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House Community & Regional Affairs Committee  
Alaska State Capitol  
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RE: Support House Bill 221

Dear Honorable State of Alaska Representatives,

Thank you for the opportunity to be heard on Tuesday, February 18, 2020 during the public comments on House Bill 221. I am writing to you today to complete my thoughts, which could not be condensed during the allotted time. I feel so strongly about this matter, I am compelled to elaborate on why I support, such an important, and monumental House Bill. At last, the State of Alaska is formally discussing recognition of Alaska's tribes, Alaska's first peoples.

I am an Orutsararmiut Native Council Tribal Citizen; I am speaking only as a Tribal Citizen. I was fortunate to be born, raised, educated, and settled in Bethel, Alaska all of my life. Bethel, Alaska has been a blessing to my family and I.

For thousands of years, our indigenous ancestors inhabited this land before it was demarcated. Our ancestors passed on a plethora of culturally rich language, traditions, and customs. These practices have sustained our people for thousands of years in these harsh, and unforgiving environments. Indigenous first people demonstrated their success in establishing and maintaining complex matrices, where our societies have functioned well, and everyone had their needs met.

Prior to western colonization and assimilation, we only practiced our subsistence way of life, language, and self-expression. Suicide was unheard of, people strived to survive. We had rules of order and practices, which worked for us. Our artistic cultural expression as indigenous people demonstrates that were at the self-actualization, the apex of Maslow's hierarchy of needs. Within the Tribal society individuals had their basic needs of: food, water, shelter, safety, love, belonging, and esteem; met.

In 1867, about five generations ago, our history was dramatically changed, when my great-great grandparents were alive. The way of life, as we knew it, was never the same. It is not so far off in the distant past that this occurred. The language, lifestyle, laws, and culture imposed on us have had many desired, and adverse effects on our people. There is a lot of good. Yet, history is undeniable: manifest injustices have occurred. This oppression resulted in loss of rights, cultural identity, land, criminalization of subsistence, alcohol & substance introduction & misuse, boarding schools, missionary sexual abuse, ect.

All too often, there is a pattern in the sad stories I have heard of, spoken by indigenous elders of their traumas because of assimilation. There is an overwhelming amount of intergenerational trauma, ineffective coping skills and mechanisms, as well as unmet needs. Despite many injustices indigenous people remain resilient, and persevere. They continue to work to preserve tribal identity, sovereignty and authority; meanwhile, learn how to adapt to a western world.

Then, and even to this day, we have difficulty understanding each other, because of communication barriers, both verbal and non-verbal. Your indigenous constituents have had a difficult time, over the years, of understanding many of the policies imposed on them. This barrier is because many Alaskan Native people lack(ed) the understanding of reading, writing, or speaking English; especially during the inception and infancy of Statehood. To this day, some still do not understand for a facet of reasons, ranging from socioeconomic disadvantages to illiteracy.

When my mother was an infant, Alaska joined Statehood. English was her second language. For my mother, and her thirteen siblings, they did not learn English until she was in the fourth grade. Learning

English was difficult for her in the beginning. She and her siblings, were first generational high school graduates. My three siblings and I, are first generational college graduates.

Yupik is the main communication language for many indigenous elders in the Bethel and Kusilvak Census Area. Our region comprises about 10% of the United States Federally Recognized Tribes, and approximately 25% of Alaska's tribes, some of the poorest and neediest parts in the union.

Our indigenous elders and people are resourceful, intelligent, thoughtful, and want to contribute. Elders want to pass on their knowledge. Many elders have vast knowledge about the environment, ecosystem, best practices of survival, adaption, subsistence, and historical happenings. Indigenous elders should always be an important consideration for consultation in decision-making.

Many elders who are alive today have a limited understanding of English in written format. We are an oral culture people. We taught through verbal instructions, dance, drumming, singing.

