

NO NEED OF GOLD

ALCOHOL CONTROL LAWS
AND
THE ALASKA NATIVE POPULATION

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NO NEED OF GOLD -
ALCOHOL CONTROL LAWS AND THE ALASKA NATIVE POPULATION:
FROM THE RUSSIANS THROUGH THE EARLY YEARS OF STATEHOOD

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"Here there is no need of gold, silver, or precious stones. Among the provisions there is only one which is more expensive and more important. . . ."

Alexander Baranov, Chief Manager, Russian American Company

TABLE OF CONTENTS

	Page
INTRODUCTION	1
PART I	2
PART II	35
AFTERWORD	83
FOOTNOTES	85
APPENDIX	
BIBLIOGRAPHY	

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INTRODUCTION

This study traces the history of the use of legal resources to control alcohol consumption among the Alaska Native population from the period of Russian domination through the first decade of statehood. The study comprises two parts: the first provides an overview of the history of legal controls on alcohol throughout the state and the second, an in-depth examination of alcohol-related legal issues in Bethel and the surrounding region in the decade immediately following statehood. The material presented in the first part forms a background against which the particulars of the Bethel discussion can be seen more clearly. Throughout the study certain patterns which characterize the legal history of alcohol control in Alaska are delineated and analyzed.

The overview provided in the first portion depends heavily on government documents from the periods concerned, especially reports of territorial governors, and on other secondary sources.

The material used in the Bethel discussion stems primarily from village council records. The availability of these original sources from the Bethel region for the period immediately following the enactment of statehood has facilitated the in-depth examination of this period in the history of legal controls.

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PART I

A recurring effort to deploy legal resources to control alcohol use among the Native population patterns the legal history of Alaska from the period of Russian domination to today.

According to a leading commentator (Cohen, 1982:307), federal control of liquor "has historically been one of the most comprehensive federal activities in Indian affairs." It has served as a mechanism for governing Native affairs when courts were not prepared to grant such authority in other domains to federal agents, territorial officials or state officials.¹

Thus, the Indian alcohol-control issues have served governments well as pretexts for exercising jurisdiction over indigenous populations, both as individuals and groups, even when these same governmental agents admit to the failure of their enunciated policies.

In Alaska this theme has been repeated. However, the Alaska situation includes several secondary themes which tie policy and practice more closely to state history. First, in a time of Congressional neglect, a neglect which in the early territorial years left Alaska without legal structure and in the later territorial years was marked by jurisdictional infighting, the Alaska Native alcohol problem provided a ready excuse for requests for Congressional appropriations. It also provided the rationale for territorial appointees and the legislature to incorporate Alaska Natives into their legal domain.

While the Alaska territory was in its entirety a federal colony, subunits of the federal government fought for jurisdictional authority over this significant portion of the Alaska population. Examples of that infighting were the creation of formal tribal governments within the territory under the Indian Reorganization Act and an attempt to create statutory reservations on which tribes could govern with certainty. This process secondarily empowered tribal governments to prohibit the use and manufacture of liquor or hootch. This was accomplished, however, as a byproduct of a struggle among other governmental authorities.

A second theme patterning Alaska history is the impact on Native populations of legal controls upon alcohol use. Alcohol control law was the single legal experience of many Alaska Natives. Prohibitory controls upon drinking may have curbed some drinking abuses, but no law enforcer ever claimed success in this regard within the targeted Native populations. What is clear is that the coupling of an atmosphere of legal prohibition with the role models of non-Native frontier alcohol abuse poorly socialized generations of Natives to live with alcohol.

According to early, and anecdotal, reports from Alaska and Canada, northern Natives did not easily acquire a taste for alcohol (Hunt, 1975), yet a market for liquor emerged, nonetheless, developed by whalers, fur traders, fish processors, prospectors and the military, who exchanged liquor for labor, sex, fish and furs (Oswalt, 1979:293).

In time, home brew, described as deadly by commentators of the time, supplemented manufactured liquor available to the Native population. Accompanying the introduction of liquor to the Native population was an introduction to standards of drinking behavior as displayed by the ordinary sailor or prospector. The examples of drinking binges witnessed by the Native population undoubtedly contributed to the formation of Native attitudes toward alcohol. Aggressive drinking behavior which could result in violence was common and appeared to be countenanced by the white society.

Futile attempts at legal alcohol controls thus set the stage for new abuse that justified new attempts by non-Native legal regimes to set controls in place.

THE RUSSIAN PERIOD

In the period of their control of Alaska the Russians instituted a system for supplying alcohol to the Aleuts and Eskimos under their domain (Hunt, 1975). Thomas Murton (1965:ix) reports that the Russian-American Company had a policy of selling rum to the Natives in exchange for trade advantages. Under Company policy liquor for Aleuts engaged in the harvesting of fur seals, an important component in Company trade, was rationed and the manufacture of home brew prohibited. The effect of this policy was to secure Native dependence upon Company alcohol stores (Crain, 1957).

[Vlodka was a general palliative in the colonies, a weakness the authorities exploited, at least during the early years. As in all other commodities, the Company

enjoyed a liquor monopoly; article II of the employment contract sought to prevent both the purchase of liquor from foreigners and its distillation at home. . . .

But in no way did this reflect a general prohibition attitude, for the Company was quite willing to sell liquor to its workers. Far from discouraging liquor consumption, alcohol was employed to get and to keep the employees in debt and hence to bind them to service in Russian America (Crain, 1957:117-118)

It was during the Russian period, in the 1830s, that American crews began to regularly exchange liquor, tobacco, firearms and ammunition for whalebone ivory and sexual favors.

THE MILITARY PERIOD

From the Treaty of Cession in 1867 to the passage of the First Organic Act of 1884, Alaska was without its own civil government. Law was determined unofficially by miners' meetings and officially and unofficially by the military and the collector of customs. It is apparent that the struggles over jurisdiction in many areas which have patterned Alaska history stem from these earliest territorial days.

The Congressional Act of 1868 made Alaska a customs district, giving the President authority to regulate importation and sale of distilled spirits. This legislation served to make official those policies of action with regard to liquor which were already being pursued. As early as 1867, the Revenue Cutter Lincoln under Captain W.A. Howard, had been directed by the Secretary of the Treasury to proceed to "Russian America." Howard reported, concerning his actions:

As I have received no instructions in regard to the course to be pursued toward these incendiaries, I shall,

when our flag has been hoisted over the territory, destroy all liquors brought into it for traffic, and send the vessels away, if under American colors; if any other nation, seize and send them to the nearest port for adjudication. I hope this course will meet the approbation of the department. Until laws or regulations are perfected for the government of this territory I shall consider it as an Indian reservation, so far as liquors are concerned (Murton, 1965:ix).

Customs laws and general United States statutes governing Indian lands were the only official laws applied to Alaska until 1884. In 1872 Congress passed special legislation extending the Indian liquor laws to the territory.

The U.S. military, although uncertain over its jurisdiction, joined with customs officials to enforce regulations. Forts were established near larger tribes and patrols of southeastern coastal regions were begun.

The Army was somewhat reluctant to proceed with enforcement of law. Its jurisdiction over offenses other than liquor offenses was dubious; when it had transmitted cases to Oregon for trial, it had met with dismissals for failure to present defendants for trial before civilian judges within five days. Nevertheless, Alaska troops were dispatched to Sitka in 1874 to arrest anyone selling intoxicating liquor, and the collector of customs at Wrangell was arrested (Nichols, 1924/1963:15).

Combined efforts by the military and customs to control liquor commerce continued until around 1877 when all military posts were closed.

Ironically, the presence of the military had exacerbated the alcohol problem in the territory because the soldiers introduced

home brew, or hooch. Wheeler notes:

For the soldiers on liberty there was very little to do. Worse, liquor was forbidden in the district. This put quite a strain in the soldier's ingenuity but they proved themselves equal to the challenge. The Indians had been brewing an innocuous beverage made with bark and berries for generations; now the soldiers taught them how to beef up this bland stuff with molasses and yeast and then distill it. The result was a skull-splitting concoction that was called hoochinoo (a shortened form of which soon attained a place in American slang) (Wheeler, 1977:60).

Murton quotes Henry C. De Ahna on the situation in the white enclave of Sitka:

The state of things in Sitka is just as bad and disgraceful a state as can be imagined; there is no law or order of any kind, and no means to enforce either. In the town every other house is a clandestine distillery; and in the Indian village every habitation is one. The prohibition of liquor importation has no other result, so far, but that of changing drunkards of ordinary stamp, Indians as well as whites and half-breeds, into actual raving maniacs. Their home manufactures liquor (ouchenue) is almost equal to rank poison, and much worse in its effects than would be produced by the drinking of high wines direct and hot from the mouth of the still (Murton, 1965:38).

Although the Treasury Department regulations did not originally pertain to home brew, customs officials nevertheless became concerned with the manufacture and sale of locally brewed liquor (Nichols, 1924/1963). Customs officials seized stills and locked up offenders in abandoned military stockades (Nichols, 1924/1963:12). However, such efforts were determined to be extralegal by the Secretary of the Treasury (Nichols, 1924/63:12).

The departure of the military in 1877 left customs officials with the task of policing the territory.

THE NAVY AND THE MISSIONARIES

In the period following the departure of the army, Sheldon Jackson, the influential Presbyterian minister, lobbied educators, churches and the Congress to provide civil government for the territory and to enforce liquor prohibitions.

His efforts paralleled those of various temperance movements and eventually resulted in the use of the Navy in enforcing importation prohibitions.

Navy officers, however, were not officially designated as enforcers of these prohibitions. Moreover, as Lt. Beardslee discovered when he arrived with the revenue cutter Jamestown at Sitka in 1879 most of the liquor in the district was being manufactured by Indians and not smuggled (Murton 1965:56). Beardslee's replacement, Captain Henry Glass, sent four prisoners to Oregon for trial for illicit distillation of spirits. Three received sentences of a year in prison.

Teachers and missionaries joined the Navy in battling the smugglers and hooch manufacturers in coast villages throughout Alaska. Captain Glass, supporting the missionaries, required Indian children to attend schools in which temperance was preached. Headmen of villages were fined or imprisoned when children failed to attend (Murton, 1965:58).

THE FIRST ORGANIC ACT

The First Organic Act in 1884 finally established a civil government in the Alaska territory. The legislation provided the territory with a governor, district judge, district attorney, clerk of the court, U.S. marshal, four deputy marshalls and four U.S. commissioners. In addition, Section 14 of the Act established the legality of prohibition (37 Stat. 512):

[T]he importation, manufacture, and sale of intoxicating liquors in said district except for medicinal and scientific purposes is hereby prohibited under the penalties which are provided in section nineteen hundred and fifty-five of the Revised Statutes for the wrongful importation of distilled spirits.

The Act marked a successful culmination of the missionary effort to ban manufacture and importation of liquor. However, despite the legal basis for prohibition established under the Organic Act, the manufacture and sale of liquor became an even greater problem as the white minority population grew with the influx of successive waves of miners. Sixty thousand gallons of smuggled Canadian liquor flowed into the territory in 1898 (Nichols, 1924/1963:160).

Steamship, brewery, and saloon interests ranged themselves against temperance and religious organizations in lobbying Congress on territorial liquor issues.

Enforcement of the prohibition regulations established by the 1884 legislation proved difficult. The four U.S. Commissioners and four deputy marshalls responsible found themselves at the mercy of the Alaska Commercial Company. When the deputy at

Ounalaska on the Aleutian Chain, 2,000 miles from Sitka, ran afoul of company employees, he was denied goods and provisions by the store and forced to resign (Murton, 1965:73). The same deputy charged the agents of the company with trading rum and liquors to Natives in exchange for furs (Murton, 1965:76). This charge would be made against traders and their agents throughout Western Alaska.

Lack of transportation for marshalls and customs collectors gave free reign to traders west and north of Juneau. The second governor reported in 1890:

The temptation for unprincipled men to engage in smuggling intoxicating liquor and opium into this Territory is very great; and yet the collector of customs upon whom is laid the duty of preventing it, has been furnished only a single rowboat with which to patrol and guard 3,000 miles of coastline (Governor Knapp, quoted in Murton, 1965:85).

In 1891 Attorney General Miller refused a request for a second rowboat (Murton, 1965:86).

The absence of resources - money, transportation and supplies - for enforcement reflects the influence of commercial interests, particularly the Alaska Commercial Company, which by 1875 had twenty-three trading posts along the coasts and used both liquor and rifles for trade with the Native and white populations.

From the beginning the prohibition regulations were enforced more diligently against Natives than against the white population. The prevailing opinion was that Congressional intent had been to enforce prohibition among Natives and not among whites.

Grand and petit juries empaneled from among white citizens refused to indict whites charged with selling to whites, but sale to Indians was treated as an offense (Nichols, 1924/1963:106).

When a missionary near Juneau was shot while attempting to prevent the landing of liquor, "the court found him to have been guilty of piracy in boarding a ship without authority, and dismissed those responsible for his death, with fines for giving liquor to an Indian" (Nichols, 1924/1963:106).

Where enforcement of territorial prohibition occurred, Natives and not whites were the targets:

Officials in Alaska charged with the responsibility of enforcing this law, almost without exception, testified to the total lack of enforcement of it in so far as white men were concerned, the impossibility of enforcement with the means at hand, and to the consequent demoralizing effect of such a law, "constantly, openly and flagrantly violated," . . . upon law in general. . . .

The condition of affairs with respect to the liquor laws in Alaska as seen by the district attorney may best be stated in his own words, in the Governor's report:

Some of these grand juries have been composed of the best representative citizens of the Territory, yet the sentiment is so universally against the enforcement of the present liquor laws that no indictment can be had and no conviction secured except where the liquor has been sold or given to a native (quoted in Spicer, 1927:54).

A miners' meeting in 1896, reflecting the local vigilante justice which assisted ineffective law enforcement by U.S. Marshalls, authorized sale of liquor to whites only (Murton, 1965:142).

THE REVENUE CUTTERS

Concern over the liquor trade and its effects on the Native population are reflected in the reports made by the captains of the revenue cutters patrolling Alaska waters. These reports were targeted at Congress and the temperance advocates who helped secure appropriations for cutter voyages. Captain C.L. Hooper reports the seizure of the American schooner Leo in 1880 near Kotzebue Sound. The ship was filled with cases of alcohol labeled "Bay rum," Jamaica ginger," "pain-killer," "Florida water," none of which were shown on the manifest (Hooper, 1881:21). The Inupiat Eskimos with whom he had contact recognized "that they would be better off without it, but freely acknowledged their inability to refrain from drinking, when liquor is placed before them" (Hooper, 1881:27).

Natives at Point Barrow reported to Hooper that several years before, after a trader had brought in a large quantity of liquor, many had failed to hunt seal for winter use and had starved as a result.

In his report Hooper described the liquor trade and offered a possible solution:

The manner in which the whiskey trade is carried on is well known. Vessels clear from San Francisco with alcohol for the Siberian coast, giving bonds not to dispose of it on the American side, and on their return produce a certificate, signed by some of the ship's company, but purporting to be from some person at Plover bay or St. Lawrence, in Siberia, to the effect that the alcohol was landed at one of those places. In all probability they have not been within one hundred miles of either place.

Even admitting that the liquor was landed as they claim, the result is the same; it is drunk by the Tchuktchis or

carried by them to the American side and sold. Other vessels clear from San Francisco with large quantities of bay-rum, Florida water, etc., which are sold to natives for drink.

[M]any whalers, take in a supply of alcohol at the Sandwich Islands. In order to break up this illicit traffic, I respectfully offer the following recommendations: That the collector of customs at San Francisco be instructed to refuse a clearance to any vessel having on board alcohol for the Siberian coast, as such commerce is in violation of the laws of a friendly power. A large portion of this whiskey, as before stated, finds its way to the natives of Alaska, either through fraudulent action on the part of the traders, or by native barter.

It is also respectfully recommended that all whalers clearing from San Francisco be notified that hereafter the laws relating to the introduction of fire-arms and liquor into Alaska, will be rigidly enforced. A revenue cutter should be detailed each year to cruise in the Arctic Ocean, until the illicit trade is entirely broken up. The vessel should leave San Francisco early enough to reach St. Laurence Island in advance of whalers and traders, and should follow them into the Arctic, keeping a close watch on their actions, and searching them thoroughly, whenever found within the jurisdiction of the United States. With the co-operation of the Russian Government, this contraband trade might be wholly destroyed. Active measures on the part of Russia would not be necessary; the concession to the United States of the right to search suspected vessels for contraband goods on the Siberian coast would be sufficient. I would respectfully recommend that some action be taken by our Government with a view to obtaining this concession.

A glance at the chart will show the impossibility of one cutter protecting the entire coast of Alaska. The Arctic coast-line between Cape Prince of Wales and Point Barrow is some seven hundred miles in extent. This is fully as much as one vessel can attend to (Hooper, 1881:63-64).

In an 1885 report Captain M.A. Healey noted his perceptions of the influence of alcohol on Eskimos.

Naturally peaceful, of a kindly and hospitable disposition and seldom, if ever, quarrelsome when sober, under the influence of a small quantity of liquor they become demonic. The most brutal fights occur when they are in

this condition. Their long, sharp hunting-knives make frightful wounds, and their rifles are used without restraint and with deadly effect. In former years our surgeon has often been called upon to dress these wounds. On the bodies of several Indians [sic] I have seen marks of bullet wounds received in these drunken brawls, and the Amolek [leader] of the Diomeses, a comparatively young man, bears three deep scars which he proudly told me he had received in fights, and as proudly boasted of having killed two men while drunk (Healey, 1887:17).

INDIAN POLICE

Indian police were a fixture of rural law enforcement in the Alaska territory for at least twenty-two years. They were not unlike the earlier toyons appointed by the Russians from among the Native peoples to maintain authority through traditional leadership.

In 1885, Swineford, the second governor of the territory, asked for thirty more Native police "for the promotion of cleanliness, sobriety and good order among the Indians, without which conditions first obtained, the work of the teacher and the missionary cannot be productive of permanent good." He noted:

The Sitkan native policemen are exceedingly proud of their blue uniforms, and being the recognized chiefs among their people exercise a dual authority, which is universally respected and obeyed. Their authority is confined to their own village and to such an extent it is respected, so faithfully and diligently do they discharge the duties devolved upon them, that the manufacture of the vile intoxicating compound known as "hoochinoo" has been entirely broken up - a fact, I am informed which does not apply to any other native village in the territory (Report to the Secretary of the Interior, Vol. 2, 1885; Annual Report of the Governor, 1885:920).

Police were appointed where white contact was extensive

(Annual Report, 1904:3). The 1904 Governor's Report notes Indian police in Sitka, Haines, Wrangell, Ketchikan, Hoonah, Kasaan, Klawak, Metlakatla, Kake, Saxman, Circle, Tanana, Illiamna, Rampart and Bethel. In 1907, seven police were listed, including ones in Juneau and Petersburg (Annual Report 1907:25). At least one graduate of this system later became a liquor suppression officer (Letter from Governor Troy to Secretary Ickes, 1933).

EXPANSION OF THE POPULATION AND NEW LIQUOR CONTROLS

The expansion in population which accompanied the Alaska gold rush in the 1890s challenged the system of governance to reach beyond its former bases in Sitka and the Aleutian chain to encompass the interior and the western coast. Congress was pressured to expand the judiciary and law enforcement and to provide Alaska with its own set of criminal laws.

The rush of newcomers had an impact on the Native population in new areas of the territory. Jenness describes the impact: "Prospectors wandered into Eskimo settlements, hunted and trapped in hereditary Eskimo hunting-grounds and engaged Eskimo men to transport their supplies by boat and dog-sled" (1962:13).

In miners' camps, the Natives "were mere hewers of wood and drawers of water; but they welcomed every opportunity for wage-employment on tasks with which they were already familiar, and on mechanical jobs, such as operating marine and stationary engines" (Jenness, 1962:13). King Islanders were longshoremen at Nome when the ships unloaded. Other Eskimos operated motorized schooners.

Contact with liquor followed contact with miners and their settlements, and the Native population witnessed the binge drinking which prevailed among the white minority.

In 1897 President McKinley, taking note of the gold rush in his first address to Congress, demanded a system of local government and at least two additional judges for the territory (Naske, 1973:4). Legislation resulted, extending homestead laws to Alaska and introducing a code of substantive and procedural criminal law.

Accompanying the impetus to create criminal, and later civil, law in the territory were modifications in the federal position on liquor for whites. Senator Dolph of Oregon, recognizing that prohibition had effected no decrease in the number of saloons and breweries in the territory, introduced a bill which replaced prohibition with high licensing fees. The legislation was supported by the territorial marshall, judge and district attorney (Alaska Legislative Staff Memo No. 14, 1956:7). The temperance faction opposed it (Nichols, 1924/1963:118).

Under the new approach breweries would pay \$500 for a license and sellers would pay \$2,000 in towns of over 1,500 people, \$1,000 in towns over 1,000 and \$500 in all others. The revenue was to be used for building schools and other public buildings (Wickersham, 1938:39). In 1909 the law was amended to reduce the license fees from \$2,000 to \$1,000, eliminate the graduated fee, and provide for \$500 licenses for steamboats and roadhouses (Alaska Legislative Council Staff Memo No. 14, 1956:8). Liquor

revenues thus eventually became a mainstay of public funds and continued to be such into the late 1940s.

Despite changes in the federal position on sale of liquor to the general white population, however, purchases by, or sale to, Alaska Natives, intoxicated persons or habitual drunkards continued to be prohibited by law:

That if any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians, any spiritous, malt or vinous liquor or intoxicating extracts, such person shall be fined not less than one hundred nor more than five hundred dollars or be imprisoned in the penitentiary for a term not to exceed two years.

That the term "Indian" in this act shall be construed to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood, who have not become citizens of the United States (Report of the Governor, 1909:41).

