

# D The Tundra Drums

The Beat of the Yukon-Kuskokwim Delta



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Roberts' Rules of Order  
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Bethel, Alaska

Thursday, February 17, 2005

## Where does all the booze come from?



Naomi Klouda/Tundra Drums

Orutsararmuit Native Council Chief Tribal Justice Ray Watson said in honoring ONC's mission statement to maintain a quality of life for its members, it has long opposed legalized alcohol that makes it way by the pallet load to Bethel on any given weekday. "The laws need to be stiffened because alcohol drains all our resources - the Division of Family and Youth Services, the court system's, ONC's. The whole root cause is alcohol."

To the right, an Alaska State Trooper seized 34 cases of vodka in Emmonak.



By Naomi Klouda  
Tundra Drums

Parking lots fill up just after 5 p.m. each weekday at Bethel stores.

People off work head in to buy groceries for their evening meals, passing by clusters of folks milling around the entryways seemingly waiting for rides or the sight of friends.

Bethel has its secret networks for buying bootlegged booze, and this is one of them:

"You wait until after five and watch for people with backpacks," said "Sam," who would only talk if promised not to reveal his identity. "They come up and ask you, 'Do you need something?'"

For \$50, \$60 or \$70 the backpacker will sell you a bottle of Vodka or R & R, Sam said.

Cab drivers waiting for fares pose another option. "Once you're in the cab, you can ask a cab driver if he knows where to get a bottle. I've heard people ask before and I've heard cab drivers say they do."

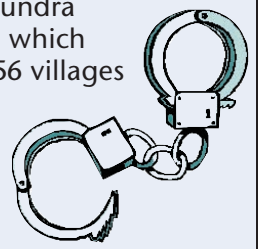
Alaska law allows "damp" communities like Bethel to order up to 10 liters of "hard" alcohol, 5 cases of beer and 5 liters of wine.

### RURAL JUSTICE

Part 4 of 4:

### Bootleggers

The Tundra Drums, which serves 56 villages in the Yukon-Kuskokwim Delta,



takes a look at the region's rural justice system in this series.

The series is available to readers online at [www.kusko.net](http://www.kusko.net)

That leaves a big legal loophole for those who take up bootlegging.

Orutsararmuit Native Council's chief justice Ray Watson calculates that amount lets people drink half a fifth, 5 beers and two glasses of wine each day when divided out over a month.

"That's way too much for an individual," Watson said.

Last year the Alaska

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## Council takes attorney control

### Council clarifies smoking ordinance

By Jon Grover  
Tundra Drums

Bethel City Council members voted to "take control" of the city's contract attorney, LouAnn Cutler of the Anchorage firm Preston Gates and Ellis. After a lengthy debate the council voted 5-2 to approve the ordinance. Mayor Hugh Dymont and council member Yolanda Jorgensen opposed the measure.

Thor Williams introduced the ordinance in an effort to give the council a more direct role in the relationship between the council

and the city attorney.

"I intend this ordinance to have the city attorney serve at the privy of the council," he said.

Dymont argued that the council already controls the attorney and that he felt Williams' ordinance was adding a layer of bureaucracy to city operations.

"We have plenty of control of our law firm," he said. "All it takes is an informed council member to ask the right questions."

City Manager Bob Herron said that he had no objections to the measure itself. He agreed with Dymont that the council

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## Five caring adults per child

### Children need adults to be involved

By Jon Grover  
Tundra Drums

Father Mike Oleksa addressed the Bethel Chamber of Commerce luncheon last week to get the community involved with a Big Brothers-Big Sisters program for children of prisoners.

The popular Russian Orthodox priest who used to serve Bethel was back in town, this time as part of a state tour on behalf of the Big Brothers, Big Sisters organization. He gave talks on the importance of being involved in the lives of

See Children, page 20



Jon Grover/Tundra Drums

Father Mike Oleksa spoke to the Bethel Chamber of Commerce Thursday on his statewide stump for Big Brothers, Big Sisters. The organization is hoping that members of Bethel churches and the community will offer to serve one hour per week to make a difference in a young child's life.

