

IN THE
Supreme Court of the United States

KENNETH J. JOUPPI,

Petitioner,

v.

ALASKA,

Respondent.

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF ALASKA

**BRIEF OF *AMICI CURIAE* ASSOCIATION
OF VILLAGE COUNCIL PRESIDENTS,
COPPER RIVER NATIVE ASSOCIATION,
MANIILAQ ASSOCIATION, AND TANANA CHIEFS
CONFERENCE IN SUPPORT OF AFFIRMANCE**

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**STATEMENT OF INTEREST
OF THE *AMICI CURIAE*¹**

Amici Association of Village Council Presidents (AVCP), Copper River Native Association (CRNA), Maniilaq Association, and Tanana Chiefs Conference (TCC) are Alaska Native Tribal consortia representing over 100 federally recognized Tribal governments that deliver a range of governmental, health, public safety, and social services across four regions of rural Alaska.²

1. Pursuant to Supreme Court Rule 37.6, *Amici Curiae* affirm that no counsel for a party authored this brief in whole or in part and that no person or entity other than *Amici*, *Amici* member Tribal governments, or *Amici* counsel made a monetary contribution intended to fund the preparation or submission of this brief.

2. *Amicus* AVCP is a consortium of 56 Tribal governments in the Yukon-Kuskokwim region of Western Alaska, including: Akiachak Native Community, Akiak Native Community, Algaaciq Native Village (St. Mary's), Asa'carsarmiut Tribal Council (Mountain Village), Chevak Native Village, Chuloonawick, Native Village, Emmonak Village, Iqugmiut Traditional Council, Kasigluk Traditional Elders Council, Lime Village, Native Village of Chuathbaluk (Russian Mission, Kuskokwim), Native Village of Eek, Native Village of Georgetown, Native Village of Goodnews Bay, Native Village of Hamilton, Native Village of Hooper Bay, Native Village of Kipnuk, Native Village of Kongiganak, Native Village of Kwigillingok, Native Village of Kwinhagak (Quinhagak), Native Village of Marshall (Fortuna Ledge), Native Village of Mekoryuk, Native Village of Napaimute, Native Village of Napakiak, Native Village of Napaskiak, Native Village of Nightmute, Native Village of Nunam Iqua, Native Village of Nunapitchuk, Native Village of Paimiut, Native Village of Scammon Bay, Native Village of Tuntutuliak, Native Village of Tununak, Newtok Village, Nunakauyarmiut Tribe, Organized Village of Kwethluk, Orutsararmiut Traditional Native Council, Oscarville Traditional Village, Pilot Station Traditional Village,

Pitka's Point Traditional Council, Platinum Traditional Village, Tuluksak Native Community, Umkumiut Native Village, Village of Alakanuk, Village of Atmautluak, Village of Aniak, Village of Bill Moore's Slough, Village of Chefornek, Village of Crooked Creek, Village of Kalskag (Upper), Village of Kotlik, Village of Lower Kalskag, Village of Ohogamiut, Village of Red Devil, Village of Sleetmute, Village of Stony River, and Yupiit of Andreafski.

Amicus CRNA is a consortium of six Tribal governments in the Copper River region, including: Native Village of Cantwell, Native Village of Copper Center/Kluti-Kaah, Native Village of Gakona, Gulkana Village Council, Mentasta Traditional Council, and the Native Village of Tazlina.

Amicus Maniilaq Association is a consortium of 12 Tribal governments in the Northwest Arctic region, including: Native Village of Ambler, Native Village of Buckland, Native Village of Deering, Native Village of Kiana, Native Village of Kivalina, Native Village of Kobuk, Native Village of Kotzebue, Native Village of Noatak, Noorvik Native Community, Native Village of Point Hope, Native Village of Selawik, and the Native Village of Shungnak.

Amicus TCC is located in Alaska's Interior region and is a consortium of 37 Tribal governments and five Tribal entities (not listed below), including: Alatna Village, Allakaket Village, Anvik Village, Arctic Village, Beaver Village, Birch Creek Tribe, Chalkyitsik Village, Circle Native Community, Evansville Village (aka Bettles Field), Healy Lake Village, Holy Cross Tribe, Hughes Village, Huslia Village, Koyukuk Native Village, Loudon Tribe, Manley Hot Springs Village, McGrath Native Village, Native Village of Eagle, Native Village of Fort Yukon, Native Village of Minto, Native Village of Ruby, Native Village of Stevens, Native Village of Tanacross, Native Village of Tanana, Native Village of Tetlin, Nenana Native Association, Nikolai Village, Northway Village, Nulato Village, Organized Village of Grayling (Holikachuk), Rampart Village, Shageluk Native Village, Takotna Village, Telida Village, Village of Dot Lake, Village of Kaltag, and the Village of Venetie.

For many small and remote Tribes in Alaska, economies of scale make it extremely difficult to provide all government services to which their citizens are entitled. Therefore, these Tribes have chosen to join together to form self-governing Tribal consortia that serve multiple communities across their respective regions. These consortia are generally formed around cultural, historical, regional, and ecological bonds, and allow Tribes to pool their resources and take advantage of efficiencies of scale when providing government services for their member Tribes. Each *Amicus* thus represents Tribal governments coming together to exercise self-determination to meet the needs of their citizens, including through the operation of health care facilities, support for tribal administration, and the deployment of public safety and social service programs “appropriate to their diverse demographic, geographic, economic[,] and institutional needs.” S. Rep. No. 100-274 (Dec. 21, 1987), *as reprinted in* 1988 U.S.C.C.A.N. 2620, 2625 (Select Committee on Indian Affairs Report). Tribal consortia also serve as a unified advocacy voice for their member Tribes, providing individual Tribes with the ability to engage in policy discussions without incurring the heavy financial and administrative burden of each doing it by themselves. Alaska’s geography demands creative solutions, and Tribal consortia are a practical, efficient model of Tribal self-governance.

