

Recognition of Alaska Tribes

Senate State Affairs Committee

Alaska State Legislature

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Native peoples and Tribes have existed in the
Americas from time immemorial.

“Before the coming of the Europeans, the tribes were
self-governing sovereign political communities.”
-*John v. Baker*, Alaska Supreme Court

Federally Recognized Tribes

- ◆ Government-to-government relationship with the United States
- ◆ Inherent rights of self-government (i.e., tribal sovereignty)
- ◆ Certain federal benefits, services, and protections based on relationship with the United States

Federal Indian Policy Periods

Colonial
1492 - 1820

Removal /
Relocation
1820-1850

Reservation /
Treaty
Making 1850-
1887

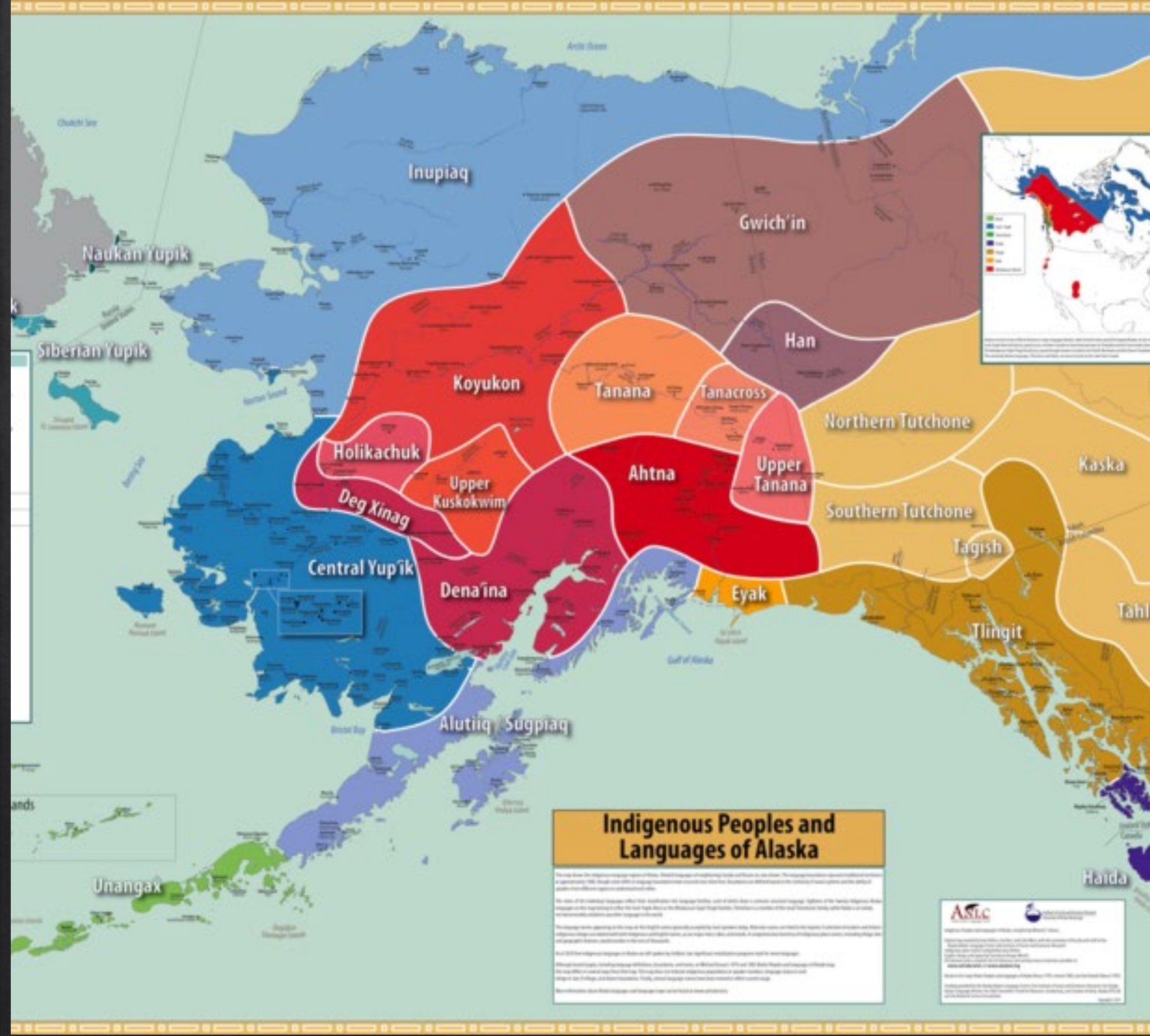
Allotment &
Assimilation
1887-1934

Indian Self-
Government
1934-1953

Termination
1953-196?

Self
Determination
196?-Present

Brief History of the Relationship Between the State of Alaska and Tribes



Previous Alaska Position: Tribes Do Not Exist

- ◇ *Native Vill. Of Stevens v. Alaska Mgmt. & Planning* (Alaska 1988) – “**There are not now and never have been tribes of Indians in Alaska** as that term is used in federal Indian law.”
- ◇ Alaska Admin. Order No. 125 (1991) – “**The State of Alaska opposes expansion of tribal governmental powers** and the creation of ‘Indian Country’ in Alaska.”

Federal Government Response

- ◆ **Department of Interior (DOI)**

- ◆ “**Sansonetti Opinion**” (1993) concluded there were federally recognized tribes in Alaska
- ◆ Nine months later, DOI issued a list of federally recognized tribes in Alaska

- ◆ **Congress**

- ◆ **Federally Recognized Tribe List Act of 1994 (1994 List Act)** published annually and includes Alaska Tribes.

Current State of Alaska Position re Tribes

- ◆ **Alaska Supreme Court** – “If Congress or the Executive Branch recognizes a group of Native Americans as a sovereign Tribe, we ‘must do the same.’” *John v. Baker* (1999)
- ◆ **State of Alaska’s Executive Branch** – “[W]e will improve government-to-government relations with Alaska Tribes [...]” Alaska Admin. Order No. 300 (2018).
 - ◆ *See also* Alaska Department of Law 2017 Opinion – Legal status of tribal governments in Alaska (“[T]here are no unresolved legal questions regarding the legal status of Alaska Tribes as federally recognized tribal governments.”)

Impact of HB 123

- ◆ Aligns Alaska State Legislature with other two branches of State government in recognizing the status of Alaska Tribes
- ◆ Modernizes State policy towards Alaska Native tribes by officially moving the State legislature out of the Termination Era and into the Self-Determination Era
- ◆ Creates the potential for the State of Alaska to lead the country in creation of State-tribal relations

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Ana Bassee

Quyana