

DOCUMENT RESUME

ED 352 222

RC 018 866

TITLE Alaskan Rural Justice: A Selected Annotated Bibliography.

INSTITUTION Alaska Judicial Council, Anchorage.

PUB DATE May 91

NOTE 170p.

PUB TYPE Reference Materials - Bibliographies (131) -- Historical Materials (060)

EDRS PRICE MF01/PC07 Plus Postage.

DESCRIPTORS \*Alaska Natives; Alcohol Abuse; American Indians; Annotated Bibliographies; \*Courts; Crime; Eskimos; \*Justice; \*Law Enforcement; \*Local Government; \*Rural Areas; Self Determination

IDENTIFIERS \*Alaska; Tribal Government

ABSTRACT

This annotated bibliography lists approximately 300 documents and source materials directly or indirectly related to the problem of access to justice in rural Alaska. Written materials about the state's history, geography, economics, and culture have often touched upon the justice system and its role in the development of the state. Other works have focused specifically on the courts and law enforcement, detailing the problems created by resource allocation, political exigencies, and commingling of cultures. This bibliography includes annotations for books, articles, reports, letters, agency records, diaries, and films. Entries are categorized under: agency and commission reports; alcohol abuse and treatment; alternate dispute resolutions (tribal courts, judgment boards, and village councils); anthropological, cultural, and sociological studies; bibliographies and source materials; Bush Justice Conference reports; Canadian rural justice; children, families, and the Indian Child Welfare Act; grand jury reports; health, education, and welfare; judicial administration, judiciary, and court system; justice system and rural justice; law enforcement and corrections; rural governmental structure; sovereignty and the Alaska Native Claims Settlement Act; and subsistence, fish, and game. Within each subject area, entries appear alphabetically by author. Each entry contains author, title, publisher, publication date, document source, length, summary (the purpose of the document and the findings of the project), and, if appropriate, the document's effect on rural justice. An alphabetical author and title index is included. (SV)

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## alaska judicial council



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1029 W. Third Avenue, Suite 201, Anchorage, Alaska 99501-1917 (907) 279-2526 FAX (907) 276-5046

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## *Alaskan Rural Justice: A Selected Annotated Bibliography*

May 1991

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William T. Cotton, Executive Director  
Teresa W. Carns, Senior Staff Associate  
Susanne D. Di Pietro, Project Director  
Josefa M. Zywna, Administrative Assistant  
Marie Meehleis, Secretary

## Acknowledgments

The Alaska Judicial Council thanks Marla Greenstein, who oversaw the compilation and annotating of this bibliography. We gratefully acknowledge the support of Commissioner David Hoffman at the Department of Community and Regional Affairs. We also thank R. Soolook and Jon Cecil from the Department of Community and Regional Affairs, who compiled the University of Alaska Fairbanks archive entries, and Suzan Armstrong and Jody Stoops from the University of Alaska Anchorage Justice Center, who were responsible for the Anchorage entries.

## Introduction

The problem of providing rural Alaskans with meaningful access to judicial and law enforcement services has existed since territorial days. The state's efforts to provide these services have been hampered by limited resources, vast geographical distances, chronic lack of transportation routes, exceptionally harsh climate, and the cultural diversity of Alaska's inhabitants. Written materials about the state's history, geography, economics and culture have often touched upon the justice system and its role in the development of the state. Other works have focussed specifically on the courts and law enforcement, detailing the problems created by resource allocation, political exigencies and commingling of cultures. These materials are archived in libraries and collections from Barrow to Seattle. Their numbers continue to grow each year, and little effort has been made to synthesize them.

The objective in compiling this bibliography was to synthesize and catalogue documents that were directly or indirectly related to the problem of access to justice in rural Alaska. The bibliography contains annotations for approximately 300 books, articles, reports, letters, agency records, diaries, films, and other documents. A wide range of materials and subjects is included because justice is an aspect of many reports and studies. Many of the documents were obtained from the archives of the University of Alaska at Fairbanks, and from the library and Justice Center at the University of Alaska Anchorage. Others came from the Judicial Council's library and other sources.

Note that this bibliography is very selective. It is not intended to be a complete listing. The Alaska Judicial Council plans to update it as time and funds allow, and welcomes suggestions for works that should be included in future revisions.

## Organization of Bibliography

The annotations are divided into sixteen different subject areas. Within each subject area, entries appear alphabetically by author. The complete annotation lists the document's author, title, publisher, date published, where the document was obtained, a one or two word description of the document, and the document's length in pages, followed by a summary of the document's purpose and findings, and the effect, if known, that the document has had on rural justice.

Each document also is listed in an alphabetical author index. The alphabetical author index shows the author, title, and date published, followed by the page on which the complete annotation appears. Where the author is unknown, the document is listed alphabetically by title.

# Alaskan Rural Justice: A Selected Annotated Bibliography

## Alphabetical Subject Index

<u>SUBJECT</u>	<u>PAGE</u>
Agency and Commission Reports .....	1
Alcohol Abuse and Treatment .....	6
Alternate Dispute Resolutions (Tribal Courts, Judgment Boards, Village Councils) .....	31
Anthropological, Cultural and Sociological Studies .....	35
Bibliographies and Source Materials .....	46
Bush Justice Conference Reports .....	51
Canadian Rural Justice .....	55
Children, Families and ICWA .....	58
Grand Jury Reports .....	62
Health, Education and Welfare .....	65
Judicial Administration/Judiciary/Court System .....	78
Justice System/Rural Justice .....	86
Law Enforcement/Corrections .....	93
Rural Governmental Structure .....	106
Sovereignty and ANCSA .....	108
Subsistence, Fish and Game .....	119

# Alaskan Rural Justice: A Selected Annotated Bibliography

## Alphabetical Author Index

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
<u>Alaska Comprehensive Health Care Proposal</u> . . . . .	65
<u>Alaska Court System (Nesbett, Chief Justice), First Annual Report of the Alaska Court System, January 1961</u> . . . . .	1
_____, <u>Proposed Three-Year Court Facilities Building Program for the State of Alaska for FY 1972-73, 1973-74, and 1974-75</u> . . . . .	78
<u>Alaska Department of Health and Welfare, Alaska's Health, December, 1943</u> . . . . .	65
_____, <u>Press Release Announcing Grant to Train High School Dropouts, October 17, 1966</u> . . . . .	65
<u>Alaska Federation of Natives, An Experimental Health Services Planning and Delivery Program, 1971</u> . . . . .	65
_____, <u>Bush Justice: A Report on the Fourth AFN Bush Justice Conference, 1985</u> . . . . .	51
<u>Alaska Judicial Council, The Investigative Grand Jury in Alaska, 1987</u> . . . . .	62
_____, <u>Alaska Judicial Council Second Annual Report-1961, 1962</u> . . . . .	1
_____, <u>Alaska Judicial Council Sixth Annual Report 1969-1970, 1971</u> . . . . .	1
_____, <u>Alaska Judicial Council Seventh Annual Report 1971-1972, 1973</u> . . . . .	2
_____, <u>Bush Justice Conference Report, 1970</u> . . . . .	51
<u>Alaska Laws Collection</u> . . . . .	6

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Alaska Legal Services Corporation, <u>Bush Justice Conference Report, 1974</u> .....	52
Alaska Legislature, <u>HB 340: "An Act Relating to Treatment of Alcoholism and Drug Abuse; and Providing for an Effective Date, 1977</u> .....	6
Alaska Native Brotherhood, <u>Correspondence Concerning Fishing Rights, January 21, 1950</u> .....	119
_____, <u>Resolution No. 18, 1966</u> .....	6
_____, <u>Resolution No. 21, 1950</u> .....	6
Alaska Native Health Board, <u>Alpha Digest, 1977</u> .....	7
_____, <u>A Proposal to Establish: Standards of Care; Alcoholism Treatment Services, 1975</u> .....	7
Aleut Community of St. Paul Island, <u>Resolution, September 8, 1960</u> .....	8
Aleutian/Pribilof Islands Association, Inc., <u>Resolution #76-4, 1976.</u> .....	8
Anderson, Patrick M., Chair of Criminal Justice Task Force, Letter to Senator Edward Kennedy, April 3, 1980 .....	78
Andrews, C. L., <u>The Eskimo,</u> 7 .....	35
Angell, Dr. John, <u>Public Safety and the Justice System in Alaskan Native Villages, 1981</u> .....	86
Arctic Health Research Center, <u>Arctic Health Research Center Reports, 1956</u> .....	66
_____, <u>Quarterly Report of Arctic Health Research Center, December 31, 1963</u> .....	66
Associated Press, "Native Caucas Asks Probe of Bias in Justice System," 1978 .....	86
Association of Village Council Presidents, <u>AVCP Resolution #77-01-101, 1977</u> .....	8



*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Barr, Frank, Correspondence Collection, August 15, 1951 .....	93
Barrow Duck Hunt Newspaper Clippings, May 14, 1963 .....	119
Bartlett Collection of Correspondence on Alcohol (1948-55) .....	9
Bartlett Collection of Correspondence on Alcohol, c. 1956 .....	9
Bartlett Collection of Correspondence Regarding Law Enforcement (1948) .....	93
Baumgartner, R. E., "Organization and Administration of Justice in Alaska," <u>American Bar Association Journal</u> , January 1934 .....	78
Bayley, Kenneth Bruce, <u>A Statistical Analysis of Discrimination in the Alaska Criminal Justice System</u> , 1984 .....	87
Bennett, Cleota Minor, <u>Problems of Communication in Alaska</u> , 1966 .....	67
Bently, Bishop, Episcopal Church of Alaska, <u>Correspondence Series</u> , 1908-47, 1937 and 1938 .....	119
Berger, Thomas R., <u>Village Journey</u> , 1985 .....	108
Bingham, Isabelle, Correspondence to Governor Bartlett, 1946 .....	35
Blackman, Margaret B., <u>Sadie Brower Neakok: An Inupiaq Woman</u> , 1989 .....	35
Bockhorst, Dan, Gene Kane, Carol Akerelrea, Michael Cushing and Bruce Webb, <u>Regional Government In Alaska</u> , 1988 .....	106
Boney, George F., Chief Justice of Alaska Supreme Court, "The State of the Judiciary: An Address Before the Joint Session of the Alaska Legislature," January 20, 1972 .....	78
Bonsall, P. S., Administrative Associate for J. A. Rabinowitz, <u>Perspective on Bush Justice Programs: Past, Current and Future Plans</u> , 1975 .....	87
Boyko, Edgar Paul, Correspondence Regarding the Admini- stration of Justice in Alaska, February 23, 1965 .....	79

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Branson, Douglas M., "ANSCA and 1991: A Framework for Analysis," <u>Alaska Law Review</u> , June 1987 .....	108
Bureau of Indian Affairs (Juneau Area Office), <u>BIA Alaska Annual Progress Report - 1966, 1966</u> .....	2
_____, (Juneau Area Director), <u>The First Alaskans - 100 Years Later, A Progress Report to the Commissioner of Indian Affairs, 1967</u> .....	2
_____, <u>Impacts of Oil Pipeline Construction (TAPS) and Petroleum Development on the Alaska Native Population and BIA Programs, October 27, 1969</u> .....	3
<u>Bush Justice Project Final Report, and Standards and Goals Project Report (Excerpts)</u> .....	53
Butt, Jeffrey Drew, "The Indian Child Welfare Act: Does it Cover Custody Disputes Among Extended Family Members?" <u>Alaska Law Review</u> , Summer 1984 .....	58
Camarot, Henry J., Correspondence Regarding Territorial Police, April 27, 1956 .....	93
Cameron, Duncan H., Correspondence from Distilled Spirits Council of U.S., Inc., January 17, 1978 .....	10
Case, David S., <u>The Judgment Board Concept</u> , August 27, 1980 .....	31
_____, <u>Justice Problem Statements - Bethel</u> , Bush Justice Project, October 27, 1975 .....	53
_____, "Listen to the Canary: A Reply to Professor Branson," <u>Alaska Law Review</u> , June 1987 .....	109
_____, <u>Twenty-Four Ordinances - To Enforce Local Laws Through The Alaska "Village" Council</u> , June 7, 1977 .....	31
_____, with Anne D. Shinkwin, <u>American Natives and American Laws</u> , 1984 .....	109

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Conn, Stephen, "Alaskan Bush Justice: Legal Centralism Confronts Social Science Research and Village Alaska," 1981 .....	80
_____, <u>Bush Justice and Development in Alaska: Why Legal Process in Village Alaska Has not Kept Up with Changing Needs</u> , 1984 .....	80
_____, "Cross-Cultural Legal Issues in Alaska," <u>Practicing Anthro- pology</u> , Fall 1982 .....	35
_____, "The Interrelationship Between Alaska State Law and the Social Systems of Modern Eskimo Villages in Alaska: History, Present and Future Considerations," August 1985 .....	36
_____, "Inuit Village Councils in Alaska - An Historical Model for Effectuation of Aboriginal Rights?" November 1984 .....	110
_____, "Merging Social Control and Criminal Law in Small Eskimo Villages in Alaska - Can It Be Done?" April 4, 1985 .....	36
_____, <u>No Need Of Gold - Alcohol Control Laws and the Alaska Native Population: From the Russians Through the Early Laws of Statehood</u> , 1986 .....	10
_____, <u>Perspective on Small Village Justice Systems</u> , 1975 .....	35
_____, "Punishment in Pre-Colonial Indigenous Societies in North America," 1987 .....	37
_____, <u>Report to the Chief Justice</u> , August 22, 1974 .....	88
_____, "Rural Legal Process and Development in the North: Why Legal Process in Village Alaska Has Not Kept Up with Changing Needs" .....	38
_____, and Bonnie Boedeker, "An Analysis of Outpatient Accident Trends in Two Dry Eskimo Towns as a Measure of Alternative Police Responses to Drunken Behavior," March 1983 .....	11

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
_____, and Bart K. Garber, "State Enforcement of Alaska Native Tribal Law: The Congressional Mandate of the Alaska National Interest Lands Conservation Act, <u>1989 Harvard Indian Law Symposium, 1990</u> .....	110
_____, and Arthur Hippler, "Paralegals in the Bush," <u>UCLA-Alaska Law Review</u> , Fall 1973 .....	87
Connelly, Hugh H., "The Magistrates' Role in Alaska - Past and Present." .....	81
Convert, Father Jules M., Letter to Governor Egan, December 29, 1961 .....	38
Correspondence About Gladys Lukin of Karluk, 1942-44 .....	58
Coyle, Michael, "Traditional Indian Justice in Ontario: A Role for the Present?", <u>Osgoode Hall Law Journal</u> , Fall 1986 .....	55
Criminal Justice Planning Agency, <u>Racial Discrimination Study - Alaska's Criminal Justice Systems (Grant Proposal)</u> , April 13, 1979 .....	88
Curry, James, and I. S. Weissbrodt, <u>Curry-Weisbrodt Papers of the Tlingit and Haida Indian Tribes of Alaska - An Inventory</u> , January, 1983 .....	46
Dalton, Mike, "Natives Oppose Way Court Treats Them," <u>Daily News Miner</u> , 1967 .....	81
Dawber, Dr. Mark, et al, <u>Pribilof Island Survey Reports</u> , October 28, 1949 .....	67
Demientieff, Mitch, <u>Alcoholism Prevention - Nenana</u> , October 25, 1972 .....	11
Dena 'Nena' Henash, <u>Minutes of Chiefs' Conference</u> , August 1962 .....	111
Department of Health, Education and Welfare, <u>Planned Expansion of Arctic Health Center</u> , 1958 .....	39

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Department of Justice, Minutes of a Meeting of the Inter- departmental Committee on Law Enforcement in Alaska, March 20, 1950 .....	93
Depew, Robert, <u>Programs Branch User Report: Native Policing</u> <u>in Canada: A Review of Current Issues</u> , Jan. 1986 .....	55
Dimond, E. L. Bartlett, O'Conner, Charles, Correspondence Concerning Hunting Incident, November 22, 1944 - January 22, 1945 .....	119
Disoway, Dr. L. M., Correspondence to Senator Bartlett, June 12, 1946 .....	12
Dodge, J. W., Palmer Conservation Camp Correctional Officer, Correspondence to U. S. Congressman Howard Pollock, September 18, 1967 .....	94
Easley, Paula Pence, <u>The Administration of Justice in Village</u> <u>Alaska</u> , c. 1973 .....	89
Egan, William and E. L. Bartlett, Correspondence Concerning Fly-Inn Hunters, October 17, 1960 to April 6, 1961 .....	120
"The Emerging Village People," <u>Anchorage Daily News</u> , December 17, 1967 .....	39
Fahy, Agnes, and Carl Muschenheim, M.D., "Third National Conference on American Indian Health," <u>Journal of</u> <u>American Medical Association</u> , December 6, 1965 .....	68
Fairbanks Native Association, Fairbanks Native Association Records: 1965-1979 .....	3
<u>, A Proposal to Alleviate Community Impact Problems</u> <u>Due To Alcohol Abuse - Proposed Funding Period</u> <u>10/1/74 - 6/30/75</u> .....	12
Fisher, Victor, <u>Bilingual Education Program Proposal of State</u> <u>of Alaska to Fund Program by the U.S. Congress</u> , December 16, 1968 .....	68
Folta, Judge George W., Letter to E. L. Bartlett, January 3, 1948 .....	94

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Folta, George W., U.S. Dept. of Interior, Correspondence to E. L. Bartlett, February 22, 1947 .....	120
Forbes, Hodge, and Kelly, District Court Judges, <u>District of Alaska Judicial Conference Resolution</u> , April 4, 1959 .....	81
Foster, Don C., <u>Alaska Native Service Report</u> , July 22, 1946 .....	3
_____, Alaska Native Services Agency, Correspondence to Senator Bartlett, April 12, 1946 .....	12
Gallagher, Hugh, Legislative Assistant to E. L. Bartlett, <u>Memo to Bill Boesch</u> , April 26, 1965 .....	95
Gazaway, Prent, BIA Area Economist, <u>National Program Inadequacies and Needs to Better Serve Rural and Native Alaska</u> , March 25, 1966 .....	4
Gilmore, P. J., "The Judicial System and Courts in Alaska," October 17, 1953 .....	82
Golder, J. A., Letter to Dr. Sheldon Jackson, Oct. 20, 1902 .....	95
Goniwiecha, Mark C., <u>Alaska Natives: A Guide to Current Reference Sources in the Rasmuson Library</u> , 1985 .....	46
Gonzales, Ethel, Alaska Native Health Board, and Gerald Ivey, Alaska Area Native Health Service, <u>Testimony for President's Commission on Mental Health: Mental Health Needs of Alaska Natives</u> , June 1977 .....	13
Gordon, William J., Bishop of the Episcopal Church, Correspondence Regarding the Territory's Aid to Natives, April 28, 1950 .....	40
_____, Correspondence to Reverend R. Rolland Armstrong, Anchorage, January 12, 1950 .....	68
Governor's Commission on the Administration of Justice, <u>Standards and Goals for Criminal Justice</u> , 1976 .....	89
<u>Grand Jury Report</u> , Division No. One, Juneau, January 31, 1946 .....	62

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
<u>Grand Jury Report</u> , Division No. One, Ketchikan, October 1, 1946 .....	62
<u>Grand Jury Report</u> , Division No. One, Ketchikan, June, 1947 .....	63
<u>Grand Jury Report</u> , Division No. Three, Anchorage, March, 1951 .....	63
<u>Grand Jury Report</u> , Division No. Three, Anchorage, May 18, 1962 .....	63
<u>Grand Jury Report for the Special October 1948 Term, District Court for Territory of Alaska, Division One, October 1948</u> .....	64
<u>Grand Jury Report of the Special Grand Jury/Division One at Ketchikan, January 4, 1954</u> .....	64
Gravel, Senator Mike, "Child & Family Services Act of 1975 (S. 626)," April 26, 1976 .....	58
Gravel Collection of Alcohol Information, c. 1974-1978 .....	14
Gravel Collection of Alcoholism Reports, c. 1974-77 .....	15
Gravel Collection of Correspondence Re: Alcoholic Beverage Tax Proposal, c. 1978-1979 .....	15
Gravel, Senator Mike, Correspondence Concerning Ninth Circuit Court Vacancy, c. 1977-1978 .....	82
_____, Correspondence Regarding Presentence Reports, September 18, 1979 .....	90
"Gravel Cosponsoring Bill to Decriminalize Marijuana," Friday, July 22, 1977 .....	95
Gravel, Senator Mike, <u>Jobs and More Jobs</u> , 1968 .....	69
_____, Letter Re: Alcohol Shipped Via Mail, October 20, 1971 .....	13
_____, Letter to Public Safety Agencies, January 12, 1979 .....	13
_____, Letter to State Courts, January 12, 1979 .....	13
_____, Letter to State Fire Marshals, January 12, 1979 .....	13

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Griffiths, Curt Taylor and Linda F. Weafer, <u>Native North Americans: Crime, Conflict, and Criminal Justice</u> , 1984 .....	46
Gross, Avrum, Attorney General of Alaska, Correspondence Concerning <u>U.S.S. 2502</u> (Defining Alaska Native Villages as Tribes), September 12, 1978 .....	111
_____, <u>Police and Prosecution Witness Assistance Project</u> , April 15, 1979 .....	90
Gruber, Ruth, Field Representative, <u>Report on Social and Economic Conditions at Kodiak and Dutch Harbor to the Secretary of the Interior</u> , C. January 1942 .....	40
Gruening, Governor Ernest, Diary Entries, c. 1939-40 .....	16
_____, Diary Entry, February 28, 1940 .....	82
_____, "Ernest Gruening and the Native People of Alaska," c. 1968-69 .....	69
_____, and Martin Underwood, Correspondence Concerning <u>Police Officer in Barrow</u> , 1961 .....	96
Hammond, Governor Jay S., Correspondence and Information Concerning <u>Alcohol and Proposed Local Option Laws</u> , February 23, 1977 .....	17
_____, "Governor Hammond's Statement on Introduction of <u>Alcohol Abuse Package to Legislature</u> ," February 18, 1977 .....	17
Havelock, John E., Deputy Attorney General for Alaska, Correspondence to Sandy Jensen, January 22, 1963 .....	90
_____, <u>Goals into Action</u> , 1977 .....	91
_____, <u>Legal Education For A Frontier Society: A Survey of Alaskan Needs and Opportunities in Education, Research and the Delivery of Legal Services</u> ," May 1975 .....	70
Hayes, Dr. Buck and George Hayes, <u>Public Health Needs in Alaska</u> , October 1943 .....	70



*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Helgath, Sheila, <u>Public Defenders Location in Rural Communities</u> , March 23, 1987 .....	83
Hippler, Dr. Arthur E., <u>Final Report to the Commissioner of the Department of Public Safety: The Village Public Safety Officers Program</u> , October 1982 .....	96
_____, "Patterns of Migration, Urbanization and Acculturation," August 24-27, 1969 .....	40
_____, and Stephen Conn, <u>Northern Eskimo Law Ways and Their Relationship to Contemporary Problems of 'Bush Justice'</u> , July 10, 1973 .....	41
_____, "The Village Council and Its Offspring: A Reform for Bush Justice," <u>UCLA-Alaska Law Review</u> , Fall 1975 .....	32
_____, "Traditional Athabascan Law Ways and Their Relationship to Contemporary Problems of 'Bush Justice,'" August, 1972 .....	41
_____, and John R. Wood, <u>The Subarctic Athabascans: A Selected Annotated Bibliography</u> , 1974 .....	47
<u>How to Request an Appointment of a Magistrate in a Small Community</u> , July 29, 1986 .....	83
Huber, Louis R., "Alaska's Natives Strive with Old and New Ways," reprinted in the <u>Congressional Record</u> , February 19, 1951 .....	18
Inupiat Paitot, Minutes of October 18, 1962 Meeting, 1962 .....	112
_____, <u>Statement of Policy and Recommendations</u> , December 1961 .....	111
Inway, Ron, Marguerite Cornwall and Pamela Gray, <u>Biblio- graphy of Alaskana, 1969-89</u> .....	47
Jacquot, Lou, <u>Proposed Governor's Task Force on Native Education</u> , c. 1969 .....	70
Jaeger, Lisa, <u>Banning Possession of Alcohol</u> , Fall, 1986 .....	18
_____, <u>Tribal Court Handbook</u> , 1986 .....	32

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
_____ and Mike Walleri, <u>Village Government Manual</u> , 1988 . . . . .	112
Jensen, Sandy, <u>Sandy Jensen Collection</u> , 1962 . . . . .	48
Johnson, Emery, M. D., (Director of Indian Health Service, Rockville, Maryland), <u>Correspondence</u> , June 25, 1970 . . . . .	18
Johnson, R., and J. Tennant, <u>Research and Observations of the Family Law Reform and Justice Council of Alaska Pertaining to Child Advocacy</u> . . . . .	59
Jones, Livingston F., <u>A Study of the Tlingets of Alaska</u> , 1914 . . . . .	42
Jones, Richard, <u>American Indian Policy Review Commission: Recommendations</u> , January 26, 1978 (update) . . . . .	4
Joseph, Clement L., <u>Secretary/Treasurer of Alakanuk City Council, Alcoholism Counselor Funding Request</u> , April 19, 1978 . . . . .	19
"Justice in Alaska," <u>The Alaska Fisherman</u> , April 1932 . . . . .	83
<u>Justice in Alaska</u> . . . . .	84
"Juvenile Delinquency Problems Will Be Studied," c. 1962 . . . . .	59
<u>Karluk Village Reservation Application</u> , June 30, 1939 . . . . .	113
Keeler, Wade & Officer, <u>Report to the Secretary of the Interior by the Task Force on Alaska Native Affairs</u> , December 28, 1962 . . . . .	5
Kehoe, Joseph W., <u>Report of Joseph W. Kehoe, Special Assistant to the Attorney General, Pursuant to Letter of Authority dated 12/30/43</u> , June 6, 1944 . . . . .	84
Kosloskey, Senator Jon M., <u>Correspondence to Secretary of the Interior Walter Hickel</u> , July 31, 1969 . . . . .	121
Krause, Aurel, <u>The Tlingit Indians</u> , 1956 . . . . .	42
Kwigillingok Village Council, <u>Correspondence Concerning Subsistence Restrictions</u> , January 1963 . . . . .	121

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Laktonen, Nicholas, Correspondence to U.S. Marshal in Anchorage, August 4, 1956 .....	97
Lantis, Dr. Margaret, <u>Problems in Government Administration for the Welfare of Alaska's Native Peoples</u> , April 20, 1950 .....	71
<u>Law and Order Code of Native Village of Karluk</u> , July 1946 .....	113
<u>Law and Order Code of the Noorvik Native Community</u> , c. 1910-1962 .....	113
League of Women Voters, "Is Alaska A Good Parent?" c. 1971 .....	59
_____, <u>The Alaska Native in Fairbanks</u> , May 1970 .....	43
Leary, Lory B. and Gravel, Senator Mike, Correspondence Concerning 1965 Voting Rights Act, May 28, 1975 .....	91
Lederman, Sema E., Director of LEAA, <u>Grant Proposal for a Violence in the Home Program in Alaska</u> , March 24, 1978 .....	60
Lincoln, Grace, <u>Alaska Native Special Alcoholism Program's Continuation Grant</u> , January 6, 1976 .....	19
Magnuson, Warren, and U.S. Senator Harold E. Hughes, Correspondence and Press Release Regarding Comprehensive Alcohol Abuse & Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, December 1970 .....	19
Matanuska-Susitna Borough Assembly, <u>Mat-Su Borough Res. No. 79-147</u> , December 18, 1979 .....	60
McBeath, Gerald A. and Thomas A. Morehouse, <u>Political Development of Alaska Natives</u> , December 1980 .....	115
McClure, Thomas, <u>Alaska Native Health Board/Health Care Evaluation Projects</u> , February 3, 1976 .....	20
McCutcheon, Stanley J., Correspondence Concerning Sale of Alcohol to Natives, May 9, 1946 .....	20
McKenzie, Evan, <u>The Report of the Third Bush Justice Conference</u> , October 1976 .....	54

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
McRoberts, Theodore R., U.S. Marshal, Correspondence Concerning the Deputy Marshal in Circle Hot Springs, March 6, 1951 .....	97
Mertz, Douglas, Assistant Attorney General, Memorandum to Governor Bill Sheffield and Attorney General Harold M. Brown, October 16, 1985 .....	114
Metlakatla Indian Community, <u>Renovation of Metlakatla's Detention Facility</u> , c. 1979 .....	97
Mikos, Barbara, Health Planning Coordinator, Correspondence Concerning Alcoholism, October 16, 1978 .....	21
Miller, Lloyd Benton, "Caught In A Crossfire: Conflict in the Courts, Alaska Tribes in the Balance," <u>1989 Harvard Indian Law Symposium</u> , 1990 .....	116
Morehouse, Thomas A., <u>The Alaska Native Claims Settlement Act, 1991, and Tribal Government</u> , May 1988 .....	116
Moorehouse, Thomas A. and Gerald A. McBeath and Linda Leask, <u>Alaska's Urban and Rural Governments</u> , 1984 .....	106
Morgan, T. J., Commissioner of Office of Indian Affairs, Correspondence to Governor Lyman Knapp, March 4, 1891 .....	98
Moyer, Sharon, Faigi Kopelman, Carol Laprairie, Brenda Billingsley, <u>Programs Branch User Report: Native and Non-Native Admissions to Federal, Provincial and Territorial Correctional Institutions</u> , 1985 .....	56
Mozee, Ben B., <u>Alaska School Service Annual Report</u> (1910) .....	71
_____, <u>Alaska School Service Annual Report</u> (1919) .....	71
_____, <u>Alaska School Service Annual Report</u> (1921) .....	72
_____, <u>Alaska School Service Annual Report</u> (1922) .....	72
_____, <u>Alaska School Service Annual Report</u> (1925) .....	72
_____, <u>Alaska School Service Annual Report</u> (1926) .....	73

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
_____, Correspondence Collection Concerning Reindeer, 1927-43 . . . . .	121
_____, Correspondence Regarding Native Crime, August 2, 1938 . . . . .	98
_____, Correspondence to Henry Luce, October 18, 1934 . . . . .	122
_____, "Statehood, Politics and Law Enforcement, c. 1959 . . . . .	98
Muschenheim, Dr. Carl, Congressional Statement, March 9, 1966 . . . . .	73
Myer, D. S., Commissioner of BIA and Hugh Wade, Area Director of BIA in Juneau, Correspondence to Senator Bartlett, August 22, 1951 and September 7, 1951 . . . . .	21
Myers, Evelyn, <u>ANCADA Technical Assistance Project Profile</u> <u>1979, June 6, 1979</u> . . . . .	21
National Archives, Records of Alaska Director of Bureau of Indian Affairs Concerning Metlakatla, 1984 . . . . .	48
National Council on Alcoholism (Alaska Region) <u>A Way Out:</u> <u>Facts on Alcoholism for Alaskan Natives, 1972</u> . . . . .	22
_____, <u>Curriculum, 1976</u> . . . . .	22
_____, <u>I'm Marie. I'm a Native. I'm an Alcoholic. This is</u> <u>my Story, 1972</u> . . . . .	22
Native Residents of Various Villages Within and Near the Arctic Circle, <u>A Petition, August 13, 1949</u> . . . . .	122
"Native Rights Conference," <u>Daily News Miner, October 25, 1962</u> . . . . .	99
Nelson, Margaret, "Indian Child Welfare Act," <u>Alaska Native</u> <u>Magazine, August 1986</u> . . . . .	60
Nilsson, Don W., Correspondence to Ernest Gruening, April 18, 1961 . . . . .	23
"Nome Plane Takes 10 to the States," <u>Fairbanks Daily News-</u> <u>Miner, August 18, 1939</u> . . . . .	99
<u>1989 Harvard Indian Law Symposium, 1990</u> . . . . .	49

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Norlander, George A., BIA Superintendent, Correspondence to Archdeacon F. W. Goodman of Point Hope, October 23, 1934 . . . . .	73
Northern Justice Society, Native North Americans: Crime, Conflict and Criminal Justice Bibliography (4th ed.), 1989 . . . . .	48
Oakley, Karen, <u>Alaska Natives: State Grants and Sovereignty</u> , April 22, 1988 . . . . .	117
Oberg, Kalervo, "Crime and Punishment in Tlingit Society," <u>American Anthropologist</u> , 1934 . . . . .	43
Ohmer, Earl N., Alaska Game Commissioner, <u>et al</u> , <u>The Sixth Annual Report of the Alaska Game Commission to the Secretary of the Interior</u> , (1943-45) . . . . .	122
_____, <u>The Seventh Annual Report of the Alaska Game Commission to the Secretary of the Interior</u> , 1946 . . . . .	123
_____, <u>The Ninth Annual Report of the Alaska Game Commission to the Secretary of the Interior</u> , 1948 . . . . .	123
_____, <u>Thirteenth Annual Report of the Alaska Game Commission to the Secretary of the Interior</u> , 1952 . . . . .	124
_____, <u>Fifteenth Annual Report of the Alaska Game Commission to the Secretary of the Interior</u> , July 1, 1953-June 30, 1954 . . . . .	124
Okakok, Leona, "Serving the Purpose of Education," <u>Harvard Educational Review</u> , November 1989 . . . . .	74
Olsen, Robert, U. S. Marshal, <u>Ineffectiveness of Regionalization of the U.S. Marshal's Service and Suggested Changes</u> . . . . .	99
O'Neill, William, <u>Proposal for Center of Alcohol and Addiction Studies</u> , December 2, 1971 . . . . .	23
Oswalt, Wendell, <u>Alaskan Eskimos</u> , 1967 . . . . .	44
Otto, Laurie, <u>A Search For Control: The Effect of Alcohol on Public Rights &amp; Private Wrongs</u> , 1986 . . . . .	23

