

Chris Dunbar
Alaska Rural Justice and Law Enforcement Commission
Public Testimony - Oral
January 5, 2005

I can introduce myself as Sergeant Chris Dunbar. I am a Sergeant of Police.

I will not be a police officer shortly. I have accepted a job with the Sitka Tribe as the Coordinator of the Family Justice Center.

Maybe because I was frustrated with the criminal justice system. I have twenty-seven years experience as a police officer. So I've been a lot—arrested a lot of people.

My baby, which I want to share with you, is restorative justice. I want you to remember this very carefully. Restorative justice is what I believe in, where not only juveniles, the adults who go through the criminal justice system and it's bogged down for years and months and it disrupts some peoples lives.

And I believe that a community can handle most of these crimes. The court system does what they do, but I believe the community can do it better.

I have a written a paper in the master's level, which I will share with you -- to the tribe. It's about 60 pages. And what I've done is worked on the programs that is restorative justice when quote unquote criminal cases are taken away from the formal justice system and handled locally.

I've run a juvenile justice center where I worked with juveniles and it was restorative justice. It was a diversion on several juveniles who are in college today and doing other things because of this program. The State lacks _____.

What we have in Sitka is the perfect world. Maybe that's why I quit. Maybe that's why I quit.

Luther, Sven and I, we have worked together and we have tried to organize things. We have done things in the past. Unfortunately it was not sustained because of the OJ grants and other things like that and things that came in the way.

But the restorative justice system can work. It can definitely work in any community. It takes the community leaders to make it happen. Someone has to go in and organize these things.

I have written this paper that I believe could take someone from A to Z and I will share it. I will send it as an attachment to the Tribe; representing the Sitka Tribe.

I could go on and on for a long time. I've traveled throughout the State with the DARE Program, Drug Abuse Resistance Education. Sexual assault, domestic violence, these are my areas.

But I want to introduce the restorative justice program because I believe from the juvenile level it will change the framework of criminal justice in the State.

Thank you.

BURGESS: Thank you very much. I think we have one question here for you.

_____ : Sergeant, do you see any prospects for applying at the Tribal level, restorative justice beyond the juvenile version to perhaps all offenders who are not involved in offenses against persons?

DUNBAR: Yes, I believe that restorative justice can work with adults only. Remembering that the criminal justice system takes these cases and just warehouse them. We house them. And it interrupts peoples' lives for so long. And then come back and dismiss it. And sometimes dismissals has not done anything.

What I believe, the community could take these cases and make it productive.

The victims will be served, plus the perpetrators will be held accountable at some level; not jail. But at some level where there's remorse, apologies, helping the Elders. There's so many things that could be done for someone who has made a mistake versus breaking the law. But the criminal justice system is so harsh, that there's no give at times.

And as a police officer I am forced to make an arrest because the law says I should. But then my recommendations are not—the District

Attorney or the judges cannot be that flexible. So it can be done at the community level. It definitely can.

One more thing we need to think about again, we see the juveniles who commit six crimes before they're really being helped. And I think again at the community level--the child make a mistake or two at the community level, we can deal with it today and solve the problem. Why would the justice system--it takes six or seven crimes before that person becomes a true juvenile.

END OF STATEMENT

Nelson Frank
Alaska Rural Justice and Law Enforcement Commission
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Good afternoon. I'd like to welcome the Alaska Rural Justice Commission here to Sitka by the Sea.

I hope too that the Chairman would give me a pen.

My name is Nelson B. Frank. I'm a member of the Sitka Tribe of Alaska. I'm an Executive Committeeman on the Grand Camp of the Alaska Native Brotherhood and served two terms on Sitka's Borough Assembly.

One of my main concerns for the Sitka Tribe of Alaska Court program is the current rider that stops the court from accessing grants from the Department of Justice. This type of grant would greatly help the tribal court in developing their current programs and extending to hear more cases.

Without access to these funds, the tribal court will likely grow very slowly and not be able to help more tribal citizens than they already do.

I've participated for our Children - Grandchildren Committee, a group that worked to develop Sitka Tribe's current children's code. This group also developed our tribal statement for the rights of children. This document is a strong statement of our Tribe's customs and values regarding how children must be cared for and respected.

The Tribe's Social Services Department regularly uses this statement when representing the tribe in Indian Child Welfare Act cases.

Both the drafting of the new children's code and the development of our Grandchildren Committee and the statement of rights of children were made possible under a tribal court enhancement grant from the Department of Justice.

These are the types of projects that the Sitka Tribe can no longer undertake because we have been denied access to those grant funds. I urge the Rural Justice Commission to recommend that this rider be removed so the Sitka Tribe can again access tribal court grants from the Department of Justice.

The rider only limits access to justice for our tribal citizens and the rest of the community.

Again, I strongly urge you to work to remove this rider.

Thank you very much.

And again, welcome to Sitka by the Sea.

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

FRANK: Sure.

END OF STATEMENT

Tom Gambell
Alaska Rural Justice and Law Enforcement Commission
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Thank you again. I'd like to thank the Commission for allowing me to speak today.

This is my third introduction today and it's with purpose. I was asked by my clan at the beginning to welcome you to our territory here in Sitka. That was one role that I'm stepping into as a youngster and there are many other people including a clan sister who could have done it much more eloquently than I have.

As a youngster I utilize as many of the skills as I can, but realizing also as a youngster that I'm going to make mistakes and a lot of our experiences and strengths come from mistakes we've made.

I came to share with the board, not mistakes that I've made, but with some of the experiences that I have and how I was directly affected by funding through, I believe at the time it was the Violence Against Women Act and STOP Violence Act. Both were funding sources through the Office of Juvenile Justice and Delinquency Prevention.

Prior to my employment in 1999 with the Sitka Tribe of Alaska I was pretty much a laborer. But I was in a similar situation that is not uncommon in many communities throughout Alaska. I was a single parent. I had a daughter that I was caring for. I had my back up against the wall. And by no means is this a sob story, it's just relatively the truth. That most of the people that you will be working with in the communities in rural Alaska have not gone to pursue what is called a formal education.

However in this room alone, you can look around and see how many people lack a formal education and their experiences are so great that when tied together and pushed forward for a common cause, they are great no matter which way you look at them.

