

Communities have options to deal with alcohol

by John Tetpon
reprinted with permission

Alcohol, it comes in many forms. We know it as whiskey, vodka, liqueur, beer, wine, wine-coolers, and even home-brew. But it's all booze, no matter how you look at it. Using it, abusing it, having it at home, selling it, ordering it by mail, bootlegging it—all of those affect a village and the people who live in it in one way or another. And there are laws that control all matters having to do with alcohol.

Some villages have tried to ban alcohol altogether because they've said it causes too many problems. Some have said it is OK to have it at home and around the village. Some towns have sold alcohol as a way of raising money. Bootleggers have sold it to anyone who wants to buy it.

Deciding what to do about alcohol is not an easy matter. Some people will want all they can get and drink. Others will say "we should keep this stuff out completely."

Each village has the right to decide what it wants to do. No one person can decide for you. There are ways to deal with alcohol, if a village as a community, wishes to do so. We know those ways as Local Option Laws. These Options must be voted upon by the people who live in the village or community. You have to be careful, though, because the ballot Options are written in such a way that a "yes" vote can mean "no."

A "no" vote can also mean "yes."

Author's note: A major problem with Local Option is that the ballot questions cause confusion. Villages and communities need to ask their representatives and senators to re-write these questions so that a simple "no" means exactly that. We can no longer tolerate ballot questions that are written in such a way that voting "no" means a "yes."

One way, or Option, is to stop the sale of alcohol altogether. Another way to deal with alcohol is to vote to have only the city (municipality) or village (tribal council) sell it. Another is to keep people from having it around. Another is to stop people from bringing alcohol into the village. Another is to vote to have a package liquor store in the community. Remember, anyone selling alcohol must have a state-approved license.

There must be a vote of the people to choose one of the Options.

Let's go through these Options one-by-one:

Local Options for Alcohol Control

1. *Stopping the sale of Alcohol:* Villagers can vote to stop the sale of alcohol in their community. The village government just notify the Alcohol Beverage Control Board, which in turn will let the State of Alaska know so the law can be enforced by the Alaska State Troopers and the Village Public Safety Officers. The Alcohol Beverage Control (ABC) Board makes rules about the sale and use of alcohol in the state. Their telephone number in Anchorage is (907) 277-8638.

chorage is (907) 277-8638.

2. *Community Liquor Store Only:* If villagers want to make money from alcohol sales, they can do so by allowing the city office or the tribal council to sell alcohol. Again, the village must let the Alcohol Beverage Control Board know of its decision. And it must be brought to a vote of the people.

3. *Stopping Sales and Importation:* Villagers can stop people from bringing (importing) alcohol into their village and stop them from selling it, too. The person must be caught in the act of selling or bringing in liquor for this law to work. If your village decides through an election this is the best Option, let the Troopers and the VPSO know so the law can be enforced.

4. *Package Liquor Store Only:* Villagers can vote to have alcohol sold by a package liquor store. The owner must have a license. That license must be approved by the Alcohol Beverage Control Board after public hearings have been held.

5. *Prohibition of Possession:* Under this Option, on one can have alcohol. This is the strongest law for controlling alcohol in the village. This Option allows the VPSO to take alcohol away from people and destroy it. According to the Alcohol Beverage Control Board, this Option is the most useful because it gets the tribal council involved.

Election Rules

Now let's go through a couple of the election rules.

1. Getting an Option on the ballot: Villagers can ask that the local governing body, either the city council or the tribal organization, put one of the Options on the ballot during the regular election, usually held in October. Another way is to hold a Special Election.

2. Special Elections can be held anytime during the year, as long as there has been a petition to hold that election. A petition is a collection of signatures of people who support the special election. Anyone can start and pass a petition around, but only registered voters can sign it. To get more answers about elections, call the Alaska Elections Office at (907)279-2591 or ask someone at Alaska Legal Services. Their number is (907) 272-9431.

Remember, only one Option at a time can be put on the ballot. Villages cannot make Local Option rules by ordinance.

Some Things To Consider...

Here are some things to consider about Local Option Law:

Law enforcement. This could present problems. A few people in your village or community will break the law. Remember, they could be your relatives. Who makes sure everyone follows the law? The first person to call if the law is not being followed in your community is the VPSO, the mayor, or the tribal chief. He or she, in turn, will call the Alaska State Trooper Detachment in your region. Fines and jail time can be expected for those who

Page 4, please

Communities have options to deal with alcohol . . .

Continued from page 3

choose not to follow the rules.

Bootleggers. If your community decides to ban alcohol possession and/or alcohol sales, beware of the side effects. Some individuals see alcohol bans as opportunity. Bootleggers are those who sell liquor without a license. Usually, they will have cases of Alcohol flown in from one of the urban centers and sell the bottles on the street for up to 10 times their original cost. Or they can often bring whiskey in plastic bottles masquerading booze as Clorox. Snow machines and power boats are also used. Bootlegging is a crime punishable by stiff fines and hefty prison time. Still, it's very difficult to stop.