Four years later the new territorial legislature passed a law making the act of giving or selling liquor to a Native a misdemeanor punishable by a fine of not less than \$120 nor more than \$500, or imprisonment in the federal jail of not less than 60 days nor more than 250 days, with a fine and imprisonment of greater severity for subsequent convictions. Natives soliciting or attempting to purchase alcoholic beverages were subject to the same sanctions as the seller (Alaska Legislature Ch. 51, SLA 1915). This last law outlived even national prohibition laws. It was repealed in 1953.

ENFORCEMENT IN THE EARLY TWENTIETH CENTURY

Continuing an established pattern, vigorous enforcement of liquor laws occurred only against Natives and those whites who sold it to Natives. For example, at the height of the gold rush, only twenty-two of one hundred saloons in operation in Nome had paid the \$1,500 license fee (Wheeler, 1977:148). On the other hand, both a 1905 grand jury and the 1907 governor's report recommended that giving or selling liquor to Natives be made a felony (Governor's Report, 1905:99). The 1905 grand jury report from Nome also requested that businessmen of Nome be requested not to give Natives any articles of food or clothing and that Nome Natives be relocated to larger villages away from sources of liquor (Governor's Report, 1905:99).

The 1907 report stated:

The worst enemy of the native is the whiskey peddler, and notwithstanding the efforts of the officers of the law to prevent this whiskey traffic, it has increased with the Indians' earning capacity. It seems therefore desirable that the sale of whiskey to the Indians should be made a felony, punishable by imprisonment in the penitentiary, and that a small appropriation should be made to secure the services of one or more men to hunt down this class of lawbreakers and bring them to punishment (Governor's Report, 1907:12).

Congress responded immediately with a \$6,000 appropriation to employ special agents to enforce the liquor laws against Natives (Governor's Report, 1908:15). In 1909 it passed the felony statute so long desired (Governor's Report, 1909:10).

Another appropriation of \$12,000 allowed the special agents to obtain indictments against twenty white whiskey peddlers in

the First Judicial District (Governor's Report, 1911:19-20).

Special agents appointed by the governor for the suppression of liquor sales among the Natives now joined appointed Native police in each judicial district. Although hampered, as was the work of U.S. marshalls, by distances and lack of funds and equipment, their work would continue and be reported upon until 1933, when Indian agencies advocated their withdrawal.

In 1914 the governor reported extensively on the liquor situation and the role of his law enforcement agents.

In this connection it may be stated that while good work has been accomplished in the suppression of the liquor traffic, the activities of the special employees are more far-reaching in their effects than appear on the surface. Their presence and work in the different judicial divisions where they are employed have a deterrent effect upon the operations of the worthless white "bootlegger" and upon the Indian who craves the liquor which the bootlegger furnishes. Therefore these special officers, it may be justly claimed, prevent much illicit selling of liquors and the consequent debauchery which attends it. The special employees working under the direction of this office have a large area to cover, much of it by water, where transportation facilities are usually inadequate. This is especially true of the interior - in the Yukon, Tanana, and other valleys. The need of additional transportation facilities was recognized by a grand jury of the fourth division, sitting in Ruby, on August 22, 1914. The jury after commending the work of the special employee of that division, stated that he was "handicapped in the matter of transportation, as on occasion cases have been reported to him from a distance up or down the river, and he had to wait many days for a steamboat;" and the jury recommended "that an independent means of transportation be furnished him, such as a gasoline boat in the open season and a fast dog team, to consist of not less than seven dogs, for the closed season." These recommendations I strong indorse (sic).

The liquor laws applied to all Natives, despite the individual degree of acculturation within white society. Both the

Treaty of Cession between Russia and the United States and the Organic Acts drew a distinction between "civilized" and "uncivilized" Natives in Alaska (Cohen, 1942:403). "Civilized" Natives were either those persons immediately affected by the benefits of naturalization under the treaty or those members of "uncivilized" tribes who had voluntarily taken up residence separate from any tribe of Indians and who had adopted the habits of civilized life (In re Minook, 2 Alaska 200, 1904). "Civilized" Natives could become citizens and attend schools with whites; "uncivilized" could not. The territorial government also drew upon this distinction by providing in 1915 that Natives who had abandoned tribal customs and adopted the culture of the dominant civilization could apply for citizenship (Territory Act of April 27, 1915 C 24, Laws of Alaska, 1915, p. 52; repealed by C 34, Laws of Alaska, 1933, p. 73).

This distinction, however, was not made when drinking laws were applied. A man was sentenced in Juneau for selling liquor to an Indian under the 1909 act. He appealed, arguing that Natives of Alaska who lead a civilized life should be able to buy liquor. The territorial governor argued in his 1911 report that if this view were upheld a new liquor law should be drafted to include all Natives once more.

In 1913, the governor argued for expanded enforcement of liquor controls by his agents over the Alaska domain:

While the present success achieved in the third and fourth judicial divisions has not been as great as could be desired, substantial progress has been made in discouraging the illicit sale of liquors and the enforce-

ment of the law by the presence in these districts of the Government agents. As a result of their work saloons which were notorious for furnishing liquor to "bootleggers" and natives have been denied licenses.

Conditions on the lower Yukon River, in the fourth judicial divisions, are not as satisfactory as could be desired, due to the great distances that the special agents must cover and the delays incident to transportation. A power launch should be provided for the patrolling of the Yukon River between Eagle and Holy Cross, so that the special agent could move swiftly and without his departure from one place to another becoming known and the information transmitted to other law violators. These special agents should also be given the authority to search cabins, houses, boats, etc., for contraband liquor without having to secure a search warrant and warrants for arrest for those suspected of giving or selling liquor to natives. A special agent should be employed in the second judicial division, with headquarters at Nome, where during the open season of navigation natives go in large numbers from outlying points for the purpose of selling their furs and wares, and where it is comparatively an easy matter for them to obtain liquor, for which they spend the money which should be used to buy food and clothing. The special agents for the suppression of the liquor traffic among natives are under the supervision of this office (Report of the Governor, 1913:25).

TEACHER MISSIONARIES

The enthusiasm of teachers and missionaries for suppression of drinking as a prerequisite for "civilizing" the Natives drew them into active efforts at law enforcement. Along with requests for additional law enforcement to protect Natives from whites and to protect Natives from themselves, Bureau of Education Director Jackson had petitioned with success for his teachers to be named as marshalls (Report of the Commissioner of the Bureau of Education, 1980).

By the Act of March 3, 1909, (Section 318 C.L.A.) the Attorney General was empowered to appoint, in his discretion, persons employed in the Alaska school service, under the Bureau of Education, who may be designated by the Secretary of the Interior as special peace officers

with authority to arrest, on warrant duly issued, natives of Alaska charged with certain violations of law, or white men charged with violation of law to the detriment of any native of Alaska, and provided further that such peace officers should also have authority to make such arrests without warrant for a crime committed or attempted in his presence, or when the person arrested has committed a felony, although not in his presence, or when a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it. That law was passed for the special protection of the Indians and enforcement of the laws among them (Unpublished memorandum for Governor Parks on Power of Officer Appointed for Suppression of the Liquor Traffic Among Indians in Alaska, 1925:2).

Teachers also moved to encourage their villages to establish village councils as vehicles for keeping order.

Reports received in 1916 indicated improvement, but also the apparent integration of hootch into traditional ceremonies. White officialdom desired an end to both ceremonies and hootch.

Potlatching, or the making of gifts by the more opulent natives to their less fortunate brothers, but who invariably expected an ample return of their benefactions, once prevalent, is rapidly passing, although the potlatch is still found in some of the less civilized communities. It usually takes place at the close of the fishing season or the beginning of winter, and it is at this time that the natives gather at a central point and spend many days in feasting, dancing, giving and receiving gifts, the hilarity of the event being greatly accentuated if a supply of whisky or "hootch" can be had. It is safe to predict that a few more years will witness the final passing of the potlatch (Report of United States Commissioner Charles J. Koen, St. Michael, in Annual Report of the Governor, 1916:29).

As the foregoing reports from the field suggest, alcohol control among the Natives served many purposes. It justified further efforts at civilizing Natives through the work of missionaries and teachers. It explained the failures of programs

already established.

A report from the territorial governor, John A. Strong, exhibits this perception:

It seems that the aboriginal races of most countries readily acquire a thirst for intoxicating liquors, probably not attained until after the advent of the white man. Whatever may be the case among the native peoples elsewhere it is recorded that the Alaska natives were a sober people until after the advent of the Russians, from whom they learned the use of intoxicants, and with a keenness of imitation, having acquired the taste, when they could not secure the white man's liquor set about themselves to brew a liquor that would produce the desired state of intoxication. There are different kinds of these native brews, but alike in one result - that all produce drunkenness and debauchery. In recent years there has been a marked decrease in the making of these liquors, called in the vernacular "hootch," "sourdough," or "cold" whiskey, "quass" or native beer. All are deadly and demoralizing in their action upon the native, physically and mentally. The native, as a rule, only resorts to the manufacture of this poison when he is unable to secure the whiskey or beer of commerce, the chief offenders being the denizens of remote villages of the interior, western and northwestern Alaska.

Notwithstanding the continuous activity of the special agents employed by the Government under the direction of the department and this office for the suppression of the liquor traffic among the natives there are still to be found worthless white men and even some proprietors of saloons who are always ready to take the native's money in exchange for bad whiskey. While these violations of the law are found in various towns, the most frequent infractions occur in the remoter sections; but in all places a marked decrease in the consumption of liquor by natives is noted. This is not wholly due to the operations of the preventive agents, although their work is efficient, but another cause is found in the fact that as education spreads among the Indian tribes they are enabled to see that the use of intoxicating liquors is the bane of their people and some of the strongest advocates of temperance and sobriety are found among them and the example set by those earnest men is having a most salutary effect (Report of Governor of Alaska, 1916:28).

(This report, which presents a comprehensive view of prohibition

enforcement efforts in 1916, is included in its entirety in the appendix.)

RENEWED EFFORTS AT TEMPERANCE

In 1915 Governor Strong, who was also a territorial newspaper owner, encouraged his Ruby editor, Chester Snow, to introduce a joint resolution to the territorial legislature providing for a vote on prohibition throughout the territory. Passage of this resolution precipitated a further struggle between temperance supporters and liquor interests (Smith, 1973:174).

Saloon and brewer interests argued that five of sixteen incorporated towns depended entirely on revenues generated from liquor licenses (Smith, 1973:179). However, the temperance faction, which included the Women's Christian Temperance Union, was well-organized, and heavy-handed attempts by liquor interests to turn editorial and popular opinion against prohibition had the reverse effect of building sentiment for it (Smith, 1973:179).

By a 9,052 to 4,815 vote, proportionately uniform in all parts of the territory, white Alaskans voted in support of prohibition (Smith, 1973:178).

Evangeline Atwood writes that the mining camps voted two to one in favor of prohibition, supposedly disproving the campaign argument that workmen could not be obtained to mine the gold in interior Alaska if liquor was prohibited (1979:310). However, what the vote may have proved in reality was the belief that the new prohibition would not be directed against white men.

Atwood describes many irregularities which may have contributed to the lopsided margin:

Military personnel stationed in the territory were not eligible to vote, yet they did; Eskimos and Indians who were not American citizens had voted; second division voters were not required to register, as they were elsewhere; individuals voted in districts where they did not have legal residence; technically, hundreds of ballots could be declared void, depending on who made the determination; if wholesale voiding of ballots was resorted to, it could be anyone's race (Atwood, 1979:310).

As a result of this vote a stringent bill - the Bone Dry Law - prohibiting manufacture and sale of any alcohol in the territory was passed by the U.S. Congress (Smith, 1973:178).

During hearings on this bill, State Senator Sutherland explained the role of liquor suppression agents to Congress (U.S. Congress, House Committee on the Territories, Prohibition of Liquors in Territory of Alaska, 1917:32):

SENATOR SUTHERLAND. We have in Alaska a number of men whose duty it is to suppress the sale of liquor to Indians. They thus take upon themselves the power of detectives. They go anywhere to find violations of the law. They go to extremes in many cases in working among the Indians, and the Indians seem to feel that they are meddling with them. Nevertheless, in a great many cases they accomplish what they are supposed to accomplish. They find out these violations of law and get hold of those who are selling the liquor to the Indians.

Now. I would have the power which is extended to them extended also to the game wardens and other officials.

MR. CURRY. Does that mean the immigration officials?

SENATOR SUTHERLAND. Yes.

MR. JOHNSON. Would it go to the governor of the Territory?

SENATOR SUTHERLAND. Yes; I think it would even include the governor of the territory.

This interchange reveals once again the dominant concern with enforcement of controls among Natives. It also is indicative of some of the ongoing struggle over jurisdictional questions. Reports from the years following the passage of the Bone Dry Law indicate that the pattern of selective enforcement continued:

During the fiscal year there were 91 arrests made by the special officers for the suppression of liquor traffic among the Indians for violations of the liquor laws - 78 convictions and 13 acquittals. Fines amounting to \$8,410 were collected, and jail sentences aggregating 1,168 days were imposed. Other arrests were made by the marshals of the several judicial divisions and convictions obtained which are not included in the above.

Under an annual appropriation by the Government of \$15,000, there are four special officers for the suppression of the liquor traffic among the Indians employed - one in each of the judicial divisions. To properly enforce prohibition this appropriation is absolutely inadequate; the distances are too great, the expense of travel too heavy. . . .

On the whole the Alaska "bone-dry" law has been very successful and its beneficial results are seen everywhere, particularly in the homes. Families formerly living in practical destitution are now well cared for and happy. I should like to see the law rigidly enforced, with, perhaps, an amendment which will allow the use of grain alcohol for medicinal purposes. Doctors advise me that had alcohol been available during the epidemics of influenza a great many lives could have been saved (Annual Report of Governor, 1919:64-65).

The Bone Dry legislation in Alaska failed, as had previous attempts at prohibition, for many reasons. Authorities under different jurisdictions often refused to cooperate. Lack of cooperation by the Nome marshall had forced Governor Parks to close his agent's office. In addition, Parks related that when a prohibition officer had been sent to Nome a few years before, he had been arrested by local authorities. Moreover, when Parks had detailed a liquor suppression officer from another division most

of the cases he had made had been dismissed (Unpublished letter from Governor Parks to Carl Lomen, September 19, 1929).

Another reason for failure was the calibre of suppression officers. One officer was accused by citizens of demanding kick-backs from bootleggers. Indeed, his arrest record was very low in comparison with other officers (See Appendix).

Reports from officer H.E. Seneff in 1930 and 1933 provide additional insight (See Appendix). Moonshine whiskey was manufactured by Natives and by whites for sale to Natives in many places.

The Indian like the white man throughout the Fourth Division has become adept in the ways and means of screening himself from the eyes of the law, hiding his illicit distillery in secretive places, where the officer would hardly be expected to visit or look for distilleries. The whiskey once made, is cached in secluded spots and not drawn on, until wanted for sale or drunken parties. These places being off of the regular route of travel and out of sight and ear shot, the officer in search and travel on hurriedly trip; (sic) will most likely overlook them (Letter from H.E. Seneff to Governor George Parks, July 1, 1930, p. 1).

By 1933 sentiment in the territory was again against prohibition:

Congress should speedily pass Delegate Dimond's bill for the repeal of the "Alaska Bone Dry Law." Public opinion in Alaska is practically unanimously in favor of repeal. Twice the Territorial Legislature has attempted to repeal the Alaska Bone Dry Law, but local court decision held that the Territorial Legislature had no authority to legislate on the subject. To make the situation clear and definite there should be congressional action (Alaska Bone Dry Repeal, Ch. 2, S.L. of Alaska, 1933). Alaska Territorial Governor's Report, 1933:35).

Delegate Wickersham stated more bluntly:

It's about time. Alaskans have known for two decades that their prohibition laws were a failure. Dry laws never did work in Alaska and I don't think they ever will. It's high time we repealed them," he repeated, giving the floor a hearty thump with his cane.

Continuing, he said: "They tell me I can expect the saloons back any time now in Alaska, once the repeal movement gets underway. But what of it? Better have saloons than smuggling, bootlegging, and other evils of an unpopular, unenforced law" (Quote in Atwood, 1979:369).

Nonetheless, despite sentiment against continued prohibition, the territorial governor protested the phasing-out of liquor suppression officers. His reasons reveal the scope of the work traditionally performed by these agents.

The purpose of this service has always been to keep in intimate touch with native affairs throughout the Territory, having in mind particularly the suppression of liquor traffic among the natives and the manufacture and use of liquor by the natives in the several divisions. This requires much local knowledge of the Territory by the agent, who becomes acquainted with each village and its occupants and studies their activities and living conditions throughout the year.

In addition to suppressing the liquor traffic, these agents are called upon by the Governor from time to time to report upon many special conditions, such as indigency; epidemics, which are not uncommon; sources and amount of food supplies; probable earning power per capita of the various villages; disposition of their money earned; and in general to aid the Governor's office at any time and in any manner required. . . .

The enormous unsettled expanses of Alaska contribute to long distances between villages and remote sections, from which we can obtain practically no reports except through these agents. This is also an important factor in their work and it is doubtful if any other branch of the federal or territorial service can furnish this valuable information to the Governor's office (Letter to Harold L. Ickes, Secretary of the Interior, May 27, 1933b).

In the 1930s, however, movements to place Natives upon reservations and to assert more directly the influence of the Bureau of Indian Affairs were emerging. Thus, the governor may have suspected that his single team of informants were being removed from his control in order to weaken territorial government control of Natives - again, an indication of the jurisdictional squabbles which pattern Alaska history. Moreover, his letter serves as an admission that the liquor suppression officer was the single contact which he had with the rural Natives.

The movement for repeal of the Bone Dry Law in Alaska, however, conflicted in time with the passage of national prohibition legislation, although that, too, was eventually repealed.

BEYOND PROHIBITION

In the mid-1930s, the Indian Reorganization Act was extended to Alaskan villages, providing a structure of tribal government for Native villages, a structure which included further legitimization of the fining and jailing authority of village councils (Case, 1978:130).²

The Law and Order Division of the Bureau of Indian Affairs encouraged Native villages to establish and enforce ordinances banning the use and possession of liquor (Interview with Roy Peratrovich, 1974). Such ordinances anticipated a plan to designate Indian reservations for Alaska Natives, a plan which was later aborted.

What is relevant is that villages continued to perceive themselves as dry and to enforce ordinances against possession or use of alcoholic beverages with the explicit or implicit blessing of federal Indian, territorial and, later, state officials long after the legal basis for doing so had been removed from the state statute books (Conn, 1980). It can be argued that they continued to possess such authority under Federal Indian Law (See Case, 1984).

INFLUENCE OF THE MILITARY

During the 1940s and 1950s, World War II and the Cold War resulted in new contacts between outlying Eskimo villages and the military. Commission of young men to the Eskimo guard and establishment of bases near the of villages had a major impact on the social life and behavior of young men and women.

The situation in Gambell, a St. Lawrence Island Eskimo village only forty miles from the Siberian coast, was typical of this impact. Anthropologist Charles Hughes chronicled the situation in the early 1950s in An Eskimo Village in the Modern World (1960):

One of the recurring problems to come in with the soldiers was that of liquor. For some forty years, at least, one of the most strongly supported village laws had been a prohibition against drinking by any native and even against bringing alcoholic beverages to the island. Much of the basis for this legal norm is said to come from bitter memories of the Great Starvation in 1878. But with soldiers has come liquor, and, as a consequence, progressively increasing breeches in the village liquor law, especially by some of the young people. The village council has had to step into the situation more than once to impose fines on or otherwise punish village members for procuring beer and selling it

to young people, both boys and girls. Moreover, the example of drunkenness set by soldiers is not easily forgotten as an illustration of one aspect of the white man's way of life. . . .

IN THE TOWNS AND VILLAGES

Increased economic opportunities and the establishment of federal bureaucracies there resulted in increased Native migration to the "hub" towns of Nome, Barrow and Bethel (ISEGR, 1973).

In the towns Natives found liquor more readily available but were also subject to a pervasive racism and the control of Native and non-Native commissioners and U.S. marshalls. Joseph Senungetuk, renowned Eskimo artist, writes of his family's migration to Nome in the early 1950s in his autobiography, Give or Take a Century (1971). He describes the racism Natives confronted, which included segregation and job discrimination (Senungetuk, 1971:176). Both these manifestations of racism had been theoretically outlawed in the mid-1940s (Report of the Governor, 1945:2).

Senungetuk mentions the embarrassment with which Native persons read the names of friends and neighbors listed among those arrested for being drunk in public or disorderly. The Native focus of alcohol-related statutes served to reinforce the stereotype of "drunken Native" among both newly arrived Natives and whites (Senungetuk, 1971:125).

In Bethel, cases of public drunkenness could result in jail sentences as long as six months (U.S. Commissioner, Bethel records). In addition, the Bethel marshall maintained a

blacklist of known drunkards. Those who sold to persons on the blacklist or who themselves were on the list and drank were prosecuted.

Villages continued to mete out their own justice, supplemented by periodic visits from the U.S. marshal and the territorial police, who concerned themselves with supporting the councils and with arresting persons charged with violent crimes.

However, in 1953 all prohibitions against sale to Natives were removed, and even before that time such sales had begun to be less vigorously prosecuted.

The Gambell situation is illustrative of the change in law enforcement:

In one case of a broken liquor law which happened during the summer of 1955, the council's principal move in handling the violation was to turn it over to the U.S. marshal on the mainland. This action cogently brought out a tendency that could be seen in many of [the village council's] decisions during the year - that of leaning on an outside authority for guidance and direction in matters over which it nominally has control (Hughes, 1960:300-301).

By the time of statehood, Native Alaskans had legally held the right to purchase and consume liquor for six years. Nevertheless, prohibitionist opinion continued to dominate the villages, and towns witnessed vigorous enforcement of laws against drunken behavior, particularly drunken behavior in public by Native people.