And that's what I'm hoping that this Commission takes. Is that you're going to take threads from the conversation and testimony from the Elder Jessie Johnnie and also from her daughter, who is a very well respected person in the field of

domestic violence; the council, the staff and all the citizens and collaborators within the community of Sitka to say that this will directly impact people. This Rider is much more than legislation in Washington, D.C. This is actual lives. That while we're sitting here at this table, even discussing this issue right now, there are people and maybe some of the officers that were here earlier went to go and tend to a call of domestic violence. I believe they said they respond to at least one per day in Sitka.

So in all due respect, while it's an issue and it is a very serious one for us to consider, I hope that the Commission is able to provide in a relatively—in a timely fashion with the best of their abilities and the consideration for the citizens of America who are living a tough life.

Traveling great distances in rural Alaska, I understand from my own experiences, is one of the biggest obstacles to receiving that very supreme liberty that we're given – the right to a fair trial is not always afforded because access to the resources is just not the same in the villages.

And not only that, if you take a person from Barrow who wanted to go to a training that was being held in Washington, DC, it's a three or four day commute to get to Anchorage; it's a one day trip to get down to DC and then it's a day's rest before you're even ready to go.

Now the cost associated with traveling from Barrow to Washington DC has to be written into a grant. Very few rural residents make or even can compete with the financial responsibility to train themselves and educate themselves on the issues.

It is very, very crucial that when it's seen as a line item as transportation costs for educational opportunities, whether it be for our Elders, for our staff or our council, that that be considered with great weight in Alaska because we are not like any other State where we can drive by inter-State.

Costs for airfare are not cheap in Alaska. Out of a number of issues that in my own personal dealings that I've encountered in just a short time. And I'm saying that—I would be directly impacted by not receiving the funding if this Rider were to go through, I wouldn't want to be so negative as to say that if we don't get this funding, we can't continue to stop domestic violence because I have another respected Elder up here who has many years of experience and she can tell you ways that her families and her families used to combat domestic violence.

But in today's day and age, there's legislation and legalities that some of our members and citizens can't keep up with without hiring a tribal attorney. There are some people who are well versed who can.

But some of the pro's that I personally had benefited from in working with the court; one, I got out of the labor industry. I didn't have to continue to bust my butt and my back over blood, sweat, and tears to feed my family the same food I would have by using my brain in a tribal court setting.

The minimal education that was received in that court setting by my peers, my mentors and other supervisors was enough to educate me and inspire me to pursue my own information and what I know.

I was able to work with local Elders when I worked as a court clerk and we extracted some of their traditional information and knowledge which was eventually to be used for the tribal court.

We developed a process to identify, translate, transfer and transcribe traditional laws that would be for our tribal court.

The concept of the court of Elders was used to form what was referenced as the For Our Grandchildren Committee. Forgive me if I say it wrong. In Tlingit, it has a name as well – (speaking in Tlingit).

There might be other variations, but basically it's for our grandchildren and that's some of the cultural sensitivity that comes from the tribal programs that we're able to ease some of that comfort level for citizens who come in for services just by allowing citizens to identify with a Tlingit name.

The committee served as Advisories to the tribal judges to interpret traditional law. And also it was mentioned that a basic bill of rights was created out of that committee for our children.

I also assisted in updating the Children's Code. We took stabs at the Code Governing Court Rules and Civil procedure; drafted an election ordinance which was also under revision process. And some of the people in the room also participated in those committees as well.

And what is notable about the Sitka Tribe is that because of the work that Tammy came up here before—I don't know if she mentioned it, but before she worked on

her coalition, she also worked for the Tribe. And a lot of the ground work for domestic violence code for the Tribe was laid by Tammy.

And the Office of Juvenile Justice and Delinquency Prevention receives numerous applications year after year for different grants. The process usually is if there's an RFP, the Tribes submit their grant and then they wait for a response.

OJJDP came in that year and requested the Tribe submit a grant for the Safe Start Initiative based on the previous work of the codes.

So you can see that there are numerous opportunities for the Tribe to expand, but a lot of most everything I've said has come back unfortunately to the funding. And we can utilize all of the traditional knowledge from the past to help correct some of the problems of today, but unfortunately we have to consider monetary considerations of our Elders; their time commitment to the project.

And I can show you, if you have time, go over by that pillar before you leave today, take a look at that picture that's called Celebration 1986 because we're sitting here in 2004 and many of those people who are Elders then that could have contributed to our causes today are gone. And before any more slip away, I'd like to be able to utilize the information that they have because they used a myriad of resources to keep people on track.

Without taking up too much more time, in addition to all those great and wonderful things that I was able to experience as a tribal court clerk, most notably was the experience and wisdom that I received in working with the chief judge, Judge Borbridge at that time. Judge Laws was an associate judge. And it really opened my eyes to how important it is as a young Native person to participate in these types of forums.

I always said that I can and will be a contributing member of the community of Sitka and I hope that just based on testimony and continued actions that I will continue to stand for the people in the community.

There are many other things I'm sure I could say and being sensitive to the timeframe that you guys have, I'd like to thank everyone here for listening to my rambling because I am pretty young. I don't have hardly any gray hairs on my head. Everybody tells me I have to wait until that time period to talk anymore.

But I appreciate thoroughly the opportunity to share my experiences with you. And I hope that when you leave here, that you give a really strong recommendation of the impacts—not so much of what happens when the money is taken away, but what we have done with the money we had been given in the past.

We have created many things; collaborations and what not. Duplication of services, as far as I'm concerned isn't an issue because we're doing things together.

I thank you again for all of your time.

BURGESS: Thank you very much and thank you for your introduction this morning as well as your comments this afternoon. And I guess I want to say, just your testimony and anybody else's testimony, if there are more things you want to say beyond what you had said here today, we would encourage you to write us and let us know so that will become part of our record as well.

Thank you very much.

GAMBELL: Thank you.

END OF STATEMENT

Jerry Hoke
Alaska Rural Justice and Law Enforcement Commission
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Along with the others, I'd like to also thank the Commission for taking my testimony.

As it is in the Native community around Alaska, you wear many hats. Some people don't even bother getting different hats; they just turn the bill around. And that might be the case now.

