

THE EVOLVING LEGAL LANDSCAPE OF ALASKA TRIBAL JUSTICE

FOR THE ALASKA HOUSE TRIBAL AFFAIRS
COMMITTEE

THURSDAY, APRIL 17, 2025



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INTRODUCING

RICK

**Rick A. Haskins-
Garcia**

Director of Law and
Policy
AKNWRC



Rick A. Haskins-Garcia, Esq., serves as the Director of Law and Policy for the Alaska Native Women's Resource Center (AKNWRC) and Judge for the Chickaloon Native Village. Rick was born in West Germany and raised in Fort Lauderdale, Florida.

Rick moved to Alaska in 2018 and has dedicated himself to serving Alaska Tribes by providing training and technical assistance to Alaska tribal courts and justice systems. Prior to joining AKNWRC, Rick served as a Tribal Justice Facilitator with the Alaska Native Justice Center (ANJC) and as the Tribal Justice Director and Associate General Counsel for the Association of Village Council Presidents (AVCP) in Bethel, Alaska. Rick also had the honor of serving as the District Court Magistrate Judge for the Alaska Court System's 4th Judicial District, based in Aniak and Hooper Bay.

Rick graduated cum laude from the Southern Illinois School of Law in 2009 and received his bachelor's degree in Political Science cum laude from Florida Atlantic University in 2004. Rick has been a licensed Attorney for over fourteen years and is licensed in the state courts of Florida and Alaska and in the United States District Court for the Southern District of Florida.



INTRODUCING

ALEX

Alex Cleghorn

Chief Operating Officer
ANJC



Alex Cleghorn is the Chief Operating Officer at the Alaska Native Justice Center. He directs ANJC's legal and policy agenda to further the mission of Justice for Alaska Native people and has led ANJC's growth in providing legal services and access to justice to Alaska Native people and Alaska Tribes. He provides training and technical assistance to support tribal justice initiatives.

A lawyer for over 20 years, he has primarily represented Tribes and Tribal Organizations. He also served as an Assistant Attorney General and a Special Assistant to the Alaska Attorney General, where he led and coordinated efforts to build collaborative relationships between the State and Alaska Tribes. Before returning home to Alaska, Alex represented Tribes and served as a Tribal Court judge in California for many years.

Alex is of Sugpiaq descent and reflecting Alaska's unique legal landscape he is both a tribal citizen of Tangirnaq Native Village, and a shareholder of Natives of Kodiak, Koniag Incorporated and Cook Inlet Region Inc. He is elected to serve on the Tribal Council of the Tangirnaq Native Village and as a Director of Koniag Inc. Alex is a husband and a father and lives in Anchorage with his family.

PRESENTATION

ROADMAP



- ALASKA'S DOCUMENTED DANGER FOR ALASKA NATIVE WOMEN
- HISTORY OF TRIBAL JUSTICE IN ALASKA
- TRIBAL JUSTICE SYSTEMS AND CHANGES IN HOW THE STATE OF ALASKA HAS RECOGNIZED TRIBAL AUTHORITY AND JURISDICTION
- THE VIOLENCE AGAINST WOMEN ACT 2022 REAUTHORIZATION

INTRODUCING THE

AKNWRC



ABOUT AKNWRC

Since 2015, the Alaska Native Women's Resource Center has been dedicated to strengthening local, tribal government's responses through community organizing efforts advocating for the safety of women and children in their communities and homes, especially against domestic and sexual abuse and violence.

AKNWRC board members are Alaska Native women raised in Alaska Native Villages and have over 141 years of combined experience governments, nonprofit management, domestic violence and sexual assault advocacy, and other social service experience.



Our Mission

The Alaska Native Women's Resource Center envisions our Tribal women, communities and families free from violence, healing the trauma and utilizing the wisdom of our ancestors to create effective community/Tribal responses to domestic violence, dating violence, stalking, trafficking, sexual assault, and related injustices.



