

Edward C. Adams, Sr., Mayor, Village of Nunam Iqua
Alaska Rural Justice and Law Enforcement Commission
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Thank you. I hadn't in my mind thought to testify, But I like to say a few words whenever I go to some organization and I had been here since a couple of weeks ago. I feel really distressed and brave. I'm usually not a talker and when I talk, I talk just for a brief moment. And my friend, you know Mike Williams, he calls me Fast Eddie.

My name is Edward C. Adams, Sr. from Nunam Iqua. The population is about a little less than 200 right now. I'm only about eight or nine miles down from Emmonak.

All these years I've been going to some meetings. I talk to a lot of people. I know Mr. Schaeffer for maybe four years. Governor Knowles, He's got to be like my friend. I teach him once and while when I see him. And even Al Adams, I call him my brother. And he gets a kick out of that. He wants to be my younger brother.

Well anyway my community is not organized yet in the court system. But I noticed that we are doing things that the organized ones are. We get together. The tribal people get together and try to solve things among the community and some juveniles and even adult stuff. We do it like we used to a long time ago.

I got a lot of responsibility at home. I'm the Mayor there and also the Tribal President and the Chairman of the School Board.

Especially this year, I tell them that I'm the Jack of All Trades. That's all I wanted to say. I would like to thank these Commissioners for being here and I'm learning and I want to thank these presenters. I'm listening; I'm learning. Quyana.

BURGESS: Thank you very much. Any questions by any of the Commissioners?

BOTELHO: Mr. Adams, do you have a tribal police in your community?

ADAMS: At this time, we don't have one. We're trying to get one. We do have village police officers, but we're still trying to get tribal police.

BOTELHO: Okay. Thank you.

BURGESS: Mr. Adams, thank you very much. I understand why you got the nickname you got.

ADAMS: Fast Eddie.

BURGESS: Fast Eddie.

ADAMS: And thanks for not too many questions.

BURGESS: Thank you.

END OF STATEMENT

Delice Calcote
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

Thank you. And I want to thank you for being here in this venue and I hope you don't mind if I take just a little bit of your time.

Today I wish to talk to you from my heart, but I reserve my right to follow-up in writing. Is that all right with everyone of you?

BURGESS: We would appreciate that.

All right. I want to introduce myself. That's the way we do it and that will tell a lot about who I am and why I'm here.

On my mother's side; my mother is Charlotte Mae Nielson and she got married to Harold Alexander. He came up in the US Navy and they got married on Kodiak. I was born on Near Island.

My dad was in the Navy for four years and during that time—there's me and my sister Debbie, my sister Bonnie and my brother Mark. They were born down there.

And when he got out they returned to Kodiak Island and my mother had four more children. Today I have a brother and a sister that are gone. My mother and father are gone.

My grandmother is from Afognak Island and her name is Enola Von Scheele. Her first marriage was to Nels Nielson from South Naknek and his mother is from the Bethel area.

My grandmother's brother was Robert Von Scheele who served as a US Territorial Marshal. My grandmother is one of sixteen that were born, but my grandmother is one of twelve [that survived].

My great-grandfather, Herman Von Scheele, is of Swedish descent and my great-great-grandpa Herman Von Scheele is the one who discovered oxygen and barium and stuff like that. He died an early death dealing with that kind of stuff.

I was raised being denied my language, but I have lots of cultural knowledge. My great-grandpa sent my grandmother and all her sisters off to become teachers, and they all returned to Alaska, and they married, and they went everywhere.

I have relatives in Ninilchik and in the Bristol Bay area and the Bethel area. Some of my relatives like my grand-Aunt Charlotte, her last name was Sterns, and Tim Sterns now works for NAGPRA¹ in Washington, D.C.

My Aunt Eunice Neseth is from Kodiak Island. I don't know if any of you knew any of my relatives over there, but she helped start the Museum.² She was the history teacher and she retired out of the teacher retirement system. But everybody else had history.

I'm so thankful that she retired before I had to have her in High School.

I had history from my Aunt Eunice every Sunday. She had the biggest collection of those National Geographics than any person I ever knew. And when all of us would have to go over to see my Aunt Eunice and we'd do that the round. My grand-aunt Eunice.

If anyone knows Uncle Robert, he married Greta Von Scheele and she came from an orphanage after the war when Germany and the Berlin wall was built. She was hired to come over and be the nanny for my great-grandpa, my grandma Enola's papa. During her last delivery is when a doctor came to Kodiak and he washed my great-grandma out with lye. She died a horrible death. So great-grandpa Herman Von Scheele was left these twelve children.

And my Auntie Lise went to Europe with a bunch of the kids and they went around and went to a Catholic convent that had all these orphan children and she'd been raised in an orphanage from when she was four years old. She came and took care of all of the children and she eventually was married to Robert Von Scheele. She was a wonderful woman.

When my grandmother Enola separated from Grandpa Nels, my grandmother returned with her five children to Afognak Island and that's where my mother was raised.

¹ Native American Graves Protection and Repatriation Act, 25 U.S.C. 3001 *et seq.*

² The Alutiiq Museum, established by the Kodiak Area Native Association in 1978. See <http://www.alutiiqmuseum.com/>

When the earthquake and tidal wave came along, Afognak Island was washed out; all the village sites, they were washed out. And the Small Business Administration did not come in and help the village people rebuild there. Kodiak Island Borough opened up the Port Lions area and that's where a lot of people rebuilt.

My grandmother and grandpa, my second grandfather Mike Mullen built their place there in Port Lions, but their heart--and they had always had their Native allotment claim on Afognak Island on the Raspberry Straits there. That's where grandma Enola and grandpa Mike had their Native allotments. And that was eventually granted and that's where they moved to.

My grandpa Mike was there during the Exxon Valdez Oil Spill and I was able to talk to him as he was going out there and checking it and I was warning him, please don't touch that stuff. It's so toxic.

Because I was working during that time as a volunteer ___ being from Senator Stevens. We tried to get paid for all the work that we did as I worked as the Save Our Sea Otters secretary. A bunch of Alaska Natives formed together to work with U.S. Fish and Wildlife on the sea otter boats and we organized—My cousin ironically came into town—God works in mysterious ways.

My cousin came into town and she'd been working on a bunch of boats and she goes, "I can't believe how they're doing this." So we said, "Well we know how to catch those sea otters." She says they were using these huge nets to catch the sea otters and you're supposed to use this little four foot net with these floats on it. So we said, "Let's form our own non-profit group to save the sea otters." And it all happened over coffee at a restaurant.

When I look back at that, I said, "I can't believe what we've done." I am a significant claimant in the Exxon Valdez Oil Spill. I put my claim in for me and the workers and so I also in that class I guess of seven hundred.

I want to explain a little bit about my work history because that's important to my education being there at Kodiak Island. I attended St. Mary's Catholic School until the earthquake and tidal wave wrecked that. My seventh grade was interrupted.

My father who worked then for Kodiak Electric took a job in construction while we had a new house built on Kodiak.

And so I went outside for a year. I attended Meanie Junior High up there on Capitol Hill. And the first time I had seen—it was 80% black people and my mom and dad lived two blocks away from home. It was during the riots.

And so we were told to immediately get our butts home. But we only stayed there for three quarters of the school year. My dad's construction firm moved to Oregon.

So in my language I was first taught English, then Latin and then Spanish. So when I got back to high school, I took French.

My youngest son, who's thirteen, is at Ya Ne Dah Ah³ up at Chickaloon village.

I now work for Cook Inlet Treaty Tribes. That kind of evolved from working at Chickaloon Village where—first I worked for their environmental office and then up at the front office. The BIA paid my wages as the secretary/clerk. I eventually, because of my skills—I used to type 120 words a minute and I do shorthand about 80 or 90 words a minute sometimes and I do ten-key by touch. That's pretty fast too. I don't know how that fast that is anymore.

But because of those skills that I had in high school, which my high school Kodiak High School for three years, and I graduated from East High [in Anchorage]. I got out in January. Attended Anchorage Community College and took secretarial procedures and my very first job was Alaska Federation of Natives. I worked in the On The Job Training Program. My first boss was Fred Bigjim and Roy Huhndorf. I worked there through the Alaska Native Land Claims and I'd like to put it on record that those signatories that are there on that ANCSA document had not one tribal council resolution. There was not one vote taken in any village for any of those signatures that appear on that document; had any authority by tribal council codes, rules, regulations, tribal authority, whatsoever to go to do that.

I have knowledge of some of those signatories that have rescinded their signatures on that document before they died.

My father's descent is Blackfoot, Crow, and Scott/Irish. As you can see, it was very easy for me to get a job with my skills and looking like this. And many times

³ The Ya Ne Dah Ah School was started and is administered by the Chickaloon Village, a federally recognized Tribe. See www.chickaloon.org

I didn't tell them that I was Alaska Native. I apologize to my heritage for denying that, but it was what I was taught.

I also got to work for Cook Inlet Native Association before they were taken over.

I got married to a basketball guy from Kodiak. We were married for twenty years. I have two sons who have now made me a grandmother. I am a grandmother of two girls and a boy. My grandson's seven months.

My three sons are thirteen, twenty-three and thirty-two.

That Alyeska Work Agreement has affected both my sons, I feel. Being able to go up on to the pipeline or work on the oil companies for them and to be up there for a shift or two and then bumped off. So I have my sons' stories of that.

Plus my brother who's on the other side now, he died in a car accident. But he worked on the pipeline also. So he was the Operators 302 Union.

And my dad is IBEW. He was IBEW.

So with my grand Uncle Robert, US Territorial Marshal, teaching me from when I was young and my father running for Kodiak Borough Assembly and being involved in the community like that and volunteering for the tribes over the years. My volunteer work includes working for sovereignty network.

Learning how to study and how to do research, I'm so thankful for the Catholic education that I received. But as you can tell, my diction is very precise.

BURGESS: Ma'am?

CALCOTE: Yes?

BURGESS: We've got about fifteen minutes before we have to break for lunch, so I just want to.....

CALCOTE: I want to make my disclaimers. I'll be done in five minutes.

BURGESS: Okay.

In my work for the tribes, knowing that the State of Alaska Constitution—my family was not allowed to go down. At that time they didn't read and write English and that ANCSA document did not have any proper authority to be signed by Alaska Natives.

I understand in doing research on the laws that when you look at a law, that you're supposed to go and look at the provisions section. And in the civil and criminal world in which the US Military control and management up here comes in the law of public law 83-280 and again in 18USC section 116...section 1324 and 25USC section 1326 which is a special election.

[Quoting from the document] -

“State jurisdiction acquired pursuant to this sub-chapter with respect to criminal offenses or civil causes of action or with respect to both shall be applicable in Indian Country only where enrolled Indians within the affected area of such Indian Country except such jurisdiction by a majority vote of the adult Indians voting at a special election held for that purpose.

“The Secretary of the Interior shall call such special election under such rules and regulations as he may prescribe when requested to do so by the tribal council or other governing body or by twenty per centum of such enrolled adults.”

And I challenge the State of Alaska and Congress and the Secretary of Interior to provide to every federally recognized tribe proof that we ever required or requested the Secretary of Interior to promulgate rules and regulations for us to give up our rights to our civil and criminal natures.

Where did we ever give up? Where did every tribal community, which I have an 1890 census that says that there were 511 tribes and bands and communities. And for purposes of enumeration, they were reporting 309. It cost me a \$150 for the book, but it's a beautiful document.

So where's the proof that we ever gave up?

And I also have that the federal government when it walks into Congress into commerce that it then loses its sovereignty and then acts as a corporation.

The State of Alaska, title 45 says it's a public corporation.

There is a part in title 18 that says providing false and misleading information to the tribes carries a \$10,000 fine.

In the 1945 U.N Charter, Article 73 has a process in there and identifies us as human beings, not as corporations. To be treated as corporations.

And I believe that the treaty between—in 1821 through 24—prescribes the relationship between these different jurisdictions. And the 1867 Treaty of Session was a treaty between Russia and America and they subjected us to the laws that were being promulgated under the treaties with the Lower 48 Indians.

The Monroe Doctrine was in effect. And for that dark deed done in the night, that has been the lie that has been promulgated, covered up. People complicit to the cover up.

I deny any corporate status through any social security number or birth certificate that rightly belonged to my tribe. Not by some Puerto Rico corporation coming in through Washington, D.C. and through Congress, and I do believe I also want to put on the record the 1822 Navigation case about Louisiana and the territory.

Our fisherman in there, it says even in a time of war, our fisherman is not to be disturbed. It's the most honorable job on the face of the earth.

And I believe that our dear Lord Jesus; wasn't that His thing? His job was the fisherman.

And I thank the Catholic Church for my education, but I deny their venue or jurisdiction over me, my property, my rights, my water rights, my fishing rights, my hunting rights. And you can tell that to the Pope and his Emissaries and you can tell that to England who gave up their rights to all titles back in the 1300's, the 1200's to the Pope. He apologized. What's an apology?

Even in our drug and alcohol, there's part of an apology you still have to go and rectify your wrongs. Pull out that doctrine of discovery. You have no right or venue through us. This is our land.

I look at it as we're occupying – our population is 15%-16% original peoples and its 85% refugees.

BURGESS: If you could wrap-up in just a couple of minutes.

And I declare all my rights. All my family rights. All my relative rights.

Thank you.

BURGESS: Thank you very much and we look forward to receiving your written comments as well.

CALCOTE: Yes. I also worked for the Cook Inlet Marine Mammal Council and you can pull that up on Google search engine and see my sixteen page letter.

BURGESS: Well, thank you very much. We appreciate your testimony today.

END OF STATEMENT

Charlie Edwardson, Barrow, Alaska
Alaska Rural Justice and Law Enforcement Commission
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What I have experienced as a child—I'm from Barrow. From my memory was acquired, I've watched Barrow for 61 years. I saw the Eskimo nuclear family was completed.

I was born and raised with my great-grandparents and grandparents when the Inupiaq nuclear family was intact. As a great-grandson and grandson and a son and our culture -- our social fabric was not disturbed. It was intact and the community most pleasant.

And today, what do we have? We are seeing complete disintegration of the Inupiaq and Indian and Aleut nuclear families. Broken up by bad economies.

And what has happened is—What has happened in Barrow is because of the oil industry. The drugs of choice are abundant; flowing like main lining to China.

The drug scene in Alaska—We're having kids committing murder for drugs. And where is the enforcement?

You guys spend more time arresting Native people who are trying to feed their families with subsistence and resisting subsistence and forgetting that this a disclaimer State. The State of Alaska shall forever disclaim any right or title now claimed by Alaska Natives – Eskimos, Indians and Aleuts.

We have a formal Attorney General that does not believe the disclaimer clause. And so where does the enforcement stop and start?

And so in Alaska we have a lot of drug cases and government operations. We had a CIA operation in Barrow -- that it was a U.S. Senate that discovered these agents.

And so we've had these operations up here and the people who are trying to feed their families, they get longer sentences. And those that have caused violent crimes—I was just home in Barrow. I'd say that about a third of our shareholders are under State custody.

And so what does the State do with the proxy responsibility that it has to continually destroy management by giving management these crony capitalism—making crony capitalism more efficient with the State voting their shares to maintain the charity of the shareholders. This is what the State of Alaska does so freely and willingly and uncaringly.

And what we see in Alaska is that we talk about the great success of Native people. ANCSA has been a complete failure. It was badly designed social engineering. I witnessed the whole crime scene. I was there.

And what has happened today, the State of Alaska has become the predator. You're preying upon these people and their rights that the State of Alaska had forever disclaimed.

This is a disclaimer State.

The State of Alaska had lost its case in the Supreme Court on the United States versus Alaska inside of the boundaries of NPRA and the National Petroleum Reserve Alaska that it could never had existed there.

What did the State of Alaska do? They filed these false cities giving them mandatory license—mandatory incorporations on top of Native allotments. On top of valid existing rights. And they did it so uniformly that you almost could not see because it looked legitimate.

The City of Barrow could not exist inside of the Naval Petroleum Reserve Number 4 and now the National Petroleum Reserve. Nor in Kaktovik. So what has happened in ANCSA is we have a failed administration and a complete Statewide cover-up of all of the core townships.

What comes from the State of Alaska must come from its 104 million acres of land selections and the Native Village of Barrow has never been selected by the State or have they decided to do so, but they make this statutory obligations by forcibly incorporating the unconsented. And this has been going on.

There are many types of violence: economic, psychiatric. And so what did the State of Alaska do? And here we have—But we're still fighting the Indian Wars. See.

