

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

February 7, 2024

3:31 p.m.

**MEMBERS PRESENT**

Representative CJ McCormick, Chair  
Representative Ben Carpenter  
Representative Sarah Vance  
Representative Jamie Allard  
Representative Ashley Carrick

**MEMBERS ABSENT**

Representative Thomas Baker  
Representative Maxine Dibert

**COMMITTEE CALENDAR**

PRESENTATION(S): UNDERSTANDING RECENT CHANGES TO ALASKA'S UNIQUE LEGAL LANDSCAPE AND HOW ALASKA TRIBES ARE PURSUING JUSTICE AND PUBLIC SAFETY IN OUR COMMUNITIES

- HEARD

**PREVIOUS COMMITTEE ACTION**

No previous action to record

**WITNESS REGISTER**

RICK A. HASKINS-GARCIA, Co-Director  
Law and Policy  
Alaska Native Women's Resource Center  
Fairbanks, Alaska

**POSITION STATEMENT:** Co-provided a PowerPoint presentation, titled "Understanding Recent Changes to Alaska's Unique Legal Landscape and How Alaska Tribes are Pursuing Justice and Public Safety in our Communities."

TAMI TRUETT JERUE, Executive Director  
Alaska Native Women's Resource Center  
Fairbanks, Alaska

**POSITION STATEMENT:** Co-provided a PowerPoint presentation, titled "Understanding Recent Changes to Alaska's Unique Legal

Landscape and How Alaska Tribes are Pursuing Justice and Public Safety in our Communities."

ALEX CLEGHORN, Chief Operating Officer  
Alaska Native Justice Center  
Anchorage, Alaska

**POSITION STATEMENT:** Co-provided a PowerPoint presentation, titled "Understanding Recent Changes to Alaska's Unique Legal Landscape and How Alaska Tribes are Pursuing Justice and Public Safety in our Communities."

MEGHAN SIGVANNA TOPKOK, Staff Attorney  
Alaska Tribal Justice Resource Center;  
Staff Attorney  
Kawerak, Inc.  
Nome, Alaska

**POSITION STATEMENT:** Co-provided a PowerPoint presentation, titled "Understanding Recent Changes to Alaska's Unique Legal Landscape and How Alaska Tribes are Pursuing Justice and Public Safety in our Communities presentation."

#### **ACTION NARRATIVE**

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**CHAIR CJ MCCORMICK** called the House Special Committee on Tribal Affairs meeting to order at 3:31 p.m. Representatives Carrick, Vance, Allard, and McCormick were present at the call to order. Representative Carpenter arrived as the meeting was in progress.

**PRESENTATION(S): UNDERSTANDING RECENT CHANGES TO ALASKA'S UNIQUE LEGAL LANDSCAPE AND HOW ALASKA TRIBES ARE PURSUING JUSTICE AND PUBLIC SAFETY IN OUR COMMUNITIES**

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CHAIR MCCORMICK announced that the only order of business would be the presentation on Understanding Recent Changes to Alaska's Unique Legal Landscape and How Alaska Tribes are Pursuing Justice and Public Safety in our Communities.

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RICK A. HASKINS-GARCIA, Co-Director, Law and Policy, Alaska Native Women's Resource Center, co-provided a PowerPoint presentation, titled "Understanding Recent Changes to Alaska's Unique Legal Landscape and How Alaska Tribes are Pursuing

Justice and Public Safety in Our Communities" [hard copy included in committee packet]. He said that the Alaska Native Women's Resource Center works to support Tribes with resources to end domestic violence in Tribal communities and works to support and build Tribal justice systems. He provided an agenda for the presentation on slide 3, titled "Presentation Roadmap," which read as follows [original punctuation provided]:

- Alaska's Documented Danger for Alaska Native Women
- Tribal Justice Systems and Changes in How the State of Alaska Recognizes Alaska Tribal Authority and Jurisdiction
- Enforcement of Tribal Court Orders - Law, Challenges, and Updates in Federal Law
- The Violence Against Women Act 2022 Reauthorization

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MR. HASKINS-GARCIA said that domestic violence and related homicides in Alaska continue to be a consistent problem. The Violence Policy Center reported that Alaska is experiencing a prolonged epidemic of deadly violence against women. In 2020, Alaska had the highest domestic homicide rate in the country for female victims killed by male offenders for the seventh year in a row. Over the last 10 years, Alaska has ranked either first or second in the nation in the rate of women killed by men. He turned to slide 5, titled "Homicide of Alaska Women," which showed a graph which indicated the rates of females murdered by males in single victim/single offender incidents in Alaska and the U.S. from 2005-2020.