## RURAL JUSTICE, PART 3

# Justice ...

From page 1

Legislature made one adjustment: It lowered the legal limit from 12 liters hard alcohol per person to 10 liters. The powerful liquor lobby in Juneau continues to push the matter, Watson said, protesting any lowering of the legal limit year after year.

The legal limit creates excess that opens the door to illegal resale, a problem ONC brings up whenever the Bethel City Council talks about putting in a liquor store.

"The backpacker can make \$500 or so in a single evening by selling seven or eight bottles of Vodka," Sam said. "That's his job and he doesn't have to work until after 5."

Another kind of bootlegger is the "person known by a person."

"Most people don't say the bootlegger's name out loud. They just say they know where to get a bottle," Sam said. This "subsistence bootlegger," is usually a person who orders plenty and sells the extra so he can buy more.

Locating a bottle isn't that difficult. Even a Bethel police officer – wearing his uniform and sitting in his patrol car – was able to get a guy to sell him a bottle last summer.

Officer Roger Bercelline arrested the man who brought him a bottle. That case made headlines all over the state, highlighting a problem: In Bethel, even a cop wouldn't be looked at twice for wanting a bottle.

### Does this crime pay?

It is a Class C felony to sell booze without a license. Alaska law allows for a sentence of up to five years for those found guilty of bootlegging and up to a \$5,000 fine. Bootleggers make booze available where communities said they either don't want it or where it is restricted. Tribes have out-

lawed home brew, and a package of yeast needed to make it is jacked up prohibitively high in villages for that reason.

Domestic violence, fires and even murders generally can be traced back to drunken antagonists. Historical records predating statehood show tribes long frowned on booze, knowing the problems it brought. Yet, after statehood, destroying home brew stills put tribes in jeopardy of breaking the laws themselves, they were warned by state police. Territorial and then state laws didn't always allow their decisions to stand, said Bethel attorney Eric Johnson.

"It's a two-faced policy," Johnson said. "The state challenges tribes' rights to do anything about those who abuse the law."

Bootlegging is an economic problem that keeps some families in a spiral of poverty. Monarch Vodka and R&R are two cheap

brands of "rot gut" liquor that sell for \$6 to \$7 in Anchorage, then are resold for 10 times that amount in Bethel. That price increases to \$150-\$200 outside Bethel in "dry" villages where cash is often scarce.

Troopers say the big operators are the hardest ones to pin down, those who find ways to import huge quantities into dry regions.

One such person was arrested in Emmonak on Oct. 7, 2002. The local police officer found that people entering the Family Restaurant "became mysteriously intoxicated" while eating there.

A local man who said he was concerned about the damage of booze sold in the dry village offered to pose as a buyer.

He was supplied with \$150 in marked bills. He approached the restaurant's owner and soon returned to the police station carrying a 750-ml jug of Potter's Vodka, according to court records.



Alaska State Troopers and Emmonak police found 34 cases, hundreds of bottles of Potter's and Monarch Vodka at Family Restaurant in Emmonak. Box after box came in a single bypass mail shipment out of Anchorage. Each shipment of 12 bottles was valued at \$1,800 or more than \$100,000 total.

Local police who called in troopers expected to find illegally possessed booze. What they didn't expect after executing a search warrant was finding 34 cases, hundreds of bottles of Potter's and Monarch Vodka. Box after box came in a single bypass mail shipment out of Anchorage. Each shipment of 12 bottles was valued at \$1,800 or more than \$100,000 total.

Owner Chan Sik Chun, 48, was charged with Class C felony bootlegging. His brother also was originally charged, as restaurant co-owner, but those were dropped.

Police found thousands of dollars stashed around the restaurant and attached housing unit. Hundreds of dollars was found in a rice bucket, in a safe and in various moneybags for a total of \$11,549.

A Bethel jury found Chun guilty. He was sentenced to serve 50 days in jail, a \$5,000 fine and 200 hours of community service.