ABOUT AKNWRC

AKNWRC is the only Alaska-based member of the FVPSA TTA Resource Network funded by the **U.S. Department of Health and Human Services, Office of Family Violence and Prevention Services (FVPSA)** through the **Office of the Administration for Children and Families**, and the FVPSA designated Alaska TTA provider to work collaboratively to promote practices and strategies to improve our nation's response to domestic violence and make safety and justice a priority. Members ensure that victims of domestic violence, advocates, community programs, educators, legal assistance providers, law enforcement and court personnel, health care providers, policy makers, and government leaders at the local, state, tribal, and federal levels have access to up-to-date information on best practices, policies, research, TTA, and victim resources.

AKNWRC is also the designated Alaska Native Tribal Resource Center and TTA provider responsible for focusing on the intervention and prevention of family violence, domestic violence, and dating violence by offering culturally sensitive statewide information, training, and technical assistance designed to reduce tribal disparities within Alaska Native communities.



ABOUT AKNWRC

AKNWRC collaborates with tribal, state, and national partners, including:

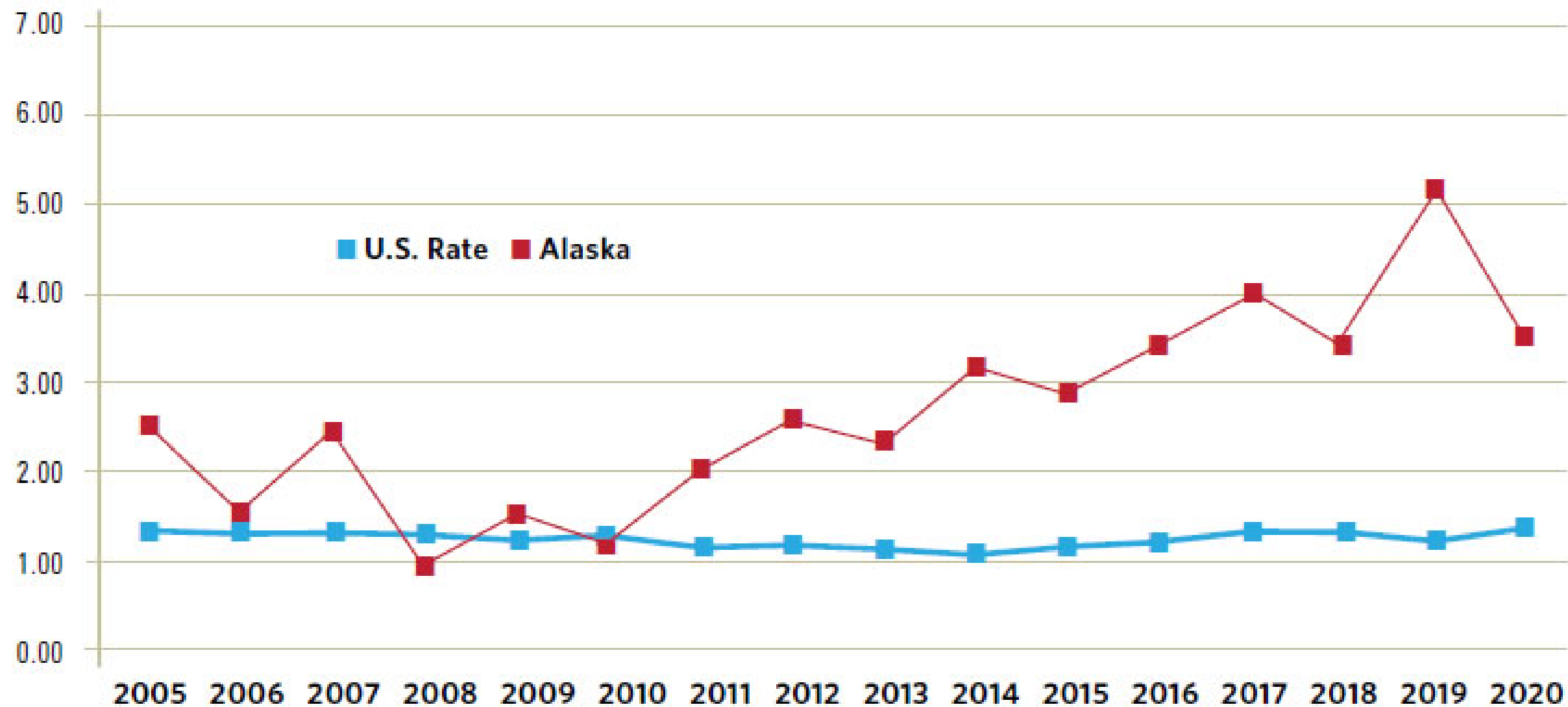
- The Emmonak's Women's Shelter
- The Yu'pik Women's Coalition
- Healing Native Hearts Coalition
- University of Alaska Fairbanks
- RurAL Cap
- Alaska Native Justice Center
- Association of Village Council Presidents
- Tanana Chiefs Conference
- The National Indigenous Women's Resource Center
- The Indian Law Resource Center
- The National Congress of American Indians
- Pouhana O Nā Wāhine
- The Alaska Network on Domestic Violence and Sexual Assault
- The Council on Domestic Violence and Sexual Assault



