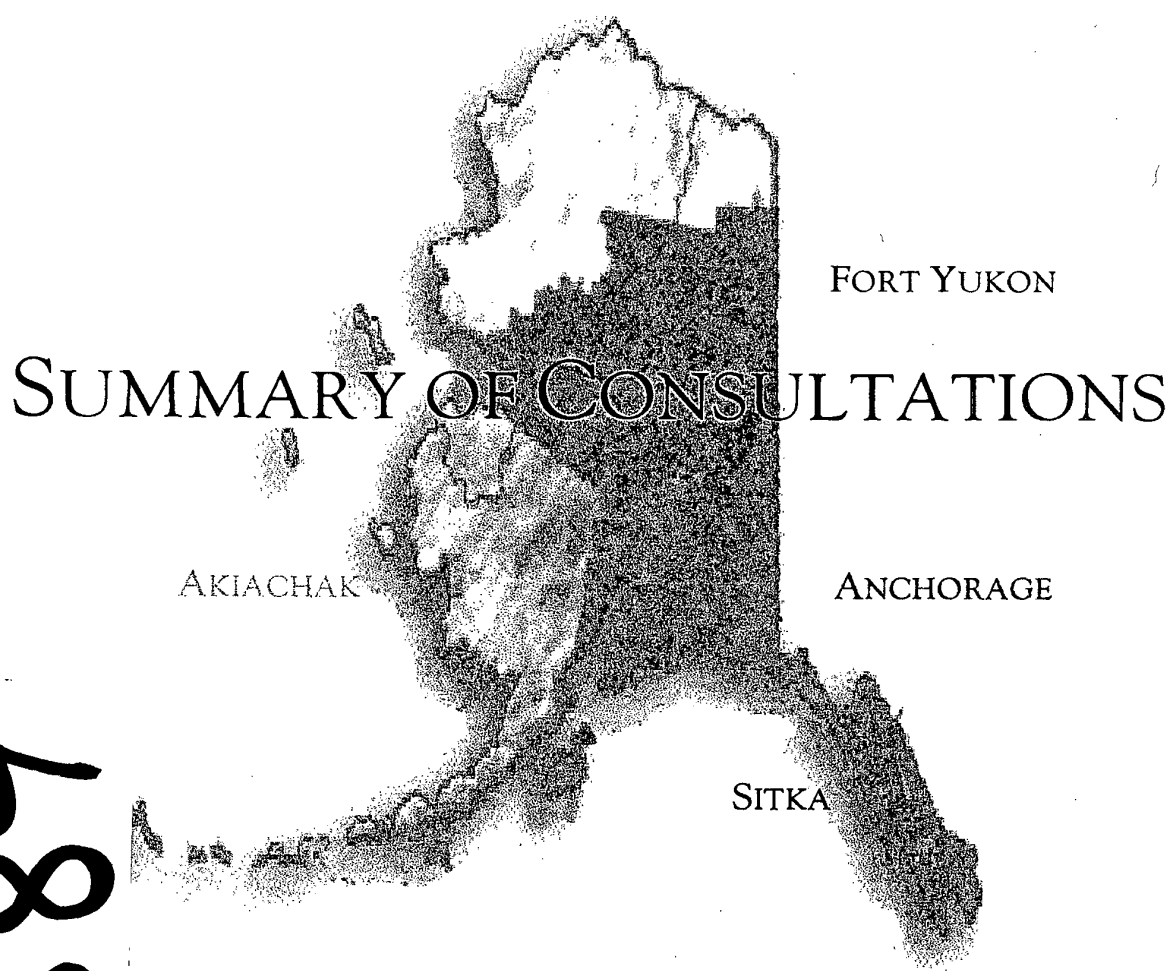


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# ENHANCING TRIBAL JUSTICE



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APRIL 28 - MAY 1, 1998



# ***Enhancing Tribal Justice***

**U.S. Department of Justice Consultations with Alaska Tribal Governments**

**April 28-May 1, 1998**

**Anchorage - Akiachak - Fort Yukon - Sitka**

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## ***Enhancing Tribal Justice***

### **U.S. Department of Justice Consultations with Alaska Tribal Governments**

**April 28-May 1, 1998**

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In a continuing series of "listening conferences" with Native Americans and Alaska Natives U.S. Department of Justice (DOJ) officials held government-to-government consultations with tribal leaders at four sites in Alaska in April 1998 to determine tribal law enforcement and justice system needs. The consultation conference in Anchorage (April 28), town meetings in the native village of Akiachak (April 29), and villages of Fort Yukon and Sitka (April 30) were designed to provide Native leaders and tribal court judges with a forum to express concerns, discuss factors impeding delivery of criminal justice to remote areas, and make recommendations directly to Justice Department officials. The Anchorage conference also provided opportunity for a personal dialogue with Attorney General Janet Reno through a one-hour interactive teleconference linking Washington, D.C. and Anchorage, Alaska.

Aimed at helping DOJ develop a comprehensive approach to mitigating service gaps and resource needs in Alaska Native villages, the consultations were sponsored by the Bureau of Justice Assistance (BJA), Office of Justice Programs (OJP) and the DOJ Office of Tribal Justice (OTJ), and hosted by the Alaska Inter-Tribal Council and Alaska Tribal Judicial Conference. The 23-member DOJ delegation attending the Alaska Native consultations included Office of Attorney General Chief of Staff John M. Hogan, Assistant Attorney General/Environment Division Lois J. Schiffer, BJA Director Nancy Gist, US Attorney for Alaska Robert C. Bundy, Deputy Director of the Office of Tribal Justice Mark Van Norman, and Director of the American Indian and Alaska Native Affairs Office Norena Henry. Additional Justice staff represented the Community Oriented Policing Services Office, Violence Against Women Grants Office, Office for Civil Rights, Drug Courts Program Office, and Community Relations Service. Associate Attorney General Raymond Fisher was unable to attend because of simultaneous congressional hearings.

The format called for the entire delegation to attend the Anchorage and Akiachak meetings, and then split into two groups—half proceeding north to Fort Yukon, half flying south to Sitka for town meetings. Ada Pecos Melton, President of American Indian Development Associates, served as facilitator for consultations in Anchorage, Akiachak and Fort Yukon. In Sitka, Louise Brady, Sitka Tribe Program Coordinator, and Albert Antony Pearsall, Chief, West Branch, BJA State and Local Assistance shared facilitation responsibilities.

Invitations to the "Enhancing Tribal Justice" conference were sent by fax and mail to leaders of the 226 federally recognized Alaska Native villages, indicating topics to be discussed at each site. The topics were: (1) Tribal and Federal Law Enforcement Coordination; (2) Family/Domestic Violence, Sexual Assault, and Victim Advocacy; (3) Substance Abuse and Enforcement; (4) Juvenile Justice and Child Abuse, Neglect, and Delinquency; and (5) Tribal Courts and Tribal Justice Systems. Tribal leaders and court judges were asked to indicate which site they planned to attend and designate a representative if they could not participate. The invitation encouraged recipients to convey concerns and issues to the Office of Tribal Justice prior to the consultations to ensure the meetings would be responsive.

## ANCHORAGE

**Pre-Consultation Meeting.** On Monday, April 27, 1998, the Alaska Tribal Judicial Conference held a day-long meeting at the Egan Conference and Convention Center to draft presentations to the Attorney General. When DOJ officials met at 3:30 PM with Conference members to review the consultation agenda, Sitka Tribal Judge Theodore Borbridge indicated a desire to go beyond designated topics. Tribal members had revised the agenda so more prepared statements could be made during the teleconference. The revised agenda suggested incorporating "Alcohol and Substance Abuse" into other presentations rather than dealing with it as a separate topic.