The message of western law was that without its preventive effects nothing could be done.

Viewing the use of alcohol from a modern perspective, Foulks comments:

Using alcohol rather than assuming some other symptom such as depression is often seen in individuals whose culture has conflicting values regarding the use and place of alcohol (Chafetz, 1969:1013). Many natives in Alaska overtly condemn the use of alcohol and at the same time demonstrate an unusual fascination and preoccupation whenever the topic of alcohol is brought up in conversation. Thus, when one drinks, one does so with conflict and guilt (Foulks, 1972:126).

The conflict and guilt which Foulks describes may have their basis in the disempowering effect of Western alcohol control law over a period of more than 100 years.

IMPLICATIONS OF THE HISTORICAL REVIEW

This brief review of the legal experience of Alaska Natives with liquor and the law illustrates a number of patterns.

The issue of the alcohol problem of Alaska Natives and its control extends beyond defining the problem and determining the means of its effective solution. The issue in the Alaska context has served various interests as a pretext for acquiring resources and for rationalizing jurisdictional control over Natives. When community control of liquor could be incorporated usefully into this strategy, it was supported. When community control represented a conflict with the jurisdictional premises of a governmental agency, it was rejected, or at least not officially accepted. When in place, prohibition was usually unsuccessful.

Moreover, Natives were offered two role models as approaches

to the use of alcohol - one of drunken excess, as evidenced in the behavior of military personnel and other whites, and another of abstention, as practiced and promoted by teachers and missionaries. Craig McAndrew and Robert B. Edgerton note that "Indians of this continent took as their exemplars of alcohol's effect on comportment the drunken doings of the very white men who introduced alcohol to them" (McAndrew and Edgerton, 1969:136).

One particularly harmful effect of the Western legal approach to the use of alcohol among Natives was that the introduction of Western legal constraints prevented the development within Native law of means to contain drinking behavior. Alaska Natives were, in effect, taught that under the influence of alcohol they were incapable of controlling their own lives. It was implied, through the patterns of control and enforcement established over time, that only the presence of white legal authority could restrain Natives in the use of alcohol. This historical implication continues to be felt and continues to be problematic, as will be indicated in the second portion of this study - an in-depth analysis of alcohol-related legal issues in the Bethel region in the years immediately after statehood.

PART II

The review of the pre-1959 history in the first portion of this work reveals that the relationship between law, both official and unofficial, and the Alaska Native population has, to a great extent, revolved around the issue of alcohol control. The advent of statehood brought yet more changes to the relationship, but, as had been true in the territorial period, the legal question of control of alcohol and its use among Alaska Natives, with concomitant problems of jurisdiction, continued to be predominant.

This portion of the study will examine in depth the alcohol control problem in the Bethel region in the decade immediately following statehood and will analyze the implications of the alcohol control issue for the entire structure of legal authority in rural Alaska.³

In particular, the role of the village councils in alcohol control will be examined. By the early 1960s the councils provided the mainstay of institutionalized social control within Alaska villages (Hippler and Conn, 1973; 1975). There were few police, judges or jails, and even where police were employed they were untrained individuals who served to bring persons before the councils (Angell, 1978). The state legal system was then represented by a single state trooper based in Bethel and by the state magistrate, Nora Guinn, who was also in Bethel. Prosecution attorneys, defense attorneys and judges with the authority to try felonies flew into Bethel periodically to serve court needs.

THE 1962 MEETING

In September, 1962 representatives of eleven of the fifty-seven villages in the Bethel region met to discuss many issues, one of which was the interplay between state law and traditional social controls as monitored by the village councils in the arena of alcohol control. This group and other representatives eventually formed the Association of Village Council Presidents.

Excerpts from the minutes of the meeting reveal the liquor-related problems of the period, the work of the councils in unincorporated communities and the limited capacity of the state to reinforce village control of alcohol:

The meeting was brought to order at 9:35 a.m., September 19, 1962, by Mr. R. D. Hollingsworth, [Bureau of Indian Affairs] Area Field Representative for the Bethel District. In opening, he stated that this meeting was called by Peter Carter, president of the Eek Village Council, and welcomed each village representative present. He explained that a meeting similar to this had been held in Kotzebue, Tanana and Barrow and then proceeded to introduce the officials attending the meeting: State Trooper Robert Redstone; Captain Mayfield, Alaska State Police; Mrs. Nora Guinn, Deputy Magistrate of the Bethel District; Mr. Hall of the Realty Office; Arthur Nagazruk, Tribal Relations Officer from Nome; Mr. Jenson from Juneau who assists villages in developing economic projects; Mr. Charles O'Brien, Finance Specialist; and Mr. J. Lloyd Watkins, Education Specialist of the Bethel Office. He stressed that these officials were not here to run their meeting, but to help them and give advice where needed.

The Meeting was turned over to Peter Carter, president of the Eek Village Council. He stated that the objective of this meeting was to try and standardize the village council rules in the area. The first, and most important, rule to be talked about was the problem of making and drinking home brew in the villages. Second, fines - how much to be fined a person for the first charge, second, etc., and how many times they should be fined. He said that the enforcement of the village council rules has to be carried out by the village council members. He asked who they should call or write to when they need help. They were told to write to the State Trooper or Mrs. Nora Guinn, Deputy Magistrate. The meeting was then open for group participation and questions.

Steven Maxie, president, Napaskiak Village Council, stated that he liked the idea of trying to standardize the rules of the village councils and the fact that everyone is getting together to try to form rules that will help the whole area.

Nile Smith, president, Hooper Bay Village Council, also liked the idea of standardizing the rules and regulations of all villages and stated that it will strengthen the rules and regulations and help in the enforcement of them and will be good for future generations.

Dan Akeralrea, president, Scammon Bay Village Council, stated that he had come a long way to attend this meeting and that it was the first meeting of this type that he has ever attended. The standardization of the rules and regulations of the villages has long been needed. He is anxious to return to his village and report to the other members of the council whatever he learns here this day. He mentioned that the council rules and regulations should go along with the State rules.

William Lomack, president, Akiachuk Village Council, said that he approved of this type of meeting and its objective. He, too, agreed that the rules should go along with the State to strengthen them. He mentioned that it would be necessary to see that these rules are applied and carried through.

Captain Mayfield of the Alaska State Police in Anchorage stated that he was pleased to see that the people were interested in rules and regulations to make this a better place to live. He is here, not to interfere, but to give these people present any assistance they may request.

Peter Carter then read the rules of Eek for the other villagers to compare with their own:

1. If anyone from any other village should get drunk in town or making trouble, should be fined \$10.00.
2. Anyone making alcoholic brew without a license will be reported to the State Police.
3. Anyone stealing or using somebody else's property without permission will have to pay the owner of the property.
4. Loose dogs of six months should be tied down by the owner. If not tied up after told two times by the council, the dog will be shot.
5. On school days the curfew will be at 9:00 p.m. Week-ends 10:00.
6. If a man is drunk and makes trouble, will be stopped by the council and if he does not obey the council will be fined \$10.00.

7. Children using BB guns will be fined \$10.00. The fine will be charged to the parents.
8. Gambling prohibited.

Peter asked for comment on these rules. William Lomack, Akiachuk, said he was interested in the rule regarding the making of home brew. He wants to go back to Akiachuk with an understanding what this group has decided on the making of home brew in the villages. He mentioned the bad parts of home brew making such as stomach disorders and the various unnecessary trouble it causes. Nile Smith, Hooper Bay, felt that we should work on this problem first, particularly on the fine and the punishment. The fine should be set to coincide in all villages. He told of the rules in Hooper Bay pertaining to this problem. When a person is found guilty of making home brew he is first given a warning by the council. The second time he is fined \$25.00, and the third time the officials are called and he is reported to the State Police. Steven Maxie, Napaskiak, informed us that a new council had been elected on August 12 and that he was comparatively new as president of the village. The village has been going by an old set of rules and regulations and the new council is presently going over these old rules and adding new ones. He told the group what is done in Napaskiak when a person is found guilty of making home brew and is drunk from it. He stated that Napaskiak has had many of their villagers drown because of this problem. For the first offense the person is fined. The second time, they work 8 hours a day for one week in the village. The third time, he is restricted to the village for three weeks and they work for three weeks on village projects. They are allowed to go to church and to the hospital only. If a man comes in from another village and acts violently, they ask for help from the State Trooper if they are unable to handle it themselves.

Peter Carter stated that in Eek they also report to the State Trooper when drinking and home brew making laws are not adhered to. He asked for further instructions regarding the reporting of these cases to the State Trooper.

Trooper Redstone told the group that the laws put down state that as far as making home brew, they can do nothing on it or stop them unless they make it for re-sale. If they drink it themselves, there is nothing they can do. [Emphasis that of author]

Mrs. Guinn said that the villages, legally, cannot have an ordinance that will conflict with the State laws, but she felt that the village councils can make their own rules and make their own punishments as an unincorporated village.

Captain Mayfield said that the villages can pass a law that would prohibit them from making home brew, but they cannot make rules that are more strict or more lenient than those of the State. Mr. Hollingsworth explained to Captain Mayfield that some

rules that the village councils make are enforced by the village council but not by the State. He asked that if they should have someone in the village who will not obey the council and his behavior leads into breaking a State rule, will the police be harder on him than they would be if they had punished in the village? Captain Mayfield said they certainly would go all the way and would refer him to the courts. They will take ones that the villagers have had no success in dealing with. Mr. Jensen asked if there was any State law relating to creating a public nuisance, or could be classed as such, in case a person insisted on making home brew. Mr. O'Brien stressed that they should be careful in making their rules in that they do not take away the rights of the people. The meeting was adjourned temporarily for a 15-minute coffee break at 10:30 a.m. [AVCP, 1962: 1-6]

At this time the making of home brew was still viewed as the major alcohol problem in the Bethel region. Southwestern Alaska came to the commercial liquor trade much later than other regions.

In the territorial period village councils had derived legal authority from their status as villages organized under the Indian Reorganization Act (Peratrovich, 1974) and from territorial laws which permitted unincorporated village councils without commissioners to enforce public ordinances. U.S. Commissioners in Bethel and the liquor suppression officers working in the territory before 1953 had supported council authority as had the Moravian and Catholic missionaries in the region.

In 1962, however, as the minutes of the meeting show, it became evident that the backing of state law was not the same as the backing of the earlier, territorial sources of legal authority. Even federal law seemed to offer no reinforcement of council attempts to impose village rules:⁴

Mr. Carter brought the meeting back to order at 10:45 a.m. He said that everyone should know what the Federal laws state regarding the making of home brew and other alcoholic beverages. He asked the State Trooper to tell them what he knew about this. Trooper Redstone said that the first problem he ran into when he came to the Bethel District was that of home brew making. In our State laws, he could find nothing on the making of beer where they could enforce it or where they could do anything about it. He further stated that there is a Federal law which says you cannot make wine without a license and it states the certain kinds of wines which this rule applies to and the percentages of alcohol content. He has taken this problem to the State Attorney and there is nothing at all on the making of home brew. Nile Smith, Hooper Bay, said that, to them, wine was the same thing as beer and they both take away food items that the villagers need in their homes such as sugar, yeast, etc. He urged the group not to be afraid to get up and talk and let their feelings be known. Peter Carter asked the group to let him know what they think about the rules of the Eek village - if they think they should be changed, say so, and if they think they are fine, let it be known. Trooper Redstone let it be known again that the making of home brew is not a criminal offense and that they can do nothing to enforce it. Mr. Hollingsworth informed the group that there is no way they can make a law which would interfere with the personal liberties of the people. Captain Mayfield added that they cannot stop them from making this a law in the village, but that this is a problem which should be asked of an attorney as it would be a defiance of constitutional rights. The group was cautioned again that they must be careful in making their rules that they do not take away the rights of the people in their own home. [AVCP, 1962: 6-7]

Village leaders confronted two problems: first, state law could not back them in dealing with the perceived major liquor problem of the period and, second, their acts in protection of community interests might make them subject to lawsuit or arrest. Moreover, these village leaders had too little experience with courts to evaluate the police warnings of legal actions which might be brought against them. Since the councils did not possess legal authority to deal directly with liquor manufacture, as they had in territorial days, who could be called into the village to enforce state law?

Dan Akeralrea, Scammon Bay, asked the question who they

should call or who to write to when they have trouble in the village. They were told to write to Trooper Redstone or Mrs. Guinn. Trooper Redstone said to address all letters to State Police, Bethel, Alaska. This way, their letters will always get to the proper person in charge in case of personnel changes. The group asked Trooper Redstone to advise them on what instances they should write or call for help. Redstone said he would like to be notified of all accidents where someone is drowned, shooting accidents, any injury resulting in death, and instances where someone is drunk and acts violently, placing other members of the village in danger. If it is an emergency, they can notify him by radio; if not, by mail. [AVCP, 1962: 7-8]

Trooper Redstone accurately described the legal matters of the small villages which the state police were prepared to handle, not only in this epoch, but throughout the 1960s and 1970s. Serious, felonious acts in the village were viewed as trooper business, but the state legal apparatus was not prepared to deal with minor offenses or to prevent crime in the villages.

Councilmen perceived that village liquor control and action against minor offenses were the keys to prevention of serious crime but they were frustrated by their inability to exercise official legal authority.

Nicholai Steven pointed out to the group that the problem of drinking and home brew making in the villages is beginning to draw in the young people more and more and it is bad thing for the villages to allow it. Mr. Hollingsworth interrupted for a moment to inform the group that he had just made a phone call to the State Solicitor's office in Anchorage asking for their interpretation regarding home brew making and if it is, or is not, illegal. Their answer was: "No, it is not illegal, but if they give it to minors or start throwing things and causing a disturbance, it is against the law." A gentleman got up to state that this problem cannot be overlooked in their villages and if they do not make an ordinance prohibiting the making of home brew, it will continue to be a major problem. He put the question before the group - are we or are we not going to allow the making of home brew in our villages? They discussed this in Eskimo and a final decision was made that they do want to have an ordinance stating that they do not want people making home brew in their homes. Mr. O'Brien stressed that the people should understand that this rule about home brew will be up to them and

they should understand that if they go into someone's house, they are trespassing and should know that this is not right. [AVCP, 1962: 8]

The group posed the question as to whether or not they could go into a home to stop the making of home brew. They were told that this is breaking the law in that it is trespassing and the person involved could file charges against whoever goes into the house to stop this. This law cannot be enforced by anyone but by the village council members themselves. If the group thinks that it will help the majority of the people, to go ahead and pass the ordinance. A discussion in Eskimo was held and they decided that they still wanted the ordinance prohibiting the making of home brew in the home. They expressed their understanding that this ordinance would have to be enforced by the council members only and realized the fact that they could not call upon the State Police for help in this enforcement. [AVCP, 1962: 8-9]

As the minutes indicate, even in the face of threatened state prosecution for trespass and withdrawal of official state support for their work, the councilmen decided to continue to support direct action against home brew manufacture in their villages.

The role that Bethel then played in creating liquor-related problems in their villages was also discussed at the meeting:

Peter Carter called the meeting to order at 1:00 p.m. and asked of Trooper Redstone what can be done to individuals who are known to be "boot-leggers". Trooper Redstone said to write a letter to the State Police, Bethel, giving information such as who bought the bottle, from whom and state everything they know about it and they will take it from there.

Peter said they have heard that there is "boot-legging" in Bethel. Sometimes some of their villagers buy a boot-leg bottle from Bethel and return to the village and cause trouble there. Trooper Redstone told them that if a person from another village buys a bottle from Bethel and goes back to the village and causes disturbances, to try to find out where that person got the bottle in Bethel and let him know so he can do something about it. The subject of fines was brought up. Some people are fined a small amount while others are fined too much. They felt that their fines should be the same as what the State fines their people for drinking, and wanted to know how many times they are fined and any other additional information concerning this. Redstone advised the group that he had taken this up with the District Attorney also. The people are not allowed to fine by law. You can fine them daily if they agree to pay the fine to make up for

what they have done. It is all right to fine if all parties are agreeable. If they do not go along with it, there is nothing they can do to make him pay except to apply social pressure. Peter Carter asked if the people that are picked up and put in jail in Bethel are fined. They were told they were since Bethel is incorporated. The definition of the word "incorporated" was questioned. Mr. Hollingsworth and Mr. O'Brien defined the word as best as they could for the group. Mr. Jensen then explained about a fourth class village and what it has to offer. Mr. Carter asked the group if they should go ahead and continue fining people in their own villages with the full knowledge that it will be up to the council members only to collect these fines. Sam Alexie said that the fine placed on the villagers for drinking usually prevents them from drinking again since they do not like to pay the fines. He felt that if they did not continue to fine villagers for this, they will cause more trouble than before. Trooper Redstone told the group that the decision would have to be up to the people. [AVCP, 1962: 10]

Peter Carter stated that in some villages the fine for the first charge of drinking is \$20.00. In Eek, the fine for the first charge is \$10.00. He asked how that compared to that of the State fines. Redstone said it was hard to compare since fines are sometimes suspended and that the magistrate often fines just as she sees fit according to the circumstances and the fines are not always uniform among their cases. The group expressed their desire to make the fines uniform among all the villages.

Steven Maxie of Napaskiak said their village has the person work his fine out if he does not have the money to pay. He said they also have the rule that if he will not pay or work it out, they can turn it over to higher authorities. Trooper Redstone said they cannot make the person pay, but they can turn the complaint into him and he can work on the complaint, but not on the fines or penalties. The subject of fines was then dismissed at this point. [AVCP, 1962: 11]

Moreover, state police officials now informed the councils that their practice of levying fines could not receive the official support of state legal officials. This fining authority had given the councils symbolic identity with other mechanisms of white law, such as the Bethel commissioner. Now it appeared that this method of identifying village legal power with state legal power would not be supported by state legal authorities.

It appeared then that the only basis of authority to be found

for this form of alcohol control would not be from state law but rather from the strength derived from uniform action among the Yupik villages.

The AVCP addressed yet a third problem within the realm of liquor control - the problem of pilots bringing in liquor to the villages:

Peter Carter stated that when he first was elected president of the Eek village council, the villagers wanted him to meet each plane coming into the village and see if liquor was taken off the plane. If there was, he was to tell the pilot to put it back on the plane. He said that this was hard for him to do, and since he knows the State Trooper can't do such a thing, he wouldn't do it either. A gentleman got up and stated that in Togiak the council has a rule that if a pilot brings in liquor to the village or a drunk passenger, the passenger is fined \$25.00 and the pilot \$500.00. The group discussed this subject in Eskimo. Mr. Carter told the group that since this was the first meeting of this sort and since not all the villages were represented at this time, it would be better to go over only a couple rules or so and not try to go over them all at one time. For a start, the most important rules have been discussed and there will be another meeting of this type in the near future. . .[AVCP, 1962: 12]

From what had already transpired, village officials understood that they would find no support from state police for prohibiting alcohol transport by pilots into their villages.

Officials of the Bureau of Indian Affairs, apparently as surprised as village leaders with the interpretation of state law placed before them, could only promise to seek assistance from attorneys:

Mr. Hollingsworth stated that after the minutes of this meeting were typed, he would pick out the rules which were decided upon and send them to a lawyer to look over. If the lawyer finds fault with them, he will be requested to re-write them and make any comments that he might have. He said that at the next meeting, he will try to have a lawyer to sit in at the meeting and help them with their rules. [AVCP, 1962: 13]

Thus the 1962 meeting revealed to the councils that the general prohibitions of liquor, which had been backed by village consensus and by the teachers/missionaries and territorial officials, could not receive the support of state legal authorities. Instead, state law made the councils vulnerable to lawsuits if they enforced these bans.

THE 1963 MEETING

In 1963 officials from the Bureau of Indian Affairs, State Judge Guinn and the District Attorney for the judicial district, in conjunction with the AVCP, attempted to construct both a legal and extralegal basis upon which the state and villages could operate in controlling liquor problems. This second meeting was attended by officers of nineteen village councils.

Excerpts from the minutes indicate that the problem of assignment of authority continued as a predominant concern:

Mr. Carter of Eek mentioned that a lot of time was spent on village rules last year but nothing was accomplished. This year, he said, they should try to get something done. First, it should be decided on how to handle the use of alcoholic beverages and drunk and disorderly people in the villages where there is no State Trooper. Mr. Carter mentioned a letter he received from the Kwethluk village council requesting that they discuss the bootlegger presently operating in Bethel. Moses Straus, the president of Kwigillingok, suggested a uniform set of rules for the village.

Mr. Egoak said that the reservation laws prohibited the importation and use of liquor. Mr. Jones pointed out that civil and criminal jurisdiction of restricted Indian lands and reservations in Alaska had been transferred to the State [by Public Law 280]. Mr. Soll, District Attorney of the Fairbanks District, suggested this subject be brought up later when village rules were discussed. . . .

Mr. Carter announced that they would now take up the subject of village rules as the officials present to answer their

questions would have to leave sooner than expected. He proceeded to read a letter from the Kwethluk Village Council dated 8-10-63 which mentioned liquor problems and the troubles which attended them. It also mentioned a Bethel bootlegger who sells liquor \$20.00 for a quart of whiskey. Mr. Carter said the letter suggested that the State Police should do something about it to cease his operating or be thrown out of Bethel. . . . These problems, plus the matter of home brew making and the punishment of trouble-makers in the villages, would now be up for discussion.