HOMICIDE OF ALASKA NATIVE AND AMERICAN INDIAN WOMEN - THE PROBLEM

HOMICIDE OF ALASKA WOMEN

Rate of Females Murdered by Males in Single Victim/Single Offender Incidents, in Alaska and the U.S. 2005 - 2020



In 2020, Alaska had the highest homicide rate in the United States for female victims killed by male offenders in single victim/single offender incidents for the seventh year in a row. Alaska has ranked either first or second in the nation in the rate of women killed by men for 10 years in a row.

ALASKA'S RATE OF NATIVE WOMEN KILLED: 10 TIMES THAT OF WHITE WOMEN

- American Indian/Alaska Native women are disproportionately impacted by deadly violence against women in Alaska
- In 2020, the rate of American Indian/Alaska Native women killed by men in Alaska was 12.63 per 100,000 women, which is more than **three and a half times** the rate for all women in Alaska, and **10 times** the rate for white women in Alaska
- The crisis of deadly violence against women in Alaska, particularly against American Indian/Alaska Native women, should be a top priority for lawmakers in the state



NIJ'S STUDY RESULTS...THE SHOCKING STATISTICS

Violence against American Indian and Alaska Native Women and Men...

- More than 4 in 5 AI/AN women (84.3 percent) have experienced violence in their lifetimes
- Of that 84.3 percent:
 - 56.1 percent have experienced sexual violence
 - 55.5 percent have experienced physical violence by an intimate partner
 - 48.8 percent have experienced stalking
 - 66.4 percent have experienced psychological aggression by an intimate partner

Overall, more than **1.5 million** American Indian and Alaska Native women have experienced violence in their lifetime...



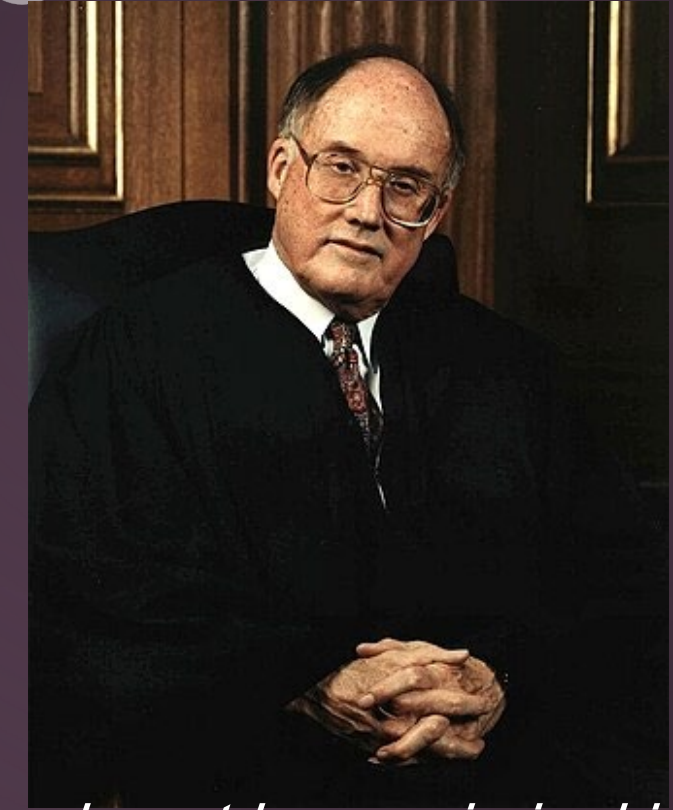
THE OLIPHANT DECISION

1978 U.S. Supreme Court decision that found Indian Tribes do not have criminal adjudicatory jurisdiction over non-natives

