

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS

February 13, 2020

8:04 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Bryce Edgmon, Vice Chair
Representative John Lincoln
Representative Chuck Kopp
Representative Dan Ortiz
Representative Dave Talerico
Representative Sarah Vance

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 221

"An Act providing for state recognition of federally recognized tribes; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 221

SHORT TITLE: STATE RECOGNITION OF TRIBES

SPONSOR(S): REPRESENTATIVE(S) KOPP

01/27/20	(H)	READ THE FIRST TIME - REFERRALS
01/27/20	(H)	TRB, CRA
02/13/20	(H)	TRB AT 8:00 AM CAPITOL 106

WITNESS REGISTER

JOY ANDERSON, General Counsel
Association of Village Council Presidents
Bethel, Alaska

POSITION STATEMENT: Co-presented a PowerPoint during the hearing on HB 221.

NATASHA SINGH, General Counsel
Tanana Chiefs Conference (TCC)

Fairbanks, Alaska

POSITION STATEMENT: Co-presented a PowerPoint during the hearing on HB 221.

HOLLY HANDLER

Alaska Legal Services Corporation

Juneau, Alaska

POSITION STATEMENT: Shared information during the hearing on HB 221.

RICHARD PETERSON, President

Central Council of the Tlingit & Haida Indian Tribes of Alaska

Juneau, Alaska

POSITION STATEMENT: Testified in support of HB 221.

FREDERICK OLSEN, JR

Sitka, Alaska

POSITION STATEMENT: Testified in support of HB 221.

ACTION NARRATIVE

[8:04:10 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 8:04 a.m. Representatives Edgmon, Ortiz, Kopp, Talerico and Zulkosky were present at the call to order. Representatives Lincoln and Vance arrived as the meeting was in progress.

HB 221-STATE RECOGNITION OF TRIBES

[8:04:52 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be HOUSE BILL NO. 221, "An Act providing for state recognition of federally recognized tribes; and providing for an effective date."

[8:05:26 AM](#)

REPRESENTATIVE KOPP, as prime sponsor, introduced HB 221, which would provide for state recognition of federally recognized tribes in Alaska.

REPRESENTATIVE KOPP imparted to the committee that the impetus to pursue HB 221 came from his father, who had been raised on a mission field in China and had survived the [Second] Sino-

Japanese War [1937-1945], when Japan invaded China. He said his father experienced what it was like to see the hearts of the local people be broken when their children were brought back to them a year later, how much the children had changed in their thinking and in their values. Representative Kopp related a story his father told in which, during the time their children were away, the parents would save extra rice so that upon the return of their children they could have a celebration. Then, when the kids did come home, they reported their parents for having the extra rice because it was against the rules, which broke the hearts of the Chinese people.

REPRESENTATIVE KOPP told the committee that at the time his father told him this story they were living in Newhalen, Alaska, on Lake Iliamna, and that his father was the only schoolteacher in the village. His father pointed to this time in China as the one time that a people had no control of the education of their own youth, as well as no ability to exercise self-determination in education. According to Representative Kopp, his father saw the wound in those spirits and worked hard as a "lone voice in the wilderness" to obtain more self-determination and more control [for] the local people and for the education of their youth. He added that, growing up in rural Alaska, most of the mentors in his life were adult, Native men, and that [through their eyes] he began to see how Alaska is interdependent in every way; that every relationship is not an island unto itself.

REPRESENTATIVE KOPP wrapped up his introduction by letting the committee know that HB 221 is a way of honoring and recognizing Alaska people who have been in Alaska since time immemorial; a step to reestablish healing and brokenness in the trust relationship with the first people [in the United States], and to give honor and respect for the same reason it would be given to any self-determined people. He then referenced The U.S. Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness."

[8:09:55 AM](#)

REPRESENTATIVE KOPP put forth that HB 221 is an attempt to help live up to the ideal [put forth by our forefathers]: first Alaskans should not be invisible in the narrative of Alaska history, but should be respected first and foremost as a proud people. He added that HB 221 would cause the committee to discuss concepts such as sovereignty and what it means: it is

incorrect to pretend tribes do not exist and yet ask them to waive their sovereignty. He imparted that worldwide only eight countries have a larger land mass than Alaska, and that it is inconceivable that Alaska can solve its health and social services issues, its public safety issues, and its education issues unless they are handled through collaboration and interdependence with the Alaska people: HB 221 is a step toward acknowledging that.