Kenneth Cleveland, Quinhagak, stated that when persons are fined, many times they don't have the money to pay. When given 90 days to pay and this period elapses if the fine is still not paid, the matter is usually forgotten. He said that this should not be. Sam Westcoast, Councilman from Goodnews Bay, asked how the drunks should be handled in villages where there is no State Trooper or Marshall. Mr. Soll, District Attorney for the Fairbanks District, suggested that, first of all, the village council should do all it can to handle the problems locally through fines, warnings, etc. If this does not bring any results, they should notify the State Trooper, make a charge against the individual and he could then be brought before the Magistrate for punishment. He stated that this was his only proposal to them. Discussion followed in Eskimo in which no translation was made. [AVCP, 1963:3-5]

The district attorney for the Bethel village region, Herb Soll of Fairbanks, had apparently been briefed on the vacuum created by direct withdrawal of state support for village council activity in controlling alcohol. He advocated a two-tier approach of village and state law, not unlike that found in other developing countries. Given the absence of trooper and judicial activity in all villages except for Bethel and Aniak, his suggestion implied some continued form of collaboration between state law and village law, even though such law enforcement was viewed as extralegal by state officials. An attempt to formulate such a working relationship ensued:

Charles Harry, representative from Alakanak, read the village rules which had been adopted in his village. These covered drinking, sniffing gasoline, drunken driving of motor vehicles, delinquency of minors, operating a motor boat while intoxicated,

loose dogs and their disposition, burial of dead animals, discharge of firearms near the village and damaging other people's property. Fines ranged from a minimum of \$10.00 to a maximum of \$25.00. Any serious breach of law would be turned over to the State Police. Any person unable to pay fines is put to work at the rate of \$1.50 an hour until the fine is paid in full. Mr. Carter translated these rules into Eskimo for the benefit of non-English speaking members. Frank Kameroff then spoke in Eskimo on the village rules of Emmonak after which a discussion was held in Eskimo. The members decided to develop a general law and order rule which could be adopted and used in all villages.

Mr. Soll, District Attorney, spoke and said that the village rules of Alakanak were a good example and there were only a few that the State Trooper could not handle. He said that it is against the law to sell liquor without a license, to be drunk in public, to give liquor to a minor, for a minor to have liquor in his possession, to drive an automobile while drunk or have guns in his possession while drunk. If someone should try to do these things, this would be the time to report to the State Trooper and they would be able to help. He then explained certain activities which the State Trooper could not advise or help them on. He explained that there is no state law that says a person over 21 years cannot have liquor in his possession or that a village cannot show movies, etc.; they would have to be handled at the village level only. He pointed out that the State Troopers are willing to help them if they can. Sometimes the Troopers, when visiting a village, are told about a problem at the last minute. The members were urged to notify the Troopers of their problems by writing him a letter and giving the facts or have all the information on hand when he visits their village.

Lott Egoak, Akiak, asked Mr. Soll to give a step-by-step outline on how to handle drunks. Mr. Soll informed him that he would make some suggestions on this when they drew up a set of village law and order rules. He stated further that when the State says the council should try to handle their law and order problems it does not mean the large problems. Such problems as shooting, stealing of large amounts, etc., should be reported to the State Trooper immediately. Mr. Carter asked Mr. Soll to also suggest an amount concerning fines. It was decided that Mr. Soll should collect all the village rules which were brought to Bethel for his information. Mr. Soll collected these and Mr. Carter selected Charles Harry of Alakanak and Frank Kameroff of Emmonak to work with him as a committee. [AVCP, 1963:5]

District Attorney Soll defined specifically the laws governing alcohol control which could be enforced by the village at first, with backing by the trooper if council action proved futile. Such regulations covered dealing with drunken behavior.

Although he supported some council legal activity, Soll did not suggest that the state would approve village bans on individual adult use or manufacture of alcoholic beverages.

Steven Maxie, President of Napaskiak, asked if the State Troopers were going to do anything about the bootleggers operating in Bethel. Mr. Soll explained that it was two different matters in knowing that someone is doing something wrong and proving it in court. Under our U.S. law, even if a person is accused of a crime, he is considered innocent until proven guilty. He further stated that one known bootlegger was presently serving a year's sentence in jail and the other had a five-year sentence, pending an appeal decision of the Supreme Court of the State. He urged the people to make an effort to refuse to patronize these men at \$20.00 a bottle, otherwise someone else may try to go into this business. A discussion was held in Eskimo following this.

Steven Maxie, Napaskiak, asked if they should report persons who are driving motorboats while under the influence of alcohol. Mr. Soll stated that the decision would be up to the council. If the village feels they can handle the case themselves, there is no need to call the State Trooper. If the council decides they cannot handle the case, it should be reported to the State Trooper as soon as possible. He pointed out that only the person operating the boat should be reported. Mr. O'Brien mentioned that the Coast Guard would have a man in the area next year enforcing Coast Guard small craft rules on the Kukskokwin. . .[AVCP, 1963:5]

Village councils could not deal with known bootleggers operating from Bethel, but Soll admitted that successful prosecution from his base in the interior Alaska city of Fairbanks, the hub of Bethel's judicial district, was difficult. His suggestion that consumers be warned not to buy was not one that councils believed they could act upon without the backing of the troopers.

Other questions of jurisdictional authority were raised:

One village delegate asked if they could stop the shipment of liquor into the village. Trooper Redstone explained that if someone orders liquor by airfreight and is over 21 years old,

there is no State law which allows the State Police to do anything about it. One member asked if the village, by majority vote, could prevent shipment of liquor into the villages. Trooper Redstone said that if such a rule were made, it could be enforced by the village only. If the village could not enforce it, there would be no recourse to State Police, as there is no violation of State law involved. [AVCP, 1963:6]

The promised support from the state in the realm of alcohol control focused exclusively upon problems which had already begun and not on the presence of liquor as a source of trouble. From the village perspective, the presence of liquor and the availability of liquor were the logical points of attack by councils and state law. But, as in 1962, state legal officials could offer no support to villages who wished to curb introduction of liquor into their communities.

The district attorney and his committee of village representatives drew upon existing village rules to produce a list of model rules, which were then accepted by acclamation:

1. Drunk and Disorderly in Public. Any person who appears in any public place while intoxicated or in a low and disorderly manner shall be guilty of disorderly conduct. A public place means any store, meeting hall, show hall, armory, post office, dock, sidewalk, street, road, school or any place where the public is invited.

2. Drunk and Disorderly in Private. Any person who is in a private house while intoxicated or who is acting in a disorderly manner to the disturbance of another person shall be guilty of disorderly conduct.

3. Selling Liquor Without a License. Any person who sells liquor to any other person without a State liquor license shall be in violation of these rules.

4. Giving Liquor to Minors. It shall be in violation of this rule to give, sell, or offer any alcoholic beverage to a person under the age of 21 years. The term alcoholic beverage includes home brew.

5. Minors in Possession of Alcoholic Beverages. No person under the age of 21 shall have, drink, receive or make alcoholic beverages, including home brew.

6. Drunk Operation of a Vehicle or Boat. It shall be a violation of these rules to operate a vehicle, including cars, trucks, snow travelers, snow planes, or dogsleds while intoxicated. It shall be a violation of these rules to drive a boat, with or without a motor, while intoxicated.

7. No person shall gamble with money or property by playing cards, dice, or any other game.

8. Dogs. All dogs older than six months shall be chained or tied so they cannot reach any path or trail or place where children play.

9. Discharging Firearms. No person shall shoot any gun within or near the village.

10. Damaging Property. No person shall damage or destroy the property of others. This includes personal property and buildings.

Subject rules were open for discussion. Mr. Soll pointed out that all ten rules were backed up and founded in State law and that villages enforcing them would have the support of the State. He also suggested that the rules concerning the drunken operation of a motorboat, which has been such a threat to human life, should in almost every case of violation be referred immediately to the State Police for action. The members discussed the rules at length in Eskimo. Mr. Carter said he felt these rules offered a good guide to the villages on ten important areas of law and order and the members adopted them by acclamation. . . [AVCP, 1963: 8]

Six of these ten rules, which were promulgated as ex-officio state rules for the villages, dealt with alcohol-related conduct. Three others dealt with activities often associated with drinking, e.g., property damage, use of firearms and gambling.

No rule was provided to keep liquor out of the village, to prevent sharing of liquor among adults or, more specifically, to prevent sharing of liquor with persons known by the village to be violent when drunk. Officials recognized that these were to be the limits of state support for council control over alcohol use.

The rules were to be enforced through the application of

fines:

The matter of fines arose. Trooper Redstone informed the members that they can fine violators of village rules if they wish, but if the violator refuses to pay the State cannot help them collect the fine. It would have to be enforced by the village council only. The State Trooper has no power to set a fine or collect it for the village. He pointed out that if a person was not willing to pay the fine imposed for breaking any rules shown on the example sheet and the violator refused to cooperate, they could feel free to call upon the State Police for help. The membership continued to discuss the matter of fines in Eskimo. One delegate asked if, after a 90-day period, the violator still refused to pay the fine, he could be turned over to the State Police. Mr. Soll explained that it was not a good idea to wait 90 days to see if the person would cooperate. He suggested a 10-day waiting period as it would be easier to gather the proof necessary to see if the person or persons had broken the law. The members discussed this and agreed on waiting ten days to see if the violator would pay the fine or work; then turn the matter over to the State Police if they saw fit. Mr. Carter asked if the village could decide for themselves what the maximum fine would be. Mr. Soll said that this was satisfactory...[AVCP, 1963:8]

Behind the prolonged discussion of collection of fines was the problem of the credibility of the state-council relationship. A refusal to pay fines would challenge that relationship.

Eskimo officials sought from District Attorney Soll and the trooper representative some firmer understanding regarding trooper intervention. When would the trooper intervene? Specifically, when would he demonstrate his support of council activity against individuals who challenged the council's authority? The basis for this concern was well known to the trooper in attendance, though perhaps not to Mr. Soll of Fairbanks. Many letters to the trooper post in Bethel regarding persistent acts of law violation related to liquor and repeated unsuccessful attempts by village councils to deal with repeat-offenders had not met with a visit by the trooper to the village.

Trooper resources in the region were sparse.

Council members focused on sources of supply and made repeated, futile attempts to garner state support for outright liquor bans. Council members were very pragmatic in their assessments of their limited capacity to anticipate problems sufficiently serious to merit state legal attention. This focus on supply did not, however, reflect a belief that all Eskimos were incapable of drinking.

Confusion over the role of village prohibition on the part of state and town officials was to figure in the development of state control mechanisms for another decade. One can argue that it still is a source of confusion. Council members viewed prohibitions on supply as a method of control when other kinds of direct control over individual use were not likely, in the continued absence of police service, facilities, prosecutors and other on-the-scene agents who could address problems after they had occurred.

A discussion of the issue of gambling reflected village attitudes about criminal responsibility:

A question was asked regarding gambling. At the village of Kwethluk if a person is caught gambling, he is fined \$10.00 for the first offense, the owner of the house \$10.00 and the rest of the players \$5.00. Mr. Soll said this sounded very reasonable. Trooper Redstone requested the council to keep a record of their minutes concerning the facts surrounding a violation, mentioning the time, place, what happened, etc. In this way, when a case is referred to the Police, the council will be able to provide the basic facts in the case. [AVCP, 1963:9]

This brief description of the Kwethluk approach to gambling

conveyed to Soll and the troopers the strongly held belief of villagers regarding ultimate criminal responsibility. Villagers viewed the person who set in motion deviant activity as more responsible for that activity than any other person. State law viewed the actual perpetrator as independently responsible.

Thus, the person who gave liquor to a person known to be violent when intoxicated was for many villagers the person to be punished. When bootleggers began to operate more actively in Bethel in the 1970s, it was reported that they screened buyers and did not sell to such dangerous persons, thus avoiding responsibility for that person's ultimate acts and, perhaps, disclosure by other community members. This same perspective, a dram shop perspective, was also reflected in the use of a blacklist in Bethel during the 1950s by legal sources of liquor and in vigorous prosecution of those who sold to persons on the blacklist.

Yet the shape of state law conveyed to the Native population in the 1962 and 1963 meetings was otherwise. All adult persons were assumed capable of drinking until individuals among them committed disorderly acts. Then, and only then, did state law intervene or authorize intervention by the council.

Other concerns were discussed:

A question arose as to visitors in the villages violating the village rules. Mr. Soll stated that they should be handled the same as for residents of the village. If they refused to cooperate, they could be referred to the State Police. He inquired as to the use of the money collected by the village councils. Lott Egoak of Akiak stated that the money collected at his village is used to buy medicine for the village and to pay the plane fares for indigent families needing emergency treatment

at the hospital. Mr. Soll suggested it be pointed out to all the members that the money collected from fines should not be used for private purposes, but for services which benefit the whole community. [AVCP, 1963:9]

Village councils began to work under this cooperative procedure. They kept detailed council minutes of offenders; they also sent detailed letters regarding persons who would not comply with repeated attempts to enforce alcohol rules.

Critical to the operation of the system was effective state backing. What council presidents and village residents discovered was that the state police were capable of dealing only with the limited number of violent occurrences and not with lesser offenses that could lead to violence. Many requests for assistance went unanswered. The theoretical posture of state law was not reflected in reality.

THE 1965 MEETING

When Bethel opened a liquor store liquor traffic to the villages was not curbed by state law enforcement, and the problem grew along with other changes in the region.

Peter Carter made an opening statement about the [Bethel] liquor store. He informed the group about the complaints of many people and that many might want the establishment closed. He asked the group to bring out anything the members want to say about the liquor store.

Mr. Wassillie B. Evan, Councilman of the Napakiak Village Council, gave his views about Bethel Sales. He addressed the group that when the first liquor stores opened at Bethel (in the 1950's), he had consumed alcoholic beverages, and so had some of the members present; but many of them have now given it up because of the dangers involved. He further stated that the younger generation is more reckless than they were during the early years and it would be better to have the liquor store closed.

Mr. Alexie Evan, President of the Napaskiak Village Council, gave his views as follows: He had also used the alcoholic beverage; and during that time when the first liquor stores were open, there was only one drowning directly responsible to liquor. He pointed out that, as all know, there is a war going on. He compared the liquor store with those opposing democracy as being an enemy of our armed forces as many servicemen have drowned directly responsible to liquor. He protested that the liquor store should not be open as it is depriving the closer villages of young people.

Mr. Henry Evan, President of the Kwigillingok Village Council, said that the cause of many young people's downfalls is liquor. As he himself does not drink, he does not know its effects; but it is not good to see a young man die while he is still strong. And as many young people follow their older fellowmen's examples, they do not listen to warnings from their parents or relatives about staying away from liquor.

He stated, the white people can take their drinking and know when to cease consuming it. It is the opposite with the Eskimo; and not knowing when to stop drinking, there are many accidents caused by liquor.

Mr. Wilson Simon of Bethel, as he wanted to contribute to the complaints against the liquor store, gave his views. Originally from Kwigillingok, he came to Bethel eight years ago. There was no liquor store then; but since the liquor store opened, the City of Bethel was not the same. There was more uneasiness and many have experienced staying up at nights because of noisy brawls, etc.

Mr. Willie Stone, President of the Napakiak Village Council, said that many have heard of striving for better living; and those concerned organizations striving for that goal overlook the fact that there can be no better living as long as there is a liquor store at Bethel.

Mr. Joe Beaver, President of the Goodnews Bay Village Council, stated that if they united in trying to close the liquor store, they may have results. Speaking in terms of the armed forces, there are many young men eligible to join or have joined who are no longer living because of the liquor store.

Mr. James Paul of Kipnuk said that many people who do not drink will be starting at the present time, it is hard to keep an easy mind when a person finds it necessary to walk in the streets of Bethel at night.

Mr. James Jimmy (Ayagalria) from Napakiak stated that many people would be glad to see the liquor store closed. Although those who consume alcoholic beverages would be able to order liquor by freight, the conditions now prevalent in the surrounding area would improve considerably by having the liquor store closed.

Mr. Paul Black, Vice-President of the Napakiak Village Council, stated that although tuberculosis and other diseases have been the major causes of death, medical assistance has decreased the death rate caused by disease; but since the opening of the liquor store, the death rate has climbed.

Mrs. Nora Guinn, Deputy Magistrate of Bethel, gave some statistics on the arrests made since January, 1965. There were 505 cases brought to her attention [from January to September], the majority of them were charged with disorderly conduct under the influence of alcohol. Up to this date, there were fourteen drownings of which twelve are as a direct result of liquor. she stressed to the group that they must find a way to have the Bethel City Council change their minds about having a liquor store at Bethel. She stated that she is 100 percent behind the Eskimos in trying to do away with the liquor store.

Mr. Roy Peratrovich, Tribal Operations Officer, BIA, Juneau, offered a suggestion. He said that a concerted effort is needed in order to get the liquor store closed. A petition should be sent out in the next general election of the Bethel City Council. The Bureau of Indian Affairs will do all it can to help in the problem, but the Natives will have to take the first steps in getting Bethel Sales to close down. He added that voters are given an opportunity to decide whether or not to have the liquor store.

Mr. John F. Gordon, Area Field Representative, BIA, Bethel, said that those eligible voters who have not resided at Bethel for 30 days or more are not eligible to vote in the general election of the City Council, but the weight of complaints the Natives could express, to friends or relatives living in Bethel, to close the liquor store would be of some help.

A comment was made that State officials should know of the liquor store problem. Mrs. Nora Guinn wrote some addresses on the blackboard to whom objections to Bethel Sales should be sent.

These being:

Governor William Egan	Alcoholic Beverage Control Board
State Capital Building	State of Alaska
Juneau, Alaska 99801	Thomas Building
	Juneau, Alaska 99801

Copies should be sent to the following:

Bethel City Council	Board of Trustees
Bethel	Bethel Sales, Inc.
Alaska 99559	Bethel, Alaska 99559

Mr. Paul Jenkins, President of the Nunapitchup Village Council, brought up a question from his village. The question was, "Can the liquor store be sued?"

Mr. Roy Peratrovich, Tribal Operations Officer, BIA, Juneau, said the liquor store itself cannot be sued, but the owner can be sued if the store attendants sold liquor to an intoxicated person.

[T]he members were asked to write their letters of objection when they return to their villages and send them to the addresses written earlier and sending copies to those concerned at Bethel.

The members were asked not to put the writing of their complaint letters off too long and to pass on what information they got from this meeting to their villages.

It was agreed not to discuss any further the general election at Bethel as the members of the Association were not eligible to vote. (In order to vote, one of the requirements is to be residing at Bethel for 30 days or more.) [AVCP 1965:9-11]

This dialogue among village council presidents concerning Bethel's liquor store pinpoints significant changes in Southwestern Alaska and their connection to alcohol use.

In the 1960s the Native population in that region showed an annual increase of 29.4 per thousand with a crude birth rate of 45.9, one that Tussing and Arnold noted (1969) was perhaps the highest birth rate in the world. Deaths by tuberculosis had been reduced in the 1950s through Public Health service campaigns and infant mortality was also reduced. The net result was a young population with a median age of 16.5 in 1969 which put increasing pressure upon those elders in the villages who exercised traditional guidance and social control (See Hippler and Conn: 1973).

Population increases were significant in both the town of Bethel and in surrounding villages. Bethel, the only natural deep fresh water port, had established itself as the administrative center of the region as well as the prime market for fish processing. Its population grew from 651 in 1950 to 1,258 in

1960, and 1,600 in 1966. The growth came primarily from the influx of young Natives who sought access to the limited, but new, wage opportunities available in that town. Village traffic to Bethel by snowmobile or plane in winter and by boat in summer also increased.

Villages surrounding Bethel also grew in population. For example, Akiachuk grew from 179 persons in 1950 to 310 persons in 1966. Kwethluk grew from 242 to 375 persons in 1966. Napakiak grew from 139 to 254 in the same period and Napaskiak from 121 to 215. The neighboring communities of Nunapitchuck and Kasigluk on the Johnson River had, by 1969, combined populations of 626.

The change in Bethel's share of the region's population, estimated by Tussing and Arnold to have grown from 7.9 percent in 1950 to almost 13 percent in 1967(1969:33) occurred because economic development focused there. Along with establishment of state and federal bureaucracies for the region, came a housing fabrication plant, modern homes, establishment of a regional high school with dormitory facilities and a fish-processing plant.

Although an estimated 70 to 80 percent of the total male work force could find seasonal work during the summer as commercial fishermen, cannery employees, or as laborers and tradesmen in Bethel's economic boom, no more than 5 percent of the working-age Native population was regularly employed (1969: 38). Transfer payments (such as welfare) went to about a fourth of the Native households (Tussing, Id.).

Natives were thus marginal to the economy of the region and

still largely dependent on the subsistence economy. Capital received in wage earning was used to purchase new products of hunting technology such as snowmachines. This technology substantially reduced the gap between expert hunter and fisherman and non-expert and consequently somewhat diminished the social control influence of the old on the young.

Bethel as town came to have an allure and importance which prompted migration by the young from villages, especially villages distant from the town. Villages close to Bethel also underwent a growth in population.

However, beyond that in Bethel there was no economic development of any significance in the region in the early and mid-1960s. Yet pressure upon the subsistence economy was already marked. Young Native persons experienced the combined uncertainty of the traditional subsistence lifestyle and an uncertainty of access to the Western job market in Bethel, an uncertainty that was to characterize the rural Alaska situation for another decade.

ACCIDENTS AND DEATHS A FOCAL POINT

For the village leaders to make a connection between Bethel and its liquor and the increasing number of deaths of young people who traveled to and from Bethel was entirely appropriate. Later studies of Native mortality, especially those by Krauss (1977), show a replacement of high rates of deaths from infectious diseases with high rates of deaths by accident, suicide or homicide. These rates are much higher than those for the non-

Native population during the 1960-1969 period.⁵

Village leaders correctly recognized that violent death associated with alcohol use had established itself as a leading cause of mortality after the decrease in infectious diseases.

TRANSLATION OF AN INTEREST INTO A DEMAND

Friedman (1975) describes legal change as translation of a societal interest into a concrete demand. While village leaders desired to change Bethel's liquor policy, they were not familiar with the process for inducing this change. They were still dependent upon Bureau of Indian Affairs personnel who advised Eskimos to write town and state officials. State law did not provide for enfranchisement of non-residents of Bethel when the issue of the liquor store was put to a vote.

