

Bush justice conference not representing the bush

(Ed. Note: The author is a graduate of the University of Pennsylvania's School of Law. He has been in Alaska 6 weeks. As a recent newcomer, he offers these observations.)

By GEORGE LEE

"This is not a bush justice conference. There is no one here from the bush, from those villages of two or three hundred people scattered in remote areas. Instead we have lots of people from Anchorage, and Bethel and Nome. That's not the bush," so said one participant at the Third Bush Justice Conference held in Kenai October 7-9.

But others, while agreeing with this statement, thought the conference was a useful expression of views on shared problems.

The conference was sponsored by the Bush Justice Project of the Judicial Council and funded by a grant from the Law Enforcement Assistance Administration in Washington, D.C. Most of the participants were representatives from Native and interested state organizations.

The conference was designed as a forum for bringing participants together to present to the government and public some collective, presumably representative, sentiment on the state of the administration of justice in rural Alaska. The work of the participants centered on several workshops which drafted resolutions for approval by the full conference in plenary session. Workshops were held on the following topics: subsistence, local control, education, justice services, consumer protection, and health and social services delivery.

Chief Justice Robert Boochever delivered a speech on the final day which underscored some of the major themes of the conference. He cited a multitude of state projects for the delivery of legal services to rural areas. He mentioned judicial expansion of rights for rural residents. In particular, he singled out the use of a new handbook for the guidance of local magistrates, who are for the most part lay persons. In order to give them some understanding of their rights in their Native tongue there supposedly is a much touted program at Bethel providing criminal defendants with court interpreters trained in Yupik.

Some questions remained unanswered however. First, the magistrates' handbook is still in draft form and it is unclear whether such a hand book could address the underlying problems, which have to do with a system of state legal and law enforcement personnel, mostly non-indigenous in culture and training, applying an alien body of law, the whole so understaffed that it is totally unable to deal preventively with disturbances as

they arise. Second, the court interpreters at Bethel remain unused, and the Chief Justice was as mystified by this as everyone else.

The conference passed a resolution stating that, "The services offered by the court interpreters by made known to all public defenders, district attorneys, magistrates and judges so that these services can be more fully utilized." Apparently the conference participants perceived the problem as ignorance of the existence of the interpreters on the part of the very people who should have known about the program in the first place.

More importantly, the conference passed a series of resolutions dealing with liquor control, alcohol abuse and related problems. One proposed resolu-

Other problems: Bootlegging, Airline transport, Liquor control, Native interpreters

Magistrates' handbook

tion, which was tabled, called for the arrest without warrant of any person who violates a court order not to drink. A proposal that was passed called for a multi-faceted approach to the problem: More recreational facilities in rural Alaska as an alternative to alcohol, more deference and support from public agencies on local measures to deal with alcohol abuse and statutory changes granting greater village control.

Liquor control is one area in which the state clearly could have done more to alleviate local problems, but was always refrained from doing so. Although community attitudes on alcohol do vary, many villages have tough ordinances on liquor, some are prohibiting the possession of alcohol all together.

On paper they appear to be the driest parts of the state, the problem seems to be the indifference or hostility of the state liquor regulatory body for whatever reasons and the refusal of the legislature to best local liquor ordinances with the force of the law, especially as applied to the airlines, a substantial part of whose business consists of transporting liquor to the bush.

It would be interesting as to speculate to the reasons: Do the liquor companies and the airlines, the main beneficiaries of the village alcohol problem, have more "pull" in the regulatory commission and the legislature? Have the latter decided that preventing or curtailing the destruction of lives that is the result of liquor abuses is not as important as the welfare of those two

industries?

Another major problem discussed at the conference was inadequate law enforcement.

One aspect of this problem has to do with a shortage of judicial and quasi-judicial personnel in the bush. Chief Justice Boochever alluded to this in his speech. When he mentioned a vacancy for District Court judgeship which so far has attracted only one applicant.

As a substitute for judges and magistrates in dealing with minor problems of local character, the conference recommended the expansion of the village conciliation boards, staffed by village people and designed for informal mediation of disputes.

Another aspect of the problem has to do with police services. Village police are undertrained

and underpaid and rarely can be retained long enough in their positions to become effective. They are in need of on going training, supervision and accountability. On the other hand, state police officials are usually so far away from any village that they respond in long-after-the-fact fashion with no deterrent or law enforcement effect. The conference proposed a constable system whereby sufficient officers are hired so that a constable can serve several villages on a circuit riding basis to provide on going training and supervision to local police.

An interesting related development was the tabling by the conference of the entire set of resolutions proposed by the police services workshop. The conference refrained from approving them because some participants objected that the proposals had been influenced by police officers who had a vested interest in seeing that certain programs be funded and perpetuated.

Actually, this question may be asked about the entire conference. Many, if not the majority, of the participants were connected with the delivery of government funded services to the bush areas. These included not only the "technicians", the experts and bureaucrats that dominated the first two days of the conference who were told to be quiet on the final day so that the Native participants could have a change to speak. They may not have an interest as palpable and direct as that of the police officers the participants objected to but if everyone in the villages are satisfied with the premise of the conference that the approach should be greater, disproportionate state aid in order to provide more rationalized police forces and magistrates, as well as greater "local control" in the hands of local bureaucrats. This is the premise of the Federal Law Enforcement Assistance Administration, the organization that funded the

conference. The most striking feature of the conference was the unanimity of opinion on all basic issues. It would have been surprising to find one participant representative of any contrary sentiment.

Another concern was the necessity of legislation relating to the maintenance of subsistence lifestyles. The conference came out explicitly in support of special treatment under the fish and game laws for bush people so that the limitations on sports fishing and hunting not be applicable to those who depend on fish and game resources for subsistence.

However, it was not clear how many people, in this day and age in the rural areas, actually depend on subsistence hunting and fishing, and therefore whether the reason for special legislation has to do more with subsistence itself, or with the preservation of a lifestyle reflecting a culture that is fast disappearing.

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