I witnessed the false integration of Statehood of the State of Alaska for the simple fact that the suffrage for Alaska that English was a prerequisite due to a territorial law that was made in 1924-25. English as a characteristic which is a higher standard of citizenship than it is already in the US Constitution where there is no choice for language.

On language, Alaska is not silent. That we were forcibly denied to vote because we speak our languages. We've been punished for this.

And so where do we go? Where do we go when these crimes against humanity are festering all over? Who do we serve?

We're not your victims anymore. This ain't us--which Alaska. We refuse to be your victim and maybe we may have to serve. It's not the people of Alaska that is corrupt. It is the governance of Alaska.

We've had racist law in Alaska--federal Indian law. I know this very well. And so now that they want to break up the 9th circuit because we win there.

The State of Alaska is so shameless. You all know that it is a disclaimer State, but their social engineering is still Anglophilia as a unit of administration. Do you know where that comes from?

I found out--what is the genesis of this silent economic hatred that came down from west philia. Do you guys know where west philia is? If you don't, that's— it's called Europe.

I did not come from a rib of an Englishman. Some of you did and some of you aren't. But I'm not a derivative of the State of Alaska.

And because of that, these economic crimes and the lack of work out there--so we're further compounded. We don't have a coherent energy policy. We're the only people that haul our oil twice. We ship it down and bring it back up.

So where is the economic development?

The State of Alaska has not choose its will to change the royalty formula.

The Trans-Alaska Pipeline re-approved without changing one word. So where is the credibility? Where is the money that's supposed to solve our problems?

The State legislature has never met as an assembly of the unorganized borough which is their rightful role when they have sworn their constitution oath to uphold the Constitution of the State of Alaska.

Never in my life have I ever seen the Governor and the Assembly of the Unorganized Borough meet on rural issues. Although that they gladly accept their oath.

Where does it stop and start? Where does the responsibility stop and start?

There's 220 miles of the pipeline that is not in an organized borough. And here are some federal assets with a taxation base. Now we have a police problem in rural Alaska.

I was at the Municipal League in Fairbanks. That time I did not say anything. I just observed. And so we have to get our head of the grass and face the issues. Responsibilities. And we must have transparency, accountability and enforcement.

When I see the children in Barrow—what's happening up there. What happened in my lifetime. We have electronic violence. We have this electronic violence. We see it because we are the most warest country in the world. The mightiest. So we spread electronic violence with our national anthem behind us.

And so.....

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START OF TAPE 4 SIDE A

....these guys who have had a criminal acts, they can't work. They have no way— There's nobody supporting these men who are gainfully unemployed and no place to go to work. Where are they supposed to go? Nobody represents these poor men.

But the statistics look great, don't they in the Alaska jails? And where the Eskimos and the Indians and Aleuts are. We got longer—They serve about 80% of their sentences.

And so there's some responsibility that the community must take and execute otherwise that we are in a very dangerous course that I don't think that you guys wish to have another genocidal experiment. If not, that's the route that we are going to execute by choice, by arrogance, by ignorance and inability to make executive decisions.

So that's the end of the line. Thank you.

BURGESS: Thank you. Do any of the Commissioners have any questions or comments? Commissioner Bullard.

I'm sorry. Would you mind if we could ask just a couple of questions.

EDWARDSON: Sure.

BULLARD: Well I didn't have a question, just a comment.

And I just wanted to respond to the question that you had regarding who's—that we need to do something in terms of our Alaska Native men that are in jail. And we know that's a problem.

We have the Anvil Mountain Correctional Center in Nome and I think it has 104 beds and usually they have a 110, mostly Native men from the Bering Straits and from the NANA Region. And you know, we have a revolving door situation there.

And in answer to your question, some of the things that we've been trying to do in the Nome area anyway, Kawerak and Manilaaq had gotten together to fund a transition worker to work with the inmates at the Anvil Mountain Correctional Center to aid them in gaining training and locating housing and finding a job so that when they do go back out into our communities, they have the ability to support themselves and to be contributing members in our villages.

The other thing that we've doing, is we've been doing job training at the Anvil Mountain Correctional Center as well as the Seaside Facility there in Nome. And its been wonderful.

I think we all know that, I think, probably 95% of the offenses that our Alaska Native people commit are under the influence of alcohol and

that's the reason that our Native men unfortunately are getting in trouble.

I've made the case to – said to Norton Sound that I think that we should be providing alcohol and substance abuse counseling within the Anvil Mountain Correctional Center because we need to address the needs of this population. Because 36%-37% percent of the [correctional] population in Alaska are Alaska Native male. And it is very disproportionate to our population and it's around this population that many of our social issues are evolving – with domestic violence, child sexual abuse—just those kinds of things.

And so I agree with you that as social service organizations, the State of Alaska, I think we all need to be working together to address the needs of those populations because we can't allow that situation to continue.

I wanted to say I agree with you.

BURGESS: Thank you. Any other comments by—Commissioner Schaeffer?

SCHAEFFER: **I'ayetook (phonetic). NEED TO GET THAT...** How are you? Good to see you.

I know that you have a real acute understanding of how the law affects Native people.

I'm not sure if you can do it now, but I'd like to ask you to consider this -- is to put down your thoughts in writing as to what can we look at in terms of finding solutions to deal with some of these problems we're dealing with Native people in the justice and law enforcement systems.

EDWARDSON: I went to the best criminologist source, of what's the problem of humanity. And so Steven Box from Latavastok (phonetic) Institute in—he's the best criminologist as far as I'm concerned in the world.

And he put it into this form. Its about crime, power and mystification. That this is the environment of every type of corruption falls in all categories.

And so what I'm trying to say is that the person that is going to commit the crime, he is so low in the bottom that any crime will do to have a place to sleep, eat and drink.

So this is where we are: it's wintertime again. So the cycle is vicious. I see it in rural Alaska. I see it in Barrow. It replicates itself Statewide.

And so the opportunity for correction and then there's no way for these guys who had already had a criminal conviction ever to have—we should create another legal status where their civil suffrage is reinstated so that they can become a human being again.

And that's what we need to do, is to humanize them. Not to dehumanize them.

And so those of you—So the organic nature of governance has failed all of us. And when that happens, selective enforcement becomes a Statewide policy and a targeted population.

So this unconscionable racism is the unit of civil justice administration in the State of Alaska. And why are these people this way? Well in the first place, that the false incorporations, false integration of the State of Alaska in '48 and although that the United States had tendered the decolonization of Alaska, Hawaii and Puerto Rico.

What the Anglophile did in Alaska that they concocted prematurely the integration of the State of Alaska over the trust responsibility that the United States had since '45. So there is a highly questionable basis why the Statehood Act can fall is because of its own disclaimer clause and because of English as a prerequisite.

So we may have to take this false representation of governance in Alaska completely until the decolonization of Eskimos, Indians and Aleuts, Hawaiians and the Puerto Ricans occur.

So since we did not come from the original part of the original thirteen colonies; we did not come from a rib of an Englishman, as you guys did in revolt in a revolutionary form.

And to create ___ title; to be perfect at some times in the future when all us die off.

Fruits of war does not destroy title. We are now in war again, but this, the standards of engagement has changed from the past to the present.

Now just because we think that you're going to do something – when the governance has this type of capacity – it goes to corruption real fast. Preemption is corruption.

And so I kept hearing that Alaska's going to have its history for the first time. Your time in space is quite minute in time. For short and very small. I'm older than the State of Alaska. Now isn't that great?

And so what I'm saying is that the State of Alaska has failed to do its part for its rural citizens. It has failed them. I had to organize the first class borough – the North Slope. We didn't have not one high school until we struck out at ourselves and then we had 2,400 lawsuits by Eskimos cannot have a civil government. And some of you lawyers up there had represented those interests. So when you guys declare your public policy and conflicts of interests, do you declare them here?

So if you guys don't clean house, your house of cards is going to fall and you guys may never recover from it. So that's the other alternative. Thank you.

BURGESS: Thank you.

END OF STATEMENT

Susie Horne – President, St. Michael IRA Council
Alaska Rural Justice and Law Enforcement Commission
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Thank you. It's an honor to be here. I'm the President of the IRA in St. Michael. I am a very shy person so you'll have to excuse me if I stumble around a lot.

We do have a VPSO program. And I was happy that it was extended for a few more months with Kawerak being the company to oversee that program. Our VPSO person, at home, is very strong. She gives us a lot help with our tribal delinquents.

We have two VPSO's right now. One is male; one is female.

Our tribal police officer—we ran out of funds for that program so he no longer is with us. But we did apply for more funding for that position.

We started our tribal courts a couple of years or longer ago. And our seven member IRA board went to training for that and we still need more training. Last year when we had our turn over of council we had lots of new members. The village members in our community picked four of us. I am one of the tribal judges along with another Elder and two others.

Our ICWA coordinator is a very strong advocate for our children. She helps us with any of our delinquent children and refers them to the tribal judges. And usually they're two of us on board to meet with family a member and the child.

First of all, we say a prayer and give the parent or the child a chance to speak for themselves and why whatever they did, happened. Then we tell the child and the parent that we are not there to take them away from our village but to help them. And we sit there and just talk and we give them plans on how we should solve the problem. And we also tell them that we will give them _____ if they don't listen to what we tell them to do.

A couple of times we had a child misbehaving after our meeting, so we had that child wash walls for us at the IRA office, which was pretty good. But most of the children that we see with their parents are success stories also.

We have two that we couldn't handle because their offenses were bigger than what we could handle in our tribe.

Our ICWA coordinator lets us know each and every time our children get referred to the Office of Child Services. And we all work together to keep our children at home.

She being a very strong and open person, and I'm very glad that we have our ICWA coordinator. She cares for our children and we really work hard together. She keeps our children home or this one particular child we found out was one of the member child's father and the father was living way out in Montana. But they're back together because of her efforts. And right now the child and the parent are at home getting to know one another. And he's going to adopt his own son pretty quick here.

We got awarded a tribal court for youth and we did hire someone to work in that position. The day I told her that she needs to read up on our tribal laws and our ordinances, she must have got scared and never came back the next day so we're still trying to get a tribal court for our youth going.

But once we hire someone for that, we're planning on getting five high school students involved with the coordinator and learn some of our tribal laws or all of our tribal laws and ordinances and deal with our child delinquent kids, especially truancies. And we do have a lot of truancies. And it's very hard to work with some parents because they just love their sleep in the morning.

Our tribal court clerk needs training because of the turn-over rate we have with that position. She is familiar now with our tribal laws and ordinances and she's trying very hard to learn more. That money is slowly depleting so I had asked her to please check into more funding for that program.

We have family groups that we meet whenever a child has a problem within our community. We started that a couple of years ago with one family. A parent came into the IRA office and asked to please help her with her child because she couldn't control the child at home anymore. And so we met with her and her child, her husband and four of our tribal judges. There was lots of emotional things going on that time with the child. But it was a big turn around for that child and I'm very happy for the family because we were able to catch that child in time before anymore problems came about.

I think our IRA tribal judges are more effective in catching our children ahead of time before they get themselves into more trouble.

There was one incident when we met with a young couple because the family was not getting along, the children being neglected. And we are still struggling with that family. But the children seem more happier and I think the couple are trying to work their problem out with one another.

But then again, there's a family that we've been trying to work with for a while now. And things just never worked out too well with the family. The father is incarcerated. The children are all separated. The mother had died a few years back and the father has a history of abusing alcohol.

Our ICWA coordinator and the tribal judges have tried very hard to work with this family to get them together because the children are in separate homes and there's four involved. And I have one of the kids with me. He's just like my son. He's only twelve years old. He's a great kid. But we want that family to get together so they could become one unit. But its very hard working with—especially the father and hopefully in the future when he comes home we can try again because we're not going to give up on them.

We do have a memorandum of agreement with this Stebbins tribal court system. And the way that works out is when any of their Stebbins people get in trouble and the tribal judges are too close to that person, then the St. Michael tribal justice will take care of or try and take care of the problem or help that person; the offender. Because we don't want these people to be in our jail systems either.

We haven't really used the Stebbins tribal judges as yet. But we did go over to Stebbins for one incident to keep a child from not returning to the Office of Child Services care. Its kind of worked out and at least we have the parent and the child together at this time. We don't know for how long but we're hopeful that they could work things out between themselves.

BOTELHO: Thank you, Mr. Chairman, and thank you, Mrs. Horne.

Maybe you could describe a little bit about St. Michael. How large a community is it?

HORNE: St. Michael has about four hundred twenty tribal members and it's supposed to be drug and alcohol free. But those come in. There's a

road between Stebbins and St. Michael. Its only 10.5 miles. But between the two villages, the drugs and alcohol still comes in.

But our VPO is very strong and every now and then when there's a informant telling him that they're suspecting a certain person of bringing drugs or alcohol to the community, he will go up to the airport to search. Or if he can't do that, then before the person leaves Nome or Unalakleet he calls the Troopers to have that person checked for alcohol and drugs.

We're still struggling with it. A few months back someone told me that a bottle of whiskey costs \$200. Whoa. That's a lot of money. And it's sad.

BOTELHO: How far is Stebbins from St. Michael?

HORNE: 10.5 Miles.

BOTELHO: And how large is Stebbins?

HORNE: They have over 700 people.

BOTELHO: And is it a dry community?

HORNE: Yes. We're both dry communities.

BOTELHO: And so there's the one airport that serves both?

HORNE: No. We each have our own airports.

BOTELHO: Okay. Thank you.

JUSTIN: Thank you and good morning.

When you started out, you said you were a very shy person. I think you're wrong.

But I have a couple of questions and they're really about your IRA constitution.

But I'll give you a moment to gather your thoughts and I'll share with you an item from my people.

This time of the year is the last moon and it's when we do our sacred songs and our sacred stories. And one of the creation stories that we reserve for this time of the year; we call the **Ya pah two tis yi (phonetic) CHECK THIS WITH COMMISSIONER JUSTIN!** story. And literally translated, it means the man who walked around the world by the edge of the water.

And he was not of our tribe. And he was not a member in any way of our tribe. But his duty and responsibility was to deal with all the animals and peoples of the world to make them function together in harmony and it took him his whole lifetime. He was a young man when he started and old when he was done.

And we reserve these stories for the December months. And often times we tell them to our children. It has not been done in our home villages for half of a generation because our storytellers are all gone.

So when you speak to me, you don't need to worry about speaking to me in perfect English or you don't have to worry about making sure that your comments back to me are good. Because I can pick up a lot of what you need let me know just by listening to you so you don't need to worry about how you answer my questions.

The question that I wanted to ask of you, I'm going to put them all in one basket and then you can respond to them the way you want.

The first one is that you mentioned that you have an IRA constitution and I wanted to know if your tribal court was authorized in that constitution, and, if it was, how you selected your tribal court judges.

The other two questions are about the ICWA issues that you mentioned. It sounds like your coordinator is really good. And I wanted to know if your coordinator was from your village or trained in your village.

And the last question that I wanted to bring to your attention, when did your tribal court start?

So you can take those questions in any way you want. Thank you.

HORNE: The first one you mentioned was our constitution.

We have our yearly elections and before that we used to follow the election procedures of the city that the IRA had adopted.

And in looking a couple of years ago, I got on the IRA council and I was looking at the election ordinances and I told the members, you know we've been following the city election ordinances for a long time and it's about time I think we should go back and do our elections the way our people before us did that.

I told them that I could remember when I was a little girl when everybody got together to elect their new council members. They did it by majority vote. And this is how our election ordinance is still written.

And so last year we finally went and did it our old traditional way. And in January of next year we're planning on doing our second annual. But the IRA's been there for—since—I think it was 1938 or 1934.

But we have a seven member board, but right now we only have six. And our members are very—like I had mentioned before—but they are learning.

The second question you had I believe was with the ICWA?

JUSTIN: And before that, I wanted to know how your judges were selected.

HORNE: Oh. Our judges were selected by our membership. And we are all active with our issues. We had some training, but we still more like I said before.

The next question you had was ICWA. Wasn't I right?

JUSTIN: I wanted to know if your ICWA worker came from your village or was from somewhere else.

HORNE: She's a local person. Born and raised there. She had training with the different agencies—whoever does that. Sorry, I don't know that part.

But she's a very strong advocate for our children. And I am very happy to have her. She was offered a job with Norton Sound and, thank God, she turned it down. So I am very happy with her and so is the rest of the community because she works really hard for us to keep our children at home.

JUSTIN: Thank you.

TANDESKE: Yes ma'am. You indicated earlier that you did have a tribal police officer but the funding had expired on that.