REPRESENTATIVE KOPP added that change is hard work and encompasses both emotional and spiritual healing, and that it is his belief that it is time to acknowledge Alaska's tribal citizens and "open the door to healing" and restoration.

REPRESENTATIVE KOPP pointed members of the committee to the following supporting materials for HB 221: President Richard Nixon's Special Message on Indian Affairs [July 8, 1970], the 1999 Alaska Supreme Court Case Baker v. John, and Attorney General Jahna Lindemuth's letter to Governor Bill Walker on the legal status of tribes in Alaska. He referred to President Nixon's address, which he described as a seminal moment in American history, when the U.S. moved from the termination era for government tribal relations to self-determination. He drew attention to an excerpt of the address, which read as follows:

The story of the Indian in America is something more than the record of white man's frequent aggression, broken agreements, intermittent remorse, and prolonged failure. This record is also one of survival, endurance, adaptation, and creativity in the face of overwhelming obstacles. It is a record of enormous contributions to this country, to its art and culture, to its strength and spirit, to its sense of history and its sense of purpose.

REPRESENTATIVE KOPP, as someone who worked in public safety and as someone who comes from a military background, wrapped up his presentation of HB 221 by informing the committee that Alaska Natives have the highest demographic rate of service [in the U.S.]; more than two and a half times higher than any other demographic group in Alaska.

[8:13:46 AM](#)

KEN TRUITT, Staff, Representative Kopp, Alaska State Legislature, said the Baker v. John Alaska Supreme Court case helped signal the moment the Alaska courts stopped the era of

termination and acknowledged tribes and self-determination, and Mr. Lindemuth's letter signified when the executive branch acknowledged the legal status that the Alaska Supreme Court defined for Alaskans. Mr. Truitt added that HB 221 serves to underscore the role of the Alaska State Legislature itself: in its declaration of the end of the termination era as the official state policy, Alaska will no longer ignore the existence of tribes.

MR. TRUITT pointed committee members to the operative provision of HB 221: first, it is recognized that [state recognition of tribes] is a federal question. The words "special" and "unique", also used by the Supreme Court as well as by President Nixon [in his address], were chosen to indicate the legislature understands the special, unique nature of the relationship. The second sentence incorporates the federally recognized Tribal List Act and where the Act resides in U.S. code. Mr. Truitt explained that the bill does not create a state-only recognition process, but that it acknowledges and defers to the federal government for the recognition of tribal status. The third sentence signifies that the State of Alaska is not to touch the Federal Trust Relationship between the federal government and tribes, "even with a ten-foot pole."

[8:21:00 AM](#)

The committee took a brief at-ease from 8:21 a.m. to 8:22 a.m.

[8:22:06 AM](#)

JOY ANDERSON, Association of Village Council Presidents (AVCP), introduced herself and let the committee know that she would be giving a PowerPoint presentation with Natasha Singh.

NATASHA SINGH, Tanana Chiefs Conference (TCC), began the presentation by bringing the committee's attention to the second slide [of 18], which stated "Native peoples and Tribes have existed in the Americas from time immemorial." She then referenced the following quotation from Baker v. John: "Before the coming of the Europeans, the tribes were self-governing sovereign political communities."

MS. SINGH pointed out to the committee that the existence of a tribe or tribal government does not require a federal or state determination, and that tribal sovereignty does not originate with the federal or state government. She went on to say that before the U.S. and before Alaska there were tribes, and the

tribal form of government is something not easily comprehensible to most people, especially to non-Native speakers, as notions of government and economy are fully embedded in Native languages. Tribal governments were based on a rule of law determined by the Creator, the land, and the animals, Ms. Singh imparted, and tribal leaders created tribal governance in reflection of these laws.