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MR. HASKINS-GARCIA moved to slide 6, which read as follows [original punctuation provided]:

Rate of Native Women Killed: 10 times that of white women

American Indian/Alaska Native women are disproportionately impacted by deadly violence against women in Alaska. In 2020 the rate of American Indian/Alaska Native women killed by men in Alaska was 12.63 per 100,000 women, which is more than three and a half times the rate for all women in Alaska and 10 times the rate for white women in Alaska.

The Crisis of deadly violence against women in Alaska, particularly against American Indian/Alaska Native women, should be a top priority for lawmakers in the state.

Source: When Men Murder Women  
An Analysis of 2020 Homicide Data  
Spotlight on Alaska  
<http://vpc.org/when-men-murder-women-spotlight/>

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MR. HASKINS-GARCIA moved to slide 7, titled "NIJ Study Results...the shocking statistics," which read as follows [original punctuation provided]:

Violence Against American Indian and Alaska Native Women and Men...

- More than 4 in 5 AI/AN women (84.3 percent) have experienced violence in their lifetimes
  - Of that 84.3 percent:
    - **56.1 percent** have experienced **sexual violence**
    - **55.5 percent** have experienced **physical violence** by an intimate partner
    - **48.8 percent** have experienced **stalking**
    - **66.4 percent** have experienced **psychological aggression** by an intimate partner
- Overall, more than 1.5 million American Indian and Alaska Native women have experienced violence in their lifetime...**

MR. HASKINS-GARCIA noted that this study was conducted in the mid-2000s and that statistics have likely increased since then. The crisis of violence against Native women in Alaska has yet to be addressed.

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MR. HASKINS-GARCIA moved to slide 8, titled "The Oliphant Decision," which read as follows [original punctuation provided]:

1978 Supreme Court decision that found Indian Tribes do not have criminal adjudicatory jurisdiction over non-natives

- *Oliphant v. Suquamish Indian Tribe*, 435 U.S. 191 (1978)

After *Oliphant*:

- Infrequent prosecutions by federal and state authorities with jurisdiction
- High rates of violent crimes committed by non-Indian offenders with no accountability
- In Alaska, the State has not been able to provide consistent public safety services off the road system

MR. HASKINS-GARCIA described a U.S. Supreme Court case, which involved the Suquamish Tribe's prosecutions of two non-Indian residents of the Port Madison Reservation. One was charged with assaulting a tribal officer and resisting arrest; the other, with recklessly endangering another person and injuring tribal property after an alleged high-speed car race on reservation highways. The two non-Native defendants sought habeas relief and argued that the tribe lacked criminal jurisdiction over non-Natives. Although the lower courts rejected their arguments, the U.S. Supreme Court ruled for the non-Indian defendants and held that the tribe lacked criminal jurisdiction over non-Indians.

MR. HASKINS-GARCIA said that since the 1978 decision, tribes are powerless to exercise criminal jurisdiction over non-Indian defendants. A gap in enforcement resulted. For crimes committed in Indian country, where states' criminal jurisdiction is limited and where the federal government lacks the resources to prosecute crimes effectively, non-Indian offenders regularly escape prosecution.

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TAMI TRUETT JERUE, Executive Director, Alaska Native Women's Resource Center, as co-presenter described how Alaska Tribal justice systems existed before statehood that aren't recognized. She picked up the PowerPoint on slide 10, titled "Traditional Justice Systems (prior to Russian/American contact)" and recited a quote, which read as follows [original punctuation provided]:

*"The men talked to that person, and the object was to retrain the man how to treat his wife, to show respect. If they were repeat abusers, if they didn't learn their lesson, then they'd be told to pack up like, extra clothing, hunting gear, and food and told to go out into the wilderness, the tundra, and survive the experience of living alone. When the men checked*

him, he was allowed to come back into the village and allowed to go back to his wife, instead of being punished like they are taken into jail today, fined, and all that. They were not actual council members, but everybody, all the men, were involved in this problem.

