

Significant Ruling for Rural Justice Made by Justice Boney

Alaskan villagers on trial will no longer have to face exclusively big city jurors as the result of a State Supreme Court decision this month.

The practice of picking jurors from within a 15 mile radius of Anchorage has been ruled unconstitutional when such a selection does not represent a fair cross section of the community where the accused resides.

Test case was that of the State of Alaska versus Cloyd Alvarado. Alvarado, a resident of Chignik, had been found guilty by an Anchorage jury of raping his 14-year-old sister-in-law and had been denied jury selection that would include residents of his own area.

The higher court reversed this decision on grounds that a jury drawn exclusively from Anchorage could not try the Native fairly.

"That case, together with the venue statute passed by the last legislature is pushing the legal system out into the bush at a fantastically rapid rate," observes Phil Byrne, director of Alaska Legal Services which represented Alvarado in his suit.

"I'm surprised the court didn't make more of the legis-

lative venue law than just a footnote. It resulted from the Bush Justice Conference and it is important."

The legislation to which Byrne refers, requires all prosecution to commence in the

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judicial district where crimes are alleged to have been committed. It was passed—as the written court decision does note—"to make the administration of justice more accessible to the people of rural areas of the state."

The problems of bush justice are well outlined by State Chief Justice George Boney in his written decision on the Alvarado case.

"This evidence vividly portrays the enormous gulf that separates the mode of life of the typical Alaskan villager from the type of existence lead by most of Anchorage and other cities in the state. The differences between a Native village and the city of Anchorage are neither simple nor superficial; they are not restricted to a single element such as occupation or income," he wrote.

Boney described Anchorage as a "compact, self-contained, urban community strongly influenced by the mainstream of urban and suburban culture which dominates the United States."

In contrast, Native villages, such as Chignik, offer sporadic employment and a limited cash

economy.

"Attitudes of Native villages in such matters as family relations, sexual mores and religion differ markedly from the attitudes shared by many city dwellers," Boney contended.

Alvarado's lawyer argued that while it was not necessary that a jury be selected at the precise locale of the crime, it should be at least representative of the community in which the accused lives. The court concurred.

The state has argued that using jurors in remote areas will be wildly expensive but Byrne of Legal Services does not agree.

"It will be sort of like a traveling legal system...Like a flying circus," as he envisions it.

"Vic Carlsen in Southeastern already travels a good deal of the time and they're beginning to travel to bush areas to hear cases out of Anchorage, too."

As for Alvarado, he was let out of prison on the 17th, and it's not likely he'll have to face another trial.

"For all practical purposes it's over now," Byrne concluded. "There's no further appeal for the state. The court ruling is law."