

**ALASKA STATE LEGISLATURE**  
**HOUSE COMMUNITY AND REGIONAL AFFAIRS STANDING COMMITTEE**  
March 11, 2014  
8:05 a.m.

**MEMBERS PRESENT**

Representative Gabrielle LeDoux, Co-Chair  
Representative Benjamin Nageak, Co-Chair  
Representative Neal Foster  
Representative Bob Herron  
Representative Lora Reinbold  
Representative Sam Kito III

**MEMBERS ABSENT**

Representative Kurt Olson

**COMMITTEE CALENDAR**

HOUSE CONCURRENT RESOLUTION NO. 24  
Recognizing, honoring, supporting, and encouraging support for  
dog mushing and dog mushers in the state.

- MOVED HCR 24 OUT OF COMMITTEE

PRESENTATION: INDIAN LAW & ORDER COMMISSION REPORT

- HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HCR 24  
SHORT TITLE: SUPPORTING DOG MUSHING  
SPONSOR(s): COMMUNITY & REGIONAL AFFAIRS

03/03/14	(H)	READ THE FIRST TIME - REFERRALS
03/03/14	(H)	CRA
03/11/14	(H)	CRA AT 8:00 AM BARNES 124

**WITNESS REGISTER**

JESSIE MILLER, Staff  
Representative Neal Foster  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Presented HCR 24 on behalf of Representative Neal Foster.

DIANA HAECKER  
Nome, Alaska

**POSITION STATEMENT:** Testified in favor of HCR 24.

AURORA LEHR, Vice President  
Alaska Federation Natives (AFN)  
Anchorage, Alaska

**POSITION STATEMENT:** Testified during the discussion of the Indian Law & Order Commission Report.

TROY EID, Chair  
National Indian Law & Order Commission (ILOC)  
Denver, CO

**POSITION STATEMENT:** Presented the Indian Law & Order Commission report.

MICHELLE DEWITT, Executive Director  
Bethel Community Services Foundation  
Bethel, Alaska

**POSITION STATEMENT:** Testified in support of the recommendations in the ILOC report.

JAMES HOELSCHER, First Sergeant  
Village Public Safety Officer (VPSO)  
Hooper Bay, Alaska

**POSITION STATEMENT:** Spoke to the needs in rural Alaska as related to the Indian Law & Order Commission Report.

SHANNON JOHNSON-NANALOOK  
Indian Child Welfare Act (ICWA)  
Iliamna, Alaska

**POSITION STATEMENT:** Testified during the discussion of the Indian Law & Order Commission Report.

MIKE MYERS, Roving Village Public Safety Officer (VPSO)  
Dillingham, Alaska

**POSITION STATEMENT:** Testified on the challenges faced by VPSOs.

HOLLY HANDLER, Attorney  
Alaska Legal Services  
Alaska Federation of Natives (AFN)  
Juneau, Alaska

**POSITION STATEMENT:** Spoke on the Tribal Law & Order Act and the ILOC report.

## **ACTION NARRATIVE**

[8:05:29 AM](#)

**CO-CHAIR BENJAMIN NAGEAK** called the House Community and Regional Affairs Standing Committee meeting to order at 8:05 a.m. Representatives Kito III, Foster, Reinbold, and Nageak were present at the call to order. Representatives Herron and LeDoux arrived as the meeting was in progress.

### **HCR 24-SUPPORTING DOG MUSHING**

[8:06:31 AM](#)

CO-CHAIR NAGEAK announced that the first order of business would be HOUSE CONCURRENT RESOLUTION NO. 24, Recognizing, honoring, supporting, and encouraging support for dog mushing and dog mushers in the state.

[8:07:41 AM](#)

JESSIE MILLER, Staff, Representative Neal Foster, Alaska State Legislature, provided the following testimony:

With the first musher of the Iditarod Dog Sled Race into Nome just a few hours ago, it is fitting that we present this resolution. Dog mushing is the official sport of our state. Dog mushing helped to save many lives during the diphtheria epidemic of 1925 in Nome. Dog mushing brings thousands of Alaskans together every year to volunteer for various races, to cheer on its mushers, and to welcome the many more who come from out-of-state. We would ask the committee to support HCR 24 and recognize [the sport] as a past, present, and future culture of our state.

