

# ALCOHOL AND LAW ENFORCEMENT IN ALASKA

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## HEARING

BEFORE THE

COMMITTEE ON INDIAN AFFAIRS  
UNITED STATES SENATE

ONE HUNDRED SIXTH CONGRESS

SECOND SESSION

ON

PROCEDURES IN ASSISTING PROBLEMS ASSOCIATED WITH ALCOHOL  
AND SUBSTANCE ABUSE

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OCTOBER 4, 2000  
WASHINGTON, DC



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WEDNESDAY, OCTOBER 4, 2000

U.S. SENATE,  
COMMITTEE ON INDIAN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 10:35 a.m. in room 266, Senate Dirksen Building, Hon. Frank Murkowski (acting chairman of the committee) presiding.

Present: Senators Murkowski and Inouye.

## **STATEMENT OF HON. FRANK H. MURKOWSKI, U.S. SENATOR FROM ALASKA, ACTING CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

Senator MURKOWSKI. In the interest of disclosure, I had to open the Senate this morning. I was asked to talk about an Alaskan issue at great length on the Floor of the Senate, and I just concluded that. The issue was the fact/fiction of opening up the Arctic Coastal Plain for oil and gas leasing against the fiction that suggests that we cannot do it safely.

I know both Senator Inouye and Senator Akaka have supported Senator Stevens and me on that issue, and I am very pleased that Senator Inouye is with us this morning.

What I want to do is, first of all, acknowledge Senator Ben Nighthorse Campbell, who is chairman of the Committee on Indian Affairs, and Senator Inouye, who is the Ranking Member, and I serve on that committee, as well, for allowing me to hold this hearing this morning.

Senator Inouye, thank you very much.

What we have here is an effort to try to identify, I think, an area that is applicable to other areas beyond Alaska. Our attempt today is to get from our witnesses an idea of what the correct procedure for assisting some of the problems associated with alcohol and substance abuse.

We have with us Ernie Turner, the director of the Alaska Division of Alcoholism and Drug Abuse; Jackie Agtuca, with the Department of Justice, Office of Tribal Justice; and of course, Julie Kitka, from Alaska and the Alaska Federation of Natives.

So let me thank all of you for being here and, again, my apologies for keeping you waiting. What we want to talk about is the issue of alcohol, substance, and inhalant abuse in our Alaska Native villages, and refer to many of the studies that have shown that

alcohol abuse, in particular, is one of the most devastating problems that affects village life in Alaska.

It is just not in the village life; it affects many people in many other areas. But we are going to focus in on that aspect today.

It is interesting to note that the Alaska Commission on Rural Governance and Empowerment found that the number of cases of fetal alcohol syndrome among Alaska Natives is three times higher than the non-Native population. Now the cost to society and heart-ache associated with that is very real.

The report by the Alaska Division of Alcoholism and Drug Abuse indicates that nine out of ten Alaska Natives, who choose to use alcohol, become alcohol abusers. I challenged that figure when I first was given that statistic. But I understand it is correct. It came out of the Commission report. Of those nine, four become dependent or addicted.

Now in our State, Alaska Natives make up about 17 to 18 percent of the population. However, 38 percent of those who die by suicide are Alaska Natives. According to statistical data, two-thirds to three-quarters of those Alaska Native suicides were drinking at the time of their death.

According to the State of Alaska Department of Public Safety, alcohol use has been involved in over 60 percent of violent crime in rural Alaska.

We have similar problems existing with other substances. For example, dependence on marijuana is 1.0 percent of the population in urban Alaska. In bush Alaska, this marijuana dependence increases an astonishing 150 percent, to 2.5 percent of the population. So it goes from 1.0 percent in urban Alaska, to 2.5 percent in bush Alaska.

Now just as disturbing is bush Alaska experiences much higher levels of inhalant abuse. Inhalant abuse, often described as the silent killer is, of course, the intentional breathing of gas or vapors for the purpose of getting high.

I am told, in one of the village stores, there is no canned whipped cream in the spray cans. They take it off the shelf. If you want to get it, you have to ask for it, because some of the youngsters have been taking the whipped cream, spraying it in a paper sack, and breathing the fumes to get high.

The problem here is, these are legal substances, easy to obtain in areas that lack access to other drugs, and have proven difficult to regulate. Informal surveys have estimated that almost 25 percent of the children between 12 and 18 years of age have used inhalants.

In fact, a recent survey by rural Alaska Native Health Corporation indicated that in two villages, 100 percent of the kids ages 3 and up and have tried inhalants. I find these statistics very, very hard to believe.

One of the other concerns is, of course, marijuana, and some of these hard drugs are not inexpensive. As a consequence, one wonders in some of these rural areas, where the income is relatively low, how they can find enough money to acquire these drugs in the volume that they evidently do.

Now these are not statistics. These are human tragedies, especially in the case of fetal alcohol syndrome children, that can carry on for a lifetime.

One of the reasons that we are holding this hearing is because the Alaska Federation of Natives has put proposals forth that would propose to transfer regulation of alcoholic beverages in Alaska villages to federally-recognized Alaska tribes.

Reviewing the statistics on alcohol dependence and substance and inhalant abuse suggests to me that the tragic problems we face in our villages are not strictly law enforcement issues. I would like to get to that with the witnesses today, to see if we can get greater identification.

Experts who have dealt with these problems indicate that the efforts to combat abuse must be multi-faceted, encompassing the prevention and treatment, as well as law enforcement. Obviously, in the case of inhalant abuse, law enforcement is not an issue, since these products are legal.

At some point, I think we have to recognize, and it is easy to say and very difficult to do, that education and prevention programs can only achieve so much in the fight against substance abuse. I think we have to consider why there is so much substance abuse in rural villages.

In my own view, a big part of the problem is the fact that many of these communities do not have very good economic prospects for the future. It is pretty hard to identify just where there is a better opportunity for jobs and employment in many of these villages.

Of course, the transition is rather interesting, because many years ago, the villages traditionally moved with the game. They were somewhat nomadic, following the game herds, but that has changed dramatically now.

The question is, as we look at the role of both Federal and State governments, and sustaining the economies of the villages, we find ourselves in the situation where state, local, and Federal Government are the largest employers in many of these villages.

So we are sustaining, if you will, through Federal and State funding, an economy that is based on just that, Federal and State funding, and the prospects for relief are pretty hard to identify. You know that as well as I do.

I think if the State and private sector could partner to develop jobs and resource development in those areas where we have a potential, but unfortunately, in many of the areas, we do not, many of the problems would disappear. There is nothing that can build self-esteem more than having a good job and the prospects of improving one's lot in life.

I know there is one thing we can all agree on before we go forward with this hearing. That is that the State, the Department of Justice, and especially the AFN, must make a commitment to do everything to help defeat Initiative 5 on the Alaska ballot. As you know, that initiative would legalize the use of marijuana in our State of Alaska.

I have been told by one of our witnesses, Ernie Turner, the director of the Alaska Division of Alcoholism and Drug Abuse, that marijuana is the gateway drug for alcohol abuse in our villages. I would hope that we would all agree that a concerted public cam-

paign to defeat this initiative would be in the best interests of all our citizens, especially the residents of rural Alaska.

I am certainly committed to work with the State, the AFN, public health, and law enforcement officials to try and develop an approach to the difficulties and the problems of alcohol and substance abuse in our villages. I hope that this hearing will be a first step in bringing all interested parties to the table to find a workable solution.

I would suggest that somehow we begin to consider the merits of trying to get an Alaska Youth Summit concept formulated. I think it is one thing for Government, for the AFN, for the state, to address this. But unless we have the active participation by the young people themselves, relative to the communication value of one young person communicating with another, it is very difficult to make the penetration that is going to be necessary to turn this situation around.

Some of it is lack of hope. Some of it is associated with lack of support within the family unit. But I think the merits of an Alaska Youth Summit clearly offer some opportunities for exchange, communication, and broadening of the understanding of the tragic consequences associated with substance abuse.

I wanted to advise you that I intend to propose this to the AFN at an appropriate time formally, hopefully, during their convention, and discuss it in greater detail. I think it may have an application and fill a void.

Senator Inouye, you have been very patient, and I look forward to your participation and any remarks that you would care to make.

Senator INOUE. I thank you very much.

#### **STATEMENT OF HON. DANIEL K. INOUE, U.S. SENATOR FROM HAWAII, VICE CHAIRMAN, COMMITTEE ON INDIAN AFFAIRS**

Senator INOUE. First, I would like to commend you, Mr. Chairman, for convening this special hearing. It is not in the nature of politicians to speak of negative matters in the jurisdiction of our States. When we speak of our State, we always speak of the good things, the positive things.

It is not easy to tell the world that there are problems in our States; that substance abuse is a major problem in Alaska, and also throughout this Nation.

Mr. Chairman, I recall on one of my visits to your State in 1988, when I visited Bethel, they showed me this new prison. One of the rooms I visited was, I suppose they call it the "drying out tank" for people who were inebriated.

In this room were over 20 young men, mostly teenagers. They were obviously drunk and passed out, and they were all on the floor, sprawled out. That picture lingers with me. I have been told that about one-half of the inmates are Native Alaskans there.

I am here, Mr. Chairman, to do whatever I can to help you, sir, because of the problems in the vast acreage in Alaska. I just could not help but marvel at what you have done, and what the Delegation has done, with what little we can provide.

I hope some day the problems in the Alaskan paradise will be minimized. So I am pleased to be here to do whatever I can to be of assistance.

Senator MURKOWSKI. Thank you very much, Senator. You have always been there when we needed you. Your interest in Alaska and bettering the conditions in rural and Native Alaska have been well evidenced by your support, your commitment, and your presence in our state. We welcome you back at any time.

Thank you. Let us proceed with Ernie Turner, Jackie Agtuca, and Julie Kitka. We have got one gentlemen and two ladies, so unless anybody has to get out of here, we will go as we have the list on the agenda. Is that fair enough? Does anybody have to catch an airplane?

[No response.]

Senator MURKOWSKI. All right, please proceed—Mr. Turner, who is the director of the Alaska Division of Alcohol and Drug Abuse.

#### **STATEMENT OF ERNIE TURNER, DIRECTOR OF ALCOHOL AND DRUG ABUSE, ALASKA**

Mr. TURNER. Thank you, Mr. Chairman and Senator Inouye, good morning. It is indeed an honor to provide testimony before this distinguished body of the U.S. Government.

My name is Ernie Turner. I have worked in the field of substance abuse for nearly 30 years in many capacities: As a clinician, as a agency director, as a consultant, as a teacher, and recently, it is the director of the Division of Alcohol and Drug Abuse for the State of Alaska.

I am an Alaska Native. I was born in Shageluk, AK, which is a remote village in the heart of rural Alaska. I am also a recovering alcoholic. I have experienced the worst of the disease that we call alcoholism, and have experienced the best of recovery.

The disease took me to the depths of despair, a homeless street alcoholic, and I suffered all the consequences that the disease had to offer. Without intervention and treatment, I would have died years ago.

Thirty years ago, when I first got in the field of alcohol and drug dependency, there was not much interest. Today, we recognize alcohol and substance abuse as a major problem, and as an epidemic for the Alaska Native population, invading our lives in ways we never imagined, testing our limited resources, probing our private values, and zapping our strength. Substance abuse and dependency no longer attracts our attention; it commands it.

Because so many people are suffering from the disease and its effects in rural Alaska, all of us who share our rural humanity are also affected, if not by the disease itself, then by those devastating companions of the disease: fear, loss, sorrow, denial, and prejudice.

We must face our fears squarely and shed our false beliefs. We need to know how deeply alcohol and drug use affect our communities. We must care for those suffering from the disease, as well as those affected by the consequences of it, and we must prevent further dependence and abuse.

I am not here to offer unrealistic shortcuts or make false promises about easy solutions; only to describe what we know, what we can do now. We need to educate ourselves and our children about

alcohol and drug dependency. We need to act on what we learn and intervene early, when we see someone on the wrong path, and make sure those in need have access to assessments and effective treatment.

Alaska Natives and Alaska Native communities have experienced huge changes over the past 200 years, but there are also some things that have remained relatively unchanged: The importance of Native culture, the traditional values of sharing respect for elders, love of children, a relationship with your national environment, and reliance on its resources. The challenge for Alaska Native communities is to preserve these constants, while living well into the 21st century.

Substance abuse is the major threat, both to preserving the past and to living well in the present and in the future. In the words of Julie Kitka, president of the Alaska Federation of Natives,

The impact of alcohol abuse is the most critical problem facing our villages today.

In the words of the Alaska Native Commission on Rural Governance and Empowerment, it said,

Alcoholism continues as an endemic condition that ravages individuals, families and communities in rural, and particularly, Native Alaska.

What does that really mean? It means a family in which both parents were regularly drunk, beat each other, and neglected their children. There are far too many stories which describe the consequences of the disease.

Let me share just one. By the time he was 10 year old, the oldest boy was routinely looking after his younger sibling. When the boy was about 18, his mother froze to death, after having fallen or been thrown from the back of a pick-up, which the father was driving during the winter months. Within 1 year the boy, now drinking heavily himself, shot himself in the head and died. The following year, his younger sister also killed herself.

Data tells us that 9 out of 10 Native people who choose to use alcohol become alcohol abusers. Of that 9, 4 become dependent.

We do not have Native specific data, but a study of all Alaska high school students, except those in Anchorage, tells us that over one-half had at least one drink in the preceding month, and just over one-third had five or more drinks in a row in the preceding month.

That means, if a village has 40 high school students, the data suggests that 18 will become alcohol abusers, and 8 will become addicted to alcohol. We recognize alcoholism as a chronic, fatal disease.

Looked at another way, there are some positive things that have happened. During the year that followed Barrow's vote to go dry, felony assaults declined by 86 percent, drunk driving stops by 79 percent, suicide attempts declined by 34 percent, and domestic dispute calls by 27 percent. Harm to children fell 32 percent and school attendance rates dramatically increased.

As the Barrow example shows, Alaska's local open law allowing villages to vote to go dry, or otherwise restrict the sale of alcohol in the community, can be an effective tool.

But controlling access, while important, is not entire solution. We have to understand that those who are dependent on alcohol will go to any length to get a supply. Bootlegging is common, in dry

areas, with a bottle going for as much as \$100 a bottle in rural communities.

People move to hub or urban areas where alcohol is available. Many of them will end up homeless or on the streets. Others use whatever is available, out of desperation.

In some dry villages where alcohol is more difficult to get, we have seen increases in the use of home brew, inhalants, and other drugs. Controlling access is one tool, but it is not the only tool or even the best tool to combat alcohol and drugs.

A major element in the success of treatment programs for rural Alaska is attention to the culture and life realities of village people. When cultural differences are addressed and the people themselves are asked what works, unique and successful programs have developed.

An example in one village with a population of just under 200 people, 98 percent of persons over age 5 were abusing or dependent on alcohol. Intoxicated children are sprawled on the school steps. State authorities talked about removing all the children from the village. The regional substance abuse counselor was aware that the villagers were concerned and wanted to change, but did not know how.

A counselor from a neighboring community worked with the village to develop a treatment camp. The village donated land and use of an abandoned building shell. The counselor found some funds in his budget.

He and his wife moved into the site for 3 months, and working with the village, developed a 30-day program that involved the entire family attending the program together. At any given time, there were five to six families and one to five individuals participating.

The entire village was invited to the camp for various weekend activities, and for evening meetings. Other villages in the region began to send families to the camp, and help with supplies and transportation.

The village held its first Christmas party, and more than three-quarters of the village attended and celebrated the 84 village residents who had been sober for 30 days or more. Graduates of the program have gone to assume responsible roles in the village, region, State. The recovery camp proved to be very successful, but it had to close because of a lack of funds.

The Division of Alcohol and Drug Abuse is committed to local treatment options. We have been working closely with regional Native health corporations, which are supported by State and Federal funds and operate residential treatment programs in many of the hub communities.

They employ village-based counselors who offer early intervention and after-care programs that play an important role in culturally relevant treatment. We plan on opening two or three more camps this coming year.

Further, the Division, in partnership with the University of Alaska and some of the regional Native health corporations, has a very successful training program to address the unique manpower needs of rural Alaska.

The Rural Human Services System Project began training villages to work as counselors in their own communities in 1992. The curriculum addresses Native culture and values, along with traditional Native healing practices, combined with Western treatment modalities.

University faculty and Native elders teach side by side. Presently, there are 136 graduates and students who are employed in 82 rural villages and six hub or urban communities. Their villages report that behavioral emergencies requiring transport out of the village have decreased, and requests for substance treatment have increased.

The Division funds various other programs, residential programs, special residential programs for women, women with children, pregnant women, pregnant and parenting teens, and youth.

There are 28 residential programs in all throughout the State. Three additional programs for women are funded directly through Federal grants. We also fund 28 out-patient programs, most of which are located in mid-size and smaller communities. The division also provides funds to one narcotic drug treatment program, and eight alcohol safety action programs.

Alaska's treatment programs provide services to about 2,500 residential and 5,500 out-patients a year. Approximately 48 percent of the individual entering treatment each year are Alaska Natives. The majority of these admissions are male, between 20 and 40 years of age, low income, and from rural communities.

The effectiveness of these programs is supported by studies that show 56 percent of those completing out-patient abstained from alcohol for 1 year after treatment 42 percent of those completing in-patient abstained from alcohol for 1 year after treatment.

Mr. Chairman, you have our views concerning the AFN's proposal to transfer certain aspects of liquor control from the State municipal governments to federally-recognized tribes. In short, we applaud the efforts of the Alaska Federation of Natives in bringing these significant issues to national attention.

But much more important work needs to be done to formulate innovative and workable solutions to this most difficult problem. We believe this must be done in an open, public process.

Mr. Chairman, if I may, I would like to read just a brief summary of testimony that is submitted by Commissioner Godfrey of the Department of Public Safety in Alaska.

He says, a majority of the violent crime in rural communities of Alaska has been linked to alcohol abuse. Alcohol use has been involved in over 60 percent of the violent crime, and continues to be a major problem.

The problems caused by the use of alcohol affect not only the individual, but the entire community. Because of their small numbers, the rural community residents are very much affected and are vulnerable to the negative effects associated with excessive drinking, such as suicides, domestic violence, and other violent crimes.

Seeing this, the Alaska legislature passed the local option law in the early 1980's. Currently, there are 76 communities that have voted to ban the importation and sale of alcohol in their communities; 16 communities have banned just the sale, and 30 have banned the possession of alcohol.

Because of the sometimes minimal community participation in stopping the influx of illegal alcohol, troopers have begun efforts and community team policing. This is a concerted effort to bring the majority of the residents of a community that has banned the importation together to help identify those individuals responsible for the illegal alcohol in their communities.

These efforts have been ongoing since the early 1990's, starting with a program called "Village Pride." More recently, troopers have been assisted by the COPS Training Program. Training has been held in several rural hub communities, with one more scheduled this year for the Nome area. This is a very labor-intensive and time consuming process, and it needs consistent attention.

Several communities have shown, when the majority stand together, as tradition dictates, they can have an influence in their lives. The communities of Kipnauck and Quinaugniak are good examples, where they have banded together and opposed the importation of alcohol, and have improved their quality of life. According to the local tribal police, incidents of alcohol-related crime have dropped considerably.

Since the passage of the local option law, the troopers in the field, in conjunction with the BPSOs, and village and tribal police officers, have been working very hard to stop the illegal flow of alcohol into those communities that have chosen to ban its importation.

In 1999, 55 percent of the misdemeanor assaults, which include most domestic violence assaults, were related to alcohol abuse in rural communities.

The AFN has recently proposed transferring certain aspects of liquor control from the state municipal governments to federally-recognized tribes.

As our testimony indicates, we believe that liquor consumption and control are serious issues which merit careful attention and innovative solutions. However, the AFN's proposal raises serious questions of Federal pre-emption of traditional State regulatory authority and great uncertainty about the law enforcement regime, which would follow from such preemption in rural Alaska.

Further, the AFN proposal, in its current form, leaves many unanswered questions about the law enforcement regime, which would follow from its enhancement. For example, the jurisdictional relationship between the State municipalities and tribes is unclear. This lack of clarity might well create significant difficulties in law enforcement and the juridical process, thereby negating some of the laudable goals of the proposed legislation.

In these circumstances, we recommend that new solutions to the concerns identified by AFN, including their current proposal, be given careful scrutiny by Native leaders, federally-recognized tribes, law enforcement and health professionals, and the Alaska public before final decision are made.

It is worth noting that the Governor utilized a similar process of public input and dialog in preparing his administrative order acknowledging federally-recognized tribes.

Toward these ends, we believe that meetings should be convened among all interested parties, prior to the next Congress, to see as broad a consensus as possible on how to proceed.

The goal of these efforts would be to formulate recommendations to the Federal and State governments, as appropriate, on the broad spectrum of treatment and law enforcement issues underlying liquor control.

That is just a summary of Commissioner Godfrey's testimony.

[Prepared statement of Mr. Turner and the statement from Alaska Department of Public Safety appear in appendix.]

Senator MURKOWSKI. Thank you, Mr. Turner.

I appreciate your statement. It was very comprehensive and clearly laid out the difficulties. I hope that we can get into some of the suggested corrections that you made.

I want to advise you that there has been an objection held against holding this hearing beyond, I guess, 11 a.m.. But I am going to go ahead and allow the hearing to continue. I will submit the testimony into the record formally at the next business meeting of the Committee on Indian Affairs.

Ms. Agtuca.

#### **STATEMENT OF JACQUELYN AGTUCA, ACTING DIRECTOR FOR OFFICE OF TRIBAL JUSTICE, DEPARTMENT OF JUSTICE**

Ms. AGTUCA. I want to thank you, Senator, and Senator Inouye for inviting the department to present testimony this morning. We are very concerned about the situation in Alaska. As you know, there are approximately 226 Alaska Native villages that are federally-recognized Indian tribes.

The Department of Justice is committed to working with those Alaska Native villages and enhancing their self government and promoting their efforts to do so.

I want to basically share with you today, and you have our written testimony, and within that is the position of the department. But I want to basically go to two documents, and share those with you. Senator Inouye, you are very familiar with one, because you presented at the summit.

But Senator Murkowski, you had suggested during the opening remarks that the department or the committee explore the possibility of conducting a youth summit in Alaska. I want to share this with you. I think you have copies. It is called the

Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives.

This is a publication that was released several weeks ago now at a summit held for federally-recognized Indian tribes. The goal of the summit was to bring tribal leaders to Washington, DC and conduct a summit to gain their recommendations as to how to proceed on a Federal level to address alcohol and substance abuse.

What took place was an amazing dialog in which the leaders came forward and gave us their recommendations. The five Federal agencies created a setting in which the tribes shared their most promising practices that had been developed by tribal people for their tribal communities to address this specific issue.

Within that summit, I think there became a setting in which the leaders and the practitioners and the researchers could dialog over, where do we go from here, and how does the Federal Government support the efforts of tribal governments to address these issues.

I hope that you will take a look at this, because the summit provided, I think, very advanced lessons and an opportunity to learn from each other. I think it might be very valuable for the situation in Alaska to create a similar setting.

Senator MURKOWSKI. In your statement, if you would care to just highlight specifically two or three recommendations that would be applicable to us, we would certainly welcome that. I have to take a phone call, but I will be right back; so please proceed.

Ms. AGTUCA. So I think that the Department of Justice is very concerned about the situation. That is because there is a dramatic relationship between alcohol, alcohol abuse, and alcohol related crimes that occur in Alaska.

