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4 UNITED STATES DEPARTMENT OF JUSTICE

5 ENHANCING TRIBAL JUSTICE TELECONFERENCE

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10 ATTORNEY GENERAL JANET RENO

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15 Department of Justice

16 950 Pennsylvania Avenue, N.W.

17 Washington, D.C.

18 April 28, 1998

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1 P R O C E E D I N G S

2 MODERATOR: Good morning. Good

3 morning, Madam Attorney General. We are

4 gathered here. We have been anxiously

5 awaiting your arrival. And although it's by

6 audiovisual, we are very happy that you are

7 able to join us.

8 We are very thrilled at the events

9 of today, and the things that you have set in

10 motion for us, and the things that you have

11 dedicated and vowed to do through Chief of

12 Staff as conveyed to the people who are

13 gathered here. Your commitment to the issues

14 that Indian people face and the issues that

15 Alaskan native peoples face, that are very

16 unique to this area, are all the things that

17 we would like to convey to you today.

18 And we thank you for making sure

19 that we have an opportunity to voice these

20 things, not only directly to you, but that

21 you would send people here on your behalf who

22 could take back the message, and who could

3

1 actually engage with the Alaskan natives

2 here, to bring back to you the very strong

3 messages and the very clear messages, and the

4 urgency with which they would like for you

5 and your staff to address the issues that

6 they are going to tell you about today.

7 It is my great honor at this time

8 to welcome the Attorney General, who I have

9 had the pleasure of serving in some small

10 way, as I have had the pleasure of serving

11 Indian people throughout my career for the

12 last 22 years. I spent one year working for

13 the Department of Justice trying to help

14 women like the Attorney General carry on her

15 message.

16 And one of the very important

17 things that I was able to participate in as a

18 result of this is that we also hosted the
19 Attorney General in our village, the Pueblo
20 in New Mexico, during one of the
21 listening conferences that we held in
22 Albuquerque. And we truly know firsthand

4

1 what it feels like and what it means to have
2 the nation's leader and peacemaker, the chief
3 peacemaker of this nation, to come to your
4 village. And so we understand the important
5 event that is taking place here.

6 As you know, the Attorney General
7 has spent most of her career working with
8 issues that you are working with at a local

9 basis. She was appointed as the Attorney
10 General by President Clinton on March 12th,
11 1993, but before that, she was also the chief
12 prosecutor for her own community in Miami.
13 And as part of that, as you've already been
14 told, John Hogan was one of the people who
15 worked with her. And one of the very
16 important lessons that I've learned from her
17 is to really make sure that you surround
18 yourself with quality people, so that the
19 work that you believe in can be carried out.
20 And so I think that she has done that very
21 well.
22 You are very well represented here,

5

1 Madam Attorney General, and we are very happy

2 to have you join us. I also want to share a

3 little bit about her visit to our community,

4 and I'm certain that the Attorney General

5 will tell you this. We gave her a name, and

6 she will share what her mother's name is.

7 But we gave her a name, and it follows in

8 line with the name that her mother got. We

9 call her Bearer of Hope, and we're very proud

10 that the AG is here to join us, and hope that

11 she becomes your bearer of hope. And you can

12 clarify that for them, Madam Attorney

13 General.

14 With that, the Attorney General of

15 the United States.

16 ATTORNEY GENERAL RENO: Thank you.

17 Thank you so much. I am just delighted

18 to be here with you. I appreciate those

19 words, and I appreciate all that you have

20 done for the Department of Justice. I'm

21 delighted that John is there and that Lois

22 Schiffer is there also. I just wish I could be

6

1 there to see you in person.

2 So many of you have given me a

3 small understanding of that wonderful land

4 and the wonderful people that are there.

5 I'd like very much to get in my truck when

6 I'm through with this job and go. But I would

7 also like to try and do it beforehand, before I

8 leave this job, too.

9 I really appreciate everybody's

10 assistance in arranging this

11 government-to-government consultation. I'm

12 pleased that technology enables us to do this

13 by satellite. I would love to be able to

14 sit with you, talk with you, and hear

15 firsthand from you your concerns.

16 What Ada was referring to was our friendship

17 with the Miccosukee Indians who lived in the

18 Everglades. My mother had assisted them in

19 getting medical supplies during an epidemic.

20 They had named her the Princess of ,

21 which means rumor-bearer, because she was a

22 newspaper reporter.

7

1 So I'm not sure whether Bearer of

2 Hope follows on the tail of rumor-bearer or

3 not, but she always prized that title and
4 understood where it came from. And indeed,
5 that epidemic was brought under control by
6 the medication that she was able to provide
7 through the newspaper stories she wrote.
8 As you know, Associate Attorney
9 General Ray Fisher had planned to make this
10 trip. However, he is right now preparing to go
11 before Congress to testify on the Victims
12 Rights Amendment and could not leave.
13 The senators said they wanted him. I know, since
14 I've known him for 20 years
15 now, that John Hogan has been able to tell
16 you my concerns and my feelings
17 about the necessity for respect and for a
18 true sovereign-to-sovereign relationship.
19 And I want to make sure that I hear from you
20 today, just what I can do to
21 improve that effort.
22 Lois Schiffer has been an

8

1 invaluable resource for me in terms of

2 understanding environmental issues from the

3 Indian perspective and from the Alaskan

4 Native perspective. From our Anchorage

5 office, U.S. Attorney Bob Bundy is with you.

6 I can tell you that he has been a superb

7 representative, and I clearly understand so

8 many of the issues because of Bob.

9 I want to thank Nancy Gist, the

10 Director of Bureau of Justice Assistance,

11 for her leadership in arranging this

12 conference. After her visit with the Alaskan

13 Native villages last year, we realized it

14 would be important to have an inclusive
15 government-to-government dialogue regarding
16 Justice Department programs in Alaska.
17 But it is really from the people
18 who I have visited with that have described to me
19 the hardships imposed on Alaska Natives by

9
1 geographic isolation, inadequate village
2 resources, and jurisdictional complexities.
3 And I know that further
4 consultation is very important. I want
5 to engage in it whenever possible. I want to make
6 sure that I understand the specific problems
7 facing Alaskan Natives and the individual

8 villages. After my visits with the leaders,
9 I go back and look over maps and books. It as
10 been a wonderful experience for me.
11 The history of the federal dealings
12 with the Alaskan Natives may differ in some
13 significant respects from the federal
14 dealings with American Indian tribes in the
15 lower 48 states. But the Justice
16 Department's work with tribal governments in
17 the lower 48 states provides a very useful
18 backdrop for our dialogue with the Alaskan Native
19 villages.
20 Let me describe the background of

1 that work. From the first days of our
2 nation, the United States recognized Indian
3 tribes as domestic, dependent nations that
4 exercise inherent sovereign authority over
5 their members and their territory. The
6 framers of our Constitution visited with the
7 leaders of the Six Nations-Iroquois
8 confederacy to study their great law of
9 peace. And in this way, the wisdom of tribal
10 elders is reflected in our Constitution's
11 system of checks and balances.

12 In the 1830s, Chief Justice
13 Marshall of the Supreme Court announced the
14 first principles of federal Indian law. He
15 said, "Indian nations are distinct,
16 self-governing people under the protection of
17 the United States." The Court explained that
18 by ratifying the earliest Indian treaties,
19 the Constitution of the United States
20 acknowledges the sovereign status of Indian
21 tribes as governments. In those early

22 treaties, our nation guaranteed the right of

11

1 Indian tribes to self-government and it

2 pledged to protect them. Those guarantees

3 and pledges of protection form an important

4 part of the foundation for our modern federal

5 trust responsibility to Indian tribes. In a

6 large part of our history, the United States

7 has strayed from those high ideals. It has

8 forgotten about them. But we have now come full

9 circle, returning to a recognition of tribal

10 self-government as the guiding principle for

11 the relations between the federal government

12 and tribal governments.