[8:08:50 AM](#)

DIANA HAECKER stated that she is married to four-time Iditarod finisher, Nils Hahn, and is the mother of a budding musher, Lizzy Hahn, who is nine years old. She related that she is a reporter for the Nome Nugget and a musher. Four hours ago, Nome greeted the 2014 Iditarod champion under the burlled arch, and even though she has photographed every winner since 2003 and is an avid musher, she always chokes up when the mushers arrive in

Nome. These events epitomize the allure of Alaska, the dream of the north, and the greatness of its people, she said, and what these mushers endure captures the essence of legends. This resolution will help preserve the joy of mushing and its culture so her daughter and future generations will have the right to mush in this great state. The organizations that have passed this resolution in the last six months include the Willow Dog Mushers Association, the Willow Area Community Organization, the Pioneer Igloo Number 1 in Nome, the Nome Kennel Club, the Association of Village Presidents, and the entire body of the Alaska Federation of Natives. She thanked members for their consideration and said that she wishes she could adequately convey the joy and beauty that dog mushing brings to Alaska. In response to a question, she stated that Dallas Seavey won the race today. She related that musher Jeff King scratched because the winds were so horrendous. It puts people in fear every time the wind starts howling, and these world-class athletes just endured these winds, she stated. She added that Aliy Zirkle came in second, two minutes after Dallas Seavey, and she believes that Mitch Seavey arrived just a minute ago.

REPRESENTATIVE REINBOLD thanked her for her passion and love of the sport.

[8:12:46 AM](#)

CO-CHAIR NAGEAK closed public testimony on HCR 24.

CO-CHAIR LEDOUX moved to report HCR 24 out of committee with individual recommendations and the accompanying fiscal note. [Hearing no objections, HCR 24 was reported from the House Community and Regional Affairs Standing Committee.]

[8:13:24 AM](#)

The committee took an at-ease from 8:13 a.m. to 8:17 a.m.

**Presentation: Indian Law & Order Commission Report**

[8:17:16 AM](#)

CO-CHAIR NAGEAK announced that the final order of business would be a presentation on the Indian Law & Order Commission Report.

[8:17:41 AM](#)

AURORA LEHR, Vice President, Alaska Federation Natives (AFN), noted that she also staffs the Council for the Advancement of Alaska Natives, a committee of the AFN Board and comprised of the 12 regional nonprofit service providers and some statewide organizations that serve Alaska Natives. This year, one priority [of the council] is to increase public safety, especially in rural Alaska. She noted that there is a national spotlight on safety in Indian Country right now, particularly in Alaska. She said there will be two presentations, and the one today is designed to provide information to the public and the legislature on "where we're at and who the parties involved are." In a few weeks, [a second presentation] will explore some collaborative recommendations on how to move forward in making some much-needed improvements. She stated that there have been numerous reports before, and the latest report from the National Indian Law and Order Commission (ILOC) is very comprehensive and is based on extensive research and testimony, and the commission chair is online to testify. The main difference in the current report is that since Alaska faces so many issues, an entire chapter has been dedicated to the state. She praised the ILOC for putting so much effort into research and for providing recommendations. She added that the issues need to be addressed at the state level.

[8:23:41 AM](#)

TROY EID, Chair, National Indian Law and Order Commission (ILOC), stated that the ILOC was created by a federal law in 2010, and he was appointed as a volunteer, with eight others, to review public safety and criminal justice issues for the 566 federally-recognized Native nations across the United States. The group has been working in the field and spending time and energy to try to understand some of these issues. During the course of the commission's work, the group spent an entire month of combined time in the State of Alaska, he noted. About 40 percent of the federally-recognized Native nations are in Alaska, he pointed out, and the time spent here has been an honor.

[8:25:23 AM](#)

CO-CHAIR LEDOUX inquired as to how many of the appointees on commission are Native American.

MR. EID answered that of the nine members of ILOC, four are enrolled members in Native tribes. There are six Democrats and three Republicans, he added, and he is a Republican who was

appointed by Senator Harry Reid and voted chair by the commission members. The statute requires nine commissioners and an advisory committee. There are no Alaskans or Native Alaskans on the commission, he noted, but there are two advisors who were heavily relied upon: Wilson Justin and Georgianna Lincoln.

[8:27:11 AM](#)

MR. EID said the ILOC was assisted by many great people in Alaska. He noted that he is a former state cabinet official from Colorado, and he was a U.S. attorney under President Bush. He said the report given to the committee is well-worth a read, particularly Chapter 2. He expressed that the situation in Alaska is very outmoded in terms of relying on a highly centralized, and very wasteful, policing and justice system "that really has been bypassed by the times." Considering the growth in Alaska and the serious issues faced, the ILOC recommendation is to really look at local control: Alaska should rely more on Native nations to enforce, combat, and prevent violent crime. The statistics are important to remember, he stated. In Alaska, victims of domestic violence are suffering those assaults at 10 times the national average, and, by some indications, sexual assaults are about 12 times the national average, not including that such crimes are underreported. He said that Alaska Natives have the highest rate of suicide in the entire Western Hemisphere, and one out of every four Alaska Native juveniles currently suffers from post-traumatic stress disorder, and that is the same rate as returning combat veterans from Afghanistan. This is serious, he reiterated.