- Rose Borkowski, late Yup'ik Elder  
from *Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status* by AKNWRC

MS. JERUE emphasized working together for survival.

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MS. JERUE moved to slide 11, titled "Traditional Justice Systems (prior to Russian/American contact)," which read as follows [original punctuation provided]:

Prior to foreign interference and colonization, traditional justice systems:

- Were governed by family and clan relationships
- Varied by culture and region
- Women were uplifted and held sacred
- Matrilineal society - matriliney
- Focused on accepting responsibility, correcting wrongdoing, and restoring balance in the community

MS. JERUE emphasized restoring balance through restitution.

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MS. JERUE moved to slide 12, titled "Influence of Russian Contact (1784-1867)," which read as follows [original punctuation provided]:

Eight Decades of Colonization

- Russian dominated indigenous lands and peoples of Alaska for more than eight decades (or just under three generations)
- Russians came in search of sea otters - initially impacting mostly coastal villages
- Russian impact grew and established fur-trade centers in many areas

MS. JERUE highlighted that tribal law existed before contact. Influence by the Russians disturbed the balance in tribal communities.

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MS. JERUE moved to slide 13, titled "Influence of Russian Contact (1784-1867)," which read as follows [original punctuation provided]:

1867 purchase of Alaska and the Treaty of Cession

- On March 30, 1867, the United States purchased Alaska from Russia
- \$7.2M - about 2 cents per acre
- Alaska native villages were not consulted, and lands were not exchanged through treaties
- The purchase included Alaska Native peoples, without their consent

MS. JERUE moved to slide 14, titled "Influence of US Contact (1867-present)," which read as follows [original punctuation provided]:

After the United States purchased Alaska from Russian, it began imposing American systems and policies on Alaska tribes

- Established US federal courts in the territory
- Represented a loss of land for tribes
- Created a separate education system for Alaska Native children - leading to missionary and boarding schools
- Shifted land ownership from the collective towards the individual

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MS. JERUE moved to slide 15, titled "Influence of U.S. Contact (1867 to present) The 1915 Alaska Territory Law," which read as follows [original punctuation provided]:

*"Any native Indian of the Territory of Alaska who shall obtain a certificate...that a proper examination has been duly held **and the applicant found to have abandoned all tribal customs and relationship, to have adopted the ways and habits of a civilized life and to be properly qualified to intelligently exercise the obligations of an elector in the Territory of Alaska,***

*shall thereupon obtain an endorsement upon said certificate **by at least five white citizens of the United States** who have been permanent residents of Alaska for at least one year."*

- Legislature of the Territory of Alaska, SB 21 (1915)

MS. JERUE moved to slide 16, titled "Post Statehood," which read as follows [original punctuation provided]:

Post-Statehood:

- State Magistrates were put forward to assume judicial role
- City councils formed in many villages
- Many State resources went to support municipal forms of government

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MS. JERUE moved to slide 17, titled "The Attempted Destruction of Indigenous Justice Systems," which read as follows [original punctuation provided]:

*"Colonization severed Haida people's ties with ourselves, each other, our nation, the land and sea reflected in the disrespect for and rates of domestic and sexual violence against our women and children. Our potlatches are our ways of upholding our societal laws, and these were outlawed in Alaska in the early 1900s and in Canada during the late 1800s."*

- Lisa "Ka'illjuus" Lang, Xaadas Kil Kuyaas Foundation from *Alaska Native Women: Ending the Violence, Reclaiming a Sacred Status* by AKNWRC

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MS. JERUE moved to slide 18, titled "Inherent Tribal Sovereignty," which read as follows [original punctuation provided]:

*"Perhaps the most basic principles of all Indian law supported by a host of decisions...is the principle that those powers which are lawfully vested in an Indian tribe are not in general delegated powers granted by express acts of Congress, but rather inherent powers of a limited sovereign which has never been extinguished."*

MS. JERUE concluded with slide 19, titled "Inherent Tribal Sovereignty," which read as follows [original punctuation provided]:

229 Tribes within what is now the State of Alaska

- Federal recognition means that the U.S. government via the Bureau of Indian Affairs recognizes a government-to-government relationship with the tribes. A government-to-government relationship recognizes that tribal governments, as sovereign nations with the right of self-governance, are administratively equivalent to the U.S. federal government.

