



1973

Interview with William R. Nix

Stephen Conn

Suggested citation

Conn, Stephen. (1973). Interview with William R. Nix. Uncorrected transcript of taped interview. Stephen Conn Papers. Anchorage, AK: Justice Center, University of Alaska Anchorage.
(<http://hdl.handle.net/11122/10035>).

Summary

William R. Nix, magistrate supervisor with the Alaska Court System and formerly an Alaska State Trooper, was interviewed in 1973 about law enforcement in bush Alaska during the early years of Alaska statehood; the relationships between Alaska State Troopers, village councils, magistrates of the Alaska Court System, and district attorneys in regional hubs; bail decisions for accused offenders; and the difficulties of establishing and maintaining a fair and equitable justice system in the predominately Alaska Native villages of rural Alaska.

Additional information

This is an uncorrected transcript of a taped interview. It contains occasional misspellings and lacunae.

Prior to working as magistrate coordinator with the Alaska Court System, William R. Nix was a law enforcement officer from 1955 to 1972 (Alaska State Troopers 1959–1972), serving in a number of posts throughout both rural and urban Alaska; and later served as Commissioner of the Alaska Department of Public Safety from 1979 to 1982 during the administration of Gov. Jay Hammond.

C.O.N.

Side 1--William R. Nix Interview

Nix: I am not that familiar with what Herb was doing with the ABCP in 1963. ~~It was~~ With statehood that the state took over the old marshal functions and the court moved into where the U.S. commissioners had been. There was a lot more effort related to law enforcement in these outlying areas and as these people were exposed to the conditions that existed there was this uncoordinated effort by a lot of people that were having a state of being contacted villages to change some of the ordinances. It was an uncoordinated effort. I was at the time involved with the Kotzebue-Shungnak-Kobuk area and even as far as Barrow. I was moving patrol out of Fairbanks into the Yukon River, Fort Yukon, Galena, Tanana and so on and at that time there were no trained police in the area or trained judges. The marshals had faded out, the commissioners had faded out and there was virtually no enforcement nor had there been.

Conn: For what period of time are we speaking?

Nix: Well, I think back from the early 1900's on. The laws that were enforced were federal laws. If a person committed a very serious crime a marshal went to the village, picked the fellow up, brought him to the U.S. commissioner and he was tried. In the village itself there was a lot of missionary influence and there were a lot of ordinances that anyone associated with the system could see were definitely unconstitutional. For instance, they would have an ordinance that said a person could not drink in a village. Now if a person violated this ordinance he was not even taken before the council. The council would have a meeting and they would fine the guy \$25.00. He would pay it. He was not represented nor did he appear or anything else.

Conn: Are you speaking of, as well, Eskimo villages and Athabaskan villages

when you related these incidents? You saw these things happening in the Fort Yukon area as well?

Nix: In the Fort Yukon area, Galena and Tanana. That was about the extent of my dealings with the Athabascans.

Conn: It seems that the councils were prompted by a number of different agencies. School teachers and, a little earlier than this, churches seemed to encourage councils speaking back. Did you get any sense of where the councils were coming? Some are traditional of course but as a law-making and law-enforcing body what essentially prompted the councils as far as you saw it?

Nix: I think it was the missionary influence or the influence of the BIA teacher who happened to be there and his attitude toward certain crimes. You would find ordinances in the village of Noorvik that put a person who assaulted or raped only two days in the local bastille or if they were drunk it was five days. Or it was a \$25.00 fine for assaulting someone but it was a \$75.00 fine for drinking. Suppose you found a well-organized little community that was trying to take care of its own problems. They would send you letters saying that so-and-so refused to pay a fine by the council and you would go in and suggest to that person that he pay the fine.

Conn: You said you reinforced a position.

Nix: I reinforced the council's position and it was That worked very well until 1964 when VISTA started to have a major influence in the communities. You would go to the village to council or suggest that a man pay the fine. A VISTA volunteer had already advised the man of his

rights and he did not have to pay the fine. You had to go tell the council, "I am sorry but what you are doing is unconstitutional. You really do not have any authority to do that." They may have been laboring under this ordinance attempting to adjudicate their own problems for 50 years and you literally kick the slats out from underneath them. The actions of the councils work fine in the village but I certainly would not want to have to work under those ordinances. You would go in with sample ordinances. I remember talking to Herb Soll and some of the other people, Bob Erwin, for instance.