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Panamarioff, Mrs. Ada, Correspondence Concerning Banning Sale of Liquor in Ouzinkie, January 13, 1972 .....	24
Patterson, James H., Correspondence to Acting Governor Lew M. Williams, November 26, 1946 .....	99
Peratrovich, Elizabeth J., Alaska Native Sisterhood, Correspondence Concerning Sale of Alcohol to Natives, May 9, 1946 .....	24
Petoskey, Michael D., "Tribal Courts," <u>Michigan Bar Journal</u> , May 1988 .....	33
Pickering, Don, M.D., et al, <u>A Program to Improve Perinatal Health Care Delivery in Rural Alaska (Bethel Area)</u> .....	74
Plummer, Raymond, Chief Judge, and Judge James A. Von Der Heydt, "Request for a Third Federal District Judge," c. 1972 .....	84
Preston, J. F., Postmaster of Egegick, Correspondence Regarding Bristol Bay Setnet Sites, February 10, 1950 .....	125
"A Primitive Eskimo Tribe," <u>Anchorage Weekly Times</u> , January 18, 1932 .....	44
Pollock, Howard, U. S. Congressman, Correspondence to Louis R. Bruce, November 20, 1970 .....	24
_____, Correspondence to Tom Tull of Fort Yukon, September 13, 1967 .....	74
<u>Profile of the Native People of Alaska</u> .....	44
Rainery, Richard, <u>Direct Contracting for VPSO Program</u> , March 30, 1987 .....	100
Rhode, Clarence, <u>Nineteenth Annual Report of the Alaska Game Commission, (7/1/57 to 6/30/58)</u> .....	125
Rivers, Ralph, U. S. Congressman, Correspondence to Mrs. Claudia Kilgore of Kodiak, May 23, 1961 .....	75

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
_____, Correspondence to Mr. Lee Hancock, March 3, 1964 . . . . .	61
_____, Correspondence to Ms. Helen Simpson, July, 1962 . . . . .	61
Roberts, John D., U. S. Magistrate, "Officers of Judicial Branch COLA." . . . . .	85
Rothstein, Joe, "What the Kuskokwim Fisheries Flap is About," <u>Anchorage Daily News</u> , June 16, 1968 . . . . .	126
Rothwell, Stephen J. and Alex Redcrow, <u>Films on Indians and Inuit of North America: 1965-1978, 1978</u> . . . . .	49
Rowe, P. T., Bishop, Episcopal Church, Correspondence to Judge Wickersham, November 1908 and June 5, 1909 . . . . .	75
Ryan, W. Carson, Jr., B.I.A. Director of Education, <u>Confidential Report on the Alaska Reindeer Industry</u> , June 7, 1933 . . . . .	126
Rychetnik, Joe, "The Strange Brand of Bush Justice," <u>Anchorage Daily News</u> , 1965 . . . . .	100
Saltsman, Hugh, U.S. Commissioner at Barrow, Correspondence to Senator E. L. Bartlett, April 26, 1955 . . . . .	101
Schmidt, Mrs. M., Secretary to Sitka Chamber of Commerce, Correspondence Regarding Juvenile Delinquency at Mt. Edgecumbe School, January 10, 1956 . . . . .	61
Schmitt, J. L., Agent for Alcohol Beverage Control Board, <u>Inspection Trip to Bristol Bay</u> , August 3, 1964 . . . . .	25
_____, <u>Inspection Trip to Dillingham and Bristol Bay Area</u> , September 1, 1964 . .	25
_____, <u>Inspection Trip to Fort Yukon</u> , October 12, 1964 . . . . .	25
_____, <u>Inspection Trip to Yukon River</u> , June 10, and 12, 1964 . . . . .	26
Serdahely, Douglas J., and Judith Marquez, <u>Alaska Court System Village Conciliation Board Project Evaluation</u> , June 1977 . . . . .	33
Shinkwin, Dr. Anne D., and Mary C. Pete, <u>Homes in Disruption: Spouse Abuse in Yupik Eskimo Society</u> , August 1983 . . . . .	44



*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Smith, Don and Kathi Pankey, <u>Alaska Native Directory</u> , 1987 .....	50
Smith, Valene L., "The Self-Perception of the Alaska Native," August 24 -27, 1969 .....	45
South Central Health Planning & Development, Inc., <u>Health Systems Plan - Public Comment Copy</u> , October 1, 1977 .....	76
Spooner, Garry, Correspondence Regarding Sale of Alcohol on St. George Island, December 1, 1962 .....	26
Starling, H. W., and Don C. Foster, Correspondence Regarding a Liquor License in Nulato, April 14, 1950 .....	26
Stewart, Thomas B., "Alaska Adopts Model Court System with Independent and Nonpartisan Judiciary," <u>Congressional Record</u> , April 8, 1959 .....	85
"Stiffer Penalties for Liquor Offenses," <u>The Council</u> , February 1985 .....	26
Stoner, Bennett, Director Sitka Council on Alcoholism and Other Drug Abuse, Inc., <u>Sitka "Mini-Grant Application,"</u> c. 1974 .....	27
Tanana Chiefs Conference, <u>Tanana Chiefs Conference Resolution 71-4</u> , June 11-13, 1971 .....	27
Taylor, Michael, "Modern Practice in the Indian Courts," <u>University of Puget Sound Law Review</u> , Winter, 1987 .....	34
Taylor, Judge Robin, Correspondence Regarding the Exclusionary Rule, c. 1978 .....	101
Tebenov, Michael D., Correspondence Regarding Sale of Alcohol, 1845 .....	27
Tkacz, Bob, "Cowper Signs Order Recognizing Tribal Status of Natives," <u>The Borough Post</u> , September 21, 1990 .....	117
Underwood, Martin, Commissioner of Department of Public Safety, <u>Memorandum to Governor William Egan</u> , January 24, 1964 .....	28

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
United Press International, "Criminal Code Bill," <u>Los Angeles Times</u> , 1977 .....	92
United States Congress, <u>Moss-Javits Bill</u> (P.L. 90-574) (Care and Prevention of Alcoholism), 1969 .....	28
_____, <u>U.S. H.B. 115</u> (Excise Tax on Beer Consumed by Military), 1971 .....	28
_____, (Rep. Howard Pollock), <u>U.S.H.R. 6782</u> (Concurrent Criminal Jurisdiction Between Alaska and Annette Island Indian Reservation), 1969 .....	102
_____, <u>U.S.H.R. 9139</u> (Law Enforcement in Indian Country), 85th Congress August 8, 1958 .....	101
_____, <u>U.S.H.R. 11386</u> (Intoxicating Liquors), 85th Congress, March 13, 1958 .....	28
_____, (Senator Mike Gravel), <u>U.S.S. 902</u> (Concurrent Criminal Jurisdiction Between Alaska and Annette Island Indian Reservation)(also <u>H.R. 6782</u> ), 1969 .....	102
_____, <u>U.S.S. 1843</u> (Constitutional Rights of American Indians), 89th Congress, June 1965 .....	118
United States Department of Interior, Press Release Announcing Transfer of Programs to the Bureau of Indian Affairs, 1931 .....	76
_____, <u>Survey of the Alaska Reindeer Service</u> , February 13, 1933 .....	126
United States Department of Justice, <u>Grant Award: Police/Community Drug Information and Prevention Program</u> , September 11, 1970 .....	102
University of Alaska Division of Statewide Services, Three Reports on Alcohol Abuse (Exhibits V, VI, VII), c. 1970-75 .....	29
Utter, R. F., et al, <u>Report to the Conference of Chief Justices from the Task Force on a State Court Improvement Act</u> , c. 1979 .....	85
Warden, Arlene, "Don't Build More Jails' Experts Say to Alaskans," <u>Alaska Advocate</u> , December 15-21, 1977 .....	103

*Alphabetical Author Index*

<u>AUTHOR/TITLE</u>	<u>PAGE</u>
Webb, Roy H., <u>Report on Law Enforcement Conditions in Alaska, August 20, 1951</u> .....	103
Wickersham, James, Correspondence to Senator George W. Norris, September 26, 1926 .....	104
Wilkenson, Gerald, <u>A Special Report on the Department of Public Safety: Village Public Safety Officer Program, 1987</u> .....	104
Willard, Mrs. Eugene S. (Carrie M.), <u>Life in Alaska, 1884</u> .....	45
Williams, Ruth, Public Health Nurse, Correspondence About Alcohol Abuse in Yakutat, July 16, 1951 .....	29
Wilson, Dr. Martha, <u>Health Status of the Alaska Native People, August 24-27, 1969</u> .....	76
Working Group on the Administration of Justice in the Remote North, <u>A Feasibility Study on the Appropriateness of a Legal Services Corporation for Ontario's Remote North, October 30, 1987</u> .....	56
Working Group on the Administration of Justice in the Remote North of Ontario, <u>The Recommendations Concerning the Operation of the Fly-In Courts in the Remote Nishnawbe-Aski Communities: Are They Working? May, 1988</u> .....	56
Wrangell, Correspondence Regarding Sale of Alcohol, 1845 .....	30
Young, Thomas, "Native American Crime and Criminal Justice Require Criminologists' Attention," <u>Journal of Criminal Justice Education, March 1990</u> .....	105
Yupiktak Bista, <u>Does One Way of Life Have to Die So Another Can Live? A Report on Subsistence and the Conservation of the Yupik Life-Style, December 1974</u> .....	127

***Agency and  
Commission Reports***

## Agency and Commission Reports

**Alaska Court System** (Nesbett, Chief Justice), First Annual Report of the Alaska Court System, Alaska Court System, January 1961. Rasmuson Library, Archives & Manuscript Collection, Box 1, Folder 1, Alaska Department Files of Ralph Rivers Papers: Historical, annual report; 54 pp.

Purpose: The purpose of this report, addressed to the Governor, was to provide detailed information concerning the organization and operation of Alaska's court system.

Findings: The report concludes, among other things, that unanticipated fixed costs would necessitate a budget request greater than the figure estimated in 1959, and that it was important to plan for future court facilities.

**Alaska Judicial Council**, Alaska Judicial Council Second Annual Report - 1961, Alaska Judicial Council, January 1962. Rasmuson Library (Gruening - Alaska State Government 1962): Legal, government study; 11+ pp.

Purpose: The Alaska Judicial Council reported that it had recommended six items for legislative action in 1960, including "(1) Extending jurisdiction in juvenile cases to deputy magistrates to handle emergency cases, and (2) Granting authority to district magistrates to turn a juvenile over to regular court proceedings where the juvenile has violated a traffic law or regulation outside an incorporated city...." These and several other items became law in 1961.

Findings: The AJC's Second Annual Report proposed legislative action on: (1) Funding for lease of court facilities in Anchorage and Fairbanks, (2) Appointment of an additional judge of the superior court in the Third Judicial District, (3) Funding for appointment of additional district magistrates in Anchorage and Fairbanks, (4) Removal of ceiling on district magistrate's salary, and (5) Improved retirement plan for justices and judges.

Effect: The legislature implemented all of the AJC's recommendations between January 1962 and January 1964.

**Alaska Judicial Council**, Alaska Judicial Council Sixth Annual Report - 1969-70, Alaska Judicial Council, 1971. Alaska Judicial Council: Annual Report; 49 pp. plus appendices.

Purpose: In its sixth report, the AJC reviews its work during 1969-70 and offers current recommendations for improvement of the administration of justice.

*Rural Justice Selected Bibliography  
Agency and Commission Reports*

Findings: The AJC reported that the Legislature had adopted the AJC's recommendations for a law permitting appellate review of criminal sentences in Alaska. The AJC also reported on the First Bush Justice Conference and included in its current recommendations the resolutions adopted at the First Bush Justice Conference.

**Alaska Judicial Council, Alaska Judicial Council Seventh Annual Report - 1971-72, Alaska Judicial Council, 1973. Alaska Judicial Council: Annual Report; 36 pp. plus appendix.**

Purpose: In its seventh report, the AJC reviews its work during 1971-72 and offers current recommendations for improvement in the administration of justice.

Findings: In 1972 the AJC held public hearings in Fairbanks and Anchorage on the improvement of justice and received testimony that bush facilities used by the court system were glaringly inadequate and that magistrates and district judges did not have large enough budgets to travel to other villages within the district which they serve, with one magistrate testifying that she once had to travel by dogsled to attend court.

**Bureau of Indian Affairs (Juneau Area Office), BIA Alaska Annual Progress Report - 1966, 1966. Rasmuson Library, Archives & Manuscript Collection, Box 8, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Annual Report; 27 pp.**

Purpose: This progress report highlights important activities of the Bureau in Alaska. One Fairbanks project addresses problem drinking, and another studies women with multiple social problems.

Findings: Unknown.

**Bureau of Indian Affairs (Juneau Area Director), The First Alaskans - 100 Years Later, A Progress Report to the Commissioner of Indian Affairs, 1967. Rasmuson Library, Archive & Manuscript Collection, Box 8, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Report; 20+ pp.**

Purpose: This report, written by the Area Director of the Juneau BIA, is a general overview of Native needs in Alaska.

Findings: Unknown.

**Bureau of Indian Affairs, Impacts of Oil Pipeline Construction (TAPS) and Petroleum Development on the Alaska Native Population and BIA Programs, October 27, 1969.** Rasmuson Library (Gravel - BIA) B63-5: Government study; 4+ pp.

Purpose: This is a BIA interagency report with a courtesy copy to Senator Gravel. The report analyzes prospective TAPS development and impact on Native people. The report may have been prepared by the Assistant Commissioner of Administration in BIA for the Commissioner of BIA.

Findings: The report concludes at page 5 that:

"[t]here will be a change in drinking patterns from periodic and sporadic to regular and extended. [D]elinquency among teenagers including drinking, drug addiction and other types of asocial behavior will increase...."

The report also advocates planning to avert adverse side effects from rapid economic growth.

**Fairbanks Native Association, Fairbanks Native Association Records: 1965-1979.** Rasmuson Library (FNA Boxes #6-7 and #19-21): Program Records, etc.

Purpose: The Fairbanks Native Association program records (1965-76), administrative records (1969-77), and miscellaneous files contain memos, correspondence, budgets, meeting minutes, audits, and various reports.

Findings: There is evidence of contact with legislature and state and local governments in support of funding. Many contracts were awarded, particularly for alcohol programs in Fairbanks.

**Foster, Don C., Alaska Native Service Report, July 22, 1946.** Rasmuson Library, Archive & Manuscript Collection, Box 1 of E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Government study.

Purpose: Senator Bartlett apparently requested from the Alaska Native Services an activity report to be published in the Congressional Record.

Findings: The report, written by the general superintendent of ANS, describes the Service's various activities in Alaska in education, social work, etc. One portion describes alcohol abuse in villages and efforts to combat it in 1946.

*Rural Justice Selected Bibliography  
Agency and Commission Reports*

**Gazaway, Prent, BIA Area Economist, National Program Inadequacies and Needs to Better Serve Rural and Native Alaska, BIA, March 25, 1966 (revised). Rasmuson Library (E. L. Bartlett Collection) BIA 1966: Government study; 24 pp.**

**Purpose:** This report, prepared for the Federal Field Committee, examines BIA program inadequacies and needs in the areas of: (1) education, (2) land issues, (3) economic development, (4) agricultural programs, (5) housing/community facilities, (6) suggested changes in surplus property regulations, (7) village power program, (8) obstacles to progress from the welfare point of view, and (9) federal program organization and funding in general.

**Findings:** Page 18 of the report, concerning obstacles to progress from the welfare point of view, states: "[i]n about 50% of all instances in which problems occur with the law, marriage, child neglect and other social problems, excessive drinking exists. A program to remedy, reduce and prevent pathological drinking is needed." The report recommends BIA hire more social workers to deal with "drinking, marriage, child-parent, and other problems."

**Effect:** Unknown. Report was intended for internal government use. A letter from Senator Bartlett's staff to William Hensley noted that author Gazaway stated the report was "hurriedly put together and there are some inaccuracies."

**Jones, Richard, American Indian Policy Review Commission: Recommendations, Library of Congress, January 26, 1978 (update). Rasmuson (Gravel - Field Office Files, B748-7): Legal, government study; 12 pp.**

**Purpose:** The American Indian Policy Review Commission, established on January 2, 1975, conducted a two-year review "of the historical and legal developments in order to determine the nature and scope of necessary revisions in the formulation of policies and programs for the benefit of Indians."

**Findings:** The final report was issued to Congress on April 17, 1977. The report contains 200 specific recommendations about tribal sovereignty and the federal trust relationship.

**Task force reports include:**

- ▶ Special Joint Task Force on Alaskan Native Issues, 1976
- ▶ Task Force on Alcohol and Drug Abuse, 1976
- ▶ Task Force on Federal, State and Tribal Jurisdiction, 1977
- ▶ Task Force on Indian Education, 1976
- ▶ Task Force on Indian Health, 1976



*Rural Justice Selected Bibliography*  
*Agency and Commission Reports*

**Effect:** U.S.S. Res. 4 created a temporary select committee on Indian affairs;  
U.S.S.1215 concerned grants to Tribe-controlled Community Colleges;  
U.S.S.1214 concerned standards for placement of Indian children in foster  
or adoptive homes;  
(S.1215 and S1214 passed the Senate on November 4, 1977.)

**Keeler, Wade & Officer, Report to the Secretary of the Interior by the Task Force on Alaska Native Affairs**, December 28, 1962. Rasmuson Library, Archives & Manuscript Collection, Box 19, Folder 47 (Department Files) Ralph Rivers Papers; also obtained from Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Government study, historical; 109 pp.

**Purpose:** The task force traveled to 32 villages and took testimony from 100 Native communities to study BIA programs and policies. The report focuses on land issues and delivery of services to remote areas.

**Findings:** Some findings are:

1. Page 24, juvenile delinquency among Natives in the villages did not seem to be a serious problem;
2. Page 34, the state should set up better programs of licensing and establishing seasons and bag limits for subsistence hunting;
3. Page 71, Congress should elucidate the aboriginal land rights of the Natives and establish a forum in which their claims could be heard;
4. Page 86, village governments should be established that are consistent with the system of municipal organization.

**Alcohol Abuse  
and Treatment**

## Alcohol Abuse and Treatment

**Alaska Laws Collection, Unpublished, Rasmuson Library - Archives: Historical, legal;**  
Two bound volumes - unnumbered pp.

**Purpose:** Summaries of legal decisions by circuit and district judges in the Territory of Alaska. Case summaries include several cases addressing illegal liquor sales. One 1911 case, Nagle v. United States, concerns selling liquor to Indians and the status of Alaska Indians as citizens. Another, Lott v. United States (May 5, 1913) notes reasonable sale of liquor to Indians. Northern Lumber Mills v. Alaska Juneau Gold Mining Co., 229 F. 966, recognizes possessory rights of Indians relating to use and occupancy of land. Guideni v. Wheeler, 230 F. 93, recognizes the power of municipal corporations to define crime.

**Findings:** None.

**Effect:** Case precedent.

**Alaska Legislature, HB 340:** "An Act Relating to Treatment of Alcoholism and Drug Abuse; and Providing for an Effective Date," Alaska State Legislature, introduced 3/11/77. Rasmuson Library: Legal; 27 pp.

**Purpose:** This bill was intended to amend AS 47.37 by declaring a policy not to prosecute alcoholics or drug addicts but to provide treatment "so they may lead normal lives as productive members of society." This bill also combined the Office of Alcohol and Drug Abuse with the DHSS, and discussed organizational issues.

**Findings:** Legislative Amendments.

**Effect:** Legislation became effective July 1, 1977.

**Alaska Native Brotherhood, Resolution No. 18,** ANS Convention, Hydaburg November 14-19, 1966, Alaska Native Brotherhood, November 18, 1966. Rasmuson Library (E. L. Bartlett Collection - BIA 1967): Resolution; 1 p.

**Purpose:** ANB's Resolution #18 finds that "...many of our problems have an unfortunate relation with alcohol consumption resulting in school dropouts, broken homes, neglect of children, substandard homes, health deficiencies, lack of community development and untimely death, and...the situation is becoming worse throughout the state and nation."

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Findings: The resolution "urgently" requests the BIA, the Alaska Department of Health, Education and Welfare, and the U.S. Public Health Service to implement a statewide alcohol education and recovery program.

Effect: Senator Bartlett and Robert L. Bennett, Commissioner of the BIA, acknowledged receipt of the resolution, but no resulting action is mentioned. See National Council on Alcoholism, "Alcohol Education Curriculum K-12."

**Alaska Native Brotherhood, Resolution No. 21, 38th Annual Convention of ANB and Sisterhood, at Craig, AK, November 17, 1950. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical; 1 p.**

Purpose: This resolution requests that a Deputy Marshal be stationed in Haines, because "liquor problems become bad during (tourist) season, much to the detriment of families trying to live respectable lives." It also states that drunkenness was prevalent in spring, summer and fall months because no Marshal was present.

Findings: N/A

Effect: No Marshal was put in Haines due to lack of money.

**Alaska Native Health Board, Alpha Digest, Alaska Native Health Board, February 1, 1977. Rasmuson Library (Gravel - Health & Social Services, B297-8): Newsletter; 4 pp.**

Purpose: This newsletter notes that tackling alcoholism was a priority for the Alaska Department of Health and Social Services, and that the state was considering stricter enforcement of the sale of liquor to "dry" villages and making technical amendments to existing laws. Another article notes that 23 states plus Puerto Rico had adopted uniform alcoholism laws that treat alcoholism "as an illness and not a crime."

Findings: Not applicable.

**Alaska Native Health Board, A Proposal to Establish: Standards of Care; Alcoholism Treatment Services, Alaska Native Health Board, February 26, 1975. Rasmuson Library (Gravel - Alcoholism 1975, B266 F2): Grant Proposal, correspondence; 25 pp.**

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Purpose: Using funds from the NIAAA, the Alaska Native Health Board (part of Alaska Federation of Natives) asked Senator Gravel to support a proposal to the state "to develop negotiated standards of client care for alcoholism treatment problems."

Findings: This proposed study would follow-up work conducted in 1972 that assessed alcoholism treatment services in Alaska. The proposal was for a six-month demonstration project at ten alcoholism and medical facilities in Anchorage, Fairbanks, Dillingham and Kotzebue.

**Aleut Community of St. Paul Island, Resolution**, submitted by Aleut Community of St. Paul Island, September 8, 1960. Rasmuson Library, Archives & Manuscript Collection, Box 6, Folder 51 (Exec. Dept. Files) Ralph Rivers Papers: Resolution; 1 p.

Purpose: The resolution requests that the Secretary of the Interior lift the prohibition on the landing and use of liquor on the Pribilof Islands.

Findings: Not applicable.

Effect: The Secretary rescinded the prohibition on November 6, 1961.

**Aleutian/Pribilof Islands Association, Inc., Resolution No. 76-4**, Aleutian/Pribilof Islands Assoc., Inc., December 10, 1976. Rasmuson Library (Gravel - Alcoholism & Drugs, B297-10): Resolution, correspondence; 6 pp.

Purpose: This is one of several resolutions submitted to and adopted by the A/PIA board of directors at the December 9-10, 1976 meeting. This resolution notes that alcoholism and drug abuse was the "greatest social problem" in the Aleutian region, and it calls for funding to alleviate these problems.

Findings: Senator Gravel expressed his agreement with the resolution and noted that he planned to introduce legislation in the 95th Congress to impose an excise tax on the sale of alcohol.

**Association of Village Council Presidents, AVCP Resolution No. 77-01-101**, Association of Village Council Presidents, October 6, 1977. Rasmuson Library (Gravel - Alcoholism & Drugs, B297-10): Resolution, correspondence; 5 pp.

Purpose: This resolution and associated correspondence call on the Alaska State Legislature to increase the tax on alcohol in order to reduce "the problem of

alcoholism in Alaska" and to support Alaska HB196 - Governor Hammond's package on legislative action on alcoholism.

Findings: Senator Gravel responded to correspondence from I. L. Andrew, President of the Yukon-Kuskokwim Health Corp., by promising to work with Senator Stevens on introducing legislation to increase federal appropriations for Alaskan alcoholism programs because they were "underfunded."

**Bartlett Collection of Correspondence on Alcohol (1948-55).** Rasmuson Library, Bartlett Collection/Fed. Depts. & Agencies/Interior: Correspondence; 30+ pp.

Purpose: This collection consists of letters Bartlett received between 1948 and 1955 on the Bryson Bill (H.R. 1227 or H.R. 2428) to prohibit liquor advertising. It also contains correspondence from the Federal Marshal in Ft. Yukon describing the liquor problems in the community; correspondence concerning the sale of liquor to members of the armed forces; a petition to Judge Dimond from presidents of Ouzinkie requesting "that no liquor store be opened..." as long as the village had no law enforcement officer; a letter to Alex Miller denying any involvement/intervention with the legislature concerning the liquor industry; and correspondence with territorial legislator Frank Johnson regarding federal liquor laws.

Findings: Not applicable.

Effect: Bartlett asked various federal and territorial agencies to coordinate a response to bootlegging problems. Bartlett characterized the alcohol issue in Alaska as "a knotty problem and one that cannot be solved easily." In a memo to Congressman Mills (no date), Bartlett also recognizes that laws to prohibit the sale of liquor to Natives "would be held unconstitutional."

**Bartlett Collection of Correspondence on Alcohol, c. 1956.** Rasmuson Library, Bartlett Collection /Fed. Depts. & Agencies/Interior - BIA: Correspondence.

Purpose: The main subject of this correspondence to and from Bartlett on the subject of alcohol is the Interior Department's decision to allow use of alcohol in the Pribilof Islands, and the Federal Bureau of Fisheries' subsequent investigation of alcohol-related problems. The correspondence also concerns alcohol problems in Gambell and Ft. Yukon, as well as a notice from Venetie that alcohol would be prohibited in that village. While he could not vote on the matter in 1956 (before statehood), Bartlett did support U.S.H.R. 8000, which would have prohibited the sale of alcohol on commercial passenger flights. Bartlett also received

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

correspondence on U.S.H.R. 4627, which apparently concerned liquor advertising and which was supported by The Anchorage Daily Times and others.

Findings: Unknown.

Cameron, Duncan H., Correspondence from Distilled Spirits Council of U.S., Inc., Duncan H. Cameron, January 17, 1978. Rasmuson Library (Gravel - MacWood Staff Reports, B990-2): Government study, reports, etc.

Purpose: Ms. MacWood, a staffer to Senator Gravel, was sent 12 documents, some of which are in this file. Included are:

1. The Use of Earmarked Taxes to Fund Alcoholism Programs, 3 pp. no date,
2. Discussion of Perspectives on Use of Earmarked Revenues to Fund Alcoholism Programs, 8 pp., 4/10/75,
3. Report to the Congress by the Comptroller General of the U.S., Progress and Problems in Treating Alcohol Abusers, NIAAA, DHEW, 15 pp., 4/28/77,
4. The Number of Alcoholics: Analysis of Major Estimates, DSC of the U.S., Inc., 7 pp., 2/10/77,
5. An Analysis of the Control Theory of Alcoholism, Michael L. Lauderdale, Ph.D., 51 pp., 6/13/77,
6. Task Force on Responsible Decisions About Alcohol, Final Report, 3 Booklets, no date.

Findings: Not applicable.

Conn, Stephen (edited by Antonia Moras); No Need Of Gold - Alcohol Control Laws and the Alaska Native Population: From the Russians Through the Early Years of Statehood, UAA School of Justice, 1986. Justice Center, UAA: Historical, legal; 92 pp.

Purpose: The original material for this work came from two earlier works by Stephen Conn: "Alcohol Control in Village Alaska," and "Town Law and Village Law: Satellite Villages, Bethel and Alcohol Control in the Modern Era--The Working Relationship and Its Demise." The first section of this work covers the

history of legal controls on alcohol in Alaska. The second section examines alcohol-related issues in Bethel and the surrounding area after statehood.

Findings: Conn makes a number of conclusions about the complex issue of alcohol control in Alaska. Conn finds that in Alaska, alcohol control issues have been a means for the government to exercise jurisdictional control, suggesting that only white authorities can control Native alcohol use. Conn also finds state law inconsistent in its support of liquor bans in the villages. The state of Alaska, because of its large area and lack of enforcement resources, can neither enforce the law effectively by itself, nor support village councils in their traditional means of alcohol control.

Conn, Stephen and Bonnie Boedeker, "An Analysis of Outpatient Accident Trends in Two Dry Eskimo Towns as a Measure of Alternative Police Responses to Drunken Behavior," Unpublished, UAA School of Justice, Conference Paper-March 1983. UAA Justice Center: Legal, study; 24 pp.

Purpose: When Alaska decriminalized drunken behavior in 1972, police stopped arresting drunks and instituted alternative practices. In Bethel, police began to pick up and transport intoxicated persons to a sleep-off center. The police in Barrow took intoxicated persons into protective custody and held them in jail. In this work, the authors analyze the impact these different practices have on the rates of "accidents" (reported or unreported crime).

Findings: The authors conclude that legitimate police practices were narrowed by the decriminalization of drunken behavior, especially where protective custody was the mainstay of alcohol control practice. In light of data concerning the number of accidents in the home, the authors conclude that Bethel's method was a better way to provide police intervention than Barrow's method. In the home, where most drinking takes place, the family would be more apt to call for help if they knew their relative or friend would not be sent to jail. The authors also conclude that the use of police to prevent violence seems to work if the pick-ups are massive in scope. The authors warn, however, that this approach becomes less effective as drinking moves from the public to the private domain.

Demientieff, Mitch, Alcoholism Prevention - Nenana, Nenana Native Association, October 25, 1972. Rasmuson Library (Gravel - Alcoholism, B233-18): Grant Proposal and correspondence; approximately 50 pp.

Purpose: Mitch Demientieff, Administrator for the Nenana Native Association, submitted a proposal for \$20,000 to establish an arts and crafts program and to buy sports equipment. Grantor agency was NIAAA.



Findings:

1. Proposal was originally rejected by NIAAA because it was not typewritten. Senator Gravel intervened on behalf of Nenana Native Association. NIAAA apologized in writing.
2. Proposal noted alcoholism problem among Natives in Nenana and lack of recreational opportunities, particularly in wintertime.

**Disoway, Dr. L. M.,** Correspondence to Senator Bartlett, June 12, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1 of E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Historical, correspondence; 4 pp.

Purpose: Dr. Disoway of the Hudson Stuck Memorial Hospital wanted Senator Bartlett to know of the terrible alcoholism and abuse occurring in Fort Yukon and of the traffic in alcohol. The doctor asked Bartlett for advice for the medical people concerned with the conditions in the village. Bartlett said he would talk to the judge and the U. S. Marshal on his next visit to Fairbanks about the problem of alcohol trafficking.

**Fairbanks Native Association, A Proposal to Alleviate Community Impact Problems Due to Alcohol Abuse - Proposed Funding Period 10/1/74 - 6/30/75,** Fairbanks Native Association. Rasmuson Library (FNA Box 19): Funding proposals; 16 pp.

Purpose: This proposal was submitted to both the City of Fairbanks and the Fairbanks North Star Borough (in amended form) to apply for funding of FNA's Community Alcoholism Program which it had assumed from the city in 1974. The proposal details the effects of state budget cuts to DHSS budget, and how those cuts forced curtailment in FNA's program services.

Findings: The double effect of Trans-Alaska Pipeline construction impacts and declining state budget hit FNA's cap hard. FNA appealed to the state for impact funding.

Effect: According to correspondence in the file, impact funding was made available by the state.

**Foster, Don C.,** Alaska Native Services Agency, Correspondence to Senator Bartlett, April 12, 1946. Rasmuson Library, Archives & Manuscript Collection, Juneau, Box 1 of E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 2 pp.

*Rural Justice Selected Bibliography  
Alcohol Abuse and Treatment*

Purpose: Foster, General Superintendent of Alaska Native Services, wrote to tell Bartlett that he was opposed to letting Arctic Exploration Company put a store in every Native village in the Arctic. He felt that the company intended to put liquor into their stores and pay Native hires with cheap liquor. The company allegedly paid Natives one wage and whites another.

Findings: Foster asked Senator Bartlett for advice for preventing this situation; he suggested putting a 640 acre administrative reserve in each village.

**Gonzales, Ethel, Alaska Native Health Board, and Gerald Ivey, Alaska Area Native Health Service, Testimony for President's Commission on Mental Health: Mental Health Needs of Alaska Natives, June, 1977. Rasmuson Library (Gravel Collection - Health & Social Services, B297-6): Government Study; 27 pp. plus appendices.**

Purpose: This is a copy of testimony presented to the President's Commission on Mental Health in San Francisco, June 21, 1977. This material was sent to Senator Gravel, who commended Ms. Gonzales on addressing Alaska's mental health needs. The commission had 20 members; Mrs. Carter served as honorary chairperson.

Findings: Reporting on page one that "death rates (in Alaska) due to alcohol-related accidents, alcohol abuse, suicides and homicides are rising to shocking levels," the testimony encouraged Commission members to visit Alaska personally in order to appreciate Alaska's "unique type of problems."

**Gravel, Senator Mike, Letter re: Alcohol Shipped Via Mail, October 20, 1971. Rasmuson Library (Gravel - Alcoholism) B127-2: Correspondence; 3 pp.**

Purpose: Senator Gravel wrote in response to a letter from a Chignik Lake resident who complained that alcohol was being mailed into the community. The resident complained of problems associated with alcohol in the community.

Findings: Senator Gravel's response notes that mailing alcohol is illegal.

**Gravel, Senator Mike, Letter to Public Safety Agencies, Mike Gravel, January 12, 1979. Rasmuson Library (Gravel Collection - MacWood Staff Papers, Box 989-3): Correspondence.**

Purpose: Senator Gravel surveyed public safety departments across the nation to determine relationships between alcohol and violent crime, property crime, disorderly conduct, as well as total arrests and alcohol-related arrests in 1978.

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Findings: Approximately 25 state public safety departments responded. Most could only answer with aggregate statistics. Most departments did not track information in the form requested.

Effect: These letters may be related to Senator Gravel's interest in the Alcohol Abuse Research Tax bill.

**Gravel, Senator Mike, Letter to State Courts, Mike Gravel, January 12, 1979. Rasmuson Library (Gravel - MacWood Staff Papers, Box 989-4): Correspondence.**

Purpose: Senator Gravel surveyed state court systems across the nation to determine the relationship of alcohol to crime and to court-related business.

Findings: Approximately two dozen courts responded to the letter. The courts varied in their ability to provide information.

Effect: These letters may be related to Senator Gravel's interest in the Alcohol Abuse Research Tax.

**Gravel, Mike, Letter to State Fire Marshals, Mike Gravel, January 12, 1979. Rasmuson Library (Gravel - MacWood Staff Papers, Box 990-4): Correspondence.**

Purpose: Gravel surveyed all of the state fire marshals in the nation to determine the relationship between fires and alcohol use.