Villagers also desired, but did not receive, preventative law enforcement in the villages when it was requested by village councils.

Thus the 1965 AVCP discussion reveals an important recognition by village leaders of several developments coincident with the increased availability of liquor in the region:

1. There had been substantial population growth in the town and in many nearby villages.
2. There had been a large migration of young people to Bethel and to villages near Bethel.
3. Travel to and from Bethel was increasing.
4. Young people revealed an attitude toward liquor use which

was at variance with earlier attitudes. It was more open-ended, more experimental, less concerned with the dangers of alcohol use.

5. There has been an upsurge in violent deaths and accidents associated with alcohol, an upsurge of arrests in Bethel and in the arrest rate for drunken behavior.

The impact of Bethel on the young and, by extension, the region was apparently not amenable to direct control by the village residents. Its influence was, however, still limited by depressed wage opportunities for Natives in both Bethel and the region and by the very limited air transportation and communication with Bethel.⁶

The legal system of the state had very little to offer village residents. A single state trooper still served the region, and a lay Eskimo judge resided in Bethel. Higher court judges, prosecutors and public defenders still commuted to Bethel to hold trials. Police jailed drunks in Bethel and kept peace among its summer tent population. Few villages had their own police; few villages had state magistrates; none had jails. The most active legal force in the village was the council. These village councils, however, had not traditionally acted as police mechanisms to fine and jail. Instead, they had acted to confirm pre-established village consensus.

Village leaders had discovered that, by making it available, Bethel could precipitate a change in the use of liquor in the villages and outside of Bethel. Neither state legal options nor

the police and court activity flowing from Bethel could offset this impact upon village attitudes toward alcohol as they were being redefined by young people.

New opportunities stemming from economic development in Bethel were offset by an emerging problem of liquor use in the region.

The problems described by the councilmen were set within three specific contexts:

1. Bethel was a more dangerous and noisy place than the villages. Yet villages recognized that in Bethel itself alcohol-related conduct was at least subject to the direct controls of town police before it became excessive.

2. Intoxicated persons who traveled by water from Bethel to the villages were a growing problem. Accidents among these fishermen were common since many drank their liquor before reaching home so as to avoid village sanctions.

Some arrests were made of villagers before they left Bethel itself. Still other arrests were made extralegally by the Napakiak policeman, James Willie, upriver from Bethel. Willie's independent action met with resistance from villagers, but he had, in the mid-1960s, the support of his own village council as well as that of the state police in Bethel.

3. Village problems were increasing. Councils had learned that they had no state legal basis to keep all liquor out of their villages. According to state law, they were forced to wait

to act until misconduct had occurred as a result of alcohol consumption. While intervention after misconduct and not in anticipation of deviance was appropriate to Western police and courts, it had not been the typical response of Native councils. Village councils had typically anticipated serious violence and acted to curb its source.

The logic of traditional village council activity and control would have suggested that a liquor store responsible for setting in motion conduct which resulted in accidents and death should be closed. The logic of the state legal control was that problems on the part of those who drank and misbehaved should be dealt with only after the misconduct had occurred. At this point neither the state nor the rural population had the capacity to act on its logic.

In the next decade, however, agents of Alaska law in the towns adopted, to some extent, the logic of villagers by employing the devices of protective custody and police transfers to sleep-off centers to deal with alcohol-related misconduct and by backing legislation to curb sales of liquor. Villagers, on the other hand, adopted the Western wait-and-see approach to social deviance.

VILLAGE COUNCIL REACTION TO THE NEW RULES ON DRINKING

Some village councils responded to the new rules on alcohol control by directing their village police and citizens to bring complaints to the council.

In Fishnet 2, a Bethel-region village, the council adopted in March, 1964 a rule against making home brew in an individual's house without his permission or knowledge.

However, those problems dealt with more typically were the complaints about public and private disorder caused by drink and complaints about minors who consumed liquor. In the latter cases, the source of liquor was sought and the offender was called before the council.

Still village police had no jail facilities and no training.

An examination of the Fishnet council hearings from 1964 to 1965 reveals the ways in which problems were handled. Individuals brought before the council were asked if the complaint was valid and not whether the acts violated village rules. Fining was commonly employed and troopers collaborated in council activity. (See Appendix for excerpts from these meetings.)

From an earlier period when observers of early alcohol use reported indifference or distaste to alcohol by Natives, Natives now viewed the conduct associated with drinking with special alarm. The president of the Kwigillingok described the contemporary Eskimo drinking as binge drinking, and in a second discussion on liquor problems held a year later a council member from Nunapitchuk referred to Eskimos who drank as persons gone crazy.

Natives in the Bethel regions had experienced the classic historical confrontation between Western prohibitionism, as pro-

moted by the agents of the Moravian church and the agents of law, and Western licentiousness, as exemplified by white sourdoughs, fishermen and traders. Few significant models of the moderate use of alcohol had ever been presented.

Liquor was introduced to the Bethel region relatively late in territorial history. Moravian missionaries and Roman Catholics in the upriver Athabascan region provided Bethel region Natives with their first white contacts, and only at the turn of the century did sourdoughs use the Kuskokwim to make a crosscountry passage to mineral deposits. Military personnel and bureaucrats followed. (See Conn, 1981b)

The non-prohibitionists confirmed the worst expectations of prohibitionists. Moravians decried liquor and associated it with all that was dangerous or evil. White bureaucrats concealed their excessive use of alcohol. Military personnel engaged in binge drinking for recreation, as did fishermen and fish processors. Such were the conflicting role models thrust before young Natives who learned of Western life in Bethel.

Territorial prohibition laws were only selectively enforced by the marshalls stationed in Bethel, Platinum and Aniak. Bethel cases in the 1950s ordinarily focused upon persons who sold liquor to those Natives or non-Natives on a blacklist developed by the local marshall or upon those upon the blacklist who attempted to purchase liquor from the Northern Commercial Company Store or the Dewdrop Inn, a Bethel roadhouse. Some individuals from outside Bethel who were engaged in construction in the town

were prosecuted for giving liquor to minor females. Cases from villages surrounding Bethel brought to the U.S. Commissioners were rare.

Sentences meted out for drunken behavior by the Commissioners, who later became magistrates and finally district court judges, were severe. Six months in jail was not uncommon.

But the primary function of the state law was to reinforce as best it could village justice. Government officials looked to village councils to deal with minor alcohol-related violations of village ordinances. Only when formalization of the relationship between the state and villages was sought were limits placed on the role of village law in alcohol control.

1967 MEETING

The failure of state law adequately to reinforce council justice became more evident in the 1967 discussion of liquor and the role of Bethel as supplier. The concern of the councilmen had shifted from the dangers of Bethel living to the problems in their own villages:

Axel Johnson (of Emmonak) called on Chester Gordon to take the floor. He introduced himself as State Director of the Alcoholic Beverage Control Board. He wants the opinion of anyone present regarding liquor. His job is divided into three parts. (1) licensing of liquor (2) protection of licensees and the public (3) enforcement. The one problem he pointed out was drinking done by minors. How can liquor be best controlled? Is it best to have a liquor store and let the community derive betterment from the profit or is it better for a bootlegger to derive betterment from the profit? Should the liquor board do something about the retail stores that ship liquor to the villages like in Anchorage and Fairbanks? Mr. Gordon wanted to know the opinion of the surrounding villages of the Bethel Liquor Store.

Kenneth Cleveland from Quinhagak stated, "In our village we have people under 21 that drink, hiding and bringing it into the village. Our job in this drinking problem is that if there is an accident we feel bad and seems like it is our fault as a councilman when something happens. We want to stop this liquor store where they get the liquor from."

It was also stated by James Willie that the village of Napakiak where he is from, is the center of travel from the tundra to Bethel. He has stopped a lot of boats that have been passing while drinking with a boatload of gas barrels, etc. Some of the people from Napakiak and other places do not like him because he is strict with people that drink and travel in boats. Even in some cases, they have threatened to kill him. Mr. Gordon asked Mr. Willie if he has stopped more boats than last year and Mr. Willie replied, yes, about triple the amount of last year. Mr. Gordon asked him where they bought their liquor last year and Mr. Willie said that when young people get a hold of liquor they do not tell who they got it from. Last year shipments of liquor came from Anchorage through RCA.

Mr. Gordon said that he has discovered that these young people get liquor either from home, from persons between the ages of 21 - 26, from winos and taxi cab drivers.

People have talked in this area that maybe if the liquor store was converted to a bar it might be better. These young people now let somebody buy their liquor for them, whereas in a bar they could not do that. Mr. Gordon asked if the liquor store could exercise a little more judgment in selling liquor to someone who might give it to a minor?

Phillip Guy (of Kwethluk) stated that as far as he knew, they do not sell too much liquor to any one person, it is limited. He knows that when a person repeatedly goes back to the liquor store he is refused.

It was pointed out by Herman Neck from Nunapitchuk that whenever a young person is caught drunk they ask for a cop to come out to the village but he does not come. These young people do not respect their councilmen anymore.

Mr. Reader asked if there was any way the liquor store might be forbidden to sell to the residents of another area.

Mr. Gordon replied that if they did that, people objected might bring discrimination charges against the liquor store. It was stated by Willie Alexie from Napakiak that they hear it is hard to close the liquor store. It would be better if it was turned into a bar, then the minors cannot go in there. The people that buy liquor in Bethel, have good behavior while in Bethel, but when they get to their villages, they think they are bigger than the council. It is better if they had a bar and never travel around after drinking. Nick O. Nick stated that people were foolish when they drank. They drink a little and

they go crazy. That is why the villages around here do not want the licenses issued. Mr. Gordon assured the people that there will not be a license issued without the people knowing about it. [AVCP 1967:3-4]

As is evident in the transcripts Eskimo representatives constantly probed the illusive, seemingly irrational state law system for answers to the liquor problem as they understood it. They perceived the key to the liquor problem to be the supply available to young men who endangered themselves and others as they traveled from the town to the village.

The representatives of state law emphasized the restrictions which the law placed on control of alcohol supply and suggested that these could be overcome by prevention at the village level by the council and, secondarily, by state police.

State legal representatives offered no suggestions for breaking the apparent chain of causation between the liquor store in Bethel and the accidents and deaths in the river and the village. Villagers correctly recognized that state law enforcement was not equipped to arrest for drunken behavior that resulted in deaths or injury either in the river or the tundra surrounding Bethel or in the villages.

The villages lacked the Western law apparatus necessary to take up the job of law enforcement against individuals while drunk. They lacked judges and policy and drying-off centers. And, above all, they lacked sufficient legal information to manipulate the law as it existed to, for example, incorporate their cities, to use zoning ordinances to press for Western legal

machinery, to amend state statutes and administrative regulations. They also lacked accurate information regarding their position under federal Indian laws.

None of the legal representatives seemed prepared to press for necessary changes in the legal process to enfranchise villagers when Bethel voted on its liquor policy, to introduce state and village police to enforce state law in the vast region or to curb the supply of liquor until adequate legal, medical or alcohol-counseling resources could be established.

The suggestion that Bethel turn from a liquor store to bars reflected a pragmatic assessment of the liquor problem and the limits of the operation of the law. Bottles would not then be readily available to take back to the villages and the cost of getting drunk would increase.

Moreover, Bethel could deal with the liquor problems which bars created. It could prosecute bar owners who served liquor to intoxicated persons and its police could jail persons who were both drunk and dangerous.

Although the debate between advocates of liquor stores and advocates of bars was not a new one in Alaska, the legal dimension of this suggestion is significant. The transcript of the meeting indicates that state law was perceived as happening in the town, but not in the villages.

Phillip Guy asked if he knows of any way anyone who can stop the flow of liquor to these areas.

Mr. Gordon stated "No, I do not now know how to stop it. It is coming in through licenses stores, from Anchorage or from

bootlegging. You can stop bootlegging, stop the shipments coming in by freight."

Mr. Pete Reader inquired if there was a way either through legislative action or change in the regulations that people in the outlying villages can make their wishes known on the liquor store.

Ray Christiansen (Bethel state representative) replied that he could not answer that at the present time. If we recommend the governor and the next legislature to change some of the laws to help us in this area, he will certainly be willing to go on the Senate floor.

Mr. Gordon said the only way the Alcoholic Beverage Control Board can close the liquor store is when they apply at the end of the year for a license renewal. The board can say the only reason that we close it is violations. The only way we can refuse the license is to say we do not think it is good for the community of Bethel trade area. They would come right back and take it to court. Mr. Gordon said the liquor board needs more authority and more control. One license is authorized if it is in a five mile area with 1500 people. The population of an incorporated city cannot be counted. A change has to be made to throw the incorporated city law into the total trade area. The law now says that if there is a protest against a license the board shall listen only to those residing within two miles. A question raised is whenever a community is starting a liquor store what are the first steps to take. Mr. Gordon replied the first thing that they do is contact the liquor board and find out if the population is there so they can have a license. They have to advertise for 10 days that they are going to apply for a liquor license. They have to advertise in three places, where the liquor store is going to be, in the post office and one in a prominent place in a community. If it is outside incorporated town, they have to get a petition with the signatures with the majority of the people living within one mile of that location. [AVCP, 1967:5]

Alcoholic Beverage Control regulations effectively disenfranchised concerned citizens outside of incorporated cities. In this period, nearly all incorporated cities were white towns and not Native villages.

For example, in 1976 a total of twenty voters in the tiny mining town of Platinum decided to issue a liquor store license. Deaths from alcohol climbed in its neighbor, Goodnews Bay, a

Native village of 248 until Platinum, a village of 57 persons, decided to close the liquor store. Red Devil, another tiny community, determined the liquor supply of all upriver Athabascan villages, again without control by the majority of those citizens who live in the towns connected by air or boat.

This disenfranchisement continued into the 1970s.

A question was asked about the qualifications for voting. Mr. Gordon replied the law says you have to be a resident of the area, anyone that has lived within the state one year and in the area 90 days, and you have to be 19 years of age. If the person was denied to vote, the person can protest to the Magistrate. Someone stated that there are many people around here that do not speak English and were denied when voting came because they could not speak or write.

Betty Aley stated that when a person that cannot write goes to vote, someone that can read and write can go in with him to the booth, explain what the voting is for and that person can vote...[AVCP 1967:5]

In their 1967 meeting with the State Director of the Alcohol Beverage Control Board, the village council presidents learned that as non-residents of Bethel, they had little or no legal control over the liquor store.

Council presidents were primarily concerned with those persons who bought liquor in Bethel and took it home. What village people could not do, unless supported by the Bethel electorate, was to follow the lead of tribal councils on most Indian reservations after repeal of the federal ban on use of liquor by Indians and promulgate their own ban on liquor. (Dozier 1966:73) There were no treaty reservations and they had been given a restrictive interpretation of village authority under Public Law 280, the Congressional Act which authorized Alaska to apply

its general law to "Indian country" (See Case, 1984). Bethel profited from the liquor store and could hire police from the revenues it generated. The villages could not stop liquor traffic nor hire police from liquor revenues.

Why did the village leaders seek to stop the liquor store and not seek some other limited legal option? No such option was offered to them except the choice transforming councils into ex-officio law enforcement mechanisms with the limited support of state police only when appropriate village rule violations were committed in several instances by the same person.

Villagers questioned the capacity of councils to intervene in liquor problems. As Willie Alexie of Napakiak put it, young people who behaved in Bethel thought they were "bigger than the council" when they returned to the village. Village authority, exercised through the council, was directly challenged by intoxicated young persons. This role of repeated fining or jailing of intoxicated persons, was in fact inappropriate to councils and to villages.

THE REIGN OF COUNCILS

Village councils among Eskimo groups had taken on the task of translating village consensus into law with the encouragement of teachers and missionaries and, in the 1930s, under their reorganization as Indian Reorganization Act councils.

Although village councils made ordinances and applied them, the nature of their work was not to enforce norms uniformly or,

even, to create and impose law upon village residents. Unlike the courts and police, councils required strong village consensus regarding interpersonal conduct. Like the courts and police, councils expected that most persons would learn and follow accepted village practice and not require repeated village intervention.

The attention of village councils in earlier times would have been directed to the exceptional person who failed to abide by village norms. In most cases, this was a person with limited social ties to the village.

A review of earlier council records does not reveal many cases of necessary council intervention with drinking behavior. For example, in hundreds of cases taken up by the Inuit village of Whale in twenty years of records, no more than a handful deal with liquor. Attention of the council in these cases was focused on persons who had brought, or were inclined to bring, liquor into the village. The norm of abstinence, with private consumption of liquor tolerated on special occasions, was first established by village and missionary social standards and only secondarily by village law.

As Bethel developed as a source of wages, there was an increase in traffic between Bethel and the villages of young fishermen and wage earners inclined to drink when liquor and the money for liquor were available in the same place. The village consensus underlying council activity did not include a firm group understanding about drinking behavior. Historically, white

agents of law had both set the standards and directed enforcement of the law. Alcohol use became a central issue in the generational tension between older and younger individuals. It demanded new and even outside intervention that the state was not able to provide.

Explicit support from state and federal authorities for councils became an increasingly important source of council authority when drinking was concerned.

As already discussed, in 1963, at the second meeting of the AVCP, the Fairbanks prosecutor had worked with council presidents to draft ten village rules, to be enforced by councils with the support of state authorities. State prosecutors took these rules to other regions of the state.

Roy Petrotovich reminded councilmen in 1966 that the rules were laws for the Indian Reorganization Act governments to enforce.⁷ Yet councilmen realized that without reinforcement of their work by a state trooper, a person who stood for state authority, this second source of council authority had no strong credibility among young people, who were increasingly dubious regarding village law as police law.

Thus, councils had been transformed into agents of state legal power in a realm where village consensus had not been firmly established. This mantle of state authority was nevertheless suspect because it was measured, ultimately, by trooper activity.

AVCP records of the period are replete with criticism of trooper service and questions regarding the authority of councilmen to intervene actively in drinking behavior as if they were police and not consensus building agents.

(1967 Excerpt)

There was a point brought up about the difficulty of getting a trooper out to the villages. Ray Christiansen [state senator] mentioned that if the people would complain to him he would take this matter up with the Commissioner [of Public Safety].

President Paukan (St. Mary's) mentioned too that sometimes when they call the Trooper he never comes. Ray Christiansen mentioned that they need a letter to the effect of the Trooper and send a copy to the Commissioner [of Public Safety]. Last year when the Commissioner was here a question was asked how to contact the Trooper. He said if it is an emergency to call on the radio and if it is not to write a letter. Paul John stated that the Trooper should inform the village when he will come out then the council would be ready to meet him. Ray Christiansen pointed out that the State Trooper was appropriated more money this year to do more traveling. Kenneth Cleveland asked if a person could take away a bottle from a person before he starts drinking and getting wild. Paul Guy stated that you can take an opened bottle away and pour it out with a witness with you. Henry Evon (of Kwigillingok) said that when a person is drunk they wait until he is sober to fine him. If he is drinking at home they cannot bother him unless he is raising some trouble [AVCP 1967:19].

(1968 Excerpt)

Elias Joseph mentioned that the problem they have with the State Police is that they never come to Alakanuk when called. Kenneth Chase (of Aniak) said that the laws of the villages should be based on the State laws so that the police would come right away when called. Charlie Fitka of Fortuna Ledge said that on the minor things that happen in the village they should be taken care of instead of calling on the police.

President Paukan said that we will find out how much area the Deputy Magistrates cover. Perhaps the Emmonak Deputy Magistrate can take care of Alakanuk problems. It was agreed upon that we would wait for Nora Guinn to come to the meeting and tell her the problems that we have about the police not coming to the village when called. Henry Evon suggested that if a person has something to say, he should stand up, be recognized first and then talk...

Nora Guinn, District Judge, said that every Deputy Magistrate in the district has access to a State Law book. Anyone could use

them all the time but they cannot remove them from the court room. Elias Joseph said that former council members were against penalizing people that break the laws so many times. At the last meeting it was agreed upon to start penalizing the people that break the laws. President Paukan said he was going to call on each Village President and they will mention their problems..." [AVCP 1967:8]

When the complaint about trooper services was raised at yet a third meeting of the AVCP, in 1968, Trooper John Malone was called into the meeting:

Malone reported that he was the only trooper from McGrath down to the Coast and further he lacked both a radio system and a secretary. He said the only things that he tried to handle right away were of a criminal nature and emergencies. (AVCP Sept. 1968, P. 9)

As is indicated in the transcript, many persons questioned enforcement of council rules. The recidivists who challenged the village council weakened its authority. State law agents did not appear and village consensus was not formed in the realm of alcohol and behavior.

While state officials may not have understood the complaint of Elias Joseph, as quoted in the transcript, it was fundamental. Both the legal authority of the council and that authority derived from a village consensus on alcohol use were suspect. Persons whose behavior demonstrated persistent disrespect for council rules challenged both the village consensus and the authority of the village council in all of its work as a social control agent.

Where councils could not rely on state police to remove the offender and thereby make explicit the relationship to state

legal power and its demands, councils found it difficult to form a working consensus on alcohol use.

A review of letters received by the trooper during this period and for some years thereafter illustrates the kind of working relationship that the councils of many villages attempted to develop with state law enforcement. Using counseling and fining, each council had attempted to deal with an individual who had engaged in alcohol-related conduct on a number of occasions. The final call for assistance was usually a request for removal of the person from the village to Bethel, but these requests were rarely honored. "And this is not the first time" was an oft-repeated phrase in letters reviewed by the author.

In these early AVCP deliberations, one village official asked explicitly how persons could be expelled from villages and he was informed that such expulsion was illegal. Yet in the years that followed, the legal system was used as one means to expel residents from village to town.