Judge Borbridge and others said they did not regard a one-day meeting as a "consultation", but a first step. Ms. Gist agreed the meeting was a first step—a fact-finding effort to be followed by thoughtfully planned further steps. She also clarified that the consultation was not just one meeting, but rather four meetings throughout the week.

Judicial Conference members expressed concern about the lack of tribal representation at Tuesday's state-federal luncheon since decisions there could have a direct impact on Native villages. They would like to have a state-tribal dialogue. Mr. Hogan noted federal officials needed to take advantage of the opportunity to meet personally with State officials on a wide variety of state-federal matters. The visit to Alaska had several missions and the state-federal luncheon was a separate meeting from the listening consultations being conducted.

**Department of Justice Consultation with Alaska Tribal Governments  
Egan Conference and Convention Center, Anchorage**

*Setting: an immense dimmed room lined with long tables and chairs faced the podium. Two huge screens flanked the podium and panel table at which John Hogan, Lois Schiffer, Robert Bundy, Nancy Gist, Mark Van Norman and Norena Henry were seated. A microphone-equipped lectern was available in the center aisle for presenters who wished to address remarks to Ms. Reno. Ada Melton stood to the right of the panel table with a hand-held microphone.*

**Introductions.** At 8:55 AM, Ms. Melton opened the conference by calling on Mike Jackson, Trust and Realty Officer, Organized Village of Kake, to deliver the invocation. "We are gathered here as peacemakers," she said, citing her own clan heritage. The AG has sent her best people to take information back to the Department of Justice. She introduced John Hogan, who has worked with Ms. Reno for 18 years in Florida and Washington, D.C.

No issue is more important to the Attorney General than respect and dignity for Native Americans, said Mr. Hogan. Soon after the President issued his proclamation affirming government-to-government relations with tribes, Ms. Reno held her first "listening conference" in Albuquerque, New Mexico. Following that meeting, she created DOJ's Office of Tribal Justice to promote government-to-government policies. Many agencies throughout the DOJ have worked to protect Native lands and fund tribal programs.

*Ms. Melton's introduction of the panel of DOJ officials was followed by a roll call of the Native villages represented at the consultation. The mechanics and procedures of the teleconference were explained and the participants were reminded that federal panelists would be present all day to hear their concerns.*

**I. Teleconference with Attorney General Janet Reno**

*Welcoming the Attorney General, Ms. Melton remarked that Ms. Reno had spent most of her career dealing with issues tribal leaders face. She referred to the honor of the Attorney General's visit to her own village (Jemez Pueblo) and said that Ms. Reno's Indian name was "Bearer of Hope." Ms. Reno said she would have liked to have been in Anchorage, and spoke of her mother's friendship with and advocacy for Native Americans in the Everglades National Park in Florida. She apologized for the absence of Raymond*

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*Fisher at the Anchorage meeting. Thanking officials present, she especially recognized Nancy Gist for leadership in arranging the conference. Her remarks included the following points:*

- Government-to-government dialogues regarding Justice programs in Alaska are important. Native leaders have come to Washington to describe the hardships of isolation, inadequate resources, and complex jurisdictions.
- The history of the federal relationship to Alaska Natives differs from its relationship to tribes in the lower 48 states, but the latter provides a useful backdrop. The U.S. Government recognizes Indian tribes as domestic dependent nations with sovereign authority over members and territory. By ratifying treaties, the Constitution acknowledges tribal sovereignty. While the U.S. had strayed from its ideals, it has returned to recognition of the legitimacy of tribal self-government. In April 1994, President Clinton directed federal departments and agencies to work within a framework of government-to-government relations with tribal governments and within the established DOJ policies recognizing tribal self-government.
- DOJ has pledged to assist Indian Nations in developing strong law enforcement, tribal courts, and traditional justice systems. Native Americans have enduring justice systems focusing on peacekeeping rather than blame; we have learned much from these systems.
- Poverty, dispossession, and violent crime have taken a terrible toll on Native Americans. DOJ is assisting Alaska Native law enforcement with Community Oriented Policing Service (COPS) grants and domestic violence prevention grants. Improvement of Alaskan law enforcement services will demand discussions among tribal leaders, Congress, state officials, and DOJ.
- A Native leader said, "Let us put our minds together and see what lives we can make for our children. Children's justice is a priority." Young Native Americans must be provided with guidance and opportunity through prevention programs. A new joint proposal from 16 tribes focuses on tribal traditions to help youth develop strong, positive identities and stay out of trouble. DOJ needs your ideas — "Help us understand." DOJ needs to be a partner in supporting Indian Nation government.
- Fulfilling federal trust responsibility means enhancing tribal courts. Justice has worked to promote cooperation among federal, tribal and state courts by encouraging dialogue. Federal courts of appeals are considering tribal court issues. In 1998, DOJ will award \$1 million to tribal governments for drug court programs. Cooperation in regional partnerships will be further developed.
- The Supreme Court decision in the *Venette* case raises tribal self-government issues that must be addressed. Positive experience in the lower 48 states on improving



federal, state and tribal communication can be used in fostering a dialogue between the State of Alaska, Alaska Native villages, the Executive Branch, and congressional leaders.

- Governor Knowles' inclusion of Native leaders on the Commission on Rural Alaska Governance and Empowerment is encouraging. State officials have also announced their willingness to share jurisdiction with tribal courts on child custody, child support, and domestic relations. We must ensure necessary law enforcement resources are available in Native villages.
- DOJ and Alaska Natives need to determine how DOJ programs can be shaped to serve all people, protect the land, air, and water, protect sovereignty, and foster strong partnerships.

*The audience responded with applause and presenters were invited to the lectern to make presentations. The electronic connection enabled Ms. Reno to see individual presenters, who were magnified on screens facing the audience.*

**Statement by Theodore Borbridge, Tribal Court Judge, Sitka Tribe of Alaska.** Judge Borbridge's prepared "Statement on Alaska Native Tribal Justice Policy to Attorney General Janet Reno" included the following points:

- The Executive Directive affirming government-to-government relationships must be manifested in daily actions of every federal department.
- This "listening conference" is the first step of a dialogue to share the concerns of the Alaska Tribal Judicial Conference, a statewide organization dedicated to enhancing tribal government capacity to dispense justice consistent with distinct customs and values.
- Alaska Natives have had a long, hard struggle gaining recognition. They have the right to be different. They will always be indigenous peoples with inherent rights to self-determination.
- "Where there are Native American and Alaska Native peoples, there is 'Indian Country.'" (his emphasis)
- DOJ should assist in promoting trilateral meetings and discussion among federal, state and tribal governments.
- They were discouraged by the Department's silence on the existence of Indian Country in Alaska. In light of absence in the *Venette* case, they would like DOJ to reaffirm the government-to-government relationship and right to tribal self-determination.