What kind of duties typically when you did have a tribal police officer, what's kind of a sampling of the duties that individual performed versus what the village police officer or the VPSO was doing?

HORNE: Our tribal police officer, during one of our meetings a few years ago, the council adopted the ordinances for the city.

The job descriptions of the village police were also adopted. But there's a little part there where he has to deal with our tribal membership only. But he used to work together with our village police and the VPSO very closely.

TANDESKE: Thank you.

SCHUBERT: I'm Gail Schubert, originally from Unalakleet.

I'm wondering if to your knowledge, child sexual abuse is a problem in your community?

HORNE: We had several cases of that a couple of years ago or so. And we do have known sexual offenders in our villages. And being a small community, everyone knows who they are.

SCHUBERT: How are those matters handled?

HORNE: They were handled through the Nome Court System.

BURGESS: I guess along the same lines, because in addition to looking at _____ were also substance abuse so....

END OF TAPE 1 SIDE B
TAPE 2 SIDE A

HORNE: From what I understand, there's marijuana and probably another substance, but I'm not sure what it would be.

BURGESS: Okay. And along the same lines as Commissioner Schubert's question; one of the things we've been asked to look at is domestic violence. Are you having any instances of domestic violence?

HORNE: Yes, we do have domestic violence.

And some of our DV's are handled at the village level. We have counseling for some parents and children with our village based counselor. And she's very strong and does her work really well with the IRA tribal justice.

BURGESS: So some of the domestic violence is being handled at the village level and some is not being handled at the village level? Is that.....

HORNE: Well, I guess I shouldn't say that. But domestic violence is always handled by the State. But once the perpetrator is home, then we get involved and try and get that family together. And we do use our village based counselor, the ministers. We try and involve the ministers and try and get the family unit back together.

BURGESS: And how successful has that been? I'm asking because we're also looking at models that are working.

HORNE: Most of the time it works. Okay. There are a few exceptions.

BURGESS: Any other questions by any other Commissioners?

Well I want to thank you very much. For a shy person you were a very eloquent speaker and provided us with a lot of vital information. Thank you very much.

HORNE: Thank you.

END OF STATEMENT

Deesa Erica Jacobson
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

Mr. Chairman, Members of the Commission, thank you for the opportunity to testify before you today.

My name is Deesa Jacobson. My legal name is Erica. When my parents had me, I was supposed to be a boy and as it turned out, I was a girl and they were going to call me Eric. And my mother showed me to my older brother because they were going to nickname me Little Sister because they thought Erica Leslie is too big of a name for an eleven pound baby.

So they said look at your little sister and in his baby talk, he said Deesa and that's how I got my name. If people call me Erica, I don't know that they are calling me.

My late father was Yup'ik from the Kuskokwim River area and my late mother was Gwitchin from the Yukon and I was born in Hooper Bay where they were teaching school and then grew up on the Lower Yukon between Marshall and Bethel.

And then in 1958 we moved here to Anchorage where I lived for a number of years in and out of being stolen by a Tlingit and being forced to move to Juneau while we were married until my widowhood.

And I live and work here in Anchorage. I work in the field to end violence against women and children. I am a trainer of shelter workers, VPSOs, once and awhile, a Trooper, teachers, tribal health social workers and the like and other do-gooders in the community.

At one time I was purported to be one of the top fifteen trainers in the Nation until baby Bush was elected. That shot that.

And so here I am back in Alaska being one of the top five trainers.

I quit drinking twenty-two years ago and this is the field of work that I have chosen to work in because I'm good at it and I like it and I see results. I've seen families healed and the like.

In addition to providing training for people who work in law enforcement and social service programs, I have also had the opportunity to work with the batterer's intervention program in Dillingham where I was asked to present, which I'm told is a rare occurrence.

Because you cannot work in this field and then go home and live in the violent environment. It doesn't work that way. You have to walk the walk, otherwise you're setting other people up to get hurt because this field can be dangerous.

I do a lot of positive things to decompress from the work that I do out in the field, because it can be intense. And if you're not careful, it could harm you. And maintaining sobriety is one of the ways that I decompress.

Now working in the field to end violence; to stop violence, one of the ways that we advocate that happens is to hold perpetrators accountable and not to sweep their crimes against women and children under the rug.

And that is what we advocate. Perpetrator accountability.

Before I progress any further, I would like it noted for the record that Commissioner Tandeske is absent. And I find that frightening in light of the plight occurring with Native women in Alaska.

You might be familiar with the number of Native women that were murdered here in Anchorage and many of them are unsolved.

We also have a Police Officer that murdered a young Native woman. And is it true that he is wearing an ankle bracelet and on hillside right now? That is not justice. That's murder.

And now the reason that I'm upset that Commissioner Tandeske is not here, who holds those Troopers accountable? And now you have a Trooper that's been raping Native women. You have a Police Officer that was murdering them.

I have seen myself where the villages or people like in a hub-dwelling like Dillingham, called for Trooper assistance to find the body of her grandson, but the Trooper refused because he said he did not want to endanger the safety of his Troopers. So the family went out and recovered that young man's body.

When the Trooper made his report, he referred to this young man as something less than desirable, like a nar-do-well. This young man was working. He worked at a shelter to end abuse against women and children. He was a fine role model. He went through the ice. But this is what the Trooper said he was.

The family protested and nothing was done. And they retrieved his poor little body out of that lake. And when this was reported, all the family was told well this Trooper is going to retire. He was not held accountable, nor reprimanded by anyone.

So when you have little incidences like that where a Trooper fails to respond—I know of Troopers who didn't go when they were supposed to issue a protective order. We had to go to the Village to make sure that happened ourselves and the only reason it happened is we assumed the body language and a disguise of a Supreme Court judge. And that's how we got them to act, otherwise back at the crime scene, there is women and children that are not only in danger and at risk because of this failure to protect and failure to respond. Who holds them accountable? Is it this Commission?

Also in regard to tribal law and law enforcement, there have been Troopers going into the village telling village councils—I have seen it myself—telling them, you can have a tribal council and you can have tribal courts and you can have tribal law, but you have to adopt State law now and it is not the Trooper's position to give classes in law. They are there to enforce the law, not teach it.

And giving the village misinformation like that, when everybody sitting on this table knows better. All of you know better. I know some of you. I know of some of you.

We've all had the same information for years. And now it's come to this.

And so with Alaska Native women at risk, what it is it? 400 times greater than any other group of women in Alaska to be murdered or have some other horrible violent crime committed against them. And if anyone speaks up—You should have been at the Mayor's Transition Commission Hearings. Everybody of them deserves an Academy Award. They all pretended to write down my telephone number like they were going to contact me in big ole' letters. They deserve an Academy Award. None of them, of course, have ever called.

And they were told, well just ignore her, you know how she is.

Meanwhile, back at the crime scene, we still have Troopers that fail to respond. We still have Troopers who are committing acts of violence and crimes against Alaska Native people and someone needs to hold them accountable. And who is this?

And I wondered why the Alaska Intertribal Council delegates would pass such a resolution calling for this body to be completely eliminated. Because when you call for a Commission on justice and rural justice and law enforcement—from what I can see and from what Native women tell me, there's no such thing.

Because if you call the cops, a Native woman has a saying – they don't come. And when they do, if they take your kids—you never get them back. This is wrong. And this has been going on for as long as I can remember.

Meanwhile, there's more Commissions. There's more studies. There's more letters. And things not only stay the same, but as all of us can see, they're getting worse.

We're the primary victims of that on our own land.

And that's the essence of my little testimony today. I had to come and say something about that. Thank you very much.

BURGESS: Do you have a moment if we have any questions?

JACOBSON: Yes. Yes.

BURGESS: Thank you. Commissioners—Any questions by any of the Commissioners? Commissioner Justin?

JUSTIN: Deesa, I appreciate the words. Actually I have, I guess, a kind of a split question.

You spoke pretty forcefully on the amount of violence that's directed towards Native women and naturally most of that is a part of the record census reported both the media and the Anchorage papers. And you spent a lot of time in the streets, so to speak, so you knew many of those victims.

We'll unfortunately never know the impact on the families of those young ladies who met violent ends.

So my question would be—It's obvious something is not working and it's obvious there's a lot of fixes that needs to be done. But do you have any comments on ways and means that the City of Anchorage could put into place? Because a great majority of those violent ends were done here in the streets and they were rural village tribal members.

And I've said for many years that not only should there be dedicated a monument—a remembrance of sorts—to all of those victims. But all of the families should have been contacted by the City of Anchorage saying, even if it's late we still want to say something about what happened to your family member.

Do you think that would help in any way? That's part one of the question.

Part two of the same question is: None of us ever knew where those victims came from. They just came from Alaska. "Out there." Do you think that it would serve any purpose to look at the big picture, so to speak, about how many victims that ended up being a violent crime victim Statewide from both Anchorage, Fairbanks, Juneau, something like that?

JACOBSON: Yes. At one time, there were five Native women in a room. I was one of them. And we took a simple tourist map that you can get in the lobby here and we put a little star—a blue star—for every case that we new of personally of a murder and/or a rape of a Native woman. And that map of Anchorage was covered with stars. That's not counting the ones that we know of Statewide.

Now when perpetrators select their victims, I would imagine that the perpetrators in Alaska must have thought they died and went to hog-heaven because they have a great banquet hall here for victims.

They do the things they do because they can. Because they're allowed to. They're allowed to by silence from people in Alaska. They're allowed to by the failure of the police to adequately investigate—i.e., the Della Brown case, where they used powdered fingerprint dust rather than spraying it with their chemical gizmos that would have cost them pennies to buy. And they let that young man go because of the failure of the prosecutor to do their jobs.

And when their priorities are burglary—people's things--instead of human beings—Anchorage is in trouble. Not only is Anchorage in trouble, we're all in trouble. Because I can tell you what those victims and the secondary victims go through that had someone in their family murdered.

We all know the Laci Peterson case and the whole world is crying, and Native women here are slaughtered and nobody says a thing.

And when you have Troopers that fail to respond, I do more than take homage with that. That's wrong and you need to stop it.

You need to hold hearings in the village and listen to the cries of those mothers and their children.

SCHUBERT: Deesa, I was one of a small group of Native women that met with the former Police Chief—I don't know how many years ago—to demand to find out what was being done—when at that time there were five identified Native women who had been murdered here in Anchorage. And no one had been charged with their murders. I don't remember who else was there. It was just a very small group.

And the women that you spoke about who was murdered—well allegedly murdered by Matt Owens, who I understand is in Florida or some place like that—was from my hometown.

So I'm sitting here on this Commission because I want us to be able to do something about things like that. Not to sit here because I have nothing else to do. I have a lot to do.

But I care about what we're doing. And I want us to make a difference. And so I'm very involved in this process. I feel like I have a personal stake in it. Violence has been perpetrated against women in my family. Not by law enforcement or types like that.

And we need to do something about it. And I want us to be able to start somewhere.

And even if we make just a small difference, still it's a step in the right direction. That's why I'm here.

JACOBSON: Well your small step has to begin with accountability of those who perpetrate violent crimes. The victim cannot be held accountable, nor can the victims be held accountable to end violence. That has to be the responsibility of the perpetrators—never the victims. So thank you very much for your time.

BURGESS: Thank you very much. Were there any other questions or comments by the Commissioners? Thank you very much for your comments.

END OF STATEMENT

Stan Jimmy – President, Native Village of Emmonak
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

My name is Stan Jimmy. I'm the President of the Native Village of Emmonak.

Back in 1996, the tribe felt that we needed to form some sort of a judicial system in Emmonak to protect our juveniles. They were concerned because so many of them are going through the State judicial system.

When they go into that system, they get a record. So anyway the Elders starting in 1996 were meeting for two years and they were meeting every other Sunday. And they did it on a voluntary basis. And during that time, when the members in Emmonak found out that they were meeting, they starting coming up and asked the Elders for guidance for social problems in Emmonak or family problems. And they started seeing those right away. They were opened arm and they said, come on in, we'll help you.

But then in those two years before they actually started seeing juvenile cases that were referred from the State judicial system, they were getting ready in those two years.

All these years, it seemed like as if they were asleep, but then they were woken up. And that's why they were meeting for that long--for two years--they were talking about the past history that they used to do before the Anglo judicial system came down to the village. That didn't work. And they see that the State system isn't working for the juveniles.

Well anyway, after two years of meetings they decided to go to the Tribal Council for recognition and the Tribe said go ahead, we'll go ahead and recognize you with our resolution.

And so therefore, the Tribe looked for some funding for one staff to keep records and also small funding for their stipends. And the stipends are very, very low. The only time they get a stipend is when they do actual cases. Juvenile cases. But on social cases they volunteer themselves.

When they first started seeing the juvenile cases, the case load was high. Very high. For about two to three years they were very, very busy. Very, very busy. And after a few years, the case load started diminishing. And today their case load is almost non-existent. There's like maybe one or two cases maybe about in two to three months. The reason why the case load has gone way down is because the juveniles that came to the Elders, the majority of them – maybe about 80% to 85% of them never go back to that system – to the Elders group. But in the long run, it's a 100% success.

What the Elders do is they give the juveniles three chances. On the third time, they go to the Elders, the Elders say, well we can't help you anymore if you keep coming to us so we're going to go ahead and refer you back to the State judicial system. And I think that's one of the reasons why they don't go back to the Elders group.

And also, there is a small village about seven miles away and there was a few Elders from that village –Alakanuk--and they started seeing a few cases from that village when their case load started diminishing and that helped that village. And that's Alakanuk. And Alakanuk is going in that direction too with their Elders.

Emmonak doesn't want to stop there. The Elders are only seeing juvenile cases, but what the Tribe would like to do is to dig out their own Tribal Court so that they can see adult cases.

What we'd like is funding for our tribal cops. We don't have any tribal cops in Emmonak. I think those two go hand in hand. If you have a tribal court, I think you need some sort of a peace officer or tribal cops in the Village. It's kind of a little bit different between a tribal cop and a VPSO.

All along, the Elders were asking for tribal cops. But then we have no funding. All in all, its saving the State thousands and thousands of dollars or millions—it comes down to millions of dollars the State will save if each tribe in Alaska asserts their rights to take care of their own.

And a lot of times we don't use money for courts. On the other hand if the child goes into the State judicial system there is a lot of funds—monies involved in that. In the first place, they have to travel and that takes a lot of money and then you have to house them. And then after that there needs to be some sort of a social or a program in the system to get them back on their two feet.

But a lot of times when they get back to the village, some of them get back to the crime again. The same crime. Where on the other hand when they go to the Elders group in Emmonak, they don't go back. 85% to 90% of them don't go back to the system. You probably heard about Kake Circle. Their success rate is high down there.

And also Emmonak is doing the same with our juveniles. We don't do only juvenile cases in Emmonak, we also do ICWA cases. We do adoptions. And I've got a long list here and I'm not looking at it.

Well anyway, what Ted Stevens said in AFN that it's out, I don't really believe that it's completely out. There's other forms of regionalization that he's doing with his writers. And that's through like the funding for tribal cops and tribal courts.

With that, I'd really hope that this commission would consider the funding for the tribes that want to develop the tribal courts out in the villages. Well that's the main topic that I wanted to present and thank you very much for giving me the chance to testify on behalf of my village, Emmonak. Thank you.

BURGESS: Thank you, Mr. Jimmy. And before you leave, I just want to see if any of the Commissioners had any questions and I believe Commissioner Botelo does.

BOTELHO: Thank you, Mr. Chairman.

This is actually a great opportunity for us to get some on-the-ground information about how in Emmonak the tribal court works. I'm wondering if you could describe maybe in a little more detail how the tribal Elders work with juvenile cases. And literally, how they come in the door and how you work with the youth. I guess that's the first line of questions then I want to talk about the adult issues that you were raising.

JIMMY: Okay. When a child gets into trouble they first go to the magistrate. And the magistrate is run by the State. Because we've got an Elders group, we have a memorandum of agreement with the magistrate and also the school. The Lower Yukon School District.

What happens is when a child gets into trouble they go straight up to the magistrate and then when the child goes in front of a magistrate, the magistrate asks the child if he or she wants to go through with that system or go to the Elders group. 99% of them go to the Elders group. We've only had one case that didn't want to go to the Elders group.

BOTELHO: And what happens there?

JIMMY: When they go to the Elders group, they talk to them mainly. The Elders are the guidance and they bring their wisdom from the past experiences that they have. The Elders and their Elders before them. That's why they were meeting for two years. They were looking backwards. And that's working really well. When the child goes to the Elders, the Elders give them work to do in Emmonak. Like cleaning up and maybe helping in the store or something like that.