In its 1999 report, which we have provided copies of this report as well, the Bureau of Justice Statistics found that over one-half the American Indian victims of violent crime surveyed reported that their assailant was under the influence of alcohol or drugs or both at the time of the offense.

As you have also noted, in this document and in some of the discussion already, 75 percent of the victims of domestic violence report that their perpetrator had been drinking at the time of the offense, as well.

This close correlation between alcohol abuse and violent crime occurs in Alaska, as it does in the lower 48. The Governor's Commission Report that we have discussed States that 97 percent of all crimes committed by Alaska Natives are committed under the influence of drugs or alcohol, with alcohol being the predominant contributor.

In addition to that, I think the other statistic that is quite glaring is the one concerning homicides. Experts report that murder rates among Alaska Natives far exceed the rates nationwide and for non-Native Alaskans.

In the experience of the United States Attorney for Alaska, nearly all, if not all, homicides in Alaska in Native communities are alcohol related. The statistics are glaring, they are compelling, and they beg us to do something to address the void that exists.

I want to spend just a few minutes on the legal framework, because this will highlight that there is a void that exists in Alaska. As you know, Senator Inouye, beginning in 1862, Federal law prohibited the sale of alcohol to Indians anywhere in the United States.

Congress lifted the nationwide prohibition in 1953, and replaced it with a scheme whereby sales to Indians are lawful, outside Indian Country, while the introduction and sale of alcoholic beverages within Indian Country must conform to both State and tribal laws.

Thus, Indian tribes in the contiguous 48 States have Federal statutory authority to regulate alcoholic beverages within their jurisdictions.

Alaska Native villages, as recognized tribes, are also eligible to receive that delegated statutory authority. However, they are uniquely unable to exercise it as a practical matter, because it is tied to the Indian Country status of lands.

Under Alaska State law, State incorporated local governments and unincorporated areas may exercise this local option and, in

doing so, prohibit sales, introduction, and/or possession of alcoholic beverages within their jurisdictions.

Local governmental units and unincorporated areas that coincide with or include Alaska Native villages have exercised that authority in many instances. Thus, today, 52 percent of Alaska Natives live in places that restrict the availability of alcohol. Those local option laws have had a very positive impact on conditions in many of those Native communities.

For example, a recent comparison of Native villages where local options have been exercised showed that here were four homicides in wet villages for every one in dry villages. Similarly, villages that voted to become dry between 1980 and 1993 experienced a 50-percent drop in local homicide rates.

However, despite these efforts, there is a persistence of a serious alcohol-related problem in Native communities, and it demonstrates that further measures are desperately necessary and needed now.

In many Native villages, there is no municipal or State subdivision authority present to manage these types of problems. As the Governor's Commission noted, in 94 Alaskan communities, federally-recognized tribes provide the only local government. As federally-recognized Indian tribes, Alaska Native villages have some inherent authority. But as I said, that authority is very limited.

For example, Alaska Native villages have inherent authority to enact laws and enforce them against village members. However, tribal government authority over non-members is ordinarily tied to their entry onto lands that are federally designated as Indian Country.

Because courts have held that Indian Country lands are, for the most part, absent from Alaska, Alaska Native villages are left with only that territorial authority over non-members that they might have as a landowner over their own lands.

Those limitations make it very difficult for Alaska Native villages to monitor or prevent the introduction of alcoholic beverages into their communities. For instance, Alaska Native villages may prevent alcohol from being introduced onto lands they actually own which, in some cases, represent considerable areas; but they cannot enforce deterrent measures such as civil penalties or forfeitures against non-members.

They also hinder Native village ability to control alcoholic beverage transactions by non-members or on non-Native lands. Some of these lands lie in the heart of the Native communities.

So this void needs to be addressed. We hope that through dialog and discussion that that process will proceed. I wanted to share with you some of the things that the Department of Justice is doing to assist on this question.

The department, through its Indian Country law enforcement initiative, has funded Alaska Native villages and entities to address these issues.

In particular, for fiscal year 2000, the Justice Department awarded 13 grants, approximately \$2.25 million, to tribal law enforcement agencies in Alaska, under the COPS Tribal Resources Grants Program. Native villages used those funds to hire, equip, and train tribal law enforcement officers. In fiscal year 1999, 21

grants were made by the department, totally approximately \$750,000 for tribal court development.

Three Alaska Native entities, one village, and two consortia received grants totalling \$275,000 for a Tribal Youth Program. The Tribal Youth Program provides funds to tribes for comprehensive delinquency, prevention control, and juvenile justice systems improvement programs.

The department also is funding Alaska Native villages through a number of our other grant program, like the Drug Court Program, or the Youth Alcohol and Drug Prevention Program, Drug Free Communities Support Program, and the Tribal Detention Facilities Program.

These efforts are critical efforts, because tribal justice systems in Alaska need the support to develop the mechanism to address this very important problem.

In this book that I noted earlier, one of the Alaska programs is highlighted. That is the Southeast Alaska Regional Health Consortium. This goes to the question, Senator Murkowski, that you asked about what works; how can we move forward.

Specifically, the program highlighted is a program called Raven's Way Foxed Youth Intervention Program. At Raven's Way, the goal of that program is to help youth troubled by dependency problems find their own path toward spiritual healing, and by blending conventional program efforts with adventure-based therapy. Raven's Way utilizes wilderness excursions, remote camps, and culturally appropriate features to pursue those goals.

This program reported in 1999 that 60 percent of the Raven's Way graduates reported sustained sobriety; 75 percent had decreased legal problems, and 50 percent had increased school attendance.

All of the programs featured in the publication offered services that provided a link to the spiritual belief of the Indian person, services that are culturally reflective of the Indian community, and services that strengthen the relationship of the Indian person to his or her community.

The Attorney General explained in the forward of the document that these key qualities reflect not only the success of the programs, but also speak to the history, the survival, and the future of Indian Nations in the United States.

Promoting the ability of Native villages to address the problems of alcohol abuse and alcohol-related violent crimes helps enable Native villages to meet their responsibility that they have as tribes to protect and ensure the well being of their members.

The approach that the Department of Justice has heard from tribal leaders and that we have taken to heart is that all programming, the most effective programming, must be routed in the culture and the beliefs and the practices of the Native tribe. Particularly for Alaska, we feel that this is very important.

Programming prevention and intervention programming must look like, smell like, taste like, and be Alaska Native in origin. That is why we hope, in the coming months, that there will be a dialogue that begins that will incorporate the voices and the opinions of Alaska Native tribal leaders.

The need for local tribal control and culturally suited approaches indicates to us that the Alaska Native villages themselves will have to be directly involved in solving this problem, and in efforts to control liquor in Alaska Native villages.

The Federal Government has a role in continuing the support. The state government and Native villages also have a very critical role in engaging that dialogue to achieve a solution to this very, very important problem.

In the end, we hope that the very communities that face the problems arising from alcohol abuse and alcohol-related violence should be able to locate and apply the solutions that are suited to their particular needs and circumstances.

I want to just note one other issue that has come to our attention. That is the use of the mail service to introduce alcohol into Native villages. This is a major concern.

As you probably know, use of the mail service is a misdemeanor offense, with a fine or under one year imprisonment. That issue is very important, because as a misdemeanor, it may not draw the attention that it needs. But the impact of introduction of alcohol to the villages through the mail is a dramatic impact. It affects the quality of life of those people living there. So we encourage some exploration of this issue, as well.

I want to thank you, Senator Murkowski, and Senator Inouye, for allowing the department to testify. We will submit our written testimony and our two exhibits to you for further reference.

[Prepared statement of Ms. Agtuca appears in appendix.]

Senator MURKOWSKI. Thank you, Ms. Agtuca.

Let me just ask, from a Justice Department point of view, if the Post Office suspects that there is substance in the mail?

Ms. AGTUCA. I think it is very hard to detect.

Senator MURKOWSKI. Well, no, but let us assume that they know, and it is broken or whatever. Who is the Justice Department going to prosecute; the sender or the recipient, or both?

Ms. AGTUCA. The prosecution of that offense, and it is a Federal offense, would be the U.S. Attorney's Office in Alaska.

Senator MURKOWSKI. No; but my question is who, the sender or the recipient or both?

Ms. AGTUCA. The sender.

Senator MURKOWSKI. The sender; not the person accepting the package?

Ms. AGTUCA. I believe it is the sender that is utilizing the mail service.

Senator MURKOWSKI. Okay, well, we are going to leave the record open. If you would care to give us a little further review of that, for the record, it would be most appreciated.

Ms. AGTUCA. Okay, we can review that further.

Senator MURKOWSKI. As we look at the Department of Public Safety's letter here, which Mr. Turner read, and the gray area of authority of non-tribal members, and the issue of seizure of vehicles and so forth, we have got to have some expert involvement of the Justice Department to determine where we cannot go any further, so to speak, in a sense.

Because tribal, as well as State officials, have to understand clearly their enforcement capabilities. When we have these gray areas, it is pretty tough, but maybe we can get into it in questions.

Ms. Kitka, good morning; please proceed.

**STATEMENT OF JULIE KITKA, PRESIDENT, ALASKA  
FEDERATION OF NATIVES**

Ms. KITKA. Thank you, Senator Murkowski.

I very much appreciate, on behalf of the AFN Board, you calling for this oversight hearing. I appreciate you, as well, Senator Inouye, attending. For the record, my name is Julie Kitka. I am the president of the Alaska Federation of Natives. I have written testimony that I would like introduced into the record.

Senator MURKOWSKI. Your entire statement will be entered into the record.

Ms. KITKA. Attached to that written statement is attachment A, which is our draft legislative language. Attachment B is our legislative proposal, the legal analysis of that. It is 3 pages. The third attachment is a matrix, furnished to us by the State of Alaska on the police and local option.

It is current this month, in October, from the Department of Community and Economic Development. It basically outlines all the communities, what type of police services they have, which communities ban the sale of alcohol, which ban sale/import, which ban possession, package store license only, or community store license.

I want to just bring to the committee's attention two facts about that matrix. One, it outlines there are 118 of our communities that do not have any police protection.

Senator MURKOWSKI. You mean permanent in the village?

Ms. KITKA. Right, which represents approximately 56,951 people in that area.

In particular, I want to bring to your attention, starting on page 6, all the communities where it is none, none, none, and it just goes on and it gives the population of the community that is affected. So I wanted that in the record.

The next item I would like to have in the record is a resolution. As you, Senator Murkowski, may be aware, the Association of Village Council Presidents, which represents 56 federally-recognized tribes, is having their annual convention in Bethel. They are in Alaska for the last couple of days, and they passed a resolution yesterday which they asked me to submit for the record in support of the legislation.

The significance of their resolution is the ADCP and the tribes in that area are the primary ones representing the Yupik Eskimo population in our state. For those of you that know the statistics inside and out, the Yupik people are some of the most traditional of our people.

If you look at, for example, Native people that are incarcerated in the correctional facility, Yupik people from the Bethel area make up at least 50 percent of all the inmate population.

The Yupik are over-represented in every major category that is affected by alcohol. So the fact that they considered at their convention and passed yesterday this resolution supporting this and

urging it, and wanting this legal tool, I think you are hearing directly, not only just from our organization and the efforts that we have done over the years asking for this legal tool, but you are hearing from the villages, the most affected area in our state. They are saying, give us this legal tool. We need this legal tool to help our people.

Like I said, every category from homicide, suicides, everything, this population group is it. So I would like to add this resolution to make it really clear that it is not just in argument that we have with the state or with the Federal Government or anything. People are asking for this help.

The last thing that I would like to ask be included in the record is something that I know people have taken a look at, because I have worked with all your staff on provisions of it. It is a report that we released in December of last year called the AFN Implementation Study, in which we were directed by the Congress, under Public Law 104-270, to come up with practical recommendations from the Alaska Native Commission's Report, and bring that back to the Congress of what needs to be done.

We released that in January of this year. We have been working on it. In the section dealing with alcohol, drug abuse, inhalant abuse, domestic violence, sexual assault, and related problems, we have a number of practical recommendations that we have recommended.

I want to thank the Congress, because many of these recommendations have been picked up in this Congress. Many of them, and especially the appropriations issues and some of the pilot projects that we want to do on family resource centers and the treatment on that, have already been picked up by the Congress. So for that, we are very grateful that there has been attention paid to this report.

I guess the reason why we want to focus a little bit on this issue, on the policy issue on the jurisdiction, is that is probably the one area in our recommendations to the Congress that has not received the attention and been picked up and dealt within some of the policy issues.

The funding issues, like I said, we are very grateful, domestic violence and so forth. So I wanted to make it really clear, we are not saying that the Congress is not taking action.

The Congress is taking incredible action, this Congress. It is just that we need a little bit more help. We need more legal tools. This Federal legislation, we think, is a very small action by the Congress, but it will have very marked improvements in our situation.

I guess if there was one provision to our draft testimony that I would like to see added to that, it would be a requirement that one, requires the Department of Justice, if this is enacted, to monitor it over a period of time, five years, six years, ten years, and track the statistics.

We believe with the implementation of this authority to the villages in letting the people most affected take responsibility, that is the key thing about this legislation. People need to feel the responsibility that it is their problem. They have to deal with it. They need to have the legal tools to deal with that.

With adequate resources and support from outside the State and the Federal Government on that, we think that will make a difference. We are not interested in having this issue be viewed as a sovereignty issue or a tribal rights issue. It is a practical local option, local control issue, a legal tool at the local level that we feel that people need.

We would strongly urge the Department of Justice to track this and report back to the Congress and every Congress, from here on out, on how this legal tool is effective or not.

I mean, the only reason we are asking for this is we believe that it will help bring down those horrid statistics. So if there was a provision that we would like added to that, it would be the requirement requiring the Department of Justice to track that and report that back, and ensure that it, in fact, is something helpful to bring down those statistics.

I think the other thing, if I had anything to add to that, would be further encouragement to the state to help the villages. What we see, from our perspective, and I will not disagree with Mr. Turner's testimony on a lot of the things that are going on, because there is a lot of good things, but we do see a retrenchment from the State, from our villages, with proposal after proposal being rejected by our State legislature, money shifted from the rural areas to the urban areas.

We are very fearful what that means, in real practical terms, to our people in all these services and programs. The Federal Government, the Congress, has increasingly had to step up and try to help meet our needs on that.

So if there was another provision that could be tacked on to our legislation that helped create building that partnership back with the State, and a kind of carrot versus a stick thing with the State, to encourage them to contribute resources to help make this really a workable situation out there, that would be very helpful.

Like I said, I want to hit on a couple of highlights from the testimony, which you will see my sense of urgency on, why we cannot just kind of let this go and say, well, we will pick this up next year.

Some of it has to do with when we are taking a look at statistics and where things are going. Probably the one most striking statistic that I came across this year, as we are working on this, had to do with the suicide rates.

Basically, what is striking to me is, when you look at it kind of from a historical perspective, since Alaska became a State, our suicide rate, as a Native population, has increased by 500 percent since statehood. Much of that is all alcohol-related.

It is just untenable for me not to make another plea to the Congress to try to help give us every tool that we can to have to deal with it.

I mean, when you look at a population that is 110,000 people, we are a young population, where over half of our population is under the age of 18. We are growing at a rate of doubling every 23 years. So we will be 250,000 people in the year 2020.

When you look at the statistics on alcohol, and you see it is our children and it is our women that are being affected, you are seeing our young people affected, and you are looking at this population

growth, the statistics that we see today are going to be horrendous 20 years from now.

I just would like to see every possible legal tool given to our communities to try to address that. This is the sense of urgency that I bring to you.

Like I said, that statistic of a 500-percent increase in suicide is something that cannot be ignored. There is a serious problem going on in our State, a serious problem as far as the cultural survival of our people, and alcohol is playing a critical role in that.

With that, like I said, I would just like the record be kept upon for testimony from other parts of our State. Your suggestion on a youth summit, I think, is a very good one. We have, starting on October 17, the AFN Youth Convention, again, which is the largest Native youth gathering that we have.

We have over 1,000 high school students that come every year for that. Alcohol and drug abuse is always a key element that is brought forward by our young people. In fact, I will use just one story. When we started these youth conferences, we started with 50 kids. It has now grown up to past 1,000.

We, at one time, opened up an initiative to come with proposals of our young people, if you could do one thing in your community, and had \$1,000 to do it, what would you do to improve things. Every single proposal that came in from these high school students dealt with alcohol and drug abuse. There was not one other priority that was brought forward by these kids.

So our young people are aware of that. They are wanting to do things. Again, like I said, we will have our youth convention. There will be a strong focus on that. There are a lot of young people that do not abuse alcohol, and that are doing really positive things. But a youth summit, which is broader than our youth convention, would be welcome, also.

Also, I want to address the issue that Senator Murkowski raised on sustaining our economies in jobs and opportunities. That is, of course, very, very fundamental. I totally agree, if you have a good job, and you are able to provide for your families, that is going to be a very strong anchor for our young people in forming new families.

So anything that can be done to create additional job opportunities for our young people and our people across the State is very much welcome. Again, in the report that we mentioned in the implementation study, we had a number of concrete recommendations that we suggested in the whole area of job creation.

I guess if there is one point that I wanted to disagree with the State on, it was hold off on doing something for a more open public process. This recommendation that we put forward was in our implementation study that we submitted to the Congress. That was a 2-year process. There were many hearings held.

That, itself, came out of the Alaska Native Commission's report and their whole process, and that was a joint Federal/State commission in which they held numerable hearings all over the State, and there was joint Federal/State participation.

So this specific request on this legislation and this language goes all through that, and has had incredible public process. We are not objecting to additional time, talking to people on that, but I do not

feel that that is fair to criticize this proposal, saying it has not had adequate public process.

So with that, I will conclude. I appreciate very much your putting a spotlight on the situation here, and helping us out. Thank you.

[Prepared statement of Ms. Kitka appears in appendix.]

Senator MURKOWSKI. Thank you very much, Ms. Kitka.

I am going to ask Senator Inouye to proceed with his questions, and then I will finish. He has been very gracious in listening to your testimony and reviewing it. I would defer to him.

Senator INOUE. Well, it has been a fascinating and yet a very sad experience sitting here, listening to your statistics.

In a sense, I am very much impressed by the improvement that Alaska has experienced in the last 10 years. But obviously, from your statistics, the improvements are not quite enough. The problems still persist. The indulgence in drugs, whether they be alcohol, heroine, or cocaine, in Alaska, appear to be not one of pleasure, but one of defeat and desperation. So I want very much to help.

May I ask Ms. Agtuca a question? You were not quite clear as to whether you support or oppose the proposal submitted by the Alaska Federation of Natives. You seemed to recognize the problems in Alaska, but you somehow suggested that there might be some legal or constitutional problems; am I correct?

Ms. AGTUCA. Well, we definitely are very aware of the problem, and have made every effort to assist, in terms of the grant programs and technical assistance. The problem cries out for an answer.

In terms of the proposed legislation, we have not, at this time, analyzed the legislation; nor has it gone through the OMB process. So we are not prepared, at this moment, to speak to the legislation.

Senator INOUE. Although you have not analyzed it, in preparing for this session, were you able to make some assessment as to whether or not it is constitutional?

Ms. AGTUCA. As to the constitutionality, we cannot speak to this, at this point in time. However, we can say that to address the issue of alcohol and alcohol-related violence in the villages, that Native villages must be involved in that process.

Senator INOUE. Are you prepared to sit with the attorneys of the Alaska Federation of Natives to come forth with a legislative proposal that will meet any test of constitutionality?

Ms. AGTUCA. We have not seen the final draft of the legislation. But we would be willing, if that legislation is introduced, to examine it, do an analysis of it, and have those discussions, because it is a void that currently exists.

Senator INOUE. Although the problems cry out for solutions, it is obvious that at this late date, a legislative proposal of this complexity would not likely pass in the few days remaining in the session because this is the first hearing. I do not suppose the House has had a hearing on this.

That being the case, the suggestions made by all might be appropriate to have a partnership gathering in Alaska of the Federal Government, the State, the Alaska Federation of Natives, and Congress, to see if something can be done.

I can assure you that it is one thing to read testimony. Before I went to Alaska, I read a lot of the reports on the suicide rates and the substance abuse rates. But it is another thing to go there and see for yourself.

Then you begin to notice things that are not in the reports, such as honey buckets, and the fact that every household in rural Alaska has a TV set, which tells America the symbols of success; that you must have automobiles, you must have saunas and all of that.

Then you confront yourself each day and you find yourself with a style of living which is not conceived as being very American. I can understand why some of these young men and women look upon life as being predestined defeat.

So it is a massive problem. But I would like to be of assistance to provide whatever tools are necessary to fight this illness and disease.

So are you going to help the AFN work out something?

Ms. AGTUCA. Yes, Senator.

Senator INOUE. And if you do have a summit in Alaska, please let me know, because it might be a good excuse for me to travel there once again, but not in the middle of winter, please.

Senator MURKOWSKI. Oh, come on now, the air is nice and fresh in the wintertime.

Senator INOUE. No; let us go in the summertime. [Laughter.]

Senator MURKOWSKI. Are you through?

Senator INOUE. Yes.

Senator MURKOWSKI. Thank you very much, Senator.

Senator INOUE. I will be glad to do whatever you want.

Senator MURKOWSKI. Okay, well, you are very kind.

We kind of support each other's interests. The Hawaiian delegation has always supported Alaska, with I cannot think of an exception. I think we have tried to support the Hawaiian issues, as well.

But in any event, I want to ask a few questions. What you have presented here in your proposal, Ms. Kitka, is the AFN legislative proposal analysis. It covers, obviously, a broad area.

But it addresses those fringe areas of jurisdiction that clearly are left unresolved. You know, the question, under a constitutional protection provision, of a non-Native in a village setting, subject to change from a Native enforcement officer. These are things that I am not prepared to resolve, but clearly, we need to address those areas.

Those are areas that are continually brought up; well, what are you going to do if; what is the legal status? If an airplane is seized, and it has got a mortgage on it from a bank, and it is owned by somebody else, you know, these are all very tough questions that perhaps can be answered.

But I appreciate your frustration. In the meantime, the problems go on. We do not get the answers. Nothing is adequately done in the area of trying to prevent illegal substances coming in to many of the villages.

You do not have the authority. There is no police protection, in spite of the program that we made here, a couple of years ago, to provide police assistance. Many of the villages took advantage of the grants in those programs, and there was a police officer. But

it is less than a perfect process. There are just too many people falling in between the cracks.

So let me proceed with a few questions, and then I will get to my bottomline. This is for all the witnesses. I would appreciate very quick answers, because we started late and we are still at it, and it is getting late.

But one of the central issues concerns the AFN proposal to transfer responsibility for liquor control from State and municipal governments to federally-recognized tribes. According to the information that was provided to my staff from the Justice Department, alcohol death rates of the lower 48 tribes are 7 times the death rate of all other races. So, obviously, Indian tribes in the lower 48 have the capacity of regulate alcohol on their reservations.

It appears to be that, based on these statistics, whoever has law enforcement authority does not seem to make a difference in the tragic consequences that alcohol has on our Native communities, on the reservation Native.

Now why does it not work there, Ms. Agtuca?

Ms. AGTUCA. In the lower 48, the tribal governments have statutory authority to regulate.

Senator MURKOWSKI. Right.

Ms. AGTUCA. At our most recent summit, we did highlight tribal governments and practitioners that have developed tribal programs that do work. However, you know, the statistic does speak for itself. There is far much more to do to adjust this problem.