*Enhancing Tribal Justice: The U.S. Department of Justice Consultations with Alaska Tribal Governments. April 28 - May 1, 1998 (continued)*

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- Alaska Natives remain highly concerned by the State of Alaska's piecemeal approach to issues. The state, as a political subdivision of the U.S., should respect federal authority.
- Tribal self-government means autonomy and the right to determine citizenship and membership according to custom. Tribes also have the right to determine citizen duties and promote their own institutions.
- The Judicial Conference affirms the right to participate in decisions affecting Alaska Natives.
- A comprehensive tribal justice policy will take time but should evolve, not be frozen.
- There are more than 226 tribes in Alaska, nearly half the federally recognized Indian tribes in the U.S. While the Attorney General has recognized the problem of under-funding of tribal justice programs, the need for genuine equity of funding for Alaska Native tribes must be underscored. Covering the greatly inflated cost of doing business in Alaska warrants a 25 percent increase in every budget item.
- Funding should go directly to legitimate tribal governments; funding non-tribal entities is inconsistent with government-to-government relations.
- Alaska Natives look forward to working with DOJ and believe a true partnership will benefit all Alaskans.

**Statement by Willie Kasayulie, Tribal Services Director, Native Village of Akiachak.**

Thanking the Attorney General, Mr. Kasayulie requested a copy of her statement. His "Presentation of Specific Issues, Problems and Recommendations to Attorney General Janet Reno" is not exhaustive, he said, but offered in a cooperative spirit to help overcome "the volatile political environment as well as the geographical isolation and cultural and language barriers that exist for Alaska Native tribes." It specified the following needs:

- An expanded DOJ role in administering tribal policing programs, increasing funds for new law enforcement programs, and active participation in coordinating federal, state, and tribal law enforcement, including cross-deputization arrangements.
- On-site, regional, and statewide training for tribal police with the goal of creating a tribally controlled police academy.
- Prevention and eradication of domestic violence and sexual assault, including increased capacity to prosecute; victim advocacy programs for adults and children; and comprehensive regional approaches that include mobile forensic evidence collection.
- Ensuring the State of Alaska honors and gives full faith and credit to tribal domestic violence orders in compliance with the Violence Against Women Act.

*Enhancing Tribal Justice: The U.S. Department of Justice Consultations with Alaska Tribal Governments. April 28 - May 1, 1998 (continued)*

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- Urgent attention to children and youth in child protection and delinquency systems by funding juvenile probation programs; tribal court capacity to handle child abuse and neglect cases locally; Court Appointed Special Advocate and Guardian Ad Litem programs in tribal courts; intervention by tribal judiciaries into problems of juvenile inhalant abuse; expansion of juvenile codes; examining disproportionate native juvenile confinement in state correctional institutions, and forming local child protection teams.
- Federal help for tribal courts, the importance of which is underscored by state hostility toward Native Alaskans. Natives suffer "immense discrimination" within state systems.
- Establishing an institute affiliated with the Alaska Tribal Judicial Conference to revitalize traditional Native justice practices such as peacemaking. Also, developing comprehensive educational programs within tribes to increase awareness of and respect for Native traditions while building community involvement.
- A series of federal-state-tribal meetings on domestic violence and child protection cases, and assistance for tribes in administering culturally appropriate justice in keeping with Public Law (PL) 280.
- Developing tribal drug courts to combat alcohol and drug importation.
- DOJ cooperation with other federal agencies such as the Department of Interior to press for full implementation and appropriations from the Indian Tribal Justice Act.
- Developing local probation programs and community-based corrections, including half-way houses that are culturally appropriate.

**Statement by Mike Williams, Alaska Inter-Tribal Council (AITC).** "...a statewide organization established to advocate for member tribes comprised of 175 Aleut, Yup'ik, Inupiaq, Tlingit, Haida, Tsimshian and Athabascan tribal governments from across the State." Mr. William's specific recommendations on the four topic areas of the consultation were presented within the context of three over-arching recommendations :

1. Implementation of DOJ's government-to-government policy in Alaska. Lack of access to DOJ has delayed dialogue on government-to-government policy "on the ground in Alaska" and limited Native ability to confer with tribes in other states. AITC supports the establishment of an Alaska Native Affairs/Tribal Liaison in the Alaska DOJ office.
2. Equitable distribution and increased DOJ funding for Alaskan tribes. Current distribution of DOJ funds is not proportionate to the high number of Alaska tribes nor awarded directly to tribes. Capacity building for tribal justice systems are under funded or not funded at all. AITC supports a discretionary grant to assist tribes, of

which a large component would be culturally appropriate training, technical assistance, planning and development. DOJ should implement the funding policy developed by the Alaska Tribal Judicial Conference during the December, 1997 annual meeting.

3. Other recommendations in Mr. William's statement included urging Congress to repeal PL 280 and the Department of Interior to rescind the Sansonetti opinion regarding Indian Country.

**Statement by Gary Harrison, Chief, Chickaloon Village.**

- The state should uphold tribal court decisions. Tribes have not given up their rights.
- The COPS program should be beefed up. Tribes have federally funded law enforcement officers who are not recognized by the State.

**Statement by Donald Long, President, Inupiat Community of the Arctic Slope.**

- State misinterpretation and abuse of PL 280 is a great concern. Native governments did not consent to its provisions and the state uses PL 280 to obstruct and exclude tribal justice, although its provisions call for concurrent jurisdiction and introduction of tribal law in state court proceedings.
- Alaska Natives object to state action to prescribe, define, or diminish the powers and authority of Alaska Native tribal governments, and ask for DOJ assistance.

**Statement by Anthony Caole, Tribal Administrator, Native Village of Kwinhagak (Quinhagak).**

- Native Alaskans were disappointed by the lack of DOJ support in the Venetie Supreme Court case. Native Alaskans look to the federal government to support tribal authority and responsibilities.
- There is a need to strengthen tribal law enforcement as the state withdraws training and funding.
- Native lands are invaded each year by recreational/tourist people over whom tribes have no control.

**Statement by Susan Larson, President, Native Village of Kluti-Kaah.**

- There is a lack of law enforcement; each state trooper must cover a very large area.

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- Troopers are not responsive to the tribes. If a problem arises, troopers say the corporation should call them, not the tribe.
- Judges are volunteers. State and tribal laws do not coincide. Tribal adoptions are not recognized by the State.

**Response by Attorney General Janet Reno.**

- The Attorney General stated she would reaffirm the government-to-government relationship and keep Indian Country and Alaska Natives' concerns prominent.
- DOJ, other government agencies, and tribes must work together to hear the voice of Alaska Natives.
- The cost of living in Alaska must be taken into account.
- Domestic violence, sexual assault, and victims' rights are very serious issues. DOJ will examine how Budget 2000 can address them and take a new look at training and technical assistance.
- DOJ will look at PL 280 again to see what can be done.

**Statement by Henry Hunter, Chairman, Orutsararmuit Native Council.**

- Funding should address transportation costs.
- It can take state troopers 2 to 3 days to respond to a crime.
- Implementing the Indian Child Welfare Act requires funding and training. The State frequently overrules tribes in child welfare cases.
- Inhalant abuse is a big problem for which help is needed.

**Statement by Charles Edwardson, Native Village of Barrow.**

- International trade has existed with tribes for 200 years.
- How can sovereignty be legislated when it has never existed?

**Statement by Ken "Big Bear" Stanfield, Tribal Council Member, Ketchikan Indian Corporation (KIC).**

- KIC is a federally recognized tribe with 4,000 members. In 1997, discussions were begun with the Native Village of Saxman (300 members) and the Federal Reserve on Annette Island (Metlakatla, 2,000 members) on sharing resources to address interrelated problems of domestic violence, substance abuse, and youth violence. A

team approach will enable the tribes to implement batterers' treatment and victim advocacy programs.