- *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)

After *Oliphant*:

- Infrequent prosecutions by federal and state authorities within jurisdiction
- High rates of violent crimes committed by non-Indian offenders with no accountability
- In Alaska, the State has not been able to provide consistent public safety services off the road system



"...Indians do not have criminal jurisdiction over non-Indians absent affirmative delegation of such power by Congress"



HISTORY OF ALASKA'S TRIBAL JUSTICE SYSTEMS

TRADITIONAL JUSTICE SYSTEMS

(PRIOR TO RUSSIAN/AMERICAN CONTACT)

"The men talked to that person, and the object was to retrain the man how to treat his wife, to show respect. If they were repeat abusers, if they didn't learn their lesson, then they'd be told to pack up like, extra clothing, hunting gear, and food and told to go out into the wilderness, the tundra, and survive the experience of living alone. When the men checked him, he was allowed to come back into the village and allowed to go back to his wife, instead of being punished like they are taken into jail today, fined, and all that. They were not actual council members, but everybody, all the men, were involved in this problem."

-Rose Borkowski, late Yup'ik Elder
from Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status by
AKNWRC



TRADITIONAL JUSTICE SYSTEMS

(PRIOR TO RUSSIAN/AMERICAN CONTACT)

Prior to foreign interference and colonization, traditional justice systems:

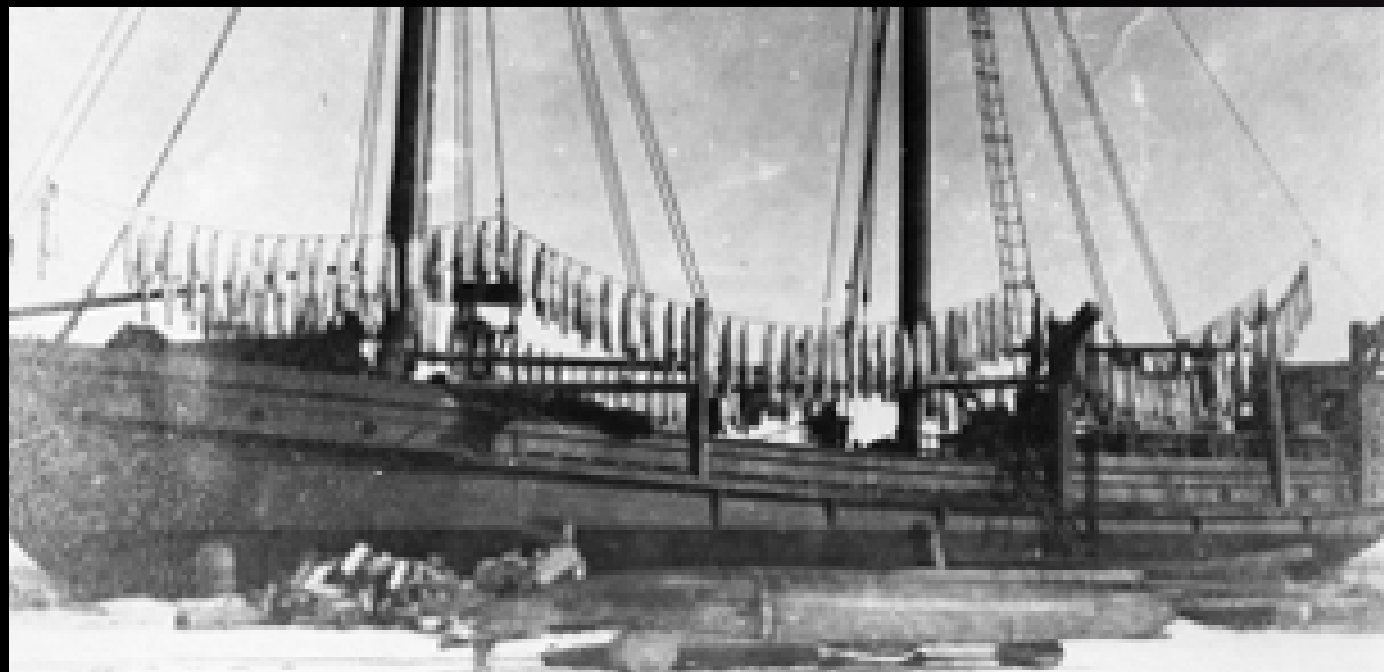
- Were governed by family and clan relationships
- Varied by culture and region
- Women were uplifted and held sacred
- Matrilineal society – matriliney
- Focused on accepting responsibility, correcting wrongdoing, and restoring balance in the community