MS. JERUE emphasized that inherent tribal sovereignty existed, continues to exist, and is a right that cannot be taken away. There are 229 tribes in Alaska that have their own sovereignty and are recognized by the U.S. government.

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ALEX CLEGHORN, Chief Operating Officer, Alaska Native Justice Center, provided a summary of his background and experience. He described that throughout the presentation he would share some of the legal foundations in Alaska, some recent changes in federal law, and changes with the state's relationship with Tribes. He resumed the presentation on slide 21, titled "The State of Alaska's Refusal to Recognize Alaska Tribes," which read as follows [original punctuation provided]:

- ✓ **"P.L. 280 Divested Tribes of jurisdiction under ICWA"**  
*Native Village of Nenana v. Alaska DHSS*, 722 P.2d 219 (Alaska 1986)
- ✓ **"There are not now and never have been tribes of Indians in Alaska as that term is used in federal Indian law"**  
*Native Village of Stevens v. Alaska Mgmt. Planning*, 757 P.2d 32 (Alaska 1988)
- ✓ **"The State of Alaska opposes expansion of tribal governmental powers and the creation of 'Indian Country' in Alaska."**  
*Alaska Admin. Order*  
No. 125 (1991)

MR. CLEGHORN said that in 1986, Public Law (PL) 280 said that because Alaska tribes were so different, they didn't have the

same kind of inherent tribal sovereignty as tribes in the Lower 48. A court case in 1988 said, more broadly, that there are not tribes in Alaska at all. Alaska Administrative Order 125 in 1991 said that the state opposed expansion of tribal governments and the creation of "Indian Country" in Alaska. The law has since been changed.

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MR. CLEGHORN moved to slide 22, titled "The State Begins to Recognize Alaska Tribes," which read as follows [original punctuation provided]:

- ✓ **John v. Baker, 982 P.2d 738 (Alaska 1999)** (respects federal recognition, Alaska Tribes retain inherent sovereignty over core tribal matters; sovereignty tied to citizenship, not land)
- ✓ **Alaska Attorney General Opinion on the legal status of Alaska Tribes (2017)** (tribes do exist in Alaska and Alaska Tribes are governments with inherent sovereignty)
- ✓ **Alaska Tribal Child Welfare Compact (2017)** (tribes and tribal organizations assume certain responsibilities that have been under the purview of OCS)
- ✓ **HB 123 (2022)** State recognizes federally recognized tribes

MR. CLEGHORN informed the committee that tribes' inherent sovereignty was recognized in Alaska in 1999. In 2017, the Alaska Attorney General said that tribes exist in Alaska and Alaska tribes are governments with inherent sovereignty. The 2017 Alaska Tribal Child Welfare Compact said that tribes and tribal organizations are existing and stepping forward to provide services similar to the Office of Children's Services. In 2022, HB 123 was signed by the governor and acknowledged federally recognized tribes. Thus, there are three branches of government that now recognize Alaska tribes.

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MR. CLEGHORN moved to slide 23, titled "Public Law 280," which read as follows [original punctuation provided]:

What it did

- Permitted some States to exercise State jurisdiction in Indian country = concurrent
- Impacts federal Public Safety and Justice funding

What it did not do

- Did not terminate Tribes
- Did not extinguish Tribal sovereignty
- Did not take away Tribal jurisdiction

MR. CLEGHORN explained that PL 280 transferred federal jurisdiction to the states regarding public safety. There is no federal public safety and justice funding for PL 280 states. Tribes are working with special one-time funding and competitive grants. He discussed an updated memorandum that was requested from the Department of Justice.

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MR. CLEGHORN moved to slide 24, titled "Alaska Native Claims Settlement Act (ANCSA)," which read as follows [original punctuation provided]:

What it did

- Settled Aboriginal title claims in Alaska
- Impacted Alaska Tribes' territorial jurisdiction

What it did not do

- Did not terminate Tribes
- Did not extinguish Tribal sovereignty

MR. CLEGHORN said that ANCSA removed most reservations; it impacted the territorial jurisdiction of Tribes.

