

**ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON TRIBAL AFFAIRS**

March 17, 2022

9:03 a.m.

MEMBERS PRESENT

Representative Tiffany Zulkosky, Chair
Representative Dan Ortiz
Representative Zack Fields
Representative Mike Cronk
Representative Geran Tarr

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

PRESENTATION: MMIP AND THE VIOLENCE AGAINST WOMEN ACT

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

BRENDA STANFILL, Executive Director
Alaska Network on Domestic Violence and Sexual Assault
Juneau, Alaska

POSITION STATEMENT: Gave a PowerPoint, entitled "ANDVSA Overview," during the Presentation on MMIP and the Violence Against Women Act.

DEBRA O'GARA, Senior Policy Specialist
Alaska Native Women's Resource Center
Petersburg, Alaska

POSITION STATEMENT: Gave a presentation on Missing and Murdered Indigenous Women during the Presentation on MMIP and the Violence Against Women Act.

LLOYD MILLER, Partner and Attorney at Law
Sonosky, Chambers, Sachse, Endreson & Perry, LLP
Anchorage, Alaska

POSITION STATEMENT: Provided invited testimony during the Presentation on MMIP and the Violence Against Women Act.

SENATOR LISA MURKOWSKI
United States Congress
Washington, D.C.

POSITION STATEMENT: Provided invited testimony during the Presentation on MMIP and the Violence Against Women Act.

ACTION NARRATIVE

[9:03:19 AM](#)

CHAIR TIFFANY ZULKOSKY called the House Special Committee on Tribal Affairs meeting to order at 9:03 a.m. Representatives Zulkosky and Ortiz were present at the call to order. Representatives Cronk, Tar, and Fields arrived as the meeting was in progress.

PRESENTATION: MMIP and the Violence Against Women Act

[9:04:02 AM](#)

CHAIR ZULKOSKY announced that the only order of business would be a presentation on Missing and Murdered Indigenous People (MMIP) and the Violence Against Women Act (VAWA).

[9:04:37 AM](#)

BRENDA STANFILL, Executive Director, Alaska Network on Domestic Violence and Sexual Assault (ANDVSA), gave a PowerPoint presentation, entitled "ANDVSA Overview" [hard copy included in the committee packet]. She provided an overview of the ANDVSA, a federally recognized state domestic violence and sexual assault coalition, and its 23 member programs and the services they provide. Several upcoming initiatives included the Tundra Women's Coalition in Bethel; revising regulations on the Batterer Intervention Programs (BIP); and creating core leadership series for new executive directors.

[9:17:05 AM](#)

DEBRA O'GARA, Senior Policy Specialist, Alaska Native Women's Resource Center, gave a presentation on Missing and Murdered Indigenous Women. She stated that high rates of MMIP began escalating in the early 1800s when explorers, Russians, traders, and the U.S. began settling in Alaska. She shared her belief

that the state of Alaska was failing in its responsibility to provide public safety to citizens, particularly Alaska Natives in rural communities. The 2013 Indian Law and Order Commission Report found that Alaska Native women had the highest rates of victimization out of any population of women by 250 percent. Out of the 743 missing persons on the National Missing and Unidentified Persons System (NamUs), 292 were from Alaska. Alaska was considered one of the most violent states, with Anchorage one of the most violent cities in the country. Domestic violence and sexual assault survivors in Native villages were often left without any means to seek justice for crimes against them because the communities lack advocacy services and law enforcement. In addition, Tribal victims often seek safety in urban areas where rates of trafficking are high. The jurisdictional "maze" that exists in Alaska offers further barriers. Alaska Tribal communities are dependent upon the state's justice services; however, state services are centered in urban areas making access more theoretical than real. She expressed hope that the reauthorization of The Violence Against Women Act (VAWA) and in it, the inclusion of the Alaska Tribal Public Safety Empowerment Title, would help close some jurisdictional gaps.

[9:32:41 AM](#)

LLOYD MILLER, Partner and Attorney at Law, Sonosky, Chambers, Sachse, Endreson & Perry, LLP, provided invited testimony during the Presentation on MMIP and the Violence Against Women Act. He explained that prior to the enactment of the Alaska Native Claims Settlement Act (ANCSA) in 1971, the jurisdiction of Alaska Native villages extended into areas identified as "Indian country," a nonpejorative term defined in 18 U.S.C, within which any tribe could exercise civil and criminal jurisdiction. After ANCSA was enacted, there was little Indian country left outside of the Metlakatla reservation. He addressed the multi-year effort to transfer Tribal lands into a protected status, called "trust status," thereby returning them to Indian country and entering into concurrent jurisdiction with the state; however, the campaign was riddled with impractical barriers and controversy. Mr. Miller noted that Tribes in Alaska were federally recognized, and as such, had jurisdiction over their members, which was referred to as "member-based jurisdiction. He reiterated that they did not possess territorial jurisdiction in areas not recognized as Indian country. This culminated in a 15-year-old initiative to craft federal legislation that would offer an alternative to the "Indian country rubric" and its legal and political baggage. A practical solution would provide

territorial jurisdiction for Alaska Native villages to allow the communities to provide for civil society without questions of authority. Ultimately, the initiative emerged in the context of the Alaska Tribal Public Safety Empowerment Act in the VAWA reauthorization, which in part, accomplishes the goal of cementing Tribal jurisdiction in Alaska Native Villages. He provided a sectional summary of the federal legislation, as it pertains to Alaska.

[9:52:15 AM](#)

SENATOR LISA MURKOWSKI, United States Congress, provided invited testimony during the Presentation on MMIP and the Violence Against Women Act. She discussed the VAWA reauthorization and the inclusion of Title 8, the Alaska Tribal Empowerment subsection, a pilot program that recognizes Alaska Tribes as partners in providing public safety and justice. The act also provides the federal support needed to supplement state efforts. She acknowledged the complexity of Alaska's jurisdictional issues; however, that should never deny safety or justice, she said. The pilot program supplements the state's work in regard to public safety; further, it empowers up to 30 Tribes to exercise special criminal jurisdiction over defendants who have committed certain crimes. Tribes must apply through the U.S. Department of Justice (USDOJ) and must meet certain criteria to be selected, such as a Tribal justice system that can adequately safeguard its defendants. In closing, she provided a summary of the financial resources and omnibus spending that accompanied the federal legislation. [The full version of U.S. Senator Murkowski's prepared statement was included in the committee packet.]

[10:05:29 AM](#)

ADJOURNMENT

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 10:05 a.m.