Senator MURKOWSKI. No; but I want to get the narrow legal question.

Ms. AGTUCA. Yes.

Senator MURKOWSKI. We are talking about here, in Ms. Kitka's proposal, to give an authority similar to what the reservation American Indian has.

Now my question is, was is it not working there; and if it is not working there, what is the assurance that it is going to work in Alaska? I am trying to boil it down to the reality, if we have it on the reservations, yet the statistics say that death rates of alcoholism are seven times the death rate of all other races.

Ms. AGTUCA. I think that the statistic is accurate. But what we have found, the key link in programs that work, whether you have the authority and choose to exercise that authority, the programs that work are those programs in which the tribe itself and tribal people take the lead in developing those programs.

So we highlighted, I think, and we had over 90 tribal leaders and practitioners speak to their programs that do work. At Pine Ridge, Oglala Sioux Nation, for example, they have reduced the homicide alcohol-related motor vehicle crashes by 65 percent.

Senator MURKOWSKI. By doing what?

Ms. AGTUCA. By regulating, in that situation, and creating a seatbelt law.

So tribes have taken different approaches. On one hand, they have taken the approach of creating and enacting laws that curtail the environmental risks to the person or the community. In other situations, they have regulated the availability of alcohol.

But I think the point is that what is necessary here is that there be the dialogue with Native villages in hand to develop what pro-

gram will work for that rural setting, because that is the key. So the State, the Feds, and the local villages must come together to address the point.

Senator MURKOWSKI. Let me ask the others the same question. I appreciate brevity, because I have got several questions that I want answered.

But I think it is fair to say, at least from the statistical rate, the authority that the AFN proposed is similar to the authority that was already in existence in the reservation, and it does not seem to do the job. Mr. Turner?

Ms. TURNER. Thank you, Mr. Chairman.

I can only speculate that there are some differences between reservations and rural Alaska. Mainly, the road systems off the reservations, where we find a lot of the alcohol-related deaths are on those road systems, off the reservation.

We do not have a road system to all our Alaska communities, so I think that is one of the big differences that I can see, offhand.

Senator MURKOWSKI. Thank you.

Ms. Kitka, I think what I am getting at here is, in my own opinion, based on the statistical information, while the proposal that the AFN proposes to transfer responsibility for control to the recognized tribes, I do not think that is enough.

As a consequence, when I say not enough, I think there is more to it than that. I think it is associated with self-esteem, a job, a future, and hope. Some of these areas do not have the opportunity for any private sector job. It is very, very difficult to figure out how you can create them.

But nevertheless, Ms. Kitka, I wanted you to know my view.

Ms. KITKA. Well, to respond to your question briefly, you are right. I mean, it is just a legal tool, and it is a matter of who wants to use it, and how you want to use it.

I remember asking the chairman of the Navaho Nation a few years ago how their Federal liquor ordinances work. He told me, he said, not very well, because we do not have much law enforcement. So, you know, they were having problems with the Department of Justice or what have you, and were not getting enough resources there.

But then I also look at some reservations, and the Zuni Pueblo, as an example, is a real practical group. They are very active in alcohol control, very active in the court system. We would like the opportunity to have the legal authority to do some of the stuff that they are doing.

I was at a conference the Department of Justice sponsored in Seattle a few months ago, and had the opportunity to talk to the people from the Zuni Pueblo. For some of the sentencing of the offenders on the alcohol, their tribal court had them go to wellness centers, and all these culturally relevant things to try to put the person together as a whole person, as opposed to just punish and lock up or what have you on that.

You can use this legal authority and be very creative, and do what needs to be done, that brings the person all back together. Again, the key thing is keeping the responsibility for solving it at the village level, and not letting anybody else have that responsibility.

But that is just a tool. Of course, it would take creative, responsible leadership to use that tool, and using every resource at your disposal to make it work. It, in itself, will not solve the problem. We know that.

But we do see tribes that are using that authority and are being successful. I do not know if the Zuni Pueblo is highlighted in there, but that is a concrete example of something that we would like to have the authority to do that, too.

Senator MURKOWSKI. All right.

Ms. AGTUCA. If I may, it is highlighted in the document. The other component of programs in tribal settings with authority that does work, the requirements are basically two. One is that it is Native based; and second, that it is comprehensive in scope.

So for example, at Zuni Pueblo, you address the issue of youth suicides. The Zuni Pueblo lost 3 to 9 youths each year for 15 years. Alcohol and other drugs were present. At that rate, they stopped and they said, we must do something about this.

They created a Zuni-based cultural program, based on Zuni clan system and family system. Since that program was introduced into the community, they have not lost a single youth. That is over 10 years running.

That is why we needed to highlight the situations in which there are comprehensive programs that are Native based that actually address the issue and are successful.

I think for Alaska, something similar is very important, because you need to take the programs that are based in those villages that are addressing the issue comprehensively, and highlight those, and then dialog as to how do we use that experience. It cannot be piecemeal. It has to be comprehensive.

Senator MURKOWSKI. Senator Inouye, I think you had a question.

Senator INOUE. I just have a question of curiosity, a legal one. It seems rather clear that if I send alcohol through the United States Postal System, I, as you have said Senator, can be prosecuted. That is correct. What if I use Fed Ex, which is not the United States Postal System?

Ms. AGTUCA. You know, I am not familiar with the Fed Ex.

Senator INOUE. I do not want to make suggestions, but I was just curious.

Ms. AGTUCA. Well, we could look into that. It is a very good question, though, because there are many ways.

Senator MURKOWSKI. I know Fed Ex can be prosecuted.

Senator INOUE. Oh, it can?

Senator MURKOWSKI. For accepting that package and delivering it, which sounds a little inconsistent. Nevertheless, that is the exposure that they suffer, as a consequence of illegal items coming into the country, through Fed Ex redistribution points, such as Anchorage.

The Justice Department, if a Customs officer finds an illegal package, they hold Fed Ex responsible and liable. So that is a bit of a policing action that Fed Ex tries to maintain, and UPS does the same thing, to ensure that they do not get illegal packages. They pay a lot of fines, but they have a pretty strict policy.

That kind of self-policing may have an application here. Now it would be great if we could say to the U.S. Post Office, okay, you bear the responsibility and the liability for a fine if you accept it.

I think that within the Postal Service, there is an inconsistency, Senator Inouye, inasmuch as sometimes your Postal authorities know, or have a feel, or something. But if you held them liable, they would have a lot better feel.

Let me ask you about proposition 5 in Alaska, relative to if the AFN is taking a position on the issue, since it is a statewide issue on the ballot.

As I understand the initiative, it would legalize marijuana. Of course, that is one of the substance issues that we are concerned with here.

Ms. KITKA. The AFN has not taken a position on that. We have a convention coming up, starting the 19th of this month. I have not looked at the resolutions that have come in to see if there are any resolutions on that particular issue.

I do know that we have set aside time for all the different ballot initiatives that are going to be voted on, and we are putting together an election guide for our delegates that have all the key ballot initiatives on that.

So we are trying to educate our people on what is being voted on and what the implications of that are. I am not aware if there was any resolution that came in yet, or not. But I am sure it will be a subject at our convention in less than 2 weeks.

Senator MURKOWSKI. Well, it would seem to me, in order to have a consistent policy on substance abuse to legalize marijuana in this State, I guess, under the proposition young people who cannot buy liquor can legally have and use marijuana which, with the problem of substance abuse in the villages, it seems to me to suggest a situation that we would certainly not want to support.

I would urge your consideration, as one of the State's leading groups, and your influence on issues is well known statewide. Mr. Turner, do you have any comment on proposition 5?

Ms. TURNER. Yes, Senator; I do. The division strongly opposes the proposition. The Governor has recently released a letter also strongly opposing the proposition. As soon as we get a copy, we can submit one to you for the record.

Senator MURKOWSKI. We will leave record open.

Ms. TURNER. Thank you.

Senator MURKOWSKI. We would encourage that the AFN also take up the issue.

We have seen in the letter from Commissioner Godfried, which was read to us by Mr. Turner, the expression of concern that the AFN proposal regarding liquor control would give tribes authority over non-members. We have touched on that in the discussion.

Do you have anything that would address that concern? For example, if a non-tribal member brought alcohol into a dry village, would a tribal court have jurisdiction to prosecute the non-member, anybody?

Ms. KITKA. It is my understanding that they would turn it over to the State.

Senator MURKOWSKI. You would turn that over to the State?

Ms. KITKA. So that is why this needs to be thought of in terms of, you get the Federal authority, and then you work out a cooperative relationship; this whole notion of a dialog between the State and the Native community on how to implement that and how to deal with all these things that fall through the cracks or the exceptions or what have you.

So the dialog between the State and the Native community has to happen. But it is our sense, until Federal legislation is introduced, that the Federal and State government would be hesitant to put their views in detail on the record, because it is kind of a chicken and egg scenario, what starts what.

Senator MURKOWSKI. I understand and I appreciate that.

Ms. KITKA. That is why we so much appreciate the hearing today.

Senator MURKOWSKI. I think you are right on that.

If Alaska tribes had the authority to regulate alcohol, what constitutional protection would they abide by? For example, would there be a warrant issued, before a search of someone's home? Who would issue a warrant? What probable cause would be the standard for searches of people in streets or homes?

These are issues that we are not going to resolve here. But they are the type of issue that comes up. If this effort is going to work, we have to be able to have some definitive parameters to resolve that.

I assume it is your intention, Ms. Kitka, that this comes out of the process, the State and the Native community working together.

Ms. KITKA. I guess the way I look at it, for example, like the Department of Justice COPS Program, that is providing support for village police on that.

Senator MURKOWSKI. Right.

Ms. KITKA. The State and the troopers provide a lot of the training for the COPS Program.

Senator MURKOWSKI. Right.

Ms. KITKA. So there is a cooperative effort. The troopers take the view that they just want to have whatever works and brings down crime.

Senator MURKOWSKI. You know, there are a lot of lawyers here. When somebody goes in with a search warrant, and they do not have the proper authority, and the search warrant is not issued in a proper manner, then we are talking about an individual Native's constitutional right.

That constitutional right, as far as it conflicting with the tribal authority, is a rabbit trail that I am certainly not prepared to go down. But it is something that has to be addressed, because you can rest assured that those instances would come up.

Ms. AGTUCA, can you give us any enlightenment on that kind of a predicament, where you have a tribal action and then the right of that individual under a Constitutional right of protection?

Ms. AGTUCA. I think in the situation of non-Indians—

Senator MURKOWSKI. No; Indian.

Ms. AGTUCA. Indians? Well, we had thought, as the department analyzed the proposed legislation, many times the essential ingredient is the close coordination and collaboration.

So the tribal village officers, for examples, a COPS officer, has to work very closely with the State, in terms of the prosecution, as well as the terms of the sentence, if the person is convicted, and the court.

In other settings, outside of Alaska, where you have this situation, that is handled by the State; whereas, the actual arrests may be handled by the tribal village police officer. So there are many questions here.

Senator MURKOWSKI. Okay, but let us assume we get down to a situation where they have taken an action, and an Alaska Native claims a constitutional right that supersedes the authority of the tribal council. What does case law say on that?

Ms. AGTUCA. Well, I think what we would really have to do is really look at the exact facts and the pattern.

Senator MURKOWSKI. Well, for the record, since you have been kind enough to be here, give us a hypothetical situation for the record, because the record will remain open, under the assumption that you have a tribal authority that initiates an action against a tribal member, and that tribal member claims a constitutional right of protection on a constitutional authority, rather than a tribal authority; who takes precedent?

I do not want the answer now, but you can provide it for the record. Is that fair enough?

Ms. AGTUCA. Okay, that is fair. We can explore that and look at that.

Senator MURKOWSKI. Either one of these two gentlemen can help you out if you need a specific John Doe situation.

Ms. AGTUCA. Okay.

Senator MURKOWSKI. The Department of Public, in commenting on the AFN proposal indicates that,

The AFN proposal, in its current form, leaves many unanswered questions about the law enforcement regime and what would follow from its enactment. For example, the jurisdictional relationship between the State municipalities and tribes is unclear.

I think that is a given. But on the other hand, Ms. Kitka, you have got to start somewhere, and that is what you have attempted to do. I think the State has been derelict in recognizing that there is a problem, and how to go about resolving it or getting some solutions that we currently do not have, to see if they work.

I am not going to ask you to comment on how you perceive the overlap of jurisdiction, because I just do not think we are that far along on it. The estimate of the resources that would be needed to implement the AFN proposal, or where the resources would come from, are questions that need to be explored.

On the other hand, I think it is noteworthy that the AFN has come up with a legislative proposal. I think it is too early, in one sense, and too late, in another, to expect any activity in this session. We anticipate being through, for all practical purposes, at the end of this week. But actually the Appropriations Committee will be winding down for another week or two after that.

You are going to have members that are going to be home campaigning on both sides, probably starting Monday or Tuesday, I guess, or the end of this week.

So the idea of getting anything specifically resolved on your legislative proposal just is not going to happen. Nevertheless, it gives us fodder for proceeding next year, and sends, I think, a strong signal to the State that you are going to proceed with the legislative proposal.

I will be happy to assist in introducing a legislative proposal. You know, we can go with a legislative proposal, and then we can come in a hearing process in the State and so forth.

But I would like to have the questions that have been unanswered, relative to jurisdiction and how it would work with the State and the troopers, much of which was covered in the letter from the Department of Public Safety, signed by Commissioner Godfried, which I think also represents views from the Attorney General, so we have got a more comprehensive piece coming in.

If we use your proposal as a guideline to start, so much the better. If we have time to get input from the State, so much the better. If we can address some of the problems that have been brought out by this hearing, so much the better.

The point is, I think that the hearing has focused in on the need that the current situation is not working. I will not say it is unacceptable, but clearly there are some innovative suggestions that have come out of this process, relative to how we can better give greater self-determination to Alaska's Native community, through many of the suggestions that have been made here.

I am also wondering if one way to start out might be to establish a pilot program. You know, we are talking about a pretty comprehensive piece of legislation here. The merits of that may oversee any thought of a pilot program working in two or three areas. I would just leave that as a suggestion to you, because I, too, want to see something meaningful accomplished.

You know, I am reminded of a story, since we are citing circumstances, of a young graduate from Dartmouth, who came into my office. She had gone to high school in one of our predominantly Native communities. She came out of a class of about 26; 4 of the 26 went on to college. She and one other person finished college. The other person found employment outside of Alaska.

I asked her what she intended to do. She said, well, I feel obliged to go back and make a contribution. She said, my mother was the sole support of myself and my sister, because our father was an alcoholic, and kind of lost touch with the family over the years.

But she said, I feel that my friends in high school, I have nothing in common with them. I said, well, what does that mean? She said, well, some of them have jobs, but most of them do not. She said, I would like to go back. I would like to marry and raise my children, but I would like to make a contribution. But I do not know how to bridge back.

You know, I felt that a person like that, who obviously through support from her mother and her own initiative has gone on and furthered her capabilities through education, how can we provide a challenge for her, someone that knows the problems?

That is why I thought that maybe this youth forum may have an application, and get people who have been in this transition, who want to make a difference, who can come back and interact.

There is an extraordinary amount of respect in the Native community for the elders, unlike the non-Native community. We are talking about bridging here areas that, I think, have to address this void. To me, it goes beyond, in Alaska, the issue of substance abuse. It goes to educational opportunities at an early age and support within the family community, if there is a family community.

Perhaps it is an awareness among the Native community. You know, some families have a tendency to support advanced education; or even going to school and being there on time. Others put less emphasis on it.

But you know, if those children lose, through poor educational opportunities, the ability to be competitive later on, that is a permanent loss in many cases, and they can never catch up.

I am very concerned about rural Alaska, where we have got some very small schools operating. Some students do excel, but a lot of students fall in the cracks, because there is not a competitive environment. Their basic educational opportunities, well, maybe they are there and they are unable to take advantage of them, for a lot of reasons. Unfortunately, we do not have enough Native teachers in rural Alaska that understand traditions and customs and so forth.

I talked to one teacher who said that she went into one of the villages under a contract. She did not know whether it was her or the village, but there was no dialog. She never got invited to anybody's home. She slept in the schoolhouse, and left after 6 months. Maybe that is her fault; maybe it is both.

But I am really concerned about losing these kids, through lack of educational opportunities. I look at the Mt. Edgecomb situation, where you have to go to a boarding school. It is supported, and I helped save that school. If there is anything that I have done around here, that is one major thing, because they were going to close it for good. It offers an alternative education for kids in the bush.

But do we want to continue to support schools where we have a half a dozen kids in an isolated village; or do you do the best you can in the primary grades and then offer them an education in a competitive environment in a boarding school? We have been there; done that.

You know, the Native community has to come up and address realities, whether we can do this in these small areas; offer enough of an educational opportunity.

Well, we could go on and on, again, about the problems. Then, finally, if you do not have a job and you do not have a prospect for a job, I mean, these kids are watching television and it is 2 o'clock in the afternoon, and they watch a kid go onto the beach in Hawaii with a surfboard.

Then they look out there and it is 40 below and the snow machine is sitting there, and they go out and sniff, because there is no hope. Maybe their father does not have a job, or maybe their mother.

These are problems that we all ache over. I am just not convinced that Federal money can create a structure in a community that can be self-supporting on that basis.

We can learn a lot by history, whether it is good or bad. Do you remember in this country, during the depression, people left the farms? They left the farms. They went to the city, so they could get a job.

We are sustaining, through Federal and State government, a system in much of rural Alaska, at least without that support, it would not sustain itself. It could not. The largest Native village in Alaska is Anchorage.

I do not know what the answer is, but I think we have to begin to recognize the problem, and I think that is the value of this hearing today.

I want to commend you, Ms. Agtuca, representing the Department of Justice; you, Mr. Turner, for your efforts; and you, Julie, who have led for a long time, the effort through the AFN to bring about change, correction, and advancement of the Native people of Alaska.

But I think we have to be honest with one another. We have a problem with substance abuse. Make no mistake about it. We have a problem with education, and we have a problem with jobs. You cannot ignore any one of the three. You all know that that is the problem, and I do not have the answer, either.

Senator INOUE. Mr. Chairman, I would like to be able to submit additional questions for the record.

Senator MURKOWSKI. You may submit anything you wish, my friend.

Thank you, ladies and gentlemen.

[Whereupon, at 12:20 p.m., the committee was adjourned, to reconvene at the call of the Chair.]



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# APPENDIX

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## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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### PREPARED STATEMENT OF JULIE KITKA, PRESIDENT, ALASKA FEDERATION OF NATIVES

Chairman Campbell, Vice Chairman Inouye, and other committee members, my name is Julie Kitka and I am president of the Alaska Federation of Natives (AFN), the largest Native organization in Alaska. AFN's membership includes 178 Alaska Native Villages, 13 regional Native corporations and 12 Regional non-profit tribal associations.

I want to thank you for the opportunity to testify today about the serious problem of alcohol abuse, the behavioral tragedies that flow from it and the lack of law enforcement in rural Alaska. It is important that you are taking time to hear about this problem and to work with us on ways to effectively deal with the devastating and pervasive problem caused by alcohol in Native villages.

As many of you know, AFN has for more than a decade, sought to bring attention, understanding and solutions to the problem of substance abuse and related violence among Alaska Natives. The problem has reached epidemic proportions with our population increase and the outlook is very grim unless new effective measures are enacted immediately. Our population is currently 110,000, and expected to double every 23 years. In 2020 our population will be over 250,000 people. Despite the best efforts of many people, and the increase in funding for education, prevention and treatment, we have seen little progress. Today, I would like to outline for you the scope of the problem, explain some of the difficulties Alaska Native Villages have encountered in their efforts to deal with alcohol abuse and violence, and propose to you a legislative solution that we believe will give Alaska Native Villages the tools they need to effectively address the problem.

In 1989, inspired by a Pulitzer Prize winning series by the Anchorage Daily News and AFN's Report on the Status of Alaska Natives: A Call for Action, Congress created the Alaska Natives Commission and charged it with carrying out the first comprehensive assessment of the social, cultural and economic condition of Alaska Natives since the Federal Field Commission in 1968. The report identified the No. 1 health problem among Alaska Natives as alcohol abuse—characterized as both a plague and an epidemic every bit as threatening as tuberculosis or influenza that ravaged the Alaska Native population at the turn of the century. In 1994, the Alaska Natives Commission summarized its extensive hearings and conclusions in a three volume report. The Report warned, in no uncertain terms that "an entire population is at risk . . . of leading lives, generation to generation, characterized by violence, alcohol abuse and cycles of personal and social destruction." It went on to chronicle chilling statistics:

The annual Native death rate was more than three times the national average, much of it was alcohol-related;

Alaska Native infant mortality and Fetal Alcohol Syndrome rates were more than twice the national averages (the FAS rate being 5.1 per 1,000 live births);

One out of every eleven Native children had received child protection services in prior years;

Thirty [30] percent of child abuse/neglect/injury reports to the Alaska Department of Health and Social Services in prior years has involved Native children—almost double the rate of Natives in the general population;

Almost 1 out of every 8 Native males from ages 14–17 had spent time in juvenile detention;

Alcohol-induced violence, especially sexual violence against women and children, were epidemic, contributing to the fact that the rate of Natives in the State's prison population [32 percent] is double their percentage of the general population;

The Native murder rate is four times the national average; In the late 1980's, the suicide rate for Native males from ages 20 to 24 was 30 times the national suicide rate;

Since Statehood the suicide rate has increased 500 percent; and

The vast majority of all the tragedies listed above were alcohol related.

That was 6 years ago, and to date there has been no significant improvement in these statistics. The No. 1 conclusion of the Commission was that Alaska's Native people were suffering from a "disease of dependency", resulting from "the systematic assumption of responsibility by outsiders," the most tragic symptom of which is alcohol abuse and the violence, destruction and death that goes with it. The Commission concluded that the only cure for this disease was to return to Native people the power and responsibility to manage their own affairs and communities. The growing Native sobriety movement is likewise focused on individuals and villages taking responsibility for their own lives and their own communities.

The clear message I want to send today is that the tragic consequences of alcohol, drug and inhalant abuse in Alaska Native Villages can only be resolved at the village level by Native people with adequate resources and support from outside the village. The State's local option laws have not worked for Alaska's Native Villages. Those laws depend on the State law enforcement system, which is totally lacking in over 70 off-road communities. Another 64 communities have no certified police officers and are served exclusively by village public safety officers or village police officers who have limited training and are not allowed to carry firearms. When the State extended the local option law to unincorporated villages, it did not provide for real increases in police effort. A number of villages find the local option law inconsistent with their accepted modes of community problem solving. Another reason for looking for local solutions is the fact that every solution imposed on Native villages over the years has come from the outside. They were not designed or written by Native people. And they have not worked.

In its implementation report last December, AFN recommended that Congress establish clear authority for Alaska Native villages to develop effective local programs to control and respond to alcohol, drug and inhalant abuse, domestic violence, and sexual assault at the local, community level. Only by empowering and funding local solutions can we begin to reduce alcohol abuse.

While we believe increased funding and support for programs that provide community outreach and education efforts, village initiatives, direct services for victims and other innovative approaches to prevent domestic violence, sexual assault, and other violence against Alaska Native women and their families are important, prevention and treatment programs do not address the whole problem.

As noted in the recent Alaska Commission on Rural Governance and Empowerment, Alaska Native villages need to be given the tools necessary to deal with alcohol and drug abuse, domestic violence, sexual assault and related problems at the local level. It's 1999 report specifically recommended that tribes, through Federal legislation, be empowered to find local solutions through enforcement of tribal ordinances in areas surrounding their villages, and that there be adequate funding to effectively enforce, adjudicate and otherwise implement tribal programs.