MS. SINGH stated that present-day tribes have remnants of these traditional governments despite hundreds of years aimed at extinguishing tribes. Chief Nancy James of Gwichyaa Zhee in Fort Yukon, Alaska, described it in this way to Ms. Singh: Tribal leaders are tasked with protecting the land and the children.

[8:25:17 AM](#)

MS. ANDERSON showed the committee the slide "Federal Indian Policy Periods" [slide 5] in which the "pathway" to recognition of tribes by the U.S. is broken down. A federally recognized tribe is an American Indian or Alaska Native tribal entity that has a recognized government-to-government relationship with the U.S., Ms. Anderson explained. She added that this relationship is described as a "domestic dependent nation."

MS. ANDERSON related that as governments, tribes have inherent power and authority as well as the right to self-government. Self-government, Ms. Anderson explained, is a tribe's decision of what form of government they will have as well as who is eligible to be a tribal citizen or member. Tribes exercise all of their inherent power, Ms. Anderson said, unless those powers have been expressly limited by Congress. Tribes have always existed, so they have always had these powers, she related. As part of self-government, tribes regulate matters pertaining to tribal members, which are exemplified in taxation, property regulation, and members' conduct, such as domestic relations. Tribes are immune from lawsuit. Not states, not part of the federal government, not non-profits: tribes are distinct, Ms. Anderson put forth.

[8:27:44 AM](#)

MS. SINGH referenced policy periods, the distinct periods in which the U.S. government dealt with tribal governments. She read all of the periods to the committee: the colonial period from 1492-1820; the removal/relocation period, including the Trail of Tears, from 1820-1850; the reservation and treaty

making period, from 1850-1887; the allotment & assimilation era, from 1887-1934; Indian self-government, from 1934-1953; the termination era, from 1953-1960; and tribal self-determination, from 1960-present. Tribal self-determination, she imparted, is the only policy that has been successful in the history of the relationship between tribes and the U.S. She related that self-determination has been the policy since the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975, and it has been successful since.

8:30:05 AM

MS. ANDERSON turned the committee's attention to the removal/relocation period [again slide 5]. From the beginning, she imparted, tribes were recognized as being distinct entities with power and authority of individual government, subject even as they were to U.S. authority. Being subject to U.S. authority, she continued, was what resulted in lasting oppression. In 1831, a few decades before Alaska become a territory, Ms. Anderson informed the committee, and only about 50 years after the U.S. came into existence, the U.S. Supreme Court under Chief Justice [John] Marshall determined that Indian tribes were what Marshall referred to as distinct independent political communities under the control of the U.S., or domestic dependent nations.

MS. ANDERSON directed the committee to the next slide, which read as follows [original punctuation provided]:

...a weaker power does not surrender its independence - its right to self-government - by associating with a stronger, and taking its protection. A weak state, in order to provide for its safety, may place itself under the protection of one more powerful, without stripping itself of the right of government, and ceasing to be a state.

MS. ANDERSON informed the committee that the preceding quotation was taken from what is known as the Marshall Trilogy, three cases that form the basis of Federal Indian law in the U.S., and through which the following principles were conceived: aboriginal land claims, tribal authority, and Federal Trust Responsibility. The cases are Johnson v. M'Intosh in 1823, Cherokee Nation v. Georgia in 1831, and Worcester v. Georgia in 1832. Ms. Anderson offered an explanation of each principle. Aboriginal land claims refer to the rights of aboriginal peoples' right to retain use and occupancy of land, that only

the U.S. government can settle aboriginal land claims, and that the U.S. has a legal duty to protect aboriginal title until land claims are officially settled.

MS. ANDERSON also explained tribal authority, the second principle in the basis of Federal Indian Law in the U.S. as broken down by the Marshall trilogy: tribes are nations with the authority to govern themselves, and the source of that authority is inherent, meaning it comes from tribes being self-governing long before settlers and explorers came to the Americas. Third, she explained that under Federal Trust Responsibility, the federal government has a responsibility to protect Indian lands and resources, and to provide essential services to Indian people. This comes from the fact that the federal government took away the vast majority of Indian lands, Ms. Anderson imparted, and in return promised to provide these things.