BOTELHO: If I can just get in a little more detail, if it's all right with you, Mr. Chairman. Because again, I find this really helpful.

So I've broken a window or whatever and I go to the magistrate and I'm given the choice to either go through the State system or be able to appear before the council. When I say, I want to go to the council do my parents accompany me to the Elders as well?

JIMMY: Yes. Absolutely.

BOTELHO: And so it's done in kind of a family responsibility?

JIMMY: Yes. Yes.

BOTELHO: And would I be expected to make my own suggestions about what kind of punishment I should receive? Or duties that I would take on? Again, not knowing the kinds of cases you're getting, but I assume most of them are property offenses or....

JIMMY: Are you saying as a parent?

BOTELHO: Well just as a kid coming up what....

JIMMY: Oh. As an offender?

BOTELHO: Yes.

JIMMY: Well the child—when they go up to the Elders, they really don't know or they don't expect what's going to happen to them.

BOTELHO: Uh huh.

JIMMY: Because they've never been to any kind of court system before in their young lives, so they really don't know. But then when the parent is there, they don't make any recommendations on how their child should be punished.

It's the Elders' decision on how that child should be punished. And the parent is really involved all along while the child is in that program. Does that answer your question?

BOTELHO: It does. And when you think about expanding the responsibility or the role of the tribal court to adult criminal offenses, is there a range of conduct that you would see beyond the scope of the tribal court? And I'll give an example. Would you envision that the tribal court would deal with major assaults, murder or other offenses against individuals?

JIMMY: We really haven't developed into a adult cases yet. But then I imagine we won't be taking in major crimes. The only crimes we'll be seeing misdemeanor cases.

BOTELHO: I see. Thank you very much.

BULLARD: I was just wondering because I know Emmonak's down the coast from us. What's the population in Emmonak?

JIMMY: Well over a thousand.

BULLARD: Over a thousand.

JIMMY: Yeah.

BULLARD: Do you have a village public safety officer or VPOs in your community?

JIMMY: Yes, we do. We've got maybe about four.

BULLARD: Four VPOs?

JIMMY: Yeah. VPOs.

BULLARD: Okay. And then just a question also, in terms of the tribe—I'm assuming it's the Native Village of Emmonak. Do you contract with the Bureau of Indian Affairs for your services at the local level? Or does AVCP provide those services?

JIMMY: We do contracts. We do 638 contracts.

BULLARD: So you have all of that money at the local level for your community?

JIMMY: Yes, we do for the programs that we're doing.

BULLARD: Because I think that one thing that the Native Village of Emmonak could do, if you wanted to, is to redirect some of your BIA money for tribal courts. And I know they did this in Gambell. They took some of their Compact money out there and hired what they call Tribal Peace Officers in the absence of any law enforcement out there and this was a number of years ago. But they had no VPSO for a number of years. And the tribe itself just hired two individuals to be peace officers because they needed law enforcement that badly out there. So that's something to think about.

JIMMY: Okay. Thank you.

SCHUBERT: When was your agreement with the magistrate that the State put into effect?

JIMMY: Well, actually, that was before the Elders started actually seeing the cases—the misdemeanor cases. They went up to the magistrate and did some paperwork that they're ready to see the child cases in Emmonak. And it worked out very well with the magistrate. And the

magistrate was very happy to work with the Elders. And that lessened the magistrate's load.

SCHUBERT: So it was sometime after 1996?

JIMMY: In 1998.

SCHUBERT: '98?

JIMMY: Yeah.

JUSTIN: Thank you. I have two questions for you. But first I'd like to compliment and thank you for appearing and sharing with us your successes. It really started out this hearing in my mind in a positive note and it gives us something to aspire to.

The first question I'm going to ask is really a logistical question. You spoke of expanding the Elders council work to another village. And my question would be -- did the Elders go to the other village? Or did you bring the other juvenile offender to your village?

JIMMY: We brought the juveniles to our village. And the Elders of Emmonak and the Elders of Alakanuk were meeting so they made an agreement.

When the Elders were meeting in those two years, some Alakanuk Elders used to come up and meet with them in those two years. The Alakanuk Elders wanted to go ahead and go forward but they didn't have a translator or a person that can write down or record what the Elders wanted to do. They were a little bit behind Emmonak. But then they're moving ahead. And I think they're beginning to see some child juvenile cases down in Alakanuk.

JUSTIN: Thank you. The second question I had and you alluded to it. Now English is the secondary language in your region and I presume that most of your Elders councils' speak your language when they're deliberating. And I also assume that in your deliberations with the juvenile offenders, you also use your language. Is that correct?

JIMMY: Yes. The Elders use their language. We use our language and they have an interpreter. We have a person there that can translate to the child.

JUSTIN: Thank you. And again, I'd like to compliment you on your success story.

JIMMY: Thank you.

TORGERSON: Thank you. I just have a couple of questions as well. I'd like to follow up on some of the questions that Commissioner Botelho was asking you.

In terms of the process that you go through, are the parents required to ensure that the child complies with whatever the Elders have asked the child to do? Or the parents are not involved in that part of the relationship? So going back to the offenders come before the Elders and the Elders have said you have to go and do something or another. Do the parents....

JIMMY: Yeah. Yeah. The parents are expected to make sure the child is doing what the Elders are asking them to do. And then in turn, when they go back home, it's the parents that make sure that they go by what the Elders said to the child. So the parents are involved.

TORGERSON: Thank you.

JIMMY: If the parents are not involved, I don't think the system is going to work. So they need to be involved.

TORGERSON: And then is the offender with the parents is expected to come back to the Elders at some point and tell the Elders that they've done what they were supposed to do?

JIMMY: Yes. They go back and get evaluated on their progress.

TORGERSON: And what happens if the offender doesn't do what they've been told they should do?

JIMMY: Well, I mentioned earlier that they have three chances. And if they commit the crime again, that they go back again in front of the Elders again and the punishment is probably even more severe than the first one. And the third time they get into the system, they are referred to the State judicial system if they can't handle it no more.

TORGERSON: Okay.

JIMMY: It can't be repeated over and over again.

TORGERSON: Okay. Thank you, sir. And I have one other question. You referenced tribal cops. How are tribal cops different from VPOs or VPSOs?

JIMMY: I really don't have an idea how the tribal cops should be. But then I assume that the tribal cops are there to protect, not to arrest. They're like a guide. Like if a person gets into trouble, they don't arrest them. They might talk to them and refer them automatically to the Elders instead of going through the State system and if we do have a tribal cop and then they go straight to the Elders group.

TORGERSON: Thank you.

BOTELHO: Mr. Jimmy, I hope you don't mind again, you're just a wealth of knowledge here for us.

I guess I find it very helpful to get a better picture of Emmonak itself. You've described it as having nearly a thousand residents. Do you have many juvenile violators who end up violating Elders orders with second or a third time? That's one part of it, I guess.

Also is your sense of the standing of the Elders in the community in terms of the juveniles also respecting the role of the Elders as leaders of the community, as the judges? I'm trying to get a picture of what seems to be a very good success story and a healthy community that is solving its own problems.

JIMMY: Yeah. When the juveniles go in front of the Elders, the majority of them don't go back to the Elders group. The combination for that is

because the parents are there with them when they go in front of the Elders group. What was your other question?

END OF TAPE 1 – SIDE A

TAPE 1 - SIDE B

BOTELHO: And the respect of the Elders by young people in the community.

JIMMY: Well, when I think you have to really be there. The child needs to be there. When they go in front of the Elders, that's when they really find out how respectful the Elders are. Where on the other hand, when a child don't go to the Elders group and they really don't know what's expected from the Elders. But then the word goes out.

If a child gets into trouble and when they're with another juvenile and they help—they pass it on down. If a child starts thinking about or talking about getting into trouble, they tell them that what's going to happen if he or she gets into trouble.

And overall, the community is finding out about the Elders and the respect for the Elders is very, very high in Emmonak. It's not only in the court system that the Elders do, but when we gather in the qasgiq, there's quite a few people when they gather in the qasgiq. That's the time when they talk to their members – child, to parents. Because everybody's there. When an Elder speaks in the qasgiq, everybody listens. They're very quiet. The Elders are very respected when they go in front and talk to the members. And I think that's why it's working too.

BOTELHO: Is Emmonak a dry community?

JIMMY: It's a dry community.

BOTELHO: And are there problems with importation?

JIMMY: Yes, we still do have problems with importation.

BOTELHO: And how does the community deal with that?

JIMMY: The Elders can't do nothing. They can't do anything about that or the Tribe. The tribal council can't do anything about that. It's in the State jurisdiction. But we do have community meetings and that importation is always brought up. It's always a concern and we're still trying how to figure out on how to diminish the importation of alcohol.

BOTELHO: Are there are other drugs in the community?

JIMMY: Yes. There's alcohol and marijuana that goes around in town. Those two; they are hard to get rid of.

We've tried gone dry and of course marijuana is illegal and the Elders don't want to see that. That's always brought up too. But then we can't control it. There's a lot of cases the drug dealers were apprehended but when that one is put away there's another one right there. They can't seem to quit. There's always somebody else. I think it's a problem Statewide too.

BOTELHO: Thank you very much.

SCHAEFFER: Thank you Mr. Chairman. Thank you for your testimony. I wanted to ask you or maybe talk a little bit and get a feel as to a little history of your community so that these Commissioners that don't live in a village can understand where you're coming from.

You said it took you two years of your Elders to meet and talk about the past. And if I understand from what you're saying is that the reason they looked at the past was because the current system wasn't working and they had to look back at what they were doing prior to the State system coming in.

And when you do that, you take a look your community as a whole and understand that your community works as a group rather than as a one individual with the responsibility of justice. And as far as I understand most tribes in Alaska do that. And also much of your reasons for utilizing the Elders is because of the respect that is given to the Elders. And that respect is so deeply ingrained in our culture that many times in many

situations in the past you could not speak against the Elders. They pretty much controlled everything. Is that correct?

JIMMY: Yes. Exactly.

SCHAEFFER: The other thing that I wanted to say was that much of this respect was also based upon spirituality. Another words if you did things, there were repercussions from your spiritual ways where you would not either get more game or other things would happen to you. And a lot of these are kind of lost in the transition from our Native cultures to the Western cultures.

When your Elders were going through that process of looking at the past, were these the considerations that they came up with to form their Elders group?

JIMMY: Yes. All along when they were meeting -- they keep bringing up the spiritual. We call it Shlumyua (phonetic). And for thousands and thousands of years and its pretty amazing even before the white man came, they knew that there was a creator already before the missionaries came out to the villages.

They always talked about spiritual things. The Emmonak Elders emphasized respect. The qasgiq, its like a church. And they compare that to the church right now. And the qasgiq, they compare it and they say oh it's the same. They have the same laws that we have to go by. So when we gather in the qasgiq that's what its all about. They bring that up to their members. It's a ceremony when we go in and a lot of our members are reminded about that.

SCHAEFFER: And the qasgiq is the meeting house? Or is it a man's house?

JIMMY: It's the man's house.

SCHAEFFER: That's what I thought.

JIMMY: The qasgiq is a man's house.

SCHAEFFER: Okay.

JIMMY: We've been here for thousands and thousands of years and just in a matter of just a few years when the white man came in and its just changed our whole lives. We're struggling in those two worlds. The white man's way of life and our traditional ways. We mix them together. And its hard for us still. Even today.

SCHAEFFER: And let me get this out of here. As far as I understand by having the Elders work with juveniles, your community is taking the responsibility as in the old days of dealing with your own problems rather than depending on a single person like a judge to deal with those problems.

JIMMY: Yes. Yes, exactly.

SCHAEFFER: And that's why you have the success that you're having.

JIMMY: Yes.

SCHAEFFER: Because it's a community effort.

JIMMY: Yes, exactly.

SCHAEFFER: Okay. The other thing I wanted to ask. What do you do to insure confidentiality for the children when they come before you?

JIMMY: Okay. When they have these sessions or courts, its an executive session. They take care of one offender at a time.

SCHAEFFER: Okay.

JIMMY: With their parents.

SCHAEFFER: Okay. As a former Magistrate that had the powers of court to handle juvenile matters. I held a lot of informal hearings in many communities. These weren't handled with Elders. Generally it was handled with the parents. And I found that probably 90% of the time when you handle these types of situations informally, many of the kids are just experimenting

and don't ever come back to the system. Do you find that true with what you're doing in your village?

JIMMY: Yes. Yes.

SCHAEFFER: Okay. Okay. Thank you.

JIMMY: Thank you. That's all? Thank you very much for giving me the opportunity. Oh. One more.

BURGESS: We have another question for you.

CORBISER: Thank you for your patience. I'm wondering if you have non-Natives in Emmonak and if they're given the opportunity to go before the Elders and if you can talk about how that works.

JIMMY: There's hardly any non-Natives. There's only two or three non-Natives that are married to our members. And so far we haven't had any problems with them. So I don't know. The way its set up is if a non-member like a drug dealer comes into town, the community gathers and try to find solutions on how to correct that person. And it's just about the same way; they give them a chance. If you don't quit sell these drugs then you're out. I think there was one case with a non-member – that person was asked to leave the village. Does that answer your question?

CORBISER: It does. And again, thank you for your patience. You've been very helpful.

BOTELHO: Commission Justin.

JUSTIN: Thank you. I don't have a question. But you've been in front of us for quite a bit of time. And I wanted to offer an opportunity to you.

In our way, when we do this to people – particularly strangers – and often times we don't have good bye and we have a saying or we do a little a story that means go in good fortune. And this is never done in English. It's always done in the local language.

And exercising the Commissioner's prerogative, I wanted to extend to you the opportunity to tell us in your language your spiritual way of saying thank you and so long.

JIMMY: Thank you. Quyana. (speaking in Yup'ik). Thank you very much.

JUSTIN: Chin' nan.

JUSTIN: When you mentioned kind of like the blue ticket out of town. It was a real important way of dealing with people that were a problem in your communities, including our communities. It sounds like it's still a very important way of telling somebody that you either better behave or we're tired of your behavior and you're not a good member of the community, so you're going to have to leave our community. How important is that to your community?

JIMMY: It's always been a concern for the community especially when that person is committing the same crimes over again.

The Elders don't want anybody to go into the State system, no matter who they are. Whether they're juveniles or adults. If one Native member goes to the State system, the whole community feels that they failed. They failed that one person. So therefore everybody is included. Whether it's a juvenile or an adult. Did that answer.....

JUSTIN: Yeah. I was just thinking of other things. Thank you. That'll be enough.

BOTELHO: Mr. Jimmy, thank you very much. We really appreciate your kind patience with our questions.

JIMMY: Okay. Thank you very much.

BOTELHO: Thank you.

END OF STATEMENT

Jay Mahamaless (sp?) – Koyuk
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

My name is Jay Mahamaless Sr. (phonetic) from Koyuk. I'm an Elder. I'm a husband; I'm a father; I'm a grandpa; uncle and a friend to each and every one of you.

Before I say a few words, I'd like to tell a little story.

Most of the people – our men and women have been in the military today. There was one person from home that had been in the military when I was very young. I didn't know he went to Eklutna and graduated there from high school. From there he went to the military and he stayed there. I don't know how long after that, he went home.

When I was old enough I heard about him. He got there. I respect him. But he's gone today. But he told a story. When you're in the military, you're told to go on the post – you guard the post. One hour is a long time. That's a long walk, if you walk. I did it too, myself.

This man had walked and walked and walked with the rifle. Well he figured, nobody is around, I guess I better sit down. There was a curb. He sat down. He was so tired he just got his rifle and put his head there. He fell asleep. He fell asleep and when he woke up he saw two black shiny shoes in front of him and he never moved. But he had to think real fast. He had to think fast. How can I can not be caught from court martial. He was there. Pretty soon he think so fast and he got up "amen." So he got away from the court martial. That's one of the laws in the military.

As old as I am now, I traveled and I go to many departments and languages.

I use my tribal language as well. I had to use military language. When I talk to doctors, I let them know about my health; they understand me. And I can confer with each department. Educators. I'm retired from education being a bi-lingual teacher. I retired from there. And I have talked with educators.

The hunters as well as have language. If you don't want to make noise, you could use your hand. And that say, come when you see that. Okay. That's one of them.

Contractors. Lawyers. All the departments in our nation have a language. We need to understand. You see I'm having a rough time trying to understand the languages. If you talk any higher than the basic language today, I can't understand you.