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MR. CLEGHORN moved to slide 25, titled "Jurisdiction: Concurrent vs. Exclusive," which read as follows [original punctuation provided]:

- **The Federal Government, State of Alaska, and Tribes all have some amount of jurisdiction in Alaska villages**
- **Concurrent Jurisdiction - More than one government may exercise jurisdiction**
- This is where most of Tribal jurisdiction falls. The Tribe and state, or two or more Tribes could assume jurisdiction (ex. child custody and protection cases)
- **Exclusive Jurisdiction - When just one government has jurisdiction over a case**

- Internal government affairs (Tribes have exclusive jurisdiction over determining Tribal membership)

MR. CLEGHORN said a tribal citizen can choose to go to a tribal court or state court. There are five other states that are impacted by PL 280. Several states have developed agreements between state courts and tribal courts to handle concurrent jurisdiction. Tribes have exclusive jurisdiction over determinations of tribal citizenship.

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MR. CLEGHORN showed slide 26, titled "Tribal Justice Systems Today," which read as follows [original punctuation provided]:

Despite hundreds of years of colonization and the attempted destruction of tribal justice systems in Alaska, today, Tribes are establishing or reestablishing Tribal courts and justice systems!!

- Exercise inherent sovereignty and authority
- Implement traditional and culturally appropriate justice systems that meet the needs of the community
- Restore public safety to the Tribe and community

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MR. CLEGHORN showed slide 27 and provided a list of tribal justice systems today, which includes adoptions, child welfare, marriages and divorces, domestic violence, and juvenile delinquency.

MR. CLEGHORN spoke of his experience working as a tribal court judge in California courts, which primarily addressed large contract cases and did not address child welfare cases. In Alaska, tribal courts primarily address child welfare cases.

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MR. CLEGHORN moved to slide 28, titled "Holistic and Robust Tribal Justice Systems," which read as follows [original punctuation provided]:

In addition to robust Tribal Justice Systems, Alaska Tribes have developed/are developing holistic survivor

and victim-centered programming to address the victimization of Alaska Native and American Indian women and children within their communities and Tribes. **Why?**

- More than 1 in 3 Alaska Villages have no local law enforcement presence
- Alaska Native Women...
  - are overrepresented in the domestic violence victim population by 250 percent;
- in the State of Alaska, comprise 19 percent of the population of the State; but 47 percent of reported rape victims in the State; as compared to the populations of other Indian Tribes, suffer the highest rates of domestic and sexual violence

Violence Against American Indian and Alaska Native Women and Men..

- **56.1 percent** have experienced **sexual violence**
- **55.5 percent** have experienced **physical violence** by an intimate partner
- **48.8 percent** have experienced **stalking**
- **66.4 percent** have experienced **psychological aggression** by an intimate partner

MR. CLEGHORN stated that he learned the difference between tribal and Western justice systems. He said in tribal justice systems there is a belief that better decisions are made when the court is familiar with the families of wrongdoers and involves them in the decision-making process. Comparatively, Western justice systems generally uphold that strangers make better decisions.

MR. CLEGHORN spoke of restorative justice efforts in tribal courts around the state. He highlighted that one in three Alaska villages has no public safety presence. When U.S. Attorney General Barr came to Alaska, he declared a public safety emergency.

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MS. JERUE moved to slide 29, titled "Supporting Victim/Survivors Promotes Healing and Justice." She discussed tribal justice systems. She emphasized the need to support victim survivors and promote healing through justice. Support services and resources are essential for victim survivors. She discussed the shame around domestic

violence situations. Tribes have discussed the need for a supportive system of justice.

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MR. CLEGHORN reinforced that the Alaska Native Justice Center supports tribes and tribal justice systems by highlighting ways that tribes can collaborate with the state and providing direct legal services to those with integrated case management to victims and survivors of violent crime. He emphasized the importance of responding when a victim steps forward to ask for help. He moved to slide 30 and offered to continue discussing law, enforcement of tribal court orders, full faith and credit, and comity.