Conn: Yes. I think as a matter of fact Erwin was the Assistant D.A. at that time.

Nix: Bob was a D.A. up in Nome.

Conn: Maybe that was the arrangement.

Nix: We would provide the council with sample ordinances, unorganized such as they were. They were not a legally constituted village to establish the ordinances. Therefore, if someone would not live by the ordinances it would allow us with a clean conscience to go in and charge the man under a state law which was very similar to that city ordinance and we would take a magistrate with us. But this brings up several questions. There has never been a coordinated effort to get these ordinances acceptable and the ones that have been made so I have personally been discouraged with.

Conn: This relates to the discussion that emanated out of the letter I wrote to Cooperative Extensions.

Nix: It was a second-class city.

Conn: I wrote a criticizing letter stating that they were doing a disservice and they did break down. They did make a few adjustments but as far as I know they did not straighten those ordinances out. What law are you talking about? Are you talking about that statute which allows compromising or whatever? Troopers do their work with a knowledge of what the prosecutors in a given area are concerned with. I am sure they investigate and they do a certain amount of their work with an eye to the style of the prosecutor after they have run up against that style once or twice. Your actions at that time follow in terms of the prosecutor that you are working in conjunction with. Were they explicit in telling you that they did not want all these minor village cases or was it just a product of your budget? If you started handling all these village cases, little cases, perhaps you would run out of your budget and you would be getting this kind of criticism from your own department. How did these kinds of things work?

Nix: There was no way in the world you could have prosecuted every violation you came in contact with and my standard was that when a person was disrupting the balance of the community by his actions and the village council would no longer deal with the person effectively, then I would attempt to do something. Now what I would do again depended on the trooper's own judgement rather than what he was being told to do by the district attorney because in those days the D.A.s changed quite regularly. They did not travel in the bush and we found ourselves prosecuting cases in front of juries.

Conn: Did they have many jury cases in those days?

Nix: Not really. There was a time when we did prosecute our own cases. Even in the arraignment situation we were the ones acting for the prosecution in recommending fines and those of us who were in the bush at the time would meet with the department on a regular basis. One of the things we tried to get them to do was recommend fines because we found ourselves being the judge and jury.

Conn: To whom did you recommend? The council or the judges?

Nix: To the judges.

Conn: To the magistrates in your own area?

Nix: And to the councils also.

Conn: And to councils too. Did the hearers on the council take the form out of court hearing?

Nix: Well, let's take an example. This happened in Kiana where a person from another village moved in. There were a lot of dogs in those days and of course dogs were a very critical item. The village had ordinances which said you had to stake your dogs so far off the walkways or the paths. You could not dump your dead dogs on the ice because this was where the people were getting their water. The man who moved in from the other village would not abide by these ordinances so we would sit down and discuss the situation with the council after first trying to work it out with the individual. We would ask why he did not comply with the ordinances. Didn't he realize that this was a health problem; that the children were getting bitten by his dogs and so on. Often he would comply. But if he did not you would find some state ordinance to charge him on. You would bring magistrates

into the community. The trial would center around the fact that he had dogs staked too close to the path. However, the charge may have been something related to the securing of an animal. A mean animal in those days had to be on a leash and maintained in an inclosure. It was just something you could use to get the man in front of the judge and then during the trial you talked about having his dogs staked too close to the path. If the person was found guilty, which he was in all cases, someone would ask you for a recommendation. If they were a little too harsh in their recommendation you might try to tone them down. They might want to kick him out of the village-- give him an order to go home the day after tomorrow. You would try to tell the council they really could not do that because he had the right to live anyplace he wanted to. They would agree, saying he would have to report to the council every night or perhaps they would send a letter to the magistrate at least once a month saying that he had not violated any ordinances in the city of Kiana or something of this nature. Seldom were there any jail sentences imposed or any fines. It was a conditional sentence.

Conn: Conditional on future behavior.

Nix: Yes.