I am the newly elected President of the Alaska Native Brotherhood, Sitka Camp Number One. I have served as past president for previous terms although that was the millennium. Also served as the first vice president of Grand Camp and second vice president of Grand Camp Two. Although those were in the last millennium as well. I also served as an officer for the Ketchikan ANB Camp Number 14 for a number of years.

And there was a comment that was made about the principals, and that was each person would be protected, be safe. And I guess, there is a history that needs to go along with that from the Alaska Native Brotherhood Grand Camp, or at least the local camp's perspective. I don't think I'd be too far off base to include all of the other camps as well as Grand Camp because the ANB Grand Camp commissioned my father John Hoke to develop and adopt a formal history of the ANB.

And there was some comment earlier by STA on the concern with the State of Alaska. Actually there was comment I think by you, Mr. Chairman, about a presentation to the State Legislature as well. And that being said, I think some of the history of the ANB and I'll just go through some bullet points and not take a whole lot of time talking about the history.

But a lot of the history is well known within the Native community, and some of the non-Native community might be familiar with one or two of some of those histories.

But the Alaska Native Brotherhood was actually founded in Juneau, because I believe in the territorial days you had to go to Juneau to get the formal charter and get recognized.

But obviously the nucleus of the organization was founded out of here, Sitka. That's the ANB Sitka Camp Number One.

And it was founded by a lot of people who were trained at Sheldon Jackson and, in those days, Sheldon Jackson was a training school for Alaska Natives. And they learned things like boat building, as my grandfather did.

They learned things like cooking and proper etiquettes in the western way. They also learned the Roberts Rules of Order and that ended up being a real key thing for those who attended SJ to learn who founded the Alaska Native Brotherhood. Because not only is it founded and based on the Christian principles, but it also follows very closely Roberts Rules of Order and parliamentary procedure, of which is one of the reasons why Tlingits are so well known to be parliamentarians around the State. Least ways, in the Native community.

And it was founded and established mainly to address some issues that were really important. In those days when the United States purchased Alaska, Alaska Natives were then considered aliens. Interesting for first peoples to be considered aliens.

They didn't have the right to vote, didn't have the right own land, and there was a long list.

The word racism comes to mind. Alaska Native Brotherhood was founded to address those serious issues and later on the Alaska Native Sisterhood was founded formally in the 1920's. But they existed prior to then informally.

So the issues that they addressed and were successful in getting changed was just those things.

In the 1920's Alaska Natives were afforded the right to vote, afforded the opportunity to own land, and were, through a court case, afforded the ability to have a formal education.

And also in the 1930's—In 1934 Congress passed the Indian Reorganization Act because of the Alaska Native Brotherhood. And keep in mind, in those days there was no organization Alaska Native that existed in any formal way, shape or form.

So it was the only game in town in terms of Alaska Natives. And because of that Act in Congress, it caused a lot of discussion within the ANB Grand Camp. So

because of the dialogue that took place and because of the IRA Act, the Alaska Native Brotherhood had decided under contentious discussion not to go through the formal Indian Reservation system, but to lobby Congress to include Alaska under the IRA.

So ANB went and sent representation to Congress.

In 1936 the IRA was amended to include Alaska.

The Sitka Tribe of Alaska exists because of the Indian Reorganization Act and was formally adopted as a constitution and membership; now we call citizenship, in the late 1930's.

Other tribal governments did the same thing around the State. And you'll look at the template of the constitution that existed then and a lot of them look real similar. For example they have to go to the superintendent of the Bureau of Indian Affairs school to get authorization to do things; that kind of thing.

You might be familiar with Elizabeth Peratrovich. She was a messenger; albeit a very skilled messenger. But in 1945, actually prior to that, there was some real concern about racism in Alaska. And there had been a lot of discussion; there had been a lot of effort. But it cumulated in the mid-1940's.

And the territorial legislature at that time, only on the Senate side opposed the Equal Rights Bill that was being presented. The House had adopted it. But because at that time people who were sitting in the gallery could be recognized for comment on legislation. Elizabeth Peratrovich then was the Alaska Native Sisterhood Grand Camp President. Her husband Roy Peratrovich was the Alaska Native Brotherhood Grand Camp President at the time.

He also was elected to the House of Representatives the same time my grandfather was out of Sitka. He was out of Prince Wales Island in the House. The House had already passed the equal rights, the Senate didn't.

Because of her ability to speak and think on her feet and respond to tough questions, I think was pivotal in the vote on the Senate to adopt the Equal Rights Bill.

And that was way before Congress decided to do something about that twenty years later.

So I guess those kinds of things we look at in terms of the history of the Alaska Native Brotherhood and the kinds of advocacy that was important.

So now we look at 2004 and we see some of the contention in the history between the State and Alaska Native people still exists.

We look at subsistence. How many times has the legislature been called to act on special sessions just on subsistence? How many times has it failed?

Not because of a majority. The majority of legislators support it. But because of the rules, they're not able to address it. A big issue. It continues today.

We look at rural justice. We look at funding. We look at Village Police Safety Officers and the funding that was cut there and the contention. And here it is the Village Police Safety Officers provide a front line ability in the villages in the rural communities to address domestic violence; alcohol and drug abuse. There's a list that goes on and on.

And then we look at things like maintenance. We look at things – the State Court that the State lost in terms of funding education; the maintenance of schools.

And we look at the funding formula for education. The rural communities lose every time. Every time. And so then the legislature; the majority of them, wonder why there is this confrontation; this attitude from the Native community. Where does it come from?

Well to us it's not a mystery. We didn't draw the line in the sand and I speak as an Alaska Native Brotherhood President who had gone to Juneau for a lot of the special sessions on subsistence -- who tried to do the right thing with the Alaska Federation of Natives to get things addressed and in proper perspective regarding the amendment to the Constitution to address it. Any number of other issues.

And now we're looking at this Rural Justice Commission and the comments that you take forward to us and I appreciate your being messengers because without something in terms of an assessment tool, such as yourselves, I don't know how many places we have an opportunity to vent or to get a message or to systemically get things changed in a place that we feel included; in a place that we feel that we have a place at the table to make things whole. Because at this point, it doesn't seem like there's too many things that are whole.

The Alaska Native Brotherhood Sitka Camp Number One supports the Sitka Tribe of Alaska in their efforts; all of what was presented today. And also things that are not presented today that are important.