- Team effort is important, but DOJ funding and technical assistance is needed. "We ask you to be responsive."
- Alaska is the fourth largest consumer of alcohol in the U.S.; Ketchikan is the largest consuming region in the state.
- Mr. Stanfield requested a joint commitment with Attorney General Reno to healing Alaskan families, bringing peace to tribes, and solving tribal problems.

#### **Concluding remarks by the Attorney General.**

The Attorney General said it is important that we build a partnership. She promised to be as accessible as possible, to be responsive, and to be an advocate for Alaska Native resources. She stated that she cannot promise to deliver on all requests, but will confer with DOJ staff who have come to Anchorage and do her best to honor the great traditions of Alaska Natives. *Applause.*

#### **Statement by Judge Morrison, United Central Council, Anchorage.**

- There is a lack of funds to implement or administer tribal justice system in a huge area occupied by many tribes. Resources are needed for all areas, from elders to juveniles.

*The conference was adjourned to set up the agenda facilitation group. About 20 chairs were placed in a semicircle in front of the panel table. On reconvening, Ms. Melton described the facilitation process she would use to obtain as many views as possible. The process called for a self-selected group of audience members to come forward to the semicircle and discuss each agenda topic for 20 minutes. Participants focused the first five minutes on problems, the second on strengths, the third on barriers and the last five on solutions. Each person was invited to comment. A different group was formed for each topic. Timing was strict and comments are preserved on flipcharts. Posted ground rules read: (1) Every idea is good; (2) One person, one vote; (3) Stick to the agenda. Additional ground rule: Don't repeat points.*

## **II. Improving Tribal-State-Federal Law Enforcement Coordination.**

### **Overview by Anthony Caole, Tribal Administrator, Native Village of Quinhagak**

- In 1959 when Alaska became a state, tribes were assured of protection. Unfortunately, this has not always been the case. Since 1983, state troopers have decreased. The need for tribal law enforcement in a post-*Venette* environment will increase. The state justice system has not worked. These situations are dangerous for people and troopers.
- Troopers serve villages with little or no backup. Most tribal police officers have no formal training and no equipment. Frequently, tribal police officers who are sent to New Mexico for training they return without completing the course - they are too remote from their families.
- There is a need for a Regional Tribal Police Academy to provide a wide range of training, expanding jurisdiction through cross-deputization, with an emphasis on basic training.
- The challenge to DOJ is to address the lack of training and support. There should be pride in an indigenous police force.

#### **A. Problems in Law Enforcement**

- Lack of enforcement of tribal court orders by the state; often no consequences for criminal behavior.
- Tribal arrests not recognized.
- Inappropriate responses by troopers. These vary from being very aggressive to completely passive. There exists a limited presence and responses frequently are extremely delayed; there is no response to misdemeanors.
- State refusal to acknowledge tribal front-line responders.
- Poor coordination with State Troopers.
- Weather problems preventing swift responses.
- Lack of facilities to receive/hold offenders.
- Lack of culturally appropriate training; language barriers. Troopers do not understand tribal language and people cannot communicate adequately in situations.
- Lack of training breeds distrust and affects the nature of the response, resulting in families turning to family members or neighbors for assistance.
- Lack of housing, job security, and low pay for village public safety officers (VPSOs).
- Untrained tribal judges; and a lack of tribal magistrates.
- Unarmed and untrained tribal police officers and village police officers.

- Lack of manpower.
- Municipal and tribal ordinances conflict with one another.

**B. Strengths of Law Enforcement**

- Memorandum of understanding with city and police departments to recognize tribal courts and their court orders.
- Pride in the native police representing the tribe and VPSO job satisfaction.
- Enforcement of ordinances by VPSOs and funding to do so.
- Intertribal support of law enforcement activities.
- Coordinated efforts with state troopers.
- In communities without VPSOs and law enforcement, there exists strong support of family/neighbor substitutes to provide protection.
- Youth respect for tribal police and elders.
- Moves toward coordination and reciprocity among courts.

**C. Barriers to Law Enforcement**

- Insufficient funding to hire police.
- Search and rescue conducted by community members.
- Lack of equipment, communications prolongs efforts to find solutions.
- Lack of recognition; getting the state to even use the term "tribal police."
- Thankless job of policing with re-offenders; lack of alternatives to deal with offenders, and continuing underlying causes of antisocial behavior.
- Lack of communication with troopers and high VPSO turnover, resulting in no follow-up on domestic violence or sexual assault cases and undermining trust in the system.
- Lack of paid benefits for VPSOs contributes to high position turnover.
- No sense of making a difference because core problems are not being addressed.
- Culturally incompetent responses by outsiders who come into tribal communities to solve problems.
- Incorporation of municipalities resulting in conflicting enforcement practices.
- Family relationships between community members, VPSOs, and law enforcement officials.

**D. Solutions to Law Enforcement**

- Empower and fund tribal courts.



- Acknowledge the contributions of all tribal court personnel—judges, administrators, others.
- Educate state agencies about tribal perspectives, cultural beliefs, and the needs of tribes so that state officials understand that tribes are not here to take their power and allow them to co-exist.
- Educate DOJ personnel regarding tribal perspectives and needs and establish a native desk at DOJ.
- Educate young people about applicable laws.
- Educate young people about the values of a law enforcement career.
- Focus on rural needs—incorporate the elders' knowledge into indigenous law, provide education to native young people to reduce the number who end up in jail and encourage respect for authority.
- Repeal, or amend, PL 280; celebrate the reversal of the Sansonetti opinion.
- Legislate reforms which will empower tribes to create and enforce tribal laws and address cross-jurisdictional issues.
- Acknowledgment of federally recognized tribes in Alaska.
- Improved communication between tribal, state, and federal entities.
- Develop comity between the state and various agencies.
- Basic law enforcement training and community policing training.
- Coordinate social services and the courts.
- Ensure adequate numbers of law enforcement personnel.
- Address alcohol/substance abuse relationship to crime and treatment needs.
- Training for existing tribal courts and how to start new tribal courts.

*Following lunch, panel members (John Hogan, Lois Schiffer, Robert Bundy, Nancy Gist, Mark Van Norman, and Norena Henry) made brief statements regarding their purpose in participating in the consultations and the unique circumstances of Alaska. "We're playing with rules that don't apply to the rest of the country," said John Hogan. "We need to find solutions. It's important I understand your concerns."*

### **III. Family and Domestic Violence, Sexual Assault and Victim Advocacy**

Overview by Diane Payne, Child protective Services and Domestic Violence Coordinator, Chugachmit.

- One of the most critical concerns is the resistance of the state to tribal control and court authority over welfare and safety of members. There is no state compliance with

the Violence Against Women Act (VAWA). Tribal control is paramount to interrupting cycles of violence in Native communities.