Conn: Similar to suspension of sentencing--ethnic condition--very much like what they use today a great deal in the courts system. You suggested in a way that when they asked for your recommendation it was not so much that they could not think of something themselves but in some way they transferred the heat of the punishment. They make the punisher in effect appear to be the trooper instead. What do you

think of this?

Nix: I don't think so. I don't think I am being naive either. I have always felt that most of the communities I have ever dealt with had an honest desire to do what was right. Some troopers I have been stationed with in the bush, the council would not have any truck with at all. They did not want to have anything to do with them because they did not feel that the trooper, the judge or whoever was sensitive to their particular needs or that they were prejudiced or something of this nature. Where the trooper was able to develop, build a degree of confidence within the village he was asked about everything. I took Blackstone's Law Course and one of the volumes had sample forms. I carried this with me because you would go through a village and end up writing conditional sales contracts between two fellows. One guy wanted to sell his boat or his outboard engine to the other fellow but he really did not think the other fellow would pay unless he had a piece of paper saying that he had to pay. So you would sit down with the two guys and you would write out in longhand a conditional sales contract. An amount of money would be agreed upon and you would have the document sealed by the magistrate. It all had to be formally done but it really was effective. I think that when they asked you for your advice it was because they had some idea that you would give them good advice and their desire was to do what was right. Sometimes I think they would have liked the burden placed on somebody else in making that final decision. But I never made the final decision. I always avoided that. In the case of a criminal

violation I was the prosecutor and after talking with the council the magistrate would ask me for a recommendation. I might recommend that the individual go to Nome jail for 60 days or 10 days, or in times where the judge might have been a little too severe I would recommend that the sentence be reduced.

Conn: But suppose you did recommend that he go to the Nome jail. Would you have to explain this in any way to the D.A. that you were bringing this man back to Nome? There was pretty much an acceptance of what occurred in the bush?

Nix: Yes. I never reported to the D.A. on anything.

Conn: So basically the D.A. delegated the authority for prosecution of crimes in the villages to the troopers.

Nix: Pretty much, yes. I never saw a D.A. unless a person pled "not guilty" or it was a felony. There were very few "not guilty" pleas. In Kotzebue itself there were more than say in the villages. Fred Crain had a lot of influence in Kotzebue as a result of a couple of "not guilty" cases and you never want a "not guilty" plea in Kotzebue unless it was possible for Fred to defend you.

Conn: He was a private practitioner.

Nix: Yes. He was well thought of by the people. If he defended a man and the man pled "not guilty" you would not convict him.

Conn: Did he make a living just as a lawyer there in Kotzebue?

Nix: No, not really. He actually lived in Kotzebue in the earlier days but his offices were in Fairbanks. He spent a lot of time there providing free services to the people. There was no cost or very little cost involved. But we did not answer to the D.A. We pretty much did

things the way we thought they should be done.

Conn: Looking at these letters, it seems to me that what Herb Soll did last since then was really no more than the troopers had been doing previously. The impression I am beginning to get now is that finally the prosecutors were being approached for essentially the same kind of advice the troopers had been asked for.

Nix: Herb was the only prosecutor I knew who did that. It was an uncoordinated effort. Public safety was deeply involved but yet for the men in public safety there was no direction as to how to proceed. It was pretty much left up to the individual trooper. But Herb has always been that kind of guy, even when he was a prosecutor. He had a real interest in what was right.

Conn: He was promoting the justice system as a full system. What was the opinion of the judges? Did they have any impact on the work of the troopers in those days? You probably know a man in the Northwest Territories who replaced another fellow--he used to be a clerk--and he and his predecessor for many, many years have done circuit riding.

Nix: Monroe you mean?

Conn: Yes; I think there was a fellow before him that he talks about. So it seems to be there is a long tradition of circuit riding by maybe one judge or one judge and his helper in the Northwest Territories. There is nothing comparable in that nature here. I am not speaking of the judge who came out in terms of mining or who was attracted by the various gold rush strikes.

Nix: All their activities could be concentrated into several areas--Kotzebue, Nome, Barrow. I don't believe there has ever been a

district judge in Noorvik or Shungnak or Anaktuvuk. On the Yukon there was some circuit riding out of Fort Yukon but hardly anything in Tanana or Galena or Ruby, places like that.