All studies and statistics demonstrate that domestic violence, sexual assault, child abuse and other forms of violence are rampant in Alaska, and Alaska Natives, particularly women and children, are disproportionately victims of these crime. The one thing that can be proved beyond doubt is that when a village goes from wet to dry and enforces that decision, the statistics improve. For example, according to the University of Alaska Justice Center, the national murder rate is 8 per 1 million population; the murder rate in Alaska's dry villages is 19 per 100,000; in wet villages, the murder rate is 40 per 100,000. The Barrow experience demonstrates the importance of alcohol control. In 1994, the Barrow Native leadership led a local option initiative under which Barrow became "dry"—liquor was totally banned. The positive effects were striking and immediate. Alcohol-induced birth defects declined from 45 percent of all births, to below 10 percent. Emergency injuries reportedly fell by 43 percent. Alcohol-related police calls fell by 81 percent and outpatient hospital visits dropped by 86 percent. Unfortunately, the community overturned the vote in 1995, and re-imposed it in 1996, only to be overturned again in 1997.

While I want to thank Congress and the Alaska delegation for funding many important programs, and for the new funding for such programs during this Congress, the constant rise in alcohol-related crimes in the Native community, together with the steady increases in other key indicators of social pathology directly related to alcohol abuse, provides clear evidence that the current methods of controlling alcohol's destruction are simply not working. Existing laws and programs are not sufficient to address the devastating and pervasive problems caused by alcohol in Native villages. Unless this Congress intervenes and takes decisive action by giving local villages the tools they need to do the job themselves, the suffering and death will continue.

And, let me stress that we are talking about life and death situations here. We can not afford to wait for more studies or more negotiations over this issue. While Governor Knowles has just signed an Administrative order recognizing Alaska's tribal governments, and has pledged to work more closely with Alaska's tribes in addressing some of the acute problems in rural Alaska, he made it clear when he began his negotiations with the tribe that he did not want his efforts to impede any ongoing initiatives. We applaud him for his Administrative order and look forward to a more productive relationship between the State of Alaska and its Native people. But the Administrative order does not change the urgency of the situation in rural Alaska. After the *Venetie* decision, which held that ANCSA lands are not "Indian country", Alaska tribes (with the exception of Metlakatla) are not able to avail themselves of the Federal Indian country liquor laws. Under those laws, alcohol is illegal until the tribe votes to make it legal. In Alaska, alcohol is legal until a community votes to make it illegal. The total lack of local police in many rural villages has a serious impact on a community's ability to enforce local option laws, to maintain law and order and keep the peace. Many of the offenses are alcohol related. The absence of local police means that intoxicated gunmen have and will terrorize entire villages for hours and, depending on weather, even days, until State troopers are finally able to respond. It is clear that we need decisive congressional intervention—without it, our people will continue to suffer and die from alcohol-related offenses.

Our proposal is simple and direct. It gives Alaska Native villages the tools they need to combat this serious problem at the local level. AFN has worked closely with Attorney General Reno and other Justice Department officials in an attempt to design a legislative approach that would give Alaska Native villages the tools they need to effectively prohibit the importation, possession and sale of alcohol in Native villages. We view this legislation as a tool our communities can use and urge comprehensive monitoring to insure it does what it is intended to do. The legislation would be permissive to the community. There would be no requirement that every community adopt local ordinances dealing with alcohol—but for those communities that are serious about addressing the alcohol situation, it gives them a means of doing so. We believe it will help reduce these terrible statistics. To prove the effectiveness of this legislation, we suggest that the Department of Justice monitor its implementation and report back to Congress on whether local efforts to control importation, possession and sale of alcohol in Native villages has resulted in a reduction in alcohol-related crimes and other key indicators of alcohol abuse.

AFN's proposal is to place the authority for regulating transactions involving alcoholic beverages and the ability to prohibit the sale, importation or possession of alcoholic beverages, directly with Alaska Native villages—the local entities capable of addressing the problem. The geographic scope of the legislation would be limited to the exterior boundaries of the villages' core townships, as identified for village corporation land selections under ANCSA.

The legislation would authorize willing Native villages to handle offenses arising under tribal ordinances prohibiting and otherwise regulating the importation and use of alcohol within and in the area surrounding Native villages. For those villages that are within incorporated cities, the authority provided by the legislation would be limited to transactions involving Alaska Natives, and only to the extent tribal law does not conflict with the city's alcoholic beverage control laws. This would allow the native villages to do what it takes, in culturally appropriate and effective ways, to address local alcohol problems.

Alaska Native villages would submit their duly adopted alcoholic beverage control laws to the Secretary of the Interior, and the Secretary would certify and publish those laws in the Federal Register and insure that the law was in compliance with the Indian Civil Rights Act. The legislation would also provide a framework for concurrent State-tribal jurisdiction over alcohol related violations in Native villages pursuant to State/tribal agreements. Finally, as mentioned earlier, the Justice Department would be asked to monitor the implementation of this law and report back to Congress on the effectiveness of the legislation.

We fervently hope that you will agree that the situation is so grave that effective, nonsense Federal action must be taken to save lives. We can't afford to wait any longer, It is time to end the long cycle of government dependence. It is time to give Alaska's Native Villages the tools they need to assume responsibility for the prohibition, possession and sale of alcohol in their communities. Empowering and funding local solutions are the key to reducing alcohol abuse in Alaska's Native villages. Finally, these tribal governments must be given adequate funding to effectively enforce, adjudicate and otherwise implement local alcohol programs. We would expect current Department of Justice and other Federal programs that provide funding and other support for tribal police, tribal courts, and alcohol and drug programs to be made readily available in sufficient amounts to Alaska Native villages. I believe you have a historic opportunity to make a real difference in the lives of Alaska Natives.

I am attaching a copy of AFN's draft legislation to my written testimony, along with a brief description of the proposed, legislation. I thank you for agreeing to schedule this expedited hearing.

**AFN Legislative Proposal  
Analysis**

- 1. This legislation allows Federally recognized Tribes in Alaska to use their traditional and culturally appropriate authority and tribal resources to address critical alcohol problems within Alaska Native Villages.** Every study to address the problem of alcohol abuse in Alaska Native Villages in the last decade has reached the same conclusion – empowering and funding local solutions are essential to the reduction of alcohol abuse. By allowing tribal governments to design culturally appropriate solutions, laws and regulations, this legislation will give communities more control over aspects of their own lives. It also has the advantage of involving community leaders, especially the elders, in addressing the problem. At bottom, this is a “local control” issue.
- 2. The delegation of authority is very limited and tied closely to Native lands or transactions between tribal members.** The Native Villages are granted the authority to regulate transactions involving alcoholic beverages, or to prohibit the sale, importation, or possession of alcoholic beverages, within the core Village townships – as identified for Village Corporation land selections in ANCSA. The geographic scope is thus tied directly to the core Village area. Congress clearly has the authority to legislate to control liquor among Alaska Natives, and its authority is most clear when the legislation is either linked to Native lands or its application is limited to Natives. In this case, the legislation is linked to both.
- 3. The draft legislation is Constitutional.** The regulation of liquor among Native Americans is one of the oldest federal issues on record. In 1802, President Thomas Jefferson took steps to control liquor among the Indians. He proposed, and Congress enacted the federal provision restricting the sale or distribution of liquor among the Indians. The 1802 provision was not a criminal law, but the first criminal prohibitions were enacted in 1822 and 1832 and fines were added to the Trade and Intercourse Act of 1834. F. COHEN, *Handbook of Federal Indian Law* (1982 ed.) at 306-07. These provisions of the Trade and Intercourse Act have been broadened and carried forward to the present to prohibit the sale or distribution of liquor to all Indians, even outside Indian country. See, 18 U.S.C. § 1154. This provision is still part of the U.S. Code, but it is confined to Indian country by 18 U.S.C. § 1161. The prohibition of liquor in Indian country can be implemented by enactment of a tribal ordinance pursuant to 18 U.S.C. § 1161. The U.S. Supreme Court has repeatedly affirmed the exercise of this

federal authority.<sup>1</sup> In fact, in *Rice v. Rehner*, the U.S. Supreme Court held that 18 U.S.C. § 1161 was a grant of jurisdiction to both tribes and the States to regulate liquor.

4. **AFN's draft legislative language is a specifically tailored delegation of power to fit Alaska's unique situation.** It is a specially tailored variation of 18 U.S.C. § 1161, designed to allow both the State and Alaska Native Villages to have jurisdiction over liquor matters. In the case of an unincorporated Village, where there is no state political subdivision government, this legislation would allow the Native Village to enact laws that would apply within the boundaries of the core village.
5. **AFN's proposed legislation would not conflict with State local option liquor laws.** For those villages within incorporated cities, the authority provided to Alaska Native villages would be limited to Alaska Natives and transactions involving Alaska Natives. Ordinances enacted by the Native Village Council would apply only to the extent they did not conflict with the city's local option law. In other words, the Native Village and the State would have concurrent jurisdiction.
6. **Native Villages would not be compelled to enact local option ordinances.** The legislation simply offers those Villages that are willing and able to take on the problem the tools to be able to do so effectively. Many villages have attempted to prohibit or regulate alcohol under State local option liquor laws. However, most of these efforts have failed. State law enforcement has not been effective in Villages for two basic reasons. First, it is not culturally appropriate. Traditional Native justice is based on moral authority, peer pressure and consensus, and punishment is based on restitution and community service rather than fines and imprisonment. It is these kinds of culturally appropriate, locally developed solutions that have proven successful in controlling alcohol abuse in tribal communities. Second, with rare exceptions, there are no State Troopers, State prosecutors or State courts in the villages to enforce state laws. The federal legislation proposed by AFN will enable village councils to adopt local tribal option laws, and enforce them in tribal courts.
7. **This Legislative Proposal does not create any tribal authority other than that, which directly addresses alcohol control issues within core village townships of Alaska Native Villages.** All it does is give the local communities a more culturally appropriate way of controlling and taking ownership of a serious community health and social problem. The legislation is very narrowly drafted to apply only to the core

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<sup>1</sup> See, e.g., *Rice v. Rehner*, 463 U.S. 713 (1982) (states and tribes regulate liquor concurrently under federal law); *U.S. v. Mazurie*, 419 U.S. 544 (1975) (tribes can be constitutionally delegated authority to regulate liquor).

village areas. By federal statute, alcohol is flatly prohibited within "Indian country" unless and until the governing Tribe adopts an ordinance permitting it. In Alaska, just the opposite is true and would remain so under this legislation. In other words, the Native Village would have to adopt laws prohibiting or regulating alcohol. This is a very limited delegation of authority and does not add a geographic component to other tribal powers.

8. **Secretarial approval is required.** Alaska Native Villages opting to use this tool would have to submit their duly adopted alcoholic beverage control laws with the Secretary of the Interior for approval. The Secretary would not approve any law that did not comply with the Indian Civil Rights Act.
9. **The Secretary of the Interior would have to certify and publish the laws in the Federal Register within 180 days of its submission.**
10. **The legislation allows for and stresses Tribal/State cooperation.** The legislative proposal continues concurrent jurisdiction over liquor transactions in the State of Alaska. Thus, it encourages cooperative agreements with the State of Alaska or political subdivision thereof, respecting jurisdiction over and enforcement of alcoholic beverage controls.



ASSOCIATION OF VILLAGE COUNCIL PRESIDENTS  
 Thirty-Sixth Annual Convention  
 Alakanuk, AK                      October 3-5, 2000

Resolution 00-10-01

SUPPORTING AFN LEGISLATION PROVIDING FOR TRIBAL REGULATION AND ENFORCEMENT OF ALCOHOL PROHIBITION LAWS IN NATIVE VILLAGES

- WHEREAS, the Association of Village Council Presidents, Inc. (AVCP, Inc.) is a tribal consortium representing the 56 Federally-Recognized Alaska Native Tribes in the Yukon-Kuskokwim Region in Alaska; and
- WHEREAS, one of AVCP's main concerns is the health and welfare of the tribal members it services; and
- WHEREAS, the abuse of alcohol is the over-whelming cause for many of the most devastating problems that confront Alaska Natives in the AVCP region including neglect and abuse of children and spouses, violent crime, and wasted lives (the alcohol mortality rate for Alaska Natives more than triple that of for non-Natives); and
- WHEREAS, Alaska Natives have one of the highest documented rates of fetal alcohol syndrome in the United States; and
- WHEREAS, far too many Yup'ik people, and particularly young Native men, are in Alaska prisons for alcohol-related crimes or back in the Village with continuing severe alcohol problems; and
- WHEREAS, study after study, including a comprehensive project recently undertaken by the U.S. Justice Department, have proven that successful alcohol programs are created and initiated by local tribes to deal with local problems in culturally effective ways provided that tribes have the legal authority, job enforcement and financial resources to carry out such programs; and

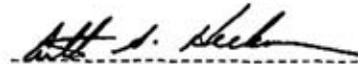
- WHEREAS, Tribal Governments in the AVCP region have tried to control alcohol use by tribal members and to help those lost in alcohol addiction through traditional and locally effective means, but their efforts have been undermined by a lack of federal law recognizing Alaska Native Village authority over alcohol; and
- WHEREAS, State local option laws are not enough and tribal authority and tribal resources are also needed to help address this most serious of problems; and
- WHEREAS, the Alaska Commission of Rural Governance and Empowerment, commissioned by Alaska Governor Tony Knowles, in its June 1999 Final Report (p. 106) concluded that Congress should enact legislation authorizing local tribes to regulate and prohibit alcohol in the area surrounding Native Villages thereby allowing tribes to create and implement effective, culturally appropriate local solution; and
- WHEREAS, proposals to tighten up laws preventing alcohol to be shipped via U.S. mail and through other means of transportation to Native Villages will help, but will leave unsolved many other critical problems such as dealing with the alcohol that inevitably makes it into the Village; and
- WHEREAS, the Alaska Federation of Natives has drafted federal legislation implementing the Rural Governance recommendation for the federal law authorizing tribal control of alcohol in Native Villages, and
- WHEREAS, the Alaska Congressional delegation has demonstrated great concern and commitment to addressing alcohol issues facing Alaska Natives.
- NOW THEREFORE BE IT RESOLVED THAT the Association of Village Council Presidents Full Board most earnestly and urgently requests the Congress of the United States to enact the legislation proposed by AFN authorizing Alaska tribal regulation of alcohol in Native Villages; and

-3-

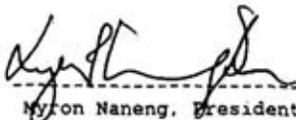
BE IT FURTHER RESOLVED, that AVCP sincerely thanks Senator Murkowski for holding a Congressional hearing on alcohol in Native Villages and his work on inhalant abuse and Senator Stevens for his great commitment to addressing fetal alcohol syndrome, and sincerely request the Alaska Delegation to lead Congress towards enactment of the legislation proposed by AFN.

BE IT FURTHER RESOLVED, that tribal governments in villages be provided financial resources for enforcement of tribal alcohol ordinances and regulations.

ADOPTED this \_\_\_ day of October, 2000 at the 36<sup>th</sup> Annual Convention Held in Alakanuk, AK at which a duly constituted quorum of delegates were present.



Arthur S. Heckman, Chairman of the Board



Myron Naneng, President

State of Alaska  
Police and Local Option

Community	99 Pop	Police Services/Facilities	Local Option Ordinance				
			San Sale	San Sale/Invt	San Prossesion	Package Sale (2000-03)	Community Share Revenue 2002
Anchorage	259,391	Anchorage Police Dept., State Troopers Post (269-5722); FBI; U.S. Marshal					
Aktavuk Pass	314	Borough Dept. of Public Safety		1	1		
Nakusut	490	Borough Dept. of Public Safety		1	1		
Point Hope	794	Borough Dept. of Public Safety		1	1		
Point Lay	217	Borough Dept. of Public Safety		1	1		
Wainwright	545	Borough Dept. of Public Safety		1	1		
Barrow	4,438	Borough Dept. of Public Safety Police; State Troopers Post (852-3783)	1				
Kaktovik	259	Borough Dept. of Public Safety; Borough Public Safety Bldg.			1		
Agassuk	274	Borough Police Department			1		
Yakutat	729	Borough Police Dept. & State VP&O; Borough Jail; State Troopers Post (784-3220)					
Nainok	524	Borough Police Dept. (245-4222)					
South Nainok	132	Borough Police Dept. (245-4222)					
King Salmon	499	Borough Police Dept. in Nainok (245-4222); State Troopers Post (245-3345)					
Sitka	8,681	Borough Police Dept., State Troopers Academy & Post (747-6911)					
Juneau	30,852	Borough Police Dept., State Troopers Post (465-4000)					
Kachemak	419	City Contract to Homer Police Dept.					
Saint Paul	673	City Dept. of Public Safety					
Aagoon	576	City Dept. of Public Safety (Pilotage)			1		

State of Alaska  
Police and Local Option

Unalakleet	4,178	City Dept. of Public Safety, State Troopers Post (861-1432)					
Nenana	435	City Dept. of Public Safety; State Troopers Post (832-5551)					
Eagle Village	32	City of Eagle VP&O				1	
Fort Yukon	570	City Police					
King Cove	691	City Police & State VP&O					
Kaktavik	745	City Police Dept.					
North Pole	1,616	City Police Dept.					
Seldovia	244	City Police Dept.					
Stagnway	825	City Police Dept.					
Tenana	301	City Police Dept.				1	
Wasilla	5,213	City Police Dept.					
Valdez	4,154	City Police Dept. & Jail; State Troopers Post.(835-4307)					
Wrangell	2,549	City Police Dept. & Jail; State Troopers Post.(874-3213)					
Togiak	841	City Police Dept. & State VP&O			1	1	
Unalakleet	805	City Police Dept. & State VP&O; City Jail			1		
Dillingham	2,302	City Police Dept. (842-5354); State Troopers Post (842-5641)					
Emmonak	818	City Police Dept. (VPO & State VP&O)			1	1	
Homer	4,154	City Police Dept., State Troopers Post.(235-8239)					
Sand Point	842	City Police Dept.; City Jail					
Seeward	3,010	City Police Dept.; City Jail; State Troopers Post (226-3317)					
Atkasuk	659	City Police Dept.; City Public Safety (858)			1	1	
Ketchikan	8,320	City Police Dept.; State Troopers Post.(225-3118)					
Soldotna	4,140	City Police Dept.; State Troopers Post.(262-4453)					

State of Alaska  
Police and Local Option

Kenai	7,005	City Police Dept.; State Troopers Post (283-8150).					
Condova	2,435	City Police Dept.; State Troopers Post (424-3184); State Fish & Wildlife Protection					
Kotzebue	2,932	City Police Dept.; State Troopers Post (442-3222); Public Safety Bldg.	1				
Nome	3,615	City Police Dept.; State Troopers Post (443-2835).					
Fairbanks	31,697	City Police Dept.; State Troopers Post (451-5100).					
Kodiak	6,863	City Police Dept.; State Troopers Post (486-4121).					
Bethel	5,471	City Police Dept.; State Troopers Post (543-2294).	1				
Palmer	4,385	City Police Dept.; State Troopers Post (745-2131).					
Craig	2,136	City Police Dept.; State Troopers Post (755-2291).					
Kawcock	673	City Police Dept.; State Troopers Post (755-2018).				1	
Haines	1,775	City Police Dept.; State Troopers Post (736-2562).					
Petersburg	3,415	City Police Dept.; State Troopers Post (772-3853).					
Saint Mary's	475	City Police Dept.; State Troopers Post (880-540-5018).	1		1		
Hoonah	877	City Police Dept.; State Troopers Post (845-3630).					
Kuparukof	24	City Police/Fire Chief					
Egegik	117	City Police; City Office (833-2203).					
Galena	563	City Police; State Troopers Post (856-1233).					
Whitler	280	City Public Safety Dept.					
Albat	338	City VPO			1		
Brewig Mission	279	City VPO			1		1
Chena	136	City VPO			1		

State of Alaska  
Police and Local Option

Mountain Village	766	City VPO							
Quinhagak	595	City VPO							
Earl	281	City VPO & State VPSO						1	
		City VPO, City Public Safety							
		Bldg.							
Nunam Iqua	181	City VPO, City Public Safety						1	
Armbler	298	Office							
Kotik	579	City VPOs	*					1	
Sincoigne	653	City VPOs						1	
Talar	256	City VPOs						1	
		City VPOs, City Public Safety							
Gambell	668	Bldg						1	
Abrook	101	City/State VPSO							
Akotan	408	City/State VPSO							
Atkasook	204	City/State VPSO						1	
Chignik	103	City/State VPSO							
Aleknagik	244	City/State VPSO (942-2185)							
Eyak	162	Cordova Police							
Metlakatla	1,537	Metlakatla Police Dept.							
Elson AFB	4,751	Military Police							
Fort Greely	635	Military Police							
Kodiak Station	1,831	Military Police							
Port Clarence	22	Military Police							
Alexander Creek	39	None							
Anchor Point	1,227	None							
Anderson	517	None							
Arctic Village	138	None							
Barrow	35	None							
Big Delta	511	None							
Butte	2,669	None							
Central	62	None							
Challisak	102	None							
Chase	58	None						1	
Chitkaabon	212	None							
Chignik Lagoon	68	None							
Chignik Lake	136	None							
Chitlik	75	None							
Chitochina	52	None							
Chitina	94	None							





State of Alaska  
Police and Local Option

Rugwey	2,362	None						
Salmatorf	1,122	None						
Sachra	367	None						
Shageluk	140	None	1					
Shverbina	72	None						
Siata	55	None						
Sterling	6,138	None						
Stony River	35	None						
Sutton	470	None						
Tanacross	66	None	1					
Techna	294	None						
Telds	2	None						
Tonina	47	None						
Tropper Creek	344	None	1					
Tulizsak	443	None	1					
Tunurak	331	None	1					
Twin Hills	78	None						
Two Rivers	660	None						
Ugashik	8	None						
Variable	232	None						
Whale Pass	62	None						
Whitestone Loggin	118	None						
Willow	507	None						
Womens Bay	675	None						
Clark's Point	66	None (State VPSO currently vacant / 236-1248)						
Edna Bay	55	None (State VPSO currently vacant)						
Grayling	184	None (State VPSO currently vacant)	1					
Gustavus	377	None (State VPSO currently vacant)						
Holla	111	None (State VPSO currently vacant)						
Holy Cross	247	None (State VPSO currently vacant)						
Koltag	264	None (State VPSO currently vacant)						
Kanik	41	None (State VPSO currently vacant)						

State of Alaska  
Police and Local Option

Kasaan	45	None (State VPSO currently vacant)				
Larsen Bay	137	None (State VPSO currently vacant)				
Nanwalek	170	None (State VPSO currently vacant)	1			
Naukaikil Bay	164	None (State VPSO currently vacant)			1	
Pedro Bay	36	None (State VPSO currently vacant)				
Rampart	66	None (State VPSO currently vacant)				
Sleeburne	103	None (State VPSO currently vacant)				
Stevens Village	92	None (State VPSO currently vacant)		1		
Tatitlek	105	None (State VPSO currently vacant)		1		
Tyonek	160	None (State VPSO currently vacant)				
Huslia	272	None (State VPSO currently vacant); CCR Office	1			
Kiana	398	None (State VPSO currently vacant); City Public Safety Building		1		
Kobuk	94	None (State VPSO currently vacant); City Public Safety Building		1		
Pilot Station	544	None (State VPSO currently vacant); City Public Safety Building		1		
Deering	148	None (State VPSO currently vacant); City Public Safety Office		1		
Kotzebuk	183	None (State VPSO currently vacant); Office 282-2244		1		
Port Heiden	125	None (State VPSO currently vacant); Office 837-2238				
Chamberlain	105	None (State VPSO currently vacant); State Troop in Area				



