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Sent: Tuesday, May 3, 2022 9:07 PM

To: Scott Ogan <Scott.Ogan@alaska.gov>

Subject: FINAL testimony on HB123

Sen. Shower and committee members:

Thank you for the opportunity to testify. My name is Mary Bishop, I have lived in Fairbanks and Interior Alaska for the past 60 years. Today I testify in conditional support of HB 123, the condition being that a neutrality statement must be included in the legislation. That statement would confirm that the statutory language can never be used to support additional tribal authority at the expense of state or municipal authority.

I have been a non-attorney student of Alaska Native issues for over 30 years. I immediately recognized as false the claim that Alaska denies the existence of tribes. I am offended by this blatantly false statement which I have seen presented via several venues in regard to this bill. I challenge the advocates of this bill to find a legitimate example of such denial.

The state has recognized Alaskan tribes regularly for over 20 years—certainly since the 1999 Alaska Supreme Court decision in *John v Baker*.

On February 10 of this year the Senate State Affairs committee viewed a short PowerPoint presentation on HB123. On page 7 we are told that the State claims tribes do not exist as shown by Governor Hickel's administrative order number 125 (1991) "The State of Alaska opposes expansion of tribal governmental powers and the creation of 'Indian country' in Alaska." (This administrative order also revoked administrative order 123.)

This statement is NOT a denial of tribal existence, it is a statement opposing expanded authority of tribes that do exist. Disagreement with a tribal entity does not mean denial of its existence. I disagree with my spouse frequently; I do not deny his existence!

The state has had other disagreements with tribes, most notably the Venetie case which the state won unanimously in the US Supreme Court. Currently the Ito case is being considered by the Alaska Supreme Court, another example of disagreement, not denial, between state and tribal consortia.

Returning to page 9 of the PowerPoint—the Alaska Supreme Court 1999 decision in *John v Baker* is favorably noted. Likewise, then Governor Walker's 2018 administrative order number 300 is quoted, "we will improve government to government relations with Alaskan tribes". Two notables are within Walker's order: first, inclusion of a neutrality statement, which is not shown in the PowerPoint, and second, no inclusion in Walker's order that would revoke Hickel's order number 125 opposing expansion of tribal authorities, conspicuous by its absence in fact.

So I decided to search —why is this HB123 being promoted? Documentation for this Bill provided helpful presentations by two Alaskan attorneys, Lloyd Miller and Janine Avner. Both relate to the

possible financial benefit that a formal state recognition might provide to Public Law 280 states in receiving federal dollars which might benefit both the tribes and the state.

As you may know Alaska is one of six federal Public Law 280 states. In these six states, the state retains more authority within Indian country than in the other 44 states. Consequently the federal government provides fewer federal dollars to tribes within those states for certain activities. Attorney Lloyd Miller suggests that with formal recognition the chance of federal benefits to Alaskan tribes might be enhanced. Attorney Avner points out (2/15/22) that tribes are competing nationally for federal dollars and formal state recognition might be beneficial to efforts by Alaskan tribes. She also notes that tribes and the state are cooperating in several efforts and programs.

Meanwhile Alaskans have been well-taught that the state denies the existence of tribes. Are you familiar with the Rogers and Hammerstein song from South Pacific? "You've got to be taught to hate and fear. You've got to be taught from year to year..."

Alaska has in recent decades consistently recognized the existence of Alaskan tribes. To claim otherwise is a disservice to all our citizens. This falsehood provides an example of how fear and animosity is heightened. The social fabric of our state needs to be protected, not shredded by disinformation and false declarations.

In summary, I do conditionally support HB 123. But in my opinion, the bill must include a (presumably noncontroversial) neutrality statement declaring that nothing in the statute would add to, or detract from, the authority of the tribes. I do not want the statutory language to add future arguments for removing Alaska from PL 280 status. Dissolution of PL 280 is a long-term goal of national tribal authority advocates.

An example of such a neutrality statement can be found in the ANCSA "1991" federal legislation. I will forward that ANCSA amendment language.

I am confident that the facts I have presented here can be affirmed by the Department of Law. I encourage you to do so. "Trust but verify."

Sent from my iPad...