Dry or Damp?

But let's say your community decides that something has to be done, and you're trying to decide between "damp" or "dry." Which is better? According to Major Glenn Godfrey of the Alaska State Troopers, the easiest Option to enforce is total prohibition. In a "damp" community (where possession is OK but sales are not) enforcement of the law is more difficult because it's harder to prove that the law has been broken. Godfrey also says that statistics show a clear pattern - villages that allow the possession of alcohol have more calls for trooper intervention. Villages that go dry have less.

"That's the bottom line. Total prohibition means less problems, less violence. But it's up to the community as to what

they want to be," says Godfrey.

A survey of health aides conducted by the Alaska Native Health Board found mixed feelings on the subject of prohibition, but overall, health aides in dry villages reported fewer problems. Two-thirds of the respondents in villages that allow alcohol said that drinking is a worse problem in the village now than it was ten years ago. In comparison, about one-fourth of the respondents in dry villages said drinking had gotten worse.

Local Option laws have been around for almost a decade now. According to records from the Alaska Department of Revenue, most of the villages in Alaska have chosen Option number 3, Stopping the Sale and Importation of Alcohol. That means no one in the village can sell or bring liquor home. How well it works in each village depends on how well the residents obey the law and how well the community, the VPSOs, and the troopers enforce the law.

A study on the effectiveness of Local Option laws prepared by the University of Alaska Justice Center had this to say: "If a village adopts a local option and delegates its enforcement exclusively to city council members, the VPSO, or the state trooper, the local option will not succeed. The effectiveness of local option is directly dependent on the involvement of the entire community, peer pressure, and other forms of community social control."

Some villages, tired of alcohol and

drug-related problems, have sort of taken the law into their own hands. Kipnuk, on the Yukon-Kuskokwim Delta for example, began searching the baggage of air-taxi passengers about 10-years ago. Although people complained that the searches were illegal and unconstitutional, Kipnuk Tribal officials continued the practice. There will be no booze or drugs entering their village, they said. For more information, call Steven Mann of the tribal council at 896-5515.

Arctic Village, which is a federally-recognized tribal reserve, has tried to put a search program into affect, but it hasn't worked too well, tribal council member Albert James said. Liquor is being shipped in by mail instead of being brought in as baggage. "It gets out of hand," he said.

The Athabascan village of Venetie prohibits anyone in the village from drinking alcohol or having it in the village or at home. John Eric, Jr., Second Chief of Venetie, said they can make their own rules and laws because they are one of only a handful of reservations in Alaska. "It's a pretty hard job to keep Venetie dry. You have to be on top of it all the time," Eric said. Residents who break the law are sentenced by the council to do community service work.

The northwest Alaska village of Selawik has banned alcohol in the village, but the policy hasn't worked out too well, said Bert Griest, the city adminis-

trator. In the early 1970's, the village began searching commuter airline passengers and their baggage for alcohol, but the effort was thwarted by questions of constitutionality. Back then, the community had a magistrate who would deal with violators. There no longer is a magistrate due to funding problems, he said.

Another problem Griest pointed to was the substitution of substances. After alcohol was banned, residents took to smoking marijuana, sniffing hair spray, and using other drugs, he said. Those substances could be mailed without attracting attention.

If local Option laws are to work and work well, Griest said, community leaders must also set an example. When sober city leaders are elected, there are less problems. When those who use substances are elected, residents usually follow, he said.

Another element is education. Griest said rural residents generally lack knowledge and information about substance abuse. Any Option question must be tied to education of the community, he said.

Why should we decide anything? Alcohol and alcohol-related violence has filled our jails and prisons. Families are torn apart. Spouse abuse is rampant. Records say almost 100% of the young Native men in prison got there because alcohol or drugs were involved. The social and economic cost is high. Yet, we

Page 10, please

Communities have options . . .

Continued from page 4

each have a part in all of this. We have choices.

Some villagers, for sure, would like to see the good old days again, when most Native people did not drink. During the early 1940's and the 50's, hardly anyone in the villages ever got drunk. Suffice it to say, it was peaceful.

Today, things are different. People travel more. Rural residents come to Anchorage or go to Fairbanks or Juneau. Socially, it seems that drinking is a part of everyday life. We see the advertisements on television, in magazines, and in newspapers.

But as members of society, we each have

a choice. Each of us can drink as much as we can, or have one or two drinks a month, or not drink at all. As members of a village, we can also allow our neighbors to drink as much as they can, for as long as they can, or we can influence behavior that is comfortable for us. It is our choice.

For more information on Local Option, call the Alcohol Beverage Control (ABC) Board at (907) 277-8638.

Editor's Note: This article appears in "Making Sobriety Happen" manual. One of the many places this manual is available is at the Alaska Council on the Prevention of Alcohol and Drug Abuse. Their address and phone is found later in this publication.