State of Alaska  
Police and Local Option

Delta Junction	589	None; State Troopers Post (895-4800); City Public Safety Office					
Andreasky	442	Saint Mary's Police					
Adak	106	State VPSO					
Akiachak	560	State VPSO					
Alka	105	State VPSO	1				
Almasutuk	298	State VPSO					
Baines	126	State VPSO					
Eagle	152	State VPSO					
Goodnews Bay	256	State VPSO	1				
Hughes	80	State VPSO					
Hydaburg	369	State VPSO					
Kongiganak	359	State VPSO	1				
Koyukuk	101	State VPSO					
Kwigillingok	360	State VPSO	1				
Mirislo	248	State VPSO	1				
Nelson Lagoon	87	State VPSO					
Old Harbor	276	State VPSO					
Cuzhikie	256	State VPSO					
Pelican	137	State VPSO					
Pilot Point	92	State VPSO					
Port Graham	178	State VPSO					
Port Lions	243	State VPSO					
Scammon Bay	484	State VPSO	1				
Tenasike Springs	93	State VPSO					
Tedlin	89	State VPSO	1				
Tuntutuliak	350	State VPSO	1				
Whales	170	State VPSO	1				
Whales Mountain	197	State VPSO					
Napastiak	406	State VPSO & City Police Dept.	1				
Stebbins	534	State VPSO & City Police Dept.	1				
Noorvik	632	State VPSO & City Police Dept. City Public Safety Bldg.	1				
Elm	306	State VPSO & City VPO	1				
Nighthawk	230	State VPSO & City VPO	1				
Shaktolik	218	State VPSO & City VPO	1				

State of Alaska  
Police and Local Option

Shishmaref	556	State VPSO & City VPO		1			
Nondalton	224	State VPSO & City VPO (204-2027)		1			
Kovaleva	366	State VPSO & City VPO; City Office			1		
Chenak	763	State VPSO & City VPO; City Public Safety Building			1		
Mestoyuk	193	State VPSO & City VPO; City Public Safety Office			1	1	
Nunitchuk	471	State VPSO & City VPO			1		
Saint Michael	381	State VPSO & City VPO			1		
Marshall	318	State VPSO & City VPO; City Public Safety Bldg			1	1	
Nagaiak	303	State VPSO & City VPO; City Public Safety Bldg			1	1	
Buckland	428	State VPSO & City VPO; City Public Safety Bldg			1		
Unalakleet	131	State VPSO (207-3027)					
Manchokak	399	State VPSO (289-2006) & City VPO			1	1	
Ethovik	125	State VPSO (484-3325)					
Koliganek	205	State VPSO (595-3418)					
New Stuyahok	475	State VPSO (893-3176) & City VPO; City Public Safety Bldg					
Newhalen	178	State VPSO (also serves Ikroavik); City Public Safety Office					
Ikroavik	93	State VPSO (also serves Newhalen, 571-1506); State Troop 003, Post 027, 1534		1			
Alatna	34	State VPSO in Alaska			1	1	
Nulato	361	State VPSO; City Public Safety Building/State Jail					
Sacman	371	State VPSO; City Public Safety Bldg					
Koyuk	280	State VPSO; City Public Safety Bldg			1		
Shungvak	255	State VPSO; City Public Safety Bldg			1		
Russian Mission	311	State VPSO; City Public Safety Building			1		



**AFN IMPLEMENTATION STUDY**

**Proposals to the United States Congress  
to implement recommendations of the  
Alaska Natives Commission  
pursuant to P.L. 104-270**



**Alaska Federation Of Natives  
1577 C Street Suite 300  
Anchorage, Alaska 99501**

**December 1999**

## DEDICATION

This AFN Implementation Study, published on December 31, 1999, is dedicated to the loving memory of Herbert Hope, who died on Christmas Day of this year. Mr. Hope was a member of the AFN Board of Directors and of its Planning Committee, which oversaw production of this report. A commercial fisherman and a career employee of the Bureau of Indian Affairs, he was an outstanding leader of Native institutions in Southeast Alaska (Tlingit and Haida Central Council, Alaska Native Brotherhood). Herb was from the Tloo-Ka Hit (Point House) of the Kiks.adi Clan of Sitka. His Tlingit name was Chont'kee and his Kiks.adi name was Stoon-nukw. He was Kaagwaantaan yadi, a grandchild of the Teikweidi and a great-grandchild of the Wooskkeetaan. As we mourn his loss, we celebrate his remarkable life.

**PREFACE**

The AFN Implementation Project is part of a continuum of reports highlighting the critical situation of Alaska Natives and a series of hearings of which arose proposing actions to address problems.

Ten years ago, the Alaska Federation of Natives (AFN) published the "Report on the Status of Alaska Natives: A Call for Action." Subsequently, Congress created the Alaska Natives Commission to carry out the first comprehensive assessment of the social, cultural, and economic condition of Alaska's Natives. The commission summarized its extensive hearings and conclusions in a three-volume report issued in 1994.

Congress enacted Public Law 104-270 in 1996. That law provided for a grant to the Alaska Federation of Natives to examine the recommendations of the Alaska Natives Commission, to study pertinent initiatives in the United States and elsewhere, to conduct hearings on ways to implement the commission's recommendations, and to recommend to Congress enactment of specific provisions of law and other actions to implement such recommendations. The AFN Implementation Report is the result of this process.

On behalf of the Alaska Native community, AFN thanks the U.S. Congress for its attention to Alaska Native issues and looks forward to actions on the recommendations contained in this report.

Julie Kitka, President  
Alaska Federation of Natives

Special thanks are extended to the following individuals for their hard work and dedication during this process:

Project Direction, AFN Planning Committee whose membership included: Tom Tilden, Chair; Herbert Hope; Rosita Worl; Gloria O'Neil; and Terry Hoeflerle.

Project Director, Alaska Native Implementation Study: Ethel Patkotak

Report: Victor Fischer, Institute of Social and Economic Research, University of Alaska Anchorage, and Pete Spivey, GRS Consulting, Anchorage

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## INTRODUCTION

In accordance with Public Law 104-270, enacted by the U.S. Congress in 1996, the Alaska Federation of Natives (AFN) has conducted an extensive process to develop recommendations to implement the Alaska Natives Commission report. Rather than reworking the same ground, we used the commission's work as the point of beginning.

Only Commission recommendations that: 1) give the fullest promise of improved life opportunities to large populations of Alaska Natives; 2) require further analysis and study to make a compelling case for action; 3) are appropriate as subjects of Congressional rather than state action; and 4) that these be guided by the overarching principles of the report were selected for further analysis and consideration by AFN.

The three major study areas included governance, substance abuse and expanding job opportunities. The recommendations contained in this report are based on these three studies as well as subsequent hearings within the Native community.

The AFN process found that although most previously identified social, cultural, and economic problems persist, progress is being made. Innovations are coming about in areas of self-governance, education, delivery of health and other services, and other endeavors. Such progress has come about through both the efforts of Alaska Natives and the support provided by the Congress and federal agencies. Yet, social and economic needs remain tremendous, and it is toward meeting these that the AFN process has been directed.

As directed by Congress, the AFN Implementation Study examined recommendations of the Alaska Natives Commission and looked at successful initiatives in the United States and elsewhere. AFN held extensive hearings in the Alaska Native community, and consulted widely with different groups, including the Alaska Commission on Rural Governance and Empowerment. The resultant priority topics covered by this report are Alaska Native self-governance, jobs and economic development, substance abuse, education, and subsistence.

This report has a strict focus on recommendations. So as not to detract from this focus, we hold explanations to a minimum. Background and related research material are not presented here. They are available and will be marshaled as needed to back up and implement specific proposals.

Alaska's Native community was thoroughly involved in fashioning the report's recommendations. Participants at AFN conferences considered major recommendations and themes as part of a continuing process. Hundreds of comments and proposals were received in the hearings conducted throughout Alaska. Research reports commissioned by AFN as part of the study were distributed to organizations and individuals for their review. The work of many task forces and other efforts also fed into the process. AFN convention resolutions, hearing transcripts, research reports, and other documents are available.

AFN offers the recommendations as a starting point to address the issues and conditions that were pointed out in the Alaska Native Commission report.

The AFN Implementation Report has been approved by AFN's Board of Directors.

#### **A. ACHIEVING ALASKA NATIVE SELF-GOVERNANCE**

##### **Strengthening self-governance authority**

This AFN study and the Alaska Rural Governance Commission report both reconfirm the conclusions of the Alaska Natives Commission that Alaska Native self-governance is an essential element in overcoming economic and social problems in rural Alaska. All make clear that sustained, successful economic development and sustained improvement of social conditions can only be achieved by communities whose decisions, resources, and internal affairs are controlled at the local level -- by the people who bear the consequences.

Alaska Native tribes have been recognized by the federal government and their inherent powers of self-government over their members have been recognized by the Alaska Supreme Court in *John v. Baker* (No. S-8099, September 8, 1999).

The Alaska Native Claims Settlement Act (ANCSA) was established to settle land claims and develop economic engines to develop Alaska Native economies. ANCSA corporations are also recognized as tribes for special statutory purposes in over 100 federal legislative acts which were enacted to advance the socio-economic welfare of Native people. ANCSA's purposes and effective tribal governments are complementary and not inconsistent.

AFN, therefore, recommends that Congress:

- A1. Amend federal Indian legislation in order to explicitly**

clarify and strengthen Alaska Native decision-making powers and responsibilities in programs that affect Native communities and families, including alcohol control, child welfare, education, public safety, resource management, environmental protection, and other programs.

A2. Amend ANCSA to authorize land transfer of 14(c)(3) municipal lands to tribes and to include lands acquired by Alaska tribes as trust lands.

#### Contracting and compacting

Contracting and compacting under federal programs have, where applied, proven effective in improving the way federal responsibilities are carried out, improving service delivery, and increasing local self-reliance and self-determination.

Self-governance compacting, in particular, helps attain greater efficiency in the expenditure of federal funds and allows more money to be spent locally without a federal agency acting as middleman. It helps streamline paperwork, reduce overhead and other deductions, and it provides opportunities for combining different programs and funding sources at the local level. However, only the Indian Health Service and Bureau of Indian Affairs currently have compacting authority.

A3. Encourage and achieve greater Native participation and decision making in all federal programs through consultation, contracting, and compacting.

A4. Expand contracting and compacting authority to all federal agencies and all federally funded programs in Alaska and ensure preference to Native management.

A5. Effect full and expeditious disclosure by federal agencies of all operating and related administrative budget and cost data in negotiating contracts and compacts.

#### Co-management

Resource co-management arrangements have emerged in recent years as an effective means of implementing national goals and carrying out federal responsibilities in consonance with Native cultures and knowledge. Agreements to date have been directed mainly toward developing effective and sustainable systems of wildlife management that are consistent with both Native and federal and state responsibilities for preserving and protecting natural resources.

A6. Authorize and extend co-management to all wildlife, fish, and land and subsurface (including public domain, parks, forests, refuges, and other reserves) where significant Native interests exist in such natural resources.

Adequate and equitable financial support

Tribal governments are the principal governing institution in most Alaska villages, yet are usually seriously underfunded to carry out basic local functions, such as public safety, conflict resolution, child welfare, alcohol enforcement, and others. The Joint Tribal/BIA Advisory Task Force recommended annual base funding of small tribes at \$160,000 nationally, which has been achieved, and at \$200,000 in Alaska, for which the additional amount has not been appropriated.

A7. Fund all Alaska tribes at a minimum \$200,000 base funding level.

Bureau of Indian Affairs funding excludes Alaska tribes or providing them only limited support under resource management, tribal law enforcement and courts, roads, housing improvement, education, and other programs.

Further, despite the fact that Congress granted Alaska civil and criminal jurisdiction over Alaska Natives under P.L. 280, the state government has failed in its responsibilities by not providing adequate law enforcement and judicial services to Alaska Natives in rural Alaska.

A8. Assure that more BIA funding categories be made available to Alaska and that contract support be fully funded, and specifically that Congress and the BIA provide tribal law enforcement and tribal court funding to Alaska.

A9. Ensure that Alaska Native regional tribal organizations are eligible to apply for federal funds, as well as individual Alaska Native tribes.

Training Native managers

The need for effective management of programs, projects, and self-governing institutions will grow as more Native communities take on contracting, compacting, project agreements, welfare program management, and other functions. That need can be met through the collaboration of Native organizations, both profit and non-profit, Alaska higher education institutions, tribal colleges, municipal

associations, and other groups. The requirement now is for seed money to initiate Native self-governance management training programs. Once under way, it should be self-sustaining.

A10. Provide assistance to the Alaska Federation of Natives to create an Institute of Alaska Native Self-Governance in cooperation with tribal colleges, the University of Alaska, and the Alaska Municipal League in order to provide training in general management, budgeting, personnel management, grant writing, negotiation, and other topics of interest to rural administrators and managers. A top priority will be increased capacity for economic development and project planning.

Principal sources

Alaska Commission on Rural Governance and Empowerment, *Final Report to the Governor*. June 1999.

Alaska Federation of Natives, "Recommendations from Native Community: Self-Governance". Report of Hearings, 1999.

Alaska Federation of Natives, Annual Convention Resolutions, 1999 and preceding conventions.

Alaska Natives Commission, *Final Report*. 1994.

Cornell, Stephen et al, *Achieving Alaska Native Self-Governance*. The Economic Resource Group, Inc., and Institute of Social and Economic Research, University of Alaska Anchorage, 1998. Final Report - AFN Version, May 1999.

## B. CREATING JOBS AND ECONOMIC DEVELOPMENT

### Expanding economic opportunities in rural Alaska

New studies undertaken by the Alaska Federation of Natives show that little has changed since 1994, when the Alaska Natives Commission concluded in its final report that "acute and chronic" unemployment was undermining Native society. Simply put, Alaska Natives need more jobs and economic opportunities, in both the urban areas (where many people have migrated to because of the depressed economic conditions in their home communities) and in rural Native villages.

Developments since that report was issued pose new threats to Native employment. Already marginal economies in many rural Alaska Native villages may be constrained even further by the new time restrictions that federal welfare reform imposes on benefits to the poor and unemployed. Also, the number of young Natives reaching working age is outstripping the number of new jobs being generated, a trend that is predicted to continue for at least the next decade.

Despite this sobering picture, however, there are promising approaches Congress and the federal government can take to increase Native hire. Meeting in its annual convention in October 1999, the Alaska Federation of Natives membership enacted Resolution 99-07, entitled, "Expanding Federal Job Opportunities For Alaska Natives," specifying steps Congress and the federal government can take, both to carry out prior obligations to Natives that remain unfulfilled and to explore new ways to provide economic opportunities for Alaska Natives which outline the following initiatives.

- B1. Support pending legislation to require the Department of the Interior to contract, in a demonstration project, with six Alaska Native tribes or tribal organizations to manage conservation units or other public land units lying in close proximity to these Native entities, providing adequate operating funds.

### Expanding and enforcing Native hire and contracting

Despite the passage of nearly 20 years since Congress enacted the Alaska National Interest Lands Conservation Act of 1980, Department of the Interior efforts to assure compliance with the Native hire and Native contracting provisions of ANILCA have been wholly inadequate.

**B2. Direct the Department of the Interior to comply with ANILCA's Native hire and Native contracting requirements.**

Only three of 18 federal agencies operating in Alaska -- the National Park Service, Fish and Wildlife Service, and Bureau of Land Management -- are authorized to limit certain job opportunities solely to local residents with special knowledge of local conditions.

**B3. Expand local hire authority to all federal agencies operating in Alaska, and direct the recently formed Denali Commission to require Alaska Native hire provisions in all forms of employment or contracting the Denali Commission may sponsor.**

The federal government has successfully employed the use of force accounting to complete numerous construction projects in rural Alaska, but has largely confined the practice to village sanitation projects. Under force accounting, the federal government provides materials, equipment and a project manager, while local government sets wages, hours, and conditions of employment, giving rural communities a greater degree of self-determination and providing rural Alaska Natives with valuable training and work experience.

**B4. Expand the use of force accounting project management methodology to all federally funded construction projects in rural Alaska, where feasible, and, to maximize the number of jobs, grant permission on force accounting projects to pay wages at the local prevailing wage rate rather than at levels required by the Davis-Bacon Act.**

Coordinating Native hire

Previously, there existed a federally sponsored Alaska Native Employment Network, whose coordinator worked with federal agencies, Native organizations, and individual job applicants trying to work their way through the complexities of the federal hiring process. Although apparently effective, the network was disbanded because of lack of funding and agency support.

**B5. Establish and fund a statewide Office of Native Hire Coordination.**

Redefining unemployment

The Department of Labor and federal Bureau of the Census do not count those in rural Alaska who report not looking for work "unemployed", despite the fact that in many cases, the respondents say they are not looking for work because they realize there simply are no jobs available.

B6. Direct the Department of Labor and federal Bureau of the Census to categorize non-working rural Alaska residents -- in communities where there is a jobs deficit - as unemployed in their official counts, even if the respondents report not looking for work.

Developing transportation, energy and telecommunication infrastructure

Failure to provide adequate federal funds and limitations of the distribution formula for Alaska for the Indian Reservation Roads Program has resulted in a decades-long backlog of work that should have been funded by this program in rural Alaska. Inadequate funding has deprived rural Alaska of transportation infrastructure critical to economic development and of jobs that would have resulted from construction projects.

B7. Authorize a continuing appropriation of \$50 million annually for rural Alaska projects under the Indian Reservation Roads Program.

B8. Utilize federal authority and resources : 1) to ensure that state policies do not leave rural communities without light and heat due to exorbitant utility costs, and 2) to ensure continuing maintenance, upgrading and expansion of rural energy utilities that meet the fundamental needs of residential space heat, electricity and transportation.

B9. Utilize federal authority and resources to ensure that rural Alaska is not left behind in the development of worldwide telecommunications technology and of the economic opportunities that flow from it.

Strengthening rural economies

A near-universal complaint during AFN hearings on jobs and economic development in early 1999 concerned the lack of outreach by federal agencies to Alaska Natives in rural Alaska. While there are many programs and grants that Alaska Natives could qualify for, the agencies overseeing these programs are centered in the state's urban areas and make very little effort to inform rural tribal councils and Native organizations of their availability. Even when they do learn of a program's availability, most of these councils and organizations are

understaffed. Also, most have no one trained to negotiate the extremely complicated process required to successfully apply for these programs.

**B10. Specify that Alaska Native tribes, corporations and other organizations are authorized to participate, with the necessary funding, in programs designed to promote development and employment in rural America through programs overseen by various federal agencies, and specifically to:**

a. Direct the Department of Agriculture to maximize efforts to notify Alaska Native tribes, corporations and other Native organizations of rural development grants and programs for which they qualify and provide the technical information and assistance needed to successfully apply for these programs.

b. Direct the Department of Commerce to place more focus on economic development in rural Alaska, including technical assistance, seed money for business enterprises, adequate funding for rural Alaska planners through the Office of Economic Development Planning, and greater outreach and assistance to Alaska Native tribes, corporations, and other organizations qualified for Section 8-A minority contractor set-asides.

c. Direct the Department of Defense to contract with Alaska native tribes, corporations, and other organizations and train Alaska Natives to provide services to the department, such as computer programming, that would meet critical Native employment needs and help eliminate the current practice of loosening federal immigration policies to import foreign workers to meet the department's programming skills requirements.

Principal sources

Alaska Commission on Rural Governance and Empowerment, *Final Report to the Governor*. June 1999.

Alaska Federation of Natives, "Recommendations from Native Community: Jobs and Economic Development". Report of Hearings, 1999.

Alaska Federation of Natives, Annual Convention Resolutions, 1999 and preceding.

Alaska Natives Commission, *Final Report*. 1994.

Cornell, Stephen et al, *Achieving Alaska Native Self-Governance*. The Economic Resource Group, Inc., and Institute of Social and Economic Research, University of Alaska Anchorage, 1998. Final Report - AFN Version, May 1999.

McDiarmid, G. Williamson et al, *Expanding Job Opportunities for Alaska Natives*. Institute of Social and Economic Research, University of Alaska Anchorage, November 1998.

**C. DEALING WITH ALCOHOL, DRUG AND INHALANT ABUSE, DOMESTIC VIOLENCE, SEXUAL ASSAULT, AND RELATED PROBLEMS**

**Strengthen ability to deal with problems**

This study, the Alaska Rural Governance Commission report, and other recent studies fully support and reinforce the findings of the Alaska Natives Commission that the tragic consequences of alcohol, drug and inhalant abuse in Alaska villages can only be resolved at the village level by Native people and tribal governments.

The Alaska Commission on Rural Governance and Empowerment report specifically recommends that tribes, through federal legislation, be empowered to find local solutions through enforcement of tribal ordinances in areas surrounding their villages and that there be adequate funding to effectively enforce, adjudicate, and otherwise implement tribal programs.

All studies and statistics demonstrate that domestic violence, sexual assault, child abuse, and other forms of violence are rampant in Alaska, and Alaska Natives, particularly women and children, are disproportionately victims of these crimes that violate the basic right of human beings to be safe and free from violence in their own homes and in their communities

APN, therefore, recommends that Congress and, as appropriate, the Administration, take the following steps:

- C1. Establish clear civil and criminal authority for Alaska tribes to develop effective local programs to have control over and respond to alcohol, drug and inhalant abuse, domestic violence, and sexual assault at the community level -- and provide the necessary funding.
- C2. Increase funding and support for programs that provide community outreach and education efforts, village initiatives, direct services for victims, and other innovative approaches to prevent domestic violence, sexual assault, and other violence against Alaska Native women and their families.
- C3. Adequately expand program funding support to meet the needs of individuals and target groups, rather than reducing services to all because of limited appropriations.
- C4. Provide for specific grants from the Attorney General to tribes and regional tribal consortia to assist Native

communities with development of tribal ordinances prohibiting the use, manufacture, and importation of alcohol in their villages and with development and implementation of effective systems of enforcement and adjudication of such ordinances.

C5. Support the ability of Native communities to combat substance abuse by providing funding for local and regional programs through set-aside money designated for Alaska Native projects within the National Institutes of Health and the Substance Abuse and Mental Health Services Administration.

#### Alcohol and substance abuse

Fetal Alcohol Syndrome (FAS), Fetal Alcohol Effects (FAE), and other Substance Abuse Related Birth Defects (SARBD) are completely preventable. Yet, they are still entirely too common, not only in rural Alaska Native villages but also among Natives living in Alaska cities. The burdens on families and communities are extremely high: the estimated monetary lifetime cost of medical, disability services, and long-term care for each individual with FAS is \$1.4 million. Agreement is widespread that there is an urgent need for a comprehensive community-based approach to prevent FAS/FAE/SARBD and for a coordinated approach to diagnosis, treatment planning, treatment and service delivery.

