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Subject: Strong Opposition to HB 59 – A Dangerous Step Toward Educational Segregation and Ideological Capture

Chairperson and Members of the Committee,

I submit this testimony in strong opposition to House Bill 59, a bill that, while cloaked in language of cultural preservation and tribal sovereignty, marks a deeply troubling step toward the institutionalization of segregation within Alaska's education system. HB 59 is not an isolated measure—it is the culmination of a strategic trajectory initiated by SB 34 in 2019, followed by the conditional $1 million grant to the Alaska Federation of Natives in 2021, and now weaponized in HB 59.

Rather than advancing educational equity or true tribal sovereignty, HB 59 represents a state-managed containment strategy that separates Alaska Native children from the general public education system under the guise of cultural respect, while enabling privatized, ideologically driven education initiatives that undermine democratic accountability.

Historical and Legal Context

In Brown v. Board of Education (1954), the U.S. Supreme Court famously declared that "separate but equal is inherently unequal." This landmark decision dismantled legal segregation in schools because it created unequal opportunities, racial division, and generational harm.

HB 59 threatens to reverse that legacy. It codifies racial and cultural separation in public education by creating parallel school systems based on tribal affiliation rather than inclusive, integrated governance. This isn't sovereignty—it is state-sanctioned segregation, with Alaska Native children placed in a separate educational track vulnerable to state manipulation and underfunding.

A Pattern of Division Under Governor Dunleavy

This bill cannot be divorced from the broader political climate under Governor Mike Dunleavy, whose administration has increasingly aligned with Project 2025, a far-right, white Christian nationalist playbook for dismantling public institutions and replacing them with religiously affiliated, privately controlled alternatives.

Governor Dunleavy's history of diverting public funds to private and religious schools, his refusal to fully fund public education, and his repeated reliance on national far-right policy groups for education "reform" suggests HB 59 is part of a larger agenda: to segregate, privatize, and ideologically control Alaska's future.

False Sovereignty, Real Segregation

HB 59 offers tribes only conditional authority. There is no guarantee of long-term funding, no

provision for tribal constitutional autonomy, and no protection against eventual outsourcing to religious charter networks operating under "cultural" fronts. This is state-directed pseudo-sovereignty, not tribal liberation.

True sovereignty means full, constitutional control over Native education systems, lands, curriculum, and hiring—free from interference by a governor whose alliances and intentions are antithetical to Indigenous self-determination.

Undermining Unity and Multicultural Public Education

Rather than integrating Indigenous language, history, and knowledge into Alaska's broader curriculum, HB 59 isolates it—thereby robbing all Alaskan students of the opportunity to learn from Native cultures and values in shared spaces. This bill doesn't promote diversity; it gates it off. It fractures the education system along racial, cultural, and geographic lines, weakening both Native and non-Native communities.

Legal, Moral, and Civic Imperatives

HB 59 poses constitutional concerns, invites litigation, and weakens federal trust obligations to Native peoples. It sets a dangerous precedent for state governments to create parallel, unequal systems of education based on identity and political convenience.

It is also a moral failure—a continuation of colonial strategies masked as reform. It reflects a political decision to divide rather than unite, to control rather than empower, and to pacify rather than liberate.

Recommendations to the Legislature

Reject HB 59 in its entirety.

Redirect state resources to fully fund culturally responsive education in public schools across Alaska.

Develop a framework for true tribal autonomy in education, with protections against state interference and religious charter capture.

Hold public hearings to investigate the broader influence of Project 2025, religious lobbying, and the Dunleavy administration's role in advancing these agendas.

A Defining Moment for Alaska

We are at a crossroads. Will Alaska create a unified, culturally rich education system where all children learn together? Or will it descend into state-enforced racial and ideological segregation?

HB 59 must be rejected. Our children—Native and non-Native alike—deserve better than the repackaged colonialism this bill offers. Let us not be the generation that knowingly allowed segregation to return to Alaska under a banner of "sovereignty" flown by white Christian nationalist hands.

Thank you for your time, and for your courage in facing this truth.
Susan Allmeroth
Two Rivers

Subject: Strong Opposition to HB 59 – A Dangerous Step Toward Educational Segregation and Ideological Capture

Chairperson and Members of the Committee,

I submit this testimony in strong opposition to House Bill 59, which poses a severe threat to the future of public education and tribal sovereignty in Alaska. Under the pretense of "cultural alignment," HB 59 attempts to reintroduce racially segregated education through a state-controlled tribal school system that lacks true autonomy and perpetuates colonial oversight.

HB 59 continues a trajectory that began with SB 34 (2019), followed by a $1 million conditional grant to the Alaska Federation of Natives in 2021 (State of Alaska, 2021). These measures now culminate in a bill that exploits the language of tribal empowerment to divide and conquer. The Alaska Department of Education and Early Development (DEED) has failed to ensure a culturally inclusive, unified education system for all—opting instead to subcontract its responsibilities to politically convenient silos.

Historical and Legal Context

The Supreme Court ruled in Brown v. Board of Education (1954) that "separate but equal" is inherently unequal, invalidating the legality of racial segregation in education (Brown v. Board, 1954). HB 59's structural separation of Native students into alternative school governance explicitly undermines this precedent.

Rather than healing the intergenerational wounds of forced assimilation and residential schools, HB 59 risks reinforcing separation in a new form—under state surveillance, with limited funding and no structural constitutional guarantees of tribal governance over curriculum, hiring, or land.

Governor Dunleavy's Alignment with Project 2025 and Segregationist Policy

Governor Mike Dunleavy has increasingly aligned with the Project 2025 policy platform, a far-right initiative that seeks to dismantle public institutions and reassert white Christian nationalist governance, including through education privatization (Heritage Foundation, 2023). The Dunleavy administration has:

Repeatedly proposed education budget cuts (Bohrer, 2023);

Directed public funds toward private and religious education (State of Alaska, 2022);

Pushed to empower religious charter models through the backdoor.