Findings:

Indiana: 75% of fatal fires involved alcohol  
Maryland: 39% of fatal fires involved alcohol  
Oregon: 53% of fatal fires involved alcohol

Seven states had no information.

Effect: These letters may be related to Senator Gravel's interest in the Alcohol Abuse Research Tax.

**Gravel Collection of Alcohol Information, c. 1974-1978. Rasmuson Library (Gravel - MacWood Staff Papers) Box 989-2: Government reports.**

Purpose: This is a collection of reports on alcohol and alcoholism. It includes:

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

1. S.1107, the Occupational Alcoholism Prevention & Treatment Act of 1977, Subcommittee Hearing, 95th Congress;
2. Costs of Alcoholism or Problem Drinking (Annotated Bibliography) updated January 1978, 11 pages;
3. Alcohol & Health: New Knowledge. A Second Special Report to the U.S. Congress, Morris E. Chafetz, M.D., Chairman of the Task Force, June 1974, Chapter III only;
4. Checkup: A National Assessment of Health Awareness Among 17-year olds and Young Adults, National Assessment of Educational Programs, September 1978, 52 pages.

Findings: Not applicable.

**Gravel Collection of Correspondence Re: Alcoholic Beverage Tax Proposal, c. 1978-1979.** Rasmuson Library (Gravel - MacWood Staff Report, Box 990-3): Correspondence.

Purpose: Senator Gravel received numerous letters regarding his proposal to tax alcoholic beverages and use the money to fund alcohol education, prevention, and research programs.

Findings: Most respondents, while supportive of the tax, felt that the federal government should be responsible for collecting the tax - not the state.

**Gravel Collection of Alcoholism Reports, c. 1974-1977.** Rasmuson Library (Gravel Collection - MacWood Staff Papers, Box 988-4): Government study.

Purpose: This collection of reports on alcohol and alcoholism contains the following titles:

1. Adult Alcoholism Severity and Client Characteristics in Alaska, A Report by the Alaska Native Health Board, July 1976, 13 pp.
2. Alaska Fact Finder: On Alcohol Abuse and Alcoholism, National Institute on Alcohol Abuse and Alcoholism, December 1974
3. Alcoholism: A Statewide Program Evaluation, by Sheldon Miller, M.D., et al, Am J Psychiatry, February 1974, 6 pp.

4. An Evaluation of Alcoholism Treatment Services for Alaskan Natives, by Sheldon Miller, M.D., et al, *Hospital and Community Psychiatry*, December 1975, 3 pp.
5. 1977 Annual Update to the Alaska State Plan for the Reduction of Alcoholism and Alcohol Abuse, State of Alaska
6. Alaska Public Education Project, Produced by NCA-AR and Alaska Native Commission on Alcoholism and Drug Abuse.

Findings: Not applicable.

**Gruening, Governor Ernest**, *Diary Entries, Governor Gruening, c. 1939-40*. Rasmuson Library, Greuning - Diaries 1939 (July - December 31): Historical, diary.

Purpose: Representative excerpts follow:

December 12, 1939: "Dr. Worley of Indian Office came in to discuss the Indian health problem. He said that everything that could be done to keep liquor away from the Indians would be desirable but that if we decided on drastic measures, we should not let it be known that they originated from the Indian office."

December 13, 1939: "...I told him [Senator Rodin] I felt the most important thing was to keep liquor away from the Indians by ways that were both legitimate and effective, as well as those which avoided discriminating against them in a way that would be offensive...."

May 2, 1940: "...We have had a lot of trouble in Alaska with drunken doctors and I told Dr. Elantin that in my opinion Dr. Zinnamen should promptly [sic] be dismissed."

May 6, 1940: "Russell Maynard, editor of Nome Nugget, came in on his way south with some prisoners for McNeil Island since he is a deputy marshal in the Second District. These prisoners are Eskimos who are apparently tired of scratching for a living and so committed thefts in order to be sent to McNeil Island."

Findings: Not applicable.

**Hammond, Governor Jay S.,** Correspondence and Information Concerning Alcohol and Proposed Local Option Laws, State of Alaska, February 23, 1977. Rasmuson - Fairbanks Native Association (Admin. Records 1971-77 Office of the Governor): Correspondence, government; multiple pp.

Purpose: This file contains a cover letter from Governor Hammond regarding his legislative proposal that "offers more options to communities which want to limit the sale of alcohol, encourages more effective enforcement of bootlegging laws, and raises the excise tax on beverage alcohol so that alcohol consumers help pay a greater share of alcohol-related costs." Hammond estimated that the state was spending \$17 million annually on alcohol-related costs.

Findings: The file contains statistics documenting the relationship of alcohol abuse to child neglect/abuse, traffic/boating fatalities, and fire fatalities. Hammond's legislative package included HB196/SB167 (Excise Tax); HB232 (Sales Tax); HB 240 (Alcohol Laws); HB 241 (Alcohol Approp.); and recommendations to combine offices of alcoholism and drug abuse.

Effect: HB 340, introduced on 3/11/77, combined the Office of Alcohol & Drug Abuse with the DHSS. According to an Anchorage Daily News article, "Hammond Begins Budget Cuts: Booze Laws to be Axed," funding problems subsequently forced the Governor to cut some of his bills on alcohol.

**Hammond, Governor Jay S.,** "Governor Hammond's Statement on Introduction of Alcohol Abuse Package to Legislature," State of Alaska, February 18, 1977. Rasmuson Library (Gravel - MacWood Staff Papers, Box 988-3): Press release; 2 pp.

Purpose: This press release describes the Governor's proposed statutes dealing with alcohol problems. Governor Hammond appointed an interdepartmental coordinating committee (on alcoholism) in the spring of 1976. Based upon the committee's report, Report to the Governor, Hammond introduced a number of legislative proposals "dealing with the problems of alcoholism and alcohol abuse in Alaska." They included: Excise Tax (HB196/SB167); Sales Tax (HB232); and Alcohol Law (HB240).

Findings: The news release cites data from The Report showing that in 1975 excessive drinking was involved in 45% of reported cases of child neglect, 25% of reported cases of child abuse, 45% of fatalities from traffic accidents, 60% of fatalities from boating accidents, and 30% of all fatalities from fires.

Effect: According to an Anchorage Daily News article, "Hammond Begins Budget Cuts: Booze Laws to be Axed," the governor subsequently was forced to cut some

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

of the bills on alcohol because the legislature did not appropriate funds to pay for the legislation.

**Huber, Louis R.**, "Alaska's Natives Strive With Old and New Ways," reprinted in the Congressional Record, February 19, 1951. Rasmuson Library (Mozee Papers, Subject File, Anthropological Papers and Articles): Legal, cultural/anthropological; 2 pp.

Purpose: Rep. Warren Magnuson asked that two articles by Mr. Huber, of the Christian Science Monitor, be reprinted in the Congressional Record. The first, "Alaska's Natives Strive with Old and New Ways," discusses the "Native liquor problem." The article contains remarks from a Deputy U. S. Marshal who favored prohibition, and from a district judge who argued that prohibition did not work. The article also discusses the concerns of Natives working at a cannery, and the problem of men who spent their earnings on alcohol and returned to the village broke.

Findings: Not applicable.

**Jaeger, Lisa**, Banning Possession of Alcohol, Tanana Chiefs Conference, Inc., Fall, 1986. T.C.C. - Mike Walleri: "How to..." book; 26 pp.

Purpose: Outlines the procedures necessary for banning alcohol possession in villages. Includes procedures for petitioning for election, elections, penalties and enforcement.

Findings: No findings or conclusions - straightforward "How To" guide for villages desiring to ban possession of alcohol.

**Johnson, Emery, M. D.**, Director of Indian Health Service, Rockville, Maryland, Correspondence, June 25, 1970. Rasmuson Library, Archives & Manuscript Collection, Box 3, Folder 77 (Department Files - Alaska) Howard Pollock Papers: Correspondence, historical; 1 p.

Purpose: Dr. Johnson responded to the Commissioner for the Department of Health & Welfare's inquiry concerning federal funds to establish an alcohol rehabilitation unit at the Anchorage Service Unit of ANS. Johnson wrote that the Indian Health Service was looking for funding from various agencies.

Findings: Not applicable.

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Joseph, Clement L., Secretary/Treasurer of Alakanuk City Council, Alcoholism Counselor Funding Request, April 19, 1978. Rasmuson Library (Gravel - Alcoholism & Drugs, Box 311-2): Correspondence; 3 pp.

Purpose: Mr. Joseph requested Senator Gravel's assistance in obtaining "a program of alcohol counselors" in his village. He noted that alcoholism is the number one problem in the state and also a special problem in Alakanuk.

Findings: Senator Gravel responded by thanking Mr. Joseph for his letter and recommending that he contact the National Institute of Alcohol Abuse & Alcoholism for a grant application kit for Indian and Native American alcohol programs.

Lincoln, Grace, Alaska Native Special Alcoholism Program's Continuation Grant, Alaska Native Comm. on Alcoholism & Drug Abuse, January 6, 1976. Rasmuson Library (Gravel - Alcoholism, B283-14): Progress Report and correspondence; 10 pp.

Purpose: Ms. Lincoln submitted a progress report and asked for Senator Gravel's support. The report, prepared as a basis for future funding, concludes that the TransAlaska Pipeline impacted Native villages due to high wages and "comparatively short stints of work." The report warns that "[a] man previously earning \$4,000 a year who now earns that amount in a month is an easy prey to robbery and the temptation to squander the money for a drunken spree in Anchorage."

Findings: The report concludes that "[t]he disruption of a cultural identity and the lessening or cessation of traditional activities in the villages have been observed to lead to greater alcoholism problems." It further concludes that villages are most capable of resolving their own problems, mentioning that Nadaskrak Council had the most successful alcoholism program.

Magnuson, Warren, and U.S. Senator Harold E. Hughes, Correspondence and Press Release Regarding Comprehensive Alcohol Abuse & Alcoholism Prevention, Treatment and Rehabilitation Act of 1970, December 1970. Rasmuson (Gravel - Alcoholism) B127-2: Historical, government study, correspondence; 30 pp.

Purpose: Correspondence between Senator Harold E. Hughes and Warren Magnuson regarding the Comprehensive Alcohol Act of 1970 notes that alcoholism and alcohol abuse were the most serious health problems in the U.S. Senator Hughes, in a press release dated 4/21/71, expresses his disappointment with President Nixon and the Secretary of HEW for not fully implementing the



new law, which was estimated to cost \$1 billion for a 5 year period to enact a national alcoholism program.

Findings: Senator Hughes urged his colleagues to appropriate sufficient funds for a national alcoholism program.

**McClure, Thomas, Alaska Native Health Board/Health Care Evaluation Projects, Health Care Evaluation Projects, February 3, 1976. Rasmuson Library (Gravel - Alcoholism B283-14): Medical Studies and correspondence; 10 pp.**

Purpose: Mr. McClure, Associate Director of the Health Care Evaluation Projects, notified Senator Gravel about national coverage of the State of Alaska Office of Alcoholism Uniform Recording and Evaluation System for State-Funded Alcoholism Programs. In addition, two professional journals (in file) mention the programs:

1. "An Evaluation of Alcoholism Treatment Services for Alaskan Natives, "Sheldon Miller, M.D., et al, Hospital & Community Psychiatry, Vol. 26, #12, December 1975.
2. "A Monitoring and Evaluation Plan for Alcoholism Programs, "Edward Helmick, M.P.H., et al, British Journal of Addiction, Vol. 70, 1975.

Senator Gravel responded by praising the board for its recognition and offering to assist with legislation "about any problems involving Alaskan Natives...."

Findings: Not applicable.

**McCutcheon, Stanley J., Correspondence Concerning the Sale of Alcohol to Natives, May 9, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1 of E.L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 2 pp.**

Purpose: Mr. McCutcheon, an attorney, wrote to tell Senator Bartlett that he was opposed to any bill which would prohibit sale of alcohol to Indians.

Findings: McCutcheon believed that education, not prohibition, was the answer.

Effect: Bartlett agreed with McCutcheon.

*Rural Justice Selected Bibliography  
Alcohol Abuse and Treatment*

**Miklos, Barbara**, Health Planning Coordinator for S. E. Alaska Health Systems Agency, Correspondence Concerning Alcoholism, October 16, 1978. Rasmuson Library (Gravel - Alcoholism & Drugs, B311-2): Correspondence; 3 pp.

Purpose: On behalf of the SEAHSA Board of Directors, Ms. Miklos contacted Senator Gravel to inform him about the southeast region's "needs and problems associated with alcoholism." Her letter states that a survey showed that alcohol abuse was the "major health problem" and consequently it was the "#1 priority in SEAHSA's Health Systems Plan."

Findings: Ms. Miklos reports that accidents are the second leading cause of death (3 times the national rate) and that there is "a strong relationship between drinking alcohol and accidental and other violent deaths."

**Myer, D. S.**, Commissioner of BIA, and Hugh Wade, Area Director of BIA in Juneau, Correspondence to Senator Bartlett, August 22, 1951 and September 7, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies Justice, General: Historical; 15+ pp.

Purpose: Hugh Wade suggested to D. S. Myer that BIA and Justice Department cooperate to stem problems arising from alcohol sales and abuse in Native villages. Commissioner Myer in turn wrote to Senator Bartlett suggesting that they explore Wade's plea further.

Findings: Attached to Wade and Myer's correspondence were letters citing many instances of problems occurring in the villages and requests for help for enforcement of law banning sale of liquor to Natives.

**Myers, Evelyn**, ANCADA Technical Assistance Project Profile 1979, Alaska Native Comm. on Alcoholism and Drug Abuse, June 6, 1979. Rasmuson Library (Gravel - MacWood Staff Papers, Box 1007-3): Ancada Report.

Purpose: The acting Executive Director of the Alaska Native Commission on Alcoholism and Drug Abuse, Evelyn Myers, submitted this profile to the Indian Health Service/Office of Alcoholism. According to the cover letter, ANCADA was receiving "minimal funding from the State Office on Alcoholism and Drug Abuse (SOADA) from 1972-79."

Findings: The report identifies the following factors as inhibiting ANCADA's efforts:

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

1. Political barriers erected by the legislature that prevent continuous interest in alcoholism efforts;
2. Powerful liquor lobby in state;
3. Limited communication networks;
4. Extremely high travel costs;
5. Competition with other groups for limited funding; and
6. Turnover of Health Corporation staff.

**National Council on Alcoholism (Alaska Region), A Way Out: Facts on Alcoholism for Alaskan Natives, National Council on Alcoholism - Alaska Region, 1972. Rasmuson Library (Gravel - Alcoholism, B233-18): Pamphlet; approximately 20 pp.**

Purpose: This is a general purpose pamphlet on alcohol and Alaska Natives.

Findings: Not applicable.

**National Council on Alcoholism, Alaska Region, Curriculum, National Council on Alcoholism - Alaska Region, 1976. Rasmuson Library (Gravel - MacWood Staff Papers, Box 988-5): Curriculum, 48 pp.**

Purpose: Draft "Alcohol Education Curriculum K-12."

Findings: In a letter dated 4/21/76 to Gravel staffer Nancy MacWood, the Public Information Director of National Council on Alcoholism, Alaska Region, Edwin G. Beu, states that a curriculum for education "is certainly one of the prime keys, if not the key, to prevention of the spread of alcoholism."

**National Council on Alcoholism - Alaska Region and Akchuktuk, I'm Marie. I'm a Native. I'm an Alcoholic. This is My Story, National Council on Alcoholism, - Alaska Region, 1972. Rasmuson Library (Gravel - Alcoholism, B233-18): Pamphlet; approximately 20 pp.**

Purpose: This is a pamphlet on alcoholism and Alaska Natives.

Findings: Not applicable.

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Nilsson, Don W., Correspondence to Senator Ernest Gruening, April 18, 1961. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 2 pp.

Purpose: Nilsson, publisher and editor of Delta Midnight Sun, wrote Gruening, who then relayed the letters to Senator Bartlett. Nilsson wrote that Native people could not adjust to the prosperity imposed upon them by high wages. He stated Natives work one week, stay drunk until they spend all of their money, and then go back to work.

Findings: Nilsson suggested creating a labor pool into which the salaries of Natives would be paid. Family expenses would be paid from this pool, and the money would not be spent on alcohol.

O'Neill, William, Proposal for Center of Alcohol and Addiction Studies, Subcommittee on Higher Education of the Legislative Council, December 2, 1971. Rasmuson Library - Archives: Government study, proposal; 26 pp.

Purpose: This publication focuses on the resolution made at the November 9, 1971 community meeting to establish a center for alcoholism and addiction studies under the University of Alaska, Anchorage.

Findings: A proposal was submitted to University of Alaska Board of Regents; it suggested establishing a center early in 1972. Proposed center budget in 1972 was \$60,865.

Effect: Proposal eventually adopted.

Otto, Laurie H., A Search for Control: The Effect of Alcohol on Public Rights & Private Wrongs, Legislature, Joint Special Committee on Local Option Laws, March 1986. Alaska Judicial Council Library: Historical, government study, legal; 119 pp.

Purpose: The report focuses on damage done by alcohol use and on the relationship between alcohol use and the legal system. The report, to some extent, sees the historical development of the justice system in Alaska as closely related to the need to control the distribution of alcohol and to respond to its effects. It includes ethnic demographic data from some of the villages in which hearings were held.

Findings: The report finds that the social and economic costs of alcohol abuse were serious enough to warrant recommending legislation that would allow

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

communities to ban the possession of alcohol. Possession would become a "violation," subject to fines but not imprisonment. The Committee also found that local ability to act was critical, and that local governments should be allowed to make the decision to ban alcohol.

Effect: Resulted in enactment of legislation in 1986 which allows communities to ban the possession of alcohol: A.S. 04.11.498.

**Panamarioff, Mrs. Ada, Correspondence Concerning Banning Sale of Liquor in Ouzinkie, Mrs. Ada Panamarioff, January 13, 1972. Rasmuson Library (Gravel - Eskimo and Indian Information, B162-19): Legal, correspondence, 10 pp.**

Purpose: This file contains numerous letters about the results of an election to ban the sale of intoxicating beverages in Ouzinkie. A majority of voters voted to ban sale of alcohol, and a local liquor store was forced to close.

Findings: The Alcohol Beverage Control Board backed up the election results to reduce the chances that the liquor store owners would take legal action.

**Peratrovich, Elizabeth J., Alaska Native Sisterhood, Correspondence Concerning Sale of Alcohol to Natives, May 9, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1 of E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 2 pp.**

Purpose: Ms. Peratrovich wrote to Senator Bartlett to tell him that the Alaska Native Sisterhood and Brotherhood opposed any federal legislation that would prohibit the sale of intoxicating liquor to the Native people of Alaska. The groups felt that such bills would be discriminatory.

Findings: Ms. Peratrovich said that the Natives were solving liquor problems by taking advantage of local options permitted under territorial law.

Effect: Bartlett said he would oppose any bill that would set up two classes of American citizens.

**Pollock, Howard, U. S. Congressman, Correspondence to Louis R. Bruce, BIA Commissioner, Washington, D.C., November 20, 1970. Rasmuson Library, Archives & Manuscript Collection, Box 8, Folder 63 of Howard Pollock Papers: Historical, correspondence; 1 p.**

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Purpose: Mr. Pollock asked the BIA Commissioner to consider a proposal by the Community Property and Service Corporation of Fairbanks to establish an alcohol recovery and rehabilitation center for women comparable to the one already existing for men.

Findings: COMPAS was a nonprofit corporation composed of clergy and the congregations of five Fairbanks churches (Methodist, Episcopal, Roman Catholic and two Presbyterian). The advisory board members consisted of prominent Fairbanks residents in the court system, legal profession, helping agencies, and police.

Schmitt, J. L., Agent for Alcohol Beverage Control Board, Inspection Trip to Bristol Bay, August 3, 1964. Rasmuson Library, Archives & Manuscript Collection, Box 48, Folder 2, William Egan Papers: Inspection Report; 6 pp.

Purpose: Agent Schmitt's report documents the practice in Bethel of requiring Natives to carry "liquor permit identification cards" in order to purchase alcohol. A card could be suspended or canceled if, for example, the carrier violated the liquor laws.

Findings: Unknown.

Schmitt, J. L., Agent for Alcohol Beverage Control Board, Inspection Trip to Dillingham and Bristol Bay Area, September 1, 1964. Rasmuson Library, Box 48, Folder 2, William Egan Papers: Inspection Report; 10 pp.

Purpose: Agent Schmitt reports on his trip to Dillingham and the surrounding area and his investigation of liquor use there.

Findings: Agent Schmitt's report concludes that additional agents were needed in the Dillingham area to cope with heavy seasonal liquor problems and bootlegging.

Schmitt, J. L., Agent for Alcohol Beverage Control Board, Inspection Trip to Fort Yukon, October 12, 1964. Rasmuson Library, Archives & Manuscript Collection, Box 48, Folder 2, William Egan Papers: Inspection Report; 5 pp.

Purpose: This report describes Agent Schmitt's follow-up trip to Fort Yukon, on which he tried to discover evidence of bootlegging in the area.

Findings: Unknown.

**Schmitt, J. L.,** Agent for Alcohol Beverage Control Board. Inspection Trip to Yukon River, June 10 and 12, 1964. Rasmuson Library, Archives & Manuscript Collection, Box 48, Folder 2, William Egan Papers: Report; 10 pp.

*Purpose:* At the request of Chairman Bill Ray of the Alcoholic Beverage Control Board, J. L. Schmitt made two trips to investigate villages on the Yukon River. The first trip, to Nulato, Kaltag, Koyukuk, Ruby and Tanana, occurred June 5 and 6. The second trip was to Eagle on June 8, 1964. Mr. Schmitt also traveled to Fort Yukon on June 21, 1964, to Minto, Manley Hot Springs, Hughes, Bettles and Rampart on June 27 and 28, 1964, and to Bristol Bay on July 27, 1964.

*Findings:* Agent Schmitt's report concludes that there is evidence of unlicensed sale of alcohol in the villages.

**Spooner, Garry,** Correspondence Regarding Sale of Alcohol on St. George Island, December 1, 1962. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 2 pp.

*Purpose:* Spooner, a teacher at St. George Island, was concerned that the federal government had approved the sale of malt beverages on St. George Island and that beverages were being brought in a U. S. Fish & Wildlife supply ship by the Secretary of the Interior.

*Findings:* Not applicable.

**Starling, H. W. , and Don C. Foster,** Correspondence Concerning a Liquor License in Nulato, April 14, 1950. Rasmuson Library (E. L. Bartlett Collection) BIA 1950: Correspondence; 2 pp.

*Purpose:* Letter acknowledges receipt of letter from Fred Stickman, former chief on Nulato, who wrote to Delegate Bartlett regarding his attempt to prevent a liquor license from coming to Nulato.

*Findings:* Alaska Native Services ("ANS") Director Foster responded to Mr. Stickman on April 14, 1950 stating that any village needing assistance to prevent sales of intoxicating liquor should write to ANS. ANS would respond accordingly.

"Stiffer Penalties for Liquor Offenses," The Council, Vol. 10-2 pg. 2, Tanana Chiefs Conference, February 1985. UAA Library: Editorial; 1 p.

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Purpose: This editorial complains that sentences handed down to villagers appearing in State courts for violating local option laws are too light.

Findings: The State court system does not consider village alcohol problems to be serious. Most of the violators brought to the city for trial are given small fines and little or no jail time. Similar alcohol violations in the city are treated much more seriously. Local control of liquor violation is a better solution where village councils can punish locally.

**Stoner, Bennett, Director of Sitka Council on Alcoholism and Other Drug Abuse, Inc., Sitka "Mini-Grant Application," c. 1974. Rasmuson Library (Gravel - Alcoholism, B233-18):** Grant Proposal, correspondence; approximately 45 pp.

Purpose: SCA submitted a grant proposal in the amount of \$3,522.56 to the Department of Health, Education and Welfare ("DHEW") for six members of SCA to attend a training workshop on drug abuse in San Francisco. DHEW rejected the proposal on the grounds that the application was late and lacked a sufficient number of copies.

Findings: SCA appealed the initial determination. Senator Gravel was copied on correspondence, and asked to be kept informed.

**Tanana Chiefs Conference, Tanana Chiefs Conference Resolution 71-4, Tanana Chiefs Conference, June 11-13, 1971. Rasmuson Library (Gravel - Eskimo/Indian Information) B113-2:** Resolution; 2 pp.

Purpose: Resolution 71-4 expressed confidence in the Alcoholism Rehabilitation Program of the Community Property and Service Corporation (COMPAS). COMPAS was funded through various grants from public and private agencies.

Findings: Resolution notes successful program.

**Tebenkov, Michael D., Correspondence Regarding Sale of Alcohol, Unpublished, 1845. Alaska History Documents (Alaska Church Collection), Rasmuson Library - Archives: Historical.**

Purpose: Copy of correspondence from the Administrator General to Bishop Innokenty, #144, September 19, 1845. M. Tebenkov informed the Bishop that he had signed orders to stop sales of alcoholic beverages in the colonies.

Findings: Letter distributed to colonial clergy in 1845.



*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

Effect: According to an inscription on Ecclesiastical consistory, the order was "executed."

Underwood, Martin, Commissioner of Department of Public Safety, Memorandum to Governor William Egan, January 24, 1964. Rasmuson Library, Archives & Manuscript Collection, Box 41, Folder 5, William Egan Papers: Memorandum; 1 p.

Purpose: The memo describes the Churches' Socioeconomic Advisory Committee Meeting, held January 21, 1964, in Fairbanks, and attended by twenty Catholic and Episcopalian missionaries and two representatives of the Alcoholic Beverage Control Board.

Findings: Alcoholism in the villages was discussed. The consensus was that education was necessary to solve the problem. The group suggested forming a governor's commission on alcoholism.

U.S. Congress, Moss-Javits Bill (P.L. 90-574) c. 1969. Rasmuson (Gravel - Beverages) B68-14: Legislation; 5 pp.

Purpose: This bill, co-sponsored by Senator Gravel, concerns the care and prevention of alcoholism. Correspondence between Senator Gravel and Don Lee with the Community Property and Service Corporation acknowledged Senator Gravel's support.

Findings: Senator Gravel recognized the need for education on the subject of alcoholism.

U.S. Congress, U. S. H. B. 115 (Excise Tax on Beer Consumed by Military), 1971. Rasmuson Library (Gravel - Military Liquor Tax) B146-20: Legal, government study, correspondence.

Purpose: This file contains extensive correspondence on the implications of this bill. The central question is "whether vendors in the state of Washington, who may or may not have qualified to do business in Alaska, but who receive orders, make delivery and pass title in the state of Washington, (after which the beverages are imported into Alaska by the U. S. on her own vessels), are subject to an excise tax on sales in or consignments to the state of Alaska, either directly or as collections of such taxes." An Attorney General's opinion, dated 6/21/71, argues that A.S. 43.60 could require out-of-state brewers to pay an excise tax.

**Findings:** Governor Egan, Senator Gravel, the state Alcohol Beverage Control Board, the State of Nebraska Legislative Council, Seagrams, and others were involved. It is unclear from the record who prevailed in this dispute. An argument was raised that the holding in American Oil Co. v. Reil, 360 U.S. 451 (1965), applied to this situation and prohibited a state (in that case, Idaho) from directly taxing the U. S. Government.

**U. S. Congress, U. S. H. R. 11386** (Intoxicating Liquors), 85th Congress, March 13, 1958. Rasmuson Library, Archives & Manuscript Collection: E. L. Bartlett Collection, Box 7, Folder 76, Intoxicating Liquors: Historical, legislative.

**Purpose:** This House bill was designed to remove any limitation on the authority of the legislature of the Territory of Alaska to delegate certain powers relating to the manufacture and sale of intoxicating liquors in Alaska.

**Findings:** Not applicable.

**University of Alaska Division of Statewide Services, Three Reports on Alcohol Abuse** (Exhibits V, VI, VII), Division of Statewide Services, University of Alaska, c. 1970-75. Rasmuson Library (Gravel - Alcoholism) B127-2: Historical, cultural.

**Purpose:** These exhibits consist of three reports on alcohol abuse and three project descriptions. The reports are: History of Alcohol Use and Abuse Among Alaska Natives, by Robert E. Carroll (10 pp.); Alcohol Abuse Among Alaska Natives (a paper prepared for COMPAS in July 1970) by Laurel L. Bland (15 pp.); and, Report on Drunkenness by Fairbanks Police Department (14 pp.).

**Findings:** These reports were part of a "training program for professional aides in rural Alaska in prevention, treatment and rehabilitation associated with alcoholism and drug abuse." Accompanying the reports are a Project Description by Robert E. Carroll (17 pp.); a Project Curriculum by R. E. Carroll and Theodore Drahn (17 pp.), and Excerpts from Project Guidelines and Manual of Operations (25 pp.)

**Williams, Ruth, Public Health Nurse at Yakutat, Correspondence About Alcohol Abuse** in Yakutat, July 16, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical, cultural; 2 pp.

**Purpose:** This collection contains letters from Miss Williams to Senator Paul Douglas, Illinois, about the problems with alcohol use among Natives in the

*Rural Justice Selected Bibliography*  
*Alcohol Abuse and Treatment*

predominantly Tlinget Indian community, and a letter to the Governor of Alaska asking him for assistance in getting a Deputy Marshal stationed at Yakutat. The latter letter is co-authored by the mayor of Yakutat, someone from the Yakutat Public School and Ruth Williams.

Findings: Governor Bartlett wrote to Hugh J. Wade, Area Director of the Alaska Native Services, Juneau, to put a special agent to work on the problem in Yakutat.

Effect: Unknown; lack of money was cited as the reason for not having a Deputy Marshal in Yakutat.

**Wrangell, Correspondence Regarding Sale of Alcohol, Unpublished, 1845. Rasmuson Library, Alaska Manuscript Materials Collection: Historical; 2 pp.**

Purpose: This is a copy of correspondence dated February 20, 1845 (#391) from Chairman Wrangell of Russian American Co. to the Administrator General of Russian American Colonies, Navy Captain of the Second Rank and Knight, Michael D. Tebenkov, authorizing the discontinuation of sale of strong beverages in the colonies and shipment of only what was needed for company's ration on ships and for Imperial holidays.

Findings: Unknown.

Effect: Required change in existing regulations regarding the sale of strong beverages in colonies.

**Alternate Dispute  
Resolutions**

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## **Alternate Dispute Resolutions (Tribal Courts, Judgment Boards, Village Councils)**

Case, David S., The Judgment Board Concept, U. S. Department of the Interior - Anchorage Region, August 27, 1980. Historical, legal; 38 pp.

Purpose: This narrative focuses on nonjudicial resolution of disputes, and specifically on the concept of a "Judgment Board", an administrative, adjudicatory body within the traditional village municipal council. The idea behind the judgment board is to strengthen the ability of isolated, rural communities to enforce local ordinances governing civil misconduct without the necessity of relying on the often remote state judicial system. Another purpose of this concept is to move local decision making in the administration of justice closer to the villages, allowing village life be governed by local village law and custom as much as possible.

Findings: The Alaska Legislature has delegated authority to local governments to regulate and administratively adjudicate noncriminal offenses. Many of the villages' civil offenses and some minor criminal offenses (that would be decriminalized) could be adjudicated by the village "Judgment Board." This article is a "spin-off" of the 1977 book "Twenty Four Ordinances" and has almost identical findings and conclusions.

Case, David S., Twenty Four Ordinances - To Enforce Local Laws Through the Alaska "Village" Council, Alaska Federation of Natives - Bush Justice Committee, June 7, 1977. Historical, legal; 114 pp.

Purpose: Case sets out ordinances intended to provide a framework for the exercise of police powers by small local governments in rural Alaska. Part I focuses on the historical background and legal theory of administrative enforcement approach proposed. Part II presents the ordinances themselves. The motivation to write this stemmed from two frustrations: the illegality of many of the ordinances that have been enacted in the villages over the years, and the lack of appropriate alternatives to the formal court processes. This publication addresses and seeks to rectify both problems.

Findings: In many cases, voluntary conciliation is not an effective means of enforcing local standards of conduct. Village leaders need an alternative method. It can be said that the Alaska Legislature has delegated authority to local governments to regulate and administratively adjudicate noncriminal offenses, and so long as the consequences of the council's decisions to the individual are not severe, administrative due process appears sufficient to protect the individual interest. This due process includes notice, opportunity for a hearing and a fair hearing. An impartial hearing body must be provided. Some of the twenty-four ordinances proposed include General Provisions ordinances, Elections ordinances,

*Rural Justice Selected Bibliography*  
*Alternate Dispute Resolutions*

and Health and Safety ordinances that deal with firearms, motor vehicles, gambling, dog control, and so forth.

Effect: The author could not cite any instances where this publication was used as a model for village ordinances. However, two of his colleagues, Jim Plasman, DCRA, and Mike Walleri, TCC, cited specific examples in which Twenty-four Ordinances had been used as a model when developing village ordinances.

Hippler, Arthur and Stephen Conn, "The Village Council and Its Offspring: A Reform for Bush Justice," UCLA-Alaska Law Review, Vol. 5, No. 1: 22-57, Fall 1975. Alaska Judicial Council Library: Legal journal article; 36 pp.

Purpose: Hippler and Conn discuss the origin and evolution of village councils. They note a decline in the village councils' effectiveness as dispute resolution forums, and connect that decline to the increasing formality of state legal processes. The paper also reviews an experimental conciliation board that was developed in the village of Kagilakak and details some of the cases that were resolved by the board.

Findings: The authors conclude that a conciliation board is an effective extension of the court system, and recommend its use in the Alaskan villages. They find that conciliation boards would be cost effective, because the conciliators would be paid only for participation in cases and not on regular salaries. Such boards also have the advantages of efficiency, and provision of an alternative to rigid procedural rules without denying due process. Conciliation boards enhance the role of the magistrate and police, without substituting for them.

Jaeger, Lisa, Tribal Court Handbook, Tanana Chiefs Conference, 1986. Alaska Judicial Council Library: Informational manual; 55 p. plus appendices.

