

Bootlegging penalties get support

by **Holly F. Hallam**

Tundra Times reporter

Kotzebue residents are praising Superior Court Judge Paul B. Jones for his decision to deny dismissal of felony charges against 28 people who were arrested last May in Kotzebue for bootlegging.

In 1988 the Legislature passed a law which made bootlegging a felony for those communities which have voted, using the local option law, to change liquor laws.

Residents in Kotzebue first voted to ban the sale of alcoholic beverages in

1987, when bootlegging was a misdemeanor. In 1988 residents voted again, and the outcome was the same. As a result of the vote, Kotzebue remained "damp," continuing its ban on the sale of alcohol and making bootlegging there a felony.

Kotzebue Mayor Willie Goodwin said he was very concerned before Jones made his decision.

He said he was concerned because if bootlegging is only a misdemeanor, bootleggers will get a slap on their wrists and go do it again.

The maximum sentence for bootlegging as a felony is five years in jail.

As a misdemeanor, the maximum is one year in jail.

The vote to ban the sale of alcoholic beverages in Kotzebue was brought on by a number of reasons. But Goodwin said the main reasons were the incidence of suicide in young people, which was very high, and child abuse and neglect taking place.

"Now that we've banned the sale of alcohol, everything looks a lot better," he added.

So Goodwin said he doesn't understand why the defense attorneys are

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questioning the constitutionality of the charges.

Vern Halter, public defender and defense attorney for 13 of the defendants in the case, said their argument is that the law is unequal.

"First of all, the one statute provides a sale of alcohol without a license. If you don't have a license they're going to pop you," he said.

"Generally that's the penalty statewide, except if you are in a certain area of the state where the penalty is a felony. Our argument is that the law is unequal," he said.

William Roche, enforcement supervisor for the Alcoholic Beverage Control Board in Anchorage, said opponents of the felony provision are concerned that in some parts of the

state bootlegging is a misdemeanor because those communities have not voted to change their sale or importation laws with local option. And in other communities, such as Kotzebue, where residents voted to tighten their liquor laws, the law is different.

"Previously the sale of alcohol illegally, first offense, anywhere in the state, was a misdemeanor. But a new law was amended last year. The law now says in those places that have voted to have local option to restrict alcoholic beverages bootlegging upon conviction is a felony," Roche said.

"The state has said the people who have voted are saying they have a problem with alcohol. And to make it more of an incentive for people not to sell alcohol illegally, it's now a felony," Roche said.

Ed Ward, chief of police in

Kotzebue, said if Jones had not denied dismissal of felony charges for the bootleggers, enforcing the local option law probably would have been difficult.

"People decided on this themselves. They knew what they were getting into to vote damp. Government entities are saying people don't know what they want, but they knew it was a felony when they voted," Ward said.

He said from what he's heard from other people they are in favor of anything that will ease the alcohol problem. And he said so far, since 1987, the violence and crime rates have gone way down.

"The town has a lot of support from the residents. There is a lot of effort toward trying to straighten out their own lives," Ward said.

During the last two years Kotzebue

and villages within the Northwest Arctic Borough have been making efforts to get alcohol out of their communities through the local option law.

Marie Greene, president of Maniilaq, NANA's non-profit arm, said the effort to get alcohol under control in the region started in 1985.

"I think it was during a public meeting in Noorvik. They invited everybody, especially programs involved with alcohol and drugs. That's when the efforts really started," Greene said.

She said the meeting lasted from 7 p.m. until 3:45 a.m. And there was a huge turnout, she said, because the number of suicides was so high and directly related to alcohol. The people felt something had to be done.

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"Suicide or attempts, it was always alcohol related and everybody knew it. But we didn't know how to go about addressing it," she said.

Greene said when it was Kotzebue's turn to address their problems the whole effort took numerous public meetings because nobody knew quite how to tackle the problem.

"People from other villages would come, too, because they were still having alcohol problems. It was because Kotzebue wasn't dry yet," she said.

Kotzebue was getting pressure from the other surrounding villages. They had all restricted alcohol, but Kotzebue hadn't yet, and people could just go there and get booze.

"They'd say, 'We did our part, Kotzebue, did you do your part?' So we had to figure something out at the Kotzebue level," she said.

Maniilaq has an alcohol program, and Greene said since Kotzebue tightened its liquor laws the number of clients has gone down considerably.

Chuck Greene, mayor of the Northwest Arctic Borough, said they've been trying to stop the influx of alcohol in the borough's communities. He said although bootlegging may never stop completely — because of the profits — he's been working with a couple ideas.

The NAB encompasses 11 villages, all of which have some type of liquor restrictions, and Greene said the people are starting to get well and feel good about themselves again.

Since Kotzebue tightened its laws, between 75 and 80 bootlegging arrests have been made.