MR. EID said a central system of law enforcement may have made sense a long time ago, but all nine members of the commission believe Alaska is on the wrong track with its centralized system. He added that not relying on local government "to do the heavy lifting" for law enforcement contributes to the disproportionate rates of violent crime and, for the taxpayer, is a "very wasteful, wasteful system." He continued:

We recommend quite strongly that Alaska take a look at its system. We love Alaska. We're not here to criticize anybody, but we just have to tell you that having looked at all 566 of these Native nations around the country for the last three and a half years, Alaska really does stand out as a system where more local control would really help all of the people in Alaska, Native and non-Native alike.

8:31:20 AM

MR. EID said that ILOC has a series of recommendations that starts with the premise that Alaska Native nations ought to be treated in the manner in which they really are—the way they have existed from the beginning. They are federally recognized as sovereigns, he said, self-governing with a specific identity under law. The state of Alaska should start addressing these issues on a government-to-government basis, he stressed, and with that he is talking about respect, not about creating an Indian reservation system. Alaska could have a much safer environment, he stated, if the legislature can take steps to clarify the boundaries that Native nations have, work with them, and begin to take that territorial integrity as a basis for jurisdiction, for policing, and for courts. He said:

It doesn't have to be an issue of fighting over land status endlessly; it's simply a question of drawing boundaries that the parties can agree on and really make local law enforcement do the heavy lifting. Make sure there's a pathway into the courts, but make sure that all the rights that Alaska Natives have are respected, as well as non-Natives.

MR. EID pointed out that the rest of the United States relies on local government and not on a strong central state government, which does not have the means or the legitimacy to do this job. It is failing miserably in Alaska, he stated. He said he looks forward to the day when there can be more recognition of local control, because it is in every Alaskan's interest to save that kind of money and to not have an environment where Alaska spends more money litigating against Native tribes than all the other 49 states combined. "There's got to be a cheaper way and an easier way, and I think it starts with that initial respect," he concluded.

8:33:45 AM

REPRESENTATIVE REINBOLD said she has not lived in the Bush for a long time, but she wants to support the efforts of ILOC. She noted that Mr. Eid encourages local government, and yesterday the Alaska House of Representatives passed legislation arming VPSOs [village public safety officers], which is a step in the right direction. She noted that many boroughs are unorganized, and she asked which local government Mr. Eid is referring to.

MR. EID said arming VPSOs is important and is supported by the commission. Some villages are in the position to do what he is describing and some are not, and what needs to happen is to begin to put that question to the Native communities. The legislature should have conversations on a government-to-government basis, he said. In the Lower 48, sometimes small and remote tribes will band together and have intertribal law enforcement, courts, and such, he explained, and the state will recognize that. They will work out a system to ensure that the boundaries are clear, but it is a common occurrence for one court to serve a number of different Native communities. Another way to deal with the issue is to have the dialogue with smaller villages that are not ready, and to ask, "What can we do right now to build capacity in those villages to help them?" He said they cannot necessarily do everything but maybe they will, eventually. The state should work on the capacity building, such as building up the tribal court systems. It may entail a program connecting geographic areas with a public defender, for instance. He explained that the point is to get the locals to do more and to build the capacity with them. "What we see in Alaska—really—is the opposite. The locals are struggling to try to do a lot of these things, sometimes with great success, by the way, but too often the state's attitude is: no, that's a threat to the central system that we have." The central system never effectively serves the role of local law enforcement, because the response times are too long and the distances are too great, he explained. There must be a strategy to build local control and accountability, even if it is done by regional groups or organizations taking the lead, he added.

[8:37:22 AM](#)

REPRESENTATIVE REINBOLD said she rarely agrees with Chief Justice Fabe, but "this is something we agree on." She asked if building up tribal courts would be done at the federal, state, or local level. She asked if the plan is moving forward and what the legislature can do.

[8:38:08 AM](#)

CO-CHAIR NAGEAK said one problem is the lack of a formal recognition of tribes in Alaska.

MS. LEHR said she could not clarify that.

CO-CHAIR NAGEAK said that most of the government in rural Alaska is tribal. Tribes want to work with the state, but "there is some disconnect there somewhere."

MS. LEHR said the state does recognize that there are federally recognized tribes in Alaska. The issue tends to be around ownership of land and not having a reservation system in place. She added, "The state understands that there are federally recognized tribes, but that doesn't necessarily solve any problem."

MR. EID noted that the state does not currently recognize Alaska Native nations on a government-to-government basis. That needs to happen today—not tomorrow, but today. Every other state in the country does, and every president since Richard Nixon has. "The idea that it is somehow debatable or optional is a sign of an ancient era," he opined. The U.S. Constitution clearly recognizes these as sovereign [inaudible]. Once that respect is shown, and it must be more than symbolic, [the state should then] look to [the tribes] as the local government and offer to help solve these problems. The effort has to start by saying, "You are a government; we respect that; we believe in that." He said it is not a scary thing to do; it is just part of the country's constitutional framework and part of who we are as a nation.