Purpose: This handbook explains how to create and operate a tribal court. The handbook first discusses tribal self government, and suggests that developing and enhancing Athabascan tribal courts offers villages the ability to exercise greater control over local village life, and to preserve and develop Athabascan traditions. The handbook then explains tribal court jurisdiction, how to adopt a tribal court, what possible forms it might take, and how to conduct a tribal court. The handbook also contains chapters on tribal court records, the financial affairs of tribal courts, and specific substantive issues that tribal courts can decide. The appendices contain sample forms, sample village codes, and a glossary of legal terms.

Findings: N/A.

Petoskey, Michael D., "Tribal Courts," Michigan Bar Journal, Vol. 67, No. 5: 366-369, May 1988. Anchorage Law Library: Legal; 4 pp.

Purpose: This brief article is the first in a series about tribal courts. Petoskey reviews the history of tribal courts, modern court systems, tribal law, and some of the challenges tribal courts face in the future.

Findings: Petoskey sees the tribal court systems as playing a needed role in the administration of justice in America. Petoskey points out that 150 tribal courts operate in the United States, each with its own governmental constitution and body of law. Therefore, each tribal court must be evaluated on its own merits. Two of the most important challenges to tribal courts are gaining the respect of Indians and establishing credibility outside of the Indian legal system. Development of solid tribal courts depends on adequate training, professionalism in the court staff, and steady, adequate funding. This volume of the Michigan Bar Journal contains two related articles: "Tribal Court Jurisdiction," by James Bransky (pp. 370-376), and "Tribal Court Advocacy," by Patrick M. Shannon (pp. 377-382).

Serdahely, Douglas J., and Judith Marquez, Alaska Court System Village Conciliation Board Project Evaluation, Alaska Court System, June 1977. Alaska Judicial Council: evaluation; 91 pp. plus appendices.

Purpose: Douglas Serdahely, an attorney, and Judith Marquez, an anthropologist, were hired to report on the status and viability of informal problem-solving institutions that the Court System had established in six Eskimo villages in rural Alaska. These conciliation boards, established in 1975, handled non-criminal or minor conduct, and could not impose fines or jail sentences.

Findings: The report favorably evaluates the conciliation boards, but emphasizes the limited services that can be expected from them. The report concludes that although the boards could function as a potentially viable extension to the Court System's low-level problem-solving capability, the actual number of cases considered and resolved was disappointingly low. Moreover, only 13 of the 35 cases heard by the problem boards were regarded as cases which could have found their way into the State Court System at one level or another.

Effect: In July of 1978, the Court System formally ended its sponsorship of the experimental problem board project, citing concern that the Court System structure was inappropriate for long-term placement of the problem boards.

**Taylor, Michael, "Modern Practice in the Indian Courts," University of Puget Sound Law Review, Vol. 10: 231-275, Winter, 1987. Anchorage Law Library: Legal; 44 pp.**

**Purpose:** This article provides an understanding of Indian court jurisdiction and practice for those who may need to appear in front of an Indian court. The article discusses a recent Supreme Court decision, National Farmers Union Insurance Company v. Crow Tribe of Indians, about Indian court jurisdiction. The author also examines the history, structure, and types of Indian courts, the complexities of jurisdiction, constitutional and civil rights issues, and basic Indian court practices and procedures.

**Findings:** The author stresses that before Indian courts can have a truly legitimate place within the American judiciary, they must have an active, central appellate system. Stable, respected tribal courts are an essential part of a strong Indian government. The author feels that without a strong Indian court system, Indian governments will be dependent on state or federal authority. Problems that must be overcome for a strong court system are lack of appropriations and facilities, and jurisdictional confusion between federal, state, and Indian authority.



**Anthropological,  
Cultural and  
Sociological Studies**

## Anthropological, Cultural and Sociological Studies

Andrews, C. L., The Eskimo, Vol. IV, No. 4, October, 1937. Mozee Papers (Correspondence 1934-1937) B5-40. Quarterly Magazine; 8 pp.

Purpose: Most of this volume is devoted to reindeer and the Lomen controversy. In addition, a small article, "The Curse of Strong Drink," discusses bootlegging.

Findings: The editor concludes that bootlegging is "one of the greatest of the pestilential curses that have been visited on the native people."

Bingham, Isabelle, Correspondence to Governor Bartlett, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1 of Charles Lucier Collection: Historical, correspondence; 1 or 2 pages each.

Purpose: Isabelle Bingham, an Alaska Native Services teacher stationed at Karluk, describes the activities of the Natives there. Two of her consistent concerns are the Natives' drinking, and bootlegging boats.

Findings: Ms. Bingham concludes that the boat captains and mailboat captains were "the liquor dispensers". She also wishes there were a full-time policeman in Karluk.

Blackman, Margaret B., Sadie Brower Neakok: An Inupiaq Woman, University of Washington Press, 1989. Alaska Judicial Council library: cultural/anthropological.

Purpose: This book is the life history of the daughter of Asianqqataq, an Eskimo woman, and her husband Charles Brower, the first white settler in Barrow, Alaska. Sadie Brower was schooled Outside, then returned to Barrow where she devoted a lifetime to public service. She worked as a school teacher, a health aide, a foster parent, a welfare worker, and for twenty years as a magistrate.

Findings: This biography interweaves Sadie Neakok's own words with Professor Blackman's narrative of relevant cultural and historical data from various sources.

Conn, Stephen, "Cross-Cultural Legal Issues in Alaska," Practicing Anthropology, Vol 5, No. 1: 9-11, Fall 1982. UAA Justice Center: Legal, cultural/anthropological; 10 pp.

Purpose: Stephen Conn explores his own involvement in bush justice in Alaska and critically assesses how his research findings were received and used by state agencies and policy makers. Conn addresses the nature of his research, the

divergent themes that came out of it, and how those findings and recommendations were conveyed.

Findings: Conn notes that he did not immediately recognize the state's indifference to needed reform of the rural law system. To the state, villages represent an expensive constituency for state services. Because the valuable Native mineral and oil resources can be accessed through urban Native regional corporations, the author questions whether the state wants Native villages to survive. The author stresses the advantages of addressing day-to-day legal process through the use of law and anthropology.

Conn, Stephen, "The Interrelationship Between Alaska State Law and the Social Systems of Modern Eskimo Villages in Alaska: History, Present and Future Considerations," Unpublished, UAA School of Justice, Conference Paper-Aug. 1985. UAA Justice Center: Historical, legal; 42 pp.

Purpose: This paper, presented at the 1985 International Sociological Association Conference, examines the past, present and future relationships between western law and social systems of Eskimo villages in Alaska. Conn focuses on the historical development and change of village councils, factors during the 1970's that affected legal process in villages, and lastly, what the future may hold for Native villages and tribal governments.

Findings: Conn finds that the historical working relationship between village law and Western law was marked by scarce resources on the part of the state and relative Native cultural autonomy. When the state was able to implement full Western legal process in the bush, villages lost their autonomy and legal process was no longer tailored to the villagers' needs. Throughout the paper, Conn explores the factors that led to the demise of that working relationship and why it may be difficult to resurrect. In the future, Native villages will most likely turn to tribal sovereignty as a tool to exert the right to govern. With sovereignty, the villages may be able to control subsistence laws and social services, and regulate a tax base. The issues of Native sovereignty are complex and sovereignty itself may be difficult to obtain for Alaska Native villages.

Conn, Stephen, "Merging Social Control and Criminal Law In Small Eskimo Villages In Alaska-Can It Be Done?", Unpublished, UAA School of Justice, Conference Paper-April 4, 1985. Justice Center, UAA: Legal, cultural/ anthropological; 40 pp.

Purpose: The author examines Western legal institutions' relationship to and impact on other forms of social control. Conn focuses on the Inuit and Yupik villages and how they perceive, characterize and react to those who are

intoxicated or mentally ill. Conn suggests that understanding the inner logic of Natives' social control, especially where drinking and violence are concerned, permits one to change legal approaches and measures to suit those traditional premises of social control.

Findings: Conn concludes that the Eskimos' legal reaction to drunken behavior has changed over time from one that penalized drunkenness to one that seeks to prevent drinking. This new therapeutic approach interferes with any preemptive aggressive response by persons seeking to control an intoxicated person. Moreover, the traditional perception that an intoxicated person is not his normal self may be reinforced by the law, since the law perceives an intoxicated person as sick rather than bad. Indeed, a drunken person may act aggressively without fear of later community blame. The author concludes that the law should re-orient Native community members to understand that there is a connection between the sober and intoxicated self.

Conn, Stephen, Perspective on Small Village Justice Systems, (unpublished paper prepared for Courts Standards and Goals project), 1975. Senate Advisory Council, Maureen Weeks: Government study, legal; 18 pp.

Purpose: This is a study of conflict adjustment in small villages. It analyzes the villagers' perspectives about what law is, what enforcement is necessary, and how it should be provided.

Findings: Conn concludes that Western legal process must incorporate village norms, roles, and procedures in order to be effective in villages.

Conn, Stephen, "Punishment in Pre-Colonial Indigenous Societies in North America," Unpublished, UAA School of Justice, 1987. Stephen Conn: Historical, legal, cultural/anthropological; 21 pp.

Purpose: The purpose of this paper is to understand how punishment in indigenous societies was interwoven with other societal functions. Conn discusses the different forms of punishment, when they might be used, and who would enforce them in an indigenous society, using Northern Athabaskan villages as examples.

Findings: Conn concludes that the influence of alcohol and the western legal process changed post-colonial societies and their ways of punishment. Because Athabaskan society regarded intoxication as a form of insanity, aggressive actions could be explained away by drunkenness. Also, the centralized western legal process disrupted traditional law ways, because punishment decisions in

indigenous societies were traditionally arrived at by group deliberation, while the western system works in a hierarchical fashion. Conn concludes that imposition of western style decision-making disrupted traditional law ways in post-colonial society.

**Conn, Stephen, "Rural Legal Process and Development in the North: Why Legal Process in Village Alaska Has Not Kept Up with Changing Needs," unpublished, UAA School of Justice. Justice Center, UAA: Legal, cultural/ anthropological; 38 pp.**

Purpose: Nonlegal social control, extra-legal authority and western police, and judicial and correction services are presented as the three components of the legal process in Alaska. Stephen Conn focuses on the complex relationship that has formed as these components interact.

Findings: Conn finds that the working relationship that once existed between these three components has broken down. No longer are the means available to the village councils or representatives (extra-legal authority) to indirectly control the services provided by the state. Conn concludes that both the court and the state troopers view legal process from a distinctly ingrown institutional perspective that does not include decentralization of legal authority to rural villages. Villages are given law by the formal authorities but do not guide it. Conn further develops this conclusion by analyzing how state law is structured, how the state addresses legal process in the villages and by reviewing impact statements from the pipeline construction.

**Convert, Father Jules M., S. J., Letter to Governor Egan, Father Jules M. Convert, December 29, 1961. Rasmuson (Gruening - AK State Government - Alaska Pollices)B8: Historical, correspondence; 4 pp.**

Purpose: At the time of this letter, Father Convert had lived among the Natives for 20 years in southwest Alaska and two Yukon River villages. In this letter to Governor Egan he expresses his concern about the basic economic and social conditions in the villages. In particular, he notes the socioeconomic transition from a subsistence life-style to a mixed economy based upon occasional trapping, welfare payments, and short-term cash projects in the villages where he lived. While Father Convert notes improvements in Native life expectancy and health generally (due to the control and education improvements), he expresses concern about the "demoralizing" effects on Natives, particularly males. He briefly mentions drinking problems and lack of law enforcement, noting, "[m]ost villages already present sad cases of juvenile delinquency: thefts, vandalism, sex offenses often provoked by adults."

Findings: Father Convert recommends a coordinated plan for Bush Alaska that would include jobs and a program of public works.

Effect: Unknown, however, Gruening sent a copy to Secretary of the Interior Stewart Udall, who agreed that "a comprehensive study of economic and social conditions prevailing among the Alaska Natives was needed."

Department of Health, Education, and Welfare, Planned Expansion of Arctic Health Research Center, 1958. Rasmuson Library, Archives & Manuscripts, Box 1, Folder 8, Legislative File, Ralph Rivers Papers: Historical, study; 115+ pp.

Purpose: This work contains studies of plants, animals and Native people. These studies were developed based on publications dating from January 1950 to January 1960; the publications are listed in the report. The Arctic Health Research Center was established in 1948 to identify health problems, initiate and develop specific research projects aimed at solutions, and assist the Territory of Alaska in the promotion and provision of public health services.

The Arctic Health Research Center prepared quarterly reports; copies are available for the June, September and December 1960, December 1961, and March and June 1962 quarters.

Findings: Not applicable.

"The Emerging Village People," Anchorage Daily News, December 17, 1967. Rasmuson (Gravel - Boucher Staff Papers, B890-2): Cultural, newspaper series.

Purpose: "The Emerging Village People" series reported on the condition of Alaska's Native population. The articles discuss jobs, education, housing, health services, racial conflicts, and the land claims issues. "It was a dismal but emotionally-disciplined picture of Alaska's indigenous peoples - and of the white man's failure to meet his responsibilities to the Native," according to an Anchorage Daily News editorial dated May 14, 1968.

Findings: The 1967 series "will have an impact" because of its "assessment of the growing initiative by the Native people to manage their own destiny," according to the Anchorage Daily News.

Effect: The Anchorage Daily News noted that the 1965 series "startled" Alaska with its assessment of Native poverty. In March of 1988, the Anchorage Daily News published another series on rural Alaska entitled "A People in Peril." That series documented the alarming rate of teen and adult suicide in village

communities such as Alakanuk, and the ravages of alcoholism and alcohol-related violence on village Alaska.

**Gordon, William J.,** Bishop of the Episcopal Church, Fairbanks, Correspondence Regarding the Territory's Aid to Natives, April 28, 1950. Rasmuson Library, Archive & Manuscript Collection, Box 38, Folder Year 1950 (Episcopal Diocese of Alaska): Historical, correspondence; 4 pp.

Purpose: In this letter to the Assistant Commissioner of BIA, Bishop Gordon tells about the treatment of Natives in Alaska and gives his opinions on Natives. The Conference of Clergy of the Episcopal Church of Alaska had passed a resolution "protesting the present application of the 'welfare state' philosophy among the Indians and Eskimos of the Territory of Alaska. We feel the policy of the government tends to pauperize and degrade our Natives by taking away their independence and self-respect."

Findings: Bishop Gordon concludes that Native men abandon their families because they know the government will take care of them, and that Natives accept government benefits but undertake no responsibilities. Bishop Gordon admits that the church, too, has been paternalistic.

**Gruber, Ruth,** Report on Social and Economic Conditions at Kodiak and Dutch Harbor to the Secretary of the Interior, Department of Interior, c. January 1942. Rasmuson Library (Gruening - Defense/Alaska) Consolidated Files, 1920-70: Cultural, government study; 73 pp.

Purpose: This report discusses the effects of World War II military construction at Dutch Harbor. It describes housing, social conditions, and relations with the Native population(s).

Findings: The author recommends (1) prohibition, and (2) an evaluation to respond to the disastrous effects of alcohol on the Natives.

**Hippler, Dr. Arthur E.,** "Patterns of Migration, Urbanization and Acculturation," University of Alaska, August 24 - 27, 1969. Rasmuson Library: Cultural/anthropological; 10 pp.

Purpose: This paper focuses on broad patterns of migration, urbanization and acculturation of Alaska Natives. The process of migration, Professor Hippler writes, has resulted in negative feelings towards Natives, particularly among the police of Fairbanks and Anchorage. "In general, the police exhibit a general lack

of tolerance for cultural difference with regard to Alaskan Natives and treat them with contempt."

Findings: Hippler describes an "interlocking web of complex migratory patterns, selective urbanization and general acculturation stress."

Hippler, Arthur E., and Stephen Conn, Northern Eskimo Law Ways and Their Relationship to Contemporary Problems of 'Bush Justice', Institute of Social, Economic, and Government Research, University of Alaska, Fairbanks, July 10, 1973. UAA Library-Alaska Room: Historical, legal, cultural/ anthropological; 60 pp.

Purpose: This publication tells how Northern Eskimos' basic values, personality and culture affect the way in which they view authority and manage conflicts. The authors discuss how group interaction was possible although no formal system of social control was developed. The paper considers the influence of the Anglo-American legal procedures, the village council and magisterial system. In comparing the two different systems, the paper explains why one is more suited to Eskimo values and expectations.

Findings: The authors conclude that the Northern Eskimo, because of culture and personality, avoided conflicts by behaving non-aggressively. The paper finds the village council system appropriate to the Northern Eskimo law ways for several reasons. The dispute-solving body of the council concealed the imbalance of power between the judged and judge. The council was backed by the legal system but was able to articulate and enforce the law using adaptations of Eskimo behavior. The authors make two preliminary recommendations regarding the current magisterial system. They believe that a less adversarial means of preliminary compromise should be provided by the legal system, and that a village council or council-like body should be used to offer advice on sentencing and correctional matters.

Hippler, Dr. Arthur E., and Stephen Conn, "Traditional Athabascan Law Ways and Their Relationship to Contemporary Problems of 'Bush Justice'," Institute of Social, Economic and Government Research - University of Alaska - Fairbanks, August, 1972. UAA Library - Alaska Room; Alaska HC 107. A45, A6215 No. 7: Legal, cultural/anthropological; 17 pp.

Purpose: This paper is an outgrowth of the 1970 Bush Justice Conference. Its primary purpose is to help facilitate establishment of more appropriate delivery and administration of legal services for ethnically distinct populations of Alaska. It focuses on the discontinuity between Alaska Athabascan aboriginal law and



*Rural Justice Selected Bibliography*  
*Anthropological, Cultural and Sociological Studies*

contemporary law. The traditional legal system operated in such a way as to develop expectations and assumptions about normative behavior that in some cases are discordant with contemporary law.

Findings: Compared to the Athabaskan's traditional law ways that stress a powerful chief, a personal relationship between the authority and the accused, and careful deliberations, the relatively new "white" system contrasts greatly with the old.

- Questions exist regarding the legitimacy of the white's authority.
- Headquarters are distant and seem arbitrary and impersonal.
- Minor offenses to the Athabascans are crimes to the whites.
- The Athabascans do not understand the adversary system.

Jones, Livingston F., A Study of the Tlingets of Alaska, Fleming H. Revell Company, New York, 1914. Historical, legal, cultural/ anthropological; 254 pp.

Purpose: This book was intended to give fuller and more accurate information to the public concerning the Tlinget Natives of Alaska. Apparently, prior to this publication, many of the works about Alaska containing allusions to the Alaska Natives had many errors. The book has chapters on origin, language, family, community, dress, food, customs, jurisprudence, morality, etc.

Findings: The Natives have no courts, jails, police, or statutory laws. All grievances, offenses, and injuries are settled according to tribal demand. All offenses must be atoned for by an elaborate system based on "an eye for an eye". Minor offenses are paid for by often heavy fines. Serious injury and death, whether accidental or not, are paid for with the life of a person from the offender's tribe. Many innocent people are called on to pay for an offense. White man's courts only mean a dual form of punishment.

Krause, Aurel, The Tlingit Indians, for the American Ethnological Society by the University of Washington Press, Seattle, 1956. Historical, legal, cultural/ anthropological; 261 pp.

Purpose: This book was published as a translation of Die Tlinkit - Indianer which was written in 1885. The publishers considered Die... the most comprehensive writing about Tlingit Indians and sought to update it. The book has chapters on territory, villages, household life, arts, customs, shamanism, missions, and language.

Findings: The author states that "the Indian cannot stand a peaceful quiet existence." It emphasizes that for every bodily injury, for any damage to goods or property, for an infringement by strangers on his hunting or trading territory, full compensation is demanded or exacted by force. Quantity and quality of bloodshed are carefully considered when evaluating revenge; a chief's life is easily worth 2 or 3 times that of the ordinary man. No mention of white man's controls or influence.

**League of Women Voters, North Star Borough, The Alaska Native in Fairbanks, League of Women Voters of Alaska, May 1970. Rasmuson Library, Archives & Manuscript Collection, Box 4, Folder 67, League of Women Voters of Alaska: Cultural; 18 pp.**

Purpose: The purpose of this booklet is to educate local league members on the status of Natives in Alaska today. "A study of the native was chosen because a disproportionate percentage of natives are receiving the welfare paid in the state, and because it is a well-known fact that their housing and education are substandard. The Alaska native is in the critical period when an aboriginal culture is meeting an industrialized society head-on. This is definitely a time for community thought and understanding."

Findings: The booklet discusses programs for assisting Natives.

**Oberg, Kalervo, "Crime and Punishment In Tlingit Society," American Anthropologist, Vol. 36, No. 2: 145-56, April-June 1934. UAA Library: Cultural/anthropological, historical; 12 pp.**

Purpose: Oberg explains that the Tlingit system of crime and punishment is based upon the clan and a person's status in the clan. He describes the nature of clans, and their resolutions of disputes with other clans. He gives many examples of crimes in Tlingit society and the reasons behind the resulting punishments. For example, if a man of low rank in a clan killed a man of high rank in another clan, a man of high rank from the offender's clan was required to die as compensation.

Findings: The author notes the importance of the clan as a sovereign. The clan itself undertook the punishment of its own members. Oberg also distinguishes between criminal acts and shameful acts. Criminal acts were politically or legally prohibited, while shameful acts were connected to etiquette, morals, religion and economy. A criminal act was punished by measures against the person or property. A shameful act was punished by ridicule.

*Rural Justice Selected Bibliography*  
*Anthropological, Cultural and Sociological Studies*

Oswalt, Wendell, Alaskan Eskimos, (Galley Proofs), Chandler Publications, 1967. Rasmuson Library, Archives & Manuscript Collection, Box 1, Wendell Oswalt Collection: Historical, cultural; 280+ pp.

Purpose: This work discusses the settlement patterns, community patterns, individual beliefs and religious practices of the Inupiat and Yupik Eskimos of Alaska.

Findings: No specific findings/conclusion.

"A Primitive Eskimo Tribe," Anchorage Weekly Times, Monday, January 18, 1932. Rasmuson (Mozee Papers) Subject File: Anthropological: Newspaper Article; Cultural/Anthropological; 1 p.

Purpose: This article describes the experiences of Miss Marjory B. Major, a nurse and specialist in child health & welfare with the Office of Indian Affairs. For example, the article recounts Miss Major's experience caring for five Native children whom she believed had been abandoned by their parents. The parents, whom the article says were "off on a drunken party and remained away for seven days," were subsequently jailed in Juneau. The article also describes Miss Major's experiences with a "primitive tribe" which had not seen white people before.

Findings: Not applicable.

Profile of the Native People of Alaska. Rasmuson Library, Archives & Manuscript Collection, Box 12, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Cultural; 80+ pp.

Purpose: This is an exhaustive study of the general condition of Alaska Natives. It includes on p. 27 a brief mention of efforts by BIA to address Natives' marital problems. The author attributes those problems to excessive drinking.

Findings: Not applicable.

Shinkwin, Dr. Anne D., and Mary C. Pete, Research Assistant, Homes in Disruption: Spouse Abuse in Yupik Eskimo Society, University of Alaska, Fairbanks, August 1983. Historical, legal, cultural/anthropological, statistical study; 105 pp.

Purpose: Dr. Shinkwin, Associate Professor at UAF's Anthropological and Native Studies Department, studied three Yupik Villages and the high incidence of domestic violence in each. The report seeks to explain wife-beating from a village

point of view and offers a few unique characteristics of village life which may contribute to domestic violence.

Findings: This study documents a high degree of spouse abuse in village Alaska compared with one nationally-representative sample. This comparison shows that severe wife abuse is 4 to 10 times greater in the study villages than in the population at large. The study shows a direct correlation between alcohol abuse and domestic violence. Two factors perhaps unique to the village as compared to the national sample are:

- An obvious reluctance to involve the law in domestic matters because of the high degree of relation (kin) in the village, and
- The predominantly Catholic view that marriage is a sacrament and cannot be terminated.

Smith, Valene L., "The Self-Perception of the Alaska Native," 20th Alaska Science Conference, University of Alaska, August 24, - 27, 1969. Rasmuson Library: Cultural study; 14 pp.

Purpose: This collection contains papers presented at the 20th Alaska Science Conference, University of Alaska, August 24-27, 1969. Professor Smith's paper examines the changing Native culture. Particular references are made to the impact of alcohol in the villages.

Findings: The Natives of Alaska are changing.

Willard, Mrs. Eugene S. (Carrie M.), Life in Alaska, Presbyterian Board of Publication, Philadelphia, 1884. Historical, cultural/anthropological; 338 pp.

Purpose: This is a collection of letters from Carrie Willard, who in the late 19th century traveled with her husband to southeast Alaska as missionaries. This book is her account of the Tlingit Indians and the coming of missionaries to settle in southeast Alaska. It contains much historical information and descriptions of the customs of the Tlingits.

Findings: No specific findings or conclusions.

**Bibliographies and  
Source Materials**

## Bibliographies and Source Materials

Curry, James, and I. S. Weissbrodt, Curry-Weissbrodt Papers of the Tlingit and Haida Indian Tribes of Alaska - An Inventory, Central Council of Tlingit and Haida Indian Tribes of Alaska, January, 1983. Rasmuson Library, Archives & Manuscript Collection: Historical; legal; 150+ pp.

Purpose: This is an inventory of papers generated by attorneys James E. Curry and I. S. "Lefty" Weissbrodt who worked extensively with Tlingit and Haidas beginning in 1940 through passage of the ANCSA.

Findings: Not applicable.

Goniwiecha, Mark C. Alaska Natives: A Guide to Current Reference Sources in the Rasmuson Library, University of Alaska, Fairbanks, Rasmuson Library, 1985. Rasmuson Library, Archives & Manuscript Collection: Reference Guide (Rasmuson Library); 78 pp.

Purpose: This guide is an interdisciplinary tool for conducting Alaska Native-related research on the UAF campus and elsewhere. The table of contents contains 14 categories, four of which are: Alaska Natives and the Law; Social Relations; Anthropology, Ethnology and Archeology; and Historical, Biographical and Archival Sources.

Findings: Not applicable.

Griffiths, Curt Taylor and Linda F. Weafer, Native North Americans: Crime, Conflict, and Criminal Justice, 2nd Edition, The Criminology Research Center, Simon Fraser University and The Northern Conference, 1984. UAA Library-Alaska Room: Research Bibliography; 209 pp.

Purpose: This bibliography contains approximately 1,200 listings of materials on Native crime and justice in North America, arranged in three sections. In the first section, the listings are arranged by subject, the second by author, and the third chronologically by year. Each listing includes the author, title, publication date and publisher. The major subject areas are: Native Indian bibliographies, organizations, contemporary studies, jurisdictional issues and civil rights, crime and delinquency, criminal justice system, police, courts, corrections, adult parole and probation, health and welfare, alcohol, drugs, juvenile programs and services, suicide and education.

Findings: Not applicable.

*Rural Justice Selected Bibliography  
Bibliographies and Source Materials*

Hippler, Arthur and John R. Wood, The Subarctic Athabascans: A Selected Annotated Bibliography, Institute of Social, Economic and Government Research, 1974. ISER, UAA: Cultural/anthropological, bibliography; 250 pp.

Purpose: This bibliography is a research tool for those wishing to study subarctic Indians. The bibliography has 518 listings about Northern Athabascan Indians. The references in this selective bibliography are to works on general or cultural anthropology. References are listed in alphabetical order by author, tribal group, and according to the time of observation. Annotations include the author, title, publisher, and publishing date. The bibliography also contains a partial listing of unpublished Athabascan literature. Particular works that may be relevant to rural justice in Alaska include "Ethnological Problems in Canada," "Kutchin Quarrelling," "Ethnic Relations and the Marginal Man in Canada," "Traditional Athabascan Law Ways and Their Relationship to Contemporary Problems of 'Bush Justice,'" and "Ethnographic Study of Churchill."

Findings: Not applicable.

Inway, Ron, Marguerite Cornwall and Pamela Gray, Bibliography of Alaskana 1969-1989, Alaska/Polar Regions Department, Elmer E. Rasmuson Library. UAA Library: Bibliography.

Purpose: This bibliography indexes all periodical articles about Alaska based on the holdings of the Elmer E. Rasmuson library. The bibliography was published bimonthly throughout the year and compiled annually. Since 1986, the bibliography has been available only through the Gnosis. Computer access to Gnosis is available through the University libraries or through AlaskaNet. The first section is an alphabetical listing of the authors, keywords from titles, and added descriptions that appear in a particular issue. The second section gives the citations to the articles listed by the author, and keywords or descriptors that appear alphabetically in the left margin. Keywords that are useful when researching material concerning rural justice include "crime," "justice," "village government," "Indian policy," "Indians of North America," and "rural." Frequent periodicals cited under those keywords include The Council, Alaska Native News or Alaska Native Magazine, Native Regional Corporation Newsletters and Aleutian Current. Recent information is also available concerning Canadian and Polar issues.

Findings: Not applicable.

*Rural Justice Selected Bibliography  
Bibliographies and Source Materials*

**Jensen, Sandy, Sandy Jensen Collection, 1962. Rasmuson Library, Box 7 and 8, Sandy Jensen Collection: Historical.**

Purposes: The two boxes in this collection, each about 5 inches thick, contain papers, letters, newspaper clippings, and other items pertaining to Ms. Jensen's interest in and efforts on behalf of Alaskan Natives. A member of the Alaska Native Rights Association, Sandy Jensen promoted the welfare of Alaska Natives.

Findings: Not applicable.

**National Archives, Records of Alaska Director of Bureau of Indian Affairs Concerning Metlakatla, Microfiche #163, 1984. Rasmuson Library, Archives & Manuscript Collection: Historical; 20+ pp.**

Purpose: The BIA kept two rolls of microfilm records dating from 1887-1933 concerning the Metlakatla Indians. These records include the following: Office of Indian Affairs, letters received 1824-80, Microfilm #155; Bureau of Indian Affairs, records concerning Metlakatla, 1887-1933, M/F #163; Bureau of Indian Affairs, records and general correspondence, 1908-1935, M/F #122; BIA, letters, telegrams, general correspondence, and annual school reports, 1908-1937, REFN 03915, 03917 and 03919 (Microfiche); BLM, records of the General Land Office, REFN 03926 (Microfiche); Bureau of Mines, records, 1912-1916, REFN 07189 (Microfiche); Bureau of Fisheries Activities, investigations, 1907-1953, M/F #141; National Park Service, records, 1916-1949, REFN 03925 (Microfiche); Interior Secretary Appointment Papers (Alaska), 1871-1907, M/F #162; Interior Department Territorial Papers, letters, 1869-1889, M/F #8 & 129; Fish & Wildlife records, 1893-1956, REFN 03903 (Microfiche); and Fish & Wildlife general records, 1912-1960, M/F #144.

There is also a microfiche copy of BIA records dealing with Alaska dating 1908-1937 consisting of telegrams, general correspondence on reports (school and statistics). These records can also be found in M/F #122. These files include reports of teachers, physicians, and district superintendents concerning Alaska villages, people, population, and Native cultures.

Findings: Not applicable.

**Northern Justice Society, Native North Americans: Crime, Conflict and Criminal Justice Bibliography (4th ed.), 1989. Northern Justice Society: bibliography; 275 pp.**

Purpose: This research bibliography contains references to research, policy and program materials relating to Native involvement with the criminal justice system



*Rural Justice Selected Bibliography  
Bibliographies and Source Materials*

in the U.S., Canada and Greenland, as well, as listings from Australia and Scandinavia.

Findings: Not applicable.

**1989 Harvard Indian Law Symposium**, Harvard Law School Publications Center, 1990.  
Stephen Conn: Legal, cultural.

Purpose: This is a collection of papers published in conjunction with a conference presented by the Harvard Chapter of the American Indian Law Students Association, held at Harvard Law School on October 27-28, 1989.

Findings: Authors included are Rennard Strickland, Robert N. Clinton, Stephen Conn and Bert K. Garber, Lloyd Benton Miller, Reid Peyton Chambers, Susan Williams and Kevin Grover, and S. James Anaya. Subjects covered include thoughts on Indian law and lawyering, tribal courts, ANILCA, Alaska Native sovereignty, Indian water rights, state and Indian tribal taxation, and the rights of indigenous peoples.

**Rothwell, Stephen J. and Alex Redcrow, Films on Indians and Inuit of North America: 1965-1978**, Minister of Indian and Northern Affairs, Ottawa, Canada, 1978. UAA Library: Film Bibliography; 255 pp.

Purpose: This bibliography lists approximately 1,200 films about all aspects of Indian life. The bibliography is arranged alphabetically with a subject index in both English and French. The authors include the film title, production company, length of the film, language, country where it was produced and date of release. In the back of the bibliography, the authors have included a list of film distributors and their addresses. Band councils and policing are particular subjects that are relevant to bush justice in Alaska. The Alberta Native Communications Society has produced a number of films concerning Band Councils. Some of these films include "I Move," "It Wasn't My Fault," "Many Voices," and "More Power to You." Two films regarding policing in Native communities are "The Special Court at Christian Island," and "To Help My People."

Findings: Not Applicable.

*Rural Justice Selected Bibliography  
Bibliographies and Source Materials*

Smith, Don and Kathi Pankey, Alaska Native Directory, Alaska Register, 1987. Loussac Library: Directory; 115 pp.

Purpose: This publication lists all rural state legislators from statehood to the current members. The directory alphabetically lists all of the Regional and Village Corporations. Underneath these headings are the officers of the corporations with addresses and phone numbers. The final section of the directory contains an alphabetical listing of all officers. The 1987 directory will be followed by an updated version in April of 1989.

Findings: Not applicable.

**Bush Justice  
Conference Reports**

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## Bush Justice Conference Reports

**Alaska Federation of Natives, Bush Justice: Report on the Fourth AFN Bush Justice Conference; Policing-Courts-Corrections, Alaska Federation of Natives: Fourth AFN Bush Justice Conference, Nov. 20-22, 1985. Alaska Judicial Council Library: Report-Bush Justice Conference; 34 pp.**

**Purpose:** The purpose of this Bush Justice Conference was to identify ways in which rural communities could be more involved in Alaska's child welfare, judicial and correctional systems. The report identifies problems in the justice system, offers recommendations and lists resources available to implement those recommendations. The conference was held in Bethel, in part because 50% of all Alaska Native inmates were born in the Bethel region.