- Law enforcement, health care providers, victim advocates, prosecutors and mental health providers must all be "generalists" because there are few people to serve a variety of needs.
- Most victim responders are located in "hubs" responsible to populations spread over a vast land base. Remote communities are only accessible by air or boat, if weather allows. Response time may be 4 to 20 hours. In the Chugach region, for example, there is only one non-native advocate who travels to two villages twice a month, weather permitting. Advocacy is carried out by phone or travel to "hub."
- The one victim advocate in Seward may not be available to accompany a trooper; four state troopers are on duty 24 hours a day to serve an area larger than Delaware.
- Village leaders are often service providers having broad government duties and holding full-time jobs. They must serve the emergency, counseling, mediation needs of their people 7 days a week. They are also involved in carrying on a subsistence lifestyle.
- Alaska women face the highest risk of homicide in the U.S. with native women killed 4.5 times more often than non-native women. Violent deaths in native communities are six times the national average. In 1997, the U.S. Department of Health and Human Services audit found 60% of child abuse and neglect involved families experiencing domestic violence.
- Sexual assault affects high numbers of native women and children, but none of the 22 victim services programs funded through the State Council on Domestic Violence and Sexual Assault are operated by tribes. The Council reported 3,432 new native victims in their shelters in 1997.
- Parenting skills are affected by learned tolerance for sexual, physical, and emotional abuse. Within the Chugach region, 90% of the parents reporting to Payne in the past year said they were victimized as children and experienced violence at home.
- There are few domestic violence safe homes or shelters, an unwillingness of neighbors to get involved, and long delays in trooper response. Family violence is a low priority in some communities, with batterers never charged and evidence lost because of delays.
- There is a lack of cultural competence on the part of all responders and a lack of basic knowledge about the dynamics of victimization. Women are often relocated to urban areas, where they and their children end up in the welfare systems. Most providers are unaware of legal mandates, and a lack of coordination of services leaves victims unprotected. Violence is often ignored by communities until it becomes lethal. There is a high rate of recidivism because there is no response. Angry counselors, who are

non-native, fail to take substance abuse into account or to use culturally appropriate approaches.

- There are inadequate evidence collection processes because responders must travel great distances and lack training and adequate personnel. These obstacles often lead to failures in prosecuting abuse/assault cases. Victims must travel hours to the nearest forensic examination site, and law enforcement does not cover the cost of an accompanying advocate. Unskilled doctors, with inadequate equipment, fail to identify the abuse leading to repeated victimization. Technology and training at the village level would make a difference. Funds are needed for computer links and other coordination—links to expertise are currently unavailable to village health aides and peace officers. DOJ should work with other agencies to improve medical technology and service coordination.

#### **IV. Juvenile Justice and Child Abuse, Neglect, and Delinquency**

Overview by Kimberly Martis, Director, Alaska Tribal Court Appointed Special Advocate Project.

- Indigenous people have culturally appropriate methods of resolving conflict concerning the care of children. Despite federal policies removing tribal children to institutions that abused and neglected them, Alaska tribal courts and programs continue to respond to child abuse with little cooperation or support from the state and federal governments.
- Alaska has the highest rate of child abuse and neglect in the country. Nearly half of the children in custody are tribal even though natives comprise only 17% of the state's population—currently 2,000 Native children linger in foster care.
- Tribal children are subjugated to high rates of fetal alcohol syndrome (FAS) and FAS parents, substance abusing families, domestic violence, sexual abuse and "serious emotional disturbance."
- There is a lack of culturally appropriate treatment or advocacy for child victims as well as inequitable service delivery.
- Native children are adjudicated, confined, removed from the home and have parental rights terminated at a higher rate than do non-natives.
- With negligible state enforcement of the Indian Child Welfare Act, a majority of the tribal children are placed in non-native foster and adoptive homes.
- Historically, there is a lack of state will to coordinate with tribal child protection systems and courts.

- *Recommendations:* Increase support for local supervision of children. End the "import-export system" of services outside the community that is contributing to the breakdown of families and traditions (also raised by Payne). Increase the tribal capacity to adjudicate juvenile cases, and develop juvenile codes and cooperative agreements. Expand the purview of tribal drug courts to include inhalant abuse. Fund local CPS teams, CASAs, GALs and victim advocacy programs. Help develop tribal/state court and agency collaboration to eliminate child abuse and delinquency.

#### **A. Problems**

- No one in the community wants to talk about family violence and abuse producing denial and fear in children.
- There is no place for batterers to receive treatment, resulting in many repeat offenders.
- The courts are uneducated and need judicial training to deal with batterers.
- The historical effect of assaults on the tribal family is a displacement of men and a loss of self-esteem and identity.
- There are few role models for children and high incarceration rates for adults.
- "We are a people in peril" experiencing genocide, whether intentional or not. "This is more than a loss of self-esteem; A race of people is disappearing." There is a lack of willingness to talk about the extent of demoralization. A psychologist has termed Alaska Natives as suffering symptoms similar to those suffered by prisoners of war. The United States and the State of Alaska were imposed on us, with no acknowledgment of our existence.

#### **B. Strengths**

- The movement among native peoples to take control of the healing process.
- Elders have talked about the strengths of tribal communities prior to the arrival of whites. Strength is rooted in culture, despite the State's usurpation of the hunter and fisher providers' role.
- Recognition of the need to go outside the native community and trust partnerships.
- Strengthening of tribal courts, elders' role, and youth training and skill-building through alliances.
- Willingness to take leadership to change community attitudes.

### **C. Barriers**

- Personal double standards in which some people are working in a leadership role for the community but haven't cleaned up their own acts.
- There is a lack of a relationship with the state that would support families.
- When parents have reformed, there is no avenue for returning children to them.
- Culturally appropriate services are unavailable.
- Unless natives are freed from feeling like POWs, how can they be empowered? On one hand, the government says it wants to empower them, on the other hand, it passes new laws to take the power away.
- State law does not translate into tribal law; there are different rules.
- Violence between intimates is the true extension of oppression.

### **D. Solutions**

- Sensitize the state and federal governments that natives are suffering from POW syndrome and examine laws that create genocidal conditions.
- Recognize that we are the tribes...We have been here from time immemorial...We need your support...All we are looking for is to control our destiny...There is not one person in this room who is not here for their children. Just give us back our country. Give us a reason to live.
- Rediscover native traditional strengths and help them take responsibility at the same time.
- Explore prevention and intervention issues.
- Get people off welfare and back to work. The state has withdrawn services, although natives live in Third World conditions.
- Educate our youth and listen to our elders.
- Recognize that healthy families lead to healthy communities.
- Receive the state's respect, as reflected in the giving of full faith and credit to tribal court orders.
- Revive spirituality, traditions, ceremonies, and cultural roots.
- DOJ should review and apply the United Nation's human rights standards for indigenous peoples, which include the right to develop and maintain judicial institutions.

## **V. Tribal Courts and Tribal Justice Systems**

Overview by Dalee Sambo Dorough, Director, Alaska Office of the Indian Law Resource Center.

- Expressed appreciation to the planning committee and other tribal leaders who sacrificed to attend the consultations in Anchorage.
- Indigenous justice is essential to the cultural integrity of Alaska Natives and an exercise of inherent tribal rights. Currently, there are 33 active tribal courts and 16 planned, five regional tribal governments, tribes with tribal court ordinances, and 99 tribal councils engaged in dispute resolution.
- There is a need for a culturally appropriate structure for social control within native communities. The state system is documented to be discriminatory and devoid of cultural context. The recommendations of a 1979 study, which documented these conditions, have not yet been implemented.
- Tribal justice systems by reinforcing traditional native justice and social control. There is a growing trend to move away from "colonial" forms of justice based on an adversarial relationship between parties.
- State courts should give full faith and credit to tribal court orders.
- DOJ should review and apply the U.N.'s human rights standards for indigenous peoples.
- A tribal court development and expansion project associated with the Alaska Tribal Judicial Conference should be created.
- A special peacemaking preservation project to revitalize traditional laws and preserve and professionalize cultural identity should be established.
- A series of tribal/state/federal forums for judges on domestic violence and child protection cases should be subsidized.
- A needs assessment should be conducted to gather baseline data on the status of tribal courts in Alaska and publish a tribal court directory.
- Funds should be increased for tribal drug courts to combat drug importation to villages.

