

HOUSE CONCURRENT RESOLUTION NO. 1

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-NINTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE EDGMON

Introduced: 1/21/15

Referred:

A RESOLUTION

Urging the Governor to acknowledge officially the sovereignty of Alaska tribal governments, to create clear and consistent policies for increased state collaboration and partnership with tribes, and to direct the attorney general to conduct a complete review of the state's litigation against Alaska Native tribes; urging the Governor to acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal members within the boundaries of their villages; urging the Governor to cooperate with tribes' efforts to transfer Native land to trust; and urging the Governor to support multilateral negotiations between tribal governments, nontribal municipalities, and the state government to delineate clearly tribal geographical jurisdictions.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

WHEREAS the 229 federally recognized tribes in the state represent a vast continuum of cultural legacies enriched by thousands of years of traditions and place-based ways of life; and

1 **WHEREAS** many Alaska tribal communities face severe problems relating to
 2 poverty, lack of economic opportunity, alcoholism, drug abuse, domestic violence, and sexual
 3 assault; and

4 **WHEREAS** the percentage of Alaska Natives living below the federal poverty
 5 guideline is nearly twice the national average; and

6 **WHEREAS** the unemployment rate for Alaska Natives is dramatically higher than the
 7 national average; and

8 **WHEREAS** the alcohol-related death rate for Alaska Natives has, in recent years,
 9 been more than 16 times higher than the alcohol-related death rate for Caucasians; and

10 **WHEREAS** rural communities in the state have, in recent years, reported alarming
 11 opioid, heroin, and methamphetamine abuse; and

12 **WHEREAS** Alaska Native women in rural communities have reported rates of
 13 domestic violence multiple times higher than the national average; and

14 **WHEREAS** Alaska Native women suffer the highest rate of sexual assault of any
 15 population in the United States, and the rate of sexual assault for Alaska Native children is six
 16 times the national average; and

17 **WHEREAS**, while Alaska Natives represent 19 percent of the population of the state,
 18 they make up 36 percent of Alaskans in prisons or jails; and

19 **WHEREAS**, in the past 25 years, state, federal, and joint commissions, task forces,
 20 and committees established to address those issues have included the Alaska Natives
 21 Commission, created in 1990; the Alaska Supreme Court Advisory Committee on Fairness
 22 and Access, created in 1995; the Alaska Commission on Rural Governance and
 23 Empowerment, created in 1998; the Alaska Rural Justice and Law Enforcement Commission,
 24 created in 2004; the Indian Law and Order Commission, created in 2010; and the United
 25 States Attorney General's Advisory Committee on American Indian and Alaska Native
 26 Children Exposed to Violence, created in 2013; and

27 **WHEREAS** each of those bodies concluded that the strongly centralized law
 28 enforcement and justice systems of the state have been inadequate to alleviate crime, social
 29 ills, and community distress in rural Alaska; and

30 **WHEREAS** each of those bodies identified the need to strengthen the authority,
 31 responsibility, and capacity of local tribal governments to administer public safety and justice

1 in their communities; and

2 **WHEREAS** many experts agree that greater control, better defined jurisdiction, and
 3 increased accountability at the local level will lead to swifter response to violence and
 4 criminal activity in communities, increased crime prevention, and increased rehabilitative,
 5 rather than punitive, sentencing models; and

6 **WHEREAS**, in matters of jurisdiction and the delivery of justice at the local level, the
 7 state has too often and for too long been the adversary of Alaska Native tribes; and

8 **WHEREAS** ambiguities in state policy deprive Alaska tribes of jurisdictional tools to
 9 make their communities safer and healthier;

10 **BE IT RESOLVED** that the Alaska State Legislature urges the Governor to issue a
 11 proclamation officially acknowledging the sovereignty of Alaska tribal governments and
 12 detailing clear and consistent policies for increased state agency collaboration and partnership
 13 with tribes; and be it

14 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
 15 direct the attorney general to conduct a complete review of the state's litigation against Alaska
 16 Native tribes; and be it

17 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
 18 acknowledge the inherent criminal jurisdiction of Alaska tribal governments over tribal
 19 members within the boundaries of their villages, to be defined as an Alaska Native Village
 20 Statistical Area delineated for the Director of the United States Census Bureau by officials of
 21 a village for the purpose of presenting data for the decennial census conducted under 13
 22 U.S.C. 141(a); and be it

23 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
 24 cooperate with tribes' efforts to transfer Native land to trust in order to affirm concurrent state
 25 and tribal jurisdiction; and be it

26 **FURTHER RESOLVED** that the Alaska State Legislature urges the Governor to
 27 support eventual multilateral negotiations between tribal governments, nontribal
 28 municipalities, and the state government to delineate clearly tribal geographical jurisdictions.