He also was required to write a letter of apology to Emmonak, since 1981 a dry village: "I accept full responsibility for my actions. I now realize how much alcohol has the potential to harm the people of our state.

"I also apologize because my action has not only embarrassed myself but my family and the culture of my country (Korea)."

Chun returned to Emmonak and continues to operate his restaurant.

### Detection

In order for law enforcement officers to catch bootleggers, they depend on cooperation from all over. One night, a Lynden Air Cargo worker in Bethel noticed something odd about a shipment that claimed to contain "food and liquor." A torn box exposed only bottles.

Troopers instructed Lynden to call the person named on the boxes. Then officers waited outside Lynden's in the early hours of Aug. 6, 2002. Kwang Kim, 61, arrived in his City Cab and loaded the boxes in the trunk.

Troopers then questioned Kim about what was in the boxes. Kim answered at first that he



Mike Williams, sobriety advocate

didn't know. A friend named "In Kim" was sending him an undisclosed amount of alcohol, he said.

"I think it's food and boozy," he told troopers. He said he intended to drink it all. They had him open the boxes. Inside were 76 fifths of Gilbey's Vodka.

Two years later, Kim was sentenced to two years in jail, with both years suspended; 100 hours of community service and a \$1,000 fine. He didn't serve time.

An Upper Kalskag man was also charged with importing alcohol with intent to sell after Pen Air in Aniak received a Gold

### Total seizures for 2004

795 bottles of distilled liquor  
valued at \$70,140

22.5 gallons of home brewed  
alcohol valued at \$1,600

1264 cans of beer  
valued at \$6,320

4 bottles of wine  
valued at \$200

Total estimated street value  
**\$78,260**

RURAL JUSTICE, PART 3

Streak Order. An anonymous tipster alerted the troopers that the order had been placed from a Brown Jug on Boniface in Anchorage.

Oscar Samuelson was caught after claiming a shipment of 12 750-mls of Gilbey's Vodka, 3 750-mls of Crown Royal and 1 750-mls of Raspberry Vodka.

According to court records, Samuelson said he had been bootlegging for "a long time." He said he delivered to elders two times a week and made \$1,500-\$2,500 a month from alcohol sales.

Samuelson was sentenced to 360 days, with 340 suspended for a 20-day jail stay. He was fined \$3,000 and placed on probation until the year 2008.

Too many sentence variations

Drunk drivers receive minimum sentences under state law: first offense is 3 days in jail, a \$1,500 fine, and community service. A felony offense of third-time DWI fetches a sentence up to a year in jail and a \$5,000 fine.

But bootleggers receive varied sentences. Bethel Attorney Myron Angstman said the swing is more pronounced with bootlegging than other crimes, he finds. Angstman has represented clients who sometimes received harsh sentences, while other times bootleggers get away with very little jail time, he said.

Trooper investigator Joseph Hazelaar agrees that the fine and jail time in bootlegging offenses doesn't match DWIs in harshness. Yet most people acknowledge bootleggers' actions often do as much or more damage than a drunk driver.

"But you have to remember, a lot of the work for getting minimum sentencing laws was done because of community condemnation," Hazelaar said. "Mothers Against Drunk Driving and others said enough. I don't think people have said 'enough' about bootlegging yet."

Officials worry that the same public outrage doesn't plague bootlegging. Neighbors don't turn in known bootleggers. Based on estimates from keeping tabs on Bethel residents flagged by ordering frequent and large amounts of liquor, Hazelaar believes as many as 250 people sale illegal booze.

Many are known by troopers. "We've arrested some of these three, four, six times before," he said. "It's enormously profitable. They buy cheap out of Anchorage and sell high in dry villages. The fine hardly touches their resources."

Akiak tribal leader Mike Williams, who has earned fame as an Iditarod and Kuskokwim 300 dog musher running for "sobriety," lost five of his brothers over the past 20 years to alcohol. Seventeen years ago Williams made his own commitment to a sober life.