[8:41:45 AM](#)

CO-CHAIR LEDOUX inquired as to how that would work practically. She totally supports the idea of local control, she said, but there are reservations in the Lower 48 where everyone would be subject to tribal law. Alaska has no tribal land, so would only members of tribe be subject to the law or would everybody who lives in the vicinity be subject to tribal law?

CO-CHAIR NAGEAK said that when land claims were settled, the majority of people in rural Alaska wanted tribes; however, Congress wanted something else and created corporations. The corporations own land, and all members of the tribe are shareholders in a corporation. "Every time we try to come up with something to help our people, [it is said that] tribes don't have land, well, I beg to differ. The tribes do own the land because most of the members of the tribes in Alaska are members of the corporation," he stated.

MR. EID explained that, in the Lower 48, when a Native person is on tribal land or within the boundaries of a reservation, the

tribe has authority over that person for criminal purposes. A tribe does not have criminal jurisdiction over non-Native persons on tribal land, and that is based on a 1978 U.S. Supreme Court case, called *Oliphant*, which was viewed, at the time, as a case that would have very far-reaching consequences—and it has. The situation changed slightly last spring by the Violence against Women Act, which gave tribal jurisdiction over non-Natives in certain domestic violence cases. It was a tool to try to address domestic violence, but Alaska was exempt from the Act. He noted that both Alaska Senators support including Alaska in that section of the Violence against Women Act, and this topic will come to the forefront in Alaska in the months ahead. It is important for the state to begin to think about it, he opined.

MR. EID said there is a whole body of law regarding the Alaska Native corporations and how they can put land into trusts for Native villages or as a basis for jurisdiction. He stated that changing land status or land title would have to be clarified by Congress. "But what I'm asking you to please consider doesn't depend on whether you change the land status or whether you recognize what's already there. All this legislature would have to do is work with the Alaska Native nations on a government-to-government basis and come up with boundaries that are realistic boundaries for law enforcement purposes and for courts." He suggested working cooperatively, and it could be a project that is cosponsored by the state and the Native nations. "It could be mediated," he offered. It could just be done party to party, he said, and it would be very similar to drawing a line for a borough, township, or a municipality. He continued: "You just draw a government line [and] you wouldn't necessarily worry about who owned the specific land. You would say, here's a line that makes sense for self-government."

[8:49:08 AM](#)

REPRESENTATIVE FOSTER said he supports pushing Alaska Native justice to the lowest level possible. He said he represents about 60 communities, and nearly all are small villages. He asked if some form of justice system could be at the level of a 100-person village, "or is this something that we have to have at the hub level?"

MR. EID answered that he understands that there are some very small communities in Alaska. He suggested being realistic as to where to start, and one way would be to focus on where the big problems are. Alcohol is one huge problem, he noted, and some

limited authority might be directed at combatting alcohol possession and abuse where it is needed, which could be done in very small villages by having a tribal court judge that serves four to five villages. The judge does not have to be a lawyer, he explained, just someone who is honest and willing to assume the responsibility. The state could deputize these people as state judges for certain purposes, and they could be Native or not. "So many of the tribal governments in the Lower 48 have both Native and non-Native judges; they hire whoever they need, or they work with whoever they need to get the job done; they do it in a way they see fit, like other local governments do." He said that Alaska law can be applied when necessary, and judges can be trained to handle certain types of cases. An appeal might be directed elsewhere, if desired. He said to be realistic about what can be done now; start with something that is important like alcohol and extend that authority at a local level. Train those people and then over the next generation, a growing pool of people can take on a lot of other things.

[8:53:05 AM](#)

CO-CHAIR NAGEAK opened public testimony on the Indian Law & Order Commission Report.

[8:53:21 AM](#)

MICHELLE DEWITT, Executive Director, Bethel Community Services Foundation, said she has lived in Bethel since the mid-1990s, and most of her work has been with the Tundra Women's Coalition addressing domestic violence and sexual assault. She now directs the Bethel Community Services Foundation, which serves the community and provides grants to the region. What she has learned from the many years working with Native people impacted by domestic violence and sexual assault "is that we need to stop spending so much time trying to fix broken systems." She expressed that she left the Women's Coalition because of "systems." Seeing how systems interact with people—with victims—she realized that "we need to stop being so defensive of systems that exist. Just because there are systems in place doesn't mean that they're the best way or the only way to address crime or to interact with people or to provide services," she stated. She expressed her opinion that VPSO and trooper positions could be added "for the rest of my lifetime," but it will not address crime in Alaska's most rural tribal communities. The number of Native Alaskans dealing with these issues is overwhelming, she stressed, and she appreciates the report and agrees wholeheartedly with the recommendations. From

the perspective of a practitioner in direct services in rural Alaska, it is time to respect people; respect tribes; and empower communities, stakeholders, and tribal communities. Alaska needs to consider the [tribes and communities] as full partners and engage people in local solutions to these issues.