Amici and the Tribal governments they serve understand firsthand the harms that the unlawful importation of alcohol brings to their communities. Accordingly, the majority of the Tribal governments comprising *Amici* are located in communities that have elected to adopt some form of the local option available

to them under Alaska state law to prohibit or limit the importation, possession, or sale of alcohol. *See Schedule of Local Option Communities*, STATE OF ALASKA, DEP'T OF COM., CMTY., & ECON. DEV., ALCOHOL & MARIJUANA CONTROL OFF., <https://perma.cc/YSK3-AQE5> (hereinafter “*Schedule of Local Option Communities*”).

SUMMARY OF ARGUMENT

This case cannot be considered outside of its geographic context. Alaska is the largest state by land mass by a wide margin—over two times as large as the next largest state (Texas)—but is the least densely populated state.³ Nearly half the population lives in the State’s urban center in southcentral Alaska, while 17% of Alaskans live in rural Alaska—remote communities with under 2,500 people, many with just a few hundred residents or less. *Id.* Alcohol has been a primary factor in an overwhelming majority of incidents of interpersonal violence and accidental injury in rural Alaska. The remote and isolated nature of rural Alaska, coupled with decades of State neglect and centralization of power and services in urban areas, has left rural Alaska Native communities without adequate resources to provide for the comprehensive government services needed to address the harms of alcohol, or even the emergency services needed to respond to an incident involving a single intoxicated person. As a result, alcohol’s well-documented personal and social harms are worsened in communities—like many served by *Amici*—that lack

3. Alaska has 1.3 persons per square mile. *See Overview of the State—Alaska—2023*, U.S. DEP’T OF HEALTH & HUMAN SERVS., HEALTH RES. & SERVS. ADMIN., <https://perma.cc/9WMF-53KT>.

full-time, armed law enforcement and robust health and social services.

It is against this backdrop that the Alaska Legislature enacted the State's local option law, empowering Alaskan communities to ban or place limitations on the importation, sale, and possession of alcohol, with penalties sufficient to serve as a realistic deterrent. As the Alaska Legislature understood, once alcohol has arrived in a small community with no formal law enforcement and limited emergency response services, it is simply too late to stop the harms it might cause. In enacting local option and the related forfeiture statutes, the Alaska Legislature prioritized public safety and local control, and provided a tool for small, predominantly Alaska Native communities to protect themselves.

In contrast, Petitioner ignores the uniquely Alaskan context for the local option statutes, misrepresents the facts of the case, and prioritizes the value of his personal property over the well-being of the Alaska Native communities from which he profited. Petitioner frames his crime as minor and the punishment as excessive—"a Cessna for a six-pack," in his telling. Pet. Br. 35. Yet the established facts of the case show that Petitioner nearly transported *nine gallons* of alcohol to a village that had banned alcohol entirely. Furthermore, the tremendous personal and social harms caused by alcohol in Alaskan communities are not consequences in the "abstract," Pet. Br. 37; they are well documented and are the foreseeable consequences of Petitioner's actions had he not gotten caught. These well-established harms put the gravity analysis into clearer perspective and underscore the reasonableness of the forfeiture here. Indeed, the central

question in this case is whether the seizure of a piece of personal property—even an expensive one—is reasonable to avert the catastrophic consequences that the Alaska Legislature recognized might unfold from bringing *any* amount of alcohol into an isolated community, against the community’s explicit wishes. The framing is not “a Cessna for a six-pack,” but rather:

A Cessna for a life?

A Cessna to avoid a sexual assault or a devastating incident of domestic violence?

A Cessna to prevent a child from being abused or neglected?

A Cessna to prevent an accidental, debilitating injury?

A Cessna for an Alaska Native community’s ability to meaningfully exercise its choice to protect the health and safety of its residents?

The Court should affirm the decision of the Alaska Supreme Court.

ARGUMENT

I. Rural Alaska Faces Significant Challenges—and Dire Gaps—in the Delivery of Public Safety and Law Enforcement.

A. The realities of rural Alaska are essential context in evaluating this case.

“[S]imple statements cannot capture the vastness or the Nativeness of Alaska.” INDIAN LAW & ORDER COMMISSION, A ROADMAP FOR MAKING NATIVE AMERICA SAFER: REPORT TO THE PRESIDENT & CONGRESS OF THE UNITED STATES 35 (Nov. 2013), <https://perma.cc/V9LL-GU74> (hereinafter “ILOC REPORT”). Alaska is by far the largest and least densely populated state in the United States. *See, e.g., id.* at 35; ALASKA COURT SYSTEM ACCESS TO JUSTICE COMMITTEE, ALASKA’S JUSTICE ECOSYSTEM: BUILDING A PARTNERSHIP OF PROVIDERS 1 (2017), <https://perma.cc/MA7W-AC96> (hereinafter “ALASKA’S JUSTICE ECOSYSTEM”). Alaska communities are correspondingly remote: most communities in the state can only be reached by air, water, or four-wheeler, or, in the winter, snowmachine or dog sled. *See* ALASKA NATIVE JUSTICE CENTER, INITIAL REPORT & RECOMMENDATIONS OF THE ALASKA RURAL JUSTICE & LAW ENFORCEMENT COMMISSION 23 (2006), <https://perma.cc/ZP72-NHK2> (hereinafter “RURAL JUSTICE REPORT”). Travel by air in rural Alaska is usually in a small single-engine plane to an unpaved airstrip, and the airfare may exceed the cost of flying from Anchorage to Seattle. *Id.* at 24. The dependence on air travel means that rural Alaska is one of the most inaccessible areas of the United States in which to obtain emergency services. *Id.* at 11.