"There were six of us. Five of my brothers are dead now, and that's an awful sad story," Williams said. "They all died

from bootlegged alcohol, and I think if there were no bootleggers, they might be alive today."

The problem is that damp Bethel is surrounded by mostly

dry villages. "This doesn't work," Williams said. "You either have to be all one or all the other, because otherwise you can't keep it out."

Investigations net big stakes from bootleggers

By Jon Grover

On any given day in Bethel, freight airliners unpack two or three pallets loaded with thousands of pounds of alcohol destined for homes.

Unfortunately, troopers say, all that alcohol leaves room for a lucrative bootlegging business. Some of the bootleggers operate in Bethel but many load snowmachines, boats or planes and peddle the alcohol in surrounding villages where it fetches a much higher price.

The best informants come from dry villages, said Sgt. Tony April, Western Alaska Alcohol and Narcotics Team supervisor. "The citizens being involved is paramount," he said. "We couldn't do anything without their help."

In January investigators with the state Troopers WAANT seized 90 bottles of 750 ml hard liquor, 336 cans of beer and 5 liters of wine.

They destroyed 10 cases of home-brew alcohol. Troopers estimated the street value of the booze at over \$14,000.

The division also seized 1,640 grams of narcotics, primarily marijuana said investigator Joseph Hazelaar. He estimated the value of the seized drugs at over \$82,000.

There are only two WAANT investigators in the entire Yukon Kuskokwim Delta. They are based in Bethel and respond to calls and perform investigations in 56 villages and the surrounding areas.

They work closely with the National Guard Counter-drug Unit based in Anchorage.

Last month in Quinhagak, a month-long investigation resulted in an arrest after troopers seized \$17,000 in cash, one pound of marijuana, two rifles and various drug paraphernalia. According to April, the homeowner will forfeit the home he was operating out of.

"We received numerous tips from villagers," April said. "This puts a major dent in Quinhagak's alcohol and drug problems. We were able to take down a major player."

Eight liquor stores ship to the Yukon Kuskokwim Delta. The alcohol is freighted through any one of the six major air-cargo companies that serve Bethel.

According to State Trooper Sgt. Perry Barr, the liquor stores do not communicate about their customers in order to limit the amount of alcohol shipped to any one person. The same holds true for the cargo carriers, he said. This makes it difficult for law enforcement to keep tabs on who imports more than the legal limit.