13 In April of 1994, President Clinton
14 recognized that the United States has a unique
15 legal relationship with Native American tribal
16 governments as set forth in the Constitution
17 of the United States, treaties and statutes.
18 He directed all executive departments and agencies
19 to work with tribal governments when tribal land,

12
1 natural resources or treaty rights are at
2 issue.

3 In keeping with the President's
4 directive, I then established the Justice
5 Department's policy on Indian sovereignty and
6 government-to-government with tribal

7 governments. The Justice Department
8 recognizes the importance of tribal
9 self-government, and we have pledged to
10 assist Indian nations in developing strong
11 law enforcement systems, tribal courts, and
12 traditional justice systems.

13 Against this background, I'd like
14 to briefly touch on law enforcement,
15 children's justice, and tribal courts.

16 Before the formation of our nation, Native
17 American communities had their own enduring
18 traditions of justice. Community well-being
19 was placed ahead of the individual's
20 aspirations, and the life of the community
21 was often viewed as part of an eternal
22 circle. As Black Elk, a Lakota elder, once

13

1 said, "The power of nature moves in a circle.

2 The sun comes forth and goes down in a

3 circle. The seasons form a great circle in

4 their changing and coming back again to where

5 they began." The circle is a symbol of

6 harmony, the perfect symbol for Native

7 American communities.

8 I had the chance to engage in a

9 listening conference, because my friends the

10 Miccosukees taught me, "Listen and you will

11 learn." And I listened in Albuquerque, where

12 I had the chance to visit Ada's home. I

13 listened in Harvard where we had a wonderful

14 listening conference.

15 And I heard tribal leaders tell me,

16 "Your system of law enforcement and justice

17 is not as good as ours. You ascribe blame.

18 You talk in terms of guilt or innocence. But

19 you don't heal. You don't bring peace. You

20 don't solve problems."

21 As I listened to the leaders, I

22 learned so much that I am now trying to apply

14

1 at the Department of Justice. Such as

2 building community justice programs that are

3 problem-solving and peacemaking rather than

4 adversarial.

5 I have so much to learn from

6 listening, not only in terms of how I can be

7 supportive at the Department of Justice for

8 your interests, but what I can do to improve

9 our justice system by learning from your

10 great experience.

11 Tragically, poverty and

12 dispossession historically have disrupted the

13 harmony of many Native American communities.

14 Violent crime too often takes a terrible toll

15 on Indian people. While violent crime rates

16 fall nationwide, violent crime rates in many

17 Native American communities are rising.

18 Tribal leaders have emphasized to

19 us the importance of improving law

20 enforcement services in Native American

21 communities. And in prior years, the Justice

22 Department took important first steps to

15

1 improve law enforcement in Native American

2 communities.

3 For example, since 1995, the

4 Community-Oriented Policing Service Office has

5 made more than \$50 million in grants to tribal law

6 enforcement agencies to hire more than 600

7 full and part-time officers in Native

8 American communities. In fiscal year 1997,

9 the Stop Violence Against Indian Women

10 program made \$5.8 million in grants to Indian

11 tribes to prevent domestic violence. We are

12 continuing to work on proposals to improve

13 law enforcement services to Native American

14 communities.

15 To achieve that goal, we must all

16 work together in the coming months and

17 years. This is especially important for

18 Alaskan Native tribal leaders, because we

19 will need to discuss these issues, not only

20 amongst ourselves, but also with Congressional

21 leaders and state officials. There is a need to
22 tailor departmental programs for the unique

16

1 circumstances in Alaska.

2 A great native leader once said,

3 "Let us put our minds together and see what

4 lives we can make for our children." Today,

5 let us put our minds together to provide safe

6 and healthy communities for our children and

7 our families.

8 Let me turn to children's justice.

9 From my visits to Native American

10 communities, I know that native people

11 revere their elders and they treasure their

12 children. A traditional saying reminds us
13 that good acts done for the love of children
14 become stories good for the ears of the
15 people.
16 I believe that today's young Native
17 Americans and young Americans throughout the
18 nation embody a very bright future for us
19 all. Young people want to do things to
20 better their communities and the nation. Ada
21 will tell you that young men and women ran a
22 relay from her pueblo in New Mexico all the

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1 way to Washington to let us know what they
2 needed to support their elders and to make a

3 better life for their whole community. I
4 haven't seen any effort on the part of young
5 people to match that.
6 We need to give our youth the
7 guidance and the opportunity to make a safe,
8 strong, and positive future and they will do
9 it. That is why it is so important to focus
10 on prevention programs in juvenile justice.
11 Last week, 16 tribes came to me with a joint
12 proposal to use tribal traditions to help
13 their youth develop a strong, positive
14 self-identity, so the youth can put their
15 energy to work to better the community and
16 stay away from gang activities.
17 These strong traditions provide the
18 foundation for ensuring that Indian youth
19 will be given the encouragement and the tools
20 necessary to succeed as youths and as
21 tomorrow's leaders. As we think about
22 juvenile justice, I would like to hear your

18

1 ideas about how to recruit tribal elders to
2 serve as mentors for tribal youth. How you as
3 tribal leaders can use traditional values to
4 keep our youth on track and away from
5 trouble and how we can help you do that.
6 You understand what is needed. We should be
7 your partner in trying to provide support the
8 right way.
9 Let me turn now to tribal courts.
10 These courts are central institutions of
11 tribal self-government, because they are
12 front-line institutions for protecting Native
13 American families and resolving controversies

14 in Native American communities.

15 Tribal courts give life to the

16 tribal values and traditions embodied in

17 tribal law. Fulfilling the federal trust and

18 responsibility to Indian nations means not

19 only improving law enforcement services to

20 Native American communities, but also the

21 enhancements of tribal courts. The Justice

22 Department recognizes the importance of

19

1 tribal courts and tribal self-government.

2 We have worked to promote cooperation between

3 federal, tribal, and state courts by

4 encouraging dialogue between the court

5 systems.

6 The federal Court of Appeals for

7 the Eighth, Ninth and Tenth Circuits have

8 developed committees to address tribal court

9 issues. We have also sought to provide

10 innovative training for tribal court

11 personnel.

12 We are also working to make Justice

13 Department funding programs available to

14 tribal courts. For example, in fiscal year

15 1998, the Drug Courts program will award over

16 \$1 million to tribal governments to plan and

17 implement tribal drug court programs. The

18 Bureau of Justice Assistance has also awarded

19 planning grants for inter-tribal appellate

20 courts.

21 As we work to build tribal justice

22 institutions and native communities, perhaps

20

1 you might consider whether opportunities
2 exist for your villages to work together on a
3 regional basis to enhance the effectiveness
4 of our limited resources.

5 Our government-to-government dialogue
6 during the coming months will be important as we
7 address how the programs of the Department of
8 Justice will work for tribal communities in
10 Alaskan Native villages. But remember what
11 our position is in the department. You
12 understand your traditions, your needs, your
13 land, your tribe, and we need to be a partner
14 in supporting you.