Things that might not be said because of time constraints or whatever; for example, the Sitka Tribe of Alaska in some of their effort regarding domestic violence is recognized in other communities that are rural. For example, Angoon just had a domestic violence murder case this last summer. The case is being heard here. The pre-sentencing is held today, as a matter of fact.

And because of STA, their social services department and tribal council and our domestic violence code, with our law department, there was a reaching out. There was a request, actually. And there was a reaching out from our social services department to go to Angoon; to physically go to Angoon. The Sitkans Against Family Violence also has a support staff that goes there regularly on a scheduled basis. They sent someone out over as well to help with the grieving; to help with the very serious issues as you as might imagine. The Star George Case.

And I'd like to personally recognize Ms. Brady and her effort; who personally went over to Angoon to help with the family because she's very familiar with some of the family and has clan relations in that area and a very close personal friends that were affected by this.

And because of STA's effort, there are other communities that we do some networking in that are critically important.

So I'd like to just as an ANB President recognize that effort from the Sitka Tribe of Alaska and appreciation to also the Sitka Police Department and their cooperation and collaboration with STA.

We support the rescinding of Riders in place in Congress that currently harm tribal governments, such as HR 2673 section 112. We also oppose the cut in funding levels of the Village Police Safety Officers. We think that that's not good in any way shape or form.

We oppose the Alaska Native Claims Settlement Act corporations going to be listed as federally recognized tribes.

We oppose any effort to regionalize tribal governments or what had been described as an effort by our senior Senator in Washington, D.C.

I would like to say that we also are very wary and concerned about his comment at the Alaska Federation of Natives saying that he is going to withdraw his effort to regionalize tribes because he thinks that it's already happening. It seems like there's a conflict in one sentence there. He opposes it because it's already happening.

So we're wary of the dual message there. And we're concerned especially about the part that he sees that it's already happening. It would be bad if regionalization happens.

We see that tribal governments fit the bill on republican theory, rubber meets the road. That government is best done when it is done locally.

If we regionalize, it goes totally against the republican theory and we just don't understand that and how can they rationalize their own philosophies against Alaska Natives and American Indians.

We support that each citizen should be afforded equal safety and we're concerned that the State of Alaska does not provide that. Again, this might—I'm not sure where this will fit. Hopefully both in Congress as well as the State Legislature.

While that is one of your principals, it doesn't seem like it fits what the State of Alaska has done in terms of funding and in terms of practical use of safety. For example, if we look at the State Police. Where are they concentrated? I would bet that the amount of State Police that are in Anchorage far outweighs the amount that is in anyplace in rural Alaska.

I would encourage just getting any numbers that are public that would reflect that. But because I don't have that number, I didn't do any research.

BURGESS: Commissioner Tandeske is also a member of the Commission and obviously he would have those numbers off the top of his head. But I do recall that he has recently mentioned that there has been some--
____ doing some shift and maybe some changes in house ____
employed. But he's in a better position to answer that. I can certainly make sure that we get that concern to you.

HOKE: Just to show that ANB is a little astute, we recognize too that the crude oil prices has gone up. The amount of money that's been in the State coffers is improved.

Keeping in mind also that the amount of cutting that has gone on for the past number of years in the State budget and the need for things like the retirement investments for teachers, etc. is listed on the priority for the legislature. Still safety being one of the principals of each citizen, it seems like for some reason or another the rural Alaskans, i.e. Alaska Natives lose out every time.

So with that, we'd like to encourage the Commission to do what you are doing because listening, I think at least from the ANB's perspective, is a really good start. Without listening, we're not going to be able to go too much further.

Thank you very much.

BURGESS: Thank you very much.

END OF STATEMENT

Jessie Johnnie
Alaska Rural Justice and Law Enforcement Commission
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Thank you. My name is Jessie Johnnie. I am a State certified drug and alcohol traditional counselor.

I go up to Fairbanks to teach and while I was up there -- I would like this recorded so you can think about it.

I have two friends. They're in their 80's and they're traditional counselors for drug and alcohol also. They come from Minto.

And we had the Policeman in Fairbanks come in to one of our classes and they were refused help for domestic violence at Minto because it was too far to go. And they don't have no policeman. The only safe house they have there is Geraldine and Teneal (phonetic) and they're in their 80's.

And we called a lawyer. I was sitting on a Board and we asked him why couldn't a State Trooper go out to Minto to help and his reply to us was it was a reservation. And as far as I know, every time I go up to teach, they are still having problems.

I talked about this in Juneau and they said they were going to try to help them. They are way out on the tip and they are mostly Native.

And I would like this recorded because nobody seems to want to help them. I have been trying since I heard them. My heart went out to them because there are things that was done years ago during my time; during the Territorial Police. It was called neighbor helping neighbor. But now if a neighbor goes out to help somebody, it's against the law.

And the Tlingits had a way of working with people that were in domestic violence and that came under the same thing, neighbor helping neighbor and it consisted of the men and the grandmothers.

If we are going to find an answer for this domestic violent puzzle, I think we have to reach into the bag that our ancestors left for us and kind of mix it in with what's going on today.

The reason why people are afraid to help people is they get blamed for trying to help. This is what I see going on in Minto. And if there was a way that I could help them, I sure would try to find an answer for them.

I live in Sitka. I've been living here for six years. And I'm a very outspoken Elder. But I don't sit on any Committees, but I teach up in Fairbanks.

And I would like this to go on record to see if somebody can get a hold of Geraldine and Neal because they need help. They are in Minto.

Thank you for your time.

BURGESS: Thank you very much.

END OF STATEMENT

Dan Moreno
Alaska Rural Justice and Law Enforcement Commission
Sitka
January 5, 2005

Thank you, Commissioners, council members and other members of our community and other visitors. My name's Dan Moreno and I'm speaking on behalf of myself.

I just wanted to make a few comments here and first of all I'd just like to ask forgiveness if I say anything that may offend anybody. That's not my intention. My intention is to state my individual opinion on listening to some of the dialogue that went on here today and in other communities.

The job I have allows me to travel throughout Alaska and across the United States. My previous job I did work for the Sitka Tribe of Alaska and the area that I administered dealt with employment.

And one of the areas that you're looking at in the area of domestic violence was one of the areas that was brought to my door and that dealt with individuals that did make positive changes in their life.