Alaska is home to 229 federally recognized Tribal Nations: approximately 40% of the federally recognized Tribes in the United States. *See Indian Entities Recognized by and Eligible to Receive Services from the United States Bureau of Indian Affairs*, 91 Fed. Reg. 4102, 4105–06 (Jan. 30, 2026); ILOC REPORT at 35. Tribes in Alaska have been caring for their people and stewarding Alaska’s lands, waters, and wildlife, for millennia. *See* ALASKA COMMISSION ON RURAL GOVERNANCE & EMPOWERMENT, RURAL GOVERNANCE REMAINS UNFINISHED BUSINESS IN ALASKA—A CALL TO ACTION i (2014), <https://perma.cc/J6YC-JSML> (hereinafter “UNFINISHED BUSINESS”). Most of the Tribes in Alaska are based in small villages located off the road system, and the majority of rural Alaska residents are Alaska Native. *See* ILOC REPORT at 35. While Tribes in rural Alaska are politically independent sovereign governments, each community is quite small, with many consisting of approximately 250-300 residents, many of whom share family or clan affiliations. *See, e.g.*, ILOC REPORT at 35; RURAL JUSTICE REPORT at 1–3. Beaver, the community that Petitioner attempted to fly alcohol into, has a population of 48 people. *2020 Census Data for Redistricting, Beaver ANVSA*, STATE OF ALASKA, DEP’T OF LABOR AND WORKFORCE DEV., <https://perma.cc/XHG9-5YXC>. Of that population, 47 of the village’s residents are Alaska Native or American Indian. *Id.* To put it simply, the majority of Alaska is rural, and the majority of rural Alaska is Alaska Native. *See, e.g.*, RURAL JUSTICE REPORT at 23.

B. The public safety and law enforcement resources available in Alaska villages are inadequate.

There is a direct relationship between the conditions facing rural Alaska—isolation, fiscal poverty, lack of self-governance authority—and health and safety threats such as alcohol and other substance abuse, domestic violence, child abuse, crime, health disparities, and others. *See* RURAL JUSTICE REPORT at 22; ALASKA’S JUSTICE ECOSYSTEM at 2. Alaska has a dismal record on numerous public health and safety metrics, and rural Alaska fares even worse. For example, Alaska consistently ranks near the top of national rates for domestic violence, sexual assault, and suicide. *See, e.g.*, ALASKA’S JUSTICE ECOSYSTEM at 2; ILOC REPORT at 43; RURAL JUSTICE REPORT at 9. A 2017 Alaska Court System report noted that over half of the civil cases filed in the state courts involve domestic violence. ALASKA’S JUSTICE ECOSYSTEM at 9. Alcohol inflames each of these other issues. And the numbers in rural Alaska are “systematically the worst in Alaska.” ILOC REPORT at 35. *See also id.* at 41; ALASKA SUPREME COURT FAIRNESS & ACCESS IMPLEMENTATION COMMITTEE, 2007 STATUS REPORT 14–15, 33 (2007) (hereinafter “FAIRNESS & ACCESS REPORT”), <https://perma.cc/A27C-VLVC>.

Studies and reports on these issues across multiple decades have emphasized that these indicators of social distress are not *Native* problems.⁴ Instead, these issues

4. Indeed, Alaska Native and American Indian populations have overall lower rates of alcohol use than the general population. *Substance Use and American Indians/Alaska Natives*, U.S. DEP’T OF HEALTH OF HUM. SERVS., OFF. OF MINORITY HEALTH, <https://perma.cc/MG7E-UMD5>.

disproportionately affect Alaska Natives because the majority of people living in rural Alaska are Alaska Native. *See* RURAL JUSTICE REPORT at 8; ILOC REPORT at 47. These reports also uniformly conclude that these high rates of harm are caused or exacerbated by the State of Alaska's choice to centralize public safety and justice, and the resulting gaps in services to rural Alaska. The Indian Law and Order Commission's report observed that the State's approach "creates and reinforces discriminatory attitudes about Alaska Natives and the governing capacities of Alaska Native Tribes." ILOC REPORT at 47. This is especially ironic, as "Alaska Natives and Alaska Native Tribal governments have had relatively little say in the way crime and justice are addressed in their communities." *Id.*

The State of Alaska has centralized its law enforcement and justice systems more than any other state, resulting in systems that do "not serve local and Native communities adequately, if at all." *Id.* at 35. Much of rural Alaska relies on the Alaska State Troopers for public safety services, but the Troopers are not based in rural Alaska, *see* RURAL JUSTICE REPORT at 105, nor do their staffing levels come close to addressing the needs across this vast region. In one rural region, for instance, a recent Government Accountability Office report described that "60 Alaska State Troopers in a unit in Western Alaska are to provide law enforcement services on over 216,000 square miles of terrain, including over 120 Alaska Native villages—an average of one trooper for every 3,601 square miles (an area nearly twice the size of Delaware), as of 2025." U.S. GOV'T ACCOUNTABILITY OFF., GAO-26-107533, TRIBES IN ALASKA: MORE CLARITY NEEDED ON CONCURRENT CRIMINAL JURISDICTION & FUNDING OPPORTUNITIES 17

(2026) (hereinafter “2026 GAO REPORT”), <https://perma.cc/S2YB-FFBK>. Troopers can be dispatched to a rural village in the event of a serious crime, but due to staffing levels, notification delays, the vast distances they cover, weather, transportation uncertainties, and other factors, it can take several days to *several weeks* for the Troopers to respond to a call—if they respond at all. *See, e.g., id.* at 38; ILOC REPORT at 35, 39; RURAL JUSTICE REPORT at 45, 46.⁵

In short, except in the few communities that have a Trooper post, *see AST Detachments*, ALASKA DEP’T OF PUB. SAFETY RECRUITMENT, <https://perma.cc/X27A-N8UM>, the Troopers are almost always responding in the aftermath of a crime, and almost never to address or prevent a crime that is actually occurring or impending. To put it into perspective, it is not uncommon for a 911 call from a village in Western Alaska, for example, to be