15 Finally, let me address tribal
16 self-governments in Alaska. After the
17 Supreme Court decision in the Vinati case on

18 the status of the Anaska settlement lands, I
19 know that there are a number of issues that
20 need to be addressed regarding Alaskan Native
21 self-government. In our experience with
22 Indian tribes in the lower 48 states,

21
1 significant progress has been made in
2 improving cooperation and communication
3 between federal, state and tribal courts.
4 Based on this experience, we
5 believe that a positive dialogue between the
6 State of Alaska, Alaskan Native villages, the
7 executive branch, and Congressional leaders
8 may provide an important avenue to address

9 the issues which you as government leaders
10 face today.
11 I find it very encouraging that
12 Governor Knowles has formed a commission on
13 rural Alaska governance and empowerment, and
14 has included Alaska Native leaders in
15 important leadership roles on the commission.
16 I was also pleased to receive a
17 report that the state officials recently
18 announced that they are prepared to share
19 jurisdiction with tribal courts on important
20 issues such as child custody, child support
21 and domestic relations.
22 We should also work together to

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1 ensure that necessary law enforcement
2 personnel and resources are available in
3 Alaska Native villages to maintain peace and
4 safety in the communities. I look forward to
5 hearing your ideas about these important
6 issues and how our justice programs can
7 best be tailored to meet your unique
8 circumstances.

9 In closing, I would remind all
10 Americans that our nation is a great land
11 where we cherish our liberty, our freedom and
12 our justice for all of our people, not for
13 just some. For American Indians and Alaska
14 Natives, liberty means the opportunity to
15 continue to live according to time-honored
16 traditions in their own communities,
17 appreciating the land, the air, the water,
18 the wildlife, all that is so important in
19 your culture and your traditions.

20 We look forward to working with you
21 in every way possible, recognizing each tribe
22 as a sovereign tribe whom we

23
1 deal with one-to-one with respect, with
2 regard, and in a desire to build a strong
partnership where we do right by our trust
4 obligations.

5 Thank you so much for including me,
6 and I look forward to the day I can be there
7 in person.

8 MODERATOR: Thank you very much,
9 Madam Attorney General.

10 And again, I'd like to reiterate

11 the importance of why we are here gathered
12 today, and the importance of relaying to the
13 Attorney General and for her representatives
14 here to build a quality relationship that is
15 full of discussion that will use meaningful
16 words.

17 I know that all of you, both on the
18 Department of Justice side and from the
19 Alaskan Native peoples, have worked very hard
20 and have given careful thought to this
21 meeting today and the meetings that are going
22 to occur in the different villages. So I

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1 know that the substance is there, and that

2 the quality of relationship is what we really
3 going to be striving for in developing and
4 laying the foundation for today.
5 With that, Madam Attorney General,
6 what we have done is invited at least two
7 representatives to prepare for you statements
8 about their own declaration and policies
9 regarding relations between the Alaskan
10 Natives and the Department of Justice. And
11 to do that, we have invited Ted Borbridge,
12 the Honorable Ted Borbridge, who serves as
13 the vice chairman of the Sitka Alaska Native
14 tribe and also as the judge there.
15 Ted?

16 JUDGE BORBRIDGE: Thank you, Rita.
17 Good morning, Attorney General Reno. Once
18 again, I have the privilege of addressing
19 you, as I did in the listening conference
20 that was held in Albuquerque in '94, I
21 believe.
22 First of all, on behalf of the

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1 Alaskan native tribal judges, justice
2 practitioners, and tribal leaders, I would
3 like to express our thanks to you, Attorney
4 General Reno, for your commitment to giving
5 full effect to the government-to-government
6 relationship between distinct Alaskan Native
7 tribal governments and the United States
8 Department of Justice.
9 We believe that this executive
10 directive must be repeatedly affirmed, not
11 only on paper, but more importantly,
12 manifested in the day-to-day actions of your
13 department and every other department of the

14 federal government. Please know, however,
15 that we regard your brief presentation and
16 the short visit of your staff as only a first
17 step in the much-needed dialogue between
18 tribal governments and the federal
19 government.
20 We urge you to immediately make a
21 concrete commitment to a continuing dialogue
22 with the Alaskan Native tribes in order for

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1 us to share with you our needs and
2 aspirations, as well as to explore areas of
3 cooperation and collaboration between the
4 Alaskan Native tribes and the Department of

5 Justice.

6 The intent of my presentation is to

7 provide some general remarks and share with

8 you our perspective of Alaskan Native Tribal

9 Justice policy on behalf of the Alaska tribal

10 judicial conference. The Alaska Tribal

11 Judicial Conference, ATJC, is a statewide

12 organization composed of tribal judges and

13 justice practitioners dedicated to enhancing

14 and developing the capacity of tribal

15 governments to dispense justice within their

16 tribal communities consistent with their

17 distinct cultural values, practices, customs

18 and institutions.

19 As you may know, Alaskan Native

20 tribes have faced a long and hard struggle in

21 gaining legal and political recognition of

22 their distinct status, powers and authority.

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1 We have been encouraged by this
2 administration's positive steps towards
3 clarifying the legitimate status and the role
4 of tribal governments as sovereign nations in
5 Alaska. Such an affirmation recognizes that
6 we as Alaskan Natives have the right to be
7 different and to be respected as such.
8 We have been able and always will
9 be indigenous peoples with the inherent
10 collective right to self-determination and
11 self-government. Setting aside the legal
12 technicalities and legal charades of the
13 state, it must be understood that where there
14 are Native Americans and Alaskan Native
15 peoples, there is Indian country.

16 In regard to the continuing denial
17 of explicit recognition by the State of
18 Alaska of our distinct governing status and
19 authority, we believe that the Department of
20 Justice can and should assist us in prompting
21 a trilateral dialogue between the three
22 distinct governments in Alaska: Tribal

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1 governments, state, and federal governments.
2 This would greatly assist the Alaskan Native
3 tribes in exploring the potential cooperation
4 between governmental entities in all areas of
5 law enforcement, tribal courts and
6 corrections.

7 We are discouraged by your
8 department's silence on the critical legal
9 question of existence of Indian country in
10 Alaska. However, we remain confident about
11 the existence of Indian country in Alaska,
12 primarily because of the diverse range of
13 land status and land rights that the Alaska
14 Native tribes have. We also remain confident
15 about the future of tribal sovereignty and
16 tribal justice in Alaska.

17 In light of your absence in the
18 case of State of Alaska versus the Village of
19 Vinati, we would suggest that the DOJ
20 reaffirm the government-to-government policy
21 and right to self-determination of Alaskan
22 Native tribes. The Environmental Protection

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1 Agency has set a precedent for this by

2 issuing a letter reaffirming the

3 government-to-government relationship that

4 exists between EPA and tribal governments.

5 Such a reaffirmation would be helpful in our

6 efforts to promote a trilateral discussion

7 about the political and legal relationship

8 between our distinct governments. It is also

9 consistent with your own Executive Directive,

10 and that of President Clinton's.

11 Also, in relation to the state

12 administration, we remain highly concerned

13 about the state's fragmented approach to our

14 fundamental, collective, and individual

15 rights as distinct indigenous peoples.

16 Rather than engaging in a comprehensive and

17 constructive government-to-government

18 dialogue consistent with the right to

19 self-determination, the state has chosen to
20 deal with tribal governments and their
21 respective powers and status in a piecemeal
22 fashion.

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1 Though the sovereignty of Alaskan
2 Native tribes has been affirmed by the United
3 States, it must be affirmed and recognized
4 and respected by all others, including the
5 State of Alaska and its non-native citizens.
6 We believe that the State of Alaska, as a
7 subdivision of the United States, has an
8 obligation to respect the laws and policies
9 of the federal government.