One of the things that I recognized is that we're all victims of circumstance. A lot of the things that we deal with on a daily basis is things that have been created by other people or things that when you look at who we are and what we're about, if you go back far enough we all had a clan crest. We are all part of a clan. And each clan had their own spirituality; their own religion and how they interacted with other individuals.

I think that is probably the biggest negative impact or impediment on society today is the lack of individuals not understanding who they are and where they come from.

In look at this from several different perspectives, one of it, I think it's a direct violation of the Indian Self-Determination Act. It's an attack on that. That's my opinion.

I think that if you look at how funding is released by the federal government on various acts of legislation, they clearly identify how those program dollars are supposed to be working with other program dollars.

But when you look at the individuals that are responsible for administering those program dollars, they've been used to administering those programs inside of a box. And they for whatever reason, may or may not be able to come outside of that box and look at and actually interpret those various acts of legislation that identify how they're supposed to be working with each other.

Things are changing. There's been progress. One of the things is that it's taken hundreds of years to get us to where we're at now.

My only hope is that in my lifetime I can see much more of a change. I've seen a tremendous change from how the State is interacting with tribal governments. But there's a long ways to go.

Going back to domestic violence and one of the areas that was brought my door was there was individuals that were convicted. And you look at Public Law 101630 and crimes against a person and those impacts on families.

The individuals that came to my door when I administered this program were trying to provide a meaningful life for their family. And as individuals that are being paid to administer programs to improve the quality of life -- and that what I think we're all here for -- is to improve the quality of life of everybody individual in any given community.

We all live in the same community. The thing that Sitka has been blessed with is the ability to work with each other in all these memorandums to say we're going to work together to improve the quality of life of all citizens in this community.

This is a model. And I use this model and I take the memorandums with me when I travel to other communities and I say there's a better way to do things.

But in looking at how this is impacted in an individual's life -- take for instance this young lady over here and I were married, I'm an Eagle. She is a Raven. And twenty years ago -- I'm giving an example. Twenty years ago when we were young, we were downtown partying. We came home and all of a sudden we disagreed on something and she says I'm going to call the police. And I go, go ahead. So she picks up the phone and I go, this is ridiculous. Put the phone down.

And I grabbed the phone and she's dialed the number. And the police are on the other side and the phone slips out of her hand. The police hear her fall down. The police come and take me to jail. I'm convicted of 4th degree assault.

After that, it became clear that that wasn't the type of life we wanted for ourselves and for our children. When you look at guiding principals – two of the guiding principals in Tlingit culture are respect and discipline. These are the things that we've identified and said we need to start living our life in line with what was brought into our culture.

So from that time forward, we made a conscious decision, alcohol will no longer be part our life. We'll be addressing each other with respect and the discipline to be able to do that and recognizing that we're all individuals. God made us all individuals.

And now she got hurt. I'm the only one that could provide a meaningful life for our family. But because I was convicted of 4th degree assault and you look at the way Public Law 101630 has been developed, I'm unable to—and we live in rural Alaska – when you look at it realistically, what are the economic opportunities in rural Alaska?

Ninety percent of them are federally funded jobs. Federally funded jobs, I'm precluded from being employed on those because of that conviction.

There is some areas that need to be changed. I don't condone domestic violence. It's wrong. It's wrong that people treat each other in that manner. I don't agree that we should be addressing each other in that manner because – just words alone are damaging, let alone physical abuse.

I think that if you are able to make recommendations – when the Sitka Tribe first got their first grant for domestic violence, they did the training and I was asked by the previous director to participate in the batterer's intervention training.

But the thing that I didn't really care for, for a lack of a better term, was that the presenter said, on her second or third term in this area-- but never once in the whole training session did they ever talk about prevention. How are we going to get to prevention when you look at the program dollars that come out now a'days, its always dealing with things after the fact.

In our culture, life is in a circle.

There should be some kind of funding for men's programs. Maybe even possibly a place where men can go when they get into a situation that discussion becomes heated. There should maybe even funding for a timeout place, where men can go and—because basically right now, what is there? The only place that men can go is to the bar.

And what kind of support are they going to get there? They're going to get somebody sitting next to them and say I wouldn't put up with that. That's not the type of mechanism or support that we need for healing things that have been put upon our lives and put us in situations and put people in situations to where they disrespect each other.

So I think in looking at that, if these areas are addressed and funding is made available to start looking at a more holistic; a more global perspective, rather than dealing with things like they have been.

There's been hundreds of millions of dollars put out there for dealing with things after the fact. People are going to continue to be put in jail; both men and female. Children are going to continue to see that. That's not right. We need to look at how it is. We can start shifting those dollars into prevention from a total perspective.

Right now the funding goes out just for these areas. You can't change that.

I disagreed with that.

The Sitka Tribe is a self-government. Take that money and develop programs that address the issue. And when you can show that you've addressed that issue, they're not going to come back and say you didn't spend that money in the right manner. When you can show that you've done these things and improved the quality of life, then you've fully achieved the intended result of those program dollars.

So my recommendation or my request is that when you do give your report that you say things are working. Here's a model; Sitka's a model that you can take around the State.

The other opportunity that rural Alaska.....

END OF TAPE #2
SIDE B

BEGINNING OF TAPE #3
SIDE A

.....everybody wants to be part of something positive.

A word in our culture “woosh’dean” (phonetic) all together. When you work with things in that manner, you get better results.

So in conclusion, I just would like to request that you report back that there are positive things that are happening. But in all the laws, there is room for improvement. There’s a room for improvement in how program dollars are being distributed. I don’t like to point fingers at anybody, but when you look at it historically the State wants dollars to flow through the State.

When you look at it—No one person; no one community; no State has adequate funding to address all the needs. That’s why Congress has identified their unique relationship with tribal governments to fulfill their trust responsibility. It’s even stated in the Constitution of the United States.

Different people look at things from a different perspective; they interpret things differently. That’s why we get into all these areas where oh we can’t do that.

With the minimum law and the funding that you receive, those aren’t the words that you should be starting out with -- we can’t. Everybody should be coming to the table and saying how can we make this better. Then you’re fulfilling your responsibility as an individual who’s participating in life to improve other people’s lives.

Thank you very much.