Still Bethel came to be viewed not only as the source of liquor problems which could not be resolved within the village context, but as the appropriate repository for persons whose alcohol-related conduct made them unwelcome in the villages. Removal to Bethel of recalcitrant residents came to be viewed as the only significant result of calling into play state legal authority.

The transformation of village councils from consensus renewing agents within the context of individualized social

control to law imposing agents over persons who perceived drunken behavior as an escape from social control enjoyed only limited success. When their attorney secured for defendants the right to return to their home village after arrest and release on bail or on their own recognizance in the early 1970s, villagers complained that persons arrested often returned before the victim (McKenzie, 1976). The criminal law system was inadequate as an expulsion system.

By the 1970s among the Bethel residents were at least twenty adults who claimed to be residents of various villages but who drank so heavily and consistently that they were unlikely to be welcomed if they returned to the villages.

THE PROBLEM FROM A TRADITIONAL PERSPECTIVE

State alcohol law and the limited state capacity to control alcohol-related conduct outside of the town limits presented a challenge which was without parallel for small Eskimo societies in their history of white contact.

To understand the nature of the crisis and to further understand the changes in villages served by Bethel, one must consider, first, the inner logic of traditional Eskimo social control.

Eskimo law ways, though variant in details from group to group, had as a hallmark no dependence upon legal institutions. Instead, individuals were guided by noncoercive social cues. One did not intervene aggressively in the life of another without due

consideration to the ongoing relationship with the person affected and without due consideration of his reputation within the group.

Those who challenged this autonomy of others (including leaders) were talked about or ridiculed. These social pressures were powerful weapons where group membership and ultimate survival were at stake.

This inner logic of Eskimo law ways was meaningful for the Eskimo person who contemplated aggression upon his neighbor. It also influenced those who were delegated the responsibility to intervene in the problems of other, and finally, it influenced the character of intervention.

Eskimo village councils which were formed by contacts with non-Native authority - the teachers, the missionaries, the Bureau of Indian Affairs, and territorial and state officials, drew upon the tradition of the kashim, the men's sanctuary and ceremonial center common to many Eskimo villages. In the kashim, elders would counsel young people without singling out specific individuals for punishment.

Those who saw in village council activity kinds of tribal police courts were somewhat misled. Council techniques were originally not explicitly those of Western courts. They did not meet merely to assess innocence and guilt according to preset rules and to punish with fines and jail sentences. Council members were as grounded in the precept of limited or even non-intervention in the affairs of others as was the typical

villager. John Honigmann wrote, "By themselves, Eskimos leave it largely to individuals to recognize when they have exceeded limits of permissible behavior. Eskimos rely heavily on shame or guilt to signal that they have done wrong or merited disapproval" (Honigmann and Honigmann, 1965:242).

Council techniques were cautious and non-coercive. Both persons asked to appear before Eskimo village councils and bystanders had to be persuaded that council intervention was logical and appropriate. Councils did not enjoy the automatic, unquestionable authority behind badges of Western authority. Members were, first, fellow villagers. Councils had to develop a clear, rationale for intervention and for punishment, if merited, on a case-by-case basis.

This basis for authority was developed in two ways. One approach was to communicate village norms to the deviant so as to seek, as representatives of the village, an understanding with the deviant regarding appropriate behavior in the village. The second approach was to act as the agent of territorial and, later, state police or, in other words, as a buffer between the citizenry and direct intervention by Western law.

To the extent that a council explicitly represented outside authority, it was capable of meting out punishment without providing the deviant and the community with a logical basis for intervention in the conduct of another. However, such a posture was hard to achieve for village councils. One might view the development of village rules, based on state law, in 1963 as an

attempt to clothe councils with a very limited mantle of external authority. When councils complained that police did not come when called by the council or did not consult the council when they entered the village, the underlying message was that outside authority undercut this important source of derived authority and this important village rationale for council intervention.

In the early 1960s, village officials discovered that the substantive law regarding alcohol control prohibited a local ban of liquor use which had been the traditional mainstay of alcohol control in the village. State law offered instead to village councils a set of statutes and regulations developed on the assumptions that liquor use by adults was the norm and that deviant behavior an exception to be checked by police action.

The logic of state law was so at variance with the historical message of teachers, missionaries and territorial law enforcement that village councils now found their role as social control agents to be sharply limited or even precluded (Collier: 1973).

As discussed earlier, an increase in the supply of liquor available to villagers coincided with a lessening of the isolation of the village and its social realm from the larger realm of the region. The effect of the most extreme penalty of village justice - expulsion from the village and its network of social and economic relationships - was substantially muted by the opportunities available to villagers to migrate to other villages or even to break free of village social control by migrating into the town where each person could become a stranger among

strangers.

In earlier days, village councils, supported by teachers, missionaries, territorial law, and, indirectly, by limited opportunities to purchase liquor for transport to the village, had been able to focus on possession of liquor within the village, not on liquor-related conduct. By the mid-1960s, however, liquor traffic had become a fixture of regional traffic. State law was not consistent in its support of liquor bans in the villages. It had legalized private use and possession of liquor. Moreover, a younger generation had discovered that drunken comportment provided "time out" from dealing with the demands of both white and Native society.

Although drinking has been known to occur in Southwestern villages since the turn of the century, the problem of alcohol traffic and consumption which village leaders confronted in their discussions with state officials was of an entirely new dimension. It was as open-ended as the availability of liquor was open-ended. A social consensus, especially one that universally restricted individual rights to possess, use and share liquor, was hard to articulate and confirm through council action. State law agents provided no direct support for suppressing liquor use.

CONCLUSION

This discussion of the history of alcohol control in the Bethel region in the decade immediately following statehood reveals that the problems of jurisdiction which had plagued Alaska since the Russian era continued and, indeed, were

multiplied by the transformation of the territory into a state. Moreover, as contact between formerly isolated Native communities and Western society increased, the cultural and economic changes evident in Native society further complicated the alcohol control issue.

AFTERWORD

In 1986, after a quarter century of statehood for Alaska, Native villages have been offered a state-legislated option to vote a ban on possession of liquor in their villages (Alaska State Legislature: House Bill 700). Once again prohibition of alcohol has been posited as a way to deal with alcohol problems. The bill would be enforced at the village level through issuance of civil citations and not through criminal law penalties. Fines up to \$1,000 could be imposed and vehicles used in transport of liquor into dry villages could be confiscated. Both incorporated and unincorporated villages could supervise community work programs which would allow impoverished offenders to work off civil fines.

As in the past a jurisdictional conflict between powerful non-Native forces forms the backdrop to this legislation. After an opinion by the Associate Solicitor, Division of Indian Affairs, in 1980 holding that Allakaket, as a dependent Indian community, could be delegated authority under federal Indian liquor law to ban possession, two Alaska villages had bans on possession approved by the Secretary of Interior.⁸

It is evident that the legal issues related to alcohol

control and the Alaska Native population continue to involve jurisdictional questions, as they have for over 100 years.

FOOTNOTES

¹ The federal prohibition of the sale of intoxicants to Indians first appeared in the Intercourse Act of 1802 (Act of March 30, 1802, Ch. 13, Sec. 21, 2 Stat. 139, 146). AS 25 U.S.C. Secs. 241-50 was repealed by the Act of June 25, 1948, ch. 645, sec. 21, 62 Stat. 683, 862. Thus, prohibition of sales to Alaska Natives was a policy inherited as a portion of the received Indian law doctrine of the contiguous United States. See Felix S. Cohen, "Indian Liquor Laws" in Handbook of Federal Indian Law (1942) pp. 352-357.

However, peculiarities in the legal status of Alaska Natives and the territory of Alaska determined that, according to Cohen, "Alaska [was] not covered by the [national] Indian Liquor Laws" (Cohen, 1942:357). Congress passed special legislation on liquor for the territory, including a grant to control liquor traffic to the territorial legislature. Act of April 13, 1934, 48 Stat. 583, 584.

Cohen summarizes the Alaskan situation as follows:

The Act of July 27, 1868, 15 Stat. 234, 241, R.S. § 1955, gave the President power to regulate importation and sale of distilled spirits in Alaska. Four years later the case of United States v. Seveloff, 27 Fed. Cas. No. 16252 (D.C. Ore., 1872) decided that Alaska was not Indian country and that the special Indian liquor laws did not extend to the new territory. In the following year, Congress extended the Indian liquor laws to Alaska by the Act of March 3, 1873, 17 Stat. 510, 530. Again by the Act of May 17, 1884, 23 Stat. 24, Congress prohibited importation, manufacture, and sale of intoxicants to all of Alaska and its inhabitants. This measure was amended by the Act of March 3, 1899, sec. 142, 30 Stat. 1253, 1274 to limit the prohibition to selling to Indians.

As amended by the Act of February 6, 1909, 35 Stat. 600, 603, the Act of 1899 remains in force [in 1942]. In answer to the question of the Secretary of the Interior as to whether the Indian liquor laws apply to Alaska, the Acting Solicitor of the Department of the Interior in 1937 gave his opinion that they do not. His opinion reached the following conclusion:

It is evident, therefore, that Congress did not regard those provisions i.e. the Indian liquor laws, as having application to the natives of Alaska; otherwise, the enactment of section 142 above [30 Stat. 1274] would not have been necessary. That the territorial legislature entertained a like view is shown by the fact that it has also seen fit to deal specially with the subject of liquor control among the Alaska natives (see section 4063, Compiled Laws of Alaska, 1933). In any event, the enactment by Congress of a special liquor law for the natives of Alaska makes the general enactment found in Section 241 [25 U.S.C.] locally inapplicable (Op. Sol., I.D., M.29147, May 6, 1937, pp. 18, 19) (Cohen, 1942:357).

² I refer to further legitimization because the work of village councils established by teachers and missionaries which involved enforcement of village ordinances could be said to have been made legal by territorial legislation that allowed communities which had no judge or U.S. Commissioner to employ their city councils as police courts.

³ Documents from the territorial period discuss the situation of Eskimo families of the Yukon-Kuskokwim Delta. The descendants of these families would later relate to Bethel, its liquor supply and its law enforcement.

Walter E. Cochran, who, as a member of Sheldon Jackson's Bureau of Education from 1909 to 1915, directed a school and reindeer station in Mountain Village, reported to the governor that the 5,000 Eskimos in the region had at that time met few

white men other than Bureau of Education employees and Roman Catholic priests. Thus, their situation was very different from that of Eskimos to the north who had had substantial contact with foreigners (Report of the Governoe, 1915:31).

Cochran's letter reveals how liquor control was tied to plans implemented by teacher-missionaries to settle Eskimos into villages and to introduce village councils as forms of self-government:

[The Eskimos] are kind, peaceable, can be taught to be industrious, honest, and reliable members of the native population of the north, and no difficulty need be encountered in bringing about this desirable result if they are understood.

To accomplish this, two courses of immediate procedure are necessary: First, the complete abolition of the making of intoxicating drinks by native traders and others, and, second, the consolidation of the scattered villages of underground igloos into central community centers at desirable and sanitary locations, where sanitary cabins may replace the damp, cold, and filthy underground igloo. The conditions that now exist in these igloos no human being can describe - one can only know after he visits them.

The first result can, in my judgment, be accomplished only in one way, and that is by placing a special agent for the suppression of the liquor traffic in the delta. The special officer for the suppression of the liquor traffic in the second judicial division I have met and believe him to be a sincere officer, but unless an agent can devote his entire time to this vast region no permanent results will follow; and if a man who understands these natives can spend one winter or rather one year in this delta, he can stop this traffic that is destroying this race, and can do it without prosecuting except in very rare instances. Furthermore, by bringing them together in larger communities and establishing mild forms of self-government among them, it will be easy after this is accomplished to reach them with any influence necessary for the complete eradication of this degrading and destructive practice. I have talked to large assemblages of these natives, and I am not guessing at what may be done, but am certain that the plans suggested can be carried out, to the salvation of the worthwhile people.

The second course for their permanent betterment is industrial education. This can be accomplished easily when the above-mentioned communities are established and the liquor problem is solved, and assuredly not before. . . .

The Bureau of Education has been unable to reach very far into this tundra, on account of limited appropriations, but where they have gone the results are manifest and serve to illustrate my contention that where a chance is given them they will do their part.

The Jesuit fathers in the Akularak region have done much good and saved many lives of children, but their work is necessarily local, and their mission is absolutely unable to cope with the liquor situation.

The chief thing needed in the beginning is legally constituted authority, combined with patience, common sense, and a knowledge of the people, a man of backbone yet who has sympathy and honest motives, and the results of the work of such a man will be evident within a few months after the beginning of this service.

The idea of consolidating the scattered villages, industrial training, and the establishment of new herds of reindeer is undoubtedly the solution of the problem (Cochran letter in Annual Report of Governor, 1915:31-32).

Thomas Gaffney, special agent for the suppression of liquor traffic among the Indians, for the second judicial division, reported to the Governor:

The Yukon delta is composed of numbers of sloughs and watercourses, rendering it impossible for anyone unacquainted with the topography of the country to discover any particular place. The immensity of the vast stretch of this low-lying land, barely above ordinary high water, has to be seen in order to form any idea of the territory embodied therein. The natives, with which this report has to deal, live on the south branch of the Yukon, known locally by the name of the Kusilvak River, which name is no doubt derived from the lofty mountain situated on the same side of the river and about 50 miles inland. With a good light-draft launch I reached the headquarters of the Akaulavak River. The river is about 50 miles from the open sea, and along this stretch I visited 10 villages with a population of 350 persons. At the head of the Akoulavak I met the missionary fathers

from St. Marys Mission, situated about 50 miles inland. The Akoulavak is one of the many rivers or sloughs which break from the main river and empty into the sea, some as far south as Hooper Bay. The natives I met at the various fishing villages live inland on these sloughs in the wintertime, and quite a few of them around the mission, where the United States Bureau of Education maintains a school, employing one of the sisters for teaching the natives, the Jesuit father told me, but owing to the primitive conditions existing here the progress is necessarily slow. They condemned severely the practice prevailing among the natives of making "cold whisky," and were most optimistic with regard to the benefits that would accrue from the presence of a Government agent among them. They promised to inform the natives in the various places they would visit of the nature of my mission, and assured me they felt thankful that some steps were being taken to stop this most pernicious practice. There are, I should judge, about 1,000 people in this section between this bank of the river and the Kuskokwim delta. They are the most primitive in their ways and their mode of living of any natives I have met in this division. Their habits of life are very uncleanly and progress along sanitary and hygienic lines is very slow. This is distinctly noticeable among the elder natives, the younger ones showing a very good tendency toward improvement. Owing to the nomadic life of these natives development is bound to be slower than in other sections. Their slight intercourse with civilization also accentuates this condition. Not many white men visit this section, except the trader, as its economic wealth lies in its furs principally, if not entirely. The value of the furs gathered in this section I should estimate conservatively at from \$60,000 to \$75,000 yearly. There are skins of the hair seal, and oogaruk and seal oil are other products of the coastal plain and serve to provide clothing, food, and fuel. The scarcity of wood in the interior and the natural indolence of the natives in gathering wood makes the seal oil the only source of fuel and light in the wintertime.

But it is in connection with the dealings of the traders and the natives that my report specifically relates, as it is through the traders and their sub-agents that the use of "cold whisky" or "sourdough" is carefully cultivated and encouraged. For years these primitive people knew no law or code of morals except such as was propounded to them by the white trader, many of whom they looked upon with reverential awe. It is needless to say the code of morals inculcated did not serve to advance the interests of the natives either morally or materially. The Eskimos are proverbially shrewd in bartering or trading and it is in

order to set aside their natural shrewdness and caution that some traders (not all of them I must say) have had to resort to the most depraved and criminal methods, namely, the debauching of the natives by the vilest kinds of whisky of extracts, composed of 50 per cent of alcohol, until they became easy victims of the trader's cupidity. Through the vigilant efforts of the superintendent of native schools of this district, assisted by the school-teachers and the missionaries, the traffic in straight whisky and extracts has been greatly minimized, and, I may add, that through their endeavors principally the sale of extracts has been entirely abandoned. But a worse and far more injurious method has been introduced which reduces the native to the uttermost depths of poverty and human degradation. This is the "cold whisky" or "sourdough" beverage, made from flour and sugar fermented, which, instead of being used for human sustenance, is used for this vile purpose, leaving the native totally impoverished. The destitution from this source alone last winter in this region was something dreadful.

Mr. Cochran, the Government teacher at Mountain Village, assured me last winter that he had been told by natives from the Kusilvak that destitution was widespread from this cause. And knowing Mr. Cochran's good work among the natives, and his familiarity with them, I have no doubt this statement is correct. It was toward the abolition of this evil that I concentrated my efforts during my short trip in the month of June. This beverage, drunk in a half-fermented state, produces stupefaction and sickness of the stomach simply indescribable. Not only does it leave the victim a prey to the unscrupulousness of the trader, but it severely undermines the health of male and female. The most wanton distribution of this stuff is done by subtraders employed by the big traders, who are all natives recruited from their people on account of certain merits they possess, such as cold, deliberate cunning and physical prowess, both of which traits are brought into requisition to separate their credulous and timid people from their worldly goods. That some of them are inveterate scoundrels goes without saying. The Hon. Frank Waskey, first Delegate to Congress from Alaska, and now United States commissioner at Marshall, ran across one of these fellows last spring while on a trip through this country, and found on his sled a small barrel of this "cold whisky" which he was using for trading purposes. He dumped the stuff out after taking a sample bottle, which he forwarded to the United States district attorney at Nome for examination.

. . .
Before concluding, I beg to state that too much credit can not be given to the school teachers and the

missionaries for the good work they have done and are doing among the natives in the various sections I have visited this past years (Gaffney letter, Annual Report of the Governor, 1915:32-33).

4 The federal representatives at the Bethel meeting may not have understood the continuing legal relationship between Alaska Native tribes as Dependent Indian Communities on Indian Country. This relationship validated federal delegation to tribes of the authority to enforce federal Indian liquor laws, including prohibition laws. This legal position was clarified in Liquor Problems in "Indian Country" in Alaska (unpublished memo of the Associate Solicitor, Indian Affairs, which confirmed that "if an organized native group does not elect to permit liquor on its reserve or in its community, the Federal Indian liquor laws still apply," September 26, 1967.) More pointedly, however, the same opinion noted that, while responsibility for enforcement of the Indian liquor laws rests with the Bureau of Indian Affairs, "Since 1958, when Public Law 280 was extended to Alaska, the Bureau has had no special officers or agents for the suppression of liquor traffic in Alaska. Bureau files reflect that after the 1948 Solicitor's letter, indicating applicability of the Federal liquor laws to Alaska, consideration was given to enforcement, but there was a lack of sufficient Bureau personnel and the subject was not pursued."

Public Law 280 was extended to Alaska because Native groups allegedly had neither laws of their own nor enforcement mechanisms to fill the gap left by an absence of federal law enforcement.

As the AVCP minutes indicate, the state was not prepared to delegate its authority to Native villages to prohibit liquor except as those village rules conformed with state law.

⁵ Krauss notes that 1965 was, in fact, a pivotal year in that suicides among Natives doubled. The problem of suicide centered around Alaska Natives in their teens and early twenties and was more common in towns than in villages (Krauss, 1977:2).

⁶ Still, transportation, with the advent of the snow machine, had improved between Bethel and nearby or villages during winter months, and summer traffic by boat was steady.

⁷ Indian Reorganization Act, Act of June 18, 1934, 48 Stat. 984, 25 USC 461 et seq.

⁸ See 48 Fed. Reg. 30195 (June 30, 1983) (Village of Northway Liquor Control Ordinance); 48 Fed. Reg. 21373 (May 12, 1983) (Village of Chalkyitsik Liquor Control Ordinance).

APPENDIX

LIQUOR TRAFFIC AMONG THE NATIVES.

The work of the special employees for the suppression of the liquor traffic among the natives of Alaska during the fiscal year has been noteworthy, first, because of the number of cases that have been successfully prosecuted and the very apparent effect that their work has produced in a preventive way. This is apparent from the fact that there is less drinking of liquors by Indians and fewer cases of illicit manufacture of native intoxicants, and with it a decrease in the commission of other crimes caused by the liquor traffic among the natives. The number of arrests and convictions of offenders for crimes other than selling and giving liquor to Indians may be noted. These arrests were a direct result of the traffic and caused by it. While the average native takes to red liquor as naturally as a duck takes to water, it is worthy of note that there are many earnest and sincere natives who are real workers in the cause of temperance and sobriety among their people, and the drinking of intoxicants is discouraged, both by precept and example; and the efforts of these men are beginning to bear some fruit. Such natives cooperate with the Government special agents in their work of suppressing the traffic, and accordingly excellent results are apparent.

Four special employees were employed during the year, one in each of the four judicial divisions, their respective headquarters being at Juneau, Nome, Valdez, and Ruby. Each of these officers covers an extensive territory, and in the second, third, and fourth judicial divisions they frequently must make long journeys, both by land and water, with the means of transportation often slow and uncertain. They are required to make monthly reports to the governor's office showing their itineraries and the results of their work each day of the month. These reports show that a total of 66 persons were arrested by or at the instance of the special officers during the year. In addition to this number, cases were prosecuted upon evidence obtained by deputy United States marshals. Of the cases presented, 41 were in the first judicial division, six in the second, 20 in the third, and 17 in the fourth. The charges preferred against the several defendants, and the disposition made of the cases in the first judicial division are as follows:

Furnishing liquor to natives (prosecutions under the Federal statute).—Two persons arrested and dismissed upon hearings before commissioner for lack of evidence; one dismissed upon hearing because of failure of complaining witness to appear; one case taken direct to grand jury, which failed to indict; two bound over, indicted, and found not guilty upon trial in district court; three bound over, indicted, found guilty, and given two months each in jail; three bound over, indicted, found guilty, and given three months each in jail; two bound over, indicted, found guilty, and given four months in jail; two bound over, indicted, found guilty, and given five and six months, respectively, in jail; one bound over, indicted, found guilty, and given two years in the penitentiary.