[8:57:13 AM](#)

REPRESENTATIVE HERRON asked why Alaska did not fight for inclusion rather than fight for exclusion of Alaska tribes, except for Metlakatla.

MS. DEWITT said she believes that it has to do with land; the state spends significant resources defending issues around land, and that impacts social policy and the ability to move forward on other platforms. There is so much fear about acknowledging sovereignty and respecting people: "We're digging in on all of these issues, when, in fact, we need to ... stop being so defensive about the things that are broken—that are not working—and start solving some of these issues." She expressed her belief that the state did not want to give anything up.

[8:59:27 AM](#)

REPRESENTATIVE HERRON noted that, historically, the federal government has dealt with American Indians and Alaska Natives. In 1830, there was the Indian Removal Act, and in the 1970s, ANCSA [Alaska Native Claims Settlement Act] was passed so that "we could build the pipeline." He asked if ANCSA is a treaty "that some Alaskans like ... because they were able to get the oil flowing. Didn't we extinguish tribal rights, essentially, for convenience, and now we're fighting against the decision—which was probably done with all good intentions?" He said ANCSA is coming back to bite Alaska Natives in the worst possible way.

MR. EID explained that ANCSA is one of the most amended federal laws of the last 40 years. It was amended essentially every single session of Congress for the first 35 years. He said ANCSA talks about there being no wardship for Native people, and it makes it sound like the tribes were being extinguished or their rights were being much degraded. He stated that the amendments have changed ANCSA, and it is very different from what it was in 1971. If it had not changed, "then why would we have the Indian Health Service partnering and providing all of these services?" There are so many federal roles that support Alaska Natives, similar to the Lower 48, which could not exist

if the original ANCSA was taken literally, he added. In some sense, ANCSA creates confusion, but it is not a surprise that Congress can fix it with support from the Alaska Legislature. He stressed his point that the legislature and the governor have a key role here. A system was envisioned that would bring out the best in everybody in Alaska, and it was not necessarily a decision of expediency, but one designed to maintain Alaska Native identity and be able to have development. The reality of today needs to be looked at, as there is too much crime; the state wastes too much money on central services; and it is not working. He stated, "You can add VSPOs—you can do these things—but it will not change the structural problem that exists." He suggested that the bold thing to do is to look at the structure and ask if it really serves the needs of modern Alaskans when the state has grown so much and when the crime problem is so great. The legislature can take a leadership role, and it starts with looking at the root cause.

[9:03:37 AM](#)

REPRESENTATIVE KITO III noted that there are over 200 recognized tribes in Alaska, and he asked how a public safety structure would work for the smaller communities.

MR. EID emphasized that it needs to be worked out with state leaders and tribal leaders. He reiterated that the task needs to be tackled on a government-to-government basis. He recognizes that tribes are numerous and many are very remote. The process will take time and attention to detail, he explained, but the effort is not happening now, and the state's posture has been to deny that these are governments and to operate out of the urban hubs. The legislature could establish governmental boundaries with agreement from the Native nations and allow jurisdiction within those lines. It should not be a legal fight, he added.

[9:06:09 AM](#)

CO-CHAIR NAGEAK said regional corporations have established nonprofits that receive lots of federal funding. They are not recognized as tribal entities, but they allow shareholders to take care of some of the social ills and needs. Today there is push-back from tribal governments as there are territorial conflicts between them [and the corporations].

[9:07:36 AM](#)

REPRESENTATIVE HERRON inquired as to the intent of the co-chairs in going forward with this report.

CO-CHAIR NAGEAK said he has no idea. He said he wanted an opportunity to bring it to the public, and it is up for discussion regarding [what the committee does with it].

CO-CHAIR LEDOUX recalled that today was to be informational, and several weeks from now, [the committee] might have a discussion about things it can do.

9:09:01 AM

REPRESENTATIVE HERRON referred to a letter from the attorney general asking someone to attend this hearing. He recommended that the report be held for further consideration in order that the attorney general can share his views when he is available. He expressed his desire to have on the record what the attorney general is doing, specifically, to recognize sovereignty in the state.

CO-CHAIR NAGEAK agreed with Representative Herron's suggestion.