BURGESS: Thank you very much.

END OF STATEMENT

Paulette Moreno
Alaska Rural Justice and Law Enforcement Commission
Public Testimony
January 5, 2005

Good afternoon. I'm lea___ again my mother's people. A child of the Sha'goon Kay Dee (phonetic). Eagle/Thunderbirds on my father's side.

It's good to be home and good to be amongst my people today.

I was flying down to California today. I'm from Sitka. I grew up in Anchorage and I come home as often as I can and I'd acknowledge my cousin, Nan up there, who's here with us today.

And the plane was leaving today. We were flying over Ketchikan and we couldn't land there, so we flew back. And then they said, well we may go into British Columbia, but we came back and I knew I came back for a reason today.

So this is the reason and I ask that—And speaking words in a good way in our community house, I know that as a Commission, what your doing in addressing the things of domestic violence is a very, very serious and very far reaching.

And I'd like to acknowledge Jan See and her family and all the people who have done the work here; much work here in Sitka.

I know when young people and people of all generations that I work with in many different levels in my life; many different organizations and just as a person – some of the things that I think are important to address—Within your Commission is training our own people to help our own people. Giving them the resources that they need, which is something that is being done here also. But giving them those resources in a manner that is when they're working with a family, they can say the things that they need to say.

And having our people in our own communities having the voice and the strength to say that something is going on within a home that's not right. If a child is being hurt; if a wife is being battered; if an Elder is not being taken care of.

Because as we know, silence is acceptance. So I think part of our own community responsibility is teaching the people how to say this is not okay and to stand up.

And then to start creating those support networks around the people who are speaking.

Right now one of the things I do in California and I'm looking to move home—back to Sitka real soon here. I work for the Piute Tribe _____ Valley ___ development center. When I first went to Curn County, I'd cover all of Curn County, there was no programs that existed in the same way to help the families who were having their children taken away.

So one of the things that we did was collaborate agencies such as this to come together and to look at the issues and meet us to face to face.

And one of the things that we have also done is we train judges within the County; social workers and probation officers. Juvenile officers that when they come forward, we can say this is who we are as a people. This is what's important to us and this is why. Of course, our children matter.

And that's been very successful because there is no enemies in this world. Once you get to know each other and you bridge that understanding, I think that that's really important. And we're working and striving towards that.

But we have many unquote unfederally recognized tribes down there, so when I go to court and I talk to judges its very, very hard to get ICWA to apply, but we still get the spirit of ICWA to apply.

And in coming home and working with my nieces and other family members at different times and knowing some of the different things that they've been through, I know that when somebody comes in and they take their child—we're speaking of villages or small towns, that's a dagger right to the heart one that's really hard to pull out.

And I've seen parents try to do the parenting classes and try to do all the things that's set before them to do enable to get their children back. And I've seen the system work at times, but I've seen the system not work at times and make it really difficult.

So one of the other recommendations that I would have is in having when people are in court such as the ICWA workers that already exist here giving them additional support within the communities and stuff that they need and on-going training.

And I speak very honestly. An outfit that I had spoken to this week over the telephone from a small place in Alaska, it said oh what's going on over there? It's going on back home. And she said well I'm really concerned Paulette because now we have something else to look at that's trying to eat our children, is what she said.

And I said, what is that? And she said, these little computer things that come into the villages and stuff. I said yeah; the internet and stuff. She goes, yeah well there's a lot of pornography on those. There's a lot of pornography. There's a lot of sickness. There's a lot of really vivid images that are coming forward. She goes, I don't know what's happening but when this person goes in or does this or that, I notice they came out and they have a totally different spirit and they go after the children.

Well that's a very serious thing, of course. Well she was saying that it was his spirit. When a person went in a room; they came out with a different spirit and they went after the children. And if that's how an Elder is talking and I was thinking to myself well that's something that isn't quote new as far as the type of the spirit that brings a person to do that. But it is new in the format that's propelling it and that's technology.

So I would say as a suggestion too as part of the Commission to stop and look at is to start speaking about that too. Anything that's coming forward from the people and then in the communities when you go out as a Commission to the communities to find people that are strong of course in those communities and spend your money with them.

You can study things for a really long time. But spend your money on the people that are respected and accepted in the communities – give them what they need and guide them in that way. Those would be some of my suggestions also.

Gunal chee (phonetic). I'd like to thank you for this time.

BURGESS: Thank you very much.

END OF STATEMENT

Jenny Morina
Alaska Rural Justice and Law Enforcement Commission
Sitka
January 5, 2005

Good afternoon. Again, thank you for coming to our town.

I'm originally from Anchorage. Born and raised in Anchorage and just arrived in Sitka in December of 1990.

But I was also a law enforcement officer in Anchorage, so I'm very familiar with the issues in Anchorage.

But just a little bit about our collaboration and how important it is for two governments – tribal governments and local governments -- to come together.

And most of my experience from Anchorage too, was that when we respond to calls as law enforcement officers, we're just putting out the fire and going on. But it's still smoldering and it starts back up as soon as we leave. We realize that going to these calls, we weren't accomplishing anything. And it was very frustrating as a police officer.

When I came to Sitka and I saw the collaboration start happening, it really gave me enthusiasm. Maybe we can do something about it. And by talking with Sitka Tribe and the Safe People – the advocates, we came together and came to the table. And it's been very effective, but we haven't been able to do that without the funding from the government; from the grants that we have acquired. Safe Start. Prior to that, I think it was the Stop Grant that we did the _____ and Credit Conference. Yeah. The ___ and Credit Conference in Anchorage.

And those wouldn't have happened if it wasn't for the funding from the federal government. So by putting this cap on the tribes, hurts even the community; non-Native and Native people.

And I just encourage, if anything that comes out of this is please go back and say, please remove that because the funding is so essential for us to continue down the road to conquer or overcome the domestic violence or sexual assault.

I mean we live in a community of 8,800 people, which isn't a lot. Last year we responded to 22 sexual assaults in our own town and nine of those were domestic violence related. So there is a problem here. I mean we don't have as much as in Anchorage. I mean I remember as a cop in Anchorage in mid-shift, I'd go to two or three assaults and I just worked a small area. There was 22 or when we were lucky 19 officers on the street.