10 I would now like to focus on our
11 perspective of tribal justice policy in
12 Alaska. Fundamental to any discussion of
13 tribal justice policy is the importance of
14 the right to self-determination. Further,
15 distinct elements of the rights of
16 self-determination must be recognized and
17 respected. For example, the Alaskan Native
18 peoples have the right to maintain and
19 strengthen their political, economic, social,
20 and cultural characteristics, as well as
21 their legal systems, while retaining their
22 right to participate fully in, if they

1 choose, in the political, economic, social,
2 and cultural life of the state in which they
3 live.
4 As an important dimension of the
5 Alaskan Native self-determination is the
6 right to autonomy or self-government in
7 matters relating to their own affairs.
8 Tribal governments have the right to
9 determine their own citizenship, in
10 accordance with their customs and traditions,
11 as well as to select the membership of their
12 own institutions.
13 Tribes also have the collective
14 right to determine responsibilities and
15 duties of their tribal citizens to their
16 communities. The Alaska Tribal Judicial
17 Conference firmly believes that the Alaskan
18 Natives have the right to promote, develop,
19 and maintain their institutional structures
20 and their distinctive judicial customs,

21 traditions, procedures, and practices.

22 We must ensure that the integrity

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1 of the Alaskan Native's social, cultural, and
2 spiritual values and practices are recognized
3 and protected for both the individual tribal
4 citizen and tribal collectives. We also
5 affirm the right to participate directly in
6 all decision making that may affect Alaskan
7 Native tribes directly or indirectly,
8 especially in the decision making process of
9 institutions and administrative bodies
10 responsible for justice policies and
11 programs.

12 These are only some of the values
13 and standards we have identified to date.
14 The ATJC and tribal government leaders must
15 take more time to develop a comprehensive
16 declaration of tribal justice policy. A
17 comprehensive policy will take time. It must
18 also be recognized that it cannot be frozen
19 in time, but rather, it must evolve and
20 change in the same way that the Alaskan
21 Native tribes have evolved and developed.
22 Needless to say, to implement

33
1 tribal justice policy in Alaska, the Alaskan
2 Native tribes require financial resources.

3 There are more than 226 Indian tribes in
4 Alaska, nearly half the total number of
5 federally recognized tribes in the United
6 States. You yourself, Attorney General Reno,
7 in your address to the United South and
8 Eastern Tribes meeting in Virginia on
9 February 3, 1998, recognized that the tribal
10 justice programs are underfunded, and that we
11 all need to be working towards securing
12 appropriations to advance and strengthen
13 tribal law enforcement systems, tribal
14 courts, and traditional justice systems.
15 In the context of Alaska, we must
16 underscore the specific need for genuine
17 equity funding for Alaskan Native tribes.
18 This means that the Department of Justice
19 must take into account the higher cost of
20 doing business in Alaska, due to the
21 geographical isolation and decreased
22 accessibility to things that others in urban

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1 areas may take for granted, such as access to

2 transportation, or even a fax machine.

3 To cover the inflated cost of doing

4 business in Alaska, there must be at least

5 a 25 percent increase in every budget line

6 item, similar to the cost of living used by

7 the federal agencies or their employees.

8 We must explicitly state that

9 future funding for tribal justice initiatives

10 must go directly to legitimate authentic

11 tribal governments at the local grassroots

12 level. We are discouraged by the fact that

13 previous funding earmarked for tribal justice

14 has gone to nontribal entities. The funding

15 of nontribal entities to perform tribal
16 justice functions is inconsistent with the
17 government-to-government relationship and
18 your affirmation and commitment to tribal
19 sovereignty and the genuine enhancement of
20 tribal justice.

21 In closing, we look forward to
22 working with you and your staff on the

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1 realization of our rights and aspirations and
2 manifestations of true tribal justice in
3 Alaska. We believe that through partnership,
4 we can make an important contribution to
5 Alaskan Natives, a contribution that not only

6 benefits our distinct tribal communities, but

7 also for the benefit of all Alaskans.

8 And once again, I thank you for

9 this time. Thank you.

10 MODERATOR: At this time, Attorney

11 General Willy Cusuli -- and I'm certain he

12 will correct his name for you -- will be

13 stating for you the four areas that we will

14 be engaging in discussion further today. But

15 he has prepared some statements so that we

16 can, again, convey to you concisely some of

17 the issues that are of major concern to the

18 people here.

19 Willy?

20 ATTORNEY GENERAL CUSULI: My name

21 is Willy Cusuli. I'm from the Native

22 Community. I've had the honor and privilege

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1 of representing Alaska during the White House

2 meeting in April of 1994, and have

3 participated in the listening conference in

4 Albuquerque.

5 Before I go down to my written

6 statement, we would appreciate a copy of the

7 statement made by the Attorney General be

8 made available to the participants here.

9 Thank you for the opportunity to

10 briefly summarize some of the specific issues

11 facing Alaskan Native tribes. I intend to

12 generally illustrate some of the concerns of

13 the Alaskan Native tribes, tribal justice

14 system, and justice practitioners have, and

15 more importantly, provide you with specific

16 recommendations to curb these problems and

17 actually enhance Alaskan Native tribal

18 justice.

19 Clearly, we do not have specific

20 time to be specific nor comprehensive.

21 However, throughout the course of the day and

22 in the future, we hope to hear from all

37

1 Alaskan Native tribes, in order to provide

2 you and your staff with a clearer picture of

3 the reality that we face.

4 As was stated by my colleague,

5 Judge Borbridge, the principal of direct and

6 local funding to tribal governments must be

7 adhered to in relation to the following

8 specific recommendations. I must underscore
9 the fact that this is not an exhaustive list
10 of all our needs and recommendations. Again,
11 consistent with the government-to-government
12 relationship that we hold with the Department
13 of Justice, we offer these remarks in the
14 spirit of cooperation and partnership. We
15 also believe that these recommendations and
16 ideas will assist us in overcoming the
17 volatile political environment, as well as
18 the geographical isolation and cultural and
19 language barriers that exist for the Alaskan
20 Native tribes.
21 Due to the vast expanse of our
22 territory and geographical remoteness of our

38

1 tribal communities, as well as the inability
2 of the State of Alaska to provide
3 comprehensive, culturally appropriate
4 policing, we recommend that the Department of
5 Justice continue to expand its role in
6 administering tribal policing programs.
7 In addition, the Department of
8 Justice should increase funding for tribes to
9 start new law enforcement programs, in order
10 to hire personnel, as well as purchase
11 necessary equipment and police-related
12 technology. Furthermore, tribes are
13 requesting the Department of Justice to
14 participate actively in securing agreements
15 to coordinate federal, state and tribal law
16 enforcement services, including
17 cross-deputization arrangements. Funds for
18 local on-site, regional and statewide
19 training for tribal police to be provided,

20 with the goal of institutionalizing a
21 permanent, tribally controlled training
22 academy.