9:10:46 AM

JAMES HOELSCHER, First Sergeant, Village Public Safety Officer (VPSO), noting that he is a Yupik Eskimo from Hooper Bay, informed the committee that he has been involved in law enforcement for about 20 years in Hooper Bay. He then related that there are challenges working with the three different organizations with which a VPSO works, which are the state, the VPSO employer (which can be a nonprofit or a borough), and the local city or tribal government. He opined that all three organizations have a shared mission in that they all want better public safety. The different organizations have shared members and long-term and short-term goals. Furthermore, the organizations have different expertise and resources along with the need to network resources across the regions, but the difficulties [of working with multiple entities] include problems with the lines of communication, including scheduling any kind of meeting; resolving philosophical differences between members to achieve goals; costs; and obligations. Communication and networking is complex and can result in problems with either recognizing VPSOs or disciplining them. He acknowledged that there can be the perception of duplication of services when there are VPSOs, village police officers, and tribal police officers. Another challenge in the arrangement is

that the stronger partner may dictate administrative processes that the other organizations may not have chosen, he said. There is also a challenge in terms of financial information and control. However, there are benefits, including: the retention of sovereignty for each organization while having combined resources; the ability to reach a larger audience; an improved advice and support system; a dedicated focus on missions validated by communications; services, support, and stability from each organization; and a sharing of resources. Mr. Hoelscher related that as a VPSO he has felt as if he is being pulled in different directions and caught in the middle, wondering who he is supposed to answer to and what is expected of him, which is stressful and at times can be more stressful than his calls. He noted that what keeps him sane is the acknowledgement that he ultimately works for the residents of Hooper Bay.

9:16:15 AM

REPRESENTATIVE FOSTER asked Mr. Hoelscher to provide his top three suggestions, in writing, of what the legislature could do to help streamline the process in rural Alaska.

MR. HOELSCHER agreed to do so.

9:17:15 AM

REPRESENTATIVE HERRON inquired as to what Mr. Hoelscher would request if he were the king for a day in terms of Alaska Natives being taken for granted by the judicial system.

MR. HOELSCHER said he would hope that everyone would listen with open ears to those educated and honest people who are trying to address community needs, whether they are VPSOs, tribal police officers, municipal police officers, or Alaska State Troopers. Sometimes titles, disagreements, and financial issues cause wrinkles in the system, he explained. Mr. Hoelscher emphasized his belief that the communities should have the number-one say in what they want with law enforcement and public safety. Furthermore, he opined, communities set a precedent as to what services they expect, and that should be met. As an Alaska Native living in an Alaska Native community, he expressed his feeling that some issues seem to be an uphill battle. In his over 20 years as a VPSO, he recalled arresting parents and children, and he noted the difficulty in keeping an optimistic view "with all that we go through," but becoming pessimistic or cynical would hinder his effectiveness in his job. However, he

is upset with the direction Alaska Native people have been led with alcohol and drugs, which have contributed to the high rates of suicide, domestic violence, and sexual assault. He related his desire for everyone to work toward the same goal and hold true to it.

[9:21:12 AM](#)

REPRESENTATIVE HERRON noted that Mr. Hoelscher was born and raised in Hooper Bay, and he asked how many Alaska State Troopers he has trained to understand what it is like to live in Hooper Bay.

MR. HOELSCHER answered that he has trained over 20 troopers, as well as those who are not assigned to Hooper Bay. He highlighted that one of the best ways to be accepted is to understand the community, culture, and its people. He said that he finds great enjoyment in informing people about the community of Hooper Bay and its people and in having them participate in [community/cultural] activities, which is necessary to gain acceptance and trust. In further response to Representative Herron, Mr. Hoelscher confirmed that some of the officers did not understand rural Alaska and could not stay, and those few are no longer troopers because they could not adapt to that part of their job. On the other hand, many of those who were force-transferred out to Hooper Bay and were bitter about the transfer, enjoyed being there when they really got to know the people and got to see the culture. Some individuals even came back on their own [after being transferred out], because they enjoyed the area so much.

[9:24:07 AM](#)

MR. HOELSCHER, continuing his presentation, highlighted that the resources lacking for VPSOs across the board include housing, vehicles, and office space, which are essential for VPSOs to do their job. Often, one or more of the components are missing, which results in a community not having a VPSO. Even if most or all of those items are provided, there may be a lack of vehicle fuel and vehicle maintenance, office supplies, heating fuel, or running water, he stated. Mr. Hoelscher said he is grateful to work in a community with all those resources (he also pointed out that he has his own house due to the fact that he is a resident of Hooper Bay); however, the majority of VPSOs are not provided with the essential components necessary to do their jobs. He noted that he took the job as a VPSO about five years ago and prior to that was the Chief of Police for Hooper Bay.

As a certified police officer he carried a gun. He highlighted that it can be challenging to be a VPSO responding to emergencies without immediate backup. Even with the best of conditions, the response time [for backup] can be hours—and that weighs heavy on his mind and on the mind of other VPSOs to be alone in situations where nobody should be alone.