So there are issues here and the funding—especially grants to encourage to arrest has been a great asset here by bringing everybody to the table and responding to these calls as partners instead of just one of us doing the same thing.

Thank you.

BURGESS: Thank you very much.

END OF STATEMENT

Priscilla Peal
Alaska Rural Justice and Law Enforcement Commission
Public Testimony
January 5, 2005

Hi. Welcome to Sitka and I'm glad that you're here to listen to what the Sitka Tribe has to say. And I want to acknowledge the Tribal Council who is here and thank them for having this.

I'm Priscilla Peal. I'm Tsimshian/Killer Whale; the Brown Bear the Gigan (phonetic) River from Canada. Originally from Metlakatla, but I've been living here for the past thirty-three years. I have two children.

And my history's in the substance abuse field, for twenty-some years. And I've changed jobs.

I've worked in Bethel for a while. I was on the community that Jessie talked about; the Rural Human Services Certificate Committee where we have the University fit our slots rather than vice versa.

I'm currently employed at the Sitka Tribe of Alaska as an Indian Child Welfare Act case worker which is the opposite of the substance abuse counseling that I was doing, but I have an opportunity to help families get together through this work.

And the most rewarding part throughout the years that I've been here is the tribal adoptions and tribal court.

You heard a family talk about the difficulties in working with the State systems in Anchorage as compared to here and how much smoother it went here.

Native people are working with Native people, it really adds a lot and eliminates a lot of frustrations and barriers and walls there through the paperwork and they are acknowledged more.

And what the ___ grandchildren did for our children – The statement of children's rights and then through Shannon Clausen (phonetic), we developed the cultural continuity language that will be implemented into the final adoption creed to insure the cultural identify of our children no matter who adopts them.

But we advocate for Native adoptions of immediate family's that ICWA preference. The very first one that the Tribe did hear started before I came to work, but they—it took a long time because the first one—I remember they had a big celebration right here in this building and they were good friends of mine. And the little girl was so happy because she has her mom and dad and she can truly use the last name of her dad.

And then the other four were completed when Chris Paulsky (phonetic) was the ICWA case worker. And even then there were some difficulties because we're getting used to work with the system and the collaboration.

I'm from the old school, so it's really hard for me to bring down some of my own barriers in my head. But this job has given me that opportunity that in order for our children to live in today's world, we need to teach them to live in today's world that's so diverse and so different from when I was growing up or from when my mom was and my grandparents. And they certainly ____ youth that we have, but the main thing is to keep the culture continuity intact and within the family system so the children will know who they are.

And once they know who they are, where their people had been, it helps them figure out what they're going to be tomorrow and it really paves the future and strengthens our cultural values and traditions and that's most important.

I would like to see that first and foremost in anything. When they said rural justice committee, how many of you live in a village? Have you ever been out there? I know you have Schaff—Mr. Schaeffer.

We have people coming in and out; in and out. I don't know what it is.

But I see those barriers coming down just by having this talk here today. My grandfather would have said that would never happen, but its happening today. So I think with collaborative effort is the big word today – that we can do it. Make a better tomorrow.

I heard you read your principals. This is my own personal opinion.

I know that our Elders; our ancestors—my grandmothers—grandmothers had those principals. They just didn't know how to write the English language. They had those principals and they lived them.

Thank you for listening and thank you for being here.

BURGESS: Thank you very much.

END OF STATEMENT

Charles & Debbie Walcome
Alaska Rural Justice and Law Enforcement Commission
Sitka
January 5, 2005

CHARLES: Hello. My name is Charles. This is my wife Debbie and my son Ray John.

We moved here about a year and a half ago from Anchorage. And Sitka Tribal and the State, they helped us with our adoption. We had no problems. They came in and did their reports and everything. We had trouble in Anchorage. We had a hard time in Anchorage, so we moved here and the transition was easy for the adoption. It was all good. _____.

DEBBIE: The paperwork for the birth certificates and that takes way too long because we need those for almost everything. And I've been told three to nine months to get birth certificates and that's a little over doing it for---and we appreciate the way the people at Tribal treated us for going through all the paperwork here from Anchorage to here. There's a big difference.

BOTELHO: May I ask where your are tribal member is? Are you members of the Sitka Tribe? Or?

CHARLES: Yes.

BOTELHO: Okay.

CHARLES: Yeah.

BOTELHO: And so when you were trying to do an adoption in Anchorage, what were the difficulties that you were having? With the State, presumably?

CHARLES: Yeah. _____

DEBBIE: They'd keep telling us, okay we'll go to court soon; we're done. And then they don't take care of their end and then say, oh well we got to

start all over again. And the other agencies, I've also noticed didn't always want to respect Sitka Tribal either like from Anchorage. That agency didn't want to respect Sitka too much because they wanted to string it out a little bit longer than it should have been done. So if that could be worked out too, that would be good.

BURGESS: Was there a difference with the agencies here in Sitka versus the agencies in Anchorage?

CHARLES: A big difference. There was no hassle here. No threats.

DEBBIE: The people here at Sitka wanted to treat us like we were human beings, and the agency in Anchorage, they looked at us like well it's our way or else, and they didn't want to listen too much.

CHARLES: It's their way or the highway, so we choose the move. Sitka helped us pretty good. Sitka Tribal.

DEBBIE: Because the one in Anchorage, they were dragging it out where it was almost four years. And we couldn't get any help no matter which way we went.

BURGESS: Any other questions by any of the Commissioners? Thank you very much. We really appreciate your taking the time to testify before us today.

CHARLES: Thank you.

END OF STATEMENT

Tammy Young
Alaska Rural Justice and Law Enforcement Commission
Public Testimony
January 5, 2005

Hello. My name is Tammy Young and I am currently one of the co-directors for the Alaska Native Women's Coalition and I'm based here out of Sitka. My counterpart – the other co-director for our organization is Eleanor David and she's currently based out of Allakaket.

I gave Denise some copies of brochures and recent newsletters from our agency.

The Alaska Native Women's Coalition was formed in 2001 as a result of receiving a grant from the Department of Justice. We formed our tribal coalition and began working in rural communities here in Alaska and also doing significant amount of outreach to the national level and in some instance to the international level.

We have enjoyed in the past three or four years many opportunities to sit with not only tribal councils, but service providers and community members by providing regional conferences around Alaska and also providing training at the local level.