Conn: How long were you a trooper?

Nix: I got into law enforcement back in 1955 until 1972.

Conn: Had you had previous police work elsewhere outside of Alaska? In your course of training were you trained to approach these problems in the bush or essentially was this something you acquired the talent for through experience.

Nix: There was absolutely no training.

Conn: Has that changed in terms of the formal training today? If not, how?

Nix: It is on an individual basis. I think there is less emphasis now to let a trooper develop his own method of operating in the bush. Now if there is a crime reported it is investigated, recorded and prosecuted.

Conn: Is that as true about the Nome situation as it is about the Bethel situation? In terms of a reaction of the prosecutors? It seems to be a different situation. My general impression is that there seem to be more trials in Bethel on especially misdemeanors.

Nix: I think the D.A. in Nome has more. He works closer with the law enforcement. In other words, before you arrest anybody for a felony--unless it is one committed in your presence--you get hold of a D.A. and he will decide if you are going to prosecute or not. There are fewer arrests in the Nome-Kotzebue area than there are in Bethel. There is less violence there too. But I think the number of arrests really depends on the trooper. I think the troopers in Bethel could make fewer arrests. There is something else that has

started to happen and that is the appearance of the village policeman. Whereas before the troopers provided all the law enforcement service, now there is a lot of it being provided--the day-to-day housekeeping chores--by the local village policeman. They are making arrests. Kotzebue really has not changed that much since the time I was there. The trooper there still works very closely with the councils and there are a lot of arrests he could make that he probably has handled at a local level. Of course it is a smaller district with better communications and there may be more interest by that D.A. because he is not flooded by cases.

Conn: Well I do not put any moral thing or qualitative thing on it. It just seems like there are more cases there. I think I could probably give 12 reasons why there might be. There is a great desire to have a permanent D.A. and a permanent public defender. There are generally a lot of cases. It may be the drinking problem is worse. There could be a million reasons. It is very hard to find causes these days. I just think that seems to be the effect. Looking at the way it was when you were doing this, how many villages would you say that you had? The places where you handled cases amounted to 40 at least or more?

Nix: I have worked in every area of the state. I have been in every settled community in the state of Alaska with the exception of Atka.

Conn: Professionally?

Nix: Professionally--well now I will take that back. I have been in Anatuviik Pass but I was delayed there two hours because of Wien. I walked around, said hello and shook a few hands but I did not investigate any cases.

I have done that in some of the villages out westward. But professionally I have probably worked in most of the villages either as when I was a rolling patrol officer out of Fairbanks, when I was stationed out there, or when I was supervising the police activities in these areas.

Conn: As a trooper then, in terms of an exploration of your approach, you tried to solve the thing locally, relating it to the local laws in the local situation. You used the possibility of state prosecution as essentially a second step to be used in particular cases where the person was not essentially to the local law. Now is there an assumption--when a serious case comes to a prosecutor or where a trooper who is less familiar with the area is called and there is a village policeman available--that the local people are calling him because there has already been an attempt by the local people to resolve the matter. Does he assume that as a matter of course or does he inquire into that to see whether it has taken place?

Nix: It hinges on the village. Some villages will call you every time a drunk steps out of his house. Some won't call you until there is nothing more they can do with the individual. Now they may have handled him locally a dozen times through the council or village policeman but he still does not abide by the village rules. Then they will call the trooper.

Conn: When the troopers were both acting formerly as prosecutors they were pretty much left alone to do what was necessary. What they were doing was linking the things they were doing as far as informally trying to

reinforce the council authority and if that failed then act informally as prosecutors if necessary or tapping into the formal system if necessary. Now, when the D.A.'s get involved you run into another situation. You run into a situation where if there needs to be a formal action, the D.A.'s take it. They take it based on a certain amount of information. Are they in as good a position as the troopers were in earlier days? You pointed out that there are certain villages that call a trooper for a formal prosecution all the time and others do not. From what you intimated before, it would seem that the troopers were there for two reasons. One is that maybe they would be encouraged to go more and more "by the book," make the investigation, report the facts and hand it over to the prosecutor who will make the decision as to whether there should be a formal prosecution or not. That is the formal way. That is the way you learn about it. If you said the people do it that way it means that the prosecutor who is maybe less close to the facts--especially the key question as to whether the village has had a chance or wants or desires to resolve it--make a decision based on fewer facts than the trooper had in the earlier days. What are your impressions of that? Do you think things have changed that much? Or did things change even while you were still acting as a trooper in that direction?