Some elders can speak English. For many Yupik elders, English is their second language, if they can speak it at all. An interpreter is necessary if one cannot speak Yupik, particularly in the remote areas of Alaska. Even among Yupik speakers there are communication challenges, because many western words don't exist in the native vocabulary, nor translate. Furthermore, it can be difficult even for Yupik speakers to translate, because of dialect and meaning differences, even in-between villages, and regions.

Alaska became a territory within the United States jurisdiction, about 153 years ago, when we were purchased from Russia, for less than two cents an acre. At that time, the equivalent price was a two-cent apple. Imagine, your identity, land, language, culture, and people being bought for an apple an acre.

After about fifty-seven years of being a territory, in 1924, Alaskan Natives and American Indians were finally declared citizens by the passing of the Snyder Act, when my maternal grandparents were four and six, respectively.

Shortly there after in 1925 the Alaska Legislature enacted a literacy test, which required potential voters to demonstrate that they could read or write to be allowed to vote. This arbitrary and capricious prerequisite was added to the Alaska Constitution, and remained there until the 1970's. The Voting

Rights Act passed in 1965, which prevented racial and ethnic discrimination in voting. In 1975, an amendment passed, which prevented discrimination against people who spoke native languages.

Despite the right to vote, my maternal grandfather Tommy Kinegak and great uncle, Samuel Jackson served our nation during wartime, when they volunteered in the Alaska Territorial Guard. Uncle Sam, is still alive, and lives in Kwethluk; he is one of the few surviving members of ATG. These brave men and their families sacrificed when they left their homes and comfort, to ensure that our country was protected during World War II. They were the first line of defense, and prevent the invasion from Japan, with exception of Atu Island. They were tasked with shooting down hot air balloon bombs, and gathering intelligence.

These native men who served in the Alaska Territorial Guard had no food provided, and scarce supplies. A rifle was issued, which they had to return when they were done, along with limited ammunition. The men who served, had to survive, and hunt to prepare all their own meals in these severe elements. The one thousand, four hundred and thirty five native men who galvanized and served from the Yukon Kuskokwim Delta area; were all volunteers, and were never paid for their service. They did it because it was what needed to be done to protect our home and freedom.

In 1994, Public Law 103-454 gave Federal recognition to tribes in the United States of America, when I was about three years old. Now, I am a grown mother of three young men, and twenty-six years later, I am honored to be apart of the discussions on the State of Alaska's recognition of Alaska's tribes, in 2020.

Approximately, sixty-one years after the Statehood of Alaska, and almost thirty years after federal recognition, we are now at the table discussing the State's unsettled recognition of tribes in Alaska- it is long overdue. Tribes have been here, since time in memorial. It is time that we build and maintain these lawful bridges, and align the State of Alaska's laws, with the superseding Federal laws.

On October 19, 2017, the State of Alaska's own Attorney General Jahna Lindemuth gave her lengthy legal opinion about tribes in Alaska, and their sovereignty. AG Lindemuth also clarified Indian

Country in Alaska to be 1) reservations 2) independent native communities, 3) native allotments, per 18 USC. 1151. Tribes have personal, subject, and territorial jurisdiction over their tribal citizens.

I suggest that the Community & Regional Affairs Committee carefully review her legal stance prior to voting or proceeding, as it is of the utmost importance; and completely relevant to the discussion. The State of Alaska should consider the following established laws pertaining to state and federal codes. These laws already established, set precedence, please consider these laws when proceeding in voting, (this list is not comprehensive):

- 10<sup>th</sup> Amendment, United States Constitution: Rights Reserved
- 18 USC.1151, Special Maritime Territorial Jurisdiction
- 18 USC. 1153, Major Crimes Act
- 25 USC. 3601, Indian Tribal Justice Act
- 1994 Public Law 103-454, Federally Recognized Tribes
- Alaska Supreme Court Ruling, John V. Baker
- Alaska Constitution Article XV, Transfer of Jurisdiction
- Alaska Criminal Rule 11, Tribal Justice Program

The Indian Tribal Justice Act 25 USC. 3601 (4) (2000) does affirm, “ Indian tribes do possess the inherent authority to establish their own form of government including tribal justice systems.” The Alaska Supreme Court has evaluated a two-dimensional non-territorial subject matter jurisdiction, involving the character of the legal question that can be properly solved by the Alaska Tribal Courts. These matters involve the regulation of the internal affairs of the tribe, and those that go to the core of sovereignty, health and wellbeing, and which the Tribal Court can properly solve.