C6. Assist Alaska tribes, regional tribal consortia, and non-profit organizations with the prevention and treatment of Fetal Alcohol Syndrome (FAS), Fetal Alcohol Effects (FAE), and other Substance Abuse Related Birth Defects (SARBD) through the following actions:

- a. Provide long-term support for a sustainable effort to implement and maintain prevention and early intervention substance abuse programs designed specifically for Native women of childbearing age and for young girls before they reach that age. Child care and family support systems must be provided for women in treatment.
- b. Support multi-disciplinary approaches for diagnosis, treatment planning and treatment, cognitive retraining, and other special educational services for Native children and youths; group homes; and other activities to deal with those affected by FAS/FAE/SARBD.
- c. Articulate FAS/FAE/SARBD as billable under Medicaid and other reimbursement programs.

C7. Develop and support innovative initiatives between treatment programs and domestic violence/sexual assault victim assistance programs. Support intervention models that address both substance abuse and domestic violence as separate but related issues.

C8. Develop and support initiatives to organize alcohol and drug abuse programs to respond to gender needs. (eg. Burden of family responsibility, absence of adequate child care for Native women seeking treatment)

C9. Develop and support initiatives within alcohol intervention treatment programs to specifically address the behavioral consequences of alcohol abuse. (eg. Child abuse, sexual crime, and domestic violence)

#### Family Resource Centers

Disparate programs exist to deal with problems of infants, children, the disabled, the elderly, and others, as well as for alcohol and drug use, physical and sexual abuse, and mental health. We propose to bring together the resources of all such programs to help the community heal itself and its members holistically, without social stigma attached to any individual or family. This is particularly critical for the future, because in many villages 50 to 60 percent of the population is under 18 years of age.

C10. Establish and appropriate funds for a major demonstration program in Alaska communities to set up family resource centers that are open to all members of the community and that provide a focus for all programs for children and families. It is recommended that at least \$50 million be authorized at \$10million a year for five years.

#### Principal sources

Alaska Commission on Rural Governance and Empowerment, *Final Report to the Governor*. June 1999.

Alaska Federation of Natives, "Recommendations from Hearings: Alcohol Abuse / Domestic Violence". 1999.

Alaska Federation of Natives, Annual Convention Resolutions, 1999 and preceding conventions.

Alaska Natives Commission, *Final Report*. 1994.

Cornell, Stephen et al, *Achieving Alaska Native Self-Governance*. The Economic Resource Group, Inc., and Institute of Social and Economic Research, University of Alaska Anchorage, 1998. Final Report - AFN Version, May 1999.

Institute for Circumpolar Health Studies, University of Alaska Anchorage, *Alaska Natives Combating Substance Abuse and Related Violence Through Self-Healing*. January 1999.

**D. SUPPORTING ALASKA NATIVE EDUCATION**

**Reauthorizing the Alaska Native Educational Equity, Support and Assistance Act**

A key finding of the Alaska Natives Commission was the critical need to create and implement programs designed to improve the quality of education for young Alaska Natives.

The Commission found that innovative education programs were needed to help reverse the deterioration of socio-economic conditions and the poor educational performance of many Alaska Native children, the majority of whom attend schools in small and remote traditional Native villages.

The Commission also urged that parents and community leaders become compelling voices in directing Alaska's formal education system; that the education system employ teachers and administrators knowledgeable about Native cultures and respectful of them; and that Alaska Natives receive an integrated education -- one that provides them not only with the skills to succeed in life, but also the understanding necessary to carry on their cultures' community values.

Other studies have noted a differential between Native men and women in the attainment of higher education and the reasons for and impacts of this need further analysis.

In response to these findings and recommendations, Congress adopted the Alaska Native Educational Equity, Support and Assistance Act of 1994 (108 Stat. 3805; 20 U.S.C. § 7931), incorporating it into the Elementary and Secondary Education Act. Although funding for Alaska Native education programs created under the Act was not authorized until 1997, the Alaska Federation of Natives believes these new programs already have shown they can be of immense value in achieving the educational goals for Native children recommended in the 1994 commission report.

AFN, therefore, recommends that Congress:

- D1. Reauthorize the Alaska Native Equity, Support and Assistance Act of 1994.
- D2. Incorporate additional titles into the act to provide for Native language revitalization, including Alaska Native language immersion projects and the Alaska Rural Systemic Initiative/Rural Challenge Program.

D3. Increase funding under the act and the additional titles to a total of \$25 million annually, to expand the number of Native communities able to participate.

D4. Assess the implications of gender differential between Native men and women in attainment of higher education and implement strategies and appropriate programs to improve the success of all Alaska Natives in higher education.

#### Program administration

Under the act, three new education assistance programs - in the form of grants-in-aid administered by the U.S. Department of Education - were made available to Alaska Native organizations. They are the Alaska Native Educational Planning, Curriculum Development, Teacher Training and Recruitment Program; (Sec. 9304); Alaska Native Home-based Education for Preschool Children (Sec. 9305); and Alaska Native Student Enrichment Programs (Sec. 9306).

Under current procedures, eligible Alaska Native organizations -- tribal entities, nonprofit associations and other groups acting alone or in partnership with schools or educational associations - apply to the Department of Education for grants to participate in these programs. While changes in management are needed, the involvement of Alaska Natives is essential to achieving program goals.

D5. Continue issuing grants to Alaska Native organizations, acting alone or in partnerships.

DOE has not promulgated regulations specific to Alaska; instead, Alaska programs are governed by general regulations applicable across the whole country. The Alaska Federation of Natives has had some role in setting guidelines for grants and in subsequent project evaluation, but more complete Native involvement is called for.

A more effective and comprehensive management approach to improving the education of Alaska Natives can be achieved by having all the programs under the act lodged in Alaska and managed by an Alaska Native entity. Fuller Native involvement will result in greater synergy and continuity.

D6. Provide overall funding and management responsibility for programs under the Alaska Native Equity, Support and

Assistance Act to an Alaska Native institution, rather than to the Department of Education.

#### **Alaska Native Archives and Research Center**

Alaska Natives have experienced dramatic change during the past several decades as the result of rapid economic, demographic and technological development. But the dynamics of these changes are little understood by Native people and only minimally grasped by social scientists and policy makers.

Major examples of profound change include passage of the Alaska Native Claims Settlement Act, development of regional non-profits into major service providers, operation of ANCSA corporations throughout the state, the rebirth of tribal governments and the re-assumption of local powers and responsibilities, the persistent economic underdevelopment of rural Alaska, and the epidemic of behavioral pathologies in Native communities. Public policy does not keep pace with such rapid evolution because Natives and non-Natives alike don't understand the relationships between cause and effect, the individual and society, or technology and human behavior. There is a great need for social science research and analysis of such factors as a prerequisite to better governance and a healthier society.

There also is a critical need to preserve the historical record of life in Native communities and of the efforts undertaken by Native institutions to improve the standing of the people they represent, especially over the four decades that have passed since the Congress granted statehood to Alaska in 1959. The archival needs of Native institutions cannot be met by present resources. Instead, a federal effort to collect, maintain and use such documents is a necessity.

These twin requirements of research and collection must be affiliated with one or more academic institutions in order to ensure professional standards and top rate Native researchers.

**D7. Utilize federal authority and resources to create an Alaska Native Archives and Research Center in Alaska.**

**E. PROTECTING THE SUBSISTENCE HUNTING AND FISHING RIGHTS OF ALASKA NATIVES AND OTHER RURAL RESIDENTS**

The right to adequate food for oneself and one's family is a human right enumerated in the Universal Declaration of Human Rights of the United Nations Charter. Moreover, the protection of the aboriginal practice of subsistence hunting and fishing in Alaska is now the law of the land. As noted by the Alaska Natives Commission "subsistence is...a critical part of the larger historical question about the status, rights and future survival of Alaska's aboriginal peoples. The economic and cultural survival of Native communities is the principal reason why Congress enacted its rural subsistence priority in 1980. By articulating the federal government's traditional obligation to protect indigenous citizens from the political and economic power of the non-Native majority. Title VIII of ANILCA constitutes a landmark of Indian law. Such congressional action was...constitutional and appropriate."

Without a state rural subsistence statute, Alaska is out of compliance with ANILCA and the requirements of federal law. Because the Alaska legislature has refused for ten years to submit to the voters a constitutional amendment that would allow a rural priority in state law, the federal government has taken over regulation and management of subsistence hunting and fishing on all federal public lands and waters (almost two-thirds of Alaska's domain).

Strengthening federal protection of subsistence

**E1. Congress should enact amendments to Title VIII of ANILCA that strengthen federal protections of subsistence, in particular:**

--Congress should require that, at any time the state is out of compliance, federal jurisdiction shall include all federal public lands and reserved navigable waters, all selected but unconveyed lands under the Statehood Act and the Alaska Native Claims Settlement Act, Native lands considered Indian country, any conveyed ANCSA lands agreed to by the Native corporations owning them, and federal "extraterritorial" authority over subsistence on state or other private lands and waters in order to provide for subsistence on federal lands and waters

--Congress should specifically provide for a subsistence defense in state or federal courts for any person accused of a fish or game violation

--Congress should add "cultural and religious" uses to the list of protected subsistence uses in Title VIII

--Congress should provide full statutory protection of the subsistence practices of Native communities which, through no fault of their own, have been dropped from the category of "rural" by non-Native population growth and socio-economic change -- recognizing that neither proxy hunting and fishing nor discretionary cultural/educational subsistence permits will adequately address this need

--Congress should require that federal agencies and the state contract to Native institutions, particularly to tribes and tribal consortia, as many subsistence management functions as are feasible and proper -- and that such delegated functions of co-management include effective roles in the regulatory process itself and in enforcement on the ground, not just counting fish runs, gathering soil samples, and monitoring harvests

#### Maintaining federal statutory protection of subsistence

The only legal force that can ensure the continued existence of rural and Native communities in Alaska is the power of federal law - which is why anti-subsistence groups are so determined to destroy Title VIII's rural priority, just as they removed it from state law in 1989. Anti-subsistence state legislators demand congressional amendments to the federal statute as the price of a state constitutional amendment, since they would be delighted to allow state compliance with a toothless federal law that reduces subsistence rights to unenforceable rhetoric. AFN urges the Congress not to be drawn into that game and to stand fast in defense of the poorest and more traditional indigenous people in the nation.

E2. Congress should not enact any amendment to Title VIII of ANILCA that

Weakens current federal protections of subsistence, in particular the

Congress should not incorporate into federal law: the current definition of

Customary and traditional (the key term in defining subsistence); nor, diminish the current federal requirement

that subsistence regulations cause the least adverse impact on local customary and traditional practices; not diminish the powers of federal courts or administrative agencies to oversee and enforce Title VIII protections; nor, require federal judicial deference to state decision or eliminate secretarial oversight or authority when the State is in compliance with federal law or allow state agencies discretion to define customary trade.

Subsistence and the federal role

AFN commends to the Congress and other policy-makers the findings and recommendations of two landmark studies of Alaska Native needs: the 1994 Report of the Alaska Natives Commission and the 1999 Report of the Governor's Commission on Rural Governance and Empowerment.

**APPENDIX. AFN-COMMISSIONED STUDIES**

Three major research studies were commissioned by the Alaska Federation of Natives to help provide the Native community with implementation of Alaska Natives Commission recommendations. Each study reviewed the existing situation in Alaska, identified problems and successes, examined pertinent experiences in the United States and Canada and in other countries, and provided directions for future policies and programs. The consultants' reports do not include recommendations, as that is the responsibility of the Native community.

Study reports can be found on Alaska Native Knowledge Network, as referenced below. The contents and executive summary depict the scope of each study.

Cornell, Stephen et al, *Achieving Alaska Native Self-Governance*. The Economic Resource Group, Inc., and Institute of Social and Economic Research, University of Alaska Anchorage, 1998. Final Report - AFN Version, May 1999.  
[<http://www.ankn.uaf.edu/Self-Gov2.pdf>]

McDiarmid, G. Williamson et al, *Expanding Job Opportunities for Alaska Natives*. Institute of Social and Economic Research, University of Alaska Anchorage, November 1998.  
[<http://www.ankn.uaf.edu/ISER/coverack.pdf>]

Institute for Circumpolar Health Studies, University of Alaska Anchorage, *Alaska Natives Combating Substance Abuse and Related Violence Through Self-Healing*. January 1999.  
[<http://www.ankn.uaf.edu/afnreportsub.pdf>]

TESTIMONY OF JACQUELINE AGTUCA  
ACTING DIRECTOR, OFFICE OF TRIBAL JUSTICE  
UNITED STATES DEPARTMENT OF JUSTICE  
SENATE COMMITTEE ON INDIAN AFFAIRS  
October 4, 2000, 9:30 a.m.

**I. Alaska Native Villages and Alcohol.**

There are approximately 226 Alaska Native villages that are federally recognized Indian tribes. See U.S. Dept. of Interior, "Indian Entities Recognized and Eligible to Receive Services from the United States Bureau of Indian Affairs," 65 Fed. Reg. 13298 (2000); John v. Baker, 982 P.2d 738 (Ak. 1999). As federally recognized Indian tribes, Alaska Native villages have a government-to-government relationship with the United States, under which our Nation has committed to assisting them in enhancing their self-government and promoting their welfare. In his historic executive order on Consultation and Coordination with Indian Tribal Governments, President Clinton affirmed basic principles of Federal relations with Indian tribes:

Since the formation of the Union, the United States has recognized Indian tribes as domestic dependent nations under its protection. . . . As domestic dependent nations, Indian tribes exercise inherent sovereign powers over their members and territory. The United States continues to work with Indian tribes on a government-to-government basis to address issues concerning Indian tribal self-government, trust resources, and Indian tribal treaty and other rights.

E.O. 13084 (May 14, 1998). In furtherance of those principles, the Department of Justice Policy on Indian Sovereignty and Government-to-Government Relations with Indian Tribes declares the Department's "commit[ment] to strengthening and assisting Indian tribal governments in their development and to promoting Indian self-governance." Policy at 4.

Alcohol abuse, alcoholism, and attendant violence and social impacts are among the most serious problems Alaska Native villages face. See generally 25 U.S.C. § 2401(3) ("alcoholism and alcohol and substance abuse is the most severe health and social problem facing Indian tribes and people today"). The Governor of Alaska's Commission on Rural Governance and Empowerment notes in its 1999 Final Report to the Governor (Report) that "[a]lcoholism continues as an endemic condition that ravages individuals, families and communities in rural, particularly Native, Alaska." Report at 12. As an example of the impact of this condition, one study concluded that Fetal Alcohol Syndrome occurs among Alaska Natives at rates somewhere between ten and twenty-five times its incidence among Alaska's non-Native population. Report at 91 n.29.

Alcohol abuse produces significant law enforcement problems in Native communities. There is a strong correlation between alcohol abuse and crime in Indian communities throughout the Nation. In its 1999 report, American Indians and Crime, the Bureau of Justice Statistics

found that over half the American Indian victims of violent crime surveyed reported that their assailant was under the influence of alcohol or drugs or both at time of the offense. *Id.* at 9. Approximately 75% of the victims of domestic violence reported that the perpetrator had been drinking at the time of the offense. *Id.* at 10. This close correlation between alcohol abuse and violent crime occurs in Alaska as well. According to the Governor's Commission, ninety-seven percent of all crimes committed by Alaska Natives are committed under the influence of drugs or alcohol, with alcohol being the predominate contributor. Report at 106. Experts report that murder rates among Alaska Natives far exceed the rates nationwide and for non-Native Alaskans, *see* Matthew Berman and Linda Leask, "Violent Death in Alaska: Who is Most Likely to Die?" *Alaska Review of Social and Economic Conditions*, Vol. XXIX, No. 1 (Feb. 1994) at 1, and in the experience of the United States Attorney for Alaska nearly all -- if not all -- homicides in Alaska Native communities are alcohol-related.

## II. The Existing Legal Framework.

Beginning in 1862, federal law prohibited the sale of alcohol to Indians anywhere in the United States. *See* 12 Stat. 338; *Rice v. Rehner*, 463 U.S. 713, 722 n.8 (1983); *see also* 18 U.S.C. §§ 1154, 1156; Felix M. Cohen, HANDBOOK OF FEDERAL INDIAN LAW (1982 ed.) at 305 n.189 & 307. Congress lifted the nation-wide prohibition in 1953 and replaced it with a scheme whereby sales to Indians are lawful outside "Indian country," while introduction and sale of alcoholic beverages within "Indian country" must conform to both state and tribal laws. 18 U.S.C. § 1161. Thus, Indian tribes in the contiguous forty-eight states have federal statutory authority to regulate alcoholic beverages within their jurisdictions. *See U.S. v. Mazurie*, 419 U.S. 544 (1975); *see also City of Timber Lake v. Cheyenne River Sioux Tribe*, 10 F.3d 554 (8th Cir. 1993). To exercise that authority, tribes typically submit tribal beverage control ordinances to the Secretary of the Interior for certification and publication in the Federal Register. 18 U.S.C. § 1161. Alaska Native villages, as recognized tribes, are eligible to receive that delegated statutory authority. However, they are uniquely unable to exercise it as a practical matter because it is tied to the "Indian country" status of lands, and the Supreme Court has held that Alaska Native villages do not, with the exception of the Annette Island Reserve and possibly scattered individual trust allotments, occupy "Indian country." *See Alaska v. Native Village of Venetie Tribal Government*, 522 U.S. 520 (1998).

Under Alaska state law, state-incorporated local governments and unincorporated areas may exercise local option and, in doing so, prohibit sales, introduction, and/or possession of alcoholic beverages within their jurisdictions. *See* Ak. Stat. 4.11.010 *et seq.* Local governmental units and unincorporated areas that coincide with or include Alaska Native villages have exercised that authority in many instances. *See* Matthew Berman and Teresa Hull, "Community Control of Alcohol in Alaska," *Alaska Review of Social and Economic Conditions*, Vol. XXXI, No. 1 (Apr. 1997). Thus, 52% of Alaska Natives "live in places that restrict the availability of alcohol." *Id.* Those local option laws have had a positive impact on conditions in many of those Native communities. For example, a recent comparison of Native villages where local options have been exercised showed that there were 4.5 homicides in "wet" villages for every one in

"dry" villages. Similarly, villages that voted to become "dry" between 1980 and 1993 experienced fifty percent drops in local homicide rates.

Nonetheless, the persistence of serious alcohol-related problems in Native communities demonstrates that further measures are necessary to address them. One reason why the state law framework fails to completely address the problem may stem from the distances between Native villages and state authorities and competing priorities within available resources faced by state law enforcement. It is difficult for state troopers to cover the necessary distances to investigate alcohol-related offenses under those circumstances. There is, perhaps for this reason, a perception in rural Alaska that state law enforcement is inadequate to meet community needs. A 1995 study cited by the Governor's Commission concluded "that most rural residents felt the policing services from the [state] Troopers were insufficient in both degree and magnitude to meet their communities needs." Report at 103. In many Native villages, moreover, there is no municipal or other state subdivision authority present to manage these problems. As the Governor's Commission noted, "[i]n 94 Alaska communities, federally recognized tribes provide the only local government." Report at 26. Indeed, because the administrative costs of state-law incorporation sometimes may in some cases exceed its perceived benefits, there is a trend in some communities away from maintaining state subdivision status. Report at 36.

As federally recognized Indian tribes, Alaska Native villages have some inherent authority, apart from whether federal statutes currently provide additional authority, to address alcohol-related problems within their communities under existing law, but that authority is limited. For example, Alaska Native villages have inherent authority to enact laws and enforce them against village members. See *John v. Baker*, 982 P.2d at 754-56. However, tribal governmental authority over non-members is ordinarily tied to their entry onto lands that are federally-designated as "Indian country." *Alaska v. Native Village of Venetie*, 522 U.S. at 527. Because courts have held that "Indian country" lands are for the most part absent from Alaska, Alaska Native villages are left with only that territorial authority over non-members that they might have as a landowner over their own lands.<sup>1</sup> Those limitations make it very difficult for Alaska Native villages to monitor or prevent the introduction of alcoholic beverages into their communities. For instance, Alaska Native villages may prevent alcohol from being introduced onto lands they actually own, which in some cases represent considerable areas, but they cannot enforce deterrent measures such as civil penalties or forfeitures against non-members. They also hinder Native village's ability to control alcoholic beverage transactions by non-members on non-Native lands, which may in some cases lie in the heart of Native communities.

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<sup>1</sup> Normally, most Native lands around Native villages are owned by village corporations, rather than the villages themselves. For that reason, direct landowner authority would typically lie with the village corporations, rather than with the actual village governments.

### III. Alaska Native Villages and Alcohol Control.

When it enacted the Indian Alcohol and Substance Abuse Prevention and Treatment Act of 1986, Congress found that "Indian tribes have the primary responsibility for protecting and ensuring the well-being of their members." 25 U.S.C. § 2401(12). While this primary responsibility rests with tribes, the Federal Government seeks, under the Trust Responsibility, to assist tribes with addressing this serious problem. As the Attorney General explained in a recent publication, "The Department of Justice is committed to supporting the efforts of tribal governments to develop comprehensive strategies to address alcohol and substance abuse and related crime." Attorney General Janet Reno, Foreword, Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives (DOJ/OJP 2000) (a copy of this publication is submitted as an Exhibit to this testimony).

The Department of Justice has sought to promote the capacity of Alaska Native villages to assume that responsibility by providing funding under the Indian Country Law Enforcement Improvements Initiative. Those funds assist tribes to develop law enforcement and legal infrastructure, which are needed components of strategies to promote community safety and address law enforcement problems, including problems that stem from alcohol abuse. For FY 2000, the Department of Justice awarded 13 grants totaling approximately \$2.25 million to tribal law enforcement agencies in Alaska under the COPS Tribal Resources Grants Program. Native villages use those funds to hire, equip, and train tribal law enforcement officers. 21 Alaska Native entities received grants under the Department of Justice's Tribal Courts Program in FY 1999 for a total of approximately \$750,000. Those Tribal Courts funds are used to plan future tribal courts or to enhance the capacities of existing tribal courts. In addition, the Tribal Courts Program made a technical assistance grant of more than \$200,000 for technical assistance for Alaska tribal courts. Three Alaska Native entities – one village and two consortia – received grants for FY 1999, totaling approximately \$275,000, through the Department's Tribal Youth Program. The Tribal Youth Program provides funds to tribes for comprehensive delinquency prevention, control, and juvenile justice system improvement programs, including programs to help tribes develop prevention programs focusing on alcohol and substance abuse. The Department has also made grants to Alaska tribes or inter-tribal entities under other programs that should assist Alaska Native villages to combat alcohol-related problems in their communities. Grants to Alaska Native entities have been awarded by the Department's Drug Courts Program, the Youth Alcohol and Drug Prevention Program, the Drug Free Communities Support Program, and the Tribal Detention Facilities Program.

In addition, the Department of Justice and four other federal agencies co-sponsored a national Summit on Tribal Strategies to Reduce Alcohol, Substance Abuse, and Violence. The Summit provided an opportunity for tribal leaders to share experiences from their own communities and to highlight best practices that tribes employ to address these problems. The publication entitled Promising Practices and Strategies to Reduce Alcohol and Substance Abuse Among American Indians and Alaska Natives was issued by the Department of Justice, Office of Justice Programs in conjunction with the Summit.