39

1 Finally, we recommend that the
2 Department of Justice consult with Alaskan
3 Native tribes about the question of
4 transferring tribal policing programs from
5 the Bureau of Indian Affairs to the
6 Department of Justice.
7 One area of extreme importance to
8 our current and future generations is
9 prevention and eradication of domestic
10 violence and related problems of sexual

11 assault. In direct response to this, tribal
12 governments need to improve the capacity of
13 tribal courts to increase prosecution,
14 adjudication, and enforcement of tribal laws
15 for domestic violence cases, including
16 funding to implement training on domestic
17 violence.
18 We need increased funding for
19 tribes to establish local victim advocacy and
20 assistance programs for adult and children
21 victims of domestic violence and sexual
22 abuse. Tribal governments also require

40

1 funding to respond to sexual assault in a

2 comprehensive fashion, such as the
3 establishment of local and regional sexual
4 assault response teams.
5 Another recommendation is provision
6 of funding for creation and operation of a
7 mobile forensic evidence collection unit in
8 order to improve the prosecution of sexual
9 assault cases in tribal communities.
10 Finally, tribal governments need
11 direct assistance from the Department of
12 Justice to ensure that the State of Alaska
13 honors and gives full faith and credit to
14 tribal court domestic violence orders in
15 compliance with the Violence Against Women
16 Act.
17 The deteriorating status of Alaskan
18 Native children and youth must be urgently
19 addressed, due to the disproportionate number
20 of Native children in the state child
21 protection and delinquency systems. Tribes

22 need assistance from the Department of

41

1 Justice that would encourage the state to

2 cooperate and collaborate with tribal child

3 protection in tribal court systems, rather

4 than obstructing tribal judicial

5 institutions.

6 Specific recommendations include,

7 number one, increased funds to develop tribal

8 capacity for establishment of juvenile

9 probation programs that can provide local

10 supervision by tribes.

11 Number two, maintained or increased

12 funds for tribal courts in order for them to

13 adjudicate and monitor child abuse and

14 neglect cases locally.

15 Number three, funds are needed for

16 special initiatives, including development of

17 local, court-appointed special advocates and

18 guardian ad litem programs in tribal courts.

19 Number four, special measures need

20 to be developed to allow for immediate

21 intervention by tribal judiciaries into

22 problem of inhalant abuse by juveniles.

42

1 Number five, develop an expansion

2 of tribal juvenile codes and ordinances.

3 Number six, special attention must

4 be given to the urgent problem of the
5 disproportionate confinement of Alaskan
6 Native juveniles within the state
7 correctional institutions.
8 And number seven, funds are needed
9 for the building of local child protection
10 teams within tribal communities.
11 Tribal courts and justice
12 institutions are vital to the exercise of
13 tribal self-determination. Moreover, the
14 state's ineffective and incomplete delivery
15 of justice services to tribal communities,
16 combined with the state's hostility towards
17 tribal institutions, underscores the
18 important role of tribal justice systems.
19 Here, we recommend that the Department of
20 Justice continue to expand its role in
21 supporting and assisting the development of
22 tribal courts in Alaska.

43

1 The Department of Justice should
2 provide funding to institute a tribal court
3 development and expansion project at the
4 Alaska Tribal Judicial Conference to increase
5 the capacity of tribal courts. This
6 institute can act as an information
7 clearinghouse and provide technical
8 assistance and training to tribal courts
9 statewide.
10 Furthermore, the proposed institute
11 could pursue projects such as preservation of
12 peacemaking, in order to reinforce and
13 revitalize custom law and traditional native
14 justice forums. We also recommend that the

15 Department of Justice, through policy and
16 funding, assist in convening of a series of
17 tribal, state, federal forums for judges to
18 focus on special issues such as domestic
19 violence and child protection cases.

20 The Department of Justice should
21 also assist tribes in applying tribal law to
22 the cases of tribal members adjudicated in

44

1 state courts as a strategy for administering
2 culturally appropriate justice in accordance
3 with Public Law 280.

4 In addition, the Department of
5 Justice should increase funding for the

6 development of tribal drug courts to ensure
7 local control and enforcement over alcohol
8 and drug importation into the communities.
9 Finally, the Department of Justice
10 is urged to work closely with its sister
11 agency, the Department of the Interior, to
12 press for full implementation of and
13 appropriation for the Indian Tribal Justice
14 Act. Alaskan Natives have suffered immense
15 discrimination within the state justice
16 systems, ranging from racial disparity in
17 sentencing to disproportionate confinement in
18 state correctional facilities.
19 We have also suffered from denial
20 of equal access to the law, as well as
21 inequitable application of the rule of law in
22 all areas of the state justice system. It is

45

1 safe to say that non-native structures and

2 institutions are adversarial, culturally

3 insensitive, and highly discriminatory.

4 The Department of Justice should

5 make funds available for local probation

6 programs and community-based corrections,

7 including halfway houses that provide a

8 distinct cultural content.

9 We would also recommend that the

10 Department of Justice provide funding for

11 tribes to create comprehensive educational

12 programs that would focus specifically on

13 tribal justice practices and institutions.

14 Such programs would involve all members of

15 the community and instill greater trust and

16 respect for these important tribal justice

17 values and institutions.

18 It would also increase tribal
19 capacity in the area of greater community
20 involvement in the intervention and
21 prevention of crimes and social disruption.
22 This idea would essentially provide for the

46

1 continuation of tribal social control
2 measures and overall community health and
3 well-being.
4 Again, these recommendations
5 reflect only a limited range of the many and
6 varied tribal justice matters concerning the
7 Alaskan Native community. We urge you and
8 your staff to commit greater time, energy,

9 and resources to focus on our distinct
10 problems and needs. We look forward to the
11 concrete results of this preliminary
12 dialogue.

13 Thank you.

14 MODERATOR: At this time, Attorney
15 General, you have been given two statements
16 that are examples of the clarity of thought
17 and the effort that has been put forward to
18 convey to you these things that are of great
19 importance to the people here. At this time,
20 we would like to invite people from the
21 audience, the villages, to have an
22 opportunity to say in short statements and

47

1 elaborate on some of the things that have

2 been stated.

3 Once again, I would like to just

4 remind you to introduce yourselves and to

5 take about two minutes. We're running short

6 of time, so we would ask you to just go ahead

7 and line up, and we will take as many

8 comments as possible.

9 MR. WILLIAMS: Yes. My name is

10 Mike Williams. I'm here on behalf of the

11 Alaska Intertribal Council.

12 Thank you for the opportunity to

13 provide comments concerning the tribal

14 justice issues on behalf of the Alaska

15 Intertribal Council. The Council is a

16 statewide organization established to

17 advocate for member tribes comprised of 175

18 Aleut, , Inepiat, , , , and

19 Athabascan tribal governments from across the

20 state.

21 I have two general recommendations.

22 Issue number one is the implementation of

48

1 Department of Justice's

2 government-to-government policy in Alaska.

3 The problem: lack of access by tribes to

4 Department of Justice has delayed dialogue

5 concerning the overall meaning and

6 implementation of the

7 government-to-government policy on the ground

8 in Alaska. Lack of access has also limited

9 the ability of Alaskan tribes to dialogue

10 with tribes in other states as to how the

11 policy is working in other locations.

12 Recommendation: The Alaska

13 Intertribal Council supports the

14 establishment of an Alaskan Native Affairs

15 tribal liaison in the Alaska Department of

16 Justice office to implement and advocate the

17 government-to-government policy and serve as

18 a funding clearinghouse for tribes in Alaska.

19 Issue number two: Equitable

20 distribution and increased Department of

21 Justice funding for Alaskan tribes. Problem:

22 Access to information concerning funds

49

1 available from the Department of Justice is

2 limited, and compounded by the lack of local
3 point of contact in Alaska. Although Alaska
4 is the home of almost half of the total
5 number of tribes in the United States, 226
6 out of 543, current distribution of DOJ funds
7 is not proportionate to this high volume.
8 Further, substantial funds are not being
9 awarded directly to tribes as a first
10 priority, and instead are being awarded to
11 nontribal entities having no ties or
12 accountability to tribal governments.
13 Meanwhile, the basic capacity building needs
14 for tribal justice systems continue to be
15 underfunded or unfunded.
16 Recommendations: The Alaskan
17 Intertribal Council supports establishment of
18 a discretionary grant for Alaska tribes to
19 assist tribes with building local capacity
20 for their respective justice systems. The
21 principal component of this grant should make
22 available culturally appropriate training,

50

1 technical assistance, and planning and
2 development services to respond to a range of
3 tribal justice development needs. Alaska
4 Intertribal Council also recommends that the
5 Department of Justice implement the funding
6 policy developed by the Alaska Tribal
7 Judicial Conference during the December 1997
8 annual meeting.
9 Four specific recommendations: Law
10 enforcement, family domestic violence, sexual
11 assault and victim advocacy; juvenile
12 justice, child abuse neglect and delinquency;
13 tribal courts; and tribal justice systems.