5. A tragic incident in the remote village of Tanana illustrates the time it takes for state law enforcement to arrive in rural Alaska during emergencies, even when trying to protect the lives of their own officers. Lisa Demer & Tegan Hanlon, *Details emerge in killing of 2 troopers in Tanana as state mourns*, Anchorage Daily News, May 2, 2014, <https://perma.cc/4AU6-X6FY>. In 2014, a community resident brandished a firearm and threatened an unarmed Village Public Safety Officer during a dispute over a couch, prompting a call for assistance to Troopers based 130 miles away in Fairbanks. The VPSO called the State Troopers on a Wednesday evening, yet the Troopers did not arrive in Tanana until the following afternoon—nearly 18 hours after the VPSO’s call for assistance. Both Troopers were then killed while trying to detain the suspect. *Id.* James Cockrell, the head of the Alaska State Troopers, told press at the time that given communication difficulties, before backup arrived, he did not know whether one of the Troopers was still alive. *Id.* The Troopers’ backup response still took hours to arrive, landing that evening around 6:00 pm. *Id.*

routed to the Trooper dispatch center in Fairbanks, over 400 miles away. The CEO of *Amicus* AVCP testified about this exact scenario:

Last week, . . . one of our board members, who is the council president of her Tribe, told me that she called the police to report a crime. Her village has no local law enforcement. Calls for help can be answered [by] one of the few state trooper posts in our region, hundreds of miles away. This time, her call for help was answered in Fairbanks, 453 miles away from her village. They took down her complaint and she never heard from them again.

Restoring Justice: Addressing the Violence in Native Communities Through VAWA Title IX Special Jurisdiction, Hearing Before the S. Committee on Indian Affairs, S. Hrg. 117–158, 117th Cong. 12 (Dec. 8, 2021) (hereinafter “*2021 S. Committee on Indian Affairs Hearing*”) (prepared statement of Allison L. Randall, Principal Deputy Director, Office on Violence Against Women, U.S. Dep’t of Justice) (quoting 2021 tribal consultation testimony of Vivian Korthuis, CEO of AVCP) (alteration in original). Imagine calling 911 from Washington, D.C., in an emergency, and having the call answered by a dispatcher in Ann Arbor, Michigan, or Knoxville, Tennessee, only to be ignored or, at best, told that someone might be able to respond in several days if weather permits. This is the reality that rural Alaskans live with every day.

The resulting gaps in public safety cannot be adequately filled by local public safety officers. Village Public Safety Officers (“VPSOs”) are rural first responders who are tasked with providing basic law enforcement, firefighting,

search and rescue, water safety, and emergency medical services. *See* RURAL JUSTICE REPORT at 12. VPSOs receive just 16 weeks of training, do not carry firearms, and generally do not have a partner or any back-up. *See* RURAL JUSTICE REPORT at 48; ALEUTIAN PRIBILOF ISLANDS ASSOCIATION, VILLAGE PUBLIC SAFETY OFFICER PROGRAM: GENERAL INFORMATION, ELIGIBILITY, & SELECTION GUIDE 5, <https://perma.cc/BJY4-DWRS>. The system is vastly underfunded. *See, e.g.*, RURAL JUSTICE REPORT at 16. And because of burnout and low pay, vacancies are common. *See id.* at 49, 87. The result is that dozens of communities in Alaska lack *any* formal public safety presence. *See, e.g.*, ILOC REPORT at 39; ALASKA’S JUSTICE ECOSYSTEM at 1. Some communities have developed their own policing resources, but the State does not generally recognize Tribal or village police officers. *See* 2026 GAO REPORT at 41. A consequence is that some people with ill intent are able to take advantage of the short arm of the law, and sometimes the only way to keep a person or family safe is to displace them from their community and relocate them. *See* RURAL JUSTICE REPORT at 15 (quoting a staff member from *Amicus* Maniilaq Association’s Family Crisis Center).

C. Jurisdictional disputes and funding challenges impair local control, further exacerbating the harms.

Tribal governments are or can be the solution to many of these problems. *See, e.g.*, RURAL JUSTICE REPORT at 50. Tribes have been caring for their people for millennia, and in many communities, they are the “only government.” *Id.* at 50. Indeed, prior to Alaska gaining statehood, Tribal governments in the Territory of Alaska organized under

the Indian Reorganization Act exercised the authority to ban or limit alcohol in their villages. *See* MATTHEW BERMAN & TERESA HULL, ALCOHOL CONTROL BY REFERENDUM IN NORTHERN NATIVE COMMUNITIES: THE ALASKA LOCAL OPTION LAW 3 (2000), <https://perma.cc/KG38-2353>. *See also* Resp’t Br. 6. Once Alaska gained statehood in 1959, however, the State refused to recognize the authority of Tribal governments, and their laws banning alcohol in their villages were effectively nullified. Darryl S. Wood & Paul J. Gruenewald, *Local alcohol prohibition, police presence and serious injury in isolated Alaska Native villages*, 101 ADDICTION 393, 393 (2006), <https://perma.cc/8B7L-3ZH4> (hereinafter Wood & Gruenewald, *Local alcohol prohibition*).⁶

Multiple federal and local commissions over the past several decades have concluded that Alaska’s centralized approach is “fundamentally on the wrong track” and that local control and tribal self-government are the solution. ILOC REPORT at 44. *See also* UNFINISHED BUSINESS at 1 (“Nothing has significantly changed to improve or empower the governance systems of rural Alaska to ensure the maximum benefit for local people”). The reports uniformly insist that “devolving authority to Alaska Native communities is essential,” ILOC REPORT at 35, that “an effective judicial system or social services system for Native communities has to be in that Native

6. These and other similar jurisdictional disputes severely limit access to justice in rural Alaska. UNFINISHED BUSINESS at 7. The State of Alaska has historically refused to acknowledge Tribal authority over a wide variety of issues well beyond alcohol regulation. RURAL JUSTICE REPORT at 81. *See also* David S. Case & David A. Voluck, *Alaska Natives and American Laws* 439 (3d ed. 2012).

community, from that Native community, based in the Native communities,” RURAL JUSTICE REPORT at 15 (quoting Anthony Kaliss, Ass’t Professor, Iḷisagvik College), and that “[p]romoting local control benefits everyone, saves money, and saves lives.” UNFINISHED BUSINESS at i. Local control is essential because local governments are best positioned to effectively prevent and intervene in harmful situations, and because solutions that work well in one community may not be the best fit for a community hundreds or even thousands of miles away, with a different landscape and different culture. *See* ILOC REPORT at 35; RURAL JUSTICE REPORT at 4. Local control requires better funding, clearer authority, and recognition and support from State systems. *See, e.g.*, ILOC REPORT at 50; RURAL JUSTICE REPORT at 20, 46, 114–16.