Giving liquor to Indians (prosecutions under chapter 51, Session Laws of Alaska, 1915).—One discharged upon hearing before commissioner owing to lack of evidence; one (Chinese) pleaded guilty and was fined \$200; one pleaded guilty and was fined \$150; one (native) found guilty and given two months in jail; four found guilty and given three months each in jail; four found guilty and given 100 days each in jail; one found guilty and given four months in jail; three found guilty and given jail sentences of 200, 250, and 260 days, respectively.

Drunk and disorderly (prosecutions before the municipal courts of Juneau and Ketchikan).—Seven natives were successfully prosecuted; one was given a jail sentence of five days, one was fined \$15, two were fined \$20 each, two were fined \$25 each, and one was fined \$75.

The special officer in the first division performed a large amount of patrol and investigation work during the year, which was fruitful of results in preventing violations of law and in preserving order in outlying communities not usually visited by regular peace officers.

Six arrests were made by the special officer working in the second judicial division during the fiscal year; five of the defendants were bound over to the grand jury, one defendant being released upon a hearing before the United States commissioner. The grand jury returned true bills against four of the defendants, who were bound over to await its action and a not true bill as to the other one. Upon trial the four persons indicted were found guilty; one was fined \$100 and one was sentenced to three months in jail; one was sentenced to a year

and one to 15 months in the penitentiary. This officer also did a large amount of patrol and investigation work throughout his division during the year, traveling several thousand miles, both by steamer and by dog team.

Twenty persons were arrested by or at the instance of the special officer in the third judicial division during the fiscal year. The charges brought against the several defendants and the disposition made of their cases were as follows:

Assault with deadly weapon.—One white man bound over and case awaiting action of grand jury at the end of the fiscal year.

Furnishing liquor to natives (prosecutions under the Federal statute).—One white man bound over, indicted, pleaded guilty, and sentenced to one year in the penitentiary; one Japanese bound over, indicted, found guilty, and sentenced to one year in the penitentiary; one native bound over, indicted, found guilty, and sentenced to 130 days in jail; three white men, one Japanese, and one native bound over and cases awaiting action of the grand jury at the end of the fiscal year.

Giving liquor to natives (prosecutions under chapter 51, Session Laws of Alaska, 1915).—Three natives were convicted before the United States commissioner and sentenced to 60 days each in jail; one native was convicted and a fine of \$120 imposed, which was served out in jail at the rate of \$2 per day; two white men were convicted and sentenced to four months each in jail; one was convicted and sentenced to six months in jail; one was convicted and sentenced to three months in jail; one was convicted and sentenced to two months in jail, and one was convicted and sentenced to one month in jail.

Selling liquor without a license.—One white man convicted before commissioner and fined \$500.

The special officer for the third judicial division performed a large amount of patrol and investigation work in the district during the year and much good was accomplished in this way.

In the fourth judicial division 17 persons were arrested by or at the instance of the special officer during the fiscal year. The charges brought against the several defendants and the disposition made of the cases were as follows:

Assault.—Two natives found guilty upon hearing before the commissioner and sentenced to 60 and 90 days, respectively, in the Federal jail.

Attempted rape.—One native bound over to the grand jury, indicted, found guilty upon trial in the district court, and sentenced to 12 years in the penitentiary.

Disorderly conduct.—Two natives found guilty before the commissioner and fined \$25 and costs and \$10 and costs, respectively.

Disturbing the peace.—Two natives found guilty before the commissioner and fined \$30 and costs each, the fines being served out in jail.

Furnishing liquor to natives.—Two natives arrested, but dismissed upon hearing before the commissioner and held as witnesses in a case against a white man; two white men bound over to the grand jury and awaiting action of that body at the end of the fiscal year.

Purchasing moose meat in the close season.—One white man found guilty before commissioner and fined \$200.

Rape.—One native bound over to the grand jury, indicted, found guilty upon trial before the district court, and sentenced to a term of 10 years in the penitentiary.

Selling moose meat in the close season.—One native, dismissed upon hearing before the commissioner.

Selling liquor without a license.—One white man found guilty before the commissioner and fined \$100 and costs, the same being served out in jail.

Sending poison through the mails.—One white man bound over to the grand jury, indicted, found guilty upon trial before the district court, and sentenced to a term of two years in the penitentiary.

Vagrancy.—One white man found guilty upon hearing before the commissioner and sentenced to 160 days in jail.

TERRITORIAL OFFICERS.

I have to renew the recommendation contained in the last two annual reports of this office that the offices of the surveyor general and ex officio secretary of Alaska be segregated and that an annual appropriation be made for the maintenance of the latter office. There is nothing in common between the work of the offices as at present conducted, and the needs of the Territory require that the surveyor general shall give undivided attention to that office. With the promised extensive development of Alaska and the increase of population the office of the secretary of Alaska will become more and more important. For the present to it might be attached a bureau of immigration and industrial statistics, two lines of endeavor of vast importance to the Territory not only in the immediate present, but in the future as well. The same office might also assume the duties of registrar of vital statistics, an office created by the Territorial legislature, which is now being filled by the surveyor general as ex officio secretary of the Territory. He receives fees to the maximum amount of \$2,500 a year for services rendered the Territory in connection with his duties as secretary of Alaska and as registrar of vital statistics. It may be added that Congress has never made any provision for the maintenance or equipment of the office of the secretary of Alaska. The offices of the Territorial treasurer and Territorial inspector of mines were created by the legislature, session of 1913, these officials being appointed by the governor for a term of four years. The office of the attorney general was created at the 1915 session of the legislature. The office is elective and will be filled at the general election in November, 1916. The treasurer of the Territory receives a salary of \$4,000 a year; the Territorial mine inspector \$3,000, with an expense allowance of a like amount; and the attorney general will receive a salary of \$5,000 per year. There are also four road commissioners, one in each of the four judicial divisions, these officials being elected for the term of two years.

PUBLIC BUILDINGS.

In 1910 Congress authorized the erection of a public building at Juneau, the capital of Alaska, to cost, with the site, \$200,000. A site was purchased at a cost to the Government of \$22,500—an excellent

ARRESTS by Special Officers, Fiscal year ended June 30th, 1925.

	Arrests	Convictions.	Fines	Jail Sentences aggregating	Bail	Pound to Grand Jury	Appealed to District Court
Claude Shea (resigned): July 1, 1924 to March 31, 1925.	*29	27	\$7850-	5 years 5 months 5 days (17 cases)	\$2000-	3	0
Hugh P. Allen Apr. 1, 1925 to June 30, 1925.	1	1	(Released by Judge with promise that he go home.)		-----	0	0
Robert James	17	12	\$3400-	3 years (6 cases)	\$1650-	6	1
H. E. Seneff	**10	8	\$118-	7 mo. 15 days. (3 cases)	\$3500-	**2	0
J. W. Wilson.	***18	17	\$1840- and costs.	1 yr. 20 days. (7 cases)	\$3500-	3	0
Wm. Jackson	6	4	\$95-	0	-----	0	0
TOTAL	81	69	\$13,303-	10 yrs. 1 mo. 10 days. (34 individual cases)	\$10,650-	14	1

* Of these arrests, one was made for possession of 2 sea otter skins. Plead guilty; and One case ordered to leave the country.

** Of these arrests there were 2 cases pending June 30th, 1925.

*** Of these arrests, two were made at Petersburg for violating game laws, having deer in their possession. Fined \$100 each and costs.

NOTE; This report does not include arrests made in assisting U. S. Marshal's Office.

TERRITORY OF ALASKA

PROTECTION OF GAME
SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

Tanana, Alaska, July 1, 1930.

GOVERNOR'S OFFICE

Hon. Geo. A. Parks,
Governor of Alaska
Juneau, Alaska.

NOTE:- Second Division Report of
arrests listed on page 7.

Dear Sir:

I have the honor to submit herewith my annual report as special officer for the suppression of the liquor traffic among natives in the Fourth division of Alaska, for the fiscal year ended June 30, 1930.

A good gas boat with a house on it, where an officer could make his home during the summer season while patrolling the waters of the several rivers in the division, would do much in putting an end to the liquor traffic and drunkenness among the natives. The Indian like the white man throughout the Fourth division of Alaska, has become adept in the ways and means of screening himself from the eyes of the law, by hiding his illicit distillery in secretive places, where the officer would hardly be expected to visit or look for distilleries. The whiskey once made, is cached in secluded spots and not drawn on, until wanted for sale or drunken parties. These places being off of the regular route of travel and out of sight and ear shot, the officer in search and travel on hurriedly trip; will most likely overlook them. If it were possible for the officer to remain some length, at these places and make a careful search, where liquor conditions are known to be notorious; there is no doubt but what his efforts would be rewarded by arrests and convictions.

The following is a report of liquor conditions where I have visited or otherwise obtained through substantial sources,

Yukon River Section:-

Circle:- For a small place, I considered conditions bad. The several arrests which I made during the spring of 1929, should improve matters, however, Circle should be visited again during the spring of 1931, in order to hold it in check.

Fort Yukon:- Conditions among the natives are fair, considering the large native population, but there are a number of illicit stills known to be scattered in and around that section of the country. The natives on Salmon River, are reported to be drinking heavy. In order to get results, one should remain there for a month.

TERRITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-2-

Beaver:- Conditions not bad, however, there are some liquor made and drank in a small way. One white man has been reported to make "moonshine" whiskey and sell it to all that wish to buy it, and some three natives have stills, they are said to be making for their own use and not selling much if any.

Stephen's Village:- Conditions not good. The natives, a number of them are said to have real copper stills, and some of them are making "moonshine" whiskey for the market. Considerable drunkenness have been reported, since my last visit. If it were possible for an officer to drop in there at the right time, he nodoubt be able to clean the place up in good shape. To do this would mean a gas boat trip either out of Tanana or from Circle down stream. The latter preferable.

Rampart:- Conditions are pretty good. One white man and about two natives are about all that are said to be making, which is in a very small way.

Tanana:- Conditions are good. The liquor that reaches this place, is brought in from a distance, however some drinking at times are noticed among the natives, but this is not frequent.

Kelland:- A couple of white men have been reported to be making "moonshine" whiskey in a small way, and some of the liquor has been reported to have been sold in Tanana, however the signs are not noticeable.

Kokrines:- Conditions have improved some, but at that it is far from being good. One white man has been reported to be making beer and selling to natives, and about all of the natives make liquor in some form and drink it. They are a bunch of drunks.

Ruby:- Conditions good. One man is said to be making beer and selling it to white men, however, some of the natives along the river in that vicinity make "moonshine" whiskey for their own use, but in the whole the out put is very limited, and a drunken person is seldom seen.

Kuyokuk Station:- Conditions not good, a great many of the natives, are reported to be making "moonshine" whiskey and drunkenness is said to be in vogue.

TERITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-3-

Nulato:- Conditions are not the best, a great many of the natives are making "moonshine" whiskey and drinking heavy, however they keep under cover pretty well. They do most of their drinking while on their trap lines and not so much as heretofore at their fish camps.

Kaltag:- Conditions bad, as the natives like Nulato and Kuyokuk Station, make liquor and get drunk quite frequently.

Anvik:- Conditions fair. Some of the natives here make whiskey and sourdough mash, but that section is not so bad as in and around Nulato.

Holy Cross:- Conditions good, taking it as a whole among the natives.

Shageluk Slough Country:- Conditions bad, but have improved a lot over two years ago.

Russion Mission:- Conditions very good. None of the natives here are said to be drinking or making.

Marshal:- Conditions not bad, but conditions are said to be bad in and around the South mouth of the Yukon extending down stream to Old Hamilton. Sourdough mash is what is made in this section by the natives. This is ofcourse in the Second division.

Galena:- Fifty miles below Ruby. Conditions fair, but some of them make whiskey and are considered to be heavy drinkers.

Koyukuk River section:-

The lower end of the Koyukuk River, during the trapping season, where the Nulato and Koyukuk Station natives go to trap, for about 200 miles up stream, is not good, here is where they operate their tin-can stills, and there is much drinking and drunkenness. The summer time, is different as most of the natives are on the Yukon River fishing, and this part of the river is almost depopulated.

Wiseman:- Conditions, just fair. One white man is claimed to be operating a still and selling to both natives and whites. The natives themselves, do but very little distilling liquor, some make beer, however there is some drunkenness among them. aside from this, nothing has been reported.

TERRITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-4-

Tanana River Section:-

Chena Village:- Conditions not good. The natives buy their whiskey in Fairbanks, and drink it at the village. None of the natives here, make whiskey, but there is two known bootleggers in that vicinity that makes whiskey and sell it to them occasionally, but most of their product is sold in Fairbanks.

Nenana:- Conditions fair, however the natives drink whenever they can buy it, but the bootleggers are getting pretty well thinned out. The natives here are hard drinkers, but very few of them make whiskey, some of them make beer. The natives here must be held in check, in order to keep them away from the distilling of whiskey, of which they are apt to do at anytime.

Minto Village:- All of the natives drink heavy, they buy it from outlying places, very few if any are making whiskey, but some are making beer.

Tolovana:- Conditions good. No distillery here, white liquor there is, comes in from other places.

Hot Springs:- Conditions bad. Three white men reported making "moonshine" whiskey and selling it to Natives as well as white men. Considerable of drinking going on at Hot Springs. One native near Dugan Creek is said to make whiskey and sell it to natives. Most of this native's whiskey is disposed of along the river at Tolovana and Minto Village. I have searched both this native's place and the white men's, but for the last two years, I have had little success.

Coschaket Village:- Conditions not bad, some beer has been made there and one native is said to be making whiskey, but there is very little drunkenness.

Kantishna River Section:-

A number of white men have been reported to be making whiskey and selling to natives. The entire river should be patrolled. Some of the natives are also making whiskey and beer, but, they are also scattered from one of the Kantishna River to the other. I visited this section some years ago and found several stills, one being a 40 gallon still, but was unable to connect the owners of the stills and of course made no arrests.

TERRITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-5-

Kuskokwim River Section:-

Good News Bay country:- Conditions bad, the natives here are making sourdough mash, and drunkenness is reported to be everywhere; there is also several white men said to have stills and they sell to the natives and trade the whiskey to them for fur etc.

Bethel:- Conditions good. A few white men are claimed to be making whiskey for sale.

Akiak:- Conditions among the natives are pretty good, however some two or three white men have been reported to be distilling whiskey, and there is times when some of the natives have known to be drunk.

Ohogomute and up stream to McGrath, all of the natives, are reported to be a drunken bunch. Sourdough mash, is what the natives are making and drinking. The still outfits are found around McGrath and Tacotna, which are in the hands of the white man, some of this liquor I am told is sold and traded to natives.

During the fiscal year just ended I have traveled by railroad, steamer, gasoline launch, horse team, dog team, row boat and by foot miles; investigated more than 200 cases in connection with the liquor traffic, made arrests, procured convictions, paying fines, with jail sentences, assessed fines aggregating some \$ total time served by all prisoners combined years, seized illicit stills, about gallons "moonshine" whiskey together with quantities of mash for the manufacture of whiskey; all of which was destroyed after trial and conviction of each case.

The following are the names of persons arrested by me, showing fines and jail sentences imposed on them during the fiscal year ended June 30, 1930.

1 Joe John, (Indian) Tanana, Alaska, arrested July 5th, for violating the Alaska Dry Law, convicted July 6th, fined \$50.00 which he paid.

2 Mike Nicolai, Tanana, Alaska, also a native, arrested July 5th, for violating the Alaska Dry Law, convicted July 6th, fined \$50.00 which he paid.

THE TERRITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-6-

- 3 Joseph Nicolai, (Native) Tanana, Alaska, arrested July 5th, convicted July 6th, fined \$50.00 for violating the Alaska Dry Law, fine was paid.
- 4 Abraham Hunter, (Indian) Tanana, Alaska, arrested July 5th, for violating the Alaska Dry Law. Sentenced July 6th, sentenced to 30 days in jail and to pay a fine of \$60.00, fine was paid.
- 5 Zacharia Reece, (Indian) Tanana, Alaska, arrested July 5th, convicted July 6th, sentenced to 5 days in jail and to pay a fine of \$60.00, fine was paid.
- 6 Joe Landers, Ruby, Alaska, arrested July 23rd. for having in his possession 1, 30 gallon still set-up and in operation together with 10 gallons of whiskey and 250 gallons of whiskey mash and other paraphernalia for the manufacture of "moonshine" whiskey, in violation of the Alaska Dry Law, entered a plea of guilty the same day of arrest and was sentenced to serve 3 months in jail.
- 7 Andrew Pilot (Native) Koyukuk Station, Alaska, arrested August 2nd, for having a still in his possession, mash and 2 qt. bottles of "moonshine" whiskey, convicted under the Alaska Dry Law, August 3rd, sentenced to 3 months in jail and to pay a fine of \$50.00, fine paid.
- 8 Mathew Charles, (Native) Koyukuk Station, Alaska, arrested August 2, for having a still out complete in his possession together with mash and "moonshine" whiskey, sentenced August 3, to 2 months in jail.
- 9 Julius Negolsa, (Indian), Koyukuk Station, Alaska, arrested August 2nd for having a complete still outfit in his possession together with "moonshine" whiskey and mash, entered a plea of guilty under the Alaska Dry Law, August 3rd, and was sentenced to serve 60 days in jail.
- 10 Sarah Yaska, (Native) Tanana, Alaska, arrested September 3rd for being drunk and disorderly, fined \$10.00 which she paid.
- 11 Joe John, (Indian) Tanana, Alaska, arrested Sept. 3, for being drunk and disorderly, entered a plea of guilty Sept. 4th, and was fined \$10.00 which he paid.
- 12 Oscar Emerson, Tanana, Alaska, arrested March 7th, for selling intoxicating liquor to Indians, tried and convicted same day of arrest, sentenced to 4 1/3 months in jail.

TERRITORY OF ALASKA

PROTECTION OF GAME SUPPRESSING TRAFFIC IN INTOXICATING LIQUORS

-7-

- 13- George Bailey, Tanana, Alaska, arrested March 7th, for selling intoxicating extracts to natives, arraigned same date of arrest, entered a plea of not guilty, released on bond of \$250.00 for his appearance in local court March 10th. The case was dismissed without prejudice, there being not sufficient evidence to warrant a jury trial.
- 14
2nd. Divn. --- Jake Topolsky, Nome, Alaska, arrested June 23rd, for having a still complete and three gallons of whiskey in his possession; on June 24th entered a plea of guilty for possession and was fined \$300.00 which he paid.
- 15- John Swedeman, Nome, Alaska, arrested June 26th, and John Wagner for having a large distillery together with large quantity of whiskey in their possession, found at their still house, which is located by following a well broken trail from their living quarters direct to said still house. This still outfit is acknowledged to be the largest of its kind in the Nome district. The trial of which has not come up, and further details of it will appear in next years business or 1931.

The summary of my work is as follows:

Miles traveled.....	5190
Arrests made.....	16
Convictions secured.....	13
Cases still pending.....	2
Persons paying fines only.....	5
Persons paying fines with jail sentences.....	4
Persons serving jail sentences only.....	4
Jail sentences suspended.....	1
Stills seized and destroyed.....	10
Whiskey seized and destroyed.....	40 gls.
Mash seized and destroyed.....	1448 gls.
whiskey seized but not destroyed.....	52 gls.
Fines Imposed.....	\$640.00
Total Jail sentences combined.....	16½ mo.

All intoxicating liquors, mash, whiskey, stills together with the paraphernalia for the manufacture of the same was destroyed at time of seizure or after trial/conviction and of each case. The Swedeman and Wagner case's are pending in court, therefore, all evidence is being held. All of which is respectfully submitted.

H. E. Senneff
Special Officer.

TERRITORY OF ALASKA

Suppression of the Liquor Traffic in Alaska

Tanana, Alaska,
July 1, 1933.

Hon. John W. Troy
Governor of Alaska
Juneau, Alaska

Dear Sir:

I have the honor to submit to you an annual report of my activities and findings as special officer for the suppression of the liquor traffic among the Natives in Alaska, showing conditions effecting the Fourth and Second Divisions for the fiscal year ending June 30th 1933. Also as a, Special Agent.

The following is a report of the liquor situation and drunkenness among the natives in the districts that I have visited, obtained through correspondence or by persons whom I met and conversed with.

Conditions Kantishna River

I have not visited the Kantishna River district for a number of years, but in talking to a number of white men that are trapping in that district, I would say that conditions as to the liquor situation among the Natives, are quite good, everything considered, however there are a number of illicit stills operated by white men living on the Kantishna and one or two of them have been reported as selling "moonshine" whiskey to the Natives - no drunkenness among the Natives, have been reported to me from this district this year.

Nenana River Section

Kobe and along the Alaska R. R. to McKinley Park:
White men operate distilleries in a small way, one outfit was reported to be operating in the vicinity of Kobe Station, section, two at Healy, another near the Healy coal mine's and two or three in and around McKinley Park district - some of this liquor I am told does reach the Indians.

Tanana River Country

Nenana:- Illicit distilleries are being operated here by the white men and all of them sell to the natives. Conditions for drunkenness among the Indians has always been bad enough here, and when the Natives have money, they can always buy intoxicating liquors from the bootleggers - about two of the natives in this district is said to operate illicit stills at times, but none of the natives are said to be selling it.

Minto Village:- Conditions are not bad here, however, all of the Indians, will get drunk when ever they have enough of money to buy from the white man.

Tanana River continued

Minto Village continued:- The bulk of the liquors drank by the natives here, comes from Nenana, where they buy it and trade their fur to the white men bootleggers. Infact Nenana is quite a source of supply for the natives to buy and trade for intoxicating liquors. Some of this liquor reaches the natives for some forty miles up the Tanana River, taking in Wood River Village, and down stream to the mouth of the Kantishna River - the Chena Village Indians buy their whiskey and beer from Fairbanks.