That word you say doesn't mean anything to me. If I speak my Iñupiaq and I'm very highly—I can use the high words in Iñupiaq as well and if you can't understand me, that means nothing to you too as well. That's how I feel when I can't understand high language.

So it's important for young people to go to college, high school, elsewhere where they go. I'm very happy my junior is going to college and I know he'll be using his education as well.

I live in two worlds today. In my younger years I have lived in the bush. I had to learn and learn. I had to work. I had to work. I had to learn modern things. I thought they were modern. They're not modern today. Today the computer is so modern, I don't even know what button to use.

If I saw a little radio with so many buttons, I don't know how to use it. All these modern things are so easy.

In my time, I lived with a dog team. I have a language too for a dog team and I teach my dogs my language.

And I didn't know nothing about law in my life.

I was four years old when I broke the law. Believe you me, I broke the law. There was a tribal council. I followed those older boys and I was involved. I broke the law and I didn't know. I was too young to know anything.

Later in years, maybe I was a teenager when they finally said, do you remember when you broke the law? I said I don't know.

So I broke the law when I was very young.

But the Elders – the tribal council told me not to do it again. That's the strict order and I learned from them. We have to listen to our Elders, what they say. They have their words of wisdom. It will be in your mind and heart the rest of your life.

I have talked with my grandpa, my grandma, my pop and mom. They disciplined me in life.

Today, I love my mom but she's gone. She had good discipline for me. The discipline that I never forget is that she spanked me. She loved me. She'd tell me when you grow up, don't do this – don't do that. Okay.

One day she said, I heard you steal. No, I never steal. Well you were with someone that steal. Well yeah, I was with somebody. And they told my pop. Take your leather belt off. My pop take his leather belt off and he greeted my mom. I was twelve years old. I was strong enough, ah he can't handle me. I'll be okay. Well, he grabbed me and handled me like a little rag. I could feel that sting. I still can feel it today.

That's the love and discipline that you can get from your family. The discipline comes from your home and you bring it out. And I'm very happy to be here with all of you. Nine. Nine strong people here. If there was three more, it would have been stronger yet.

You know we can get it. We are sovereignty people.

I learned about the United States history. I never learned about Alaska yet. I learned about the United States. They have an attorney general. They have congressmen, or their Elders, I'm sure. We have congress here, we have Elders here. We can get an attorney in Alaska as well. One of you people can become an attorney general.

In my life I didn't know nothing about law. I didn't know anything religion. I didn't know nothing about cities. I didn't know nothing about other countries.

I thought Koyuk was the only village in the whole world. I didn't know nothing. But I traveled when I was young between Koyuk and Buckland. My pop was originally from Buckland and my mom from Koyuk. And that's why I get to know people from around Buckland and Kotzebue, all this area.

When our parents disciplined us, it's good. When our Tribal disciplined us, it's good. It's there for you to help you, not to hurt you. They are there to help you.

When I was younger, well I didn't know how to handle alcohol. I'd go to bars and drink and the officers would bring me out. I woke up, where am I? I don't even know where I was. The officers helped me and protected me so I wouldn't get hurt. They'd bring me there. They wanted to help me. I understand that. But we could get the tribal officers as well in our communities in Alaska.

Alaska is a big State.

Each one of us, we are very, very dominant people. You have a dominion over Alaska and over the world. You can train anything: dogs, whales, birds. You name it, you can train them. You are the boss. You can do it. It doesn't matter where you work, you can train anybody. You can train the creatures of the world. You can train anybody.

I'm an Elder but I'm learning from you today.

Years back, the alcohol _____. You can get the alcohol from the city. You can make a money order and send it in to the Post Office and it will come back on the next plane. That's how easy it was in my young days.

But today they have option law and that helps the community. Less violent. Less people are scared. I worried about the IRA when they had that option law. When they introduced it; we accepted it. I wanted to drink in them days too, but I couldn't because I was in Tribal law. I was concerned about the Elders. I was concerned about the young children. I wasn't an Elder yet then.

But you have to focus before you see it will work and it's good.

I have learned the US history. I go to the BIA school. And I go to ninth grade and go to BIA school and then I didn't know other schools. When a lot of people went to Sitka, I had no room. So I just go to ninth grade. I wanted to be a pilot. I wanted to be an Officer in the military. I didn't know nothing, but now I'm sitting as an Elder at home.

I enjoy my family and the people.

All educators – there's a lot of people that are working in Alaska. You people need to train all the young people. There are a lot of young people just wandering. Where can I go? What can I do? Who can I see?

Get all the information and send them to all the tribal councils.

We have had VPSO, VPO and a marshal. And that's when the marshal was in my young days. They used marshals in my young days. It might sound a little big, but he was used in our community. That's why the tribal had a strong view of controlling their village people, like me when I was four years old.

We had magistrates in our villages. We had one in Unalakleet and we had one in Haycock. Haycock was a big mining place. They had a magistrate there. It must have been bigger than Nome when I was young.

Between Candle and Haycock, I heard there was a lot of miner, a lot of people; a lot of horses. I wish they had those horses there today. They're better than snowmachines.

And each city in Alaska – I seen Anchorage is the biggest city. Fairbanks. All the cities, all the villages, they need pastors. They need pastors, no matter what. They have to have pastors. And the pastor can give us the words and discipline us as well.

Now I'm very happy to be here with you to share my thoughts as an Elder.

Ever since I was young, I never knew nothing about law. Today there's State law, Supreme Court, Military Court marshal, all kinds of laws today.

I never even learned to live in the city yet and we have had cities since '59. I don't know how to live in cities yet. I don't know what's there. What do I have to do?

When I learned in my history years back, the city comes from London. My compass comes from somewhere. And when that guy made that compass, he made it ten degrees off. We don't have the true north. We have a magnetic north today.

All these here, we have to pass on to our children.

I have GPS. That's real modern. I like that. I have a modern time here, exactly fifteen after eleven. That's a satellite time. That's my modern time. Believe you me, its good.

All these here, we have to learn. Not only that, being in a village, let your children learn to go hunting and dress their own catch with their own hands. When you handle things with your hands, you learn.

My teacher when I go to school, I'm a left-hander. When I go to school, they try to let me learn right hand. I can't use it. I have to use my left. But I use my right to write. So it's to where you want to learn. How do you want to learn it faster and quicker, you do it on your own. Your way.

I didn't even know how to use anything like a fork and spoon and knife when I first saw them. How can I use them? I use my hands when I was young; even right now today I still don't know how. I use my hands to eat, which is better.

And all this here of how you learn in life is good.

And I told my kids about the truth. I told them when I was young, I go to BIA school or day school they called it and they asked me, what's your name? Abraham. What's your name? I don't know. What's your father's name? Nicholas. Abraham. My name's supposed to be Abraham Nicholas. The BIA, they--My pop go to the teacher and said, his name is Ahnoadock(?) And my name's Abraham Ahnoadock(?) He said, I'm Abraham Nicholas. This is how it used years back, because I had to have a last name.

Everything you learn from your Elders, use them and pass them on to your children. As your children grow, they will know what to do.

I have a grandson, who's not even a little over a month old now. I just get to know him when I came here to Anchorage for two weeks. I'm two weeks away from him. But he recognized my voice on the phone and he was crying, he quit crying and my wife said he's listening to you. They know who you are.

And when we live in this world, it's good. That's all I have.

If you ask any questions, I'm kind of hard of hearing. But I may answer you wrongly, but I'll give it a try if you have one or two questions.

BURGESS: Thank you. Any questions from the Commissioners? Well I want to thank you very much.

MAHAMLESS: Okay. Thank you very much.

END OF STATEMENT

Mary Ann Mills, Kenaitze Indian Tribe
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

My name is Mary Ann Mills and my testimony is quite lengthy because it is a historical and a basis of what we feel our rights are. I'm a member of the Kenaitze Indian Tribe and a Council member.

We believe our history began 38,000 years ago. We have records of our Raven Creation Stories from the first beginning when the animals were talking and our first law makers – the chief sang the Mountain Song and the Little Potlatch. And also the new patterns of regulation, so our regulations have been in effect for a very long time, which also includes our reason for being here which is to take of the earth.

In 1741 Vitus Bering ran afoul on the Aleutian Islands.

In 1776 the Constitution of the United States was formed which states all men are created equal.

In 1784 Shelikof established a site on Kodiak and there was a battle in Kenai – a war between the Dena'ina and the Russians.

In 1797 there was a battle in Kenai in which the Dena'ina destroyed the Russian settlements and killed most of the Russian settlers. The Dena'ina won the war against the Russians in defense of their people.

In 1823 the Monroe Doctrine is a policy of political non-interference. This Doctrine was written to protect the United States from European interference. However in Alaska political history, the Monroe Doctrine was violated during the republican's administration acquisition of the territory of Alaska.

The US fulfilled their own philosophy of Manifest Destiny outside the United States Constitutional framework and against their own doctrine of non-interference as outlined in the Monroe Doctrine.

In 1854 the idea of selling Alaska, as an official of the Russian American Company realized, his country was too weak to defend Alaska. England was on

the verge of entering the Crimean War against Russia. Edward D. Stockle, the Russian Minister in Washington shrewdly opposed secret talks with the American officials which revealed as fraud when England entered into the Crimean War.

In 1856 Russia was defeated in the Crimean War and was in financial dilemma. The Russian official sent Ambassador Stockle orders to sound out Washington on a deal for the territory of Alaska.

In early March Stockle returned to Washington and was greeted by the arrogant and devious William H. Seward, Secretary of State under President Andrew Jackson.

Seward began to discuss the purchase of Alaska before he was authorized by President Jackson. On March 14, 1867 Seward offered Stockle five million dollars for Russian America. On March 29, 1867 Stockle received word that the Czar Alexander approved the Treaty with minor provisions.

Seward asked “let’s make a treaty tonight.” Stockle became suspicious and played for more time to review his position. Stockle said your department is closed, you have no clerks, and my secretaries are scattered about town. Seward’s reply was “never mind that.” “If you can muster your legation together before midnight you will find me awaiting.” You at the department which will be opened and ready for business.

Senator Charles Sumner who was the key to Congressional acceptance of the treaty did not believe Alaska territory should change hands without the vote or approval of its inhabitants. Sumner greeted this news coldly because of his democratic scruples. But he suppressed his misgiving and told the Senate half-heartedly I regret very much for this treaty.

The signing was reviled by its critics and became known as the dark deed done in the night and it was a hardly and auspicious beginning to life in America Alaska.

On October 18, 1867 Alaska was officially an American territory with no representation in Congress and with no vote of its inhabitants. Alaska was not paid for. Congress and the Nation at-large were taking sides on to whether to pay for Alaska or not. I’m sorry if I’m putting you to sleep.

In 1904 Alaska Boundary Tribunal of 58th Congress, Second Session, Document 162 convened at London and this consisted of documents created between 1821

and 1824 and these documents demonstrate that Russia did not have title to the land claimed and cast a cloud on all of the lands claimed by the United States under the Treaty of Session of 1867.

In 1821 the Russian Czar attempted to restrict other Nations from coming into the waters of the north coast of North America because he claimed title to this northwest coast of North America.

This included all territory lying north of the 51st degree latitude by virtue of discovery. These documents assert that under the law of Nations, Russia did not have title by discovery to any lands not occupied by Russia. The documents are clear that Russia could not successfully claim title to the northwest coast of North America and the adjacent Islands.

And these were the civilized countries of the world.

In 1947 the United Nations was established because of World War II and Nazi Germany. And because of that.....

END OF TAPE 3
SIDE A

BEGINNING OF TAPE 3
SIDE B

...holocaust from occurring.

Alaska was also included in the charter under Chapter 11, Article 73 which allowed non-self governing territories to be brought up to our own self-governance which was not done.

In 1954 the Spit and ___ Club was a group of Anchorage business men who conspired and agreed to serve as a front for the Richfield Oil Company Corporation to the Swanson River Oil Field, and that's on the Kenai Peninsula.

Senator Clinton Anderson supervised the six-month investigation and hearings in 1956 and stated "it is obvious that industry-wide straw men and dummies are being used and that the amount of lease acreage which can be controlled as dependent not upon mineral leasing act but upon the number of employees, attorneys or

persons friendly to the company who will lend the use of their names for a small consideration.”

When the straw men didn't even put up their own money, Anderson said “this approach is a conspiracy to evade and avoid the intent of Congress.”

Robert Engler, a political scientist wrote in a book “The Brotherhood of Oil” Dwight D. Eisenhower's Administration in 1953 had shown complete deference to private enterprise and profit. What oil companies wanted, it generally received.

Before the end of his first week in office, Eisenhower ordered the Justice Department to drop a major anti-trust suit against seven of the largest US oil companies. These conspirators which also included Secretary of Interior Fred Seeden; other political officials and oil interest greased the way for Statehood.

Those not included in the Swanson River Oil Field deals were the original title holders, the Dena'ina of the Kenai Peninsula.

In 1959 Alaska became a State and as a prerequisite under the Provisioncy Act was a test that the Native people alone were required to take and if we were not able to pass this test of competence in the English language, we would be fined five hundred dollars and put in jail for six months.

In an illegal move , the United States allowed the United States Servicemen to vote for Statehood and they were paid to vote for Statehood.

However, Alaska is a disclaimer State which is shown in Article 12, Section 12 in which the State and its people forever disclaimed all rights and titles to property which includes the hunting and fishing rights of the Alaska Indian, Eskimo and Aleut peoples.

At the time of Statehood, however, the State did not allow the people of the Kenai Peninsula to practice our fishing rights, and it is still that way today.

In 1962 the Kenaitze Tribe IRA was formally organized and also US versus Alexander affirmed the right to customary and traditional use of our land.

In 1971 the Alaska Native Claims Settlement Act was enacted without the consent or the ratification or the vote of Alaska's indigenous peoples. ANCSA is recognized and referred to as an Act of Termination which in itself is genocide.

In 1975 the United States v Alaska Ninth Circuit Court of Opinion decided June 1995 Cook Inlet Historic Claims which is part of the law of the sea.

In 1976 the International Covenant on Economic Social and Cultural Rights, an International Covenant on Civil and Political Rights Title 18 US Code 1091 became law.

In 1977 the Alaska Natives and their subsistence rights – a discussion of the Constitutional question by Stewart Udall.

In 1977 Special Council to Alaska Federation of Natives.

In 1977 the inclusion of the Alaska Lands and National Park Forest Wildlife Refuge and Wild and Scenic Rivers systems hearings, Byron Mallot, President of AFN in Fairbanks. Without the permission of the Indian, Eskimo and Aleut peoples and against the advice of AFN's attorneys Bryon decides against the fishing rights of certain Native peoples. Mr. Mallot divides Alaska Natives into two categories, rural and urban, and deciding urban Natives no longer should have fishing rights.

In 1988 Public Law 100-606 the Genocide Treaty or the Proxmire Act becomes supreme law of the land of the United States.

In 1990 Joe Voegler petitions to the UN papers questioning Alaska's Statehood legality. Shortly after his petition to the UN he was murdered.

In 1991 the bitter root of truth – the Russian American occupation of the sovereign people. ____ Charles Edwardson and Shelly Trainer.

In 1991 Native Americans and the Constitution, the original understanding Mark Savage, attorney/public advocates Inc. San Francisco, California, Stanford Law School.

In 1993 George Miller, Jr. of Kenai signs an affidavit invaliding his signature on ANCSA because of fraud.

In 2000 the United States Court of Appeals for the Ninth Circuit Alaska v United States, *et al.*, Quite Title Action was won.

In 2002 NCAI resolution SD 02049 to support the rights of sovereign tribal governments and to negotiate settlement of historic land claims.

In 2004 in Belgium, Brussels, American Press did an article. Display says US has first genocide “a display praising the merits of peacekeeping that cited the killing of Native North Americans as the world’s worst genocide shouldn’t be considered a jab at the United States.”

Belgium defense officials said Thursday, the display shown at the Monument of the Unknown Soldiers at Brussels this week was meant to honor Belgium soldiers who died in humanitarian missions. It included a panel listing North America as the continent of the world’s worst genocide with a death toll of 15 million starting with Christopher Columbus in 1492’s arrival to the new world but giving no end date.

And to end, a resolution was passed at the Alaska Intertribal Council and the resolution is a resolution of the Alaska Intertribal Council requesting that the Alaska Rural Justice and Law Enforcement Commission be rescinded.

Because I’ve taken so much time, I don’t know if you want me to read it in complete. But I will read one whereas and now therefore be it resolved.