14 Those are the two recommendations

15 that the AITC has at this point.

16 MR. HARRISON: Good morning. My

17 name is Gary Harrison. I'm one of the chiefs

18 of the Athabascan Nation, and I live in .

19 I'd like to thank you for sending

20 your best people. I'd like to thank you for

21 the programs that you provide now that are

22 direct programs to tribes. We look forward

51

1 to working more with you in a more cohesive

2 manner. My comments today are not to detract

3 from what the Department is doing, but to

4 help understand how to better these programs.

5 Court funding is good, and you need
6 to get some more court funding, but you also
7 need to help the courts that are in existence
8 today have the recognition from the State of
9 Alaska and help the decisions from these
10 courts be upheld. Right now, they're working
11 in a vacuum.
12 Also, Public Law 280, a lot of
13 people don't understand that on the back page
14 of Public Law 280, there's a little clause
15 there called retrocession of jurisdiction.
16 And in this, it states that the state must
17 remove the impediments before it can assume
18 jurisdiction over Indian country.
19 There is Article 12, Section 12 in
20 this constitution of the State of Alaska, and
21 it says "forever." So basically, they
22 haven't removed their impediments. And if

52

1 they did do that today, Public Law 280 was
2 amended by Public Law 284, and it calls for a
3 vote from all of the adult members of the
4 tribes. To date, this has not happened: Not
5 for the Lands Claim Act, not for
6 jurisdiction, not for anything. The tribes
7 have not agreed. They have not been
8 assembled by their voting members and agreed
9 to anything. They haven't given away their
10 rights nor their responsibilities. Many
11 people, they think the tribes only talk about
12 rights. Many of us understand the
13 responsibilities that go along with these
14 rights.
15 They need to beef up the COPS

16 program that they now have and ensure its
17 long-term existence. They need to provide
18 more technical assistance for the COPS
19 program. They need to provide equipment.
20 They need to provide the knowledge that this
21 program is out here for the rest of the
22 tribes to participate in. Not too many

53

1 tribes in Alaska have these COPS Fast
2 programs, the COPS More, or any of the COPS
3 programs. There's not many out here that
4 have them. We are lucky to have these.
5 We also need the State of Alaska to
6 understand that we do have a federally-funded

7 tribal policing program that they need to
8 work with. Right now, their COPS program is
9 working in a vacuum. If we were to arrest
10 someone, what would we do with him? The
11 State of Alaska will not work with us. The
12 federal government is basically non-existent,
13 unless it comes to fight against us here in
14 Alaska. They do not provide us with the
15 assistance that it would take to make these
16 programs work in an efficient manner. And
17 we'd like to see some help in these areas.
18 I've talked to some of the other people and
19 they've made mention that there are some more
20 grant packets that will be mailed out.

21 MODERATOR: Thank you, Mr.

22 Harrison.

54

1 MR. HARRISON: A couple more

2 things.

3 MODERATOR: Sir, could we let the

4 next person behind you speak at this time?

5 The people here are going to be continuing

6 the discussion.

7 MR. HARRISON: Thank you.

8 MODERATOR: Thank you very much.

9 MR. LONG: Good afternoon. Good

10 morning. My name is Don Long. I'm the

11 President of the Independent Community of the

12 Arctic Slope encompassing all of the north

13 slope of Alaska.

14 As mentioned by our previous

15 speaker, Public Law 280: Is there a concern?

16 It's been misinterpreted and abused by the

17 State of Alaska. For an example, or first of

18 all, it must be made clear that State of

19 Alaskan Native tribal governments never and
20 did not consent to the application of
21 specific provisions of Public Law 280. If we
22 had in fact consented, we may have saved

55

1 ourselves much individual and collective
2 agony over the way justice has been dispensed
3 in this state.

4 The State of Alaska has chosen to
5 use Public Law 280 in order to obstruct and
6 exclude tribal justice, rather than respond
7 to specific provisions of Public Law 280
8 which provide for concurrent jurisdiction and
9 possible introduction of tribal law in state

10 court proceedings. There is no measure of
11 political generosity nor respect of the
12 distinct contributions that
13 tribally-controlled justice systems can make
14 to both tribal communities and other citizens
15 of the State of Alaska.
16 We object to any action by the
17 state that would attempt and is attempting to
18 prescribe, define or diminish the status,
19 powers, and authority of Alaska Native tribal
20 governments.
21 With that, we would like to ask
22 your assistance, Madam Attorney General, for

1 looking into this matter of Public Law 280.

2 Thank you very much.

3 MODERATOR: Thank you, Mr. Long.

4 MR. CASALI: Good afternoon,

5 Attorney General. My name is Anthony Casali.

6 I'm the Tribal Administrator for . And I

7 wanted to express on behalf of our

8 disappointment with the lack of support from

9 the administration in the Vinati case, and I

10 wanted to explain why it was important to us

11 in this case.

12 Every summer, our community is

13 invaded by 1,200 to 1,500 recreational and

14 sport fisherman. We're in a remote community

15 on the Bering Sea coast of 500 people. We

16 feel it's fundamentally unjust that as a

17 tribe, we cannot regulate the behavior of

18 those recreational users coming into our

19 community, that we cannot legally keep

20 alcohol off the river by nontribal members,

21 or require them to dispose of their waste

22 properly.

57

1 Despite the questions of legal

2 authority and jurisdiction that linger in

3 Alaska, the need for tribal law enforcement

4 is growing as the State of Alaska pulls out

5 of rural Alaska and lets the villages fend

6 for themselves.

7 We look to the Department of

8 Justice to aggressively expand its role in

9 supporting tribal law enforcement, and also

10 as a staunch supporter of tribes as we

11 negotiate cross-jurisdictional agreements

12 with the state and the federal government to

13 address these gaps in jurisdiction.

14 Thank you.

15 MODERATOR: Thank you, Mr. Casali.

16 MS. LARSON: Good morning, Attorney

17 General. My name is Susan Larson. I'm the

18 President of , Native Village of .

19 I'm representing five judges, an ECA worker,

20 a child protection team, and our Athabascan

21 tribal members.

22 Some of our concerns are financial

58

1 assistance for our tribal court and for VPSO.

2 We are on the road system and have access to

3 Alaska State Troopers, so we are not eligible
4 for VPSO. We have one state trooper that has
5 to take care of a large area, so when we call
6 them, we usually don't have a response, or
7 they come there too late to help us with the
8 problem.

9 We need help enforcing our laws.

10 Our justice system needs to be recognized.

11 Our judges are volunteers to exercise our

12 given right. The state laws don't coincide

13 with our laws. We have problems with

14 adoption. We are not able to obtain a birth

15 certificate for our adoptions.

16 Another example I'd like to share

17 is when we have a problem on our land, the

18 trooper tells us that the land belongs to the

19 corporation and not the tribe. So when we're

20 talking to a trooper and trying to have him

21 address the problem, he'll tell us that it's

22 the corporation should be calling them, not

59

1 the tribe.