The State’s local option laws offer a striking counterexample to the problems of centralization and jurisdictional disputes. As described further below, the local option laws represent one of the few ways in which the State’s system *does* defer and provide support to Native communities in exercising local control, as report after report has recommended. That tool, therefore, is especially critical for rural communities.

II. The Challenges of Law Enforcement and Resource Gaps are Particularly Acute in the Context of Alcohol.

A. Alcohol is central to nearly all crime, interpersonal violence, and accidents in rural Alaska.

The role of alcohol cannot be disentangled from these broader public safety challenges. Various reports state that 95% of all crimes in rural Alaska involve alcohol. *See, e.g.,* ILOC REPORT at 43 n.29. Additionally, as the State has recognized, “Alaskans experience higher rates of alcohol-attributable mortality compared to most other states, and twice as many deaths are alcohol-attributable each year as methamphetamine and opioid deaths combined. The abuse of alcohol also continues to be a prominent factor in violence against persons, suicide, and accidental death[.]” ALASKA STATE TROOPERS, 2017 ANNUAL DRUG REPORT 7 (2017), <https://perma.cc/6Z2K-K3WT>.

Alaska Native leaders and institutions, including *Amici*, are all too well aware of these dire statistics, and have frequently testified before Congress and the Alaska Legislature regarding the impacts of alcohol and crime in their communities. *Amicus* AVCP has testified that “[i]n rural Alaska, rates of domestic violence and physical assault are 10 times higher than in the rest of the United States.” 2021 S. Committee on Indian Affairs Hearing (Letter submitted for the record from Vivian Korthius, CEO of AVCP (Dec. 21, 2021)). A physician and

Tribal health leader told the Alaska Rural Justice and Law Enforcement Commission that it was “very rare” that the health system addressed cases of “domestic violence, child abuse, incest, [or] rape where alcohol is not involved.” RURAL JUSTICE REPORT at 17 (quoting Dr. David Head, Chief of Staff, Norton Sound Health Corporation) (alterations in original).

The consequences of accidents and interpersonal violence that flow from access to alcohol can also be deadly. Alaska Natives die from alcohol-related causes at a rate eight times higher than the United States majority population. ALASKA NATIVE EPIDEMIOLOGY CENTER, ALASKA NATIVE TRIBAL HEALTH CONSORTIUM, ALASKA NATIVE MORTALITY: 1980–2018 7 (May 2021), <https://perma.cc/855P-MGHC>. Contributing to these statistics are the high rates of firearm ownership in rural Alaska. The continued reliance on subsistence hunting means that essentially every household owns a firearm. David C. Grossman et al., *Improving Firearm Storage in Alaska Native Villages: A Randomized Trial of Household Gun Cabinets*, 102 AM. J. PUB. HEALTH S291, S291 (2012), <https://perma.cc/W4QK-KWT6> (reporting that 93% of households in Alaska Native villages owned at least one unlocked firearm, and noting that firearm-related teen suicide rates among Alaska Native males are *ten times* higher than among white male teens nationwide). Alaska’s firearm death rate is the third-highest in the country. *Firearm Mortality*, CTRS. FOR DISEASE CONTROL & PREVENTION, NAT’L CTR. FOR HEALTH STATS., <https://perma.cc/KN68-Y94F> (2024 map available in drop down menu). With State law enforcement sometimes days away, a minor altercation can quickly turn deadly, especially when alcohol is involved.

B. Rural Alaska villages often lack health care resources to deal with the aftermath of alcohol and substance use and abuse.

Alaska’s geography, remoteness, and sparsely populated rural communities pose challenges not only for law enforcement, but also for health care and substance abuse treatment that could otherwise address the challenges of alcohol in rural Alaska.

Alcohol treatment programs are most effective when culturally relevant, located near a person’s home, and able to address the needs of the whole family. *See, e.g.,* RURAL JUSTICE REPORT at 53–54. However, most health care in rural Alaska is delivered through a “hub and spoke” model in which most villages have only a small clinic staffed by a Community Health Aide or a Behavioral Health Aide, and village residents must travel—generally by plane or boat—to a subregional clinic or a regional hospital for more advanced care. *See About the Community Health Aide Program in Alaska*, ALASKA NATIVE TRIBAL HEALTH CONSORTIUM, CMTY. HEALTH AIDE PROGRAM, <https://perma.cc/DLK4-H6L6> (hereinafter “*About the Community Health Aide Program*”). Alaska Tribal health providers developed the Community Health Aide Program to provide some level of health care service even in Alaska’s smallest villages, and these health care workers “are often the first people patients see when they need care in their communities.” *Id.* Community Health Aides are not doctors or nurses; instead, they work under “the supervision and support of physicians and mid-level providers in regional health clinics and hospitals often several hundred air miles away.” Christine Golnick, et al., *Innovative primary care delivery in rural Alaska: a*

review of patient encounters seen by community health aides, 71 INT. J. CIRCUMPOLAR HEALTH 3 (Jun. 28, 2012), <https://perma.cc/ZP4Y-BSA8>. If patients need further care after being treated at the community level, they must be transported out to “regional hubs and statewide facilities [that] provide higher levels of care and specialty services.” *About the Community Health Aide Program*. In short, most rural Alaska residents do not have access to high-level medical care or intensive substance abuse treatment programs in their own community.