One of the featured programs in the Promising Practices publication is operated for Alaska Natives by the Southeast Alaska Regional Health Consortium (SEARHC). In all its programs, SEARHC seeks to weave Alaska Native cultural elements into treatment and activities. Among other features designed to accomplish that goal, SEARHC recruits Alaska Native elders to guide the teachings used in programs regarding culture and tradition. One of SEARHC's primary activities is aimed at tribal adolescents with alcohol and substance abuse problems and is called the "Raven's Way Focused Youth Intervention Program." Raven's Way's goal is to help youth troubled by dependency problems find their own path towards spiritual healing by blending conventional and adventure-based therapy. Raven's Way employs wilderness excursions, remote camps, and other culturally appropriate features to pursue those goals. SEARHC's tradition-based approach has proven successful. SEARHC reports that for 1999, 60% of the Raven's Way graduates report sustained sobriety, 75% had decreased legal problems, and 50% had increased school attendance.

Raven's Way and SEARHC's overall approach shared characteristics with the other programs featured on the Justice Department publication. All of the programs offered services that provided a link to the spiritual belief of the Indian person, services that are culturally reflective of the Indian community, and services that strengthen the relationship of the Indian person to his or her community. As the Attorney General explained in the foreword to the publication, "[t]hese key qualities reflect not only the success of the programs but also speak to the history, survival, and future of Indian Nations in the United States."

Promoting the ability of Native villages to address the problems of alcohol abuse and alcohol-related violent crime helps enable Native villages to meet the responsibility that they have as tribes to "protect[] and ensur[e] the well-being of their members." Consistent with the approach advocated by the Office of Justice Programs' publication, we believe that approaches to this problems should be rooted in tribal culture and should be empowering for tribal communities. We believe, of course, that the state law framework has played a significant role towards combating alcohol-related problems in many communities and that solutions to this problem may require a commitment of state resources. However, the need for local tribal control and culturally suited approaches indicates to us that Alaska Native villages themselves will have to be directly involved in solving this problem and in efforts to control liquor in Alaska Native villages. In that regard, we hope that Native villages, as well as the State, will avail themselves of opportunities to engage in dialogue with each other and with other entities, public and private, and to pursue mechanisms that empower Native villages to develop and apply local solutions to the alcohol-related problems in their communities. Certainly, the Federal Government, for our part, should continue our current course of providing resources and other assistance to the village governments to enhance their capacity to address the problem of liquor traffic in their communities – including the development of tribal law enforcement and legal infrastructure, as well as treatment, prevention, and other tribal services. In the end, the very communities that face problems arising from alcohol abuse and alcohol-related violence should be able to locate and apply solutions that are suited to the particular needs and circumstances of their differing

localities and that are culturally appropriate in the Native village settings.

#### **IV. Mail Transport of Alcohol in Alaska.**

Another issue that has arisen is that, in our experience, local regulations governing introduction of alcoholic beverages are frequently circumvented by use of the mails to send alcohol into Native communities. Given the small populations of Alaska Native villages, mailable quantities of alcohol can substantially disrupt a community. Mail delivery in Alaska is heavily subsidized, making transportation of alcohol by mail economically feasible. In the same vein, we understand that introduction of contraband liquor into Native communities can be inordinately lucrative for those willing to flout both local liquor regulations and federal law, under which transporting alcoholic beverages by mail is a criminal offense.

Transporting liquor by mail is currently punishable by up to one-year imprisonment or a fine. 18 U.S.C. § 1716(f). However, enforcement is rendered difficult by the protected status afforded the mails from searches by U.S. Postal regulations, 39 C.F.R. § 233.3(g), and by the Fourth Amendment, see *Ex parte Jackson*, 96 U.S. (6 Otto) 727 (1877). When an offense is both lucrative and difficult to apprehend, a misdemeanor penalty will not be an adequate deterrent. Moreover, with respect to Alaska, we believe that the current low penalties are out of proportion with this offense's impact on communities, particularly Native communities.

#### **V. Conclusion.**

Alaska Native villages face serious problems caused by alcohol abuse in their communities, including significant law enforcement problems. We continue to believe that Native villages will have to be directly involved in solving alcohol-related problems and in controlling liquor in their communities. Through our funding and other programs, the Department has sought to support efforts by Native villages in Alaska to address alcohol-related problems in their communities. The Department of Justice appreciates the fact that the Committee is holding this hearing to focus attention on those problems, and we hope that our testimony today helps the Committee and Native villages as they search for solutions.

October 4, 2000

Testimony to the Senate Committee on Indian Affairs  
Hearing on Alcohol and Law Enforcement in Alaska  
By Ernie Turner, Director, Alaska Division of Alcoholism and Drug Abuse

Mr. Chairman:

Good morning, it is an honor to provide testimony before this distinguished body of the United States Government. My name is Ernie Turner, I have worked in the field of Substance Abuse for nearly thirty years in many capacities - as a practitioner, clinical director, agency director, consultant, teacher and now as the director of the Division of Alcoholism and Drug Abuse under the Department of Health and Social Services for the State of Alaska.

I am an Alaska Native, born in Shageluk Alaska, a remote village in the heart of rural Alaska and am also a recovering alcoholic who has experienced the worst of the disease called alcoholism, which is truly a disease, and have experienced the best of recovery. The disease took me to the depths of despair, a homeless street alcoholic, suffering all of the consequences the disease had to offer. Without intervention and treatment I would have died years ago.

Thirty years ago alcoholism and drug dependency caught the ear of only a few. Today we recognize alcoholism and substance abuse as an epidemic of the Alaska Native population, invading our lives in ways we never imagined-- testing our limited resources, probing our private values, and sapping our strength. Substance abuse and dependency no longer attracts our attention--it commands it. I am often asked why I consider alcoholism to be so important in comparison to other diseases. Let me explain why and why the problem must command our attention and action. The issue is not whether alcoholism is more or less important than any other single disease. The fact is that from a public health standpoint, alcoholism is an epidemic in Alaska. Alcoholism and alcohol abuse is a leading killer of Alaska Native men, women and children in rural Alaska. The disease continues to devastate Alaska, despite the fact that it is both preventable and treatable. We need to attack the problem with the same vigor we would if a disease like tuberculosis were still killing Alaskans at an equivalent rate.

Children and adolescents are a special concern. During the 1990s, we have seen our rural children confronted by issues of alcohol and drugs as never before. Adolescents are still experimenting with alcohol and drugs and access has become easier. As parents and citizens, we cannot stand idly by while the disease threatens our children's future.

Yes, it is painful to think about the temptations and the dangers they face every day and of the way alcoholism and drug abuse among their parents and other adults influences and affects them. But alcohol and drugs are facts of life in rural Alaska; we can no more ignore them than we can death itself. We must prepare our children to face the reality of the dangers in their lives. To face the challenges ahead, our children must have scientific, dependable information about alcohol and drug use. And equally important, they must have the loving care of sober parents and the understanding and support of sober communities.

I continue to hear that "Drinking isn't my problem. . . it's theirs."

The truth is that it's everyone's problem. Because so many people are suffering from the disease and its effects especially in rural Alaska, all of us who share our fragile rural humanity are also affected--if not by the disease itself, then by those devastating companions of the disease--fear, loss, sorrow, denial, and prejudice.

We must face our fears squarely and shed our false beliefs. We need to know how deeply alcohol and drug use affect our communities. We must care for those suffering from the disease as well as those affected by the consequences of it. And we must prevent further dependence and abuse.

We believe good health is intertwined with hope and optimism. We know that a positive self-image is a critical part of the healing process. As the Division director, I do not say this lightly, because I am in the business of prevention and recovery.

So many people might be prone to say, "What's the use?" Let me answer that plea in just one word: SURVIVAL and survival with dignity. As a society, we must care not only to promote good health, but equally to promote quality of life. Having Chemical Dependency does not signal an end to life or to the spirit. Rather, the experience of this disease can also inspire. Until there is a complete cure, we must learn to live with it the only way we know how: by devoting ourselves to prevention and recovery.

I'm not here to offer unrealistic shortcuts or make false promises about easy solutions. Only to describe what we know and what we can do now: educate ourselves and our children about alcohol and drug dependency and act on what we learn; intervene early when we see someone is on the wrong path; make sure those of us in need can get assessments and effective treatment. Remember that coming to grips with the facts of life is, in itself, crucial to our well being.

The Federal government recognizes 227 Native communities in Alaska. The vast majority of these are villages, small villages ranging in size from less than 50 to over 1,000, averaging around 300 people. These villages dot the riverbanks and coastline of rural Alaska. Most are not connected by road and the distances between a village and its closest neighbor can be 20 or more miles. Travel is primarily by boat, snowmachine, ATV, or small plane. To fly over southwest Alaska, the Yukon-Kuskokwim Delta, at night, in winter, to see the small widely scattered clusters of light that dot the vast empty landscape is to be awed by the sense of space, stillness, isolation, and the tenacity of human life.

Alaska Natives and Alaska Native communities have experienced huge changes over the past 200 years. But there are also some things that have remained relatively unchanged: the importance of Native culture; the traditional values of sharing, respect for Elders, love of children; the relationship with the natural environment and the reliance on its resources. The challenge for Alaska Native communities is to preserve these constants while living well in the 21<sup>st</sup> century

Substance abuse is a major threat both to preserving the past and to living well in the present and future. In the words of Julie Kitka, President of the Alaska Federation of Natives, ".... the impact

of alcohol abuse is the most critical problem facing our villages today." In the words of the Alaska Native Commission on Rural Governance and Empowerment "Alcoholism continues as an endemic condition that ravages individuals, families and communities in rural, particularly Native, Alaska." What does ravage really mean? It means a family in which both parents were regularly drunk, beat on each other, neglected their children. By the time he was ten the oldest boy was routinely looking after his younger sibling. When that boy was about 18 his mother froze to death having fallen or been thrown from a pick-up truck during the winter. The father was driving. Within a year the boy, now drinking heavily himself, shot himself in the head and died. Within the next year his younger sister also killed herself.

Data tell us that nine out of ten Native people who choose to use alcohol become alcohol abusers. Of that nine, four become dependent/addicted. Are many people choosing to use alcohol? We don't have Native specific data, but a study of all Alaskan high school students except those in Anchorage tells us that over half had at least one drink in the preceding month and just over a third had five or more drinks in a row in the preceding month. This means that if a village has 40 high school students the data suggest that 18 will become alcohol abusers and 8 will become addicted to alcohol. Alcohol addiction is a chronic, progressive, fatal disease.

Various statistics reflect the consequences of such high rates of abuse and addiction. Alaska Natives make up about 17% of the population of Alaska, but 38% of those who die by suicide and 31% of those who die by homicide. Those deaths are linked to alcohol. Studies show that two-thirds to three-quarters of Alaska Native males who die by suicide were drinking at the time of their death. Alaska Natives make up 17% of the general population, but about 37% of the prison population. Studies show that more than 97% of the crimes committed by Alaska Natives are committed under the influence of alcohol or drugs and that in rural Alaska the amount of violence and crime appears directly proportional to the amount of alcohol consumed. One study showed that alcohol or drug abuse or addiction was present in up to 80% of Alaskan families in which repeated child abuse or neglect occurred.

Looked at another way, during the year that followed Barrow's vote to go dry, felony assaults declined by 86% and drunk driving stops by 79%. Suicide attempts declined by 34% and domestic dispute calls by 27%. Harm to children fell 32% and school attendance rates dramatically increased.

As the Barrow example shows, Alaska's local option law allowing villages to vote to go "dry" or otherwise restrict sale of alcohol in the community can be an effective tool. But controlling access, while important, is not a panacea. We have to understand that those who are dependent on alcohol will go to any length to maintain a supply. They will break the law, move to hub or urban areas where alcohol is available. Some of them end up "homeless and on the street." Others use whatever is available out of desperation. In some dry villages where alcohol is more difficult to get we have seen increases in the use of home brew, inhalants, and other drugs. Controlling access is one tool but it isn't the only tool or even the best tool to combat alcohol and drugs.

One of the most devastating consequences of alcohol abuse is Fetal Alcohol Syndrome (FAS), harm that can be done to the fetus when a pregnant woman drinks alcohol. FAS children suffer

from severe physical and mental disabilities. They are difficult to raise and difficult to educate. Alaska has the highest rate of FAS in the nation: 1 – 1.4 per 1000 births. 90% of the children diagnosed with FAS are Alaska Native. 65% of the children with FAS are not being raised by their birth parents.

Obviously there are financial costs to alcohol and drug abuse and addiction. It costs about 1.4 million dollars to raise a child with Fetal Alcohol Syndrome. About 80% of FAS affected individuals will never be able to live and work independently.

The Alaska Criminal Justice Assessment Commission estimates the state spent \$245,823,125 in 1999 on costs associated with substance abuse. This figure includes costs incurred by the criminal justice system, social services agencies, substance abuse treatment programs, medical care, and increased assistance payments. Alaska is committed to providing services to all of its people. We recognize the seriousness of the problem in rural Alaska and we probably do more than other states in the union to provide substance abuse services to the Native population. However we recognize that we fall far short of meeting the needs. Alaska Natives make up about 17% of the population of Alaska, but about 46% of those enrolled in substance abuse treatment programs statewide. And still too many Alaska Natives have to travel away from their region to receive services, and too many sit too long on waiting lists.

The economic cost of substance abuse is huge. The human cost is devastating. An example,

“A young man with a wife and three children leaves his village to go to Nome to buy supplies for the whaling season. His mother has given him money for an outboard engine that will drive the family omiak, skin boat, during the hunt. Also in his pack is several ivory carvings that he hopes to sell for money to buy food and other supplies for his family. When he wakes up in the hospital he doesn't remember much of the first night in town or the three days that followed. He does recall that after the ivory shop did not buy his carvings he went to a bar to look for potential buyers. Now he has none of his mother's money. His carvings and the rest of his possessions including his return ticket home are missing. Physically and emotionally he feels terrible.

His family will make do on supplies donated by relatives. His physical injuries will heal in time. His family will accept him back. He can carve more ivory. His mother will still acknowledge him as the lead male elder in the extended family.

But he returned to the village ashamed and desolate. His emotional pain became an excuse for drinking more alcohol. While drunk he got angry and beat his wife. Eventually she left him, leading to more guilt, more pain and more alcohol. He got drunk one more time and fatally shot himself with a high caliber rifle. Then it was his children who felt pain, guilt, and anger. Then it was his children who began to drink.”

These tragedies are repeated over and over. But the picture is not entirely bleak. We have learned a great deal about what works to prevent alcohol abuse and addiction and what works in treatment. We have growing numbers of people who have recovered from alcoholism, and people who have successfully avoided alcohol and drugs. We have an increasing number of village people graduating from training and working as counselors in their own villages. In fact,

even the most devastating story can demonstrate hope. The oldest son of the ivory carver who shot himself is an example. He stopped drinking, went to training, and is working as a counselor. As you can imagine, he is a very good one.

A major element in the success of treatment programs for rural Alaska is attention to the culture and life realities of village people. When cultural differences are addressed and the people themselves are asked what works, unique and successful programs have developed. For example in one village with a population of just under 200 people, 98% of persons over age 5 were abusing or dependent on alcohol. Intoxicated children sprawled on the school steps. State authorities talked about removing all children from the village. The regional substance abuse counselor knew that villagers were concerned, wanted to change, but did not know how.

A counselor from a neighboring community worked with the village to develop a treatment camp. The village donated land and use of an abandoned building shell. The counselor found some funds in his budget. He and his wife moved onto the site for three months and, working with the village, developed a thirty day program that involved the entire family attending the program together. At any given time there were 5-6 families and 1 - 5 individuals participating. Participants prepared meals and shared chores. Mornings featured a group meeting to discuss recovery issues. Afternoons were spent in subsistence activities: fishing; hunting; gathering wood etc. AA meetings were held in the evenings. Individual and family counseling sessions were held throughout the day.

The entire village was invited to the camp for various weekend activities and for the evening AA meetings. Other villages in the region began to send families to the camp and help with supplies and transportation. The village held its first AA Christmas party. More than 3/4 of the village attended and celebrated the 84 village residents who had been sober for 30 days or more. Graduates of the program have gone on to assume responsible roles in the village, region, and state. The recovery camp proved to be very successful but had to close because of a lack of funds.

In another region, villagers rejected a proposal by state and regional agencies for a specialized treatment program that would take women and children out of the village. Elders especially felt that removal would stigmatize the family by singling them out. Instead they proposed an approach that involved the entire village. They worked with the agencies to develop a 3-5 day community gathering that combines traditional discussion methods with workshops, small group meetings, and educational and planning sessions. The entire community discusses problems related to substance abuse and develops community solutions. Agency presenters share the podium with village Elders. A Community Wellness Team comprised of village health aids, public safety officers, village alcohol counselors, Elders and other village education and spiritual providers is formed to provide follow-up and support activities after the gathering ends. Reports from the region say that cases of children in need of aid due to parental substance abuse are way down in communities that have had these gatherings, and that the families originally identified as the most in need have stabilized.

A final example is the Family Recovery Camp located in Old Minto. The camp is operated by Tanana Chiefs Conference (TCC) in a remote area accessible only by small planes and boats. It

involves a 35-day program for 15 people and their families. Traditional values and practices are used to help families regain spiritual, emotional, mental and physical balance. Traditional daily activities linked to the land go hand in hand with discussions, meetings and exercises. Aftercare and follow-up support services continue for families after they have completed the camp. The program has been operating for a number of years and is widely recognized for its effectiveness in helping people recover from alcohol abuse and addiction.

In general, culturally relevant treatment as close to home as possible seems critical. Alaska's Regional Native Health Corporations play an important role in offering that treatment. The 227 Native communities in Alaska are divided by culture and geography into 12 regions. Each region has a hub community that serves as the commercial, service and transportation center. The Regional Health Corporations, supported by State and Federal funds, are operating residential treatment programs in many of the hub communities. They also employ village-based counselors who offer early intervention and aftercare programs in the villages. Such programs are critical in getting people into treatment and supporting their recovery after they leave formal treatment programs.

Successful treatment approaches in bush Alaska have several characteristics in common.

- 1) They are generated from within the culture and/or village.
- 2) They reflect a community's readiness to address the problem.
- 3) They are local in design and function.
- 4) They recognize the capabilities of the individual and enhance self-esteem in culturally understandable ways.
- 5) They understand that the alcoholism/drug abuse has nothing to do with individual weakness, but rather that it is a disease in which people are made more vulnerable by rapid cultural change and inter-generational post traumatic stress syndrome.
- 6) They seek to empower rather than "fix" people by helping individuals, families and communities to rebuild their vision of who they are and who they can become and their capacity to take control of their own lives.
- 7) They confront everyday problems fostering the individual's ability to construct positive pathways toward a productive future.
- 8) The point of intervention is seen as that place where one can best connect with and leverage the strengths, resources, networks, attention and trust of the community and/or the individual.

Rural Alaska's programs have physical needs as well. In recent travels to some of the villages, we found many of the publicly funded treatment facilities to be in dire need of resources to build or refurbish or expand. In one case when a village counselor was asked if she needed improvements in her office, she said "a sink would be nice." After further asking her if she wanted the sink in the bathroom or another area, she replied, "Oh we don't have a bathroom we have to go down the road to use their facilities". We need resources to upgrade and expand our rural buildings so that they more accurately reflect the importance of the problem, the caring and professionalism of the counselors, and the dignity of the clients.

There are intense life threatening needs and gaps in the treatment of alcoholism in rural Alaska especially for persons in the late chronic stages of the disease. Village clinics and even regional health facilities are often ill equipped to safely detoxify severely intoxicated people. Flying them to urban centers, which may or may not have available beds or be willing or able to admit them, presents additional risks and costs. And if admitted, rural people too often end up on the streets of Anchorage after discharge because the lack of adequate treatment infrastructure in rural areas makes coordination of aftercare and treatment with an urban provider difficult or impossible.

The inpatient treatment programs are constantly operating at capacity. Data shows that many of the clients have to wait up to ninety days for a treatment bed, especially for the women. A recent check on the wait list showed there were fifty-eight women on the wait list for forty-five beds. This is totally unacceptable if we truly accept alcoholism as a chronic progressive disease. There is no other chronic progressive disease in which a person has to be put on a waiting list for that amount of time. It would be akin to asking a person with cancer to come back in three months for treatment.

While we have made progress in understanding what works, there remains a vast gap between our understanding and our ability to put that understanding effectively into practice. We continue to have critical needs for treatment resources. In order to meet these needs we have to have trained, competent, culturally informed chemical dependency counselors. There is a strong consensus around core competencies that a chemical dependency practitioner must demonstrate in order to be effective whether in rural or urban Alaska. These competencies can only be achieved through education, training and supervised field experience. Alaska has developed a process to ensure that those standards of competency are met. The specific individual skill sets and areas of knowledge required to effectively treat alcoholism and drug addiction are broadly accepted and applicable to all treatment settings and philosophies. Demonstrated competency in those skill sets and subject areas form the basis for alcohol and other drug counselor certification within Alaska and for the reciprocity of professional certification between States. The recognized core competencies are:

- Patient Screening
- Patient Assessment
- Treatment Planning
- Referral
- Consultation
- Continuing Assessment
- Individual Counseling
- Group Counseling
- Counseling Families, Couples, and Significant Others
- Client, Family and Community Education
- Documentation
- Professional and Ethical Responsibilities

While the core competencies are built upon the acquisition of specific information and supervised experience, there are several elements lacking in rural Alaska. The proposed requirement to give equal weight to educational achievements in other subject areas presents very real difficulties. The rural population has multiple needs that need to be provided within a

specific cultural setting. The presence of trained competent culturally sensitive staff is particularly important today when many clients needing treatment have a variety of complicating conditions including both alcohol and drug addiction, mental health and other serious health and social concerns.

The Division of Alcoholism and Drug Abuse, in partnership with the University of Alaska and some of the Regional Native Health Corporations has developed a very successful program to address the unique manpower needs of rural Alaska. The Rural Human Services System Project (RHS) began training village Alaskans to work as counselors in their own communities in 1992. The foundation of the 30 credit curriculum is Native culture and values and the classes, Rural Counseling, Addictions, Case Management, Community Change to name just a few, combine traditional Native healing practices with Western treatment modalities. University faculty and Native Elders teach side by side. Eight years later, in 2000, 136 RHS trained graduates and students were employed in 82 rural villages and six hub or urban communities. Their employers report that in villages with resident RHS trained counselors, behavioral emergencies requiring transport out of the village have decreased and requests for substance abuse treatment have increased.

But there are more than 82 villages in Alaska and Alaska needs a counselor every village. Larger villages need more than one counselor. With more than 200 villages in need, we have to have resources to train and employ an additional 150 village counselors. On the face of it, it might seem expensive, around 10 million dollars per year. But when we look deeper, it's not so expensive. Ten million dollars is about what it costs to raise 7 FAS children.

Let me give you a picture of what the Alaska Division of Alcoholism and Drug Abuse looks like today and what we're doing. Under State law the Division has responsibility for planning, developing, and coordinating statewide programs for the prevention and treatment of alcoholism, drug abuse, and the misuse of hazardous volatile substances by inhalant abusers. This includes planning and coordinating prevention, intervention, treatment and rehabilitation services, developing and disseminating information in support of these services; developing and conducting training, and evaluating services. The Division also establishes standards that a treatment program must meet in order to receive state approval and state funding.

Currently the Division funds seventy-three prevention programs and two training programs. These do a variety of things including counselor and rural counselor training, peer helper programs in high schools, suicide prevention programs in villages, camps, conferences, and mentoring. In addition the Division is administering a State Incentive Grant from the Federal Government. While we are very grateful we received a SIG grant, funding for these programs is limited to 3 years. It is difficult for a prevention program, especially a new prevention program to have a measurable effect in 3 years. If we are serious about prevention, we have to commit ourselves and our resources to the long haul. By way of example, our community-based suicide prevention program is over ten years old and its evaluation has indicated that villages which operate projects continuously for three or more years are reducing their rates of suicide. Projects of shorter duration are not as effective. It's also true that youth grow up. A project that targets middle school age children has a new target population every year. This seems obvious, yet time-limited prevention programs do not seem to get it.