Tolovana:- No Indians here to speak of and what liquor they get, is claimed to come from Nenana. Dugan Creek, one native operated still near here, but is now in jail facing term in penitentiary, however, some liquor from Hot Springs finds its way to most of the camps along the Tanana.

Hot Springs:-(Manley) Ever since the marshal's office has been discontinued at this place, distilleries and white men bootleggers are doing lots of business - I destroyed two large "moonshine" plants here last fall - my previous reports will show that in the past that I have arrested and convicted most of these fellows, but they will not quit - Indians can buy liquor from them, and they do - several persons here burned to death in their cabins, while others froze to death from drinking whiskey bought from these bootleggers. - my movements last fall was ~~was~~ rushed to the men in their distilleries, before I could reach them.

Tofty:- Just one white man operating still here, I got his distillery last fall, but missed getting him, as he too was notified by phone - his whiskey, lots of it reaches the Indians - some years ago I picked him up in his distillery - he was fined \$500.00 which he paid.

Coschacket Village:- Natives buy their liquor from Hot Springs - some beer made here by the natives, but on a small scale.

The Yukon River

Eagle:- Conditions are very good, no liquor violations among the natives reported here.

Circle:- Conditions fair, some beer made and one native said to operate still once in a while, while on trap line - some intoxicating liquor reported to reach the Indians here over the Steese Highway from Fairbanks.

Fort Yukon:- Conditions not so good here, the natives are making beer and some whiskey, and a number of the white men operate stills, some give to natives while others sell it to them - a good time and about the only one is to pick them up out on their trap lines, thats the time they distill whiskey - some of the natives make intoxicating liquor in their fish camps - useless to try to catch them right after the ice goes out in the spring. one illicit still destroyed here.

Yukon River, continued

White Eye:- It is said that whiskey is made here at times by a white man and sold in Fort Yukon, I looked the camp over here last spring, but found nothing in the way of any intoxicating liquors or no signs of any liquor being made on the premises.

Beaver:- Moonshine whiskey is said to be made here in a small way at times ~~but~~, both by the Indians and about two white men, however, there has not been much drunkenness reported in this district.

King Slough Village:- Small Village of Natives lives here, no drunkenness reported at this place and there is no violations around Moose Island committed, in the way of intoxicating liquors being made or sold.

Stephen's Village:- There is both "moonshine" whiskey and intoxicating beer made at this place by the Natives, and at times there is quite a bit of drunken natives - it is a hard place to get in to, as it is so far away by itself, and to get there, when the natives has the liquor or on a drunk, is another thing, that is not easy to do. (Two stills destroyed)

Rampart:- Conditions are pretty good, however there is about one white man that makes whiskey sometimes and about two or three natives and half blood natives that operate stills or makes beer, but it is reported to be on rather a tame order and no big drunken parties.

Tanana:- Some beer made here among the white men and the natives can buy it from them, also some "moonshine" whiskey is made during the freeze-up and when the ice is running, down stream from Tanana, in or around Grant Creek and Kallands - 3 arrests and convictions here this winter - one for beer and the other two for "moonshine" whiskey violations (white men) but convicted for selling and giving intoxicating liquor to Indians. Rather the giving of intoxicants to a Native, was a bind over case to the Grand Jury.

Kokrines:- Is noted for quite a drunken place, made four arrests here last summer and had four convictions, one still outfit destroyed here - the natives here operate stills and make malt syrup beer and get drunk and fight among each other. Since these arrests conditions are said to be much better.

Ruby:- Conditions not so good, yet it is much better than Kokrines, 1 large still outfit destroyed here on my last summer's trip of the Yukon - no arrest made - no one with outfit.

Galena:- Conditions not so good here, but it is not so very bad either, however I stopped twice at this Village up and on my down river trip last summer and I found no liquor violations at that time, of course, the natives at least a part of them make "moonshine" whiskey and beer during the year and get on big drunks, but they try to have none around that an officer can find if they can help it.

Koyukuk Village:- Conditions not good, many of the Natives manufacture "moonshine" whiskey and make beer, and they are well known here as a drunken bunch of Indians. One Indian arrested here and convicted for manufacturing liquor and possession of intoxicating liquor.

Nulato:- Conditions not good, there is both "moonshine" whiskey and beer manufactured and sold here - the Indians a great many of them manufacture liquors and get drunk, and the jail usually has a native prisoner or two locked up in its cells, seldom is it empty.

Kaltag:- Conditions bad, the natives here have stills, make whiskey and beer - they are a drunken lot of Indians, of course not all the time, but a greatdeal of their time.

Anvik:- Conditions, pretty good so far as drunkenness among the Indians are concerned - it is at this point where the Shageluk Indians come out to the Yukon River to fish in the summer time, and they are a bad degenerated drunken lot of Indians. The time to get these fellows is when they are fishing on the Yukon River, or just before they go out trapping and hunting in the Fall, or after they come in from ratting in the spring in the Villages Hollikachacket and Shageluk, on the In-noka River. (usually spoken of as the Shageluk Slough)

Holy Cross:- Conditions good, however, one 30 gallon still is said to be operated at times near Holy Cross on the Yukon River below Holy Cross - a white man is said to be the owner. He is married to a native woman.

Russion Mission:- The start of the 2nd, Division. Conditions are very good, none of the Natives are said to be manufacturing any intoxicating liquors of any kind soever, and there are no drunkenness there.

Marshal:- There is said to be some beer and whiskey both made by the natives and whites in this vicinity, so it has been reported to me by white men also natives.

Yukon River 2nd Division, cont.

The Villages around the South mouth of the Yukon and at Old Hamilton and vicinity and all along the Yukon from Marshal down in the fish camps of the Natives, it is a known fact that the natives are manufactureing a sourdough-mash and much drunkenness prevail among them, most of the time - some white men are said to operate stills and manufacture "moonshine" whiskey, and one man at least is said to be selling whiskey to the natives both for cash and their fur. This part of the Yukon River should be looked over for liquors and stills this summer or fall, anytime before the fishing season ends.

St. Michaels:- Some sourdough mash is made here and drank by the Natives, and some drunkenness is in evidence at times, however, it is not so bad as at the South Mouth of the Yukon or around Hamilton and vicinity.

The Nome and Behring Sea District:- The white men here are trafficking heavy with intoxicating liquors among the Indians and Eskimos, infact the bootleggers are very numerous all over this country, and most of the liquor that the natives consumes comes from the white man bootlegger - a few of the natives make some intoxicating liquors, but they buy most of it, at least that is my observation of the matter.

Kuskokwim River

Stoney River Village:- Conditions not good, one white man is said to be making here and selling to the Natives, and most of the Indians are making a sourdough mash and much drunkenness prevails in and around this village.

Sleetmute:- Conditions not good, lots of Natives manufacturing sourdough mash and much drunkenness prevails in and this village - no white man operating stills at this place.

Napamute:- Conditions not good in this Village or in the vicinity of Napamute - sourdough mash is the principal drink all along on the Kuskokwim River by the Natives.

Ohogomute:- Conditions not good, all or nearly all of the natives make sourdough mash and hold drunken parties, at their fish camps. One arrest made here.

Aniak Village:- Lots of sourdough mash made here and drank by the Natives, conditions not good. Two arrests made here, which was of the worst offenders.

Tulaksak Village:- Conditions quite good, very little drunkenness among the Natives in this village.

Kuskokwim River

Akiak Village:- Conditions, very good, so far as any manufacturing of intoxicating liquors are concerned by the Eskimos and Indians, but there are about two white men in this section that makes "moonshine" whiskey, and some of this whiskey gets to the natives.

Akiakchok Village:- Conditions very good, no intoxicating liquor made or drank here.

Bethel:- Conditions good, no intoxicating liquor made or drank here by the natives, and I know of no white man manufacturing liquor or selling intoxicating liquors.

Kokuk Village and around mouth of Kuskokwim River:- Conditions not good, practically all of the Natives(Eskimos) manufacture intoxicating sourdough mash and are very much of a drunken degraded bunch of natives - made one arrest here.

Good News Bay country:- Lots of Eskimos and lots of drunkenness from drinking sourdough mash - conditions are said to be very bad in this section clear around to Nushagak, which is of course getting into the Third Division. This section of the Koyukuk, rather Kuskokwim River, should be by all means visited this summer and well run out for intoxicants.

During the fiscal year just ended I have traveled by railroad, steamer, airplane, automobile, horses, gas boat and by foot 5167 miles, investigated over 200 cases in connection with violation of Liquor traffic among the Natives and miscellaneous investigations along the Alaska Railroad, made 11 arrests, procured 10 convictions, having 1 case bound over to Grand Jury, 7 with jail sentences, 3 paying fines, aggregating some \$400.00, total jail sentences, 1 year, 7 months and ten days, seized and destroyed 12 illicit stills together with intoxicating liquors and mash and all paraphernalia for the manufacture of intoxicating liquors, where found, or after trial and conviction of each case - liquor when used for evidence, was stored with the marshal's for safety.

The following are the names of persons arrested by me, showing fines and jail sentences imposed on them during the fiscal year ended June 30, 1933.

1 No.66 Julius Negolsa,(Native) arrested July 8, 1932 at fish camp, resident Koyukuk Village, Post Office, Nulato, Alaska, tried and convicted July 8, at Nulato, before Geo.T. Towne, U. S. Commissioner, sentenced to 6 months in Federal Jail at Nulato, crippled in hip, walks lame, age around 50 years - the charge was manufacture. Also selling to Indians.

2 Kyogan, (Eskimo) arrested July 24, 1932, at fish camp at Kokuk, Alaska, for possession of intoxicating liquor and for being drunk and disorderly, Kokuk, is at the Mouth of the Kuskokwim River. Tried and convicted at Bethel Alaska, before U. S. Commissioner, C. M. Link, July 25th, sentenced to 50 days in the Federal Jail at Bethel Alaska. Age about 27 years old, short built, about 5 ft. 4 inches tall and weighed about 150 pounds.

3 No. 96 Alexy Danjarak, (Native Indian) Aniak, Alaska, Kuskokwim River, arrested at his fish camp on August 5th, 1932, by warrant of arrest, charged with possession of intoxicating liquor and drunk and disorderly, tried and convicted before Geo. Morgan, U. S. Commissioner, on same day of arrest at Kalskak, Alaska, sentenced to 50 days in the Federal Jail at Bethel, Alaska.

4 No. 97 Kereala Ekumkaksluk, (Indian) Aniak, Alaska, Kuskokwim River, arrested August 5th, 1932, at his fish camp, by warrant of arrest, charged with possession of intoxicating liquor and for being drunk and disorderly, tried same day of arrest before George Morgan U. S. Commissioner, at Kalskak, Alaska, convicted and sentenced to pay a fine of \$100.00 which he paid.

5 No 292 Basil Cleaver, Kokrines, Alaska, arrested September 3, 1932, on the Yukon River, for violation of the Bone Dry Law, tried and convicted same day of arrest, before Wm. N. Growden, U. S. Commissioner, Ruby, Alaska, sentenced to serve 30 days in the Federal Jail at Ruby, Alaska. Native Indian, tall goes lame, slender, smooth shaved, age 41 years.

6 No. 293 James Johnson, (Indian) Kokrines, Alaska, arrested September 3, 1932, at Kokrines, for violating the Alaska Bone Dry law, tried and convicted same day of arrest before U. S. Commissioner, Wm. N. Growden, Ruby, Alaska, sentenced to serve 30 days in the Federal Jail at Ruby, Alaska. Age 23 years.

7 No. 294 Moses Williams, Native Indian of Kokrines Alaska, arrested September 3, 1932 for violating the Alaska Dry Law, tried and convicted same day before U. S. Commissioner, Wm. N. Growden, Ruby, Alaska, sentenced to 30 days in Federal Jail at Ruby, Alaska, age 26 years.

8 No. 295 Evan Hardluck, Kokrines, Alaska, (Indian) arrested September 2nd, 1932, for having illicit still outfit in his possession, whiskey and alcoholic mash for the manufacture of "moonshine" whiskey, tried and convicted before Wm. N. Growden, U. S. Commissioner, at Ruby, Alaska, for violating the Alaska Bone Dry Law and was sentenced to serve five(5) months in the Federal Jail at Ruby, Alaska.

9 No 42, Paul Fromming, Tanana, Alaska, was arrested here first on January 27th, for violation of the Alaska Bone Dry Law, being Case No.41, which was dismissed and Case No.42 filed under Chapter 51 of the Session Laws of Alaska 1915 was entered against him in U. S. Commissioners Court, and on February 1, 1933, Paul Fromming was again arrested and tried on the same day of arrest in Commissioners Court, Jessie M. Howard, U. S. Commissioner, by a jury, which resulted in a hung jury, 10 to 2 in favor of conviction - not being enough talisman in the district for a second trial, the U. S. Attorney of Fairbanks, Julian A. Hurley, ordered that the case be held and not dismissed, but to rearrest Paul Fromming and file another charge against him under Chapter 2022 Compiled Laws of Alaska, and bind him over to the Grand Jury, which was done on February 10th, 1933, under bond of \$1000.00 for appearance before said Grand Jury sometime next spring - this Case was No. 43 - A. G. Vachon and George Lindsay was Fromming's bondsmen. It will be noticed that there has been three arrests in all, and that I am making one Case only out of it - one of these charges will be dropped against Paul Fromming in Fairbanks, by the U. S. Attorney, before the case comes up in court. Paul Fromming, is accused by John Larson, husband of Lucy Larson, a full blood Indian woman, of giving his wife, Lucy, intoxicating liquor to drink and getting her drunk on the evening of January 27th, 1933- I had Mr. Larson file the complaint against Paul Fromming and had S. E. Heeter, U. S. Deputy Marshal, serve the warrant, in order that I myself could legally prosecute the case, which I done. Paul Fromming served a year in the Federal Jail in the Second Division for violating the liquor laws, and later shot and killed two white men at Anchorage in his own house, for which he was acquitted by a Jury. Fromming has taken out his first Citizenship papers. He should never be allowed to get his Second papers - he's a bad actor and should be deported.

10 No.45 George Bailey, Tanana, Alaska, arrested at Tanana for possession of over 5 gallons of "moonshine" whiskey found in his place of business, under search warrant on March 18th, 1933 tried same day before U. S. Commissioner, Jessie M. Howard, entered a plea of guilty, and was fined \$150.00 which he paid.

11 George Lindsay, Tanana, Alaska, arrested March 18th 1933, for possession of intoxicating liquor, which was found in the pool hall, cigars and soft drink place, owned by himself and George Bailey, entered a plea of guilty same day of arrest for possession of "moonshine" whiskey, before Jessie M. Howard, U. S. Commissioner at Tanana, Alaska, and was fined \$150.00 which he paid.

During the month of June, I was assigned to miscellaneous investigations along the Alaska Railroad by J. A. Ramsey, Special Agent in Charge of the Division of Investigations, Anchorage, Alaska. For the large number of employees, from Seward to Fairbanks, employed by this railroad, I must say that I found conditions very good, taking it as a whole, from one end to the other of the Railroad.

The summary of my work is as follows:

Miles traveled,.....	5167
Amount of fines collected,.....	\$400,
Arrests made,.....	11
Convictions secured,.....	10
Cases bound over to grand jury,.....	1
Cases still pending in District Court,.....	1
Persons serving jail sentences only,.....	7
Persons paying fine only,.....	3
Cases lost,.....	None
Number of stills seized and destroyed,.....	12

All intoxicating liquors, mash, paraphernalia for the manufacture of intoxicating liquors together with stills, were either destroyed at the time of seizure or after trial and conviction of each case or was turned over to the deputy u. s. marshal for safe keeping or to be held by him, while securing additional evidence etc. All of which is respectfully submitted.


Special Officer,

Special Agent.

Excerpts from Fishnet 2 Council Hearings 1964-66

March 31, 1965

Council Meeting

P.M. read the complaint to B.O. made by city chief police J.J. (about) going into show hall while drinking. He was fined two sled loads of wood for the community hall. He was given ten days to pay his fine. He was told by the city council not to go in public place while drinking.

March 31, 1965

City Council Meeting Time 7:20 P.M.

1. P.M. read the complaint by A.K. city police. Complaint against T.K. getting into L.I.'s house while drunk. Date March 5, 1965.
2. P.M. read the complaint made by C.H. against T.K. going into bath while drunk. Dated March 6, 1965.
3. P.M. ask L.I. and C.H. if the complaint against T.K. if the complaint was true. P.M. ask J.P. and L.I. if the complaint is correct. They stated the complaint was correct.
4. P.M. ask T.K. if he had anything to say. T.K. said he got nothing to say.
5. T.K. was fined on two charges. First offense \$10.00. Second offense \$20.00 for drinking in Public Place. T.K. was given ten days to pay his fine. He said he got no money to pay his fine. He was told to get six loads of wood for the community hall or pay his fine if he got the money inside ten days. T.K. was told by City Council to think of his kids before he starts drinking.

The second business was cases No. 64-4-1 and No. 64-4-2. These two cases were taken together because they were related.

Case No. 64-4-1:

Mrs. T. charged for disorderly conduct in a public by J.J., Chief of City Police. L.I. read the complaint and asked Mrs. T. if it was true. She said it was true. J.J. then [related] the facts and the condition of the offender to the council and went on to explain the conditions and the situation of P.H.'s case which is connected to Mrs. T.'s.

Case No. 64-4-2:

P.H. was also charged of appearing in a public place while drunk by J.J. P.H. admitted his guilt as charged.

After hearing the evidence from both cases, the council charged Mrs. T. and P.H. of Disorderly Conduct in a Public Place.

Both were fined \$10.00 for 1st offense. After words of warning, both cases were closed.

City Council Meeting
April 1, 1964 (cont'd)

The third business was another case brought before the council by J.J., Chief of City Police.

Case No. 64-4-3

Complaint of J.J. against I.P. for appearing in a public place while intoxicated.

L.I. read the complaint and asked the subject if the charge was true. I.P. admitted the truth of the complaint but denied seeing J.J. J.J. related the facts and the condition of I.P. to the council. After hearing the evidence, I.P. was charged of being guilty of appearing in a public place while drunk. He was fined \$10.00 for 1st offense. The case was closed and booked.

To avoid any complications in the files, the council decided to consider all violations of the law as 1st offenses as of today, April 1, 1964.

The next meeting was scheduled for April 3, 1964.

The meeting adjourned at 10:32 p.m.

Police report
April 4, 1964; 10:28 a.m.

C.H. reported that A.M. told C.H. that he was going to make a bang when I came around his place with a 12 guage short gun. He saw two shot gun shells (plastic) on the table with a pump gun 12 gauge on the floor. This was on April 2nd, 1964. 5 p.m. Mr. M was feeling good.

He came to warn me because he was afraid this person might carry out his intentions.

City Council Meeting
April 4, 1964

A case classified as Case No. 64-4-4 was brought before the council for a hearing. C.H. reported that A.M., while intoxicated had threatened to shoot J.J. with a 12 ga. shot gun. The witness, C.H., claims that she saw the gun and the shell in the house of the accused, and heard A. say that he was waiting for a chance to see J.J. After hearing the story and listened to the evidence, the council charged A.M. of being guilty of Misdemeanor and fined \$20.00 for second offense. The enormity of the case caused A.M. to be fined as for a second offense.

*A. was not charged of Felony since he was not in a normal state of mind and he didn't carry out his threat and was never seen with the weapon in his hands.

L.I. and F.K. and D.R. warned and advised A.M. J.J., also, warned A.M. that this is his last chance. With that the case was closed and filed. The meeting adjourned at 1:05 p.m.

October 18, 1966

A.B. came in to us at 9:15 drunk on the evening of October 17. I was sleeping but was awoken when he came in. I got up to see who came in with all that racket, it was A.B. He complained why I always bother his wife. I told him I never bother his wife, except when he's around just to make them laugh. I told him to get out and stay out when he's drunk like that. He got hold of me and beat me up in my house. I wasn't able to get away from him. He broke two window panes also. After he got through with me, he grab my wife telling her he's going to throw her at me, but my wife push him and got away from him. At first he hit me with his fist, I was knocked out. I don't exactly how long he beat me up. When I come to I had enough strength so I got up and stayed away from him, circling the two bedrooms. He fell down and passed out. So I lie down to my bed exhausted. Result of the fight, I was all bruised up in my back and on my left arm. My eyes was closed of swelling.

Sign: AT

Witness: MT
WNJ

City Council meeting -- (no date attached)

1. Mr. and Mrs. C.R. were questioned by the City Council President J.B.C. All the information written corresponds to Mr. R.'s story.
2. J.G. was told to tell his side of story of what happened during the general meeting. He stated that he drank from C.B. and he passed out before he went home. He came to

his senses in his house and he passed out again. The next day his wife told him that City Police took him home.

3. City Police was called in to his records on J.G. It was found that this was his 2nd offense. He was given 10 days to pay up since he did not have money at present. Fined \$20.00.
4. It was considered that he broke ordinance #1c.

1-11-65 Meeting open 10:15 p.m. in School house

Meeting with Trooper S.

All council present except M.M. Few general public around.

1. The case against F.L. vs. N.L. was taken care of by Trooper S.
2. Trooper take care of S. and M.A. vs. P.H. and P.Y. for breaking into M.D.'s house, with broken lock, and gave P.Y. 45 days sweeping up the school house floors. P.H. drunk tonite, unable to prove with what intent he entered M.D. house, so can't prosecute, but keep eye on him to see if he cause any trouble. Council to warn him on next meeting.
3. Trooper took care of the case between P.W. vs. A.K. 12-25 (city police) and charged with disorderly conduct and filed informal complaint against P.W. Charged 90 days in jail (suspended).

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