Whereas the Alaska Rural Justice and Law Enforcement Commission goals are strikingly similar to the intended goals of regionalization, issues declared to be a dead issue by Senator Ted Stevens at the 2004 AFN Convention. Now therefore be it resolved that the Alaska Intertribal Council petitions the United States Congress to rescind the Alaska Rural Justice and Law Enforcement Commission.

Thank you.

BURGESS: Thank you. Do you have time to take some questions?

MILLS: Yes.

BURGESS: Okay. And also, do you have a copy of your comments and the resolution you can leave with us or get to us at some point?

MILLS: Yes. I will get it to you. I did not do all of them. There’s quite a listing that I have of historical dates. And I would also like to request a timeline edition when I do submit them to you. Because its on-

going research that not only myself have done, but there's many of us who also have participated in this.

BURGESS: Let me suggest that you can either submit that today or if you would like to submit it on some other day when you've got a chance to put it together in a form you would like. And then if you could continue to supplement that as you feel is appropriate while we're doing our work, I think that would be very helpful.

So let me turn to the other Commissioners to see if anybody has any questions. Any questions? Commissioner Bullard.

BULLARD: Well, I didn't so much have a question, but the resolution that you didn't read in its entirety is basically asking Congress to rescind I guess the creation of this Commission because of concerns that it's lending towards regionalization. And I just wanted to read to you and I've got a copy here and I've shared copies I think with Donna and others, but this is an earlier draft of the language that created this Commission. I just wanted to read a portion of it to you.

And unfortunately this language didn't make it into the final bill that created this Commission because it was felt that it was presupposing or making decisions in advance of this Commission making recommendations. So I just wanted to read to you a portion of this language which when I saw it, I was astounded.

And it says—Section 3 of the draft bill: It shall be a federal offense to violate the State of Alaska's local option law banning the sale, importation, use or possession of alcohol, etcetera in a community which has made such election under State law. Such federal offense shall be punishable by up to one year in prison for the first violation, up to five years in prison for subsequent violations.

Village Public Safety Officers, Village Police and Village Police Officers are deputized to enforce such violations by Native and non-Native residents of a village. Federal Law

Enforcement Officers may also enforce such violations by Native and non-Native residents in a village.

Tribal Courts may prosecute such violations consistent with due process requirements of the United States Constitution and may impose such community service or treatment requirements as they deem appropriate not to exceed one year.

The United States Attorney may also prosecute repeat offenders in Federal District Court to the maximum extent possible.

And when I read that language, what struck me about that language is that not only was it providing the opportunity for the Tribal Courts in the villages to address alcohol issues for not only the Native residents of those communities, but also the non-Native residents of those communities which you know certainly in our area we need that ability to manage alcohol.

And there's some really sweeping changes to federal law in this draft bill. And I kind of look at this at what's possible. So I encourage folks not to think that what this Commission is trying to do is preordain or necessarily a bad thing for rural Alaska.

I think that there is opportunity to make some positive changes and I hope that folks don't pre-judge what this Commission is trying to achieve.

MILLS: Well I'd like to make a comment on that also. I think what a lot of the indigenous people are questioning is the jurisdiction. Who has jurisdiction in Alaska?

Because we noticed that many times, for instance, I know you're not Gregg Renkes, but his opinion was probably the biggest slap in the face of our tribal courts that is possible.

There is a history of the State of Alaska hostility towards the indigenous people. And you can see that in almost every aspect and we have never had even though the Constitution states certain things. The State does not follow. They feel that they are above the law.

And I think it's good that some changes are trying to be made and I agree that we should have the right when it concerns our jurisdiction. And on the Kenai Peninsula, the Kenaitze Indian Tribe, we claim the whole Kenai Peninsula as our jurisdiction.

We have never, never given our jurisdiction away to the State or the Federal Government and that's a concern we have. And the respect that has been given to us as the original title holders has been one of hostility.

BURGESS: Well I want to thank you. You did cover a lot of ground, but you did it very well.

MILLS: Thank you.

BURGESS: And I would appreciate your written comments. And I guess I would like to echo some of Commissioner Bullard's comments which are, I guess unless and until Congress decides that we shouldn't do this, from our perspective we need to complete a task we've been asked to do.

Though I understand and respect the concerns expressed in your resolution. And I would hope that as we continue this process, if you and others who can continue to provide us with information and suggestions and guidance so that we can do the best we can in trying to complete this process.

And to ensure you, and again as Commissioner Bullard said, from our perspective and the Commissioners perspective, we don't—this is a blank page.

We don't have some preordained plan that we are going through the motions on trying to complete as part of this process, we are trying to do the best we can and working through some of these challenges we've asked to take a look at.

So I thank you very much for your coming forward and sharing with us today.

MILLS: Thank you.

BURGESS: Thank you.

END OF STATEMENT

Jim Sykes
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

Good afternoon, Commissioners. My name is Jim Sykes. Thanks to Martha for letting me go.

I'm going to be brief. I'm probably the least qualified person you may hear speak today. I am actually descended from the rib of Englishman and a Czech and a German.

But I've had the great privilege to observe. I've traveled around the world and I've traveled around Alaska. In fact, twenty years ago I was recording the record for the Alaska Native Review Commission also known as the Berger Commission and this is a Commission that actually went to more than 60 towns and villages in Alaska and didn't go anywhere we weren't invited and places we were invited, please were flown in from adjoining villages if they wanted to talk.

And I've never worked for a more a _____ guy; this is Tom Berger. He sat and listened to whatever people had to say as long as they wanted to say it. We got to eat special foods, Native foods, wherever we went.

We were welcomed into the villages and it was an experience I couldn't have paid to do. And I was indeed paid to do it.

I just happened to be doing a little Humanities Forum grant as a retrospective as to what has happened in the past twenty years with land, subsistence, sovereignty, ANCSA, the kinds of things that the Commission looked at.

Berger wrote the book "Village Journey." I think he reflected what people told him. I made fifteen radio programs called "Holding Our Ground." I forgot to bring you a copy, but I have the transcripts and the radio programs which I recently redigitized.

And sometimes when people ask me for copies of this, I get lost in it because the voices of the people were so powerful, so incredibly powerful. They understood what self-government meant; they understood what tradition meant; they

understood what justice meant from their own cultural perspective wherever we went.

And I've actually archived the original tapes. There's something like 440 hours of tapes at UAF and UAA that I've archived that are probably deteriorating now.

But I wish you'd consider this, because we tend to try and look at the problems – well what can we do about domestic violence or law enforcement or justice as if it's some little bolt that we need to tightened up.

But we really have to look at the history that it came from to actually resolve the problem.

And a number of things – I have a tremendous respect the speakers who preceded me. And I know all of them, especially Deesa Jacobson. She hasn't just talked the talked; she walked the walk. She has helped many, many people survive the streets of Anchorage. And I can't thank her enough for that. She would go out until the bars closed on 4th Avenue to make sure people were safe.

When it comes to justice, I'd like to give you a world view. In traveling around the world, I got to interview a British reporter who's quite famous and very insightful.

And we have to look at everybody's definition of justice because -- let's just take the Middle East. And it boils down to this. Peace for the Israelis is security. Peace for the Palestinians is justice. And peace for the Russians and the Americans and the Europeans is a state of non-war. And yet, I believe this is all solvable if people can communicate and talk to each other and work things out. But that hasn't happened in the past thirty years. But it's still out there.

In terms of Alaska, the laws that came to Alaska came from somewhere else. There were already preexisting laws and systems of resolving conflict and deciding what was going to happen in a given Region.

So the Russians brought us their laws; the Americans brought another set of laws.

But in interviewing people for this series, I spoke to someone today who's been quite involved in this process and I said well what is the future of self-governance? How can people be empowered? How can we resolve some of these problems? And she told me that if tribal governments are allowed to function and represent what is appropriate and create the laws that are appropriate for that area, they can

respect them. Right now, there is sort of almost not an incentive, but there's room to disrespect a law that is not respected that came from somewhere else that is not necessarily appropriate.

And if you're taking a look at the practical matter, we don't have to go back very far to realize that the State was funding city governments. And people kind of got sucked into city governments in this State.

I don't think it was anybody's malicious intent. But it was—When electricity came to bush Alaska, they formed the Alaska Rural Electric Co-op or AVEC – Alaska Village Electric Cooperative.

And said, hey Native Villages, do you want electrical power? Get yourself a city government and we'll get you electrical power. And so a lot of villages signed up for a city government whether they needed it or not.

And so then came revenue sharing. They wanted to keep these cities viable to make sure that there was a system of government in place in the villages.

And then the funds dried up and they were taken away. And so who stepped in to take care of security? Energy? Health care? Enforcement?

Well in many cases, it's been the tribal governments. You have an instance, I believe it's in Quinhagak, where basically the village has merged with the city government and has merged with the tribal government. And they have a lot more people who are a lot happier about what they've got going on there than they were in the past.

Two issues were raised by previous speakers. I'm not going to dwell on them. But they are racism and respect. I don't need to go into the racism, but I can tell you that I believe it still sort of exists under the surface. I marched with Deesa and the victims of the paint ball attack two years ago, the day before the Katie John decision; the day before Governor Knowles decided not to appeal Katie John.

And Deesa had gotten a parade permit. But when we gathered for the parade, the Mayor cancelled it. And it was the very day that a Federal Commission was here in this hotel, in fact, I think it was this room investigating racism. So I think it's still out there.

But then we get to the other issue of respect. And I can say that this has happened to me in my lifetime. I worked for a time in a television station in Farmington, New Mexico on the edge of the Navajo Indian Reservation. And the State and the Tribal Government were at each others throats all the time.

And I took my family back to visit in the early 90's, fifteen years after I had left. And things had changed. The State had actually begun cooperating with the tribal governments. They had worked out what misdemeanors were going to be dealt with by the tribe, what authorities the tribe was going to have over non-Native citizens; what authorities the tribes were going to have over their own members.

The tribes had taken over management of some roads or road systems and they were no longer at each others throats. They were saving a heck of a lot of money and everybody was a lot more relaxed.

I kind of see this as we're still about where I felt we were in New Mexico in 1974. There is this aura of mistrust. You have fish and game observers that get hired from outside; from Missouri or Kentucky or wherever they come from. Don't we trust Native people to count fish?

I think one of the great successes has been the Federal Advisory Boards on Subsistence. And while Tony Vaske didn't want to get into subsistence, I think this an area which has to be recognized.

Charlie Etuk Edwardson correctly identified the fact that this is a jurisdictional issue.

And I ran into someone yesterday, Faye Ewan, who I hadn't seen for twenty years and she deals with a lot of ICWA cases and a lot of other cases. But when she goes to court here in Alaska, she raises the jurisdictional issue.

And there are jurisdictional issues of the government to government relationship.

And if the State will begin to respect that jurisdictional issue, to trust the people to develop their own laws and their own courts, I think that we will have a system that evolves that is appropriate.

Now the Tribe of Metlakatla for a long time has invited the non-Natives that live in Metlakatla to take part – and I believe it's their corporation – they can't actually vote for tribal government representatives in Metlakatla, but they've worked it out.

And we still, to my way of thinking, haven't had the conversation yet.

So I would invite you to consider this history.

When the Russians—It's so interesting. The Russians played such a finesse game. They came here with, I forget what it was, ten or fifteen copper plates and they would land somewhere on the shore and they would bury the copper plate and note its location and say the territory was claimed on behalf of the Czar of Russia.

And then when it came time to sell it, they also played a diplomatic game, because they didn't want to fight the British on two fronts. They were fighting them in the Crimean War and they saw the advance of the British coming across Canada and they didn't want to be fighting them on both fronts. So they thought they'd try to unload Alaska and make some money at the same time.

On the other hand, they also weren't going to claim Alaska publicly.

If you go to a April 1867 issue of the *Peoples Voice* – A paper published in St. Petersburg. It said, who are these rich Americans to pay so much for a few forts and a few broken down vessels.

It was very clear that the discussion was, they were only selling what they had negotiated to occupy within the confines of the fort and the trading rights that went along with it.

And the sale of Russia is still a live issue among people here. Because people said and twenty years ago, nobody asked us if they could sell our land. They didn't come here and defeat us.

And what Charlie Edwardson referred to in terms of the United Nations fraud was that the United States asked the United Nations if they could make Alaska a State. Now the United States wasn't in a habit of asking the United Nations anything back in the 1950's.

But why would they ask? It's because they got approval for it. They convinced the United Nations, which they were coming up with a definition of overseas territories. If a territory was geographically separate and ethnically distinct, you couldn't make it a State. It was different.

And what the United States said, well not really – Alaska's just sort of an extension. It is geographically separate, but its really just like the rest of the United States. And that was not the case.

And the United Nations now knows that it was lied to. The other little dirty secret that a lot of people – the people who know don't want to talk about it, but it needs to be revealed is that Alaska had a literacy test. We're under Federal Voter Rights Act Review just like all of the nasty States in the south have had poll taxes and literacy tests. Alabama, Mississippi. All of them.

And that's because you had to be able to speak English to vote. And so the Statehood Vote was actually—many Alaska Natives were prohibited from voting because they didn't pass the literacy test.

So it is a question of respect.

And when it comes to violence in the village, who do you go to? If you talked about figures of authority, we now know that the priests – some of the priests anyway – were abusers.

And so you're in an isolated village. You're related to most of the people. You have a perpetrator among you. Who do you go to for help? You have to have a safe place. A safe person.

And that is where the rural justice lawsuit that is still pending in front of the Supreme Court, its very clear that the State of Alaska has treated rural Alaska very differently than it has treated urban Alaska. And there is a fundamental unfairness to it.

It doesn't have to continue that way.

But I believe that the State is obligated to go back and take a look at what Charlie Edwardson was talking about.

If you are able to, by legislation, claim that the core of your village doesn't actually exist – that it becomes to the State. You've got a problem there.

But if you trust the people to come up with their own set of rules that broadly conforms to our State Constitution, it should be a grass roots democracy. Not one

handed down from the mountain top that says you are now going to obey these laws. This is the law of the land.

Well who said?

They had laws and courts and ways of doing things before.

So you've got different cultures as was stated. Property is a very different issue in Tlingit country. Even a story is very different and who tells it and who has the authority to tell it than it is in Yup'ik or Inupiaq country.

And so as your Commission does its work, I hope that you're willing to consider devolving as much authority as you possibly can, where people are going to take the responsibility for governing themselves and for taking care of themselves as much as possible and funding it.

So that we can get to this conversation where we do respect each other and we learn about each other. I was appalled that no Alaska history—To me Alaska history is what Alaskan Native peoples themselves have to say about their origins and what their traditional boundaries are that we should all learn.

And that's what's changed. When white people first started coming into this country, they only survived because they lived with and learned the ways of the people who were here.

The big change came with the military in this country when the population became mostly non-Native, the authority and the laws changed.

And we kind of left the people who were living life just as they had for hundreds of years, off in the dust without their input and without thinking about how these changes would affect their lives. And as we can see, they're very dramatic.

So I appreciate the seriousness with what you've taken up your charge. Please consider the history.

And when it comes to the nuts and bolts issues, I really encourage you to think not making a tweak here or there, but how is it relevant to people being able to have as much control of their lives as possible within a system of law.

And I believe that we can—We may have to break some new ground here in Alaska because we have so many different peoples. But I believe that we can respect them all and that we can all get along much better than we have.

I'll be happy to take any questions. But as I say, I'm merely an observer here.

BURGESS: Thank you.

END OF STATEMENT

Unidentified Person, Hooper Bay
Alaska Rural Justice and Law Enforcement Commission
Anchorage
December 10, 2004

.....chosen to be one of the representatives of the tribes to come to a certain place below Tanacross to make sure peace happens amongst all tribes.

And these are not legends; they're not myths. These are facts.

For all us, we need to educate ourselves on those kinds of histories in our State; in our Country.

And they did it by walking and running and using the simple tools to implement justice. The only barrier in understanding justice is the minds of men.

And you've seen and heard this afternoon the four categories that injustice has occurred to the mind, body, emotions in the society. I'm not going to patronize you on these factors because I've already gone through that throughout my life. And I don't want you to go through that yourselves.

You've known and I've heard and we worked together for a long time, one has the ammo of the paper, but I have the ammo of knowledge.

If in fact, anything is to be legal, let's do it right from the beginning. And if it wasn't done right in the beginning, let's start again and make sure it happens right this time around.

There were many hearings, commissions and all of sorts of legislations and laws and rules and regulations gone through our desks for years – since the Statehood Act.

