

Proposed Bush Justice System—

It Could Pave Way for Equitable System of Justice

Proposals for reform in the Alaskan bush justice system could pave the way for a far more equitable system of justice in the villages, says State Sen. John Sackett of Galena.

Sackett, president of Doyon, Ltd., the regional Native corporation of the Interior, says a different values system and total lack of understanding of Native people has often resulted in very inequitable punishment.

The proposal for reform in question, set to go into effect July 1, was written by Stephen Conn, associate professor of law, and Arthur E. Hippler, associate professor of anthropology, both with the University of Alaska Institute of Social, Economic and Government Research. The two villages to participate are still to be named.

Funded by a \$70,000 grant from the National Science Foundation, the 18 month project will move with the cooperation of the Alaska Supreme Court, including Chief Justice Jay Rabinowitz. The late Chief Justice George Boney also sup-

ported the project.

The project calls for testing new procedures in Alaska rural courts, including participation of the village council in sentencing activities and the introduction of conciliatory processes between wrongdoer and village and victim, that would allow

re-entry into the village society along cultural lines.

Sackett applauds use of village council-style groups in this capacity, but cautions "there must be some assurance that their recommendations will be taken, very validly."

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The present system of justice in the bush is weak because those in control are practically always non-Natives without a true understanding of rural life, especially Indian and Eskimo cultures, Sackett said. "We had this happening in Galena until very recently, when we got our own magistrate," he said.

"So what they are proposing could be good, in the sense that it brings in local participation on the village level and an understanding that is not existent today.

"And that understanding is vitally necessary, especially the social aspect of deciding the penalties one has to pay for committing crimes.

It could add fantastically to the credibility of a village council in terms of their recommendations, their strength in the village," he said.

One possible argument against the bush justice experiment, Sackett notes, is that village people might be too lenient with criminals, because they are either from the family or they have to live with these people in the village.

Sackett says they are not going to be more lenient; just more equitable, in terms of what we have today. "A magistrate or judge in Fairbanks who has no understanding of the Athabaskan or Eskimo cultures, just because of that lack of understanding, is NOT going to be as lenient as someone who understands.

"That same magistrate understands totally the western culture and so can cope with non-Natives who commit crimes in that particular culture. Theoretically, those penalties are equitable but they are too stringent because of lack of understanding," he said.

Take, for example, a crime that may be bad out at Huslia and is also considered bad in Fairbanks.

"There are other circumstances that the magistrate in Fairbanks does not take into consideration, such as that the person who committed the crime may have a family of 12 children," Sackett said.

"Someone has to take care of those children, so there are alternative methods, more equitable methods of giving punishment, other than just sticking away a person in a jail someplace" when a comparable punishment could be administered in the village to accomplish the same thing," he said.

That is, the rehabilitation of the individual.

"We tend to forget that so often we set out to punish people, but not to rehabilitate them," he said.

Sackett noted, cautiously, the possible danger of family vengeance, or vindictiveness in the village in the administration of justice, because the Athabaskan villages, for example, are made up mostly of two or three families.

This could be prevented by coming to an understanding among all participants as to what cases would be decided in certain ways, especially considering what the alternatives would be; shipping a person far from the village, to a prison.

To put a person in an environment totally foreign to him "is probably the worst punishment the western society can place on any person; that's worse than locking up a person for a long time," Sackett said.

The State Senator from Galena also called on the experiment to work toward educating people on their constitutional rights. This goes before the establishment of whether a person is innocent or guilty.

"First they have to know their rights; the fact that they have a right NOT to say anything and the whole constitutional question of what rights a person has," he said. "The fact is that 90 per cent of our people do not understand what these rights are."

Sackett said he has seen numerous cases of persons picked up for something who answer questions in a manner so that authorities understand them to be pleading guilty, whether they are or not.

"Time and time and time again in the Interior, where the people do not know their rights, where they did not know if they committed a crime and so plead guilty, they have paid the penalty," he said.

"So education should be a part of this study, teaching people what their rights are, what they should know ahead of time, before making any statement," he said.