[8:33:07 AM](#)

MS. ANDERSON then referenced The Alaska Purchase, also known as the Treaty of Cession: in 1867, Russia sold its claims to Alaska to the U.S. She went on to paraphrase the treaty, which stated that Native people were uncivilized, so the colonial government had the power to civilize them with laws. Because of the wording in the treaty, tribes in the U.S. fell under U.S. authority. From the very beginning of Alaska entering statehood, Ms. Anderson pointed out, there was the awareness that tribes existed in Alaska.

[8:34:12 AM](#)

MS. SINGH related that the basis of Federal Indian Law is in the U.S. Constitution, [Article 1], which states that Congress shall have the power to "regulate commerce with foreign nations, and among the several states, and with the Indian tribes" [slide 9]. This article of the Constitution lays out Congress's plenary power: Congress has the final word when it comes to tribes in the U.S. The Alaska Native Claims Settlement Act [signed into law in 1971], Ms. Singh related, is an example of Congress using its plenary power. The law extinguished Alaska Native rights to over 360,000,000 acres of land including [Native Alaskans'] hunting and fishing rights to those lands.

MS. SINGH spoke of the passing of the ISDEEA by Congress, the first major piece of legislation in the self-determination era. Self-determination policy has worked, she related, to make

significant progress in reversing otherwise distressed social, cultural, and economic conditions in Native communities, and reflects a political equilibrium which has held for four decades and which has withstood various shifts in the party control of Congress and the White House.

[8:36:36 AM](#)

MS. ANDERSON informed the committee that an example of the U.S. recognition of the government-to-government relationship it has with federally recognized tribes is called tribal consultation. "Consultation and Coordination with Indian Tribal Governments" is the title of Executive Order 13175, which was issued by President Bill Clinton on November 6, 2000 [slides 11-12]. Ms. Anderson added that on November 5, 2009, President Barack Obama issued a memorandum directing each agency to give a detailed plan of action of how they would implement the policies of the executive order, which would establish regular, meaningful concentration and collaboration with tribes in the development of federal policies that have tribal implications.

MS. ANDERSON added that Executive Order 13175 also recognized a trust relationship with Indian tribes, the right of Indian tribes to self-government, tribal authority, and self-determination, and all federal agencies' respect of all of these.

[8:38:15 AM](#)

MS. SINGH brought members' attention to Alaska Administrative Order 125 from Governor [Walter J.] Hickel in 1991, in which he declared "The State of Alaska opposes expansion of tribal governmental powers and the creation of 'Indian Country' in Alaska" [slide 14]. The history between Alaska and tribes "hasn't been great," Ms. Singh put forth, adding that defining what the new relationship between the state and tribes will look like has been harder than winning [recognition] in the courts.

[8:41:41 AM](#)

MS. ANDERSON let the committee know that the U.S. Department of the Interior (DOI) responded "rather quickly" to the Alaska Supreme Court's position by issuing a list of federally recognized tribes in Alaska via the Federally Recognized Indian Tribe List Act [1994], which Congress confirmed, and which is still published annually [slide 15]. She let the committee know that Congress even overrode the omission of one tribe in the

original Act, hence confirming the DOI's opinion that tribes existed in Alaska.

[8:42:47 AM](#)

MS. ANDERSON let the committee know that initially Alaska challenged [the DOI's opinion], but in 1996, litigation was discontinued. The state attorney general [in 1996] also issued an opinion that outlined the status of federally recognized tribes. This issuance contained some inaccuracies; for example, that state courts could not transfer jurisdiction of child protection cases to tribal courts. In 1999, she continued, John v. Baker clearly recognized there were tribes in Alaska [slide 16].

MS. ANDERSON informed the committee that in 2018, Governor [Bill] Walker [also recognized tribes]. She pointed out that there had been a previous administration order from 1990 recognizing tribes, but it had been overturned. In 2018, she continued, Alaska Administrative Order 300 stated that government-to-government relations with Alaska tribes would be improved [slide 16].