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MR. CLEGHORN moved to slide 31, titled "Enforcement of Tribal Court Orders," which read as follows [original punctuation provided]:

- Enforcement within the Tribe
- Enforcement outside of the Tribe
- Full faith and credit- Tribal court order is presumptively adopted by state court unless a party objects and proves that the order was issued without proper authority, without giving the parties notice, or without allowing the parties a chance to be heard.
- Comity - Tribal court order will be treated as a state court order unless there was some kind of fundamental unfairness with the court process.

MR. CLEGHORN emphasized that acts of acknowledgment and apology are healing for the community, and everyone involved, including the perpetrator. He provided examples of enforcement through community service to the tribe. He defined the terms full faith and credit and comity. The Indian Child Welfare Act and the Violence Against Women Act both require full faith and credit for certain types of orders.

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MR. CLEGHORN moved to slide 32, titled "Tribal Court Orders are Recognized Under State Law," which read as follows [original punctuation provided]:

State court recognition assists state agencies and other organizations that are otherwise unsure about how to treat tribal court orders.

As a practical consequence of concurrent jurisdiction, the state court system must provide a mechanism Forest Oil Corporation recognizing tribal court name change orders.

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MR. CLEGHORN moved to slide 33, "Full Faith and Credit - ICWA," which read as follows [original punctuation provided]:

- The Indian Child Welfare Act (ICWA) (Section 1911(d)) requires state courts to give full faith and credit to Tribal court orders for child protection, adoption, guardianship, and some juvenile cases.
- Adoption - Tribal court order does not have to be registered with the state court system. A Tribal court adoption order may be sent directly to the State of Alaska Bureau of Vital Statistics.
- Child protection - Alaska Child In Need of Aid (CINA) Rules 24 and 25 outlines process for Tribes to send child protection orders to the state court for recognition and enforcement.
- State court system has forms to register Tribal court child protection orders in state court

MR. CLEGHORN clarified that the term "child custody proceeding" is often confused with parental disputes of child custody. The term refers to child welfare cases. There are some state processes that are utilized for child protection orders.

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MR. CLEGHORN moved to slide 34, "Full Faith and Credit - VAWA," which read as follows [original punctuation provided]:

- The Violence Against Women Act (VAWA) requires state courts to give full faith and credit to Tribal domestic violence protection orders.

- The tribe is authorized to issue and enforce personal protection orders involving any person within the authority of the Tribe.
- Whether a person is within the authority of the Tribe depends upon Tribal law.
- Not required to register protection orders with the state for state law enforcement to serve and enforce them. The orders may be sent to the local state court clerk, stamped with a state number, and then forwarded to the state law enforcement.

MR. CLEGHORN said the safety of the survivor is paramount; therefore, protection orders are registered by tribal courts with the state so that state law enforcement can enforce them without question.

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MR. CLEGHORN moved to slide 35, titled "Comity Recognition," which read as follows [original punctuation provided]:

Alaska Supreme Court cases direct that state courts give "comity recognition" to Parent vs. parent custody cases, Divorces, name changes, and other types of civil cases.

Seeking comity recognition means filing a Petition to Register a Tribal Court Order.

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MR. CLEGHORN discussed recent law changes on slide 36, titled "The Violence Against Women Act (2022) and Alaska Tribes," which read as follows [original punctuation provided]:

1. Defines **for the first time** the territory where Alaska Tribes' jurisdiction is recognized. Does not create "Indian country" - Alaska-specific definition of Village
2. Clarifies Alaska Tribes' authority over Native people within the Village

3. Pilot project available to Alaska Tribes - criminal jurisdiction over non-Native people that commit certain crimes within the Village

MR. CLEGHORN said there have been ongoing efforts to craft an Alaska-specific solution since 2013. The Violence Against Women Act of 2022 created a section that focused on public safety and defining a territory within which tribes' jurisdiction is reemphasized and reaffirmed. He mentioned that the pilot project from VAWA 2013 made it possible for Lower 48 tribes to go through a process to take criminal jurisdiction over non-Native people that committed certain crimes, including domestic violence. He related that VAWA 2022 now includes more violent crimes.

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MR. CLEGHORN, moved to slide 37, titled "Where to start?" and discussed that there are two items needed for the pilot project: an Indian tribe and a village.