The Division of Alcoholism and Drug Abuse provides grants to a number of different kinds of treatment programs. There are general residential programs and specialized residential programs for women, women with children, pregnant women, pregnant and parenting teens, and youth, 28 residential programs in all. Three additional programs for women are funded through Federal grants. Here too, time limited funding is a problem.

The Division also funds 28 outpatient programs. Where residential programs are located in urban areas and larger hub communities, many of the outpatient programs are located in mid-size and smaller communities. The Division also provides funds to one narcotic drug treatment program and eight alcohol safety action programs. Finally Federal funds administered by the Division support a multi-faceted fetal alcohol syndrome prevention and treatment project.

Alaska's treatment programs care for about 2,500 residential and 5,500 outpatients a year. Approximately 48% of the individuals entering treatment each year are Native Alaskans. The majority of these admissions are male, between 20 and 40 years of age, low income, and from rural communities. Are these programs having an effect? We believe so and various studies support our belief. They show that:

- Of Alaskan outpatients surveyed, 56 percent abstained from alcohol for one year after treatment.
- Of Alaskans in residential programs surveyed, 42 percent abstained from alcohol for one year after treatment.
- 36 percent of Alaskan residential clients surveyed were hospitalized before treatment and 15 percent after treatment.
- 28 percent of Alaskan outpatient clients surveyed were hospitalized before treatment and 7 percent after treatment.
- 66 percent of the misdemeanor offenders referred to the ASAP did not re-offend during a subsequent 3-year period.

We look forward to the day when we can talk about a statewide, culturally competent comprehensive system of substance abuse prevention, intervention, treatment and aftercare. What would such a system look like? Every city, town and village in the state, consistent with its size and cultural composition, would have some kind of substance abuse prevention and treatment program or point of entry. A small village might have one local person trained in prevention, early intervention, aftercare and referrals. This person would conduct substance abuse education classes, work with people to get them into treatment, and provide on-going support on the person's return from treatment. The person might be employed by the Regional Health Corporation in the hub community. The regional corporation would operate the residential program or programs and provide training and support to the village workers.

Urban areas would have a full range of services located in number of different programs.

The goal is for people to be able to receive the most appropriate service as close to home as possible and to receive it when they need it not just when their name comes up on a waiting list. How far are we from this goal and what do we need to reach it?

With the help of substance abuse professionals and Alaska Native communities and individuals, we have learned a great deal about how to defeat substance abuse in rural Alaska. We need to:

- Promote public awareness that substance abuse is a public health problem and, as such, is a treatable and preventable disease. Use information technology to make facts about substance abuse treatment and prevention widely and appropriately available to the rural community health care providers and residents.
- Expand awareness of and enhance access to resources for substance abuse treatment and prevention programs in communities.
- Develop and implement strategies to reduce the stigma associated with substance abuse and with seeking help for such problems.
- Extend collaboration with and between public and private sectors to complete a Strategy for treatment and prevention in rural Alaska.
- Improve ability of primary care providers to recognize and treat substance abuse, and problems associated with substance abuse. Increase the referral to specialty care when appropriate.
- Eliminate barriers in public and private insurance programs for the provision of quality treatment and create incentives to treat patients with coexisting mental disorders.
- Institute training for all health, mental health, and human service professionals (such as clergy, teachers, correctional workers, and social workers) concerning substance abuse risk assessment and recognition, intervention, treatment, and aftercare.
- Develop and implement effective training programs for family members of those at risk and for natural community helpers on how to recognize, respond to, and refer people showing signs of substance abuse. Natural community helpers are people such as peers, elders, educators, coaches, and faith leaders, among others.
- Develop and implement safe and effective programs in educational settings for youth that address substance abuse tendencies, crisis intervention and incorporate peer support for seeking help.
- Enhance community care resources by increasing the use of schools and village workplaces as access points for substance abuse and physical health services and providing comprehensive support programs for persons who receive treatment, including the family.
- Promote a public/private collaboration with the media to assure that entertainment and news coverage represent balanced and informed portrayals of substance abuse and its treatment and prevention.
- Enhance research to understand risk and protective factors, their interaction, and their effects on substance abuse. Additionally, increase research on culture-specific interventions, effective treatment and prevention programs.
- Develop additional scientific strategies for evaluating prevention interventions and ensure that evaluation components are included in all prevention programs.

- Establish mechanisms for regional, and state interagency public health collaboration toward improving monitoring systems for substance abuse and develop and promote standard terminology in these systems.
- Encourage the development and evaluation of new treatment and prevention technologies.

Mr. Chairman, You have asked us for our views concerning the AFN's proposal to transfer certain aspects of liquor control from the State and Municipal governments to federally recognized Tribes.

In short, we applaud the efforts of the Alaska Federation of Natives in bringing these significant issues to national attention. But much important work needs to be done to formulate innovative and workable solutions to this most difficult problem. This must happen through a broad, public process.

Certainly there is more to be learned and more that we can do, but one thing we know for sure, fully fought, the battle against substance abuse will be expensive, but not nearly so expensive as the costs of fighting it half way or the wrong way and losing.

Your interest, involvement and partnership in this battle can only help it succeed. I, my staff, and the treatment and Native communities of Alaska look forward to working with you and assisting you in any way possible.

TONY KNOWLES, GOVERNOR

GLENN G. GODFREY, COMMISSIONER

**DEPARTMENT OF PUBLIC SAFETY**

*DIVISION OF STATE TROOPERS*

5700 East Tudor Road  
ANCHORAGE, AK 99507  
PHONE: (907) 269-5641

October 3, 2000

The Honorable Ben Nighthorse Campbell  
Chairman, Committee on Indian Affairs  
United States Senate  
838 Hart Office Building  
Washington, DC 20510

Dear Senator Campbell:

Because of the vast and remote areas in rural Alaska, historically, policing in rural Alaska has been conducted from rural hub communities. From these communities, troopers respond to a full range of life threatening emergencies involving non-criminal and criminal incidents. Early on, the Troopers realized that there was something else needed because response to these incidents were sometimes hampered by weather, long distance, and availability of a trooper. After developing and working with several ideas, the Village Public Safety Officer Program was developed. This program would provide a "first responder" to remote rural communities in Alaska. Today, the VPSO program operates with 86 funded positions which are in place in 85 communities of the over 220 rural communities in Alaska. It has proven itself to be the best rural law enforcement model we have today. Its only problem is that it has not received continued funding to enable a VPSO to be stationed in every rural community.

The majority of violent crime in the rural communities of Alaska has been linked to alcohol abuse. Alcohol use has been involved in over 60% of the violent crime and continues to be a major concern. The problems caused by the use of alcohol affect not only the individual, but the entire community. Because of their small numbers, the rural community residents are very much affected and are vulnerable to the negative effects associated with excessive drinking, such as suicides, domestic violence, and other violent crime.

Seeing this problem, the Alaska Legislature passed the "Local Option" law in the early 1980s, giving the local communities control over alcohol. The communities could choose, among other things, to be damp (alcohol could be brought in and consumed, but not sold in the community), or they could also choose to ban importation and possession of alcohol into their communities. Currently, there are 76 communities that have voted to ban the importation and sale of alcohol in their communities. 16 Communities have banned just the sale and 30 have banned the possession of alcohol.

Because of the sometimes-minimal community participation in the stopping of the influx of illegal alcohol, Troopers have begun efforts in community team policing. This is a concerted effort to bring the majority of the residents of a community that has banned the importation together to help identify those individuals responsible for the illegal alcohol in their communities. These efforts have been ongoing since the early 1990s, starting with a program called "Village Pride". More recently, troopers have been assisted by the COPS Training Program. Training has been held in several rural hub communities, with one more scheduled this year for the Nome area. This is a very labor intensive and time-consuming process, and needs consistent attention.

Several communities have shown when the majority stands together as tradition dictates, they can have an influence on their lives. The communities of Kipnuk and Quinhagak are good examples, where they have banned

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together and opposed the importation of alcohol, and have improved their quality of life. According to the local tribal police, incidents of alcohol related crime have dropped considerably.

Since the passage of the "Local Option Law", the troopers in the field, in conjunction with VPSOs and village and tribal police officers, have been working very hard to stop the illegal flow of alcohol into those communities that have chosen to ban its importation. To assist in this effort, the troopers established a special unit, the Western Alaska Narcotics and Alcohol Team. This unit focused its efforts at airports to interdict this illegal substance. That effort was successful; however, it was discovered that alcohol was being shipped illegally through the U.S. Mail. Unlike anywhere else in the United States, the vast majority of supplies are delivered to Alaska rural communities by mail, most entirely by air. In working with the U.S. Postal Inspection Service, improved interdiction activities have increased the seizure of illegally shipped alcoholic beverages and prosecution of the offenders. Interdicted amounts of alcohol through the U.S. Mail have increased from 624 liters in 1997 to over 1336 liters in 2000.

Troopers and VPSOs in the field have increased their efforts to do interdictions at their local airports, trailheads, and rivers and continue to educate the local residents about alcohol abuse and the effects of it. Troopers continually offer training in alcohol and drug interdiction at regional trainings that include VPSO, village, and tribal police officers.

When information is received in reference to a possible illegal alcohol importation, enforcement officers respond immediately to contact the suspects. Alcohol has been seized in retail cases, in baby diaper boxes, fruit juice containers, taped to the suspect's body, and other normally non-alcohol containers. Where it can be shown that vehicles were used in the illegal transportation of the alcohol, and they are owned by the suspect, the vehicle is seized. Several aircraft have been seized during these interdiction efforts, but to date, none have been confiscated by the state because of ownership problems. Prosecution of these individuals has increased and has become a priority of the local district attorneys. Although our interdiction efforts have increased as has the district attorney's prosecution of the offenders, because of the vastness of rural Alaska and the fact that many villages do not have a local law enforcement officer, illegal alcohol is still getting into the villages.

In 1999, 55% of misdemeanor assaults, which include most domestic violence assaults, were related to alcohol abuse in the rural communities. Using Violence Against Women Act funding, training in domestic violence investigations has saturated the rural law enforcement officers to ensure the victims are being protected and receiving help from the related agencies. When alcohol is out of the community, the families are much happier.

The Alaska Federation of Natives (AFN) has recently proposed transferring certain aspects of liquor control from the State and Municipal governments to federally recognized Tribes. As our testimony indicates, we believe that liquor consumption and control are serious issues which merit careful attention and innovative solutions. However, the AFN's proposal raises serious questions of federal preemption of traditional state regulatory authority and great uncertainty about the law enforcement regime which would follow from such preemption in rural Alaska.

The proposal would grant Tribes law enforcement authority over non members in certain circumstances. As the Governor's recent administrative order on Tribal status indicates, the State of Alaska believes that federally recognized Tribes have important roles to play in the economy, culture, and daily life of rural Alaska. However, recent US Supreme Court decisions draw a sharp distinction between a Tribe's inherent authority to regulate the conduct of its own members for certain purposes and their lack of authority over non members and over certain activities.

Further, the AFN proposal, in its current form, leaves many unanswered questions about the law enforcement regime which would follow from its enactment. For example, the jurisdictional relationship between the State, Municipalities, and Tribes is unclear. This lack of clarity might well create significant difficulties in law enforcement and the judicial process, thereby negating some of the laudable goals of the proposed legislation.

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In these circumstances, we recommend that new solutions to the concerns identified by the AFN, including their current proposal, be given careful scrutiny by Native leaders, federally recognized tribes, law enforcement and health professionals, and the Alaska public before final decisions are made. It is worth noting that the Governor utilized a similar process of public input and dialog in preparing his administrative order acknowledging Federally recognized Tribes.

Toward these ends, we believe that meetings should be convened among all interested parties prior to the next Congress to seek as broad a consensus as possible on how to proceed. The goal of these efforts would be to formulate recommendations to the Federal and State governments, as appropriate, on the broad spectrum of treatment and law enforcement issues underlying liquor control.

The majority of the rural communities in Alaska that do not have a VPSO have no means of generating income to fund a village or tribal police officer to help in alcohol interdiction. Those that do only have enough funds to pay the officer and no money for training. Recently, through the COPS Program, many of the communities have been awarded grants for police officers. Although these grants cover the salaries of the village police officers, initial grants did not provide for training or basic equipment. Seeing this, the Troopers applied for and were awarded a \$650,000 grant to provide basic and advanced police training to the village and tribal police officers in rural Alaska. This grant also provided funds to purchase basic police and fire fighting equipment for the village police officers. Over 140 village and tribal police officers were provided basic police equipment, uniforms, and basic and advanced training.

Alaska's law enforcement agencies are committed to improving the quality of life for the rural residents of the State of Alaska by enforcing state and local laws relating to alcohol. But we have additional needs for which funding is not presently available, including more village and statewide personnel, more essential equipment, and more travel to support education efforts and reinforce village-level enforcement activities. Identified needs for Federal or State funding include:

15 VPSOs	\$1,125,000
10 State Troopers	\$1,600,000
25 snowmachines	\$ 137,500
Travel/Educational efforts	\$ 100,000
Total	\$2,962,500.00

Thank you for the opportunity to address this Committee.

Sincerely,



Colonel Glenn G. Godfrey  
 Commissioner  
 Department of Public Safety

**United States Senate  
Committee on Indian Affairs  
Hearing: Alcohol Control & Enforcement Issues in Alaska**

**Testimony of Mike Williams, Chair  
Alaska Inter-Tribal Council**

Honored Chair, Senator Ben Nighthorse Campbell; Alaskan Senator Frank Murkowski; and esteemed members of the Indian Affairs Committee:

It is my privilege to present this written testimony on behalf of the 180 member tribes of the Alaska Inter-Tribal Council. Allow me to begin with a brief history of AI-TC.

Alaskan tribes have occupied the length and breadth of America's largest state since time immemorial. Some anthropologists have estimated our use and occupancy of Alaska's 586,000 square miles can be traced back over thirty thousand years. Regardless of the time that has passed since our first ancestors walked over our traditional lands, however, there is no question that this use and occupancy formed the basis for aboriginal land claims, which Congress addressed in the Alaska Native Claims Settlement Act of 1971.

The Alaska Inter-Tribal Council was established in 1993 as an organization empowered by its members to be an advocate for tribal governmental rights and authority. Since that time we have witnessed the federal recognition of 227 tribes, an action which was duly confirmed by Congressional action in 1994; and by the courts in subsequent decisions. Beginning in December 1999, AI-TC was the coordinating organization for a process of government-to-government dialogue between Alaskan tribes and the State of Alaska. On September 29, 2000 we saw that process culminate in the first ever official recognition by the State, of the inherent sovereignty of Alaska's tribes. This is only the beginning of a process we hope will result in the "normalization" of relations between the State and Alaskan tribes, manifested by their mutual approval of an Accord designed to provide a framework for implementing the Administrative Order.

Today, the Senate Indian Affairs Committee will hear testimony from the U.S. Department of Justice, the State of Alaska and the Alaska Federation of Natives, about ways to improve the ability of rural Alaskan communities (including tribes) to address the problem of alcohol abuse through federal legislation. AI-TC appreciates this opportunity to present the perspective of Alaskan tribes and their governments on this important issue.

In 1986 the Anchorage Daily News published a searing study of the effect of alcohol abuse on Bush Alaska. "A People in Peril" ultimately won the Pulitzer Prize for the Daily News - and its publication over a week-long period has been credited with opening the eyes of the Alaskan public, policy-makers and legislators to what had essentially been perceived as "a Native problem". The "people" who were in peril were (and to this day continue to be) members of the Inupiaq, Yupik, Athabaskan, Tlingit, Haida, Tshimpshian and Aleut tribes of Alaska.

It is with no small measure of horror that I testify to you today, that it is a good bet that every single tribal family in Alaska has suffered the loss of a loved one to alcohol abuse, regardless of whether the loss derived from suicide, overdose, murder, hypothermia, drowning, burning, or sclerosis of the liver. Those family members they have not lost to death, are lost to the prison systems, broken homes, child welfare system, domestic violence, divorce or homelessness.

As tragic as the statistics are, the good news is that tribal people have also worked hard to be part of the solution. From Barrow to Kotzebue; from the Interior to the Yukon-Kuskokwim region; from Southeast Alaska to the Aleutian Chain, it can be said that local tribal leaders are banding together, rallying their people, and fighting for local solutions.

In the past, the State of Alaska instituted well-meaning, State-funded programs to "help" our people with "our" alcohol problem. But in many cases, the methods and practices used (for example, the well-known Twelve Step solution advocated by Alcoholics Anonymous) were based on values and traditions totally alien to our tribes and their communities. As a result, the money thrown at the problem did not result in workable solutions -- in some cases, the programs served instead to divide communities and create hostility toward the State.

In the 1980's tribes began to institute their own, culturally-oriented programs. Examples include the "spirit camps" used by the Athabaskans; "talking circles"; and the Rural Providers Conference, which now attracts hundreds of participants at its annual events. Today, it can be said that the more local the solution, the more likely it is to work. And it is the contention of the Alaska Inter-Tribal Council that for tribes, "local" means "tribal".

**The Alaska Inter-Tribal Council requests that the Indian Affairs Committee conduct a full public process, including hearings in rural Alaskan communities, before approving any legislation aimed at the control and enforcement of alcohol and substance abuse prevention for Alaska's rural communities. To date, many tribes and their members are not familiar with alcohol control issues that have the potential to impact their governments' ability to adopt and enforce alcohol control ordinances in the future.**

**The Alaska Inter-Tribal Council further requests that representatives of the governments of the United States, the State of Alaska, and as many Alaskan tribes as possible, be involved in the conduct of hearings on how tribes should govern the enforcement of alcohol control measures for tribal communities. The target of these hearings should be for a mutual agreement between the governments to be reached by the end of the year 2001.**

The reality for tribal communities today is that the various governmental jurisdictions operating in Alaska overlap and sometimes conflict each other. A community organized as a third- or second-class city under Title 29 of State law may carry on its books a "local option" law, under which a local election will determine whether the community is classified as "wet" (alcohol sale and possession is allowed); "damp" (alcohol sale banned; possession allowed); or "dry" (alcohol sale and possession are banned). But the tribal members residing in a "wet" or "damp" city may have adopted an ordinance banning alcohol sale and possession. We foresee legal tangles occurring more and more in the future in these cases, unless the right of tribes and their

governments to adopt and enforce tribal ordinances is recognized with the legislation being proposed by the Indian Affairs Committee.

Approximately one hundred rural Alaskan communities have never incorporated under State law to become any class of "city". These communities, for the most part, are governed by "traditional councils" – whose authority was not rescinded by Congress' passage of the Alaska Native Claims Settlement Act. Tribes in these communities continue to strive to address their problems (including alcohol control) with minimal financial and other resources. But they see their local ("tribal") solution as a more effective and culturally appropriate means of addressing the alcohol problem. Their right to do so should be affirmed with the legislation being proposed by the Indian Affairs Committee.

The Indian Affairs Committee should not overlook the importance of granting tribal authority to governments in communities which, over time, have become surrounded by larger communities with non-tribal residents. Many of these larger communities are geographically surrounded and are "hub communities" for many smaller tribal villages. Bethel, located in the Yukon-Kuskokwim area of Alaska, is a good example of problems that arise in these situations.

Bethel is a second-class city; it also is the home of a Yupik tribal government. Under municipal laws, Bethel is "damp". The tribe, however, has adopted a strong position that "alcohol products should not be allowed at all in Bethel". Most of the tribal communities in the surrounding area have also adopted ordinances under tribal and State laws that make their villages "dry". But as long as the City of Bethel's laws take precedence over tribal ordinances, tribal members residing in Bethel or the surrounding villages, will have ready access to alcohol products imported from Anchorage into Bethel, the "damp" city. This places an unnecessary burden on law enforcement agencies, because in this situation, bootleggers flourish.

On a more personal level, I would now like to testify about how the issue of alcohol control has impacted my own family.

I grew up one of seven sons, in Akiak – located outside of Bethel. Although Akiak was and is a "dry" community, Bethel has always provided a steady supply of alcohol to drinkers in Akiak. Over the years, I have lost all six of my brothers to alcohol. And what makes it sad is, I am by no means alone. My unfortunate circumstance has been repeated over and over again in families across my region, throughout the Yukon-Kuskokwim Delta; and all across the state of Alaska.

In 1991, in an effort to overcome the despair that always threatens to overtake me, I began "mushing for sobriety" in the sled dog race called the "Kuskokwim 300". Due to the success of that endeavor, in 1992 I began running the 1,100-mile Iditarod Race, using a "Take Pride in Sobriety" campaign. I collect written, signed pledges from individuals who promise to stay sober if I succeed in making it from Anchorage to Nome on the Iditarod Trail. To date, I have collected over 50,000 pledges – and I have made it to Nome every time. Soon I will begin training and planning for the Year 2001 Iditarod.

I am sure that members of the Committee recognize the sheer volume of work that lies ahead for whatever entity is entrusted to address this issue. If it were only "advocacy" that was needed, the Alaska Inter-Tribal Council would feel up to the task. But we are going to need cooperation

between the federal government, the State of Alaska, and every federally recognized tribe in order to arrive at legislation that will enable the adoption of a single policy aimed at beating this problem once and for all.

I mentioned Bethel – but the problem is just as bad in the Bristol Bay region's City of Dillingham; the Seward Peninsula's City of Nome; the North Slope's City of Barrow; and the Interior's City of Fort Yukon (which owns a liquor store, from which it derives part of its operating revenues). What will be needed are carefully thought-out and organized hearings to take place in every one of these "cities" – which are, in fact, "tribal communities" surrounded by someone else's jurisdiction.

That mindset, by the way, has contributed to the problem for many years. As long as the State of Alaska alone is granted legislative powers; or even if the State works hand-in-hand with the federal government, using both State and federal laws – as long as tribal ordinances are not in the picture, local tribal members will have the ability to point to "outsider's laws" and gain sympathy from their fellow tribal members. But when the tribe and its government is recognized and granted authority by both the State and the federal government, to adopt and enforce local ordinances to prevent alcohol abuse, then tribal members will not have such an argument to back them up when they break the law. Because if it is a tribal law, it is one from the heart of the village.

Finally, let me say that the cities of Anchorage, Fairbanks, Juneau, Ketchikan and Kodiak, among others, need to be part of the solution as well.

Tribes are not against municipal government. Tribes do not oppose borough governments. Every form of government has a role to play in addressing the question of how to prevent alcohol abuse, how to control alcohol use, and how to bring the strong arm of justice against those who break alcohol laws. The Alaska Inter-Tribal Council believes that the Cities of Alaska have a large stake in a positive outcome of the alcohol issue. They should be included in whatever process is used by Congress to arrive at a solution.

Thank you once again for this opportunity to testify on this most important issue. I planned to come in to Washington, D.C. to present this testimony in person, but as Chair of AI-TC, my travel schedule has not permitted me much time at home to tend to my family and my dogs. As a personal decision, I decided that written testimony would have to suffice for now. However, the Alaska Inter-Tribal Council and all of its member tribes stand ready to work closely with Congress toward a strong and workable, culturally respectful, tribal solution to the problem of alcohol control and enforcement in Alaska's rural areas.

MW:me