### **A. Problems**

- Alaska Native concerns are lost in the state system. Adversarial systems are unworkable and there is no connection between the offense and punishment.
- There is a need to strengthen the elders' role in taking care of traditional responsibilities.

- The extended family support is falling away.
- There is a lack of native-based training and technical assistance.

#### **B. Strengths**

- There exists strong community support for tribal courts because of consistent, fair resolutions of issues and common sense.
- Tribal courts know the family and are trusted, which makes them more effective and responsive.
- The tribal court's ability to communicate, in the language of that community, enhances opportunities to strengthen the court's effectiveness.
- Isolation can be seen as a benefit and an opportunity to run tribal affairs without interference.
- Tribal courts can integrate a community's spiritual beliefs with its rulings, taking advantage of a common world view.

#### **C. Barriers**

- Lack of communication (language barriers) in the state systems and a lack of listening.
- Volunteer tribal court officials trying to develop ordinances while working and carrying family responsibilities.
- A lack of vision among young people.
- The reluctance of tribal courts to act on appeals. Recent training produced a low turnout.
- Difficulties in mobilizing communities to change.
- A lack of financial and technical resources for courts to demonstrate full potential.
- A lack of explicit State recognition of the role of tribal courts in the fabric of the system.

#### **D. Solutions**

- Bring tribal justice practitioners together for dialogue on solutions.
- Intervene quickly when problems/abuse arise.
- Train support court personnel.
- Restore Indian Country status.
- Allow Native self-determination. "If you aren't going to help us, back off and let us do it...we only have a short time here; we should be experiencing the joys of our life..."

- Educate corporations throughout the state because the federal government is unable to accomplish all natives want.
- Be proactive. Tribes need to have a plan for taking charge in their villages. They can then come to the federal government and suggest ways in which participate.
- Take advantage of the wisdom in native communities and learn from other tribal approaches.
- Honor the international agreement on human rights.

**VI. Summation on Court Systems and Conclusion by Mike A. Jackson, Trust and Realty Officer, Kake**

- The speaker expressed gratitude that there is a federal department willing to listen. Alaska Natives have been institutionalized and it is hard to bring these issues forward. Historically, though nomadic, Natives supported themselves. Now they have become bound by the states and are used to the dole from years of assistance from the Bureau of Indian Affairs (BIA).
- Natives urge DOJ to review the non-enforcement of the Indian Child Welfare Act (ICWA). The primary reason we are here today is our concern for our communities and the principal concern of communities is the safety of children. ICWA is one avenue to ensure children are given a fair chance to grow up in a caring environment. Self-determination is essential to the defense of Native children.
- State and federal systems are failing, as indicated by jails that are filled with drug offenders who should be taken care of by communities.
- The adversarial system does not work. Native tradition considers the victim to be the most important. Natives live in communities where they see one another every day. It is better to not incarcerate someone, but instead make them "accountable to the hurt." If allowed, healing could begin.
- Many troopers are not native because native people do not choose to become police officers. There is a great practice in one community of giving prizes to those who become police.
- The state's adoption system is lengthy while the tribal way is immediate.
- Tribes suffer from a lack of equal access to substance abuse services, prosecutors, and police. Ninety-five percent of Indian land is available to public access, yet tribes have one-percent access to public services.
- The environment is at stake; forests are being cut down and the habitats of the humpback whale, salmon and herring are being destroyed.
- Inter-tribally, natives should recognize each other's court orders.



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- Natives must create a balance in our villages, using DOJ as a precious resource. If our initial talks and your listening show the intention of working together, our self-determination can become a reality.

*Closing Prayer by Tribal Elder and Adjournment*



## **AKIACHAK**

### **Department of Justice Consultation with Alaska Tribal Governments April 29, 1998**

*Setting: In the morning while snow whirled outside, the group met in the Akiachak Bingo Hall. Because of an overflow attendance, including high school students invited to observe, the consultations moved to the high school gymnasium in the afternoon. More than half the speakers spoke only Yup'ik, but the village provided earphones for as many audience members as possible to hear the almost simultaneous translation of English to Yup'ik or Yup'ik to English. On a high school gym banner: "The mission of the Yup'ik School District....and become fluent in Yup'ik and English languages."*

**Philip K. Peter, Sr., Chief Justice of Tribal Court, Chairman, Akiachak Native Community.** After welcoming the DOJ delegation and village representatives, Mr. Peter asked his uncle to deliver the invocation. The invocation was given in Yup'ik and the tribal participants were welcomed in Yup'ik. Mr. Peter's remarks included the following:

- Why are we involved with the Venetie case? We are Yup'ik Eskimo. I am not Indian.
- There are many problems with adoption and with child abuse victims.
- It is difficult to work with the state court in Alaska and somewhat with the federal court. The tribal court operates, but needs funding. As a judge, sometimes I make only \$50 a month, sometimes nothing. We may have the power to run a tribal court, but we don't have the money.
- Ordinances are written in the Yup'ik language.

**George Peter, President, Akiachak Native Community.**

- We are here to discuss very difficult issues and resolve difficult issues of government-to-government relationships.
- A DOJ presence in Anchorage would make issues/needs much easier to deal with. HUD has offices in Anchorage, and it is very easy to resolve things quickly. The community experienced an eight-month delay between receiving a COPS grant award letter and receipt of the funds.
- There is no help from the state in improving the community's infrastructure—water, sewage, paved roads.

*The translators arrived; Ada Melton introduced John Hogan who introduced the DOJ panel members followed by a young children's performance in traditional dress. Ms. Melton then invited speakers to address remarks to the panel.*

**Jackson Lomack, Chief Executive Officer, Yupiit Nation**

- Four years ago today, President Clinton welcomed Native leaders saying, "Welcome to the White House, welcome home." The President affirmed a commitment to self-governance and trust obligations by signing the Executive Memorandum on Government to Government Relations. Trust responsibilities included making it possible for American Indians and Native Alaskans (AI/NA) to compete economically. The following week, Attorney General Janet Reno and Interior Department Secretary Bruce Babbitt encouraged a meeting with sub-Cabinet officials and more than 500 tribal members, who met for the first "listening conference" in Albuquerque.
- As part of the commitment to a partnership, the Department of Interior created the Indian Minerals Steering Committee, whose first goal was a government-to-government relationship. Collection and disbursement of royalties to tribes is a major portion of its mission and directly affects the quality of life for natives. The goals of the Steering Committee include making AI/AN full partners.
- Fulfilling the Executive Memorandum calls for a dialogue based on sharing among all levels of tribal members and the federal government.
- The Akiachak IRA Council was incorporated under the Indian Reorganization Act of 1934, and the Akiachak Native Community agreed to become an IRA Council on August 6, 1948. Through its Constitution and Bylaws, the Council has many responsibilities and delegates authority through a Comprehensive Plan.
- The Office of Justice Programs has provided minimal assistance. Due to this, AI/AN are missing formula and discretionary grants as well as training and technical assistance, for which they might be eligible.
- To carry out the presidential directive, DOJ must take a comprehensive approach to offenders, victims, and communities, working to restore balance and harmony.
- Funding is needed for law enforcement, domestic violence, and child abuse programs, juvenile justice, victim services, tribal justice systems, and culturally appropriate training and technical assistance.
- Tribal Strategies Against Violence represents a tribal-federal partnership that empowers communities to combat crime, violence, and substance abuse.