Nix: A lot hinges on the district attorney. Let's say you watch him get rid of cases that troopers have developed in the Bethel area. This is the way they do it. Judge Sanders will send the prosecutor and the public defender out to negotiate or whatever on a block of seven cases.

Then they will come back in and explain what is going to happen.

There really is not a lot of concern at that stage about what actually happened in that village,,what the person has done in that village, nor the need to get him out of the village so the village can settle down.

Conn: Suppose the trooper comes in and he knows--because he is acquainted with the village and deals with them on a constant basis--that here is an individual that can^s be sent back to the village. Of course that has bearing on the question of release, where to release him, etc. Is that kind of expertise which is different from the PD who has not had the chance to investigate the case? The DA who does not expect the trooper to do it for him, the judge; is that tapped into--is it utilized?

Nix: This was the way I did it quite often and the way some troopers were doing it while I was still with the department. When they ran into that kind of a situation they would avoid the district attorney's office. In maybe what was normally an aggravated assault, the trooper charged as disorderly conduct. It was handled by a local magistrate where the man pleads guilty rather than charging him with a felony that is going to automatically bring him into the system. I won't say that it is done now but it has been done quite often in the past. The local council is the one that is very progressive--aggressive--wanting to have great control over their own people in their own village who will do exactly the same thing. You will see statistics that report disorderly conducts, assault and battery, so on and so on, but if you read the narrative of the case report there are many of them that are rape, aggravated assault or mayhem.

Conn: Such as assault with a deadly weapon.

Nix: Right. That appears as disorderly conduct or whatever--drunk in public.

Conn: Well these would seem to be cases where the village wanted to handle it themselves and they did feel the person should be sent out of the village.

Nix: They did not look at the severity the same as a district attorney would or a public defender would. In Bill Garrison's shop he wants in on everything that is going on and that is just about every felony case. Now that is not the case in the 4th judicial district or in the 3rd judicial district because these district attorneys are far removed from the lower Kuskaquim or the Alutian Chain and in that case the trooper is called to the village. He will make a judgement as to how to proceed. Now he may go through the local council if he can, by a reduced charge, or he may just charge as the investigation warrants without any consideration of what the village wants or needs or of the individual. This is an aggravated assault and this is what the charge is. Some of them are a little depressed because their training is to investigate and produce the evidence that would supposedly convict for aggravated assault they find is--after it is cranked into the system and everybody's gone through all these steps--still reduced down to disorderly conduct. He looks back and sees the hassle that the individual was put through because of the way he charged or he sees all of his work going down the tube. The D.A. just made a judgement or the plea bargained it out.

Conn: What would be the effect of that then. Would that encourage him to run the cases through the local magistrates or try to get it solved locally in some fashion?

Nix: Well quite often it does nothing more than have him going around bad-mouthing the system and especially if it is a case in which he has taken all the things into consideration. The case has been handled locally for a number of times and the man has to get out of the village. If he does not, the chances are that that somebody is going to kill him if he goes back. Or he is going to come up missing and quite often the village will place a lot of trust or a lot of confidence in the trooper in getting the man out of the village.

Conn: Yes, this raises a very interesting question that I have discussed with several people. It is a matter of the mutual belief by different professionals like public defenders, judges and D.A.s that in cases where there has been a murder or a very violent act and the person has been removed from the village, that they cannot send that person back to the village. I think Nora Gwinn holds this opinion too. I think it is held by a number of different people. You cannot send the person back right away because there will be retribution by somebody in the village.

Nix: Definitely.

Conn: Would you know of specific instances where this has occurred?

Nix: Yes. There was a recent case in that section of the Yukon where it starts to merge Athabaskan eskimo. It was probably a second degree murder and the person was charged and taken out of the village.