The Orutsararmiut Native Council in Bethel, Alaska is a well-developed tribal government, which continues to positively progress; and expand with long-term sustainable services. The services in which ONC provides are Tribal: Court, Housing, Natural Resources, Transportation, Education, Employment, Training, Child Care, General Assistance, Energy Assistance, Senior Services, Social Services, Gaming, and Self Governance.

ONC provides a vast amount of services to their tribal citizens, and generously contributes to the Bethel community, and region. Through a government-to-government relationship, Alaska’s tribes can

continue to collaborate and compliment state goals and services. Tribes can access funding sources which can continue to collectively supplement and compliment our communities, making them more healthy, efficient, sustainable, safe, and holistic.

Tribes have demonstrated contributions, and desire to cooperate in various ways. In recent memory, to comply with federal Real ID, some tribes stepped up, and offered to pay for state DMV representatives to travel to remote areas, when the state was seeking donations. This was before a declaration was established that tribal ID's were acceptable, and the donations not necessary, because tribes are federally recognized, and their identification satisfied the Real ID requirements.

The State's lack of recognition of Alaska's tribes creates unnecessary silos, and division amongst tribal sovereign governments and the State of Alaska. This unequal power dynamic is unsustainable, overreaching, and unlawful. It makes it harder to work together and accomplish similar goals, when we can work together and share the responsibilities. For example, the State of Alaska's caveat of Tribal Waiver of Sovereign Immunity to work together and obtain funding.

Bethel's tribe, ONC Senior Services, was recognized as Tribe of the Quarter Spring 2019 for the Older American Act (OAA) Title VI (TVI) program. We were #1 in the Nation, which statistically, we had less than a one percent change of this recognition. The State of Alaska offers the Title III Nutrition, Transportation, & Support Services (NTS) Grant, which compliments the Title VI OAA Grant, however, it is only accessible to tribes if they waive their sovereign immunity.

I recently went to Washington D.C. in 2018 for the Older American's Act (OAA) Title VI (TVI) 60<sup>th</sup> Anniversary Tribal Consultation & Technical Training. Many of our nation's tribes were attending such a novel event. During the consultation, I testified to the distinguished guests, and presented my matters to the panel. I then turned my testimony to the floor, polled the attending tribes about their state requirements. I asked the TVI attendees: " By a raise of hands, who else in this room has to waive their sovereign immunity to receive state funding?" I stood there in silence, an entire Ballroom filled with tribal administrators, council members, and other tribal officials; and only the Alaskan tribes were raising

our hands. Alaska is the only state in the entire union that mandates tribes to waive their sovereign immunity to work with the state, and obtain funding. Many of our tribes are successful in operating a functional government, with cleared audits and balanced budgets. They demonstrate they are accountable and responsible governments who desire to work together to maintain and improve the lives of their people.

There are many unmet and imminent needs in Alaska. The State of Alaska's Public Safety crisis declared by United States Attorney General William Barr in 2019 was necessary. This emergency declaration was a crucial step in accessing federal funding. I thank AG Barr for coming to Bethel, and the financial support. The impact that he had of witnessing first hand- boots on the ground perspective- of the dangers facing State of Alaska residents, including tribal citizens. This unmet safety need is undeniable, and another good reason to work together with the Alaskan Tribes to remedy these social ailments.

I appreciate public servants such as yourself, who take your time to listen, and objectively read my statements. I look forward to a future Alaska that recognizes Alaska's Tribes. Quyanakhek, thank you very much, for your time consideration, and the opportunity to be heard. If you have any questions, please feel free to reach out to me.

Respectfully,

Nikki C. Pollock