And if you read our papers right, a lot of them were not done with a proper protocol. As in all legal matters around the world, you need to follow protocol. And the first thing that we need to do is to admit that we didn't do that. We need to do that if there is to be any kind of healing with the Native people and with the State and with the Federal Government. And nobody is exempted from that.

In all legal terms you've heard and given to us, now what should be done?

You need to admit that there was something drastically done wrong to the Native people here in the State of Alaska. We need to rectify that. And part of my responsibility is forgiveness. My responsibility to understand why this thing occurred and take responsibility for my part of it is to understand that.

And if I'm a fair witness to justice, I need to say the truth and implement the truth in getting there.

I think there were enough comments made for all us to understand where we went wrong. The apologies done by the churches around the State to the Native people has been said a few years back, but only to certain individuals and certain congregations.

Now if we're such a diversified State, I think all of it needs to be done all around the State. And the best way to do it is regardless of our position to learn the history – the true history of our country.

We all know history didn't begin in 1949 or 1947 when I was born, it began thousands of years ago.

History should be a truth teller. And it begins in the homes, the schools. Especially in the schools.

If we are not to teach that, we're doing an injustice to our children and to yourselves and to ourselves. The truth needs to be told and it need not to be sanitized. Tell the truth. Allow the truth to be told.

And the best way to do it is to incorporate or collaborate with the Native people here in the State. They know their history really well.

In fact, a lot of the curriculum that is being taught in the schools is not telling the truth. They're not telling your children the truth and as a parent, as a Commissioner, as a public figure, it is our responsibility to make sure the truth is being told in our schools also.

For your forefathers and my forefathers, they went on the premises of truth and we need to do that from now on. Not cover it by legalize barriers that we are so good at. And you can recognize the impacts that those things have done to—not just by Native people but yours also.

We need to tell the truth and the best way to do it is to tell it to our children. Tell it to our children through our schools.

But it's our responsibility to know it too. To be in collaboration with our children to find the truth. That is a healing agent that a lot of us don't do or follow.

I think as the last man here, I'll here you what my Elders are saying in Hooper Bay.

When we were dealing with the oil spills that have been covered up for years in our neighborhood, they said our backs are up against the wall. And we don't have to do that.

If your backs are up against the wall, what do you do? You'd fight for survival, right? But the civilized people would not use political means to defeat another purpose. Because we are technologically advanced today, does not mean we are civilized in handling the purpose of those technologies. And we need to realize that.

That's the learning—experience and learning—of telling—information I got from my elders.

I as a teacher with both universities and different rural colleges have learned a lot of information from the rural communities and the urban centers. What these people have been telling you are those consequences of injustices that has occurred right here in the great United States.

In all societies throughout history, you know if we don't take care of the least of us, we will fall. We know that. That's the dire truth that we need to learn from.

In great societies, the best teacher is the children and those are yours and mine. If we tell them the truth, they will make sure our great societies, our great cultures will thrive. Irregardless of whether the greatest technological societies fall, we'll still be here if we taught our children right.

And if we have respect for the resources that are here in the Alaska – the last great place on earth, I will say if we protect and do it right, we will still stand. And I won't be the last man standing either. And you won't be the last man standing.

But if everything else fails, we'll still be here. The Native people will still be here.

If we as those are so dependent on funds, we might have to go where the funds came—to go back to where the funds came from. And we know where we are so dependent. We can find them. We went through the high school and grade school learning about that—where the money came from.

Anyway, I am a descendant of Joseph and Lena Lake. I'm a descendent of Patrick and Mary Morgan. I'm a descendent of hundreds of people from my region that have lived here for thousands of years. I know my trail very well. I'm a systems trainer also.

I know where you came from. I know where I came from.

But we know where all the injustices are. We as human beings know where they're at, but we're so blinded by the funds available. I'm sorry to say.

The Bering Sea itself, with its resources, does not have the picture of the dollar sign on it. It has the picture of humanity and we need to realize that.

A Jesuit Priest one time said, all your traditions and cultures are good and fine, but it doesn't have the face of Jesus Christ. But we should say--what we told him to do, was to look at the person right behind you or in front of you or right beside you and tell us, what do you see?

So the belief systems that we are given and forced to follow throughout our lives are sometimes are not the direction we should be believing.

The laws may not be fair. I am the product in the face of the injustice of the laws that were perpetuated by the State and Federal Governments, so to speak.

I will not tell you about all of them. But if a law does not promote mind, physical, spiritual and land health, it should be considered unlawful. And it was simply put and elegantly put by many people before me that testified.

And I respect and acknowledge this young man that is sitting there in place of other men that have failed to show up. Thank you very much for being here.

The young lady over there sitting in the middle, thank you very much for respecting the mothers of this State who are always willing to listen and do the job right amongst the Native people and all mothers.

And the lawyers that are here, I thank you very much for being here to listen to all of our legal systems. And learn about justice and have a first hand knowledge and first hand hearing about these justices that we should be passing on to our children.

It depends on that; it depends on us as parents; it depends on us as leaders.

Now I'll make it really quick. In a very short form I'll tell you what we need.

A Killer Whale, the Beluga and the Hunter. They can accomplish something without saying a word if they cooperate. I'm not going to say who the Killer Whale is. I'm not going to say who the Beluga is and I'm not going to tell you who the Hunter is. It's for you to figure out.

But I'll tell you one thing. The Killer Whale and I can speak together and accomplish the same thing and help each other out. We will cooperate to accomplish a certain thing spiritually. Now I'll leave to you to figure out.

Quyana chukug (phonetic). Thank you.

BURGESS: I appreciate very much your testimony. Any questions or closing comments by any of the Commissioners? Commissioner Justin.

JUSTIN: I don't have a question. I do thank the last testifier for the eloquence and the expression for the need for the Commission to recognize the past wrongs are indeed are a part of the Commission's responsibilities and I'm very much appreciative of that thing brought out in record.

I do, Mr. Chairman, have to submit one testimony that was given to me at the AITC Convention yesterday from Mr. Peter Demoski. He gave me a handwritten copy of his testimony. It was typed up by AITC and I would like to submit it for the record.

My only question is, do you want me to read it for the record? Or just submit it?

BURGESS: If you want to just submit it, that would be great.

JUSTIN: For the record, this is Mr. Peter Demoski's written testimony and I'll give it to the chair. Thank you.

BURGESS: And were there any other questions for this speaker before we wrap up? Commission Bullard. Thank you.

BULLARD: I didn't have a question, I just had a comment. And I just wanted to say I really appreciated what you had to say about if our law system doesn't promote well being of members, that it should be unlawful. And I think that's a real good test of whether or not what we're doing is the right thing. And so I just wanted to thank you for that.

END OF STATEMENT

Tony Vaska, Kalskag
Alaska Rural Justice and Law Enforcement Commission
Public Testimony
December 10, 2004

My name is Tony Vaska. I'm representing myself. I'm from Kalskag.

When I was growing up, there was Kalskag and then there was Lower Village. Today it's Lower Kalskag and Upper Kalskag.

When I was growing up in Lower Kalskag, there were 34 of us. All related. When I started school we moved to Upper Kalskag where the Kalskag BIA School was. And there were 78 people at the time.

From there I went to St. Marys for the eighth grade and high school because the people who governed my life decided that I wouldn't survive Mt. Edgecombe, Chamuwa (phonetic) or Chalako (phonetic), Oklahoma because I was way too young to be leaving. Because all of the boys who came back from those schools were really screwed up. They didn't speak the language, they didn't have any hunting skills, they didn't have any social communications at the Yup'ik level. They barely had social skills in other levels.

During the time in Kalskag, the only non-Yup'ik I saw were the Catholic priest who was in Upper Kalskag, the teachers who were also up in Upper Kalskag. And that was it.

I'm highly formally education and highly non-formal educated. And I use non-formal instead of informal because it was not an informal education system. Later on in life now I find that I'm not anti-social, I'm just a-social. I know how to socialize in communities at home or here in Anchorage. It's easy to do. Just be who I am.

As it turns out I'm a-social. I just don't do it. I prefer to stick to what I've always done and my family criticizes me for it – which is Tony and his books.

So thank you for giving me time to address the Commission. There have been many Commissions done by Congress or by the State of Alaska. I don't know if all of you were around when the D-2 studies were done after the Alaska Native Claims Settlement Act was passed. This is the late 70's.

After that, the Justice Thomas Berger's "Village Journey" came out reviewing a lot of the same things that the D-2 Commission studied. The Alaska Native Review Commission came out after that and they had a lot of the same issues that you are listening to from what I can see as at least from this morning.

The State of Alaska had a report that came out in 1999 called the Governance and Empowerment Commission Report.

And those are all important. They cover a lot of the same issues that you are looking at in terms of what tribal justice or what justice means. Because justice means different things for different people.

If you look at the studies, for instance, you will see that the prison population in this State is overly represented by Alaska Natives. While we may represent 16% of the total population, the prison population is past 30%. Is there a problem? Yeah.

If you look at employment statistics, it's exactly the same. The State of Alaska's employment record is still below 5% Alaska Native hire. The Alyeska Pipeline Service Company is still below 5%.

The 14,000 federal jobs in this State is still under 5%.

Justice is viewed from whom ever is in power differently than by people who are trying to move up the ladder. I've known that with my formal education.

Let me give you some of my conditionals. I said I was formally educated; highly educated first with the Kalskag day school, of course. And as it turns out my teacher was a Marine Veteran from the Korean War who was from West Virginia. Did he understand Alaska Natives? I don't think so. But I didn't know it then, I was too young and he was too big and he was too mean and too bald.

And it was my first direct exposure to a non-Native person giving me orders. And when I got to school, I found out I had a different name. My name was suddenly Tony because up to that point it was a Yup'ik name or if it was in English at all, it was my pet name.

And then St. Marys High School was a good place for me to have gone and that decision was not made by my dad because at that time he and I had been living

alone for two years. My mom died when I was in grade school from tuberculosis after spending three years in Bethel, Seward and Mt. Edgecombe hospitals with TB.

As you probably know, five years ago now, she among others were interned when the Sitka airport needed more room and those bodies were moved to their home villages.

St. Marys offered a good classical education which I took advantage of because there wasn't anything else I could do. I was too young to be, as we call at home nuguspiaq (phonetic) a hunter.

And by the way, this morning those two gentlemen were great. I don't know if you understood what Nuna'eqwa (phonetic) means but I tease them. I call it the end of the world. It's close to that. It's land's end. It used to be Sheldon's Point.

At St. Marys the exposure was tremendous because of who the teachers were. They were French Jesuits, Flemish, German, Italian. Spanish was taught by a Spanish Jesuit. Latin was taught by a nun from New York. It was great. But I didn't know any better. I had no context.

And in that regards, I was happy to see that the State Board of Education passed the regulation requiring Alaska history because I think more than coming to the table and saying 1492 Columbus sailed the ocean blue and Magellan kept on yelling that the world like a melon. Now you can learn about Alaska.

Instead of saying that the Russians discovered Alaska in 1741; you can say that people were already living here. Okay.

And the point behind that is the kind of work that the Commission is doing should be towards education. I'll give you an example of how that worked before, at least in my experience and how I hoped to see that the Commission will recommend to Congress what to do.

There is one written book by Harold Napoleon called Yuya'aaq (phonetic), the way to live. It was published in 1996. And it's a series of essays about Alaska Natives and how they live. I recommend that the Board read that because it's a good starting point. It has a number of different authors and Harold and I have talked about that a lot.

In graduate school I had the opportunity to take a class and have great discussions with Laura Nader who was teaching at the University of California Berkley. And the class was Tribal Law. And we looked at Tribal institutions primarily in Central America and how they were working and coincidentally how they were working in Cheapas (phonetic) with the Indians there. Small villages that had non-formal ways of conflict dispute and we compared it to small communities in Mexico where they had a different kind of system based on the Spanish Law and Justice.

Now when you look at those kinds of laws and systems, you get an idea that something works there and something didn't. Most of you probably know that there was a huge uprising in Cheapas by the Indians there objecting to the State and the Federal Government dictating to them how to run there lives.

And it revolved around a lot of issues and it was not just law, but it was also economic development. It was also extracting resources. It was also education. Health Education. Very important.

Those themes sound familiar to me when I come to hearings like this and they've been familiar to me ever since the D-2 study was first Commissioned. And they seem to be continuing. And I hope that more than just having hearings and publishing your report, that this Commission will recommend to Senator Stevens and his colleagues that something needs to be done.

Most of you are also familiar with the People in Peril Series that the Anchorage Daily News put together several years ago. That covers a lot of the same issues that you are dealing with that you will be hearing from people in the villages.

Those are important aspects of history to consider. And I think you must take them into account in making recommendations.

I started out from graduate school teaching for what was then the Kuskokwim Community College. And I had two students in the class. Two students who are doing quite well now. But they came in totally raw from Mt. Edgecombe and one went to Chamauwa.

From there I started working on the subsistence issues and I won't go into subsistence because it's such a drastic change of direction from where you're going now.

But I want to use that as an example. In 1976, the State passed its first subsistence law. In 1980, Congress passed ANILCA with title 8. And I participated, not alone, but there was a lot of people from rural Alaska after we had created something called the Rural Alaska Resources Association. It took a lot of work and it took a lot convincing to put title 8 together.

And we had to coordinate and cooperate on a variety levels; locally we used the State's Fish and Game Advisory Committees. And in our particular area in the Y-K Delta, we had the Lower Yukon, Lower Kuskokwim and the Middle Kuskokwim Advisory Committees.

We worked very closely with them. We also worked with the US Fish and Wildlife Service; at the time it was the Clarence Roads National Wildlife Refuge which was about 1.2 million acres of fish and wildlife refuge. Today now what exists there is an 11 million acre Yukon Delta Wildlife Refuge. The whole idea was that we wanted to protect ourselves with public lands, rather than have private land holders encroach on Alaska Native lands created by ANCSA.

Well as you know, ANILCA passed in 1980 and President Carter signed the bill on December 18, 1971 [sic]. And I was honored to be in the White House for his signing of that.

Now what became of that is important because what we tried to do was involve local people. And since subsistence has rolled on through, we have now the Subsistence Advisory Committees in all of the public lands for the Park Service, for the BLM lands, for the Fish and Wildlife Services, for the Wild and Scenic Rivers.

The importance of that is you have people making local decisions.

As the State went commercial, the Community Development Quota was created and that has brought economic development into the rural areas. It involves local people. I know all of them. I've worked with them through the late 70's, early 80's; through 80's and 90's.

That's a good example of bringing decision making to the local areas. And it's using systems that already exist. You sometimes don't get the right decision or decisions that you want, but at least you have people really participating and making decisions.

In the justice system that we know, you have to do the same thing. I've had great discussions as a public servant with the late Glenn Godfrey; I've had great discussions with the retired Magistrate and Superior Court Judge Nora Gwen about justice in the rural areas and how that should work and how that should look.

And both agreed that you have to have local participation in the decision making process. How you structure that, I think, you're limited by Federal Constitution and State Constitution. In the subsistence battles you can see that there were constraints in doing something that may have sounded good; that may be good but the State Constitution constrains you from doing that.

That's an easy thing to say because if I were a member of the Alaska Outdoor Council I could say the same thing about the subsistence law.

But we have to go beyond that and create institutions that work. And I think most of the testimony that I've seen from the tribal governments is that it works at the local level if the tribe makes the decision. And I think there had been a lot of act of ____ across the country including Vine Deloria who continued to pound home to both the federal and state governments that you have to involve the tribal governments in making those decisions.

Despite the fact that tribes have to deal with nepotism at the local level. I had to deal with it. I told you already that in our village of 34 I was related to all 34 people. Well now Lower Kalskag has 269 people; Upper Kalskag has 229. I know that because I worked for the Census Bureau.

It's a little bit more diverse, but things have moved forward and Lower Kalskag doesn't work its municipal government, but its still working well with its traditional government.

A lot of tribes have looked at the formal system created by the Indian Reorganization Act of 1934 as it applies to Alaska in 1936 as also being too confining.

And if you read all of John Collier's work who was the Commission of Indian Affairs then, his idea was to create formal institutions despite the fact that there were already existing tribal institutions that he considered informal. I consider non-formal. It's our own systems. And they are sometimes very different.

I've studied Alaska Native cultures and languages enough to know that there are differences in how each cultural group works and views the world.

Property rights for instance among the Tlingits is very different than property rights among the Yup'ik. Very different.