Most of the local level work has been going into do assessments of particular communities that we've been invited to. And the point of these assessments is to see what is happening in the community as far as domestic violence and in some cases when we're asked, to also look at the issues of child abuse particularly the issue of child sexual abuse.

We are speaking with a lot of different agencies across the State and trying to gather this information in our attempt to develop a strategic plan to address these issues in the communities that have invited us.

Our most recent regional training happened here in Southeast Alaska. At the end of September we were invited to Ketchikan and nine villages from this area attended that training. We had approximately 65 participants and at times when they opened it up for community gatherings in the evening we had as many as 100 to 110 participants.

A lot of these conversations have given us insight to ways to develop programs within small communities. Many of the communities that we're having

conversations with are as small as a 150 community members all the way up to -- here in the next month or the end of this month rather, we'll be up in the Kotzebue region.

I would like to be able to tell you that we have loads of information to impart to you, however we are in the same boat that you are. Talking with people and taking this information and putting it together in manner that might be helpful. So that I hope that in the very near future we'll have actual numbers to be presenting to you well before June to the point that we've progressed.

I guess as over _____ comments the Coalition would like for the Commission to know that women and children in rural Alaska are experiencing difficulty on a number of different levels.

We still have women that are being arrested in rural Alaska, often times both parties are being arrested they're not able to determine who the predominant aggressor is by the time they arrive there.

And in some instances, I know you probably heard this over and over again, but it can take up to six weeks for an Alaska State Trooper to respond in some areas of Alaska if they even respond to the call at all.

That brings us to the issue of notification. Many times when perpetrators are removed from the village and taken out of the community, there is no current system of notification. So when a perpetrator returns to the village, women and children could be at the grocery store or at the post office and run into their perpetrator. In very small communities that creates a large problem.

So much of the work that ANWC has been working towards is developing the capacity of small communities to respond; putting together what we're calling Community Response Teams. And they're probably along the order of multi-disciplinary teams. And you've probably seen many models on that.

I guess the difference being that we're in a time in our history, as tribal people realizing that the funding opportunities are becoming more and more limited.

And you've heard testimony here about the effect of Stevens earlier in the year and the two million dollars that was diverted from tribes; from cops and from tribal court programs.

Well that effect is a rippling effect all across Alaska. Many of the smaller communities that were just gearing up to submit applications to places like the Department of Justice; no longer feel that that is a viable option for them. If they don't receive support from the State, then that becomes a barrier for them to access federal monies.

Much conversation is going on about the possibilities of—I'm not exactly sure how to say it—but having first, second and third class villages and what kind of barriers that may create for us as tribal people is an on-going conversation that we're having with women.

Many women at points in their life have chosen to leave their villages and move into hub communities and then in that situation not being able to survive in that situation for a variety of reasons. First, having employment skills in a much larger context than in the village is often a barrier. Participating in programs that are not geared for them specific to their language or their lifestyle has been problems and so often times they end up going back to their originating communities and often times to their abusers.

We've also been having in-depth conversations about Elder abuse. You heard my mother Jessie Johnnie testify just before me of a particular family that she's aware of and we hear this over and over again in our travels across Alaska. That when domestic violence is affecting a family, if there are grandparents that are involved, more often than not, especially in small communities, these families are retreating to their family of origin; to their grandparent's homes.

I don't know if the Commission is aware, but the Alaska Native Women's Coalition was recently awarded a grant and we have begun establishing a Native women's shelter in the Interior region and hope to be doing this in other regions across Alaska as well.

The intention is to respond to some of the specific conversations that we've had with primarily Elders; men and women, speaking to returning to our customary and traditional life ways. Being more in tune with the teachings of our Elders, not just those that are alive now, but those that have gone on before; relying on our ceremonies and returning.

And this is another aspect that is becoming clear to me – not everybody wants to face in that direction. There are a lot of communities that would rather face in the

direction that is more in line the model that Sitka Tribe of Alaska has presented which is an excellent model and has been long standing in Alaska.

So we are trying to address these issues as they come up. But for the most part, the Alaska Native Women's Coalition has been working towards restoration and looking more to our customary and traditional ways as a method of addressing domestic violence.

We are also working on a State certified batterer's education project. We hope to be submitting an application to the State in March of this year and the delivery system we're hoping will be through the telemedicine project here through Search as a method of delivery and hoping to replicate that also in other Regions of Alaska.

There's probably ten other things that I could possibly think of, but I think I'll leave you with that and also with the information that as soon as possible we will get some written information to you.

BURGESS: You mentioned a couple of things that sound certainly like areas of that we've heard already, I guess we could also take as suggestions or possible recommendations. One is working obviously on the issue of the response to this or a timely response of the law enforcement to rural community's when a crime has occurred.

Also when – I don't think we've heard as much on it today, which is victim notification. And then you also mentioned Elder abuse. I guess, I would ask that if you or the Alaska Native Women's Coalition in the process of doing your work, have additional suggestions to the Commission to help guide us in making some recommendations. And again, we've heard very loud and very clearly the concerns about the change—the Rider that changed—limited grant money going to Sitka Tribe. We certainly heard that.

But you had some other, in addition to that, some other suggestions that could help us ____ recommendations; we certainly ask for those types of suggestions from you as we go through this process.

YOUNG: We will actually be having our next regional meeting in Kotzebue and it will be the 19, 20, 21st of this month. And at that time we hope to be gathering more information and then compiling from all of the

different Regionals that we've had in the Statewide trainings; information that we would like to impart to this Commission.

BURGESS: We would very much appreciate that. I think some of the other Commissions have some questions.

_____ : Mr. Chairman, this _____ question to Denise. Have we included the Alaska Native Women's Coalition on one of our Task Force groups?

MORRIS: I was just going to ask Tim to thank Tammy for agreeing to serve on our work group on behalf of the Commission.

BURGESS: Great. Thank you. On behalf of the Commission, thank you for agreeing to work on the work group.

YOUNG: Thank you for inviting us. The Coalition really appreciates the opportunity.

BURGESS: Thank you. Any other questions or comments by any of the Commissioners?

I want to thank you very much for your testimony and for the work that you're doing and we look forward to working closely with you.

YOUNG: Thank you.

END OF STATEMENT