These policies mirror the strategies laid out in Project 2025, which views public schools as "hostile to the American way of life" and seeks to replace them with "values-based" alternatives (Heritage Foundation, 2023).

HB 59 serves as a strategic wedge to weaken tribal political cohesion and isolate Indigenous knowledge under a corporatized or religious model of "cultural charter" schools—removing accountability while advancing the ideological aims of this national playbook.

Legal and Structural Risks

HB 59 violates multiple legal standards:

Brown v. Board of Education precedent on desegregation;

UNDRIP Articles 14 and 15 on Indigenous educational rights (United Nations, 2007);

Federal trust responsibility to uphold education access and equity for Native American children;

And likely state constitutional mandates requiring equal protection and funding for all students.

Rather than integrating Indigenous knowledge into Alaska's existing schools, the bill extracts, isolates, and neutralizes it—paving the way for subcontracted charter schools with no tribal oversight, eventually even non-Native control.

Recommendations

Reject HB 59 outright.

Invest in culturally responsive education across all public schools—ensuring Alaska Native knowledge benefits all students.

Establish true tribal control over education via tribal constitutional mechanisms, land transfers, and revenue authority—not conditional grants.

Investigate ties between the Dunleavy administration and Project 2025-aligned organizations.

Let history remember this body not as the one who returned Alaska to educational segregation, but as the one who stood for justice, unity, and true Indigenous sovereignty.

HB 59 is not tribal empowerment. It is a modernized system of racial separation—disguised as progress.

Reject HB 59. Defend our children. Honor our shared future.

Respectfully,
Susan Allmeroth
[redacted]

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Legal and Constitutional Violations of HB 59

I. Constitutional Law and Case Law

1. U.S. Constitution – Equal Protection Clause (14th Amendment)

HB 59 creates a dual system that distinguishes between tribal and non-tribal students, undermining the Equal Protection Clause. It risks disparate treatment based on race and ancestry, which the Constitution prohibits.

2. Alaska Constitution – Article VII, Section 1

"The legislature shall by general law establish and maintain a system of public schools open to all children of the State..."

HB 59 violates the state constitutional requirement for a uniform public education system by introducing a non-public, non-tribally governed alternative that lacks clarity, consistency, and state-level accountability.

3. Brown v. Board of Education, 347 U.S. 483 (1954)

This landmark ruling determined that "separate but equal" is inherently unequal. HB 59 reintroduces systemic separation under the appearance of cultural autonomy, thereby risking a return to unequal education.

4. Plyler v. Doe, 457 U.S. 202 (1982)

The Court held that states cannot deny access to education based on immigration status or classification, even for policy or budgetary reasons. HB 59 similarly segregates access based on tribal status and affiliation, which could be unconstitutional.

II. Federal Trust Duties, Treaties, and Compacts

1. Treaty of Cession (1867)

Article III affirms that Native inhabitants shall have their rights protected. Education is recognized as one of these rights under evolving federal trust obligations. HB 59 transfers these protections to a state-created system without treaty authority.

2. Federal Trust Responsibility

The federal government is obligated to protect Native education. HB 59 circumvents these protections, risking violation of the fiduciary duty the U.S. owes to tribes. See:

Seminole Nation v. United States, 316 U.S. 286 (1942)

United States v. Mitchell, 463 U.S. 206 (1983)

3. ISDEAA (1975) – 25 U.S.C. § 5301 et seq.

HB 59 uses the term “compact” improperly. Under ISDEAA, only federally recognized tribes contracting with the U.S. can create such educational arrangements. HB 59 is not federally authorized and misleads stakeholders by implying equivalent authority.

4. ANCSA (1971)

While ANCSA extinguished land claims, it did not extinguish federal education obligations. HB 59 assumes that those obligations are now the state's responsibility, without proper legal basis.

5. UNDRIP (2007)

Article 14: Right to educational autonomy

Article 15: Right to cultural dignity in education

HB 59 does not transfer governance to tribes or Indigenous peoples, failing to meet UNDRIP standards on Indigenous education and autonomy.

III. Summary of Legal Conflicts

U.S. Constitution – Equal Protection Clause (14th Amendment): HB 59 risks creating separate and unequal educational systems based on race and ancestry.
Alaska Constitution – Article VII, Section 1: HB 59 violates the mandate for a uniform and publicly governed school system by introducing a separate, non-public education structure for Native students.

Brown v. Board of Education (1954): The bill reintroduces educational segregation under the guise of cultural autonomy, contrary to Supreme Court precedent.

Plyler v. Doe (1982): The bill unlawfully segregates education access based on tribal status,

violating the Court's principles on equal access to public education.

Treaty of Cession (1867), Article III: HB 59 undermines the protections afforded by the treaty to Native inhabitants, transferring education duties to a state-controlled system without tribal or federal consent.

Federal Trust Responsibility: The bill circumvents federal obligations to protect Native education rights, violating fiduciary duties set forth in Seminole Nation and United States v. Mitchell.

ISDEAA (1975): HB 59 incorrectly utilizes the term "compact," disregarding the requirement that only federally recognized tribes can enter such compacts under federal law.

ANCSA (1971): The bill improperly assumes state responsibility for educational obligations that were never extinguished by ANCSA.

UNDRIP (2007), Articles 14 & 15: The bill fails to respect the rights of Indigenous peoples to cultural autonomy in education, as recognized by the United Nations.

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He has to hold on to the chance you will grant open enrollment to cover his own ass from 2019.