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MR. CLEGHORN discussed the pilot project on slide 38, titled "Pilot Project Overview," which read as follows [original punctuation provided]:

Alaska Tribes, that meet certain standards to protect defendant's rights, can exercise special tribal criminal jurisdiction (STCJ) over certain crimes committed in their villages by non-Indian perpetrators - 25 U.S.C. Section 1305(d)

MR. CLEGHORN discussed the need to protect defendants' rights by providing public defenders, law-trained judges, and juries. These requirements mirror the Western political system. He noted that the definition of domestic violence in VAWA allowed for some loopholes, including the "boyfriend loophole."

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MEGHAN SIGVANNA TOPKOK, Staff Attorney and Designated Tribal Leader, Alaska Tribal Justice Resource Center, described her personal background and explained that she provides legal services to 19 tribes in her region.

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MS. TOPKOK shared a quote that she recollected from a college professor, who said, "Tell me the facts and I'll learn, tell me the truth and I'll believe, but tell me a story and it will live in my heart forever." She told a personal story about a sexual assault that she experienced and chose not to report because of stories she had heard from friends who had negative experiences with the justice system. This experience set her on a path towards developing tribal justice systems to provide public safety to her people. She described youth tribal court system, which uses circle peace-making through a restorative justice approach to handle crime. She discussed the trauma experienced through generations from the impacts of colonization. Current social issues that Native people experience result from colonization. She emphasized that domestic violence is not traditional.

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MS. TOPKOK said that many of the oldest Native stories relate to how domestic violence is inappropriate. She told a story that is often remembered by workers at the Alaska Tribal Justice Resource Center, when working on domestic violence protective orders. The story of Sedna or Nuliajuk is the reason Native women of the circumpolar North have finger tattoos.

MS. TOPKOK said the story is of a beautiful young woman, Sedna, who had many suitors but was reluctant to get married, until one day she met a new man whom she decided to wed. They moved to a small island and the woman learned that her husband is a shape shifter and is abusive and controlling. She became pregnant and because her husband shape-shifted into a dog, she had puppies. Once they were born, she feared they would experience abuse from their father. Senda put them in her shoe and set them adrift in the ocean where they inhabited other parts of the world and escaped abuse.

MS. TOPKOK said one day Sedna's father grew concerned since he hadn't heard from his daughter. He paddled out to the island in his kayak to find her. The woman's husband was out hunting and when she saw her father paddling from a distance, she desperately swam toward him. Suddenly the skies darkened, and the wind and waves picked up, because her husband had returned home and saw that she was trying to escape. He shape-shifted into a raven and pecked at her father to deter him from rescuing his daughter. In the chaos of the waves and the attacks from the raven, he apologized to his daughter that he couldn't help

her for fear of capsizing. She desperately clung to his kayak in the stormy water and her father resorted to whacking her hands to remove her from his nearly capsized kayak. The tips of her fingers fell off into the sea, he whacked again at her knuckles and the rest of her fingers fell off, with another whack at her wrists and her palms fell into the ocean, where she floated adrift. She then rose up and became the caretaker of the underworld. Her fingertips became fish, her knuckles became the seal and walrus, her palms became the whale.

MS. TOPKOK explained that before this story, these animals weren't relied on for subsistence. Sedna's circumstances, though tragic, brought many gifts. If animals are mistreated by people, she will put them away into her hair at the bottom of the ocean. Balance is restored by sending medicine people to sing to her and comb her hair to calm her, so she'll release the animals back to the people. As caretaker of the underworld, Sedna has the duty of passing souls onto the afterlife.

MS. TOPKOK explained that finger tattoos are given to secure passage to be born into the next generation. They are also a reminder to people in the community that women are sacred and should be cared for as life givers. Sedna looks out to ensure that women and animals are honored and cared for.

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MS. TOPKOK told a story of a women in Wales, Alaska, who was suffering from domestic violence. The woman was afraid to go to a state court and there was no law enforcement in the village. She highlighted the difficulties for people in small villages to rely on state troopers who are understaffed or staffed by people from outside the region. The Wales Tribal Council stepped in and worked to create court proceedings to issue a protective order. Because there was no law enforcement, the protective order was served with linked arms by elders. The perpetrator moved to another region where he caused more problems. However, creating a tribal court made it possible to protect the victim locally. She described the work she does to help issue protective orders for victims who struggle to understand legalese.