Although some excellent locally based substance abuse programs do exist—mostly run by Tribal organizations, including *Amici*, see RURAL JUSTICE REPORT at 27–29—the need far outstrips the services these organizations are able to provide with the available funds. The programs that exist have perennial funding challenges: for many, funding is unsure, competitive, short-term, disjointed across sources, and prioritizes pilot projects over core services. See RURAL JUSTICE REPORT at 97. See also, e.g., *Substance Abuse Prevention, Treatment and Aftercare Program*, INDIAN HEALTH SERV., <https://perma.cc/28D9-UWFV> (describing program issuing substance abuse grants to just 36 of the hundreds of eligible Tribes and Tribal organizations nationwide). Even services funded on a recurring basis through the Indian Health Service (IHS) similarly suffer from chronic underfunding: per-capita IHS expenditures have hovered at barely one-third of the expenditure levels for other federal health care programs. U.S. COMM’N ON CIVIL RIGHTS, BROKEN PROMISES: CONTINUING FEDERAL FUNDING SHORTFALL FOR NATIVE AMERICANS 66–68 (2018), <https://perma.cc/W7LG-SR8Z>. Because there are so few alcohol or substance abuse treatment programs in rural Alaska, many people—

especially young people—are sent out of region or out of state for treatment or receive none at all. *See, e.g.*, ILOC REPORT at 41; RURAL JUSTICE REPORT at 54. The result is a documented need for additional alcohol and substance abuse prevention, intervention, treatment, and aftercare, especially for youth. *See* RURAL JUSTICE REPORT at 5, 53.

The same is true for services addressing the downstream effects of alcohol and substance abuse, such as domestic violence and child abuse prevention programs in rural Alaska. *See* RURAL JUSTICE REPORT at 5. Insufficient funding exists for domestic violence shelters broadly speaking, and rural shelters have additional challenges, like the difficulty of keeping a person’s location secret in a small community. *See id.* at 9.

Similarly, Alaska Native children have long been overrepresented in the State’s child welfare system. The State’s estimates show that “23.8% people under the age of 18 are Alaska Native or American Indian. But data from the Office of Children’s Services shows they consistently make up around two-thirds of the children who are in out-of-home care such as a foster home. It’s been as high as 69% in the past.” Jamie Diepp, *Office of Children’s Services demographics show racial disparity between caseworkers, children in foster care*, KTOO, Oct. 22, 2025, <https://perma.cc/8P2R-F7X2>.

The result of all this is that rural villages are currently unable to respond to the harms of alcohol use, so they instead must focus on prevention and limiting the supply available in their communities.

C. These service delivery challenges combine to illustrate the dangers of even small amounts of alcohol.

Petitioner disputes that “the illegal importation of even a six-pack of beer causes grave societal harm,” Pet’r Br. 40 (quoting the Alaska Supreme Court, Pet. App. 24a), suggesting that bootlegging a single six-pack could not possibly cause enough harm to justify the forfeiture of a small airplane.⁷ But the facts of life in rural Alaska demonstrate just the opposite. Thus, even if Petitioner only knew about the six-pack that was in plain sight—and not about the other 66 beers that he had loaded onto his plane, *see* Resp’t Br. 44—the application of the forfeiture statute was reasonable.

As an initial matter, it is self-evident that a person can become legally intoxicated by drinking six beers or fewer. *See, e.g., Alcohol Impairment Chart*, PENN. LIQUOR CONTROL BD., <https://perma.cc/V9A3-6VSQ> (showing that a 140-lb. male would be legally intoxicated from consuming three drinks in one hour, and a 120-lb. female would be legally intoxicated from consuming just two drinks in an hour); James Fell et al., *The effectiveness of a 0.05 blood alcohol concentration (BAC) limit for driving in the United States*, 109 ADDICTION 869, 870 (June 2014), <https://perma.cc/H2YS-Z6VJ> (discussing driving impairment at just .05% blood alcohol concentration).

7. Regardless of Petitioner’s attempt to minimize the amount of alcohol in his plane, it is an established fact of the case that his aircraft contained two cases and four 16-oz six-packs, totaling 72 cans of beer (equating to nine gallons of alcohol). Br. of Resp’t 44 (citing R.686; App.159a).

Unfortunately, it is all too easy to envision the many harms that one intoxicated individual can cause a small community. When an intoxicated person becomes violent, there is no law enforcement officer to protect other community members. If an intoxicated person commits an act of domestic violence, there is no domestic violence shelter to which family members can escape. If an intoxicated person operates their four-wheeler, snowmachine, or boat and gets into an accident, there are no emergency services to rescue them, and likewise no hospital in which to treat them.

These scenarios are not stretches of the imagination; they are a fact of life in rural Alaska. And they are the direct and all-too-common consequence of pilots like Petitioner bootlegging alcohol into dry villages. It is impossible to know what would have happened with the 72 cans of beer that Petitioner loaded onto his plane, because the local option laws worked, and Petitioner was stopped before the nine gallons of alcohol reached its destination. But that cannot mean that there is no harm against which his punishment can be measured. All the potential consequences discussed herein, *any* one of which could have flowed from Petitioner's attempted actions, demonstrate that the forfeiture remedy is eminently reasonable.

III. Local Option Laws are Effective and One of the Few Resources that Rural Communities Have to Combat the Specific Harms of Alcohol.

Against the backdrop of the challenges facing rural Alaska, the local option laws are one of the few available tools for local communities to protect public safety within

their communities. While more remains to be done to empower rural Alaska communities with the authority and resources to adequately provide for their own public safety, the Alaska Legislature’s establishment of the State’s local option law in 1980 restored to remote villages an important tool—if adopted by a majority of the voters in the community—to control whether and how alcohol is imported into their communities. *See* Resp’t Br. 7–12. More specifically, local option allows a community to vote to place various restrictions on the importation, possession, and sale of alcohol. Communities can choose to be fully “dry,” meaning that alcohol is entirely illegal within the community. Alaska Stat. § 04.11.491(b)(4). Or a community can elect to allow for the possession and importation of alcohol, while prohibiting its sale. Alaska Stat. § 04.11.491(b)(1). Regardless of the particular option adopted by a community, the adoption of local option reflects a key exercise of local control that is vital to rural Alaska. Over 100 communities across the state have demonstrated the importance of this tool by opting into the system and banning alcohol either partially or entirely. *See Schedule of Local Option Communities*.