9:29:10 AM

SHANNON JOHNSON-NANALOOK, Indian Child Welfare Act (ICWA), Iliamna, Alaska, explained that Iliamna is a hub community for the villages of Iliamna Lake. Although there are seven communities around the lake, there is only one VPSO in Kokhanok and one Alaska State Trooper based in Iliamna. She related that she lives in a community without a VPSO, but it has a great need for one. She told the committee that she has nine years of experience living and working in Togiak as an Indian Child Welfare Act (ICWA) worker, and until returning to Iliamna, she pursued a bachelor's degree in social work. She related that she has been a service provider since the late 1990s, helping rural communities, handling child abuse and neglect cases, and working on other issues related to children. She has worked with numerous VPSOs in the Bristol Bay area and said they are a precious resource for the small communities. The VPSOs dedicate time and energy to the villages, and she understands the complexities of the many roles they play on a daily basis. The buddy system used in Togiak was such that the ICWA worker and the VPSO would respond to a domestic violence incident, and the situation usually entailed removing children to ensure their safety. The role of VPSOs is extraordinary, she said. They would have to arrest the perpetrator; help the ICWA worker find homes for the children; ensure that the victims were safe; and provide counseling to the families involved. While Ms. Johnson-Nanalook got to go home to her family, the VPSO had to go back to work and guard the offender and file reports. Additionally, VPSOs serve various roles from medical examiner to role models who give Drug Abuse Resistance Education (D.A.R.E.) presentations in the schools. Ms. Johnson-Nanalook noted that she has been involved with the tribal court, and the assistance VPSOs provide is vital and much appreciated. She acknowledged that there is no easy fix to this complex issue in rural Alaska, but she expressed hope that these different perspectives will provide insight into the many roles of VPSOs and the need to fill these positions in rural Alaska. She noted that her uncle was a VPSO who was honored for his heroism during the floods in 1994, and she can name other VPSOs who are her heroes.

9:36:02 AM

MIKE MYERS, Roving Village Public Safety Officer (VPSO), informed the committee that he serves most of the Bristol Bay Native Association (BBNA) villages. Although most of the villages are receptive to having VPSOs, the first question he often receives upon arrival is, "Who are you coming to arrest?" Mr. Myers stated that he tells residents that he is there to support them and help them to the best of his abilities. He acknowledged that some people have misconceptions regarding how people live in villages and added that it was an education for him when he first moved to Alaska in 1977. Some of the most common problems in the villages, he related, are alcohol and drugs. Mr. Myers pointed out that everyone has different expectations of VPSOs. For instance, Alaska State Troopers want VPSOs to be police officers, but the VPSOs wear many hats, and he even considers himself a social worker half of the time. The VPSOs face individuals with mental health issues, and it takes days to get someone to the village to help the individual, he said. He said small problems lead to larger problems, and VPSOs might not be called until things become "pretty serious." Mr. Myers expressed the need to better educate VPSOs, Alaska State Troopers, mental health professionals, and physicians. He also expressed the need for a better response time, such that perhaps there would be local help in the villages he serves.

9:41:05 AM

HOLLY HANDLER, Attorney, Alaska Legal Services, Alaska Federation of Natives (AFN), said she is part of the legal team for the Alaska Federation of Natives (AFN). She noted that Chapter 2 of the National Indian Law and Order Commission (ILOC) report discusses the Tribal Law and Order Act, and she heard that there has been some skepticism expressed about commissioners from outside of Alaska examining and making recommendations for Alaska. She said one of the perspectives of the commission is its national examination of the Tribal Law and Order Act, which was not implemented in Alaska. The commission can look at how the policy of self-determination for tribes in the United States has impacted the country and how its impact has been slower in Alaska than anywhere else. It is ironic, because the Act discusses Alaska as being one of the areas of most dire concern, she explained. She said the commission can look at the progress tribes have made elsewhere and question why Alaska has been left out. She added that "the commission has also examined the issues in Alaska being the epicenter of sexual

assault and domestic violence in the country as being not just a state problem but an issue of national concern."