**Findings:** Recommendations made by the Bush Justice conference concern Native inmates, Native hire in the justice system, Indian Child Welfare Act, Alaska Native juveniles, access to state judicial services, policing in rural Alaska, and alcohol abuse. The greatest number of recommendations concerns Native inmates. The Conference found an alarming disparity between the percentage of Natives in the total population of Alaska compared to the percentage in state prisons and municipal jails.

**Alaska Judicial Council Bush Justice Conference Report, December 8 - 11, 1970. Report - Girdwood Bush Justice Conference; 8 pp.**

**Purpose:** The First Bush Justice Conference, held in Girdwood, examined the quality of justice in the Alaskan bush and recommended ways for improvement.

**Findings:** The report of the First Bush Justice Conference contains seven resolutions:

1. Decision making must move closer to the village with greater Native participation;
2. Greater access to legal services is needed;
3. There should be some modifications of the law to correct inequities in village Alaska;
4. The state should assist the establishment of community mental health centers in the regional centers;
5. Communications need to be improved;

*Rural Justice Selected Bibliography*  
*Bush Justice Conference Reports*

6. Communities should have more control over issuance of liquor licenses;  
and
7. Another conference should be held in a rural community.

Effect: The Third Bush Justice Conference Report, dated 1976, reports that many of the specific recommendations made at the First Bush Conference were implemented.

**Alaska Legal Services Corporation, Bush Justice Conference Report, June 12, 1974. Report - Minto Bush Justice Conference.**

Purpose: The Second Bush Justice Conference focused on the quality of justice in the Alaskan bush and its need for improvement. The report for the second conference contains seven overall findings with recommendations and possible solutions.

Findings:

1. Police protection for village people is inferior;
2. Fish and Game laws are unequally applied between sport and subsistence users;
3. Village people do not understand the state justice system and the people in the justice system do not understand village problems;
4. Village people do not want their relatives removed from the village by the state;
5. Participation of village people in the justice system is severely lacking;
6. Village life should be governed by village law as much as possible; and
7. Progress since 1970 has been much too slow.

Several recommendations are offered for each of the 7 findings. Several problems were identified (e.g. legal assistance, law v. custom) and recommendations offered.

Effect: According to the Third Bush Justice Conference Report, dated 1976, the products of the Conference at Minto included the establishment of the Bush Justice Project which worked continually on securing implementation of Minto

*Rural Justice Selected Bibliography*  
*Bush Justice Conference Reports*

recommendations, an educational program for villagers about justice processes, and a heightened awareness of Bush Justice by state authorities.

**Bush Justice Project Final Report and Standards and Goals Project Report**, (Excerpts).  
Rasmuson Library (Fairbanks Environmental Center Lifestyle) Box 69:  
Government study, report.

**Purpose:** Several studies were conducted in the mid-1970's to further define bush justice issues. Several task forces looked at:

1. Juvenile justice system/community crime prevention
2. Police
3. Prosecutors, courts, defense
4. Corrections

**Findings:** "The criminal justice system in Alaska has not responded to the majority of problems resulting from the merging of established Native cultures with dominant culture of urban Alaska. Alaska has not developed a clear philosophy as to how these cultures could be merged to deliver adequate criminal justice services to rural Alaska."

**Case, David S., Justice Problem Statements - Bethel**, Bush Justice Project, October 27, 1975. Problem identification and analysis report; 7 pp.

**Purpose:** This report, delivered to the Bush Justice Implementation Committee of the Bush Justice Project, focuses on three general problems from a village perspective:

1. Fish and Game Laws and Regulations (Confusion);
2. Problem Board Project (Relationship to Court System and funding); and
3. Judicial Effectiveness in the Bethel Area (Judicial services are spread too thin).

**Findings:**

**Problem 1:** Game regulations are not well understood and presently there are no game biologists residing in the area to help educate the villagers. Regulations regarding moose and beaver seasons are too restrictive, and the practice of birdherding by outside hunters is damaging.

**Problem 2:** A problem board must be given recognition and financial support by the State court system in order to operate effectively.

*Rural Justice Selected Bibliography*  
*Bush Justice Conference Reports*

Problem 3: Additional magistrate and judicial services are needed in the villages.  
New judicial districts should be considered.

McKenzie, Evan, The Report of the Third Bush Justice Conference, Alaska Federation of Natives, Inc., Oct. 7-9, 1976. Alaska Judicial Council Library: Report-Bush Justice Conference; 35 pp.

Purpose: The third conference's purpose was to produce proposals for solving particular problems. These proposals, developed in "workshops" during the conference, could then be implemented by legislators and administrators. Those attending the workshops were "bush representatives" and "technicians" (people from state, federal or private agencies).

Findings: On the final day of the conference, the rural delegates met by themselves to draft the resolutions. The resolutions in this report are those that passed both the Bush Justice Conference and the AFN Convention. The resolutions are grouped in five main subjects: subsistence, facilities and services, health and social services, juvenile justice, and alcohol.

***Canadian Rural Justice***

DEPT OF JUSTICE

88



## Canadian Rural Justice

Coyle, Michael, "Traditional Indian Justice in Ontario: A Role for the Present?" Osgoode Hall Law Journal, Vol. 24, No. 3: 605-633, Fall 1986. Anchorage Law Library: Legal, cultural/anthropological; 28 pp.

Purpose: Michael Coyle's article suggests that traditional forms of conflict resolution are in harmony with the goals of the modern Ontario criminal justice policy. The author reviews recent studies that record the over-representation of Native men and women in the prison system, and describes justice mechanisms used by the traditional Indian tribes in Ontario. The author analyzes two Indian communities that have taken greater control of their local justice process to emphasize traditional Indian values.

Findings: The author cites the disproportionate incarceration of Native people in Ontario, particularly for relatively minor offenses, to show the need for a better way to resolve crime within the community. After reviewing the traditional forms of social control (e.g. warnings by elders, ridicule, ostracism, banishment, etc.), the author found underlying values that created the methods. These values included restraint by the community in the application of force to prevent wrongdoing, flexible responses to misconduct, and reliance on the local community to reach an appropriate response rather than reliance on a higher authority. The author believes that communities should be given greater responsibility for controlling the legal process, using not the forms of traditional control, but the underlying traditional values.

Depew, Robert, Programs Branch User Report: Native Policing in Canada: A Review of Current Issues, Ministry of the Solicitor General of Canada, Jan. 1986. Carol LaPrairie: Government Study; 160 pp.

Purpose: This publication reviews diverse factors and considerations related to Native policing issues in Canada. The study focuses on identifying and critically assessing models for the delivery of Native police services, examining the models for policy and program implications, discussing the wider environmental constraints on their application, and identifying relevant areas and directions for future research.

Findings: Based on their analysis of criminal justice statistics, the authors find a need for developmental initiatives in Native police policy and programming. These initiatives could include a greater emphasis on non-crime police functions and more flexibility in service delivery systems. Changes made in policing should reflect the priorities of the Native communities served. More research recommended on the status of Native offenders, police roles and functions in the community.

**Moyer, Sharon, Faigie Kopelman, Carol Laprairie, and Brenda Billingsley, Programs Branch User Report: Native and Non-Native Admissions to Federal, Provincial and Territorial Correctional Institutions, Ministry of the Solicitor General of Canada, 1985. Ministry of the Solicitor General of Canada: Government Study; 5 pp.**

**Purpose:** This report provides statistical information concerning the Native and Non-native admissions to Correctional Service of Canada, and to the correctional systems of six jurisdictions within Canada. The report considers mandatory admissions versus fine default admissions, compares admissions profiles of Natives and non-Natives, and compares jurisdictions within Canada.

**Findings:** After analyzing the available data, the report makes many conclusions regarding the differences in the provincial/territorial correctional systems' reasons for admissions, admitting offenses and sentence lengths. The report details the degree of "over-representation" of Natives in certain jurisdictions.

**Working Group on the Administration of Justice in the Remote North, A Feasibility Study on the Appropriateness of a Legal Services Corporation for Ontario's Remote North, Working Group on the Administration of Justice in the Remote North, Oct. 30, 1987. Carol LaPrairie: Government Study; 146 pp.**

**Purpose:** The Working Group proposes the establishment of a Legal Services Corporation (LSC). This study reviews two established Legal Services Corporations and one modified LSC, called a Mixed Services Delivery System (MSD), to assess the feasibility of establishing an LSC in Northern Ontario. The report details how each of these models are structured and their advantages and disadvantages.

**Findings:** The Steering Committee recommends that the Working Group decide between the two models (LSC/MSD) and then develop a new system to provide a complete range of legal services to the communities of Northern Ontario. The report finds that work should begin immediately to implement the new system. The report also concludes that all interested parties should be consulted, including tribal councils and independent bands.

**Working Group on the Administration of Justice in the Remote North, The Recommendations Concerning the Operation of the Fly-In Courts in the Remote Nishnawbe-Aski Communities: Are They Working?, Working Group on the Administration of Justice in the Remote North of Ontario, May, 1988. Carol LaPrairie: Government Study; 28 pp.**

Purpose: This report was commissioned to study the effectiveness of the recommendations made by the Working Group concerning the operation of fly-in courts in remote communities. The Working Group wanted to know if the recommendations they had designed were helping to solve some of the concerns over the operation of the circuit court. The report determines the extent of compliance with the guidelines and why they may or may not be working in the various circuits. The publication also measures the success of the guidelines in improving the administration of justice to the fly-in reserves.

Findings: Although some of the recommendations were not being complied with by the different circuits, the report found that overall the administration of justice had improved in the remote areas. The report found that there were still concerns in these areas: (1) too little time spent in the communities by the court; (2) not enough time spent by the accused with his/her attorney; and (3) the courts need to make a sincere effort to learn more about the communities they are serving.

**Children, Families  
and ICWA**

## Children, Families and ICWA

Butt, Jeffrey Drew, "The Indian Child Welfare Act: Does it Cover Custody Disputes Among Extended Family Members? Alaska Law Review, Vol. I, No. 1: 157-170, Summer 1984. Alaska Judicial Council Library: Legal; 14 pp.

Purpose: This article analyzes the case A.B.M. v. M.H., 651 P.2d 1170 (Alaska 1982), in which the Alaska Supreme Court decided an adoption dispute within the ambit of the Indian Child Welfare Act. The H.'s, appellees, asserted that since they were "extended family", the Indian Child Welfare Act did not apply in their case. The court disagreed and gave custody back to the natural mother. The author disagrees with the court's decision.

Findings: The Alaska Supreme Court should have looked to legislative history of the Act when deciding what it did and did not cover. The adoption by the H.'s did not constitute an abusive state practice that Congress sought to eliminate when enacting the I.C.W.A. The court went further to define the word family as meaning "parents and children" within the I.C.W.A. This was also in conflict with the Act's general purpose. Denial of Certiorari by the U.S. Supreme Court did not necessarily validate Alaska's decision.

Correspondence About Gladys Lukin of Karluk, 1942-44. Rasmuson Library, Archives & Manuscript Collection. Box 2 (Individual Records), Charles Lucier Collection: Historical, correspondence; 12+ pp.

Purpose: This correspondence documents the efforts of Alaska Native Services and BIA to remove a teenager from the home of her allegedly abusive, alcoholic stepfather in Karluk.

Findings: Not applicable.

Effect: The teenager was sent to Eklutna Vocational School in Eklutna, Alaska.

Gravel, Senator Mike, "Child & Family Services Act of 1975 (S. 626)," April 26, 1976. Rasmuson Library (Gravel - Social Policy B283-17): Article & correspondence; 7 pp.

Purpose: Senator Gravel responds in this article to a constituent's concern about a nationwide campaign to discredit S. 626. Senator Gravel apparently received much mail urging him to fight the bill "because it would give the government control over the upbringing of your children."

*Rural Justice Selected Bibliography  
Children, Families and ICWA*

Findings: Gravel explains that the bill would use the Headstart Program as a model to broaden child and family services that would include daycare assistance and other social services "directed toward children participating in the program to attain their maximum potential...."

**Johnson, R., and J. Tennant, Research and Observations of the Family Law Reform and Justice Council of Alaska Pertaining to Child Advocacy, Family Law Reform and Justice Council of Alaska. Rasmuson Library (Gravel - Health & Social Services, B297-7): Nonprofit Organization Report & Correspondence; 9 pp.**

Purpose: Mr. Rudy Johnson, Coordinator of Alaskans for Children's Rights, submitted this report to Senator Gravel. The report notes at page 6 that, "[t]he primary concern of the Alaska chapter of the Family Law Reform & Justice Council is the protection of children's rights in court actions."

Findings: Senator Gravel replied to Mr. Johnson that he was a cosponsor of Senator McGovern's bill, S797, to end the practice of "child snatching."

**"Juvenile Delinquency Problems Will Be Studied," c. 1962. Rasmuson Library, Archives & Manuscript Collection, Box 7, Folder 124, Sandy Jensen Collection: Newspaper article; 1 p.**

Purpose: This newspaper article reports that State Youth and Adult Authority officials were to travel to Nome, Barrow, Kotzebue and other Native villages and compile data on juvenile delinquency among Natives. Funds for this project were to come from the Youth Offenses Control Act of 1961 (Public Law 87-274).

Findings: The results of the project were to be used to show that the delinquency pattern could be aborted and prevented.

**League of Women Voters, "Is Alaska A Good Parent?", League of Women Voters, c. 1971. Rasmuson Library (Gravel - Justice Delinquency) B117-9: Historical; 10 pp.**

Purpose: The Alaska League of Women Voters commissioned a study in May 1971 on juvenile needs in Alaska. Emphasis..."would be placed on treatment facilities and the handling of juvenile cases."

Findings: Not applicable.

**Lederman, Sema E., Director of LEAA, Grant Proposal for a Violence in the Home Program in Alaska, Community Crime Prevention Program, State of Alaska, March 24, 1978. Rasmuson Library (Gravel - Social Justice, B319-11): Grant proposal; 3 pp.**

**Purpose:** Ms. Lederman asked Senator Gravel for his support on a LEAA grant proposal on violence in the home. The grant proposal resulted from a statewide conference held on February 18-20, 1978 of groups working to reduce intra-family violence. Ms. Lederman noted, "[t]he high incidence of intra-family violence (wife battering, child abuse and incest) is a serious problem in Alaska...."

**Findings:** Senator Gravel responded that he would "urge that the proposal receive every consideration."

**Matanuska-Susitna Borough Assembly, Mat-Su Borough Res. No. 79-147, Mat-Su Borough Assembly, December 18, 1979. Rasmuson Library (Gravel - Criminal Justice, B352-12): Resolution and correspondence; 4 pp.**

**Purpose:** Mayor Ron Larson submitted to Senator Gravel this resolution supporting comprehensive reform of the juvenile justice system in Alaska.

**Findings:** The resolution acknowledges frustration on the community level with Alaska's juvenile justice system and desire for reform. In addition, the City of Homer adopted Resolution 29-79 on the same subject and copied Senator Gravel.

**Nelson, Margaret, "Indian Child Welfare Act," Alaska Native Magazine, Alaska Federation of Natives, August, 1986. UAA Library - Periodical; Legal; 3 pp.**

**Purpose:** This article focuses on the Indian Child Welfare Act and the inadequacy of state actions in incorporating it into its own child welfare system.

**Findings:**

**Problems:**

- Native families do not fully understand the ICWA.
- Alaska statutes have not been amended to reflect the ICWA.
- The Department of Health and Social Services has not adopted regulations for their employees to guide them in child welfare cases.

**Solutions:**

- The state should develop a comprehensive policy.
- Native councils should take an active stance in intervening in ICWA cases.
- State social workers should receive cultural training.

*Rural Justice Selected Bibliography  
Children, Families and ICWA*

**Rivers, Ralph, Correspondence to Mr. Lee Hancock (Anchorage), March 3, 1964. Rasmuson Library, Archives & Manuscript Collection, Box 5, Folder 9 (Alaska Dept. Files) Ralph River Papers: Correspondence; 1 p.**

Purpose: Mr. Hancock wrote to Congressman Rivers for assistance in getting Federal Aid to Dependent Children Act funds. Mr. Hancock, a non-Native, had married a Native woman from Mentasta village who had been receiving Federal Aid to Dependent Children Act funds. Because of her marriage to Mr. Hancock, the program funds were stopped.

Findings: In this letter, Congressman Rivers tells Mr. Hancock that his problem is a question of state jurisdiction.

**Rivers, Ralph, U. S. Congressman, Correspondence to Mrs. Helen Simpson, July 1962. Rasmuson Library, Archives & Manuscript Collection, Box 6, Folder 49 (Exec. Dept. Files) Ralph Rivers Papers: Correspondence, historical; 1 p.**

Purpose: Mrs. Simpson, an attorney practicing in Anchorage, wrote to Congressman Rivers to tell him that Native girls who came to Anchorage were being exploited by G.I.s and other men, and to ask him to investigate why the girls were jailed while the ones who had provided them with liquor were not. Mrs. Simpson said that the situation had been better under the BIA, which had a policy of treating both parties as offenders.

Findings: Congressman Rivers responded to Mrs. Simpson that the BIA no longer had jurisdiction in Alaska, and that the local police were now responsible for enforcing state laws on the matter.

**Schmidt, Mrs. M., Secretary to Sitka Chamber of Commerce, Correspondence Regarding Juvenile Delinquency at Mt. Edgecumbe School, January 10, 1956. Rasmuson Library, Archives & Manuscript Collection, Box 2 of E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Letter; 1 p.**

Purpose: Mrs. Schmidt wrote to Senator Bartlett in response to charges made by Commissioner Frank H. B. Richards that there was gross juvenile delinquency, including use of alcohol, at the Mt. Edgecumbe Medical Center and School. Mrs. Schmidt expressed the Chamber's full confidence in the administration of the Mt. Edgecumbe Medical Center and School.

Findings: Not applicable.



# ***Grand Jury Reports***

## Grand Jury Reports

**Alaska Judicial Council, The Investigative Grand Jury in Alaska, Alaska Judicial Council, February, 1987. Alaska Judicial Council: Government report; historical; 58 pp. plus appendices.**

**Purpose:** Describes the history of the investigative grand jury and grand jury reports in Alaska. Recommends a new court rule to provide due process protections to persons named in reports, judicial review of reports, and guidelines for publication and dissemination of reports.

**Findings:** The report concludes that basic fairness and constitutional due process may require that unindicted individuals named in grand jury reports be provided with a mechanism through which to respond to those criticisms and that guidelines be developed for judicial review of grand jury reports.

**Effect:** Alaska Rule of Criminal Procedure 6.1, which became effective on January 15, 1989, addresses the grand jury's authority to issue reports, judicial review of certain grand jury reports, and release of grand jury reports.

**Grand Jury Report, Division No. One, Juneau, January 31, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical, legal; 2 pp.**

**Purpose:** This grand jury in Juneau recommended to Judge Keyhole, U. S. District Court Judge, that fish traps be eliminated in Alaska and that the Territory of Alaska be given control of liquor. Similar control existed in the State of Washington.

**Findings:** The grand jury wanted a copy to be sent to E. L. Bartlett, U.S. Attorney General Tom C. Clark, and local newspapers.

**Grand Jury Report, Division No. One, Ketchikan, October 1, 1946, Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice General: Historical, legal; 2 pp.**

**Purpose:** This Ketchikan grand jury report recommends that existing and subsequent city, territorial and federal laws concerning vice, prostitution and sale of intoxicating liquor be enforced.

**Findings:** Enforcement should be particularly directed at control of the sale of liquor to minors, keeping intoxicated people off the streets, and seeing that juveniles do not roam the streets after curfew.

*Rural Justice Selected Bibliography*  
*Grand Jury Reports*

Effect: The Grand Jury requested that copies be sent to the U. S. Attorney General, to E. L. Bartlett, to the Territorial Board of Health at Juneau, to the Territorial Liquor Board at Juneau, and to the Mayor and City Council of Ketchikan.

Grand Jury Report, Division No. One, Ketchikan, June, 1947. Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice General: Historical, legal; 2 pp.

Purpose: This grand jury report recommends that a suitable institution be established in the Territory of Alaska for placement of juvenile delinquents.

Findings: The grand jury wanted a copy of the report sent to E. L. Bartlett, to U.S. Attorney General Tom C. Clark, to the Mayor and City Council of Ketchikan, and to local newspapers.

Grand Jury Report, Division No. Three, Anchorage, to District Court Judge George Folta, March, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical, legal; 3 pp.

Purpose: To investigate local justice problems.

Findings: Recommendations made by the Grand Jury include: that city Magistrates be given additional power to determine length of sentences imposed; that the Legislature enact a law providing uniform closing hours for all liquor dispensaries and package stores; that the Legislature build detention homes for juveniles; and that a permanent criminal investigator for the Bureau of Alaska Native Services be established in Anchorage in view of the growth and prevalence of problems involving Natives in the Third Judicial Division and this area in general.

Grand Jury Report, Division No. Three, Anchorage, May 18, 1962. Rasmuson Library, Archives & Manuscript Collection, Box 1, Folder 1, Alaska Department Files, Ralph Rivers Papers: Historical, grand jury report; 3 pp.

Purpose: The Grand Jury's task was to study problems and make recommendations.

Findings: The Grand Jury made the following recommendations:

Strengthen the law for violations involving the transfer to and possession of alcoholic beverages by individuals below legal age; and

Provide funds and instrumentalities to educate minors and members of Alaska's indigenous population in matters pertaining to the ethical and moral principles underlying our system of law and social behavior.

Grand Jury Report for the Special October 1948 Term, District Court for Territory of Alaska, Division One, October 1948. Rasmuson Library (Bartlett Collection - Justice-General 1949): Grand jury report; 2 pp.

Purpose: The Special Grand Jury from Ketchikan was assembled to make recommendations to Judge George Folta and others.

Findings: The Grand Jury report concludes that "excessive use of liquor and crimes resulting therefrom constitute a large percentage of the total crime committed. We, therefore, recommend very strict enforcement of federal and territorial liquor laws." The report also urges the construction in Alaska of a hospital for the insane, and an institution for placement of juvenile delinquents.

Grand Jury Report of the Special Grand Jury/Division One at Ketchikan, January 4, 1954. Rasmuson Library (Bartlett-Justice-General 1953): Grand Jury report; 13 pp.

Purpose: A grand jury was called to investigate conditions of vice and corruption existing in Ketchikan. After 25 days of hearing testimony from over 100 witnesses, the grand jury recommended that U. S. District Attorney Gilmore should be removed from office for "obstructing justice" and "Captain McKinley of KPD should be arrested for intimidating a witness." In addition, the grand jury found that the police department tolerated prostitution, gambling and bootlegging. Other problems included juvenile delinquency, graft and narcotics.

Findings: The grand jury recommended many specific solutions to problems associated with the police department, city manager, district attorney, etc.

**Health, Education  
and Welfare**

## Health, Education and Welfare

**Alaska Comprehensive Health Care Proposal.** Rasmuson Library (Gravel - Native Health) B56-8: Government study; 138 pp.

**Purpose:** This report addresses the rural health care delivery system in Alaska. No author, index, or reasoning for this study is located in this file.

**Findings:** Along with all of the major health care problems in Alaska (TB, dental care, mental health), alcohol abuse among Alaska Natives stands out.

**Alaska Department of Health and Welfare, Alaska's Health,** December 1943. Rasmuson Library, Archives & Manuscript Collection, Box 1, Frank and Aimee Mishov Collection (Folder 2): Government report; 15 pp.

**Purpose:** This report studies public health needs in Alaska.

**Findings:** Unknown.

**Alaska Department of Health & Welfare, Press Release Announcing Grant to Train High School Dropouts, October 17, 1966.** Rasmuson Library, Archives & Manuscript Collection, Box 5, Folder 10 (Alaska Dept. Files) Ralph Rivers Papers: Press Release; 1 p.

**Purpose:** In this press release, the Department of Health and Welfare announces that the state had been awarded a \$120,000 federal grant to provide a one-year training course for high school dropouts as recreation aides through the process of group therapy, close supervision and OJT instruction, in addition to alternative recreational programs.

**Findings:** The Department of Health and Welfare had concluded that alternative recreation would help stop juvenile delinquency, because juveniles resorted to delinquency for recreation.

**Alaska Federation of Natives, An Experimental Health Services Planning and Delivery Program,** April 30, 1971. Rasmuson Library (Gravel - Native Health) B127-1: Study, proposal; 70+ pp.

**Purpose:** The purpose of this proposal is to "develop the means of securing true, democratic consumer control of planning and operating new health and medical care delivery systems serving the area of the Tanana Chiefs Conference." Envisioned was a 2-year project supervised by a 25-person board of directors.

*Rural Justice Selected Bibliography*  
*Health, Education and Welfare*

Findings: Included in the proposal is Appendix A, a health background narrative statement prepared in the fall of 1970 to support an AFN proposal for a statewide alcoholism intervention program. In the "health" section, problems of suicide and alcoholism are noted. The problem definition includes statistics.

**Arctic Health Research Center, Arctic Health Research Center Reports, 1956.** Rasmuson Library, Archives & Manuscript Collection; Box 1, Arctic Health Research Center Papers: Government study; various pp.

Purpose: Each of these fourteen reports gives a community profile of one village. Each report is intended to provide the cultural background necessary for improving sanitation.

Findings: Some of the topics included are: location, travel, social life, literacy, church, housing, food, clothing, sanitation, and health. Some reports detail household census data and local governance issues. For example, the Chaneleak report discusses U. S. Marshal Keliher of Nome, who visited many river communities to discover how local people could deal with minor infractions.

The fourteen communities covered are: Akiachak, Chaneleak, Eek, Eek Fish Camp, Kiana, Kobuk, Napaskiak, Nikolai, Point Hope, Quinhagak, Selawik, Shungnak, Tuluksak, and Tununak. There are also three summary reports for the Kotzebue Sound area, the Lower Yukon area, and the Kuskokwim area.

**Arctic Health Research Center, Quarterly Report of Arctic Health Research Center, December 31, 1963.** Rasmuson Library, Archives & Manuscript Collection, Box 5, Folder 9 (Alaska Dept. Files) Ralph Rivers Papers: Report; 22 pp.

Purpose: This report discusses juvenile problems, educational issues, disaster relief, and hunting.

Findings: The report concludes that there are no trained personnel to help juveniles, that personnel work long hours, that more facilities are needed, that home economic classes should be offered to Native boys in Mt. Edgecumbe to prepare them for school or jobs away from home, and that disaster relief is needed in Bethel because of a poor fishing season (the report recommends distributing 15 pounds of food per person).

The report also contains a 411-page analysis by Dr. Charles Ray of University of Alaska at Fairbanks of additional problems faced by Native students. The report also discusses the impact of a Canadian judge's 1962 ruling that the Migratory Bird Convention Act conflicts with Indian treaty rights. That ruling prompted

Alaskan officials to bring the matter of hunting of ducks and geese by Natives to the U. S. Secretary of Interior.

**Bennett, Cleota Minor, Problems of Communication in Alaska, November 5, 1966. Rasmuson Library (E. L. Bartlett Collection) BIA 1966: Speech; 6 pp.**

Purpose: Mrs. Bennett, wife of BIA Commissioner Robert L. Bennett, gave a speech to the American Association of University Women. The focus of the speech concerned communication between Caucasians and the Native people of Alaska. Mrs. Bennett makes specific reference (p. 4-5) to drinking among Aleut children and in Aleut communities.

Findings: Mrs. Bennett spoke of bringing the two worlds (white and Native) together in harmony for the benefit of all concerned.

**Dawber, Dr. Mark, et al., Pribilof Island Survey Reports, Department of Interior, October 28, 1949. E. L. Bartlett Collection (BIA 1950): Government Study; 13 pp.**

Purpose: The Department of Interior's survey group, composed of 2 special consultants and heads of 2 DOI Bureaus, made recommendations to the Advisory Committee on Indian Affairs. On page 7, the survey group notes that there are no welfare, crime or liquor problems ("with the exception of home brew"). In addition, the report states: "[t]here is no necessity for policemen or jail." The survey group spent 3 weeks visiting coastal Bering Straits communities.

Findings: The report urged changing the corporate charter of the Aleut community of St. Paul Island under the IRA Act of June 18, 1934; changing the method of compensation for services rendered (killing of seals for pelts); employing a trained agricultural agent for dairy herding; increasing housing stock, improving sewer and water; and increasing the landing strip. It also recommended that to. Bering Straits communities, the territorial government enforce all existing liquor laws.

Effect: In a separate personal report published on the same dates, Loren Oldroyd (University of Alaska) and Mark Dawber wrote that "wherever liquor is available, there we find the most tragic conditions and, of course, the largest percentage of disease and crime. The sorry state of the mainland Eskimo is a most urgent demand, and it should command the immediate concern of those responsible for the administration of this service."



*Rural Justice Selected Bibliography*  
*Health, Education and Welfare*

**Fahy, Agnes, and Carl Muschenheim, M.D.**, "Third National Conference on American Indian Health," Journal of American Medical Association, December 6, 1965. Rasmuson Library, Archives & Manuscript, Box 8, Folder 153, Sandy Jensen Collection: Journal article; 2 pp.

Purpose: This paper discusses the possible causes of mental health problems among American Indians. Possible causes include the disintegration of culture, and disturbing childhood experiences. In addition, some of the conferees believed alcoholism to be a major cause of mental illness, while others contended that alcohol serves Indians primarily as a safety valve without which they might develop serious psychiatric problems.

Findings: Unknown.

**Fisher, Victor**, Director of the Institute of Social, Economic & Government Research at University of Alaska, Fairbanks, Bilingual Education Program Proposal of State of Alaska to Fund Program by the U. S. Congress, December 16, 1968. Rasmuson Library, Archives & Manuscript Collection, Box 5, Folder 35, Department File of Howard Pollock Papers: Historical, government proposal; 20 pp.

Purpose: The state proposed bilingual education under PL 89-10 and Title VII. This proposal finds that prohibiting children from speaking their native language in schools causes their self-esteem to disintegrate, and leads to self-hate, a high incidence of alcohol use, and public intoxication.

Findings: The report theorizes that the bilingual program could reverse the destruction of self-esteem and encourage Natives to become secure in their own identities.

Effect: In 1972, the Alaska Legislature passed a bill on bilingual/ bicultural education, giving Native children the right to use and cultivate their Native language and heritage in the school. By the late 1980's, the local Native language was being taught in schools in most regions statewide.

**Gordon, William J.**, Bishop, of the Episcopal Church, Fairbanks, Correspondence to Reverend R. Rolland Armstrong, Anchorage (First Presbyterian Church), January 12, 1950. Rasmuson Library, Archives & Manuscript Collection, Box 38, Folder Year 1950 (Episcopal Diocese of Alaska Papers): Correspondence; 4 pp.

Purpose: Bishop Gordon wrote this letter in response to Reverend Armstrong's request for Gordon's frank appraisal of education in Alaska. Bishop Gordon,

*Rural Justice Selected Bibliography*  
*Health, Education and Welfare*

having spent many years in Alaska, summarizes the weaknesses of the educational system and suggests improvements.

Findings: Bishop Gordon notes that village grade schools were the center of activities, but that the students had to travel to attend high school and vocational school, and that those schools did not address the students' moral and religious needs. He also remarks that students who attended distant high schools were transferred to another culture and most never returned to their villages. Bishop Gordon felt that students who stayed in the city did not go to church, although the church had been a part of their lives in the villages.

Effect: Rev. Armstrong was scheduled to present a talk on Alaska's educational system in Columbus, Ohio for the Home Missions Congress; it is unknown whether he incorporated Bishop Gordon's opinions into his remarks.

**Gravel, Senator Mike, Jobs and More Jobs, McKay Publishers, Anchorage, 1968. Rasmuson Library (Gravel Collection - Issues, B641-4): Historical, government study, 113 pp.**

Purpose: This book contains a series of five essays on public policy issues relevant to Alaska and the contemporary national scene (the original manuscript is also included). The essays are: (1) "Jobs and More Jobs," (2) "Myth of Progress," (3) "Alaska's Native Poor," (4) "Towards Peace in Vietnam," and (5) "Freedom and Well-Being."

Findings: Not applicable.

**Gruening, Ernest, "Governor Ernest Gruening and the Native People of Alaska," c. 1968-1969. Rasmuson Library, Archives & Manuscript Collection, Box 8, Folder 16, General Correspondence (1954-74), Ernest Gruening Papers: Historical, 10 pp.**

Purpose: This 10-page essay, apparently written by Senator Gruening in the late 1960's, documents the Senator's stand and efforts for the Native people of Alaska. It cites specific instances of discrimination that he fought against, his efforts to establish voting rights for Natives, Native legislators, better education, subsistence fishing and hunting rights, and settlement of land claims.

Findings: Not applicable.

Havelock, John, "Legal Education For A Frontier Society: A Survey of Alaskan Needs and Opportunities in Education, Research and the Delivery of Legal Services," University of Alaska, May 1975. Loussac Library: Government Study, legal; 239 pp.

Purpose: This report was commissioned by the Alaska Legislative Council and the University of Alaska. The study examines the demand for legal and law-related services in the state, the methods for delivering legal service, the present supply of lawyers and law-trained people and their future prospects, the need for law-related education in the general public, and the options available to fill the need in the state for legal education.

Findings: Although the study addresses statewide concerns, some conclusions relate to rural Alaska. Havelock finds that with the establishment of the Alaska Legal Service Corporation rural villagers may have better access to legal services than their urban kin. Havelock sees an immediate need for rural paralegal professionals to provide information about real property transactions, probate management and elementary corporate organization. Education must also be focused towards the special needs of indigenous people such as the administration of ANCSA, government management, the adjudication of administrative disputes, and assistance with technical transactions.

Hayes, Dr. Buck and George Hayes, Public Health Needs in Alaska, October, 1943. Rasmuson Library, Archives & Manuscript Collection: Box 9, Personal Correspondence File, E. L. Bartlett Collection; Government study.

Purpose: This report discusses public health problems in Alaska. Neither alcoholism nor alcohol abuse are mentioned as a public health problem in 1943.

Findings: The report finds a need for unified efforts to address public health needs of Natives and non-Natives.

Jacquot, Lou, Proposed Governor's Task Force on Native Education, Tlingit and Haida Indians of Anchorage, c. 1969. Rasmuson Library (Gravel - BIA) B69-1: Cultural, report; 10 pp.