Then through some negotiation between the public defender, prosecutor and the judge the man was given a suspended sentence and sent right back to the village. I was talking to one of the prominent businessmen in the village and he was asking me about it when he came into town. I told him I did not know the circumstances of the case and he related them to me. I said that that was the way the system works and that was what the judge felt was the best to do. He said it did not make any difference. "We'll get him." He was telling me what I know about their custom; their way of handling these things, especially the Athabaskan. There is no doubt in my mind that sometime, maybe a year from now or five years from now, this fellow's skiff will be found floating in the river if he stays in the country.

Conn: Do you know of specific cases where that thing has happened?

Nix: I suspect that they have happened. I would not say that I know, but I am sure that that is what happened. They found the boat but never found the man.

Conn: Would you say that this is more of a problem with the Athabaskan villages than in southwest or northern areas?

Nix: I think it is more of a problem with the Athabaskan but the same problem exists in the Eskimo settlements north and south or northwest in the lower Kuskaquim Yukon. This case happened about 1967 where there was a village in the Yukon. There was a "bad guy" in the village. His thing was to get drunk and he would start raping women. I call it rape--he was knocking doors down, whatever. He had been doing this for a couple of years and he had almost a year in jail for something of this nature.

One night the husband of one of the victims--and this woman had been assaulted about two or three years previous to this time--got a bottle and was drinking. He got his 30-30, walked out of his house never saying a thing to anybody, and went over and shot this man. Through the follow-up investigation we found out the reason he had done it was because he had been burning over what this fellow had done to him and his family three years prior to this. These feelings run deep and in many cases there is retribution.

Conn: Irregardless of what the court system does.

Nix: Yes.

Conn: If the man goes back there is going to be eventual retribution.

Nix: It may not end up as violent or severe as a death but there will be some kind. They will poison his dogs, wreck his snow machine, break the windows out of his house, or if he has children they are liable to terrorize the children. Unalakleet used to be great for that. If somebody would not abide by the village rules everybody would walk by the man's house and pick up a rock and throw it through the window.

Conn: That is effective. It does not appear that the court system communicates back to anybody in the village. A man is put out on probation as invariably they are, with some conditions or even the condition of a suspended sentence or probation or suspended imposition of sentence, no matter what. Then those conditions do not seem to be communicated back to anybody in authority in the village--the magistrate or the policeman--and the policeman has another contact with the individual. He does not even know what the posture of that individual is and invariably you do have contact with the same people again and again.

Nix: I have found that when I go into a village or I am meeting with a council or something, invariably, someone will always bring up the question of why "so-and-so" is back in the village or what happened to him. We have talked to probation and we have talked with corrections. It is kind of an in-house problem too because the person could be placed on bail for a serious offense in St. Mary's for instance. He is transported to Anchorage because there were no holding facilities there in the past (there are now). He comes up for a bail review and he is released on his OR, put on a plane and sent back to whatever village he came from.

Conn: Especially now that they have these social services funds providing the money to send people back.

Nix: Whoever. We used to do it on the "QT" or we would get somebody to do it. I think this particular problem will be corrected. We purchased recording equipment for most of the magistrates' posts, about 90% of them. Especially in the area of bail review according to the new rules, the district judge hearing that bail review will have a tape to refer to concerning why that magistrate set the bail as they did. There will be some way for them to make a judgement. In the past there had been nothing. The man showed up with a public defender or whatever and no information.

Side 2--Nix

Conn: Let's establish the new rule. Let's say a man is charged and he comes up in front of Dorothy Kamaroff. There would be a bail hearing and a tape of her hearing. Would the tape be sent along to determine if the person should or should not be let out? I don't understand.

Nix: Say the person is arrested in Emmonak for a very serious assault. This may be the 4th or 5th time he has assaulted somebody in the village in the last two months. She sets the bail, for an example, at \$2,000.00 and he cannot make bail. The troopers transport him to the nearest correctional institution. Say that he got to Bethel or to Anchorage. He is entitled to a bail hearing within 24 hours after he has arrived at this institution or he has been transported the way he was before. In the past there has been nothing, or virtually no information travels with this man. He shows up in Bethel on \$2,000.00 for assault and battery and he wants the bail reviewed. If he has the opportunity to get a public defender he comes up and he states his circumstances and the judge has nothing on which to make judgement. Generally he will release the guy on his OR. And he will find his way back to the village. Everybody in the village is up in the air about it. Why is he back in the village? Well, now there will be a tape follow or be transported with the defendant. Now the district judge has some method of determining if this is a correct bail or not. If she decides to let the person off or out on their own, or if he does, we had a new form-- reporting form--in trying to standardize the reporting procedure within the magistrate and district court. Then we will know why the person was released on his OR and the conditions of that release.