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MS. TOPKOK said tribal courts may seem less intimidating for people from rural Alaska. She discussed success for domestic violence protective orders and expressed occasional difficulties

working with law enforcement to enforce protective orders. She told a story where an Alaska State Trooper laughed at her and said, "Tribes can't do that" when she was attempting to serve a protective order to a resident of Anchorage which is entitled to full faith and credit under the Violence Against Women Act. She expressed her concern for tribes that lack attorneys and suggested more training for state law enforcement about tribal partnerships.

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MS. TOPKOK shared her involvement with the Division of Juvenile Justice diversionary agreements in the communities in which she works. She told a story of two young boys in the village who stole the village public safety officer's (VPSO's) four-wheeler. They were charged and directed to the Nome Youth Court that partnered with the tribe to handle the case. The tribal council and youth court met in a multi-purpose room, incorporated some tribal traditions, and involved the youth's extended families in a court circle-sit process. Both young men took accountability for their actions and became a part of the discussion. As punishment for their wrongdoing, they served the community by fishing for the VPSO and hauling honey buckets for elders for 40 hours each. She emphasized her gratitude for being involved with tribal communities to ensure public safety.

[4:45:04 PM](#)

CHAIR MCCORMICK thanked Ms. Topkok for the truth and power of her stories. He invited questions.

[4:46:12 PM](#)

REPRESENTATIVE VANCE expressed her support of Tribal sovereignty. She continued as follows:

Part of the testimony that I just heard made it feel like the victim experience of a Native woman is exclusive in feeling the lack of justice, the difficulty of getting a protective order, not wanting to come forward because of the feeling that law enforcement will not act, seeing what friends have gone through and the trauma that that incurs, the shame in the community, not being able to move forward, carrying that burden throughout your life, and I wonder why what I hear in this committee is that Alaska Native women feel that it's exclusive to your

experience because it sounds exactly what I've heard of white women in my community. It's the same thing, but what I continue to hear in this committee over and over again is as if that you're the only one. And I know that's not your heart. But I ask that when you come and present, that you remember that you have white sisters who are going through the same thing, and they don't feel they have justice either.

REPRESENTATIVE VANCE acknowledged that Alaska Native women have been abused at high rates. She said, "There are innumerable white women who have the same internal experience of the trauma that Native women have expressed. The trauma is the same." She emphasized the difficulty in seeking justice. She highlighted her desire to seek justice for all. She told a story of a woman who called her office about a human trafficking situation and how she provided the number for the Alaska Native Resource Center. She recognized the hard work done through federal partnerships. She said, "We have failed to protect the innocent and the vulnerable in the state, and I'm hoping to change that."

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CHAIR MCCORMICK remarked that the presentations heard by the House Special Committee on Tribal Affairs do not negate the experience of anyone else.

[4:52:00 PM](#)

MS. TOPKOK responded to Representative Vance and said that she agrees that these issues impact more than just Alaska Native women. She mentioned that she can speak only to her own experience. She said that she stands in solidarity with all women who experience sexual assault and human trafficking. She said, "Justice will ultimately be served when we all stand together."

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MS. JERUE insisted she has never turned anyone away and emphasized the importance of access to services. She expressed her passion for speaking up for Alaska Native victim survivors.

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REPRESENTATIVE CARRICK thanked the presenters. She commented on Representative Vance's statement, as follows:

While the suffering is the same for victims, the causes of that violence are not the same, and the response to that violence is not the same, and the justice for the victims is not the same. Until it's the same, we have got a lot of work to do.

REPRESENTATIVE CARRICK commended the efforts of focusing on the disproportionate impacts of sexual assault and domestic violence for Alaska Native women. To the presenters she assured, "The suffering may be the same, but the problem is not the same, and it is really important that we recognize that." She noted that she was encouraged to hear about the progress towards tribal sovereignty that has been made thus far and further mentioned how much more work is left.

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CHAIR MCCORMICK thanked the presenters for the transformative work they do for rural communities. He noted the powerful story told by Ms. Topkok.

[4:58:37 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Tribal Affairs meeting was adjourned at 4:58 p.m.