MS. HANDLER noted that there were questions raised about the impact of ANCSA on Alaska tribes, and while there is certainly a lot of grey areas in the wake of ANCSA, it has been a long-standing interpretation by federal courts and the Alaska Supreme Court that ANCSA did not extinguish the rights of tribes. She noted that there was a question regarding the "practical implications" of not having reservation lands. The commission did not work with a blank slate, she said, and she pointed out that the bibliography in the ILOC report includes the Rural Justice and Law Enforcement Commission Report for Alaska. In 2012, that commission issued a comprehensive report with ideas for "how this could work on a practical basis." These issues seem overwhelming, but the groundwork has been laid by people who have been paying attention to these issues for many years, she explained. "One of the observations of the Rural Justice and Law Enforcement Commission, that's relevant to this report here today and thinking about implementation in the future, is just examining the playing field. There is some mention of Native tribal courts and the resources that tribal courts and tribal governments could bring to a state and tribal partnership," she stated, but both commissions recognized the different "playing field." The ability of the state to support full-time positions is very different from tribal courts, which are mostly volunteer. The state has paid judges, clerks, staff, and support; whereas, most tribal judges work on a volunteer basis with, perhaps, a part-time clerk who also serves other roles such as the local ICWA worker or tribal administrator. She stated that there is federal funding for some tribal courts in Alaska, but those are predominantly three-year grants which is problematic.

MS. HANDLER concluded by saying that the most significant recommendation in Chapter 2 of the ILOC report is that the report not be shelved. One of the more dismal observations of the commission is the lack of follow-through from all the previous work that has been done by the legislature, other state groups, tribal groups, and other commissions. So, she stated, the AFN finds that the most significant recommendation is to make these issues a priority, including the effort to pursue government-to-government relations.

[9:48:57 AM](#)

REPRESENTATIVE HERRON noted that he wants to wait and have an animated conversation with the Attorney General, and he asked Ms. Handler if she thinks that will help.

MS. HANDLER said the commission and AFN supports more dialogue, as there will be no progress unless people start talking.

[9:49:49 AM](#)

REPRESENTATIVE HERRON inquired as to why there is a reluctance by this and other administrations to acknowledge sovereignty. He noted that the Tony Knowles administration had the "Millennium Agreement," but nobody "took the ball" after that.

MS. HANDLER said she is not the right person to answer that and cannot speak for the administration, but she has observed in her work that there is a great deal of fear in recognizing tribal governments. Having discussions can help bring out those concerns and may allay fears. There are some grey areas, she noted, where there are concerns about how they will play out. She noted that there is also "insignificant cooperation," such as tribal foster care funding where the state and the Tanana Chiefs Conference just signed an agreement so that foster care funding can flow from the federal government through the state to the tribal courts. When these discussions do start, she said, people may work through their fears and realize what resources are out there, and there is much progress to be made.

[9:53:02 AM](#)

REPRESENTATIVE HERRON noted that the letter from the Attorney General stating that he could not attend this hearing was copied to others. He requested that the co-chairs write a letter to those who were copied and say, "Why did you not take up the invitation to be a part of this debate?"

CO-CHAIR LEDOUX said she was curious as to why even a deputy attorney general failed to attend.

[9:54:08 AM](#)

CO-CHAIR NAGEAK stated that the committee will hold the report until the attorney general and others in the administration can attend. "We will make that an open invitation," he said.

CO-CHAIR LEDOUX expressed her interest in a vibrant discussion. She then said that she once represented the Lake and Peninsula

Borough, and one of the most successful communities sometimes meted out unique punishments. It was not done through a tribal court, she said, but "the community had ceded power to a community administrator, and when people didn't shape up in that community and violated the social norms of that community," the traditional punishment of banishment was used. She asked if unique punishments would be available under tribal law. She also recalled that [offenders] in Anchorage were once given bus or airplane tickets out of town—so it was not just in Native communities.

[9:56:34 AM](#)

MS. HANDLER acknowledged those as traditional methods of local community policing in Native and non-Native communities, particularly in areas without law enforcement. "When there's somebody in town that's repeatedly engaging in violence, in bootlegging, in carrying weapons while intoxicated, the community often feels ... that without an outside law enforcement officer to help deal with this problem, that there has to be some sort of community response, including escorting somebody out of town or purchasing them a plane ticket."

[9:57:57 AM](#)

REPRESENTATIVE HERRON stated that Nora Guinn of Bethel—the first woman and the first Native district court judge in Alaska—used the "blue ticket" a lot. He then said he is trying to stop using the phrase, "local control," preferring, instead, to use "local responsibility."

CO-CHAIR NAGEAK closed public testimony on the Indian Law & Order Commission Report.

[9:59:21 AM](#)

MS. LEHR requested clarification about the attorney general participating and whether that will be separate from the planned hearing on the recommendations of the ILOC.

REPRESENTATIVE HERRON said he wants to keep the conversation going but said he is willing to wait to have the attorney general in front of the whole committee, because the attorney general's view on the ILOC has to be on the record.

[10:00:25 AM](#)

MS. LEHR said she wholehearted agrees with having the attorney general's office and the administration on record. In closing, she expressed appreciation to the members for their time and for agreeing that this conversation needs to happen.

[10:01:12 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Community and Regional Affairs Standing Committee meeting was adjourned at 10:01 a.m.