Purpose: Mr. Jacquot's organization, having reviewed educational materials from BIA and HEW, asked that "a funded and coordinated federal-state program" be implemented to address Native education in Alaska. A "program must provide training from kindergarten through college or trade school to wipe out the one hundred years of human blight that now exists among the people."

*Rural Justice Selected Bibliography*  
*Health, Education and Welfare*

**Findings:** The report concludes that "[a]lcoholism, disease and mental health problems are most acute among those Natives who have moved into urban areas without adequate education...." Also present are the problems of high unemployment, low post-secondary educational achievement, lower per capita income, and migration from villages.

**Lantis, Dr. Margaret, Problems in Government Administration for the Welfare of Alaska's Native Peoples, Joint Seminar of the Arctic Institute of North America and the Isaian Bowman School of Geography, the Johns Hopkins University, April 20, 1950. E. L. Bartlett Collection, Rasmuson Library: Historical; 13 pp.**

**Purpose:** This report examines the role of the Alaska Native Service ("ANS") and other government agencies administering programs for Native welfare. Particular reference is made to law enforcement for liquor control, regulation of trade practices, and game laws.

**Findings:** The report reaches general conclusions about ANS. It encourages improvements in the educational system to overcome (1) lack of information about Natives, (2) lack of information about life in the Arctic, and (3) intolerance towards different philosophies, beliefs, social values, etc.

**Mozee, Ben B., Alaska School Service Annual Report, June 30, 1910. Mozee Papers (Bureau of Education) B7: Historical, annual report; 6 pp.**

**Purpose:** Ben Mozee, a teacher in Tanana, describes the educational, social and political scene in the many communities in which he lived and traveled, and notes progress among his students. On page 2 of his report he discusses in detail the "liquor question," blaming the Natives' alcohol problems on "a number of white men residing between this village and Tanana" who trade illicitly in "firewater," Mozee also calls the general health conditions "beyond description," with the two most prevalent conditions being TB and VD (syphilis).

**Findings:** Mozee recommends moving the Native population further away from town and the influence of "hootch peddlers," but recognizes difficulties with this suggestion (scarcity of wood).

**Mozee, Ben B., Alaska School Service Annual Report, June 30, 1919. Mozee Papers (Bureau of Education) B7: Historical, annual report; 3 pp.**

Purpose: Reporting from Koyukuk, Mozee discusses the imposition of Prohibition (which he apparently favored), and a flood in 1918 that destroyed the village (which was subsequently rebuilt).

Findings: Mozee recommends creating a reservation for Koyukuk. He explains this suggestion in a separate report.

**Mozee, Ben B., Alaska School Service Annual Report, June 30, 1921. Mozee Papers (Bureau of Education) B7: Historical, annual report; 11 pp.**

Purpose: Mozee, Superintendent of the Upper Yukon District, describes some of the obstacles his teachers had to overcome, including: "potlatching, liquor, absence of parental oversight, gambling, medicine men, T.B., inadequate medical relief, early marriage, and lack of village pride." He notes, in particular, the problems associated with moonshine.

Findings: Mozee's report recommends "drastic measures to curb illicit distilling and brewing" but does not say what those measures should be. It further recommends federal legislation authorizing the superintendent to assume "District Police Judge Powers."

**Mozee, Ben B., Alaska School Service Annual Report, June 30, 1922. Mozee Papers (Bureau of Education) B7: Historical, annual report; 7 pp.**

Purpose: Mozee was concerned with the need for more schools, orphanages, police, and health care, and with reindeer activity.

Findings: Mozee complained of problems with enforcing prohibition laws and the general problem of influence of liquor on Natives.

**Mozee, Ben B., Alaska School Service Annual Report, July 1, 1925. Mozee Papers (Bureau of Education), B7: Historical, annual report; 6 pp.**

Purpose: Superintendent Mozee's report describes problems with a T.B. epidemic and the need for health care in the villages, and the need for new schools in Caitina, Galena, Beaver, Old Harbor, Valdez Creek (Denali), and Gulkana. Mozee served as central district superintendent from September 1, 1920 to June 30, 1928, traveling 71,138 miles.

Findings: Mozee recommends a reservation for the Minto region. He also notes that "[d]ebauchery is now ripe and the presence of a bureau teacher would, in a measure, help in checking this undesirable state of affairs."

**Mozee, Ben B.,** Alaska School Service Annual Report, July 1, 1926. Mozee Papers (Bureau of Education) B7: Historical, annual report; 10 pp.

Purpose: Mozee reports that he accomplished more in 1925-1926 than any other year in his service, although health problems and lack of facilities continued to hamper him.

Findings: Mozee's report recommends that the territorial governor "should have the power to organize or establish a constabulary. It would bring much relief to trying situations in many native settlements."

**Muschenheim, Dr. Carl,** Congressional Statement, March 9, 1966. Rasmuson Library (E. L. Bartlett Collection) BIA - 1966: Statement; 10 pp.

Purpose: Dr. Muschenheim, Chairman of the National Committee on Indian Health for the Association on American Indian Affairs, Inc., appearing before the Subcommittee on Appropriations for the Department of Interior, to speak about the Division of Indian Health Funding for FY 1967. He recommended additional appropriations for a trachoma control program and a preventive mental health pilot project in Alaska (cost \$100K) for FY 1967.

Findings: Dr. Muschenheim noted the high accident rate among "Indians due to excessive drinking." He spoke of a community health aide program to train 400 Alaska Natives, also.

**Norlander, George A.,** BIA Superintendent, Northwest District, Correspondence to Archdeacon F. W. Goodman of Point Hope, October 23, 1934. Rasmuson Library, Archive & Manuscript Collection, Box 9, Folder 83, Ben Mozee Papers, Correspondence File: Historical, correspondence; 3 pp.

Purpose: Mr. Norlander, responding to the Archdeacon's concerns about competition between the church-sponsored and government-sponsored stores, suggests that both groups cooperate for the benefit of the Natives.

Findings: Not applicable.

**Okakok, Leona**, "Serving the Purpose of Education," Harvard Educational Review, Vol. 59, No. 4: 405-422, November 1989. Alaska Judicial Council: Cultural, historical; 18 pp.

Purpose: Leona Okakok, an Inupiat of Barrow, Alaska, discusses the history of Western culture's influence on her own culture, and explains why the Native school board has taken full control of the educational system in Alaska's North Slope Borough. Also included is a discussion of the Inupiats' struggle to preserve their mother tongue, and a description of the school board's efforts to adapt a foreign educational system to contemporary Inupiat culture.

Findings: Okakok explains that in order to provide an adequate education for the children of the North Slope Borough, schools teach Arctic survival skills as well as the academic skills needed for success in the Western world. Also, in order to approximate the traditional Inupiat one-to-one learning techniques, the school board maintains a low student-teacher ratio, and hires teacher aides from within the community to provide role models for students. Finally, the North Slope Borough's schools stress bilingual education, strive to involve parents in their childrens' education, and recently changed from an individualized learning system to competency-based education when it became apparent that individualized learning as it was being carried out was not working and that competency-based learning was more congruent with traditional Inupiat educational practices.

**Pickering, Don, M.D., et al**, A Program to Improve Perinatal Health Care Delivery in Rural Alaska (Bethel Area), Yukon Kuskokwim Native Health Corporation. Rasmuson Library (Gravel - Health & Social Services, B297-8): Health Care; 46 pp.

Purpose: The Yukon Kuskokwim Native Health Corporation submitted this report to the Murdock Foundation. Senator Gravel was asked for his support.

Findings: The proposal was intended to improve perinatal health care delivery in rural Alaska based upon similar techniques used in Nevada.

Effect: Senator Gravel supported the proposal.

**Pollock, Howard**, U. S. Congressman, Correspondence to Tom Tull of Fort Yukon, September 13, 1967. Rasmuson Library, Archives & Manuscript Collection, Box 8, Folder 59 of Howard Pollock Papers (Department File -Interior BIA): Historical, correspondence; 1 p.

Purpose: Congressman Pollock wrote in response to a letter from Tom Tull. Mr. Tull had complained that a questionnaire he received on fallout shelters was a waste of resources, especially in light of the need for a social worker and state police in Fort Yukon. He complained of alcohol being flown into a dry town, and of the resulting alcoholism, crime, teenage prostitution and family disorder.

Findings: Representative Pollock asked the BIA to research the need for a social worker. Rep. Pollock's assistant wrote to Mr. Tull that alcohol enforcement was strictly a state and local problem, not one for the federal government.

Effect: The BIA sent a social worker to Fort Yukon.

**Rivers, Ralph, U. S. Congressman, Correspondence to Mrs. Claudia Kilgore of Kodiak, May 23, 1961. Rasmuson Library, Archives & Manuscript Collection, Box 5, Folder 41 (Exec. Dept. Files) Ralph Rivers Papers: Correspondence, historical; 1 p.**

Purpose: Congressman Rivers wrote to Mrs. Kilgore concerning her eligibility to receive medical services from the Alaska Native Services Hospital in Anchorage. Mrs. Kilgore, who was one-quarter Native but married to a non-Native, complained to Congressman Rivers that she had been denied admittance to the ANS Hospital in Anchorage.

Findings: The Congressman responded to Mrs. Kilgore that a medical officer had advised him that Mrs. Kilgore could be admitted to ANS depending upon her priority of medical need, and provided other sources were not available.

**Rowe, P. T., Bishop, Episcopal Church, Correspondence to Judge Wickersham, Episcopal Diocese of Alaska Correspondence Series, Rowe & Bentley, 1908-1947, November 1908 and June 5, 1909. Rasmuson Library, Archives & Manuscript Collection: Correspondence, historical; 3 pp.**

Purpose: This collection contains two letters from Bishop Rowe to Judge Wickersham in 1908 and early 1909 concerning the condition of Indians in the interior. In his first letter, Bishop Rowe concludes that the Indians need medical help and sanitary conditions. He suggests that Indians be put in reservations and confined there for their own protection from white people. In his second letter, Bishop Rowe reports that Archdeacon Stuch had found poor health conditions, predation by white men using alcohol, and the need for police protection in the interior villages.

Findings: Judge Wickersham replied that he knew of problems in the villages, but felt that all he could do was talk with Bishop Rowe the next time they met.



Judge Wickersham believed that the Indians needed to be left alone nine tenths of the time and protected one tenth of the time.

**South Central Health Planning & Development, Inc., Health Systems Plan - Public Comment Copy, South Central Health Planning & Development, Inc., October 1, 1977. Rasmuson Library (Gravel - Health & Social Services, B297-7): Nonprofit Report.**

Purpose: This draft report was to be used for conducting public hearings before producing a final health systems plan.

Findings: On p. IV-4, the draft report notes that "accidents, violent deaths (suicide and homicide) and deaths associated with the misuse of alcohol constitute the major cause of death in the health service area, as well as for all Alaskans and occur much more frequently as a percentage of total deaths than in the U. S. as a whole."

**U. S. Department of Interior, Press Release Announcing Transfer of Programs to the Bureau of Indian Affairs, March 15, 1931, and March 31, 1931. Rasmuson Library, Archives & Manuscript Collection, Box 7, Folder 59, Ben Mozee Correspondence Files: Press release, Historical; 4 pp.**

Purpose: U. S. Interior Secretary Wilbur issued this news release announcing the transfer of the administration of education, and medical and sanitary relief for Natives in Alaska from the Department of Education to the BIA. The release notes that the school was the center of all activity, social, industrial and civil, that the teacher was a guide and leader, and that the teacher must often be a physician, nurse, postmaster, business manager, wireless operator and community builder.

Findings: The release describes the Office of Education as a research agency rather than a social service agency.

**Wilson, Dr. Martha, Health Status of the Alaska Native People, University of Alaska (20th AK Science Conference), August 24 - 27, 1969. Rasmuson Library: Historical, cultural/anthropological; 13 pp.**

Purpose: This paper is an overview of the status of health of the Alaska Native people. Dr. Wilson was the Director of the Alaskan Native Medical Health Center. Brief mention is made of alcoholism and its relationship to high rates of accidental injury and death.

Findings: The study recommends further study and more comprehensive program(s) for alcohol. The author states in part, "[t]he emotional and mental health of the Alaska Native people at this time probably represents the area of greatest unmet need. Many of us fear that unless major, strong and effective programs are developed to respond to this need, the problems will get much worse before they get any better." Dr. Wilson recommends a single comprehensive community mental health center.

**Judicial Administration/  
Judiciary/  
Court System**

UNIVERSITY MICROFILMS

## Judicial Administration/Judiciary/Court System

**Alaska Court System, Proposed Three-year Court Facilities Building Program for the State of Alaska for FY 1972-73, 1973-74, and 1974-75.** Rasmuson Library, Archives & Manuscript Collection, Box 4, Folder 2, Fairbanks Chamber of Commerce Files, Series 7, Publications, Reports: Report; 35 pp.

Purpose: The report describes major facilities financed and under planning and construction in Anchorage, Fairbanks and Juneau.

Findings: The report notes Senate Bill No. 153 and Rule 18 of Rules of Criminal Procedure require that the superior court be brought to the bush areas as stated in AS 22.10.030, Section 3. It states that the intent of the act is to make administration of justice more accessible to the people of rural areas of the state.

**Anderson, Patrick M.,** Chair of Criminal Justice Task Force, Letter to Senator Edward Kennedy, Anchorage Native Caucus, April 3, 1980. Rasmuson Library (Gravel - Social Justice, B352-11): Correspondence; 3 pp.

Purpose: This letter notes the nomination of Justice Robert Boochever, Justice of the Alaska Supreme Court, to the Ninth Circuit Court of Appeals. Senator Gravel was copied on the correspondence.

Findings: During the spring of 1979, Senator Gravel had asked President Carter to appoint an Alaskan to the Ninth Circuit.

**Baumgartner, R. E.,** "Organization and Administration of Justice in Alaska," American Bar Association Journal, Vol. 20: 23-26, January, 1934. Anchorage Law Library: Historical, legal, cultural/anthropological; 4 pp.

Purpose: The article focuses on the history of justice in Alaska from the time of purchase to the early twentieth century. It outlines the major congressional acts which established a justice administration in Alaska and points out some of the unique conditions in Alaska - variance of weather conditions and the use of the dog for travel.

Findings: No findings/conclusions.

**Boney, George F.,** Chief Justice of the Alaska Supreme Court, "The State of the Judiciary: An Address Before the Joint Session of the Alaska Legislature," George F. Boney, January 20, 1972. Rasmuson Library (Gravel - Crime and Justice, B155-3): Legal, speech, government study; 25+ pp.

Purpose: This was the first time a chief justice of the Alaska Supreme Court addressed the legislature and people about the state of the judiciary. Chief Justice Boney spoke of a growing crime wave throughout the U. S. and Alaska. The Chief Justice then described in detail specific problems, remedies, and recommendations for future action.

Findings: "At the present time in rural Alaska, there are virtually no justice facilities. Magistrates and village policemen have no offices. There are no courtrooms. There are no jails. Today, court and land records are not secure and magistrates are required to hold court in their living room, in a store, or in a school room...." Chief Justice Boney recommended, among other things, constructing 50 "minor bush facilities," 10 new magistrate positions, new district judges, more village public safety officers, and upgrades for magistrate personnel.

Boyko, Edgar Paul, Correspondence Regarding the Administration of Justice in Alaska, February 23, 1965. Rasmuson (Gravel - Issues: Committee Judiciary B638-4): Legal, correspondence; 5 pp.

Purpose: In this letter to Rep. Gravel, Speaker of the House, that is marked "Personal and Confidential," Mr. Boyko, an Anchorage attorney, writes of an apparent crisis in Alaska's judicial system. He notes three problem areas: (1) a hastily-created court system, (2) "[c]ertain grave personality problems at the highest judicial level," and (3) "[d]efective constitutional provisions and loopholes in the legislative framework which governs the courts and their administration."

Findings: Mr. Boyko recommends the following remedial legislation:

- ▶ Peremptory challenges of trial judges;
- ▶ Disqualification of trial judges for cause;
- ▶ Statute to protect litigants against unreasonable delay; and
- ▶ Statutes to curb excessive powers of the chief justice.

He also recommends 8 constitutional changes.

Effect: Currently, A.S. 22.20.020 provides for disqualification of a judicial officer for cause; A.S. 22.20.022 provides for peremptory disqualification of a judge. Alaska Rule of Civil Procedure 16.1, implemented in 1986, is designed to reduce civil litigation delay.

**Conn, Stephen**, "Alaskan Bush Justice: Legal Centralism Confronts Social Science Research and Village Alaska," UAA School of Justice, Sept. 1981, revised Sept. 1982. UAA Justice Center: Historical, legal, cultural/ anthropological, legal; 41 pp.

*Purpose:* This paper, prepared for the IAVES Commission on Contemporary Folk Law meeting in September 1981, traces the history of the bush justice system in Alaska, describing the relationship between traditional Native dispute resolution mechanisms and the State criminal justice system. Conn analyzes the interactions, between 1970 and 1981, of bush justice research with state agency policies and changes in the rural justice system.

*Findings:* Conn reports that the researchers' innovations were well-received by the villagers and field-level professionals, but not by agency policy-makers. As a result, most of the reforms made during the 1970s had vanished by the early 1980s. Conn concludes that further reforms will not be effective unless Alaska Natives participate in the decision-making process, not as advisors or low-level bureaucrats but as co-equal players in positions of power.

**Conn, Stephen**, Bush Justice and Development in Alaska: Why Legal Process in Village Alaska Has Not Kept Up with Changing Needs, School of Justice, UAA, (paper for Western Regional Science Association conference in Monterey, Cal. 1984). Maureen Weeks, Senate Advisory Council: Historical, legal, cultural/anthropological; 54 pp.

*Purpose:* This paper analyzes the interactions among villages and government justice agencies (primarily state) since statehood. Conn discusses the fate of various "reform" efforts made by state agencies, and the fate of village efforts to respond to justice needs. Conn shows the impact of "outside" influence, such as the pipeline, on villages.

*Findings:*

1. Suggests that cultural misunderstanding of Western law and language problems are not primarily responsible for lack of justice in village Alaska. Concludes that a lack of resources and the state's desire for centralized control are responsible (pp. 28-29);
2. Suggests need for data on rural problems;
3. Recommends experimentation at village level, planning, and greater autonomy for villages.

**Connelly, Hugh H.,** Presiding District Judge, "The Magistrates' Role in Alaska - Past and Present," Fourth Judicial District, c. 1968. Historical, legal; 8 pp.

Purpose: This article focuses on the historical origins of the magistrate in Alaska and the changes that brought about the modern-day magistrate with his/her various duties. It also outlines present weaknesses of the system.

Findings: Since, at times, the magistrate is the only state official (date of writing unknown), he or she is automatically the unofficial peace maker for the community. There must be more thorough supervision and training of magistrates. Facilities are inadequate, travel budgets are inadequate, and there are no established criteria for determining a magistrate's salary. Larger communities should assist in the detailed clerical duties to give better service to bush residents.

**Dalton, Mike,** "Natives Oppose Way Court Treats Them," Daily News Miner, 1967. Rasmuson Library, Box 7, Folder 124, Sandy Jensen Collection: Newspaper article; 1 p.

Purpose: This article reports that a Native leader, Ralph Perdue, criticized the Tanana Chiefs Conference in Tanana, the magistrate court system and its treatment of Natives. Mr. Perdue said there was discrimination against Natives in the major Alaskan cities, principally Fairbanks and Anchorage, citing the high percentage of Natives in jail.

Findings: No findings/conclusion.

**Forbes, Hodge, and Kelly,** District Court Judges, District of Alaska Judicial Conference Resolution, April 4, 1959. Rasmuson (Gruening - General File - AK Judicial System) B8: Legal, resolution; 2 pp.

Purpose: At a judicial conference in Anchorage, a resolution was adopted asking that two federal judges be appointed "to handle federal litigation."

Findings: Senator Gruening received a copy of the resolution from Hugh J. Wade, Acting Governor of the State of Alaska. The Juneau Chamber of Commerce adopted a similar resolution on June 18, 1959.

Effect: By 1990 there were three active U. S. District Court judgeships in Alaska.

**Gilmore, P. J., "The Judicial System and Courts in Alaska,"** October 17, 1953, speech to American Association of University Women. Rasmuson (Bartlett - Justice - General 1953): Speech; 7 pp.

*Purpose:* In this address to the American Association of University Women (AAUW), U. S. Attorney Gilmore said that the territorial judiciary needed reform because of inadequacies (lack of sufficient judges and commissioners), expanding case loads due to increased population growth after the war, and expanding economy.

*Findings:* He recommended adoption of a system like that in the Territory of Hawaii with a chief justice, associated justices of supreme court, and judges of a circuit court, plus district courts and territory courts. Alaska, by comparison, had four U. S. District Courts and "various commissioner's courts under supervision and jurisdiction of judges of various judicial divisions."

He also recommended that more judges be appointed.

**Gravel, Mike, Correspondence Concerning Ninth Circuit Court Vacancy, circa 1977-1978.** Rasmuson (Gravel - AKS/Boyer Staff Papers, B876, Files 3-5): Legal, correspondence.

*Purpose:* During the spring of 1979, Senator Gravel wrote to President Carter requesting that the President reconsider his appointments to the Ninth Circuit Court of Appeals by appointing an Alaskan. Gravel based his request to Carter on the fact that the Ninth Circuit Court up to that date (1979) had never had a judge from Alaska sitting on it. Gravel argued that population and number of court cases qualified Alaska for a seat.

*Finding:* N/A.

*Effect:* An Alaskan was not appointed to the Ninth Circuit at that time. However, on August 1, 1980, Robert Boochever, a Justice on the Alaska Supreme Court for eight years, became the first Alaskan ever to be seated on the U.S. Court of Appeals after President Carter nominated him to fill a vacancy on that Court.

**Gruening, Governor Ernest, Diary Entry, February 28, 1940.** Rasmuson Library, Archive & Manuscript Collection, Box 3, Folder 15, dates 1939-40, Ernest Gruening Papers: Historical; 1 p.

*Purpose:* Governor Gruening describes his meeting with U. S. Attorney General Robert Jackson.



Findings: Gruening told Jackson that he had no particular complaint with the administration of justice in Alaska, except that Alaska probably needs more competent judges.

**Helgath, Sheila, Public Defenders Location in Rural Communities, Senate Advisory Council (Memo to Sen. Zharoff, #87-000406), March 23, 1987. Maureen Weeks: Government study; 18 pp.**

Purpose: Justification for, and costs of, maintaining Assistant Public Defenders in Barrow and Sitka.

Findings: It would cost about \$32,000 to keep the two offices open; however, the actual indirect costs to the state might be greater if the offices were closed (due to scheduling difficulties with the judge and prosecutors). See also, House Research Agency, Memo #82-43, to Senator Zharoff re: public defender services to Kodiak, Dillingham & Unalaska.

Effect: Both Public Defender offices remained open in 1990.

**How to Request an Appointment of a Magistrate in a Small Community, July 29, 1986. Legal, Information Report on "How to..."; 15 pp.**

Purpose: This publication begins by defining the term "magistrate" and outlining the specific duties of a magistrate. The second part presents the procedures necessary for a community to request a magistrate and the conditions and requirements necessary. It briefly discusses the process of placing a magistrate and recourse for unsatisfactory performance of a magistrate.

Findings: No findings/conclusions.

**"Justice in Alaska," The Alaska Fisherman, April 1932. Rasmuson Library, Archives & Manuscript Collection, Box 16, Folder 14, Ben Mozee Papers, Articles & Publications: Historical; 1 p.**

Purpose: This article reprints a petition from the president of Bethel to the U. S. Attorney General, Judge Cecil Olegg (District Court of the Fourth Division), and U. S. Secretary of the Interior Wilbur. The petition calls for an investigation of the official conduct of the U. S. Commissioner's Court in Bethel. Complaint #4 says that no allowance is made by the court for ignorance of the Native, that Natives are not made to understand that they have a right to jury trial, that Natives plead guilty through total ignorance of their rights, that verdicts of guilty are rendered

against Natives on insufficient evidence, and that sentences are overly harsh and without due allowance for first offenders.

Findings: Not applicable.

Justice in Alaska. Rasmuson Library (Gravel: State of Alaska) B113-1: Legal; 14 pp.

Purpose: This paper is a critique of Alaska's justice system. It discusses civil actions and crime. The paper appears to be directed to the governor's office to highlight problems and seek solutions.

Findings: The author makes a number of conclusions.

Kehoe, Joseph W., Report of Joseph W. Kehoe, Special Assistant to the Attorney General, Pursuant to Letter of Authority dated 12/30/43, Joseph W. Kehoe, June 6, 1944. Mozee Papers (Subject File - U. S. Marshals) B21: Legal, government study; 17 pp.

Purpose: The Justice Department asked Mr. Kehoe to prepare this report on the administration of justice in the territory of Alaska, and to make recommendations.

Findings: The report recommends that the policy of having district judges appoint U. S. Commissioners (who had more extensive duties than did their counterparts in the Lower 48) be discontinued. The report also concludes that the fee system used to pay U. S. Commissioners should be replaced with annual salaries. Other recommendations include: establishing supervision of U. S. Commissioners; establishing a "commissioner at large"; and that the Second and Fourth Judicial Districts not be consolidated.

Plummer, Raymond, Chief Judge, and Judge James A. Von Der Heydt, "Request for a Third Federal District Judge," U. S. District Court, c. 1972. Rasmuson Library (Gravel - Eskimo and Indian Information, B152-19): Legal, correspondence 7+ pp.

Purpose: The two existing U. S. District judges sent Senator Gravel a copy of their statement requesting an additional district judge for the District of Alaska.

Findings: The judges wrote that present case load was acceptable but that future economic development projects (i.e., construction of the TransAlaska Pipeline, passage of ANCSA and increased of criminal filings) justified an additional judge. Supporting documentation on case load increases was attached.

Effect: Senator Gravel offered an amendment to the Judicial Omnibus Act of 1973 to give Alaska a third judge. This legislation, S. 1323, was not successful.

**Roberts, John D.,** U.S. Magistrate, "Officers of Judicial Branch COLA," John D. Roberts. Rasmuson Library (Gravel - Judicial Reform, B319-8): Legal, correspondence; 25 pp.

Purpose: U. S. Magistrate Roberts wrote to Senator Gravel requesting tax relief by providing COLA benefits for Federal judicial officers in Alaska.

Findings: Senator Gravel introduced legislation for COLA in 1973 and promised to do so again in the spring of 1978.

**Stewart, Thomas B.,** "Alaska Adopts Model Court System with Independent and Nonpartisan Judiciary," Congressional Record, April 8, 1959. Rasmuson Library (Gruening - AK Judicial System) B8: Historical, government study; 3 pp.

Purpose: Upon statehood, Alaska adopted "an independent judiciary with a minimum of political interference...." Mr. Stewart's remarks were printed in the Congressional Record at the request of Hon. Richard Neuberger of Oregon.

Findings: During territorial days, Alaska's judiciary consisted of magistrates in several cities and judges of the U. S. District Court of Alaska, who were appointed by the president and who sat in four geographical divisions.

**Utter, R. F., et al,** Report to the Conference of Chief Justices from the Task Force on a State Court Improvement Act, Conference of Chief Justices, c. 1979. Rasmuson Library (Gravel - Judiciary, B338-2): Government Study, correspondence; 66 pp.

Purpose: The Task Force for a State Court Improvement Act, acting on behalf of the Conference of Chief Justices and the Conference of State Court Administrators, developed the concept of an independent federal corporation that would fund studies and projects designed to improve justice in state courts.

Findings: The task force report includes draft legislation (p.45-66) of the State Justice Institute Act of 1979.

Effect: The Chief Justice of the Alaska Supreme Court, Jay Rabinowitz, contacted Senator Gravel on 9/11/79 asking for his support for legislation creating an "independent federal corporation - state justice institute." The State Justice Institute began work in 1987 with federal funding.

**Justice System/  
Rural Justice**

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124

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## Justice System/Rural Justice

**Angell, John, Public Safety and the Justice System in Alaskan Native Villages, Pilgrimage, Inc., 1981. UAA Library-Alaska Room: Legal; 88 pp.**

**Purpose:** This book describes the inability of the present state justice system to prevent crime, insure public safety and secure justice in Native communities. Angell targets problems with emergency response times, provision of routine services, local public safety operations, community detention, legal and judicial operations, and trial and post-conviction services.

**Findings:** Angell outlines a four point approach to solving bush justice problems aimed at enhancing state and local cooperation:

1. one unit of the executive branch of the state government should be given the responsibility and resources for planning and coordinating the improvement of public safety and justice in the state;
2. the state should reorganize and regionalize its justice operations to provide a reliable, equitable level of public safety support services for every community in the state;
3. the state should support the design, implementation and maintenance of a reliable emergency communication system for each region in the state; and
4. the state should provide foundation grants for local public safety and justice services to every established community in the state.

**Associated Press, "Native Caucus Asks Probe of Bias in Justice System," Fairbanks Daily News-Miner, December 13, 1978. Rasmuson Library (Fairbanks Environmental Center) Population Box 63: Newspaper article; 1 p.**

**Purpose:** This news article reports that the Anchorage Native Caucus requested an investigation into statewide "racial bias in Alaska's criminal justice system."

**Findings:** A 1978 Alaska Judicial Council study had found that ethnic minority felony offenders received harsher sentences than non-minorities in certain types of cases. ANC asked for further study.

**Effect:** In 1979, the Alaska Judicial Council published Alaska Misdemeanor Sentences: 1974-76 Racial Disparity, a report which found evidence of racial disparity in misdemeanor sentences. In 1980 the Alaska Judicial Council released

its follow-up study of felonies, Alaska Felony Sentences: 1976-79, which showed the disappearance of most racial disparities.

**Bayley, Kenneth Bruce**, A Statistical Analysis of Discrimination in the Alaska Criminal Justice System, University Microfilms International, 1984. UAA Library: Legal; 185 pp.

Purpose: This study uses the example of racial disparities in court decisions to explore the consistency with which decisions are made, and to identify the factors that lead to different dispositions for different racial groups. Bayley uses data from an Alaska Judicial Council study that included the 2,202 felony defendants prosecuted between 1974 and 1976.

Findings: The factors used in the study to determine their effect on disposition are categorized as offense-related factors, offender-related factors, and processing factors. Bayley states that criminal justice personnel appear to be right in their assertion that court decisions generally can be explained by factors other than race, and that racial disparities occur because of the association of race with other decision considerations. Bayley also notes that criminal justice decisions encompass a large number of varying factors. A model that used many factors would be better able to explain dispositions.

**Bonsall, P. S.**, Administrative Associate for J. A. Rabinowitz, Perspective on Bush Justice Programs: Past, Current and Future Plans, Alaska Supreme Court, 1975. Historical, government study; 23 pp.

Purpose: This report focuses on the past and present improvements to the court system in village Alaska. It provides a close analysis of the budget requests for 1975 for the improvement of bush justice programs, and provides a fairly detailed description of each program reflected in the budget. It briefly discusses future bush justice plans.

Findings: No findings/conclusions.

**Conn, Stephen, and Arthur Hippler**, "Paralegals in the Bush," UCLA-Alaska Law Review, Vol. 3, No. 1: 85-102, Fall 1973. Alaska Judicial Council Library: Legal journal article; 18 pp.

Purpose: This paper outlines ways to improve paralegals' work in Alaska villages. The article looks at the numerous officials within a village who currently perform

a wide range of paralegal tasks. Roles for paralegals, such as legal assistant, lay advocate and arbitrator are outlined.

Findings: The authors believe that two functions of Alaskan paralegals must be recognized: their ability to provide on-site legal information, and their competence to divert conflicts that can be resolved in the village away from the legal process. The authors offer some suggestions for training of paralegals. The training should be imaginative, well grounded in village experience, and thorough. The paralegals' education must match the job requirements and focus on services needed in the villages.

**Conn, Stephen, Report to the Chief Justice, August 22, 1974. Senate Advisory Council, Maureen Weeks: Historical, government study; 32 pp.**

Purpose: This report contains recommendations for a "working rural justice system."

Findings: The report makes a series of recommendations including revising the magistrate system, much greater agency cooperation, and providing paralegals and lay advocates for villages.

**Criminal Justice Planning Agency, Racial Discrimination Study - Alaska's Criminal Justice Systems (Grant Proposal), State of Alaska, April 13, 1979. Rasmuson Library (Gravel - Criminal Justice, B338-1): Legal, government study, correspondence.**

Purpose: Charles Adams, Director of the State's Criminal Justice Planning Agency, asked Senator Gravel to support a \$99,630 grant proposal to conduct Phase I of a study to "identify and eliminate discrimination in Alaska's Criminal Justice System." The study intended to identify key decision points, use statistics to determine the amount of discrimination, identify specific cases and take corrective steps, and routinely monitor the criminal justice system.

Findings: As a result of findings from the Alaska Judicial Council's 1978 plea bargaining study, the Governor's Committee on the Administration of Justice in 1978 began an investigation of discrimination in the criminal justice system. This effort was also supported by black and Native leaders. Sylvia Carlson, President of the Anchorage Native Caucus, spoke on 12/12/78 in Anchorage about the need to conduct the study as proposed.

Effect: Proposal was not funded.

**Easley, Paula Pence, The Administration of Justice in Village Alaska, Criminal Justice Planning Agency, based on testimony received during public hearings held in six villages September 15-19, 1973. Report on Hearings; 20 pp.**

Purpose: This publication focuses on the resolution made at the First Bush Justice Conference (1970) which states, "The locus of decision making in the administration of justice in village Alaska must move closer to the village. To achieve this result there must be greater Native participation at all levels in the administration." In response, the Governor's Commission on the Administration of Justice decided to meet in the villages in the summer of 1973 and talk with the villagers themselves.

Findings: Public hearings in Barrow, Bethel, Dillingham, Fort Yukon, Nome, and Kotzebue regarding the administration of justice in village Alaska offered many of the same suggestions to improve the justice system. These suggestions included:

- Redistricting the court system along transportation and bilingual lines.
- Increased facilities for courts and corrections and a full-time judge, prosecutor and public defender in some of the larger villages.
- Alcohol detoxification programs and education for all villagers.