The forfeiture law challenged here was unanimously adopted by the Alaska Legislature in the spring of 2004 with the goal of creating additional deterrence for those contemplating bootlegging into dry communities. 2004 Alaska Sess. Laws, ch. 124, §11; 2004 Alaska House Journal 4175; 2004 Alaska Senate Journal 3647; Resp’t Br. 11. Residents of Beaver, the community at issue here, voted to enter local option soon after. *See Schedule of Local Option Communities* (noting that Beaver’s local option became effective on August 1, 2004).

Studies have repeatedly confirmed the effectiveness of local option laws in reducing the incidence of serious injury from accidents and interpersonal violence in rural Alaska communities. “Isolated Alaska Native villages are safer places” with “fewer assaults and fewer injuries” resulting from accidents when they have chosen to restrict alcohol via local option. Wood & Gruenewald, *Local alcohol prohibition*, at 397. See also *id.* at 394 (citing M.G. Landen, et al., *Alcohol-related injury death and alcohol availability in remote Alaska*, 278 JAMA 1755, 1755–58 (1997) (comparing alcohol-related injury deaths in 150 rural villages between 1990 and 1993 and showing the risk of injury death was 2.7 times less in villages with local option compared to villages with no alcohol restrictions)); *id.* (citing M.D. Berman, et al., *Alcohol control and injury death in Alaska Native communities: wet, damp and dry under Alaska’s local option law*, 61 J. OF STUDIES ON ALCOHOL 311, 311–19 (2000) (studying accidental death rates for 158 rural villages between 1980–1993 and showing that villages that restricted access to alcohol reduced accidental deaths and homicides by 75 and 66 per 100,000 population, respectively)). Local option laws work, but only when they are enforced and the penalties are sufficient to deter individuals from violating them.

IV. The Realities of Rural Travel Confirm the Necessity of Airplane Forfeiture.

Not coincidentally, the communities that have adopted local option are largely those that are not accessible by road—in other words, where enforcement is most feasible. In these communities, the village “doorstep” is the local airstrip. And the realities of flying into villages illustrate why airplane forfeiture is an appropriate—and

necessary—remedy to address illegal importation of alcohol.

A. The logistics of flying in rural Alaska require that pilots actively engage with their cargo and passengers.

Flying into a remote Alaska village is entirely unlike flying commercially in the Lower 48. The planes used for these flights (and the only planes that can land at the small airstrip in most villages) are generally very small planes that seat seven to nine passengers at most. *See, e.g., Fleet*, WRIGHT AIR, <https://perma.cc/MU3S-MW9B> (showing the Cessna Grand Caravan, with seating for 9 passengers, as “the workhorse of our fleet!”). Petitioner’s plane, a Cessna 206, typically seats just four to six passengers. *Id.* (showing Cessna 206 as seating four passengers). Such flights are typically operated by small, local air carriers like Petitioner’s company. *See, e.g., Wright Air*, <https://perma.cc/69JF-LXHL>; WARBELOW’S AIR, <https://perma.cc/3CHZ-NHLS>; EVERTS AIR, <https://perma.cc/6883-VJSM>. A passenger seat on such a flight can cost several hundred dollars—even up to \$800 or more—for a one-way trip. *See, e.g., Wright Air Service Arctic Coast/North Slope Rates*, WRIGHT AIR, <https://perma.cc/B7EK-62NJ>.

Passengers arriving for a flight report directly to a hangar, small warehouse-type building, or directly to the airstrip, where each passenger and their luggage are weighed for each flight. There is no TSA screening. All cargo, including carry-ons, is stowed in the main compartment of the plane, directly behind the passengers. *See, e.g., id.* (“ALL items accompanying the passenger onboard the aircraft must be weighed and tagged as

checked baggage, including items such as purses, laptops, cameras, small backpacks, etc.”); *What You Need to Know When Flying With Us*, WARBELOW’s AIR, <https://perma.cc/UZ6E-2M6E> (“All items are weighed and count toward the [weight] limit, including purses, laptops, backpacks and so on; there is no separate allowance for carry-on items as no carry-ons are allowed on our flights.”). Due to critical weight-and-balance restrictions inherent in flying small aircraft, the pilot often loads the luggage himself or herself, as Petitioner did here, Resp’t Br. 13, 44 (citing R.686; App.159a), and secures the tie-down in the back of the passenger cabin that keeps the cargo from moving during flight. Pilots must take great care to ensure that hazardous items (like fuels, pepper spray, or fireworks, and even some paints, which can be dangerous in flight) are not loaded onto their plane without proper protections. *See, e.g., Terms & Conditions*, WRIGHT AIR, <https://perma.cc/8RDG-LM2Y> (describing limitations on hazardous materials and noting that carrier will “refuse alcoholic beverages destined to a community in Alaska that has voted to ban the importation of alcohol”); *Passengers Traveling with Excess Baggage*, WARBELOW’s AIR, <https://perma.cc/FGP5-94SD> (describing protocols for hazardous materials). For this reason, all baggage is subject to inspection. *Id.*

In this context, it strains credulity that a pilot, who “knew of Alaska’s dry-village system,” Pet. Br. 5, and who must know about every item placed on the plane, would not know there were two grocery boxes filled with alcohol (amounting to nearly two beers for every man, woman and child in the village), let alone the six-pack that was “clearly visible,” on a plane that he was preparing to fly, *see* Resp’t Br. 44 (citing R.686; App.159a). Petitioner made

the conscious choice to proceed nonetheless. If Petitioner's culpability is viewed in light of his "own wrongdoing"—which he argues it must be, *see* Pet. Br. 37—then it must be accepted that Petitioner knew or at best was willfully blind to the fact he was importing a substantial amount of alcohol into a dry community.

B. The forfeiture statute is tailored to the reality of how most people—and goods, including alcohol—make their way to rural Alaska.

