

Impacts of Law & Policy on Alaska Native Villages and Alaska Native Victims

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There are 229 recognized Tribes in Alaska
There are 573 recognized Tribes in the United States

High Rate of Violence

The rate of violence against Alaska Native women is much higher than the rate of violence in the United States as a whole



Principles of Sovereignty

1. Inherent sovereignty
2. Health, safety, political integrity.
3. Community health and survival.
4. High Rate of violence
5. State system is not adequate.
6. Immediate and local response.
7. Self-determination and safety.
8. Children and culture
9. Traditions
10. Language



Public Law 280

What it did do:

- Eliminates most but not all federal criminal jurisdiction in Indian Country.
- Authorized states to apply their statewide criminal laws in Indian Country to Indians and non Indians.
- Opened state courts to private suits against Indians arising out of Indian Country.
- Authorized States , not Tribes, to return (retrocede) their jurisdiction back to the federal government.



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P.L. 280 Did Not Do

- Authorize states to exercise jurisdiction over trust lands
- Authorize states to exercise jurisdiction over federally protected hunting and fishing rights
- Eliminate preexisting tribal jurisdiction



"Indian Country"

- Defined at 18 U. S. C. 1151
- Public Law 280 impacts "Indian Country"
- *Venetie decision in 1998:*
 - *ANCSCA changed things in Alaska.*
 - *Most Native lands do not constitute "Indian Country"*
 - *Therefore P.L. 280 is largely irrelevant*
 - *Exceptions are allotments, trust land.*



Concurrent Jurisdiction

- The State of Alaska has concurrent jurisdiction over most matters that arise in tribal villages
- CONCURRENT means AT THE SAME TIME.
- CONCURRENT jurisdiction means that more than one sovereign entity has power.
- CONCURRENT does not mean that the village power is any less than the State power.



Most important lessons

- Public Law 280 did not eliminate pre-existing tribal jurisdiction.
- Tribal governments have exercised authority over people and places for thousands of years.
- Tribal governments can still assert their authority over their members and internal matters.



Unique Circumstances in Alaska

- The *Venetie* Decision
- ANSCA –Alaska Native Claims Settlement Act
- ANILCA- Alaska National Interest Lands Conservation Act
- Remote locations





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