

Lawsuit claims state negligent in man's death

By Linda Lord-Jenkins
Tundra Times

Alvin Goodlataw was a 39-year-old man whose mental capacities had been reduced to those of a 12-year-old by years of drinking.

He was declared dead by a coroner's jury in 1979 after walking away from a "horse" camp in the middle of the Copper River area in the midst of the "DTs." No one ever found his body. In the two years before his death he had never been sober for more than five days at a time.

He left two children who are almost grown, a bereaved mother and little else.

But Alvin Goodlataw may become the symbol of the state's responsibility to rural areas in terms of alcoholism treatment.

A judge says he has a good chance.

Goodlataw was arrested by state troopers on Dec. 12, 1976 for breaking into a home. He and his co-defendant were drunk at the time and still suffering alcohol's impairment the next morning when they appeared before magistrate Sheldon Sprecker who sentenced him to 30 days in jail with all but two suspended. He had no attorney when he pleaded guilty.

An alcoholism study was ordered and was obtained from Craig Anderson of the Copper River Native Association alcoholism program.

From that study, Anderson said that Goodlataw had the mental capabilities of a 12-to-15-year-old, was in need of supervised detoxification because of his alcohol-addicted state, and needed six months supervised alcohol treatment.

Sprecker, through acting magistrate B. Harris ordered Goodlataw to submit to alcoholism treatment in Anchorage because the Copper River area

didn't have the necessary treatment facilities. Goodlataw was ordered to make his way to Anchorage and pay for the treatment.

Two days later, Goodlataw appeared before Sprecker with Frank Pease who said Goodlataw could go to work at his "horse camp" in the middle of the wilderness. The camp was so remote that a plane was needed to get there. It consisted of a windowless cabin. Water had to be carried in from the nearby Chitna River. No one else worked there.

Sprecker, who admitted he was a friend of Pease, allowed

Goodlataw to go after visiting a doctor who provided a prescription for a tranquilizer.

No call was made to Anderson for his comments on the wilderness stay of Goodlataw although he was 20 miles away.

Goodlataw was dropped off by a pilot guide and never seen again.

His provisions and clothing, and a bottle of alcohol were found in the cabin 30 days later. From the condition of the provisions it is presumed that Goodlataw never spent the first night in the cabin. He simply vanished without a trace and was declared pre-

sumptively dead two years later.

No one is disputing the facts of the case but in a law suit filed by Goodlataw's mother, Martha, on behalf of his two nearly grown children, the state contends it had no responsibility to Goodlataw.

Judge Karl Johnstone agreed with that contention recently when he dismissed a case against the state but the judge said that it is sad that a state rich enough to give away money to its residents can't take better care of its less fortunate people.

Goodlataw's mother con-
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Alvin Goodlataw

Man with mind of 12-yr-old left in wilderness

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tends the state is responsible for Goodlataw's death because it failed to provide for his safety and rehabilitation while he was in state custody.

Attorney Robert Goldberg argues that Goodlataw had a constitutional right to be provided treatment for his alcoholism because he was a prisoner. Had Goodlataw lived in an urban setting such as Anchorage or Fairbanks he would have been sent to a detoxification center at state expense. But because he lived in Glennallen he was told to find his way to an urban center and to pay the cost of his treatment.

Because the state failed to treat the man with the mind of a boy, it treated him cruelly and unusually and caused his death, Goldberg contends.

The argument is called ludicrous by Assistant Attorney General Elizabeth Kennedy who argued successfully that the state responsibility to Goodlataw ended when he was allowed to go to the camp.

In a legal brief, Goldberg counters that the issue is

treatment. If the treatment "requires a certain type of facility and the State fails to provide for that facility in the unorganized borough when it is provided for by organized local governments, then the issue of equal protection is necessarily present."

Goldberg argued that the court treated Goodlataw with deliberate indifference to his physical condition when it knew the disastrous nature of Goodlataw's problems.

One specific point of indifference was the magistrate's willingness to accept Goodlataw's request to go to the wilderness camp in the middle of winter despite the fact that two days before it had acknowledged that Goodlataw had the mental age of a 12-year-old and although the magistrate knew Goodlataw was drinking—he didn't know what he was doing.

Goldberg also was critical of the fact that Goodlataw was allowed to take alcoholic spirits with him.

He characterized the case in an urban versus rural treatment

setting because treatment in Anchorage would have been available while in rural Glennallen, it wasn't.

"Society has an obligation to ensure that people it has completely under control are not treated with shockingly cruel indifference to their needs."

Goldberg points to other cases of the state settling lawsuits where the state didn't provide necessary treatment to

people who later killed or injured someone.

One case was where a woman was stabbed to death after she was in the same room with one man who was released from jail prior to receiving a psychiatric evaluation. He had been jailed for driving under the influence of drugs.

The woman's husband contended that his wife's death "directly resulted" from the release of the man. The state

settled and paid a \$125,000 settlement.

Another such case is the case of James Meach who was allowed freedom to roam the Alaska Psychiatric Institute and killed four Anchorage teenagers in a park. The state settled that case.

Alvin Goodlataw's mother is willing to appeal this to the Supreme Court to get some answers about her son's treatment.