2 MODERATOR: Excuse me. I'd like to

3 thank you at this point. We know that you

4 have many more concerns, and we're going to

5 be her to listen to these for the rest of the

6 day, but I understand the Attorney General

7 has to leave, and we would like for her to be

8 able to give some closing comments.

9 MS. LARSON: Okay. Thank you.

10 MODERATOR: Thank you very much.

11 You've heard, Madam Attorney

12 General, the very clear concerns that the

13 people here have, and we would like to invite

14 you as you leave to make some comments and to

15 give us the encouragement that we will need

16 to continue to talk about the issues that are

17 going to be discussed today.

18 ATTORNEY GENERAL RENO: I just

19 appreciate so very much the chance to hear

20 these excellent statements. When I saw that

21 we were going to have more time, I told my

22 secretary to rearrange my schedule. So if

60

1 there are any specific other points that

2 somebody would like to make, I would welcome

3 them. But let me just address some of the

4 concerns that have been expressed so far.

5 Judge Borbridge, I really

6 appreciate your thoughtful statement, and I
7 want to reaffirm as clearly as I possibly can
8 the importance of our
9 government-to-government relationship, and I
10 will stress that in a letter as a followup.
11 Appropriations is a very important
12 and critical issue. And we are working with
13 the Department of Interior and the White
14 House to make sure that we do everything we
15 can to see that appropriate funding is
16 provided for law enforcement and tribal
17 justice in Indian country.
18 Many of our grants, however, are
19 earmarked or designated by Congress for
20 specific purposes, and we must all work
21 together to make sure that the voice of
22 Alaskan Natives is heard so that there is

61

1 fair and equitable appropriation.

2 I noted your comment about the need

3 for a greater percentage in order to reflect

4 the cost of living in Alaska, and we will

5 certainly try to consider all of that as we

6 can within the law. Funding for law

7 enforcement obviously covers a range of

8 areas, and I will be talking with John Hogan

9 as soon as he returns to see how we can

10 address this issue and what we can do. With

11 the COPS program, we're exploring just what

12 we do to maintain the benefits that that

13 program has provided, and we will clearly

14 keep Indian country and the Alaskan Native

15 villages in clear focus as we do this.

16 Mr. Williams, your recommendation

17 on the need for an Alaskan Native liaison is
18 one that I will ask our Office of Tribal
19 Justice to address and to see what we can do.
20 We'll talk with the U.S. Attorney and we will
21 try to do our best in that regard.
22 In Albuquerque, as I listened, it

62

1 was clear that people did not have or did not
2 feel they had access to the Department of
3 Justice. They did not know where to go for
4 certain issues, and we created the Office of
5 Tribal Justice. We want to make sure that
6 your voices are heard, that you feel you have
7 access. And just know, please, that as we

8 are developing this liaison, you can always
9 have access to me, as, again, it's
10 government-to-government, and we are both
11 leaders, and all leaders. And it is going to
12 be very important that you write and let me
13 know particular issues of concern to you that
14 can't otherwise be resolved. And I will try
15 to be available whenever I am needed.
16 Clearly, the whole issue of
17 domestic violence and sexual assault is a
18 critical, critical issue. And with that very
19 important area of concern comes the whole
20 issue of victims' rights and how we support
21 victims and ensure that they are not
22 revictimized by the justice system. The law

63

1 enforcement aspect doesn't work very well if

2 you don't have tribal courts that respond in

3 the same traditional sense. And I will be

4 talking with John when he gets back to see

5 how we can fashion support through funding,

6 wherever possible, if we can find it; what we

7 can do in terms of preparing our budget for

8 the year 2000 that addresses these concerns;

9 and what we can do in terms of technical

10 assistance to support these efforts.

11 We will work with you on issues to

12 see what can be done to address the Public

13 Law 280 issue. I am not familiar with all

14 the details, but when Mr. Hogan returns, I

15 will meet with him and we will see what if

16 anything we can do.

17 These are some of the points that

18 you have raised. I have both Judge

19 Borbridge's and Administrator Casali's

20 written statements, and I've made notes with
21 respect to the other presenters. And I'd
22 like, if anyone has specifics, to take

64

1 whatever remaining time I have to hear again
2 and listen to you, because that is very
3 important to me.

4 MODERATOR: Great. We do have one
5 more person, Madam, or several other people
6 who want to come up and continue conveying
7 these issues to you.

8 If you would state your name, sir?

9 MR. HUNTER: My name is Henry

10 Hunter. I'm the Chairman of the Native

11 Council in Bethel, and I thank you for the
12 opportunity to address you. There's about
13 six or seven issues that I'd like to bring
14 before you.

15 One of the areas my tribal native
16 council would like to see funding is tribal
17 courts. We're looking into learning more
18 about tribal courts. I know the village of
19 , up the river from where I live, is very
20 strong in tribal courts, and we'd like to
21 make sure that funding for all the villages
22 in my area to have knowledge in tribal

65

1 courts.

2 The other one is law enforcement.

3 The Yukon Delta, where I come from, when

4 there's a crime committed in one of the

5 villages, the Alaska State Troopers usually

6 respond in one to two to three days, three

7 days at the most. So I'd like to see more

8 funding for either the safety police officer

9 program that is run by the State of Alaska or

10 the village police. It's really sorely

11 needed in the villages because of the rising

12 violence.

13 The other one is the Indian

14 child welfare. We'd like to see more funding

15 and training in that area. There's a rise in

16 Indian child welfare cases in our area. We'd

17 like to see a better government-to-government

18 relationship with the State of Alaska and the

19 federal government, as when we intervene in

20 Indian child welfare cases, usually the State

21 of Alaska or the federal government don't

22 even recognize us, and there needs to be a

66

1 better relationship in that area.

2 The other one is inhalant abuse in

3 our area. There's one inhalant abuse

4 facility in the United States. I think

5 there's one or two. But we'd like to

6 continue to seek funding for the inhalant

7 abuse services in the State of Alaska, or a

8 facility built in the State of Alaska for our

9 people, because there is a rising abuse in

10 inhalants.

11 Thank you very much.

12 MODERATOR: Thank you very much.

13 MR. EDWARDSON: Madam Attorney

14 General, my name is Charles Edwardson, Jr.

15 I'm from Barrow, Alaska.

16 One of the most pressing issues

17 that we have in Alaska is that the Indian

18 Commerce Clause has been treated as dormant

19 throughout the history of this state.

20 The first time that the United

21 States recognized Alaska Natives as a people

22 to do commerce with was a treaty of 1824 with

67

1 Russia. And today, the United States deals

2 with the Commerce Clause with the Indian

3 tribes of Alaska as if it is nonexistent.

4 We have had international trade up
5 here for over 270 years. And today, we are
6 still a subject of the state, and this state
7 intrusion to our fishery is not acceptable.
8 We have 208 federally-recognized tribes in
9 Alaska whose commerce has been hampered by
10 the state fish and game enforcement.
11 As you all know, on migratory
12 species in U.S. v. Holland, that the states
13 do not regulate migratory species. So we
14 wish to seek a quota on all of the fisheries
15 to the 200-mile zone.
16 And also, to make waters even
17 murkier, the purchase of Alaska was amended
18 by the Senate with its advice and consent on
19 September 16th, 1991. How can you legislate
20 sovereignty in a treaty where sovereignty
21 never was occupied?
22 Madam Attorney General, thank you.

68

1 MODERATOR: Thank you, Mr.

2 Edwardson. We have time for one more

3 comment.