Petitioner claims the forfeiture statute is arbitrary, remarking that there is no "explicit explanation" for "why the legislature chose to create different rules for the forfeitures of aircraft versus the forfeitures of vehicles and watercraft." Pet. Br. 39. But the Alaska Legislature was quite clear that it intended forfeiture to be "mandatory for vehicles used in bootlegging, except when the vehicle is the sole transportation for a family in rural Alaska," and "the family were innocent or could not prevent the bootlegging." *Sectional Summary of Senate Bill 170* at 68 (2004), <https://perma.cc/H9BW-4Q52>.

Given the costs associated with purchasing and maintaining aircraft, as well as the lack of hangars or storage facilities in villages, families in rural Alaska do not typically own planes, let alone use personal aircraft as their sole means of transportation. Instead, plane services are most often provided by companies and individual pilots, such as Petitioner, who live outside of the community and transport people or goods into rural communities for profit. And it is well known that alcohol imported into rural communities most often comes by air. *See, e.g., 2026 GAO REPORT* at 36–37 (stating that illegal

drug and alcohol trafficking in Alaska Native communities present major public safety challenges and that such materials enter communities through local airfields); Wood & Gruenewald, *Local alcohol prohibition* at 397 (describing a study’s methodology that correlated the availability of alcohol in communities to the availability of regular airline service to a hub community). *Cf.* ALASKA STATE TROOPERS & ALASKA BUREAU OF ALCOHOL & DRUG ENFORCEMENT, 2025 ANNUAL DRUG REPORT 2 (2025), <https://perma.cc/C5P3-UJEL> (“Illegal alcohol . . . is purchased in the hub cities or other legal locations and then distributed to local option communities”). This is precisely why the Alaska Legislature explicitly addressed “bootleggers in urban areas who send alcohol to local option areas.” *Comparison of CSSB 170 (JUD) and CSHB 244 (JUD)* at 67, STATE OF ALASKA, DEP’T OF LAW (2004), <https://perma.cc/H9BW-4Q52>.

Moreover, given the law enforcement and public health challenges described above, stopping alcohol *before* it lands in the community is critical. This is why attempted transport is expressly included within the definition of transport in the local-option statute. Alaska Stat. § 04.11.499(c)(3). If the prohibition on bootlegging could only be enforced after a person has *actually* transported alcohol into a local option community—where, more often than not, there is no local law enforcement at all—the local option laws would be effectively unenforceable. *Cf.* Pet’r Br. 6 (suggesting his culpability is lessened because the Troopers found the alcohol before he successfully transported it).

C. Importing alcohol is so financially lucrative that forfeiture is a reasonable and necessary deterrent.

Forfeiture is particularly necessary to provide sufficient deterrence in a context where bootlegging can be extremely profitable. “Alcohol is frequently trafficked into Alaskan villages via local air carriers, private aircraft, boats, and snowmachines. Bootlegging alcohol (smuggling into local option communities designated dry or damp) remains one of Alaska’s most lucrative criminal enterprises.” ALASKA STATE TROOPERS, 2017 ANNUAL DRUG REPORT 7 (2017), <https://perma.cc/C6XJ-E53F>. For instance, “[a] bootlegger can purchase a 750-milliliter bottle of alcohol legally for \$10 or less in an urban liquor store. . . . [while] [i]n the more remote communities, alcohol can easily sell for \$150 to over \$300 per bottle.” ALASKA STATE TROOPERS & ALASKA BUREAU OF ALCOHOL & DRUG ENFORCEMENT, 2010 ANNUAL DRUG REPORT 6 (2010), <https://perma.cc/48QZ-GEJP>. Profits are not made only by individual bootleggers, but also by the pilots who transport them. Here, Petitioner “purposely turn[ed] a blind eye to this illegal activity so he could charge passengers hundreds of dollars more than [his] competitors for each trip.” Resp’t Br. 15 (quoting App. 44a) (internal quotations omitted).

The fact that there is nowhere to obtain alcohol in the local option communities *except* via bootleggers that fly it in is what drives up the price bootleggers earn, and in turn raises the penalty they must face in order to provide effective deterrence. Petitioner was neither unaware of these consequences, *see* Pet’r Br. 5, nor is he alone in being held responsible for this particular type of wrongdoing.

See, e.g., ALASKA DEP'T OF PUB. SAFETY, 2019 ANNUAL DRUG REPORT 1–3 (2019) (documenting 10,863 bottles of alcohol seized by drug enforcement officers in Alaska and 479 guilty verdicts for alcohol-related offenses from 2015–2019), <https://perma.cc/2EYX-Z6T2>.

CONCLUSION

Here, the law accomplished precisely what was intended by both the Alaska Legislature and the local community: it stopped a pilot from bringing 72 beers, amounting to nine gallons of alcohol, into a remote Alaska village that, for more than twenty years, has exercised its option under state law to ban alcohol. Resp't Br. 44 (citing R.686; App.159a). It is of no matter that he got caught before his contraband could be delivered or that he did not plan to watch anyone consume the alcohol. Failing to enforce the associated statutory penalties—of which Petitioner acknowledges he was aware—would only embolden others to flout the law and bring more alcohol into communities that voted for precisely the opposite.

As the Alaska Supreme Court understood, even a single six-pack of beer (not to mention the 72 cans of beer the Petitioner had loaded onto his plane) is enough to cause tragic consequences in a community with not a *single* police officer or other formal emergency response resources. Those well-established harms to some of the most rural, marginalized communities in the country are essential context and put the gravity analysis into sharp perspective, underscoring the reasonableness of the forfeiture. The punishment that Petitioner received for knowingly violating Alaska's local option laws is proportional when considered against the trauma that is

all too frequently inflicted upon rural Alaska residents by alcohol-fueled crimes.

The Court should reject Petitioner's request to prioritize his desire to retain a piece of personal property over the judgment of the Alaska Legislature and the will of thousands of Alaska Native voters in over 100 rural Alaska villages who have exercised local control to improve the safety of their communities.

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