In a term, we have got it tied in now so that we will be able to correspond directly with Dorothy Kamaroff in Emmonak. We can say that this is the reason, so if anybody asks you, now you know. In the past the magistrates, police and everybody else were taking a lot of heat from the community as to why the person was back.

Conn: In terms of male statute, or the Alaska male statute which is not far off from the Federal, this would probably be very difficult to not let a man off with overconfidence. When is that going to be effectuated?

Nix: Pretty much now. Our last two seminars we have had with the bush magistrates.

Conn: That means that hearing on the magistrates are going to be video taped or is it by cassette?

Nix: Cassette, tape recorder--a little log so that the hearing judge can get to any part of the hearing.

Conn: Where will these cassettes end up? Say, for example, the one at Nora Gwinn's court?

Nix: Or here in Anchorage, wherever the person's--wherever that prisoner is--the tape will be with him or with his criminal jacket containing all the other things that the court will need. It will stay there. Once the case is taken care of and the cassette goes back to Central Supply point.

Conn: Those could be pretty interesting cassettes.

Nix: Oh it would be great. My concern would be the thought expressed by all the judges--the correctness of the procedure, a hearing. When it relates to bail, the last two seminars we have stressed very strongly the technique of applying bail like nonsecured surity rather than demand

that the man produce cash. He has lived all of his life in one place; he is never going to live anyplace else. If it is just a means to get him out of the village then that is wrong and we are trying to impress on them that this is wrong. Yet they can have almost as much effect or better effect if they will set forth a law and list the conditions that are going to make him a good citizen, at least until he is heard, until his case comes up. But they do not understand bail; they just do not understand bail and I find out that a lot of state troopers or policemen in the system do not understand bail.

Conn: There is probably a lot of pressure on the magistrate to get the person out of the village and the way to get them out is to get them out. If getting them out means saying they are notailable so as not to release them; or maybe release them on the recognizance in Bethel or Nome but not in the village. It goes back to that same problem we were talking about of retribution--the possibility of retribution--and maybe they are thinking of the safety of that individual. We would rather see him sent out.

Nix: I would go back to my experience like with these conditional sales contracts. A fellow's will^{to} sell the motor to a man that he does not trust or that he does not believe will pay unless he has the paper. I think that nonsecured surity or bail conditions would be just as effective if everyone in the village knew these conditions and made the man sign the agreement until such time as his trial came up.

Conn: And somehow publicize it.

Nix: We are publicize it. If he violates the conditions of that bail, out he goes. I personally think that it would be a satisfactory way of handling it at a local level.

Conn: Yes. It is a lack of publication which seems to be a problem throughout; a lack of publication and disposition of cases. Here is a man who was gone; he shows up again; what happened, nobody knows.

Nix: Well in talking with the council in connection with these facilities as being put out in the bush, they can see and we are helping them to see all the ways that these can be used. That is, not sitting as a tiger pit or some hole in the ground or well that you put people in.

Conn: No, far from it.

Nix: Taking a person from the community is not always the best deterrent for that person because if he comes to Anchorage he may like to travel. He may like the clean sheets, the three squares a day and the colored television. In some cases this may not be confinement but a vacation. And you can listen to them and they talk that way.

Conn: Well people here still talk that way. You can still hear these stories where people who were removed find it a pleasurable experience.

Nix: This just happened in Kotzebue, or in the Kotzebue Borough. This boy wanted to be arrested and sent out of the Borough. The trooper refused to do it because he had not committed any crime. So the fellow got his rifle, backed off from the trooper's house and put eight or ten slugs through the house.

Conn: Well I know the case but I did not know that it was prompted by that.

Nix: That was prompted because the guy wanted to get out of the Borough and he got out pretty easily.