[8:44:07 AM](#)

MS. ANDERSON reiterated that it has been clearly stated by the Alaska Supreme Court as well as by the state administration that there are federally recognized tribes in Alaska. She added that HB 221 would effectively move the legislature out of the termination era and into the era of self-determination.

[8:44:49 AM](#)

MS. SINGH added that while "some dark times" have been seen, there has also been a kind of awakening to an understanding of Native history. Alaska has been looked down upon in the past decade over its treatment of tribes, she continued, but Alaska also has the potential to lead the nation into what will be the next era.

[8:46:29 AM](#)

REPRESENTATIVE EDGMON said that he thought about all of the years that Alaska tribes have not been properly recognized, and that he thought HB 221 seemed to be lacking a preamble that talks about the transition from one era to the next. He added that he has heard many times that tribes are not an entity in

Alaska because they are not in the Alaska Constitution, but only recognized in the U.S. Constitution. He opined that the journey that is taking place and the progress taking place should be documented for posterity's sake.

[8:49:09 AM](#)

REPRESENTATIVE KOPP responded that it was important to step over the threshold, and HB 221 is narrowly structured so as to not to "poke anyone in the eye" while still stating the obvious. He added that HB 221 couldn't be made any clearer. He said he was still amenable to a legislative intent section; however, he acknowledged that the goal was to keep HB 221 as concise as possible to strictly address the policy of no longer denying that tribes exist in Alaska and to open the door of a new era of collaboration with tribes on every issue with which Alaska desperately needs help.

[8:51:14 AM](#)

MR. TRUITT mentioned that codifying the preamble would need to be a conversation with Legislative Legal Services. He added that on the first draft of HB 221 the first and third sentences had been removed because they were thought to signify legislative intent, leaving only the second sentence. It was insisted by the sponsor that the first and third sentence remain in HB 221 primarily for the reasons being spoken about [by Representative Edgmon] and for the importance of the legal doctrine of the Federal Trust Responsibility.

[8:53:04 AM](#)

REPRESENTATIVE VANCE mentioned that from a non-Native perspective it was difficult to understand the fullness of the intergovernmental relationships with tribes. She added that it is particularly challenging when the question "Why can't [everyone] just be all Alaskan?" is raised. She offered her understanding that the perception in many non-Native minds is that recognition of tribes elevates tribes over other Alaskans. She added that she would like to have a conversation in which "uncomfortable things" were discussed, which would in turn help shift the way Alaskans create understanding.

[8:55:38 AM](#)

REPRESENTATIVE KOPP replied that a good foundation had been laid throughout the past year regarding tribes being recognized. He

explained that the state government was "not caught up" to where the federal government was going, and then the federal government officially changed positions under President Nixon's address. While the context of what self-determination means is "always being determined in the courts," it is now known conclusively, as he pointed out, that child custody issues, welfare issues, adoption issues, and lower-level misdemeanor criminal law issues are now recognized by the courts as being solidly within tribal self-determination.

REPRESENTATIVE KOPP referenced Mr. Lindemuth's factual analysis that the law is evolving, and that the scope of self-determination in Alaska continues to be refined. Designed to "step out of the shadow," HB 221 would further elucidate the concept of self-determination to the point that it will become noticeable that lack of recognition earlier has contributed to a lot of the societal breakdown such as depression, intergenerational trauma which leads to suicide, and substance abuse. Representative Kopp continued by adding that this "hurdle" must be overcome, and tribal citizens may be honored for who they are.

[8:59:07 AM](#)

The committee took an at-ease from 8:59 a.m. to 9:01 a.m.

[9:01:35 AM](#)

HOLLY HANDLER, Alaska Legal Services Corporation, informed the committee that for eight years she litigated a single case to recognize tribal child support orders in Alaska. Since the Alaska Purchase in 1867, state recognition of tribes has been the norm. She went on to say that what HB 221 proposes to do has been the accepted truth in Alaska, and it's only been a recent development that there is a battle over recognizing Alaska tribes.