from McCord Museum, Montreal, Canada
2007

INFLUENCE OF RUSSIAN CONTACT (1784 - 1867)

Eight Decades of Colonization



from Yale University
Press

- Russian dominated indigenous lands and peoples of Alaska for more than eight decades (or just under three generations)
- Russians came in search of sea otters – initially impacting mostly coastal villages
- Russian impact grew and established fur-trade centers in many areas

INFLUENCE OF RUSSIAN CONTACT (1784 - 1867)

1867 purchase of Alaska and the Treaty of Cession

- On March 30, 1867, the United States purchased Alaska from Russia
- \$7.2M – about 2 cents per acre
- Alaska native villages were not consulted, and lands were not exchanged through treaties

The purchase included Alaska Native peoples, without their consent



from the National
Archives

INFLUENCE OF U.S. CONTACT (1867 - PRESENT)

After the United States purchased Alaska from Russian, it began imposing American systems and policies on Alaska tribes

- Established US federal courts in the territory
- Represented a loss of land for tribes
- Created a separate education system for Alaska Native children – leading to missionary and boarding schools
- Shifted land ownership from the collective towards the individual



The First Territorial House of Representatives,

1913

from the Alaska State Library



POST - STATEHOOD

Post-Statehood:

- **State** Magistrates were put forward to assume judicial role
- **City** councils formed in many villages
- Many State resources went to support **municipal** forms of government



Signing of the Alaska Statehood Act
from the National Archives

THE ATTEMPTD DESTRUCTION OF INDIGENOUS JUSTICE SYSTEMS

“Colonization severed Haida people’s ties with ourselves, each other, our nation, the land and sea reflected in the disrespect for and rates of domestic and sexual violence against our women and children. Our potlatches are our ways of upholding our societal laws, and these were outlawed in Alaska in the early 1900s and in Canada during the late 1800s”

-Lisa “Ka’illjuus” Lang, Xaadas Kil Kuyaas Foundation
from Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status by AKNWRC

ERAS OF FEDERAL INDIAN LAW

1778
-
1871

TREATY-MAKING

1830-
1850

REMOVAL

1850-
1891

RESERVATION

1887-
1934

ALLOTMENT & ASSIMILATION

1934

-

1953

REORGANIZATION

1953

1968

TERMINATION

1968-

1994

SELF DETERMINATION

1994-

now

SELF GOVERNANCE



QUESTIONS?



QUYANA - GUNALCHÉESH - HÁW'AA -
MAHSI'CHOO - BAASEE' - MAASEE' -
DOGEDINH



ALASKA NATIVE WOMEN'S RESOURCE
CENTER (AKNWRC)


 www.aknwrc.org

 tribaljustice@aknwrc.org

 (907) 328-3990



ALASKA NATIVE JUSTICE CENTER (ANJC)

 www.anjc.org

 tribaljustice@anjc.org

 (907) 793-3550



Thank you

A hand-drawn pink heart is positioned to the right of the text "Thank you". The heart is drawn with a thick, slightly irregular pink line, giving it a personal, hand-painted appearance.