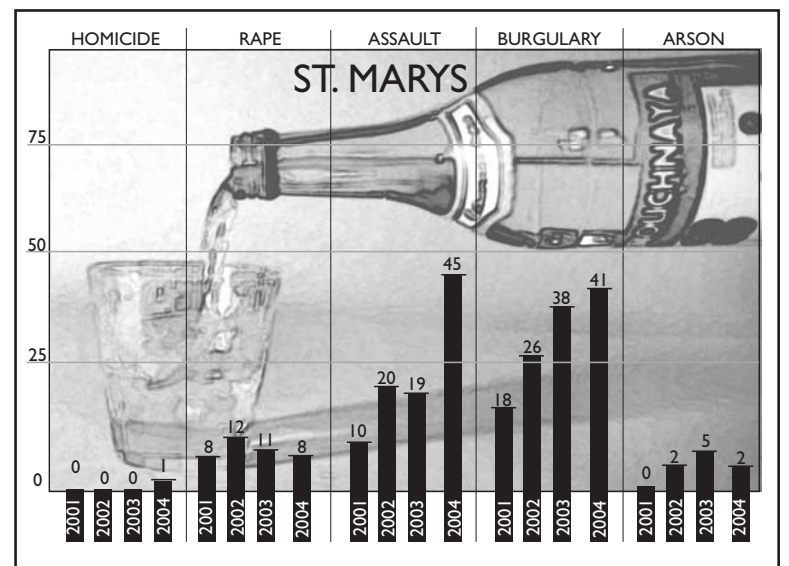
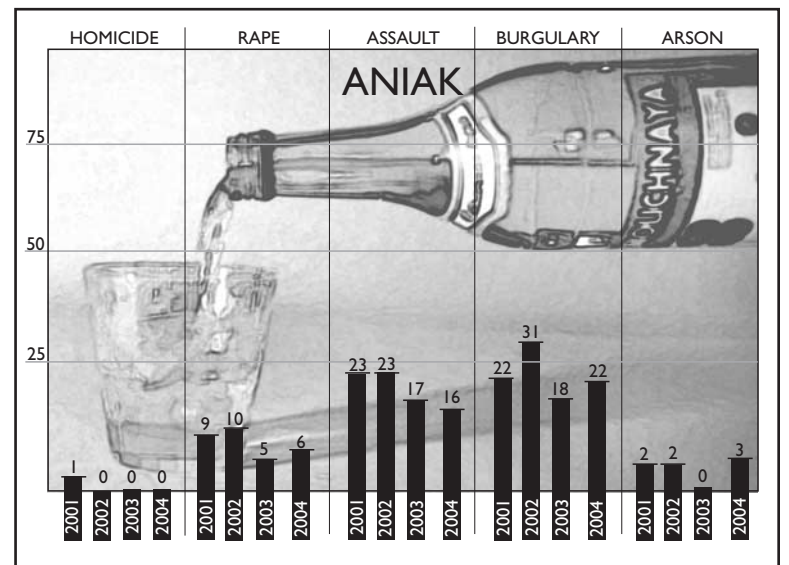
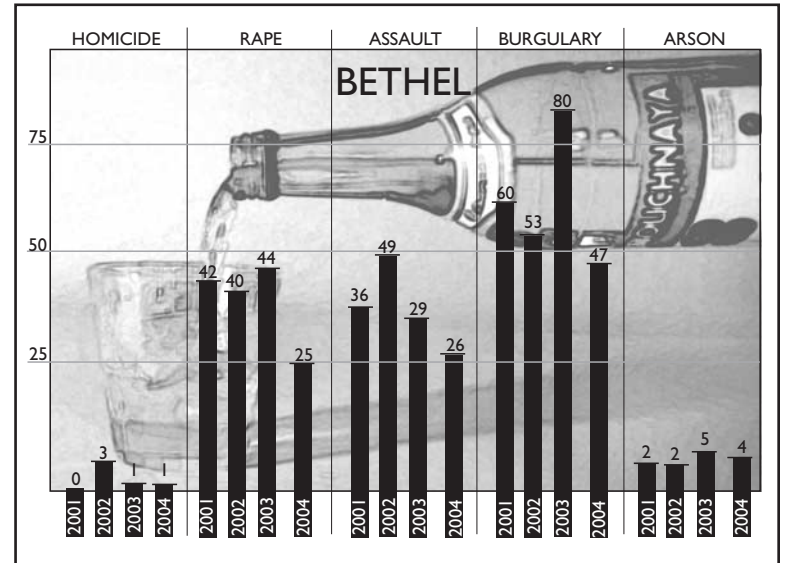
Alcohol Beverage Control Board chief enforcement officer Bill Roach said liquor stores don't keep tabs on who has ordered a monthly legal limit. A loophole allows one to order this week from Brown Jug, next week from Party Time or any of the other stores that ship to Bethel.

"But the store can't send you more at any one time than the legal limit," Roach said. A provision in the prosecution allows a "presumption of intent to sell" for a person possessing more than 10 liters of liquor.

"If a person has enough so that we suspect they have intent to sell then we will make a seizure," Hazelaar said.

Troopers have a good weapon they can use: Every week they comb through invoices and red flag frequent buyers.

Felony crime numbers for the delta



Illustration/Kristy Bernier  
Yukon-Kuskokwim Delta felony crime numbers

The provided 2001-2004 numbers on felony crimes were supplied by the Alaska State Troopers' posts in Bethel, Aniak and St. Mary's. Alcohol may not be a factor in all crimes, but it is a factor in most crimes occurring throughout the Delta, law enforcement officials say.