneys has also improved. In the early 1970's a legal services attorney was the town's sole resident practitioner. Public defenders, prosecutors and superior court judges flew into town for hearings and dispatched most criminal cases in rounds of plea bargaining before the Friday airplane.

With the appointment of Superior Court Judge Cooke in 1976 and the establishment of a Bethel service area by the state court system, the Public Defender Agency and Department of Law established resident offices. The work of the district attorney from 1976 to 1977 was especially influential in the formulation of a liquor policy for the region.

With the development of a permanent professional court system in Bethel, participation by townspeople and villagers in the legal process increased. Jurors were drawn from the 15 mile radius surrounding Bethel. On occasion, arraignments and trials were held in outlying villages.

Town Policy

From 1970 to 1973 Bethel was wet. Its liquor store and sales taxes generated from the operation of two bars in the city made substantial contributions to the city treasury.

From 1974 to the end of the study period in 1977, Bethel voted dry. Traffic in liquor sales shifted to bootleggers.

Alcohol Treatment Facilities.

When the state legislature decriminalized drunk in public in 1972, it established the Office of Alcoholism and gave life to the treatment perspective regarding alcohol control.

One result of this was the subsidization of a sleep-off center in Bethel beginning in 1973. The sleep-off center operated from 1973 until the end of the study, with the significant exception of the summer of 1975. The interplay of jail and sleep-off center for mechanisms for alcohol control will be analyzed with particular focus on calendar year 1977.

Village Alcohol Control - The Wet Years in Bethel (1970-1973)

AVCP meetings and a statewide conference on bush justice, held in 1971, generated interest in training village constables in order to meet village requests for reliable police service to handle alcohol-related conduct.

The Alaska State Troopers recognized that the problem of introducing Western legal process involved more than the training of individual village members as police. (See Angell: 1978)

In its 1972 grant application to LEAA, the Department of Public Safety emphasized that village councils as well as police would have to receive legal education if village legal systems were to flourish. (Angell, 1978:9)

Councils and not courts, the Department reasoned, would provide the necessary follow-through for local police action in most rural villages.⁷

The 1972 program trained 126 policemen from 82 villages in regional workshops. In addition, troopers on location in bush locations made follow-up visits to villages that had sent constables for training, both to evaluate constable work and to educate village councils to Western approaches to law enforcement. (Village Police Training Annual Report:1972, hereinafter 1972 Report)

Reports of village police activity gleaned from the training program demonstrated the continued relevance of councils to alcohol control in village Alaska. Investigators also discovered that police handled law violations independently of court or council follow-through.

The project director reported in 1972 that court action occurred in 63 cases and council action on 171 cases. The report noted, "The council has levied \$1,835.00 in fines and 38 days in jail time. In almost every case, days of work satisfied council sentences." (W. Nix, 1972: 2)

One hundred and fifty-one misdemeanors were handled by the village police without council or court action. (1972 Report, 1)

A close inspection of reports from the troopers demonstrated that where councils were strong, village police were able to carry out their work. Where councils were weak, village police often succumbed to drink or resigned their positions.

The Bethel Region

Upriver Athabascan villages, "suburban" villages readily

accessible to Bethel by land, water and air transportation (the suburban villages) and coastal Eskimo villages 40 - 95 miles southwest of Bethel formed three distinguishable clusters in their acceptance and retention of village constables and in the level of legal activity undertaken in each place during this early 1970 period when the town of Bethel sold liquor through two bars and a community store.

Suburban Villages

In Kwethluk, a 433 person village six miles east of Bethel, the visiting trooper reported that T.M., "though limited due to education and a lack of understanding of the English language, did a good job." They continued, "Kwethluk's strong Council has made this easier by handling most minor crimes by Council action, with major problems being handled by the Alaska State Troopers." (1972 Report, 10)

During a three month 1972 reporting period, village police took 18 drunk in public cases, 3 drunk in private, two larceny, two obscene language and two disorderly conduct cases to the village council.

The council levied warnings and fines from 50 to 150 dollars. (Id.)

In Napakiak, a 298 person village, 15 miles west of Bethel, constable J.W. obtained a building which he converted into a small jail that ultimately housed 134 persons. No council action was reported in these jailings of persons who passed through the