

# Commentary—

*Editor's Note: Earlier this month, the Tundra Times received a copy of an evaluation of the Village Conciliation Board Project, prepared by the Alaska Court System. The Village Conciliation Project was started in 1975 in the villages of Emmonak, Quinhagak, Napakiak, Kwethluk, Kivalina and Shishmaref. The purpose of the project was to find out if methods of solving disputes, besides going to court, could be used effectively in rural Alaska. The evaluators, Anchorage attorney Douglas J. Serdahely and Anthropologist Judi Marquez concluded that the usefulness of these problem-solving methods were limited. David Case, formerly director of the Alaska Federation of Natives Bush Justice Project, who has seen the conciliation boards in action objected to parts of the Court System's evaluation. His views, and an excerpt from the evaluation are printed below:*

BY DAVID CASE

I have reviewed the June 1977 evaluation of the Conciliation Board Project and am concerned that it is generally and unjustifiably negative.

As part of our Bush Justice Project activities, I became familiar with the Conciliation Board Project. I am familiar with Conn and Hippler's research and the Emmonak experiment which preceded the Court System's Project. I and members of my staff attended the training session at Big Lake and we have visited one of the participating villages (Napakiak) several times. I have discussed the project several times during the past year with Susan Miller, Judge Guinn, William Trader, Willie Stone and others.

It is impossible to make a point-by-point analysis of the Evaluation in the space of this piece. I have three major criticisms: 1) the Evaluation is internally inconsistent in some significant respects, 2) its conclusions ignore the impact of the problems which must obviously have affected conciliation board performance and 3) my experience and impressions of conciliation board viability vary in some significant respects from those of the evaluators.

**Internal Inconsistency:** I object most strongly to the Evaluation's final paragraph. Were the conciliation boards ever intended to "provide substantial relief to the Court System" or be "an effective alternative to magistrates or judges" in the provision of judicial and legal services? Were they ever intended to be a "complete an-

(Continued on page 12)

## Evaluators . . .

(Continued from page 2)

would thus probably cease to function.

Moreover, whether the contemplated "preventive justice" or violence-prevention and deterrence function, cited by the Court System's grant application as a major justification for the project, was in fact occurring is impossible to ascertain. Nearly all of the village board members and other persons interviewed were of the belief that

such a violence-prevention function was being served to some extent by the conciliation of small problems at an informal level before they could have developed into larger problems. In the absence of detailed follow-up studies of the conduct and behavior of individual respondents, however, it is simply impossible to establish whether further violence in the villages has been effectively prevented by the activities of the village conciliation boards.

On the other hand, the evaluators were of the impression that the conciliation boards responded more sensitively and knowledgeably in resolving various minor problems—especially domestic relations disputes—than the formal adjudicatory process of the State Court System and personnel in major cities could have done.

The evaluators were also of the impression that the Court System sponsored village conciliation boards were not per-

ceived by the villagers as a return to indigenous or traditional means of problem-solving. Despite language to this effect in the Court System's initial grant application, the evaluators were of the opinion that the boards were viewed by the villagers as basically a Court System-created and supported institution more than anything else.

Nor were the evaluators of the opinion that the conciliation boards were perceived by

the villages as acceptable or desired substitutes for local magistrates. The village with both a problem board and magistrate was plainly not disposed to eliminate its magistrate, while villages with boards and without magistrates still actively sought the appointment of a magistrate and hoped that their participation in the problem board project had not reduced their chances of receiving a magistrate.

Generally, the evaluators' over-

(Continued on page 12)

# *Court System evaluation . . .*

**(Continued from page 3)**

all impression of the Court System's Village Conciliation Board Project was that the boards' potential for resolving criminal and civil disputes in rural parts of the state was limited. The conciliation boards, in other words, cannot be expected to provide substantial relief to the Court System or to function as an effective alternative to magistrates or judges in the provision of judicial and legal services to rural Native villages throughout the state. The boards produced fairly limited results when measured in terms of numbers and types of cases, and in one village produced no results at all. In short, the conciliation boards can be viewed as a viable adjunct to the Court System in the provision of limited services in those Eskimo villages which desire them, but cannot be seen as a complete answer for the provision of legal and judicial services throughout the rural parts of the state.