MS. HANDLER imparted to the committee that a large amount of time, money, and resources has been expended "fighting against truth," and it has been a failed investment. Ms. Handler echoed Ms. Anderson and Ms. Singh's assertion that HB 221 really has its roots in the Alaska Purchase, but she added that the 50,000 indigenous residents didn't agree to said purchase but would instead think of it as dealing in stolen property. In 1867, she continued, tribes were referred to as sovereign Native governments, and it was uncontroversial that that tribes existed in Alaska and have for 10,000 years.

[9:05:40 AM](#)

MS. HANDLER continued by explaining that dual citizenship had been created, and this was uncontroversial. The U.S. did not recognize indigenous people as citizens until 1924, she continued, under the Alaska Citizenship Act in 1915, Native Alaskans had to apply for Alaska citizenship, and could only apply if they got certification from at least five white citizens that they had severed all tribal customs or relationships. Ms. Handler added that the legal status recognizing tribes has been uncontroversial, but "that is not to paper over" the racism and institutionalized discrimination that has taken place for the last 150 years.

MS. HANDLER imparted that tribes not only exist but have authority, something that can be traced back to the early 1900s with laws enacting federal reserves for Alaska Native tribes as well as allotments and townsites having been reserved for tribal citizens in Alaska. In the 1930s, she continued, the federal government recognized that tribal governments could enact their own laws of marriage. In the 1930s, she added, the Indian Reorganization Act also recognized Alaska tribes in the state. In the 1970s, a series of legislation, including the Indian Child Welfare Act of 1971, specifically recognized the existence of tribes in Alaska.

[9:08:53 AM](#)

MS. HANDLER explained that anti-tribal advocates tried to "twist" Public Law 280 [1953] to say that tribes were extinguished in Alaska. Between 1986 and 1992, she continued, several lawsuits took place including tribes using authority to protect abused and neglected tribal children. In these cases, she added, anti-tribal advocates asked the court to find that tribes lost their sovereignty with the passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, and they argued that without land tribes couldn't govern their own citizens.

[9:10:57 AM](#)

MS. HANDLER echoed Ms. Anderson and Ms. Singh, who had informed the committee that when Baker v. John was litigated to the Alaska Supreme Court in 1999, tribes and tribal advocates had 100 years of history to prove that anti-tribal advocates were "off base" in trying to create new law in Alaska [that tribes had been extinguished by ANCSA]. Ms. Handler added that in 1999

the State of Alaska and the U.S. Department of Justice sided with the tribes in saying tribal jurisdiction exists in Alaska because tribes are sovereign entities in Alaska. In 2000, she continued, an entire set of policies and procedures including the Millennium Agreement [between the Federally Recognized Sovereign Tribes of Alaska and the State of Alaska, 2001] and the inception of the Office of Children's Services [a division of the Alaska Department of Health and Social Services, based on John v. Baker] made it seem that the road was one of progress.

MS. HANDLER informed the committee that in 2004 a new, aggressively anti-tribal stance "tore up" all the work that Alaska had done in the preceding five years. Without referring to the 100 years of history, it was declared that tribal sovereignty did not exist in Alaska.

[9:14:11 AM](#)

MS. HANDLER stated that all of the cases were decided in favor of the tribes because history, research, and truth were on [the tribes'] side. The Alaska Supreme Court and federal courts all agreed that nothing in ANCSA extinguished the sovereignty of tribes to exist in Alaska and [that tribes should] continue to exercise jurisdiction over their own people. There was a huge opportunity cost, Ms. Handler added: Alaska lost the opportunity to partner with tribes on projects, on grants, and on federal programs. Only since 2016, she continued, since Alaska stopped actively litigating against the tribes in these cases, has there been a "blossoming" of opportunity, from transportation and road building to child protection. Alaska signed a historic agreement to jointly support children in tribal foster care to take some of the burden off the state and also to empower the tribe to support its own foster families. From the legal perspective, Ms. Handler concluded, HB 221 is nothing revolutionary in terms of law, but it is revolutionary in terms of solidifying Alaska's commitment that there won't be a reverting back to a period of litigation against its own people.