4 MR. STANSFIELD: Madam Attorney

5 General, I'm Ken Stansfield with Ketchikan

6 Indian Corporation, soon to be the United

7 Tribes of Ketchikan.

8 As you said in your remarks, the

9 way that we're going to get anywhere is with

10 healing, bringing peace, and solving

11 problems. And as we take a look at all that

12 we're going to look at today, we've skirted a

13 bit of the issues that, in Ketchikan, anyway,

14 are very severe.

15 As you know, Alaska is the
16 fourth-largest consuming state of alcohol in
17 the United States of America. In Ketchikan,
18 where I come from, Southeast Alaska is the
19 number one area within the State of Alaska
20 for consumption of alcohol and other drugs.
21 And as we talk about domestic violence, as we
22 talk about some of the other issues that have

69

1 come about, we can't overlook those things
2 and how we can help, somehow, combine our
3 efforts. And I think as we look at all the
4 different things, with the hurting that's
5 going on in our tribes and with our peoples,

6 I want to make sure that we don't, as we do
7 so often, deny that we have the problem.
8 You've heard it brought up earlier
9 concerning some of our different villages
10 where they are working together. We are
11 beginning to work together with the Village
12 of Saxman and also with Metlakatla Indian
13 Reservation, close to our home on Annette
14 Island. And we are beginning to work
15 together to try to solve some of these
16 problems, but it will take all of us to do
17 that in Southeast to make a difference.
18 And so I ask that you be responsive
19 to us as we begin to figure out the ways in
20 which the government-to-government issue can
21 be worked out, and as we can bring specific
22 issues to you, because it hasn't been our way

70

1 down there to work together. Historically,

2 we've been at each other's throats, if you

3 will: Enemies, so to speak. But that no

4 longer can be the case.

5 And so as I share with you these

6 remarks, I want you to know that we are going

7 and have committed ourselves to work together

8 as the Ketchikan Indian Corporation,

9 representing the city and people in the

10 Ketchikan area, the city, village of Saxman,

11 and Metlakatla. And so with that, I just

12 want to let you know that we understand that

13 it has to be a team effort, for lack of a

14 better word, if we are going to be able to

15 see the healing for the tribes, bringing

16 peace to the tribes, and solving problems

17 with the tribes and with this great country.

18 Thank you.

19 MODERATOR: Thank you. As you've

20 heard, Madam Attorney General, there are many

21 things that the native people here have told

22 you. And as the chief peacemaker, you know

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1 that many of the Indian nations in the 48

2 have also told you that sometimes the war way

3 and the peace way need to meet and to restore

4 the harmony; that oftentimes, there's a real

5 need to have this balance.

6 And so you've heard these comments.

7 We know that you need to leave, and we know

8 that your staff here, it sounds like they

9 have their work cut out for them, from what
10 I've heard so far. And it sounds like the
11 Indian nations here have been working very
12 hard.

13 So what we would like to do is
14 invite you, as you depart and take your leave
15 and give us the charge that we need to have
16 to carry on the day, I'd like for you to stay
17 here, because the staff will be here to
18 address your comments.

19 Madam Attorney General?

20 ATTORNEY GENERAL RENO: Thank you
21 so very much. Thank you all for taking the
22 time and for being with me, if by satellite.

72

1 It is so very important that we
2 build a team effort, and that we build -- I
3 call it a partnership. A partnership where
4 we give our resources in the wisest way
5 possible, based not on what we think is best,
6 but on what you think is best for your
7 tribes, your communities, your villages.
8 It is important that we have a
9 continuing dialogue. And, yes, indeed, Ms.
10 Schiffer and Mr. Hogan do have their work cut
11 out for them. I can't wait for them to get
12 back and sit down and go over their notes.
13 I will also point out to you that I
14 still have my notes from the Albuquerque
15 listening conference, and there was page
16 after page, and I go back to them every now
17 and then to make sure that we've tried to be
18 responsive to each.
19 This is what I promise you. I'll

20 try to be as accessible as I can. I'll try

21 to respond to your letters; try to respond to

22 your specific concerns. I will continue to

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1 advocate for moneys. I can't promise you

2 that I'll get you all the money that you and

3 I think I should be getting for you, but I

4 will try my best. I can't promise you that I

5 will get you all the resources that we need,

6 or change the laws the way we think it should

7 be done, but I will try my best to be

8 responsive to you, to your concerns as a

9 number of sovereign nations, and that working

10 together, we can and we will make a

11 difference.

12 I remember the young relay racers

13 who came across the country. They were

14 bright and young and eager and bold, and they

15 looked forward to making a difference for

16 their pueblo. I know that there are so many

17 young people across Alaska who want so to

18 make a difference, want to avoid crime, want

19 to avoid drugs and inhalants. And I look

20 forward to working with you to making a

21 strong and positive future for them.

22 The issue with respect to the

74

1 fisheries, I want to talk with Lois Schiffer

2 when she gets back to see what role the
3 Department of Justice can play. And I will
4 try to keep you advised as to what we can and
5 can't do, because I don't want to
6 overpromise, but I do want to try to do my
7 best to honor you and your great traditions.

8 Thank you so much for letting me be
9 with you today.

10 MODERATOR: Thank you, Madam

11 Attorney General.

12 Thank you very much. As we have
13 started, the dialogue has begun. As the
14 races have begun, the dialogue has begun, and
15 this is really an exciting thing, the
16 transformation of having the Attorney General
17 for the short time that we were able to.

18 But being able to continue and
19 begin this day anew with commitments on both
20 sides: I know that both sides have done
21 their homework, and I know that both of you
22 are committed to making sure that there's an

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1 open dialogue.

2 We have one more person that we

3 would like to hear from during this time, and

4 I would like to invite you to go ahead and

5 make your comments at this time, sir.

6 MR. MORRISON: Thank you. My name

7 is Eric Morrison. I'm a tribal judge with

8 the Central Council. I'm serving my

9 second third-year term, and I reside here in

10 Anchorage, which is the largest Indian

11 village, Eskimo village, and Aleut village in

12 Alaska, with well over 18,000 people.

13 As a member, our juveniles, we

14 have over 147 here in the juvenile system in
15 Anchorage that we cannot serve as a judge.
16 We have no administrative funds to deal with
17 our tribal youth. We work with other courts.
18 We work with Sitka tribes as a judge here in
19 Anchorage to try to deal with their members.
20 But we have to work with what
21 little means we can. We've been in existence
22 over nine years, and yet, we've never been

76

1 able to raise money to fully implement our
2 court system. We have our judges; we have
3 our statutes; but we have no money to begin
4 and administrate our justice system. So we

5 have to work with other resources that we

6 can.

7 We now have an agreement with the

8 tribal advocacy system to try to work

9 with them and deal with our juveniles here in

10 Anchorage as best as we can. Our judges will

11 be available in Sitka, and our executive vice

12 president will give you full testimony as far

13 as southeast. We are a large-geographic-area

14 people, and we reside from Anchorage to

15 California with membership over 18,000. We

16 have many problems, from elders to youth to

17 cultural issues to land issues. We need the

18 resources in order to develop our courts.

19 Thank you.

20 MODERATOR: Thank you, sir. At

21 this point, we're going to end the

22 teleconference. I appreciate the courage

77

1 that it took for you to come up and to say
2 the things that you needed to, and to allow
3 the cameras to be here and record this
4 information. We will be taking this with us
5 to our village meetings in the different
6 places that we'll be going in the next two
7 days.

8 Please, again, thank you very much,
9 and hopefully we will have a very wonderful
10 day today.

11 (Whereupon, the PROCEEDINGS
12 were adjourned.)

13 * * * * *

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