**Sue Charles, Child Welfare Aide, Bethel.**

- How is the federal government going to relate to us when there is no Indian Country? What are natives going to do? Why is the DOJ delegation here?
- Bethel has an active tribal court dealing with domestic violence and substance abuse.

**Social Worker:**

- The speaker said she works closely with families. The state ignores tribal recommendations. Social workers in tribal communities have no way of protecting families when a sexual abuse perpetrator is sent home.
- The speaker said she used to attend meetings with her father, the chief of her tribe. He called them "C and C" meetings—coercion and collusion.
- The state makes a constant assault on ICWA. A new child protection team is being formed and a small, effective parenting class based on Yup'ik culture has been created.
- Child abuse funds are needed, and there is no qualified therapist for that region. Consultant Jan Hindman (Oregon) has provided "sensory-based" training appropriate for tribal members, but needs a therapist.
- Child sexual abuse is the most common experience of natives.

**Lloyd Williams, Realty Officer, Akiak Native Community.**

- Lack of housing is a big deterrent to improving law enforcement in the Akiak community. There is no place in the village for the officer to reside and there are no funds to build housing. Consequently, there is a great turnover in the police department serving Akiak. The community needs someone it can rely on, who knows the community.
- Support for families is needed to help them prevent sexual assault and to assist with victim advocacy.
- Children are programmed from birth by violence on television. The mass media promotes violence. Constructive programming is needed.
- There is a constant assault on native culture through religious and educational intrusions. Natives are fighting to remain true to their roots, but when the majority culture tries to assimilate them, people lose their will to be productive. As natives, they are trying to maintain their subsistence way of life.
- The birth of Alaska was not by the will of its residents. The state has been a burden to natives from the beginning. Natives didn't come from someplace else. They have been living here from time immemorial. There must be a greater recognition of tribes

and their right to determine their own direction. They know their needs and their problems.

**Moses Peter, Tribal Judge, Organized Village of Kwethluk.**

- "No matter how hard we try to be Anglos, we will never be."
- The tribal court addresses alcohol, drugs, inhalants, and civil cases, but only the ones the state allows. It is difficult to deal with the state of Alaska judicial system.
- The state denies tribal intervention on ICWA cases. Natives believe that the tribal preference should be honored. Their experience is that even when the extended family is available, the child is placed with an Anglo family.
- Alaska has a very high cost of living. It cost \$178 one-way to fly to Akiachak for this consultation- a distance of 8 miles, or about 3 minutes in air. When the river thaws, I can take a boat.

**Frank, IRA Council.**

- Misdemeanors should be handled locally. The state throws people in jail for minor offenses, removing them from the area. Without sufficient funds for lawyers, these prisoners languish. If they have money, they can walk away.

**Arthur Lake, Kwigillingok IRA Council.**

- "We struggle every day to preserve our way of life in a land that is not kind to us. We look forward to a day when we will sit down together but that day has not come. We understand and respect our people—they are not individuals, they are part of us."
- Peace and harmony cannot be achieved without three parties: tribal, state and federal governments must sit at the same table. "Our elders sit with the state and the state doesn't listen."
- The state's initiative to take funds from rural areas to put in urban areas is "cloaked genocide."
- "You cannot change me and expect me to walk in the same light. Yet we are forced into assimilation where we are all assumed to be equal but we're not. We should not be forced to accept things that are foreign to us."
- Last year's funding for tribal court was \$800. What does the government expect natives to do? The state will not provide funds, but will not let natives tax. How can we stop abuse, neglect, or alcohol, which we must do to attain peace and harmony? Tribal court funding is essential.

- Money set aside in Washington doesn't reach natives; it is usurped by bureaucracy outside native jurisdiction. We need the money here. We know how to use it wisely. Let us decide how BIA and others can help us.
- "We are grouped as one but we're not...it is an effort to survive...I worry about my sons having it worse."

**Elder Speaker.**

- Alcohol and drugs are killing our people. Violent TV is not the right way.
- Elders help people in need as our values dictate. Even without money, we try to set an example for the next generation. I am active in search and rescue missions.
- My son, who is incarcerated, is sometimes put in a dark place—is that the way to counsel someone? The way of our people is the best way. Incarcerated people should have someone to speak to them in their own language, not be treated like animals.
- I am glad to see people from Washington, DC here, we show respect by inviting you here.
- Our children are taken away from their own people; they need to know their culture.

**Peter Andrew Waskey, Tuluksak Native Community.**

- I have been listening to people speak English in one ear and Yup'ik in the other ear - that is good. I have been here since 1926 when we had hardship. I am still learning English. "I will now speak in English: (here Mr. Waskey recited the entire Pledge of Allegiance in English concluding "with liberty and justice for all." He said he went to see President Clinton in person because he voted for him.)
- We need to respect non-Natives. I am glad you have come to help. I do not wish to speak against Natives, but I hear different corporations are not working together. "We may be Yup'ik, but we won't forget the help we get from non-Natives. We want peace, we are having a hard time. Please don't forget what you heard. God will bless us no matter what color we are."

**Jack, Village Public Safety Officer (VPSO) Coordinator, Bethel.**

- VPSOs are the first responders to medical and public safety emergencies.
- Salaries for VPSOs are very low in a state with a high cost of living. Most VPSOs are married with one to five children. VPSOs have asked the legislature for \$14.50 per hour and they need BJA's help with salary/benefits.

- Training is expensive: \$5,000 per VPSO. This cost is prohibitive to send a tribal officer to New Mexico. They need a regional police training center in Bethel. Local housing is also a problem.
- Tribal courts do not share records of criminal history, resulting in a lack of records of offenders, some of whom are then tried as first-time offenders.

### **Young People's Presentation.**

A group of 8 high school-age "young leaders" selected by the School Superintendent, participated in their own consultation session facilitated by Ada Melton and attended by Nancy Ware, Director, BJA Discretionary Grant Program Division. Reported session findings are as follows.

### **Problems**

- Boredom: kids turn to drugs, alcohol, fights.
- Condition of the roads: unpaved, deeply rutted, muddy.
- Drinking: older men, parents drink leading to death, child neglect, car crashes leaving single moms with kids.
- Lack of water and sewer: no running water, bathrooms, in homes.
- Parents leaving kids at home every night to play bingo, gambling away money, using food stamps to get bingo change.
- School facilities: very small with a dump nearby; students are lazy and unmotivated.
- Dads are gone a lot because of too much hunting, leaving moms at home with too much responsibility.
- People depend on welfare.

### **Strengths**

- Summer's clean-up with prizes.
- Hunting without needing a license.
- Everybody knows each other and is close; your relatives are nearby; you can go to somebody else's place; there is sharing between families.
- The school principal.
- Activities: basketball, volleyball, July 4<sup>th</sup>, carnivals.
- Encouragement from elders not to give up. "If we listen to them, we'll live longer lives."
- Safety. Little kids can walk around freely and nothing happens to them.



## **Barriers**

- Alcohol and drugs are easy to get; lots of dealers and bootleggers; people drive to Bethel and bring it back.
- Easy availability of drugs, including marijuana, dope, cigarettes, snuff.
- No resources; no child welfare workers.
- Many cannot afford babysitters but spend money on bingo.
- Families think they can handle problems alone or do not see the problems.
- No funding to expand school; proposed Bill 36 will cut funds for rural school and redirect money to the cities; teachers do not always stay.