And how you view those property rights is extremely important in terms of mind, thought. How you think about it. What do you want to do with it? You have to work within the constraints of the Federal Constitution, the State Constitution and Local Tribes.

The decision making still has to be from the bottom up otherwise you will have a mental discourse that will cause conflict. And it has to be exact.

My suggestion in that regard is to educate the public, not just the non-Native public but also the Native public because as Native people we need to understand what the IRA Council is, we need to understand what the 1906 Allotment Act is, we need to understand what the Statehood Act is and we need to understand what ANCSA is, we need to understand what ANILCA is.

There's a whole variety of laws that are less understood or not understood at all or sometimes even misunderstood.

So it requires education and my recommendation is that the public needs to be educated about what it is that you're trying to do.

My non-formal education comes from the 1800's. Because my mother died when I was like I was saying, and Bruce, I'm older than I look.

I grew up with my grandfathers, one of whom was born in 1877 and he died in 1965. So grew up with him as a kid. The other grandpa was born in 1880 and he died in 1983. So they had a powerful influence on me. They never spoke to each other. Two ana'slook (phonetic). Two shamans. The one thing they did agree about was to send me off to St. Marys.

I think I'm thankful for that. But they knew that change was constant; not inevitable because they were going through changes themselves.

And I come from a large extended family and have seen those changes; sociologists call those drastic in some instances.

If you listen to the boarding school experiences, drastic, drastic changes. To be dragged from your village off to Wrangell, Skagway, Seward. If you come from places where there are no trees to speak of or no mountains, no oceans, no white people -- to an institution. It's very different.

Institutions whose laws and rules you don't know or understand. It takes time though. It really does take time.

And fortunately I took the time to get to that point and my family has had a large influence on me in that regard.

When I talked to the Superintendent of schools of the Anchorage School District about why there are about 1500 couch surfers in the Anchorage School District and what could be done about that. And why it's just Alaska Native students who are the 1500. In the Anchorage School District there are more than 2500 homeless students and they use the term couch surfers because the students don't stay in one household every night; they move around.

Well I asked her why there was such a high dropout rate among the Native students as compared to the Asians. And she said simply that most Asians, she didn't say all, it's the mother and the family that take care of the education of the children at home.

Ms. Comeau said that she was trying to encourage that in the Schools programs. I think she's begun a good program in terms of working with students who are homeless.

So my recommendation is that the kinds of things you teach in the schools is important. It's very important. And my recommendation to the Commission to recommend to Congress is to provide funds for education about local, state, federal and even international law.

The example about the international law is initially there was something called the Hooper Bay Agreement and if you don't know what it is—what it is, is the issue of migratory birds.

When we started that, we had to look at the whole pacific flyway. Not just Alaska. Not just Oregon, California where the birds migrate. But also Mexico and Canada.

If you hear people from home yelling about building a road from King Cove to Cold Bay it's because there's something called the Issenbeck (phonetic) National Wildlife Refuge where birds congregate to migrate. And it's of concern to people; not only in the Yukon Delta where dependents on migratory birds is high, but also to the sports hunters and the California Waterfowl Association.

We had to go down there to talk to them and it opened discussion. They were open to it. We had to discuss it with ultra-conservationists because we always bring people into the equation in terms of making rules and regulations in subsistence. In justice and law, you need to do the same thing.

BOTELHO: Tony, you didn't talk about this a lot, but if we could take advantage of your extensive background in government among other things. You made the point—the importance of allowing things to come from the grassroots; basically from the ground up rather than being imposed on down. And it's certainly something we've acknowledged as we try to put our own principals together that local control is a predominant theme.

But we've also had this push, at least from some standpoints that we have to have a unitary justice system or unitary law enforcement system. And someone suggested—and I don't know whether it's just because we—there's some aspect of our rational being that says we want to have one thing that we can organize in a particular way. Someone suggested that as we look at tribes, that we ought to have first, second, third class villages or on the other hand look at charting ahead with boroughs and making sure the unorganized borough is divided up into boroughs; that it's the ideal mechanism for local law enforcement.

Just given your experience, what are your reactions to those concepts?

VASKA: I can guarantee that the representative from Fairbanks is going to introduce legislation to force the unorganized borough to be organized. And his rationale is that people in rural areas should help pay their own way. Those are his words almost verbatim.

In terms of devising lines of authority for local governance, I look very carefully at the recommendations made to the Governor in the Governance and Empowerment Report. And it should still follow the Constitutional Mandate of a petition coming in from the community to form an organized government, whether it be a third, second or first class city or home rule borough or a borough.

I think Alaskans are given that choice and we're given that choice by the Constitutional Convention because they believed in local control that exists now with the REAA's, that exists now with the now defunct coastal zone management commission.

But it has to be local. It should not be forced.

Because of lines of authority, if you do that then you are unnecessarily removing the powers of tribal governments to be able to operate because the State doesn't recognize them formally. It does through the announcement by Governor Knowles several years ago. But it's not a formal arrangement.

Alaska is one of very few States with a large Native population for instance that does not have an Indian desk at the Governor's office.

But in terms of powers of authority, I think is what you're getting at, the Representative from Fairbanks is concerned about also – not only paying your own way but non-Native people living in Native communities do not participate in the tribal governments. And because they may have grown up with the idea that they are able to participate, then it gives them a negative view of what a tribal government is.

However, if you look at the tribes, most of the tribes do include the non-tribal members to participate in their activities, in their meetings, in their discussions – whether they're political, social or economic.

BOTELHO: Thank you very much.

CORBISER: Yes, Tony. When you look at tribal governments in our State, would you say that they have the ability to include non-tribal

members if they develop ordinances to allow them to participate in their government?

And also determine through ordinance that if you're dealing with Native issues, certain types of Native issues, that they cannot vote but they can partake in it. Do you think that type of system would work?

VASKA: I've seen it happen a lot. And yes, I do. Participation by most non-Native Americans is enjoyed in most tribes; not only here in Alaska but also across the country. Yes, I do.

CORBISIER: Thank you.

TANDESKE: I have one question to follow up a bit on what Commission Botelho was talking with you about in terms of trying to work from the bottom up.

You mentioned that you observed that there are cultural differences between different parts of the State. And I wonder if you have in mind any of those differences that would lead to a different approach to the issues that we're charged with looking at – whether its law enforcement or tribal courts or dealing with domestic violence.

VASKA: In my discussions with the late Glenn Godfrey, we talked about the differences of how VPSO's work in southeast versus how VPSO's work in the Bethel region.

I don't know whether you understand that among the Tlingit groups they're matrilineal in nature, which means their lines of authority come through the women. Who is boss is your mother and you always know who she is.

Through Yup'ik people, it's through the men. And his approach to working with both groups in trying to promote the brown shirts. Do you guys know who the brown shirts are?

TANDESKE: Used to be.

VASKA: Was to train them in such a way that they understood these cultural differences. And understanding the cultural differences is important because when a law enforcement officer is summoned, the local population should know that that officer understands the particulars about how people interact in a community. It takes training. It takes education.

And as I said earlier, it's not just one way education, it's two-way. We need to learn and it took me a long time to learn and understand what Constitutional principals are and what laws are and what regulations are. And to be able to talk about them and their differences.

BURGESS: Thank you. Any other Commissioners? Mr. Justin.

JUSTIN: Thank you, Tony. I appreciate the emphasis on the educational aspects of what it is we're trying to do.

I have two questions for you and one comment. I'll make the comments first.

I understand the sensitivity to the issue of the charge or allegation by State legislatures that tribal governments are elitist and exclusive, but we fail in one respect. We don't often respond to those charges. And you're correct, we should be doing that.

I'll give for an example Dot Lake, which has a tribal council president in place of 22 years duration who is non-Native and there's several other localities who has extended council tribal presidency of quite a duration and they're non-Natives; cheese'nah (phonetic) my own tribal council had several council presidents who were non-Natives. They were married to members and what have you.

But we do need to make sure that we explain that to people who make the automatic assumption that tribal governments are exclusive and elitists. That's my comment.

The two questions I have is you spoke of the community of Kalskag when you were young and then after a while the numbers grew and

they got to be larger. The first question is what's your closest law enforcement post and how do they get to your community?

And the second question is—I'm not sure if you mentioned if there was an IRA government in Kalskag or not, but I presume that there's a tribal government and they had an adopted constitution that the membership voted on so I just wanted to know if you would clarify that issue.

VASKA: Lower Kalskag has a traditional council and not an IRA council. Upper Kalskag has an IRA council that was created in 1947; they're two distinct communities connected by a road three miles apart. One airport; one high school. And their Constitution was written in 1947. They are now currently as we speak revising that Constitution to—they call it modernize—they fully understand the changes that have taken place since then and fully understand that they also need to exercise powers that are available to them.

There is one VPO in Lower Kalskag who is paid by both Upper and Lower Kalskag. The closest State Troopers are in Aniak; 30 miles away up river and the next closest place is Bethel; it's 100 miles from Kalskag.

JUSTIN: And do they fly in? Or?

VASKA: They have to fly in. Yes. Weather permitting, of course.

JUSTIN: That's what I was kind of hoped to bring out is its weather dependent and time lags are involved in any response.

VASKA: Sometimes it can take a long time. If, for instance you talk to Howard Amos from Mekoryuk about Trooper response to Mekoryuk, it can take up to ten days, if the weather is cooperating. And the gentleman this morning, Fast Eddie, can tell you that the closest State Troopers are in St. Marys.

And it also very weather dependent. And by the way, Mike Williams who I think is still on the State School Board, likes to give names out. He calls me Tough Tony.

JUSTIN: Thank you. I do have one follow-up comment. On the Constitution that I was referring to for the villages, the point that I was alluding to is that they all had been at one time or another voted on by the residents of the village. And a lot of times any changes would require another vote. Presumably your IRA's were voted on in 1947 or when they came into being?

VASKA: I'm presuming that they were because the IRA Act requires that. Also there are other things to think about that I didn't get into, which are a little bit more complicated. And that is how you define individual rights versus community rights. And there are legal terms ____ which define those in regards to criminal justice, in regards to social justice, economic justice. And there are a lot of different kinds of justices that you can examine in terms of how fair it is to rural Alaska.

I've often mentioned to the representative from Fairbanks that all the resources the State uses comes from rural Alaska.

JUSTIN: Thank you. I always enjoy hearing your background.

VASKA: Thank you.

BURGESS: Thank you very much for testifying. I'd also like to encourage you, especially if you want to ____ the other areas you mentioned that are more complicated if you have the time and inclination to share some of your thoughts with us in writing as well beyond today. That would be helpful to us. I think it would be very much appreciate that.

VASKA: I will. Thank you. When's the deadline for comment?

BURGESS: Probably the end of April.

VASKA: Okay. I will have finished the paper I'm working on now by then.

BURGESS Great. Thank you.

VASKA: Thank you.

END OF STATEMENT

Martha Vlasoff
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
December 10, 2004

My name is Martha Vlasoff and I'm originally from Cordova. And at this time I would like to call on my ancestors to help communicate my own story to you.

I was deeply moved when I heard on APRN the other day that a tanker was drifting towards the Island of Unalaska.

And I'm studying at the University of Alaska Anchorage and I'm in the master's degree program in psychology. And I've been doing this since 1997 when I decided after going through treatment in a facility in Canada by the name of Townmakers Lodge in Edmonton, Alberta that I would get my degree in psychology and start a facility similar to the one that I had attended in Canada.

And the dream has never left me. I'm going to accomplish that which I have set my mind to do.

But at the time when I went to Canada, I was working for the Exxon Valdez Trustee Council as the Community Involvement Coordinator, which it was a program that I actually came up with the idea after I attended the peer review science—the first ever science reviewed trustee council meeting in the church on 9th Avenue.

And I was appalled at their lack of understanding of what had happened to the human beings in the situation of the Exxon Valdez Oil Spill. Whereas a lot of the money that had been obtained in the settlement was being used to study the various animals that were affected by the spill and the fauna and the fish.

The only regard that they had towards human beings was the artifacts that were affected by the spill. And partly from my outrage and others, we started the community involvement process, whereas the people with the traditional knowledge about our area—the people that have lived there for thousands of years worked with the scientists to give a better understanding of what has and is and will happen to the area that was affected by the spill.

Unfortunately a lot of that money was used to buy land from Native corporations in order to protect the land from the stewardship of the Native corporations which I believe was injustice – a horrible injustice to the people.

Not only do these technological disasters and other historical traumas affect us in horrible ways, but they have on-going repercussions. The psychology repercussion of what happened to us in the village of Tatitlek when that tanker went aground seven miles away from our village will be felt for hundreds of years. It doesn't go away. People go through a post-traumatic stress syndrome type of reaction to what's going on in their lives.

A lot of the people at the time of the oil spill said we've always depended on the sea and we've always depended on the animals of the land and nothing will change for us. We won't let it change.

And they were, of course, in shock and denial. It's just a state of grief. It wasn't until later that people became angry when they realized that their sea lion – that the elders had always loved to have were damaged and were covered with oil and they weren't going to be able to depend on that resource the way they had in the past.

So when I heard about the spill as it spreads down in Unalaska, I tried to think of how I can reach out to those people, because there were people around our State— Native people that contacted us and sent us natural resources – fish and game. And it was very comforting to have that kind of outreach.

But as I listen to the testimony here today, I realize that what we do need is a way to do our own healing process, not only from the technological disasters such as the spill in Unalaska and the spill in Prince William Sound, but also the intergenerational trauma that has come with the history that you heard today from Mary Ann Mills, from Etuk, from Deesa.

And unless there is an acknowledgement of the reality of that trauma; unless there is a healing process that is based on our own way of knowing and unless there is an apology from the people who are the perpetrators of these horrible, horrible disasters, I don't think they'll be an effectual change.

I believe that if you do have a real genuine concern and if you take your responsibilities seriously, you should listen to what these people have to say and use them as consultants.

All of us who have been in the sobriety movement over the years understand that intergenerational grief is something that we can reverse but it takes a willingness to rely on our own way of knowing; our own way of healing; our own ceremonies; our elders; our traditional knowledge.

But this is the foundation that we rely on still. And this is the foundation that needs to be respected, as Jim Sykes had said. And in a real way; in a genuine way. Not just lip service.

I see facilities around the State that say they have some cultural component and it in no way—absolutely in no way compares to what I saw in Canada. Everything about the treatment center was based on the traditional way of knowing.

And now I learn that there's a director of treatment centers in Canada that has treatment centers in almost every province and maybe they do have one at every province that is similar to Townmakers Lodge.

The Provincial government gave them the land; an old boarding house and enough money to do the treatment in a culturally appropriate way. And these have spread across Canada.

But again I say, one of the major things that I see different in that state is acknowledgement of the trauma that the federal, state, churches, schools and other agencies have perpetrated against the Native people.

So I encourage you to take that to whoever you have to answer to, including Senator Ted Stevens and say if we're going to have respect, we need to acknowledge that this trauma has been perpetrated by these agencies and work from the basis of a genuine apology for what has happened in the past.

Because unless you have respect for the historical trauma and deal with it on that level, I think you're going to have a lot of trouble.

But I do have hope for the future. I do plan on finishing up my master's degree and I do plan to work with tribal organizations to establish a treatment center in the State of Alaska that actually is based on the traditional way of knowing – indigenous way of understanding and healing.

And as far as the oil spill in Unalaska, I just want to say that this is the greatest form of injustice that I can think of. And it pains me to my core to see another group of people are going to have go through the same thing that we did.

And the worst part of it is that we are human beings. And when people come to talk to you about what you need to get over what's happening to you, they only do it – not to help you – but to have some sort of a record as far as what litigation is going happen in the future.

Three days after the oil spill, we had lawyers flying into our village before anyone else. And I know this is going to happen to the other people and I hope that I can work with my colleague Dr. Apelacolorado (phonetic) to develop a handbook or guidebook for people who are going through technological disasters for tribes to understand what they need to do to start to prepare themselves for the eventual fallout from these horrible tragedies that we have seen in the past and will probably see in the future.

BURGESS: I don't want to cut you short, but if there are any final thoughts you want to share with us because I want to make sure we save time for our last speaker.

VLASOFF: Sure.

BURGESS: Thank you.

VLASOFF: Well that is basically all I have to say. I encourage each one of you to try to take this to heart in regard to what we can do to respect one another and always have a genuine concern to do what is best for the people involved and not to cater to the dominant culture and the western way of knowing that is part of the way that our people have been damaged over the years.

Don't try.....

END OF TAPE 4 SIDE A

END OF STATEMENT