[9:17:03 AM](#)

MS. SINGH pointed out as a follow-up to Ms. Handler that the lack of understanding and lack of education regarding tribes by Alaskans was purposeful: it was a decision made by policymakers to attempt to "wipe" tribal governments from the history books. Miseducation was a part of an Alaska termination policy, she added, and still is today, as not only students but also

lawmakers do not understand the history of Alaska. As long as the termination era continues, she added, the battle will go on. Ms. Singh urged that now is not the time that Native Alaskans are able to wait.

[9:19:50 AM](#)

REPRESENTATIVE EDGMON posited that the U.S. did away with treaties in 1872. Alaska became a state in 1958-59, he added. He brought to committee members' minds William Paul, the first Alaska Native attorney, in 1912, and the significance of his efforts through the Indian Reorganization Act and other groundbreaking work. Representative Edgmon emphasized that Congress didn't know how to deal with Alaska, so Alaska drifted along for many years, and has been doing some painful catch up work.

[9:23:06 AM](#)

CHAIR ZULKOSKY opened public testimony on HB 221.

[9:23:21 AM](#)

RICHARD PETERSON, President, Tlingit & Haida, began by informing the committee that as a lifelong Alaskan, he first identifies through his clan, something that can be traced for 10,000 years. He added that it doesn't make him any more important than anyone else who was born in or who moved to Alaska, but that he thinks it is deserving of some special historical recognition because he came from the village of his forefathers. Mr. Peterson pointed out that the resources often spoke about are what exemplify what Alaska is and should be, and as a Native Alaskan he feels as though Native culture and history add to that richness.

[9:26:16 AM](#)

MR. PETERSON added that he thinks it's ironic to still be talking about recognition especially having been in the position of president and being able to bring funds in because of the standing as a federally recognized tribe. It "always gave pause" when he had to sign a waiver of sovereign immunity to the State of Alaska, he said, because of the fact that Alaska does not recognize tribes, and that he would like to see that go away through [the implementation of HB 221]. Mr. Peterson added that Tlingit & Haida is unique in that it's a regional tribe recognized by an act of Congress, and, similarly to what Ms. Anderson and Ms. Singh put forth, also represents some of the

village tribes through a compact. Alaska is home to 229 federally recognized tribes, Mr. Peterson continued, and especially when taken into consideration that Alaska tribes make up almost half the number of tribes nationwide, recognition is long overdue.

[9:29:17 AM](#)

MR. PETERSON said that because Tlingit & Haida is a federally recognized tribe, it is a formal trust relationship between the tribal government and the federal government which has been repeatedly upheld when sovereignty is questioned. Addressing Representative Edgmon, Mr. Peterson cautioned that it may be the "death of" HB 221 if it were to be expanded, and that its simplicity is the beauty of it. Conversations with those who do not understand tribal governments need to be expanded, he added, and getting recognition [via HB 221] will be the start of those conversations. Mr. Peterson cautioned against expanding HB 221, even though, he admitted, it was contrary to his own beliefs, because what was most important was "pushing it through."

MR. PETERSON related to the committee that he grew up in a small village that viewed the U.S. Forest Service (USFS) as "the enemy" because the USFS systematically went through the region burning down Native homes and fish camps. These days, Mr. Peterson has a good relationship with the USFS, but, as he told the committee, he carried trauma for years because of what happened with the burning of the village as a child. He drew a parallel with Alaska's non-recognition of federally recognized tribes. "Begin healing by passing HB 221," he urged the committee. Recognition would be a powerful way to move forward, not as a way of elevating, but as a way of recognizing Native Alaskans' uniqueness.

[9:38:25 AM](#)

FREDERICK OLSEN, JR, tribal citizen, began by telling the committee that tribes exist, and for Alaska not to recognize tribes is to ignore reality and perpetuate the pain, suffering, and negativity of the past. It's time to end the colony mindset, he continued, and transition to a more civilized era, the first step of which is recognizing tribes.

[9:42:07 AM](#)

CHAIR ZULKOSKY, after ascertaining there was no one else who wished to testify, closed public testimony on HB 221.

CHAIR ZULKOSKY announced that HB 221 was held over.

9:42:36 AM

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 9:42 a.m.