Effect: A note at the end of the report by Robert Hicks, Executive Director of the Alaska Judicial Council, states that the court system, while not redistricting as suggested, had established judicial "service areas" that were more responsive to practical considerations. Creation of judicial service areas in Barrow and Bethel was prompted by the Alaska Judicial Council's 1975 report, Judicial Redistricting.

**Governor's Commission on the Administration of Justice, Standards and Goals for Criminal Justice, State of Alaska, 1976. UAA Library-Alaska Room: Government Study; 43 pp.**

Purpose: The report formulates standards and goals to improve criminal justice in Alaska. The report contains information and recommendations from four task forces: Juvenile Justice System/Community Crime Prevention, Police, Courts/Prosecutors and Defense, and Corrections.

Findings: The report lists ten problems in order of priority and sets goals to alleviate those problems. The first five concerns are: alcohol-related crimes, lack of juvenile crime prevention programs, lack of standard placement policies for detention centers and jails, lack of culturally-relevant justice service in village



Alaska, and lack of uniformity in sentencing practices. The goals set out to help improve justice services to villages include establishing local decision-making processes, encouraging village people and administrative people to understand state and traditional law ways, and providing village-oriented programs for people processed through, screened out of or diverted from the justice system.

**Gravel, Senator Mike, Correspondence Regarding Presentence Reports, Mike Gravel, September 18, 1979. Rasmuson Library (Gravel - Criminal Justice, Box 338-1): Legal, government study, correspondence.**

Purpose: Senator Gravel wrote to H. H. Broome, asking LEAA to fund "a proposal by the Alaska Judicial Council which would revise the substance and procedure for presentence reporting in the State of Alaska." Gravel noted that as of 1/1/80 the State of Alaska would be using a revised criminal code and reformed sentencing system based on presumptive sentencing.

Findings: This file also contains a seventeen page draft copy of "Proposal for Revising Alaska's Presentence Investigation and Reporting Procedures," by S. H. Clark, et al, Alaska Judicial Council, July 1979.

**Gross, Avrum, Alaska Attorney General (Department of Law, Criminal Division), Police and Prosecution Witness Assistance Project, State of Alaska, April 15, 1979. Rasmuson Library (Gravel - Criminal Justice, B338-1): Legal, correspondence.**

Purpose: Avrum Gross, Attorney General for Alaska, asked Senator Gravel for his support of a \$151,638 LEAA grant application for a proposed police and prosecution witness program.

Findings: Gross explained that "[t]he purpose of the project is to improve public cooperation with the criminal justice system and to increase the effectiveness in court of witnesses and victims of crimes."

**Havelock, John E., Deputy Attorney General for Alaska, Correspondence to Sandy Jensen, January 22, 1963. Rasmuson Library, Archives & Manuscript Collection, Box 8, Folder 149, Sandy Jensen Collection: Correspondence, legal; 3 pp.**

Purpose: Ms. Jensen had written to Governor Egan about the need to provide counsel for indigent defendants, saying that every defendant accused of a felony was entitled to legal counsel. The idea of a public defender agency was also mentioned in the letter.

Findings: Attorney General Havelock responded to Ms. Jensen by recommending that she report perceived injustice to a district attorney.

Effect: Unknown; Alaska's Public Defender Agency was not established until 1969.

**Havelock, John, Goals into Action, Criminal Justice Center, UAA, April 23, 1977. UAA Justice Center: Evaluation Report; 10 pp.**

Purpose: This evaluation report on the 3rd Bush Justice Conference was prepared at the request of the Bush Justice Project of AFN, Inc. The report outlines themes addressed in all of the Bush Justice Conferences. Havelock focuses on ways that the Bush Justice Conferences can improve the administration of justice in rural Alaska. A rough framework of how the conferences and state agencies could work together is given.

Findings: For Bush Justice Conferences to be effective, Havelock sees the conferences as regular occurrences working in cyclic fashion with state Bush Justice agencies. Between conferences, justice agencies and Native representatives would work to respond to specific problems identified at the conference. At the following conference, the agency could report on its progress and further adjustments and recommendations could be made. Havelock points out five different things that must occur for regular Conferences to work: each agency must set out a written program built around previously identified themes; citizens' input should be acknowledged in agency planning; the Criminal Justice Planning Agency must oversee the planning cycle; the independence of the citizens' input must be structurally guaranteed; and the specific roles of agency people in the conference should be carefully defined.

**Leary, Lory B. and Gravel, Senator Mike, Correspondence Concerning 1965 Voting Rights Act, State of Alaska, Division of Election, May 28, 1975. Rasmuson Library (Gravel - Voting Information, B260-7): Legal, correspondence; 5 pp.**

Purpose: Mrs. Leary, a state election supervisor, asked for Senator Gravel's support to exempt Alaska from the provisions of the 1965 Voting Rights Act as voted on April 17, 1975 by the U. S. House. The legislation extended the Act for 10 years.

Findings: Gravel responded in a letter dated 6/6/75 to Mrs. Leary. Noting that Alaska had "bailed out" of Voting Rights Act provisions in 1966 and 1971, he supported Alaska's inclusion in the 1975 legislation.

Effect: Alaska is still required to comply with Voting Rights Act provisions.

**United Press International, "Criminal Code Bill," Los Angeles Times, Thursday, November 3, 1977. Rasmuson Library (Gravel - Criminal Justice, B303-8): Article and Correspondence; 6 pp.**

Purpose: This article reports that on 11/2/77, the U. S. Senate Judiciary Committee voted 12 - 2 for approval of "landmark legislation that would revise and update the vast hodgepodge of federal criminal laws and consolidate them into a single code."

Findings: Correspondence in the file shows that a constituent contacted Gravel about the "child stealing" provisions of the Criminal Code Bill, asking that he support the bill. The article says that Senator Gravel was favorably disposed to the bill.

**Law Enforcement/  
Corrections**

DEPT OF CORRECTIONS

## Law Enforcement/Corrections

**Barr, Frank**, Correspondence Collection, August 15, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical; 2 pp.

Purpose: This is a collection of Mr. Barr's general correspondence with Governor Bartlett. Mr. Barr, formerly a U. S. Marshal, mentions the vice on South Cushman St. in Fairbanks involving military personnel.

Findings: Not applicable.

**Bartlett Collection of Correspondence Regarding Law Enforcement (1948)**. Rasmuson Library, Bartlett Collection (Justice - General 1949): Correspondence.

Purpose: This file contains correspondence between E. L. Bartlett and Governor Gruening, district judges, and federal officials regarding law enforcement in Alaska. The correspondents note the lack of law enforcement in the territory and the frustration expressed by federal officials and citizens in various communities over inadequate law enforcement.

Findings: The correspondents' recommendations include strengthening the Alaska Highway Patrol, establishing a territorial police force, and increasing the pay of commissioners.

**Camarot, Henry J.**, Correspondence Regarding Territorial Police, April 27, 1956. Rasmuson Library, Archives & Manuscript Collection, Box 5, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical, legal; 2 pp.

Purpose: Following complaints that U. S. Marshals and Deputies did not have enough manpower, a question arose about whether Territorial police officers had the same police authority as Deputy Marshals in Federal lands.

Findings: The Alaska Legislature had created the Territorial Police Force in 1953. This correspondence contains complaints that the Territorial police were exceeding their jurisdiction.

**Department of Justice**, Minutes of a Meeting of the Interdepartmental Committee on Law Enforcement in Alaska, March 20, 1950, Department of Justice, March 20, 1950. Rasmuson (Bartlett - Justice General 1950): Minutes; 6 pp.

*Rural Justice Selected Bibliography  
Law Enforcement/Corrections*

Purpose: Representatives from the BIA, Bureau of Prisons, and Department of Justice met to examine how to "alleviate bad law enforcement conditions in Alaska." They discussed ways to improve law enforcement in Alaska, review past efforts, and formulated programs for the future.

Findings: Members recommended increasing the number of Deputy U. S. Marshals, adding to the Alaska Highway Patrol, and transportation facilities for marshals. Jails, particularly those in Anchorage, were described as "in bad shape."

Dodge, J. W., Palmer Conservation Camp Correctional Officer, Correspondence to U.S. Congressman Howard Pollock, September 18, 1967. Rasmuson Library, Archives & Manuscript Collection, Box 10, Folder 81 (Department Files) Howard Pollock Papers: Historical, correspondence; 2 pp.

Purpose: Officer Dodge wrote to Congressman Pollock requesting that fossilized ivory be brought from Siberia for Native carvers in the Palmer Camp.

Findings: Unknown.

Folta, Judge George, Letter to E. L. Bartlett, January 3, 1948. Rasmuson Library, Bartlett Collection (Justice - General 1949): Correspondence.

Purpose: Judge Folta, Judge for the First Division of the Territory of Alaska, writes in reply to Delegate Bartlett that law enforcement in Alaska had been "inadequate" for a long time. In addition, he writes, U. S. Marshals are willing to enforce laws outside of incorporated towns, but are inadequate to the task. Judge Folta takes the marshal from the First District to task because of economizing and not filling vacancies. He also describes problems with liquor in Hyder, Baranof, Yakutat and Craig.

Findings: Folta states, "[t]he Territory [of Alaska] seems to be interested in merely collecting revenue from liquor without doing anything to enforce laws...." He continues, "[t]he present system (criminal justice) is wholly inadequate (to protect life and property) for this purpose."

Effect: The problem of insufficient law enforcement in Alaska and possible solutions were discussed at the Cabinet level. Possible solutions included creation of a territorial judicial system and a territorial police system by an act of Congress.

Gallagher, Hugh, Bartlett Legislative Assistant, Memo to Bill Boesch, April 26, 1965. Rasmuson Library, Archives & Manuscript Collection, Box 7, E. L. Bartlett Collection, Fed. Dept. & Agencies Justice, General: Historical; 2 pp.

Purpose: Mr. Gallagher wrote this memo to help Donald Church, a state trooper, go to the FBI Academy. Church's beat was Kodiak and the Aleutian Islands including the Pribilofs. According to Church, the Pribilovians were a demoralized people with little drive or initiative. He suggested alcohol as a main cause of their demoralization. One thousand to 3,000 pounds of liquor were flown to the Pribilofs each week and Bureau of Commercial Fisheries employees drank a great deal. The Natives did what they saw BCF employees do, and they lacked Native leadership.

Findings: Not applicable.

Golder, J. A., Letter to Dr. Sheldon Jackson, Oct. 20, 1902. Alaska Manuscript Material Collection, Rasmuson Library: Historical.

Purpose: In this letter to Dr. Sheldon Jackson dated October 20, 1902, J. A. Golder suggests that a petition be sent to President Theodore Roosevelt requesting that the liquor laws be better enforced and Alaska Natives be better protected.

Findings: Unknown.

"Gravel Cosponsoring Bill to Decriminalize Marijuana," Anchorage Times, Friday, July 22, 1977. Rasmuson Library (Gravel - Social Justice, B303-6): News Article and Correspondence; 3 pp.

Purpose: This article reports that Senator Gravel "cosponsored legislation to decriminalize the possession of small amounts of marijuana." In 1975, The Alaska Supreme Court had ruled in Ravin v. State, 537 P.2d 494, that Alaska's statute prohibiting possession of marijuana was unconstitutional because it violated the right to privacy guaranteed by Alaska's constitution. The Ravin decision decriminalized possession of small amounts of marijuana by adults at home for personal use, but did not decriminalize the buying or selling of marijuana. Federal penalties also remain.

Findings: Senator Gravel, while recognizing the effects of marijuana (impairment of judgment, etc.), supported the individual right to make a decision about use of marijuana.

*Rural Justice Selected Bibliography  
Law Enforcement/Corrections*

Effect: In 1990, Alaskan voters approved a ballot measure re-criminalizing the possession by adults of less than four ounces of marijuana in a home or other private place. The measure also increased the possible penalties for possessing less than one ounce in a public place. The constitutionality of the new law had yet to be tested by April of 1991.

**Gruening, Ernest, and Martin Underwood, Correspondence Concerning Police Officer in Barrow, 5/22/61, 6/7/61 and 6/14/61. Rasmuson Library (Gruening - Law Enforcement) B8: Correspondence.**

Purpose: During a trip to Barrow, U. S. Senator Gruening was asked about stationing a policeman in the village. Subsequently, he contacted Martin Underwood, Commissioner of the Department of Public Safety, who said that funds were lacking for a full-time officer in Barrow, but that an itinerant officer could travel to Barrow when needed.

Findings: Not applicable.

**Hippler, Dr. Arthur E., Final Report to the Commissioner of the Department of Public Safety: The Village Public Safety Officers Program, Institute of Social and Economic Research, October 1982. Institute of Social and Economic Research: Government Study; 20 pp.**

Purpose: In this report, Hippler examines positive and negative aspects of the Village Public Safety Officers (VPSO) program, operational problems and alternatives to the program. Hippler also identifies and discusses a major problem "issue." The report focuses on two questions: (1) are the villages better off with the program for the police and fire protection, search and rescue capabilities, and emergency medical care?, and (2) could a comparable level of service be provided at the same or less cost, or with less potential difficulty?

Findings: Hippler's answer to the first question is that overall the villages were a bit more than marginally better off with the program. Some of the villages were much better, while in other villages the program made no difference. However, the cost-effectiveness ratio is assessed as at least questionable for the level of benefits provided. Hippler believes the program might benefit by fewer, better selected and trained VPSO's, more constables, and more careful and intense professional oversight by troopers.



**Laktonen, Nicholas**, Correspondence to U. S. Marshal in Anchorage, August 4, 1956. Rasmuson Library, Archives & Manuscript Collection, Box 5, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical; 1 p.

Purpose: Mr. Laktonen, of Larsen Bay, wrote to the U. S. Marshal in Anchorage to voice his concerns over the untimely death of Bill Katelmikoff, a Native from Guzinkil. Mr. Laktonen accused the Marshal's office of ignoring illegal sales of liquor in Larsen Bay, and not properly investigating Bill Katelmikoff's death. The jury in Kodiak apparently dismissed it as an accidental death.

Findings: Not applicable.

**McRoberts, Theodore R.**, U. S. Marshal with 4th Division, Territory of Alaska (Fairbanks), Correspondence Concerning Deputy Marshal in Circle Hot Springs, March 6, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E.L. Bartlett Collection, Fed. Dept. & Agencies, Justice General: Historical; 2 pp.

Purpose: In this letter to S. A. Andretta, Administrative Assistant Attorney General at the Dept. of Justice in Washington, D. C., Mr. McRoberts complains about the Deputy Marshal in Circle Hot Springs. He states that the Deputy Marshal is also an employee of the resort owner.

Findings: Mr. McRoberts complains that the appointments of Marshal and Deputy Marshal were political in the Territory and did not take into account qualifications in the areas of justice, law enforcement, and cultural sensitivity.

**Metlakatla Indian Community**, Renovation of Metlakatla's Detention Facility, Metlakatla Indian Comm., c. 1979. Rasmuson Library (Gravel - Criminal Justice, B338-1): Legal, correspondence and Grant Application.

Purpose: S. Bobo Dean, an attorney with Fried, Frank, Harris, Shriver & Kampelman, on behalf of the Metlakatla Indian Community, submitted a grant application to the LEAA for \$101,591 to renovate the local detention facility. Senator Gravel supported the request as noted in a letter of 8/10/79 to the LEAA.

Findings: Not applicable.

Effect: LEAA and BIA provided funding to renovate the facility.

**Morgan, T. J.**, Commissioner of Office of Indian Affairs, Correspondence to Governor Lyman Knapp, March 4, 1891. Reel 2, page 165 of M/F #74 - AK Territorial Governor, Rasmuson Library, Archives & Manuscript Collection: Historical; 2 pp.

Purpose: Governor Knapp had nominated Natives to be Indian Police under a bill providing for police in Alaska for FY 1891. Commissioner Morgan wrote to Governor Knapp to tell him that only Natives could be nominated to serve as Indian police under the bill.

Findings: Fourteen men were nominated and approved. The Captain received \$15 per month and the privates were paid \$10 per month.

**Moze, Ben B.**, U. S. Marshal, Correspondence Regarding Native Crime, August 2, 1938. Rasmuson Library, Mozee Papers (Subject File - Anthropological Papers, Box 4): Cultural/anthropological; 1 p.

Purpose: In response to a letter from P. J. Fitzsimmons, Credit Representative for the Office of Indian Affairs in Nome, regarding "[l]awlessness Among the Natives," Mozee wrote, "...[l]awlessness among a Native people increases when they come into intimate social or commercial contact with a white population...."

Findings: Mozee concluded that improved health conditions among Native people would reduce crime. He mentioned that contact with whites resulted in "excessive drinking" among Natives. He concludes, "ignoring of Native rights and failure to raise their economic status are major features in the increase of lawlessness among the Natives in white settlements."

**Moze, Ben B.**, "Statehood, Politics and Law Enforcement," c. 1959. B. B. Mozee Papers (Articles by Mozee) B8: Historical; 2 pp.

Purpose: In this article, Ben B. Mozee, a U. S. Marshal in Nome prior to statehood, discusses law enforcement, the court system, and alcohol.

Findings: Mozee felt that "...[s]tate courts will be nearer the problems and closer to the people than were the courts which were administered from Washington often by men who had never been in Alaska, cared nothing for Alaska, and listened not to Alaska." In addition, he remarked that "...[l]iquor has been the chief factor in almost every murder and in other lawlessness throughout that part of Alaska with which I am most familiar. Even so, it is said that the people of Alaska are the most law-abiding under our flag."

"Native Rights Conference," Daily News Miner, October 25, 1962. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies (BIA): Newspaper article, cultural; 1 p.

Purpose: This article reports that the Inupiat Paitot (People's Heritage), a meeting of Eskimo leaders from the Arctic, issued its second annual statement of policies and recommendations.

Findings: Recommendations centered on law enforcement and called for increased attention to villages that have liquor establishments.

"Nome Plane Takes 10 to the States", Fairbanks Daily News-Miner, August 18, 1939. Mozee Papers (Subject File - U.S. Marshals) B21: Newspaper Article; 1 p.

Purpose: This article notes that this was the first flight of insane or criminal persons from Alaska to the continental U.S. The insane persons were destined for Morningside, Oregon; three criminals on the same flight were destined for McNeil Island in Washington.

Findings: Not applicable.

Olsen, Robert, U. S. Marshal, Ineffectiveness of Regionalization of the U. S. Marshal's Service and Suggested Changes, U. S. Marshal Robert Olsen. Rasmuson Library (Gravel - Criminal Justice, B303-8): Report and Correspondence; 9 pp.

Purpose: U. S. Marshal Robert Olsen argues in this report that regionalization of the U. S. Marshals' Service is ineffective.

Findings: Correspondence went to Senator Gravel and Don Young. Gravel contacted the director of the Marshals' Service, who responded that part of Marshal Olsen's report was "essentially accurate."

Patterson, James H., U. S. Marshal in Anchorage, Correspondence to Acting Governor Lew M. Williams, November 26, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Cultural; 2 pp.

Purpose: Mr. Patterson writes of his objection to discontinuing the services of the Deputy Marshal at Unga, Alaska. He also states that 90% of all law violations could be traced directly or indirectly to the excessive use of alcohol.

Findings: Not applicable.

**Rainery, Richard, Direct Contracting for VPSO Program, Rural Research Agency (Ref. #87-000417), March 30, 1987. Maureen Weeks -- Senate Adv. Council: Government study; 19 pp.**

Purpose: This memo analyzes the pros and cons of having the state contract directly with communities for the Village Public Safety Officer ("VPSO") program, rather than contracting with the regional Native nonprofit corporations. The memo shows data on costs and numbers of VPSOS for 1986 & 1987, and analyzes the contracting and grant management systems used in rural areas by different state agencies.

Findings: Direct contracting could potentially save some administrative costs. However, it might jeopardize (rather than increase) local control over the VPSO program. Fiscal accountability might be diminished. It was not clear, from a survey of communities, that a majority favored direct contracting.

Effect: In 1990, the state continued to contract with the regional Native nonprofit corporations for VPSO services.

**Rychetnik, Joe, "The Strange Brand of Bush Justice," Anchorage Daily News, 1965. Rasmuson (Gravel Collection - Boucher Staff Papers, B890-2): Cultural, newspaper series; 4, N.B. pp.**

Purpose: This article is part of the Anchorage Daily News' December 1965 "The Village People" series. The series examined for the first time the problems of Alaska's 50,000 Native people. Articles focus on the economic and educational status of Alaskan Natives, and on identified recommendations.

Finding: Mr. Rychetnik's story illustrates the problems encountered by law enforcement officials in the mid-1960's in Bush Alaska. He recounts an assignment he had when he was a state trooper stationed in Nome, which involved a call for assistance from a BIA teacher in Hooper Bay on behalf of an Eskimo resident who had \$35 worth of equipment stolen. Mr. Rychetnik spent about \$1,100 trying to bring two suspects back to justice in Nome, but ultimately failed because the suspects worked on a tender outside the 12-mile limit of the state's jurisdiction. Mr. Rychetnik concludes that Bush justice is time-consuming (travel took a long time because of weather, availability of aircraft, etc.), costly, and not always very efficient.

*Rural Justice Selected Bibliography*  
*Law Enforcement/Corrections*

**Saltsman, Hugh**, U. S. Commissioner at Barrow, USN Petroleum Reserve #4, Correspondence to Senator E. L. Bartlett, April 26, 1955. Rasmuson Library, Archives & Manuscript Collection, Box 5, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice, General: Historical; 1 p.

Purpose: Mr. Saltsman wrote to Senator Bartlett for assistance in getting a deputy marshal stationed in Barrow, because three Native boys had died from drinking poisonous alcohol, and 14 others were hospitalized, and because men from a construction camp were cohabiting with Native teenage girls. Three white men had pleaded guilty to giving alcohol to minors.

Findings: He was also concerned that similar things might happen at the village of Wainwright where the Air Force was doing construction.

**Taylor, Judge Robin**, Correspondence Regarding the Exclusionary Rule, c. 1978. Rasmuson Library (Gravel - Criminal Justice, Box 338, File 1): Legal, correspondence.

Purpose: Judge Robin Taylor, a State District Court Judge in Wrangell, sent these articles to Senator Gravel by letter dated 1/22/79. Some articles included in this file are: "The Exclusionary Rule: Why Suppress Valid Evidence," Judicature, Vol. 62, No. 5, November 1978 (Judge M. R. Wilkey), and two articles from The Alaska Justice Forum: "The Exclusionary Rule - What Is It?," Vol. 2, No. 7, August 1978 by Peter S. Ring, and "The Exclusionary Rule: A Proposal," Vol. 2, No. 8, September 1978, Peter S. Ring.

Findings: Judge Taylor supported a national solution for evidentiary problems presented by the exclusionary rule.

**U. S. Congress**, U. S. H. R. 9139, (Public Law 85-615), (Law Enforcement in Indian Country), 85th Congress, August 8, 1958. Rasmuson Library, Archives & Manuscript Collection: E. L. Bartlett Collection, Box 7, Folder 69 - Justice or Law Enforcement in Indian Country; Legal, legislative.

Purpose: Public Law 85-615, introduced during the 85th Congress, gave the Territory of Alaska criminal and civil jurisdiction over crimes committed in "Indian Country" and terminated the Bureau of Indian Affairs' law enforcement activities in Alaska.

Findings: Folder 69 in E. L. Bartlett's legislative bill file contains correspondence to and from Bartlett about the need for this bill.

Effect: Legislation passed.

**U.S. Congress (Rep. Howard Pollock), U.S.H.R. 6782, (Concurrent Criminal Jurisdiction Between Alaska and Annette Island Indian Reservation) (also S-902), February 1969. Rasmuson Library, Archives & Manuscript Collection, Box 1, Folder 29, Congressional Bill File of Howard Pollock Papers: Legislation.**

Purpose: This legislation gives the Annette Island Indian Reservation (Metlakatla) concurrent criminal jurisdiction with the state, allowing minor crimes to be handled by the tribal court. Prior federal legislation that vested exclusive criminal jurisdiction in the state of Alaska caused hardships on the reservation, because there were no state troopers or magistrates in Metlakatla.

Findings: Not applicable.

Effect: Unknown. At the same time, Senator Gravel introduced similar legislation in the Senate (S.902).

**U.S. Congress (Senator Mike Gravel), U.S.S. 902, (Concurrent Criminal Jurisdiction Between Alaska and Annette Island Indian Reservation). February 7, 1969. Rasmuson Library (Gravel - General Legislation, A) B100-3: Legal, legislation; 4 pp.**

Purpose: Senator Gravel introduced U.S.S. 902 to amend Section 1162 of Title 18 of the United States Code. The original legislation (PL 85-615 (1958)) "vested exclusive criminal jurisdiction in the state of Alaska over all offenses committed in Indian Country....It inadvertently failed to except the [Annette] Islands Reservation."

Findings: The Metlakatla Magistrate's Court had discovered that its lack of jurisdiction over "petty criminal offenses" caused a hardship in the community, and posed a problem for local law enforcement.

Effect: At the same time, Representative Pollock introduced similar legislation in the House (H.R. 6782).

**U. S. Department of Justice, Law Enforcement Assistance Administration, Grant Award: Police/Community Drug Information and Prevention Program, U. S. Government, September 11, 1970. Rasmuson Library, Archives & Manuscript Collection, Box 10, Folder 77 (Department File) Howard Pollock Papers: Grant award; 3 pp.**

**Purpose:** The Criminal Justice Commission (Office of the Governor) received a \$80,070 grant to collect drug abuse data, marshal resources to combat drug abuse in the City of Anchorage, and develop a comprehensive response. The City of Anchorage Police Department was the subgrantee; the grant period was from 9/7/70 to 9/6/71.

**Findings:** One product of the project was to be a data and information bank which could be used by those involved in the drug program.

Warden, Arlene, "Don't Build More Jails' Experts Say to Alaskans," Alaska Advocate, December 15-21, 1977. Rasmuson (Gravel - AKS/Boyer Staff Papers, B862-8): Newspaper article; 1 p.

**Purpose:** At a Legislative Conference on Corrections, held December 9-10, 1977 in Anchorage, members of a legislative interim committee met with outside experts in corrections. The experts recommended that Alaska not build more prisons, but instead "look towards alternatives to incarceration...community work release...half-way houses...pretrial intervention programs."

**Findings:** On July 5, 1977, Governor Jay Hammond wrote to Senator Gravel asking him to support S.1245, "Corrections Construction and Program Development Act of 1977." He cited the fact that juveniles and adults were being sent to "Outside" facilities; that state correctional facilities in Bush areas were inadequate; and that the Alaska Legislature was considering a criminal code revision and a presumptive sentencing act that would expand prison population.

**Effect:** In 1978, the Alaska Legislature revised the Criminal Code and for the first time adopted a system of presumptive sentencing (the new laws became effective in 1980). By the late 1980's, prison overcrowding had become a significant problem in Alaska. During its 1989-90 session, the legislature created the Alaska Sentencing Commission to study, among other things, ways to reduce prison overcrowding.

Webb, Roy H. (Training Officer from Los Angeles, to S. A. Andretts, A. G.'s Office), Report on Law Enforcement Conditions in Alaska August 20, 1951. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. of Agencies, Justice, General: Historical; 25 pp.

**Purpose:** Roy Webb was instructed to go to Alaska to make an inspection of U.S. Marshal's offices and general conditions of the areas they served. He found very little law enforcement in some villages and none in most places.

*Rural Justice Selected Bibliography  
Law Enforcement/Corrections*

Findings: The U. S. Marshals and/or deputies were the only law enforcement officers of areas outside of incorporated cities, and many times acted as judges, or meted out justice. Mr. Webb recommended increasing the number of marshals, their salaries and equipment, and providing new jails.

**Wickersham, James, Correspondence to Senator George W. Norris, September 26, 1926.**  
Rasmuson Library, Archives & Manuscript Collection, Box 1, Folder 10, Daniel Sutherland Papers: Correspondence; 4 pp.

Purpose: Mr. Wickersham wrote to Senator Norris on behalf of the Ketchikan Indians, who had requested Mr. Wickersham's assistance in clearing their lands of the "white man's red-light district." Mr. Wickersham's letter complains that prostitutes, pimps, and bootleggers had crowded out the Natives from their reservation, and that the judge and district attorney in the area had refused to do anything about the situation.

Findings: Not applicable.

**Wilkenson, Gerald, A Special Report on the Department of Public Safety: Village Public Safety Officer Program, Department of Legislative Audit, 1987.** Loussac Library: Government Study; 38 pp.

Purpose: Since 1981, Village Public Safety Officers (VPSO's) have been funded by the state legislature. The state directly negotiates contracts with 10 regional Native associations to provide VPSO services. This report reviews the 1985 and 1986 financial statements to determine whether they were fairly presented. The report also lists advantages and disadvantages of the program and alternatives to the current program.

Findings: The report concludes that the Department of Public Safety should improve accounting practices and VPSO administration contracts. Related procedures should be revised to achieve a more efficient program. The two general alternatives to the VPSO program were provision of necessary public protection services by employees of the state, and negotiation of contracts to have others provide the necessary public protection services. The first category included the State Troopers being stationed in VPSO villages, state-employed VPSO's, or elimination of VPSO program with State Troopers providing protection from regional stations. The second category included the Department of Public Safety putting the contracts up for bid, consolidating all of the associations under one contract, or contracting directly with VPSO villages.



Effect: VPSO programs continue to be funded by the State legislature, and the State continues to contract directly with regional Native associations for VPSO services.

**Young, Thomas,** "Native American Crime and Criminal Justice Require Criminologists' Attention," Journal of Criminal Justice Education, Vol. 1, No. 1, March 1990. Alaska Judicial Council Library: legal comment; 6 pp.

Purpose: The author criticizes criminal justice scholars because they have ignored issues relating to Native Americans, despite the fact that Native Americans are an ethnic group with the highest arrest rate in the United States.

Conclusion: The author concludes that many of the issues concerning Native American crime are unresolved and future research is needed. One very important area for research is the prevalence of Native Americans' drinking and drunkenness and why Native Americans drink to excess. The author also briefly summarizes several existing theories explaining Native American drinking and violence.

***Rural Governmental  
Structure***

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## Rural Governmental Structure

**Bockhorst, Dan, Gene Kane, Carol Akerelrea, Michael Cushing, and Bruce Webb;** Regional Government In Alaska, Department of Community and Regional Affairs, August 1988. Government Study; 35 pp.

Purpose: This publication provides information about borough government in Alaska. The report tells how boroughs differ from cities, the advantages of forming a borough, the different classes of boroughs and cities, and the revenues and assistance available for municipal governments. In the final chapters, the authors clearly outline the requirements and procedure for incorporating into a borough. Information regarding the populations, geographic areas, and dates of formation of current boroughs is also listed.

Findings: The report explains why there is a renewed interest in establishing boroughs:

1. Boroughs can be used to maintain or improve public services in the face of declining state revenues;
2. Because the 1990 census will probably redistribute legislative power to urban areas, laws might become unfavorable to unorganized regions of the state;
3. The legislature might require areas to form boroughs; and
4. Boroughs provide more local control over the delivery of public services and facilities.

**Morehouse, Thomas A., Gerald A. McBeath and Linda Leask,** Alaska's Urban and Rural Governments, University Press of America, 1984. Institute of Social and Economic Research, UAA: Historical, legal; 260 pp.

Purpose: For each government or quasi-government in rural Alaska, the authors explain the structure, function, financing, and problems. They use different villages to exemplify each form of government. The authors also detail the working of the North Slope Borough.

Findings: The authors note several reasons for rural areas not developing areawide boroughs. Rural Alaska is vast, remote, sparsely populated, and regionally diverse. No tax bases exist in most of rural Alaska. The authors explain that the concept of an "unorganized borough" is too ambiguous and abstract for rural regions that lack models or reference points. Political and government roles were preempted by the ANCSA associations and later

*Rural Justice Selected Bibliography*  
*Rural Governmental Structure*

corporations. The North Slope Borough is a unique case in rural Alaska because of its tax base from oil revenue. The variety of quasi-governments in rural Alaska have channeled large amounts of money to rural areas using multiple sources of funding. They provide a diverse range of services, while also protecting Native cultural values. However, the system fragments land resource ownership, political leadership, financial support, and administrative and technical skills.

**Sovereignty  
and ANCSA**

## Sovereignty and ANCSA

Berger, Thomas R., Village Journey, Hill and Wang, 1985. Historical, government study; 199 pp.

Purpose: Thomas Berger was selected by the Inuit Circumpolar Conference to head the Alaska Native Review Commission. Village Journey is his report. The book focuses on the Alaska Native Claims Settlement Act. Berger explains the history, formation, and the current effects of ANCSA. His book includes some three years' worth of Alaska Natives' testimony about ANCSA.

Findings: Berger's recommendations are:

1. Village corporations concerned that their land may be lost should transfer their land to tribal governments. Village corporations could lease the land by the tribal government; or all of the village assets could be transferred to the tribal government and the corporation dissolved.
2. Regional corporations should consider transferring the subsurface of village lands to the respective village tribal governments.
3. Tribal governments in Alaska should assert their Native sovereignty.
4. Natives should have exclusive control over fish and game on Native-owned land. State, federal and tribal governments should work together to exercise jurisdiction on state and federal lands used by the Natives.

Effect: Douglas M. Branson wrote a review critical of Village Journey in Vol. IV, No. I of the Alaska Law Review.

Branson, Douglas M., "ANCSA and 1991: A Framework for Analysis," Alaska Law Review, Vol. IV, No. I: 197-208, June, 1987. Alaska Judicial Council: Law Review Article, book review; 12 pp.

Purpose: Branson reviews Thomas Berger's Village Journey, a book that recounts some three years' worth of Native testimony about ANSCA, and prescribes a solution for ANSCA's problems. Branson enumerates the flaws he sees in Village Journey, claiming that Berger adopted a revisionist approach. Branson disagrees with Berger's conclusion that Congress forced ANSCA upon unwilling or duped Natives who lacked capable leadership.

Findings: Branson states that contrary to Berger's claims, Alaska Natives have not been "dispossessed and displaced." They had capable representation which

considered money first, not subsistence or any of the other post-ANCSA issues. Branson believes that Berger's understanding of corporation law was incomplete and suggests that the Native-ANCSA problems are mainly products of mismanagement and even malfeasance on the part of Native leaders.

