

For Bush Justice—

Historic Conference at Mt. Alyeska

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MT. ALYESKA—A series of major reforms in the State's judicial system may be the result of a three day conference on the administration of justice in the bush if the recommendations developed by the judges, lawyers, and law enforcement officers who participated materialize.

All of the reforms recommended by the conference, which met at Mt. Alyeska last week, focused on the problems of making the state's legal system more relevant, comprehensible and available to Native citizens in rural areas. Also,

reforms were proposed to bring local justice officials under the control of the communities they serve.

Approximately thirty concrete proposals were adopted by the conference, including some which could be enacted quickly and easily by the Alaska Judicial Council, which sponsored the three day conference.

Among these immediate proposals was one to create a fifth judicial district, centered in Bethel, which would end the transporting of persons charged with major crimes in that area to Fairbanks.

Other proposals centered upon means to bring justice closer to rural communities, bring more

Native people into the legal machinery at all levels and make legal advice available to people in the bush.

Among the proposals adopted by the conferees, who included most of the superior and supreme court judges in Alaska as well as lawyers, magistrates and knowledgeable people about bush problems were proposals to:

—Upgrade the system of magistrates in Alaska. In rural areas, the magistrate, a lay person, rules on minor cases. Proposals were adopted to bring more Natives into magistrate jobs and upgrade the training of such persons through Univer-

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sity courses and on-the-job training programs.

- Establish a system of constables, local police who would be under the control of the village councils, available to take care of local problems on an immediate basis.

- Create a training program to familiarize state police and other law officials working in the bush with Native cultures and languages.

- Bring court and administrative procedures out into the bush. This means having state superior courts travel circuits to rural communities, hold court and hearings in the areas affected by their rulings.

- Develop community mental health care centers in the bush and enlarge access of rural persons to treatment in resident centers in other parts of Alaska.

- Recognize customary adoptions without complicated legal procedures.

- Authorize the issuance of package and by the drink liquor licenses to corporations owned by municipal corporations or village councils.

- Provide legal education for young people and adults through junior high school and adult education courses to introduce Native people to judicial procedures.

- Find alternatives to legal sanctions in areas such as alcohol related offenses and juvenile proceedings.

The recommendations were the conference members' reactions to problems introduced by speakers during the first two days of the conference. The speakers portrayed a picture of Native Alaska which was unfamiliar and shocking to the mostly white legal profession representatives at Mt. Alyeska.

The Native's only exposure to the judicial system is when he commits a crime. He has little access to judicial and civil procedures which might aid his life, for example, adoption, divorce and civil suits.

In the bush, the State Trooper is not available on an immediate basis. Village council president Elias Joseph of Alakanuk gave the conference one example where he requested a State Trooper months ago, and received no answer.

In many cases, village councils provide an ad hoc form of justice which is remarkably effective, Joseph illustrated. Yet, when it is necessary to call in outside agencies, these agencies often do not respond.

Natives are brought from the bush to Fairbanks, Anchorage and Nome, released on bail without funds to return to their own areas, caught without witnesses or help in cities where they don't speak the language.

Legal assistance is often not available in the bush. One of the conference's recommendations was the establishment of para-professional legal information people. These would be Natives with some training, able to give simple advice and interpret the legal system.

At the present, the overwhelming problems of alcohol abuse and mental illness are neglected, with the only effect of the law to jail such people.

Alcohol and mental illness treatment facilities in the bush are almost nil. Natives are locked up and sentenced for alcohol related offences with a harshness that would rarely reach a middle class white in the state.

Probably, most of the problems in the bush are closely related to the incredibly low standards of living, inadequate housing and other problems which no one conference can

solve.

Robert Willard, State Director of the Human Rights Commission and a former State Trooper outlined some of these problems in his talk to the groups as did other speakers.

Willard does not believe in overnight changes, but many of the recommendations proposed are just that—simple answers which will eliminate some of the more patent injustices.

Among the people who outlined problems of justice, or rather injustice, in the bush was Nora Guinn, district court judge in Bethel, who explained a situation where emotionally disturbed people must be put in jail for lack of other facilities. Probation officers, she said, rarely speak the language of the people, or understand their culture.

"Police should be able to come into view not only when the law is broken," she said. "They must develop relationships of trust with the people they serve. This is true of the court system also."

Chief Justice of Alaska George F. Boney, the organizer of the conference recognizes the problems in the bush which will take generations to solve.

In his requests to Juneau for funds to make more immediate changes, he is now backed by the support of most of Alaska's most influential ju-

dicial figures, including judges, lawyers, public service and law enforcement representatives.

"Our focus here had to be on what reforms the court system itself would be able to effectuate, either through administrative action or through the advocacy of statutory reform in Juneau," Boney said.

What the conference can accomplish is to bring justice closer to the people, put Natives and bilingual people in judicial positions, provide a way of giving legal advice, and some accommodations to a cultural system which rejects the concept of the adversary legal system.

"Some of the avoidance of conflict which characterizes Eskimo life," explained UA anthropology professor Arthur Hippler, "will lead Eskimo defendants to plead guilty rather than go through the hassle of a court trial."

Many Native defendants also say "yes" they understand in order to not disrupt the system—leading to serious injustices and refusal of important rights to counsel, jury trial and other safeguards of the legal system.

What the conference at Alyeska may have accomplished is to educate people in the system about its problems. People like Arthur Hippler were not hesitant to explain the effect of racism on the system—racism by white magistrates, State

Troopers, judges and other law enforcement personnel.

As a start, perhaps the conference will convince the Alaska State Troopers that 5 feet 10 inches is an unrealistic height requirement which excludes Eskimos and others.

"I see no reason for arbitrary standards of height for this sort of thing," commented Chief Justice Boney. "Brains come in all sizes, ability in all races."

"I believe and I hope something will come out of this," Elias Joseph of Alakanuk said before he left Alyeska on Friday. "With so many high class people, the state will have to reckon with it."