Effect: See reply by David S. Case: "Listen to the Canary: A Reply to Professor Branson," Alaska Law Review Vol. IV, No. I: 209-219, June 1987.

**Case, David S.,** "Listen to the Canary: A Reply to Professor Branson," Alaska Law Review, Vol. IV, No. I: 209-219, June, 1987. Alaska Judicial Council: Law Review Article; Reply to Book Review; 14 pp.

Purpose: David Case replies to Branson's critical review of Thomas Berger's 1985 book, Village Journey: The Report of the Alaska Native Review Commission.

Findings: David Case concludes that Branson's review of Thomas Berger's Village Journey is more of an unprofessional attack than an informed criticism. He points out that Branson incorrectly assumes that Berger's book should have reflected a corporate viewpoint and not the voice of the Native people. He states that Branson's "techniques have no place in scholarly work."

**Case, David S., with Anne D. Shinkwin,** American Natives and American Laws, University of Alaska Press, 1984. Historical, legal; 586 pp.

Purpose: David Case's book gives a comprehensive description of the interaction of Alaska Natives and American laws. The publication's five sections are an introduction to the federal-Native relationship, Alaska Native lands and resources, federal human service obligations, the federal obligation to protect subsistence, and Native self-government.

Findings: Case makes conclusions within each individual section. Case points out that to understand the present federal-Native relationship, one must be aware of past legislation, policies and legal principles that have developed that unique relationship. He believes that the federal government's commitment to the state has waned in the 1980's, although ANSCA does not mandate termination of any federal services. Concerning the sovereignty debate, Case explains that whether Alaska Natives have ever exercised political control is the beginning point of the answer. The question of the right to self-government will have to be addressed before ANSCA can be considered complete. Case does not rule out the possibility of concurrent jurisdiction between the state of Alaska and Native governments.

**Conn, Stephen, "Inuit Village Councils in Alaska- An Historical Model for Effectuation of Aboriginal Rights?", Unpublished, UAA School of Justice, November 1984. Justice Center, UAA: Historical, legal; 31 pp.**

*Purpose:* The question of the right to sovereignty under consideration by the courts and Native organizations includes the question of how tribal government might establish itself. The purpose of the paper is to consider village councils as the appropriate instruments for tribal government in Alaska. Stephen Conn uses field studies, council records, interviews, and readings to examine the evolution, and inner workings of Inuit village councils.

*Findings:* Conn describes how the village council is uniquely suited to be a bridge between traditional social control and formal authority. Conn also explains why village council authority and usage declined in Alaska. The author finds that to renew the village council in Alaska three things must take place: (1) Congress and the courts must formalize the tribal authority's shared responsibility for governance with the state of Alaska; (2) the level of a village's governance should be rationally related to its resources; and (3) the individual village should also play a role in a larger regional, borough, or tribal structure.

**Conn, Stephen, and Bart K. Garber, "State Enforcement of Alaska Native Tribal Law: The Congressional Mandate of the Alaska National Interest Lands Conservation Act," 1989 Harvard Indian Law Symposium, Harvard Law School Publications Center, 1989. Stephen Conn: proceedings from Indian law symposium; 34 pp.**

*Purpose:* This paper, presented at the Harvard Indian Law Symposium on October 27-28, 1989, argues that the Alaska National Interest Lands Conservation Act ("ANILCA") requires that the State discover and incorporate community-derived tribal law (customs and traditions concerning the taking and gathering of wild, renewable resources) as the applicable minimum federal standard to the extent that conservation of the resource permits.

*Findings:* Conn and Garber conclude from the legislative history of ANILCA that the policy goal of ANILCA is to preserve Native cultural systems and activities. They next show that subsistence culture formed the core of aboriginal law of Alaska Native cultural groups, and that the indigenous system of wildlife management consisted of unwritten rules which were effectively enforced through cultural values, ethics, and sometimes taboos. Therefore, the authors conclude, ANILCA mandates preservation of Native subsistence rules, meaning that the state must look to village law in order to fulfill ANILCA's mandate. The authors warn, however, that if the state takes too rigid an approach to the process of incorporating Native custom into a state legal process (for example, by continuing to rely on individual permits and seasonal restrictions), the process will surely



fail. Therefore, the authors suggest that the state concentrate its resources on assessing the continued viability of the game populations, and let the villages regulate themselves. The state would step in only if and when restrictions on subsistence were necessary to sustain the wildlife population.

**Dena 'Nena' Henash, Minutes of Chiefs' Conference, August 1962, republished by the Association on American Indian Affairs, Inc., June 24-26, 1962. Rasmuson Library, Manuscripts and Archives Collection, Box 7, Folders 129 and 130, Sandy Jensen Collection: Historical; 9 pp.**

Purpose: This is a draft statement of the first meeting of Dena 'Nena' Henash. Also included are the minutes of the first meeting of chiefs of Nenana, on March 11, 1962.

Findings: Participants recommended that the organization join the Inupiat Paitot in their request to withdraw land around all Native villages. They also supported regulations for Native hunting and fishing rights.

Recommendations similar to these were made at a June 5-7, 1963 meeting; those recommendations are in Folder 130 of the same collection.

**Gross, Avrum, Attorney General of Alaska, Correspondence Concerning U.S.S. §2502 (Defining Alaska Native Villages as Tribes), September 12, 1978. Rasmuson Library (Gravel - Indian Policy Reform, B312-4). Legal, correspondence; 3 pp.**

Purpose: Senator Gravel received a copy of this letter to Congressman Don Young regarding 2502, "[a] bill to authorize states and Indian tribes to enter into mutual agreements and compacts respecting jurisdiction and governmental operations in Indian country." Attorney General Gross took exception to section 3(a) which he believed defined "Indian tribes to include Alaska Native villages" included in ANCSA. He felt this to be entirely inappropriate.

Findings: Attorney General Gross asked that Congressman Young amend the bill before it reached the House floor by deleting the phrase in section 3(a) relating to Alaska Native villages. Gross was particularly concerned that this bill would impact the state's interests in law enforcement, fish and wildlife management, water and resource allocation, property and income taxation, and licensing.

**Inupiat Paitot, Statement of Policy and Recommendations, Association of American Indian Affairs, Inc., December 1961. Rasmuson Library, Archives & Manuscript Collection, Box 7, Folder 128, Sandy Jensen Collection: Policy Statement; 2 pp.**

*Rural Justice Selected Bibliography  
Sovereignty and ANCSA*

Purpose: This policy statement was adopted at the Point Barrow Conference on Natives' Rights, held November 15-18, 1961. The Conference brought together for the first time representatives of Eskimo communities, and was sponsored by the Association of American Indian Affairs, Inc.

Findings: The statement stresses the need to protect wildlife resources, the right to hunt for food, and aboriginal rights, and to prohibit polar bear hunting with airplanes, and to improve education, housing and health, including better water systems.

**Inupiat Paitot, Minutes of October 18, 1962 Meeting, 1962.** Rasmuson Library, Archives & Manuscript Collection, Box 47, Folder 3, William Egan Papers: Meeting Minutes; 6 pp.

Purpose: The minutes show that delegates stressed the need to address rural subsistence game and fish regulations.

Findings: Unknown.

**Jaeger, Lisa, and Mike Walleri, Village Government Manual, Tanana Chiefs Conference, Inc., 1988.** Alaska Judicial Council Library: Legal, informational report; 81 pp, and appendix.

Purpose: This manual, prepared for the Tanana Chiefs Conference, Inc., gives extensive ideas and information on how to "set up" and operate a village government. The authors define many governmental terms and give samples of different procedural forms. Within the manual, they also give a number of agencies' addresses to contact for further specific information. Some of the topics the manual covers are the powers and limitations of tribal government, relationship of council government to other governments, constitutions, village membership, elections, recordkeeping, and personnel in the village government.

Findings: The manual makes a number of recommendations concerning the procedural aspects of the village council. This publication also finds that IRA (Indian Reorganization Act) village governments have a more secure status. IRA governments are also granted things that traditional village councils are not. The authors believe that IRA official federal recognition is helpful for the village. In regards to sovereign immunity, the publication mentioned that when a village must waive sovereign immunity, it should try to limit the scope by allowing itself to be sued only in federal court. The manual finds that federal courts are generally more favorable toward Indians.

Effect: Lisa Jaeger said that 20 of 40 T.C.C. villages have IRA status and most of the others are in the process of applying.

Karluk Village Reservation Application, Native Village of Karluk, June 30, 1939. Rasmuson Library, Archives & Manuscript Collection, Box 2, Charles Lucier Collection: Historical; 2 pp.

Purpose: Karluk petitioned the U.S. Secretary of Interior to reserve certain land and waters around Karluk, primarily to prevent outsiders from salmon fishing in or around Karluk River. The Natives felt that competition from nonresidents forced them to work for the outsiders and/or leave the village to work in canneries. The Secretary was also asked to prohibit liquor within the boundaries of the requested reserve.

Findings: Not applicable.

Effect: There is a notice of election dated May 23, 1944 for the purpose of ratifying a proclamation of May 22, 1943 creating an Indian reservation. It was ratified 46 to 0.

Law and Order Code of Native Village of Karluk, July, 1946. Rasmuson Library, Archives & Manuscript Collection, Box 2 (Legal Proceedings) of Charles Lucier Collection: Legal, historical; 25+ pp.

Purpose: This document contains the legal system and criminal code adopted by the village of Karluk. Karluk was given reservation status by the Secretary of Interior in 1939. Karluk adopted a constitution, bylaws and corporate charter, and created a village/tribal court called the "Karluk Village Court". Chapter 1 of the Law and Order Code concerns jurisdiction and administrative procedures; Chapter 2 deals with civil actions; Chapter 3 with domestic relations; Chapter 4 with sentences; Chapter 5 with the criminal code, and the balance contains legal forms. Also included in this file are Rules of Court, and a binder entitled "Criminal Docket" with three entries for July 19 & 20, 1946.

Findings: No findings/conclusion.

Law and Order Code of the Noorvik Native Community, c. 1910-1962. Mozee Papers (Subject File - Anthropological Papers - Box 4): Legal; 10 pp.

Purpose: This code established written laws and a community court in Noorvik. The community court could have the same membership as the community

council. The law and order code provided for a 4-member village police force and permitted Alaska Native Service employees to assist in preparing and presenting the facts of a case, among other things.

Findings: The publication established the following fee schedule:

Illicit Cohabitation	\$35
Adultery	\$30
Fornication	\$25
Prostitution	\$20
Failure to Support	\$30
Perjury	\$25
Assault	\$25 (not to exceed)
Assault/Battery	\$30
Carrying Concealed Weapon	\$60
Theft	\$30

(Children under age 16 could be fined from \$1-5 if it was the first offense. For additional offenses, the parents would be held responsible.)

Fraud	\$20
Receiving Stolen Property	\$25
Disorderly Conduct	\$25
Malicious Mischief	\$15
Public Nuisance	\$25

Liquor Violations:

"Any Native who shall possess, sell, barter, give, transport, or manufacture any liquor which produces alcoholic intoxication shall be deemed guilty of an offense and upon conviction thereof shall be sentenced to pay a fine not exceeding \$35 together with costs."

Gambling	\$10
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**Mertz, Douglas, Assistant Attorney General, Memorandum to Governor Bill Sheffield and Attorney General Harold M. Brown, Oct. 16, 1985. Alaska Judicial Council library: memorandum; 4 pp. plus attachment.**

Purpose: To review a request from the native village of Kaltag, transmitted by the Tanana Chiefs Conference, for retrocession to the United States of state jurisdiction over minor crimes within Kaltag.

Findings: Retrocession, authorized in 1968 by Congress, allows the State to cede to the federal government any part of the jurisdiction over Indian courts it acquired under P.L. 280 (granting the territory and later the state of Alaska

criminal jurisdiction over all Indian country in Alaska). Retrocession in effect would allow a proper tribal government to exercise criminal jurisdiction over its own members, leaving jurisdiction over non-members and over all persons who commit major crimes to the federal government.

The author concludes that retrocession of Kaltag could result in a confusing patchwork of jurisdictions, possibly depending on whether title to the land was held by a Native council, an ANCSA corporation, a non-Native, or by the city, state, or federal government. The author suggests that Kaltag's concerns (geographic distances and cultural differences that impede the state's ability to deal with minor criminal matters) might be better addressed by strengthening the VPSO program or urging the City of Kaltag to exercise its local law enforcement authority in an improved way.

Effect: The jurisdictional issues raised by Public Law 280 have been the subject of numerous lawsuits and various interpretations by both state and federal courts. For a summary of some of these, see the course materials for the Alaska Bar Association's 3rd Annual Alaska Native Law Conference, Oct. 22, 1990, available at the Alaska Judicial Council or the Alaska Bar Association.

McBeath, Gerald A. and Thomas A. Morehouse, Political Development of Alaska Natives, Institute of Social and Economic Research, December 1980. ISER, UAA: Research Summary; 4 pp.

Purposes: This summary outlines the essential points in the authors' book The Dynamics of Alaska Native Self-Government. The book assesses the modern evolution of Alaska Native self-government in the context of American politics. In assessing Native self-government, the authors list four measures:

1. Development of Native political, social, and economic structures that pursue Native goals;
2. Increased Native participation in government programs affecting them;
3. Development of economic security and a capability to protect Native cultural and environmental values; and
4. Altered Native perceptions of their control over individual and community life.

Findings: In rural Alaska communities, organizational development has grown rapidly. Participation of Native organizations in governmental programs has increased. The authors note that governmental programs have been decentralized

and are administered at the regional level, but those administering the programs lack secure resources. The authors warn that land and resource development in Native areas will ultimately conflict with subsistence resources, Native lifestyles, and environmental protection. The authors see greater Native political participation and more optimism among Native leaders.

**Miller, Lloyd Benton, "Caught in a Crossfire: Conflict in the Courts, Alaska Tribes in the Balance,"** 1989 Harvard Indian Law Symposium, Harvard Law School Publications Center, 1989. Stephen Conn: proceedings from Indian law symposium; 16 pp.

**Purpose:** This paper begins with a discussion of important historical differences between Alaska tribal villages and other Native American tribes as they relate to the issue of sovereignty, and then goes on to contrast decisions from the Alaska Supreme Court with those from the Ninth Circuit Court of Appeals on the sovereignty issue.

**Findings:** Because Alaska Natives were never conquered by the United States, and never signed land treaties with the United States, the issue of Alaska Natives' inherent sovereignty did not historically play a large role in their relations with the state, as it did with most other Native American tribes. However, as improved communication systems and other increasingly centralized state government threatened village autonomy and local control, Alaska's tribes have turned to the courts to defend their immunities and enforce their governmental powers. This tribal rights movement of the 1980's has given rise to an unprecedented level of litigation in both state and federal courts, and to two sharply divergent lines of federal and state case law.

The state cases which are hostile to sovereignty rights culminated in the recent case of Native Village of Stevens v. Alaska Management & Planning, 757 P.2d 32 (Alaska 1988). That case held that the Native Village of Stevens was not a tribe, and therefore not entitled to sovereignty, and, further, that most Alaskan Native Villages are likewise not tribes. The federal cases, represented by Native Village of Noatak v. Hoffman, 872 F.2d 1384 (9th Cir. 1989)(pet. for reh'g pend'g), recognize Alaska Natives' tribal status and therefore their sovereignty.

**Morehouse, Thomas A., The Alaska Native Claims Settlement Act, 1991, and Tribal Government**, Institute of Social and Economic Research, May 1988. Institute of Social and Economic Research: Historical, legal; 29 pp.

**Purpose:** This paper discusses the effects of ANSCA and the 1991 amendments on Native political development. Morehouse discusses the background of

*Rural Justice Selected Bibliography*  
*Sovereignty and ANCSA*

ANCSA, the 1991 amendments and the controversy surrounding the qualified transferee entities (QTE's). Morehouse uses Stevens Village to exemplify many of the problems that confront Native villages.

Findings: Morehouse notes that Natives are seeking increased self-governing powers in such areas as subsistence, liquor and drug control, education, child welfare, local courts and law enforcement. Through his analysis of the 1991 amendments, Morehouse suggests an alternative strategy for achieving the tribal government objective. Native groups should claim and exercise specific authorities that are important to the fundamentals of community life. Morehouse realizes that this is a long-term, incremental strategy as opposed to a short-cut to "sovereign" powers.

**Oakley, Karen, Alaska Natives: State Grants and Sovereignty, Unpublished, House Research Agency, April 22, 1988. Government Study; 16 pp.**

Purpose: This memo was written to answer several questions asked by Representative Alyce Hanley concerning state grants to Alaska Native organizations, and the legal basis of Native sovereignty. For the years 1985-1988, the memo lists the grant recipients, amount and purposes of the grants, and agencies who awarded the grants or contracts. The report also focuses on the current sovereignty cases in Alaska and their status.

Findings: The primary recipients of the state grants were nonprofit organizations and village councils. This was because they provide services to the villages. During 1985-88, no regional corporation received grants and only 11 village corporations received grants that totaled \$152,000. No grants were given for studying the question of sovereignty. Of the 11 village councils suing the state over sovereignty issues, 6 had received state grants or contracts.

Effect: Karen Oakley did not know of any effects this memo has had. Alyce Hanley's office may have some information.

**Tkacz, Bob, "Cowper Signs Order Recognizing Tribal Status of Natives," The Borough Post, Vol. III, Ed. 34, Sept. 21, 1990. Alaska Judicial Council Library: newspaper article, 2 p.**

Purpose: The Borough Post reported that Gov. Steve Cowper issued an order on Sept. 10, 1990 declaring that, "[t]he state believes that it should treat as a tribe any Alaska Native group that could qualify, even if it has not actually gone through the formal process (for federal recognition).

**Findings:** The order noted that the extent of powers of off-reservation tribes is not fully defined, but defined "probable powers" to include: the power to define its own membership, control its internal affairs, the right to sue in federal court, and sovereign immunity in some matters. The order went on to list powers an off-reservation tribe almost certainly would not have: to exclude non-members, to condemn property, to manage wildlife (including hunting and fishing), to regulate non-members through judicial or taxing authority, nor would off-reservation tribes be immune from state law.

**Effect:** The Borough Post reported that Alaska's than-gubernatorial candidates reacted to the order with varying degrees of surprise and support.

**U. S. Congress, U. S. S. 1843** (Constitutional Rights of American Indians), 89th Congress, June 1965. Rasmuson Library, Archives & Manuscript Collection, Box 10 Folder 66: Legislative.

**Purpose:** The Subcommittee on Constitutional Rights examined existing laws on Indians and held hearings on nine bills for the protection of the constitutional rights of the American Indians.

**Findings:** Not known; however, Senator Bartlett stated that Alaska Natives' rights were protected by state law but that Natives needed education to enable them to take advantage of existing guarantees. There are also references to a need for a model code and a request that the Interior Department study the feasibility of preparing a model code.



**Subsistence,  
Fish and Game**

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## Subsistence, Fish and Game

**Alaska Native Brotherhood of Dillingham, (Walter Noden) Correspondence Concerning Fishing Rights, January 21, 1950.** Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Interior, Fish & Wildlife, Fisheries: Historical; 1 p.

Purpose: The Alaska Native Brotherhood asked for suggestions on how to give local fishermen priority or exclusive rights in fishing.

Findings: Not applicable.

**Barrow Duck Hunt Newspaper Clippings, May 14, 1963.** Rasmuson Library, Archives & Manuscript Collection, Box 7, Folder 119, Sandy Jensen Collection: letter to the editor; 1 p.

Purpose: This folder contains the original of a letter to the editor concerning Senator Eben Hopson and six others' stated intentions to hunt ducks despite mass arrests earlier that year, and a statement from the Barrow Village Council about the Association of American Indian Affairs, Inc. meddling in Native affairs without the people's consent.

Findings: No findings/conclusion.

**Bently, Bishop, Episcopal Church of Alaska, Correspondence Series, Rowe & Bentley, 1908-1947, 1937 and 1938.** Rasmuson Library, Archives & Manuscript Collection: Correspondence; 2 pp.

Purpose: This series contains a letter Bishop Bentley wrote to Delegate Dimond to complain that commercial salmon fishing at the mouth of the Yukon caused fewer fish to be taken by Native subsistence fishermen further upstream. The Bishop proposed that limits be put on the number of fish caught at the mouth of the river.

Findings: Delegate Dimond wrote that the only way to solve the problem would be to amend the law to close the Yukon entirely to commercial fishing.

**Dimond, E. L. Bartlett, O'Conner, Charles, Correspondence Concerning Hunting Incident, November 22, 1944 - January 22, 1945.** Rasmuson (Bartlett Collection: Interior, Fur & Game - 1943-1945): Correspondence; several pp.

*Rural Justice Selected Bibliography*  
*Subsistence, Fish and Game*

Purpose: The incident of November 3, 1944 concerned game violation(s) by three Natives and one white man from Klawock who were caught by a wildlife agent with 19 deer carcasses, of which 8 were does. All of the game and seven guns were confiscated. Defendants went before a U. S. Commissioner in Craig where they were fined \$500 each and sentenced to six months in jail. The sentence was reduced to \$100 each, because the violators were unable to pay the fine, and because of family circumstances. The white man received a sixty-day suspended sentence in addition to the fine.

Findings: The Game Management Supervisor, Jack O'Conner, in correspondence to Bartlett, wrote that taking does was not warranted and that violators were not fined as heavily as they could have been. He also remarked on "disturbances" over tribal ownership of lands and an attitude of "we will do as we please."

Egan, William, and E. L. Bartlett, Correspondence Concerning Fly-In Hunters, October 17, 1960 to April 6, 1961. Rasmuson Library, Archives & Manuscript Collection, Box 3, E. L. Bartlett Collection, Fed. Dept. & Agencies, Interior, Fish & Wildlife, Fur & Game: Historical.

Purpose: In these letters Bartlett asks Governor Egan to respond to Holy Cross (Native) residents' concern about outsiders flying into and around Holy Cross to shoot moose. The Natives said it was getting harder to put meat on the table.

Findings: Governor Egan wrote back, stating that a survey showed 31 charter flights from Bethel and 5 flights from Aniak were made and that no more than 50 moose may have been taken within a 50-mile radius of Holy Cross.

Folta, George W., U. S. Dept. of Interior, Office of the Solicitor, Juneau, Correspondence to E. L. Bartlett, February 22, 1947. Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies, Justice: Fish & Game; 2 pp.

Purpose: Folta wrote to E. L. Bartlett that he had heard that fishermen were complaining that the penal provisions of the fisheries laws were not being enforced. Folta also complained that U.S. Fish & Wildlife was not doing anything about hunters using airplanes.

Findings: Not applicable.

**Kosloskey, Senator Jon M.,** Correspondence to Secretary of Interior Walter Hickel, July 31, 1969. Rasmuson Library, Archives & Manuscript Collection, Box 8, Folder 63 of Howard Pollock Papers: Historical, correspondence; 4 pp.

Purpose: Senator Kosloskey wrote to Secretary of Interior Walter Hickel complaining of an ordinance passed by the Native village of Tetlin and approved by the BIA Commissioner in 1968. That ordinance made it illegal for any person not a member of the village to hunt and take game animals within the Tetlin Indian Reserve except under permit issued by the village council. The ordinance also included a provision that the hunter be guided by a licensed guide authorized by the council.

Findings: There is no response from the Secretary in this file.

**Kwigillingok Village Council,** Correspondence Concerning Subsistence Restrictions, January, 1963. Rasmuson Library, Archives & Manuscript Collection, Box 3, E.L. Bartlett Collection, Fed. Dept. & Agencies Interior, Fish & Wildlife: Historical, cultural; 8 pp.

Purpose: In these letters the Kwigillingok Village Council objected to laws or restrictions on the hunting of wild fowl in the Yukon/Kuskokwim area. One reason for objecting was the need for food.

Findings: Bartlett told the Council that Fish & Wildlife agents would make their rounds but that their stay would be brief. Bartlett's opinion was that Natives would be allowed to take wild fowl for essential food without fear of being arrested.

**Mozee, Ben B.,** Correspondence Collection Concerning Reindeer, 1927-43. Rasmuson Library, Archives & Manuscript Collection, Box 2-4 of Ben B. Mozee Collection: Historical

Purpose: This collection contains Mr. Mozee's correspondence on the issue of reindeer ownership, and his comments on the Lomen Reindeer Company, a non-Native business that owned the largest reindeer herd in Alaska.

Findings: Mr. Mozee, a school teacher, U. S. Marshal and general reindeer superintendent, felt that only Natives should be allowed to own reindeer in Alaska.

Effect: The U. S. Congress eventually enacted legislation mandating Native-only ownership of reindeer in Alaska.

*Rural Justice Selected Bibliography*  
*Subsistence, Fish and Game*

**Mozee, Ben B.**, Correspondence to Henry Luce, October 18, 1934. Rasmuson Library, Archive and Manuscript Collection, Box 9, Folder 86, Ben Mozee Papers, Correspondence File: Historical; 1 p.

Purpose: Mr. Mozee wrote to Henry Luce, the editor of Time Magazine, to clarify an article written in Time about a Nome fire on September 1934 that purportedly burned the whole town's food supply. Mozee writes that Nome was never in danger of a food shortage.

Mozee also writes about the kidnapping of the Nunivak Island chief. According to Mozee, Carl Lomen kidnapped the chief in order to monopolize the reindeer range on the island. The chief was injured, and his year-long recuperation in Nome gave the Lomens time to get a foothold on the island for reindeer herding. During that time the Biological Survey team had apparently given Carl Lomen permission to place reindeer on the island for experimental purposes. The Natives became heavily indebted (\$7,000) to the Lomens for reindeer meat and supplies.

Findings: Not applicable.

**Native Residents of Various Villages Within and Near the Arctic Circle, A Petition**, August 13, 1949. Rasmuson (Bartlett - Fish & Wildlife, Fur & Game - 1949): Petition; 6 pp.

Purpose: In this Petition to Secretary of Interior Krug, E. L. Bartlett, Governor Gruening, et al., the Native petitioners requested that laws on game animals, fish and game birds not be further restricted.

Findings: Not applicable.

**Ohmer, Earl N.**, Alaska Game Commissioner, et al, The Sixth Annual Report of the Alaska Game Commission to the Secretary of the Interior, Alaska Game Commission, 1943-45. Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game- 1943 - 1945): Government study; 14 pp.

Purpose: This report discusses law enforcement activities by members of Fish & Wildlife Service (7 field agents and 1 part-time field staffer, 2 pilot mechanics, 2 engineers). It noted that new roads and increasing population resulted in more licenses and more game violations. More money was requested "to cope with changing conditions and increased population...."

*Rural Justice Selected Bibliography*  
*Subsistence, Fish and Game*

Findings: "There was a considerable increase in violations over last few years as there are many newcomers to Alaska who think there is no chance to get caught in a violation."

Some statistics:

Cases tried in court	143
Convictions	143
Days jail sentences	300
Fines (including court costs)	\$ 4,625.00
Value of seized articles	\$10,354.55

Ohmer, Earl N., et al, The Seventh Annual Report of the Alaska Game Commission to the Secretary of the Interior, Alaska Game Commission, 1946. Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game - 1946): Government study; 13 pp.

Purpose: The report discusses Fur & Game activities. It reports that there was more "hunting and killing (of game) than in any one year in Alaska's history," and suggests that the increase was caused by the ending of the war (and the resulting increase in discharges) and more interest in hunting. It also noted that Fish & Wildlife officers were working with fisheries agents. Additional staff and equipment for patrolling are requested.

Findings:

Some statistics:

Cases tried in court	98
Convictions	98
Jail Sentences	6 months suspended
Fines (including court costs)	\$6,710.00
Est. value of seized articles	\$3,590.00

Recommended that Natives be required to have hunting licenses.

Ohmer, Earl N. et al, The Ninth Annual Report of the Alaska Game Commission to the Secretary of the Interior, Alaska Game Commission, 1948. Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game - 1948): Government Study; 24 pp.

Purpose: This report notes increased depletion of certain wildlife species, notably white sheep and caribou, as well as moose and brown bear. The report also

discusses the planned reorganization of the Fish and Wildlife Service on May 1, 1948.

Findings: Report recommended more enforcement, more research, expanded animal control program and increased federal aid activities, and adequate equipment to administer resources on a sustained yield basis.

Cases tried in court	97
Convictions	97

\* An additional 96 cases were settled by seizure of game or fur involved.

**Ohmer, Earl N., et al.** Thirteenth Annual Report of the Alaska Game Commission to the Secretary of the Interior, Alaska Game Commission, 1952. Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game - 1952): Government study; 42 pp.

Purpose: Report notes that increased military presence and construction activities posed a "real threat to maintenance of the territory's wildlife." The report also notes that the military provided assistance with enforcement in cooperation with Fish & Wildlife.

Findings: The report contains the following statistics:

Wildlife Violations	226
Convictions	197
Acquittals	2
Settled Cases	27
Fines	\$17,780 (\$1,040 suspended)
Jail Time	2,490 (985 suspended)

**Ohmer, Earl N., Alaska Game Commissioner, et.al.** Fifteenth Annual Report of the Alaska Game Commission, July 1, 1953 - June 30, 1954. Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game - 1954): Government study; 36 pp.

Purpose: In the foreword to this report the authors conclude that, "[t]he status of Alaska's wildlife has improved in the past few years despite increasing pressures." Report highlights Alaska wildlife management.

Findings: This Annual Report contains the following statistics:

Wildlife Violations	353
Convictions	208

*Rural Justice Selected Bibliography  
Subsistence, Fish and Game*

Dismissed	8
Settled	61
Acquitted	5
Pending	1 (2 additional on appeal from prior year)

**Preston, J. F.**, Postmaster at Egegick, Correspondence Regarding Bristol Bay Setnet Sites, February 10, 1950. Rasmuson Library, Archives & Manuscript Collection, Box 1, E. L. Bartlett Collection, Fed. Dept. & Agencies Interior, Fish & Wildlife - Fisheries: Historical; 2 pp.

Purpose: The postmaster in Egegick wrote to Bartlett to see if there was a way to protect Native "setnet sites" in the Bristol Bay region. He feared that anyone from outside the villages (Anchorage for example) could come in and take over a setnet site and deprive a Native of sustenance and income.

Findings: The Acting Director of U.S. Fish and Wildlife Service said that his department could not help, because the White Act forbids giving anyone exclusive rights of fishing.

**Rhode, Clarence**, Nineteenth Annual Report of the Alaska Game Commission, Alaska Game Commission, (7/1/57 to 6/30/58). Rasmuson Library (Bartlett - Interior, Fish & Wildlife, Fur & Game 1958): Government study; 53 pp.

Purpose: The Game Commission began to re-orient its philosophy and activities toward statehood by transferring responsibilities to the State of Alaska.

Findings: The Annual Report contains the following statistics:

New Cases Filed	308	Total Fines	\$28,895
Number Guilty	303	Suspended	5,962
Number not Guilty	2	Total Net Fines	\$22,933
Dismissed	9	Total Days Jail	2,808
Cases Pending		Suspended	2,701
(6/30/58)	12	Days Jail Served	107

The most frequent violation was taking game without a license. 1958 was a record year for cases apprehended and successfully prosecuted.



*Rural Justice Selected Bibliography*  
*Subsistence, Fish and Game*

Rothstein, Joe, "What the Kuskokwim Fisheries Flap is About," Anchorage Daily News, June 16, 1968. Rasmuson Library, Archives & Manuscript Collection, Box 10, Folder 82 (Department Files) Howard Pollock Papers: Newspaper editorial; 1 p.

Purpose: This editorial questions the true motivation behind Governor Hickel's position that a Japanese freezer ship could not legally buy salmon from the Native-owned Kuskokwim Fisheries Cooperative in the summer of 1968. Governor Hickel had said that the sale would violate the International North Pacific Fisheries Treaty, and that a domestic processor already in the area could take all production at the same prices the Japanese offered.

Findings: The editorial suggests that the Governor's remarks had actually been prompted by a domestic fish buyer who had persuaded the Governor to "scare" the Japanese away. The editorial concludes that the Native cooperative should be able to contract with the Japanese.

Effect: Governor Hickel later changed his position and invited Japanese freezer ships into the area.

Ryan, W. Carson, Jr., B.I.A. Director of Education, Confidential Report on the Alaska Reindeer Industry, June 7, 1933. Rasmuson Library, Archive & Manuscript Collection, Box 16, Folder 3, Ben Mozee Papers, Articles & Publications File: Historical, 8 pp.

Purpose: This report asks: "[i]s the government in the reindeer business to help Natives or private commercial interest?" The report discusses the historical background of reindeer ownership and applicable regulations.

Findings: Between 1914 and 1936, the Lomen family bought and acquired reindeer, so that they owned more reindeer than anyone else in Alaska.

Effect: Unknown; however, the Lomens were eventually bought out by the federal government through legislation that made it illegal for non-Natives to own reindeer.

U.S. Department of Interior, Survey of the Alaska Reindeer Service, Secretary of U. S. Dept. of Interior, February 13, 1933. Rasmuson Library, Archives & Manuscript Collection, Box 16, Folder 12, Ben Mozee Papers, Articles & Manuscripts: Historical, government study; 16 pp.

Purpose: This report evaluates management of the reindeer herds. It also investigates charges that commercial organizations were encroaching on private

interests, and introduces improved management standards. The report discusses complaints against Carl Lomen, who evidently had arranged with Native herders to pay them for use of their range for his reindeer. The reindeer mingled so thoroughly that they could not be separated.

The study concludes that the government should maintain status quo, because it would be too costly to separate the herds.

**Yupiktak Bista, Does One Way of Life Have to Die So Another Can Live? A Report on Subsistence and the Conservation of the Yupik Life-Style, Yupiktak Bista, December 1974. Rasmuson Library (Gravel - Native Interests, B565-8): Historical, cultural/anthropological; 80 pp.**

Purpose: This report is "a statement on subsistence issues in the Yukon-Kuskokwim Region."

Findings: This report surveys changes to subsistence, problems, solutions and public policy issues. The report recommends that village councils and corporations, local governments, state government programs, federal agencies, and profit and nonprofit groups develop "cultural planning" in order to determine "the possible cultural effects of all their programs." Yupiktak Bista also proposes preparing "cultural impact statements" much like Environmental Impact Statements.