## **Solutions**

- Running water in every house.
- A place for teens: the Bingo House was supposed to be a Teen Center.
- Pave the roads; redo the parks with landscaping; move the dump.
- A real playground, better basketball court, and bigger school.
- A laundromat where the water does not make clothes turn yellow.
- Day care center.
- More jobs.

## **Charles Anderson, funded under COPS grant.**

- Majority of calls are related to alcohol or domestic violence. One way to curtail alcohol entry is through the U.S. Postal Service inspections. Less access to alcohol would reduce abuse/neglect.

## **Woman Speaker, Educator for 31 years.**

- I should not have to carry buckets of water to my house in 1998 for drinking water and sewage. There are no recreational facilities for children, either a gym or a playground, in contrast to Bethel. Salaries for local police are low.
- It is very difficult to work with the state on adoptions, ICWA, or victim advocacy. Investigations of child rape and domestic violence and court testimony are conducted in English where offenders may not understand the charge.
- Money talks. Without it, even small crimes can result in long sentences.

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- Juvenile issues should be handled within the community, but tribal courts have no funds and are not recognized by funding streams through the state or federal governments. "We have the courts, but can't do the job." The majority of cases are prosecuted by the state. People should not be tried twice for the same crime.
- The three governments in our community should work together to solve problems, instead of fighting over money.
- Alaska has no drug treatment facility for older chemical abusers. The federal government should encourage the state to establish one.
- Pursuing change in federal court is too costly - flights, hotels, meals.

**John Hogan:** The solution to public safety will take all three governments working together. When we met with state officials in Anchorage, they recognized the role of villages in public safety. I don't know what we can do about the problems with the Indian Child Welfare Act. DOJ will do everything it can to be a peacemaker.

*Closing Prayer by Tribal Elder and Adjournment*

## **SITKA**

### **Department of Justice Consultation with Alaska Tribal Governments April 30, 1998**

*The consultation was preceded by a tour of Sitka by Sitka Tribal Enterprises and a presentation at the Sitkans Against Family Violence Shelter by Acting Director Vicki D'Amano. The consultation session took place at the Westmark Shee Atika Lodge and was followed by a potluck dinner and dance performance at the Sitka Tribe Community Building (Long House).*

**Introductions.** Judge Ted (Theodore) Borbridge, Vice-Chairman, Sitka Tribe introduced Sitka Tribal Council members. Nancy Ware, BJA, introduced other federal panel members, Norena Henry, Albert Antony Pearsall and Judith Rabinowitz, and asked the DOJ staff to be seated around the table and to introduce themselves. The DOJ staff described program funding opportunities. Tribal representatives introduced themselves first in English, then in Tlingit names and ancestry. Facilitator Louise Brady, Sitka Tribe, led singing of the Sitka National Anthem before the invocation.

#### **I. Tribal Justice and Law Enforcement Issues**

Jerry Hope, United Tribe of Ketchikan, presented conclusions of assembled tribal leaders.

##### **A. Problems**

- Alaska Natives represent 18% of the population but account for 50% of the incarcerated population. Why?
- There is a great need to deal with alcohol and health issues.
- A clear definition of tribal justice based on federally recognized tribes.
- There is a lack of knowledge about native culture is needed.
- There is a need for more qualified natives to be certified to serve family needs. (Louise Brady often includes lunch with meetings because it is the only way to pay elders and qualified trainers for their service).

##### **B. Barriers**

- Lack of money.

- Ingrained racism with no mandated cultural competence training for workers.
- Geography: must travel long distance by plane; no roads; isolated communities. Some problems could be solved by technology, but no money has been made available.
- Grant requirements often specify credentialed staff. Native communities have qualified, but non-credentialed people. (ICWA allows hiring without requiring a Master of Social Work degree.)
- Some state grants contain the sentence, "I waive my sovereignty by applying for this grant." (*Norena Henry asked for a copy.*)

#### **C. Strengths**

- Tribes have the necessary infrastructure, but existing resources are already obligated.
- Tribes have their own social services, but they are stretched thin with probation and juvenile services.
- Locally based resources for providing training exist, but people must be willing to train regularly, not just attend one-time, "feel-good" training events.

#### **D. Solutions**

- Obtaining planning grants.
- Requiring cultural competency.
- Enforcing native hiring of judges, court clerks, police, social workers, etc. in the state system, not just janitors. The state supposedly has a policy to increase native employees, but "people getting off the plane will get a social work job before a native." The Tribal Employment Rights Office has ordinances, and where the Office is active, there is a much higher rate of native hires.
- Establishing native law enforcement with proper training.
- Helping other communities through the Sitka Tribe Memorandum of Understanding (MOU) with local police. Sitka's MOU calls for the hiring of native police officers to work with domestic violence shelters that are run by the tribe.
- Encouraging natives to hire native employees.
- Certification of qualified natives.
- Having more U.S. Congressmen/women and more Alaska legislators need to the bush areas of Alaska, to increase their awareness of existing conditions.

## **II. Juvenile Justice**

### **A. Problems**

- Lack of justice. Over half of the approximately 95,000 Alaska Natives are children. There is a lack of an infrastructure which would allow juveniles to have a sense of justice. The children believe that everything conspires to ensure that they get in trouble, then are whisked out of the village before the community knows and can deal with what happened.
- Lack of facilities to hold juveniles locally.
- Background of abuse.

### **B. Barriers**

- Kids age out of system when they are 18.
- A lack of aftercare and inappropriate or no treatment, with no attempt to include the family.
- Racism in the political climate, as evidenced in the *Venetie* case; attempts to reduce school funding; and attempts to institute the death penalty. There is a strong urban versus-rural sentiment in Alaska.
- Fear of law enforcement and a lack of legal advocates.
- Lack of juvenile probation officers.
- Funding cuts in legal services, which have hurt the quality of defense attorney representation.
- Funding channeled through native non-profit organizations, which is taking power away from tribes. DOJ's help is needed in figuring out separation of powers.
- New welfare-to-work policies in areas where there are no jobs. Natives will be in worse shape when funding to families ceases.

### **C. Strengths**

- A culture that values living with the Earth the way it is and the historical balance of the three tribal peoples in southeast Alaska—together, a powerful link with natural and social environments.
- Elders and grandparents.
- Spiritual values. In response to high suicide rates, the elders began teaching youth how to drum as part of a move to revive cultural practices. This teaching has greatly

reduced deaths, drugs, and alcohol use. Strong tribal governments have strong positive effects on youth.

- Joy in sports, but inadequate facilities. (In Rangel, where 30% of the population is Native, at-risk children conducted a door-to-door campaign seeking support for a skate park. The money raised was used by the city to build a golf course.
- Successful educational programs.

#### **D. Solutions**

- More Native CASAs and GALs and training. There are only two Native GALs now in Alaska.
- More local control of programs.
- Cultural competency provided in all communities. Ideally, all issues should come before the tribal court, but because this is unrealistic, cultural competency is essential.
- Planning grants.
- Funding for cultural navigators and timely legal services. Natives need personnel who can explain court process to juveniles and others.
- Educational and sports/recreational services.
- Prevention programs.
- Juvenile facilities.
- Advocacy services.

### **III. Alcohol and Substance Abuse**

#### **A. Problems**

- Lack of programs to address problems at the local level.

#### **B. Barriers**

- No long-term treatment, and funding cuts for what treatment is available.
- Cultural denial; "inter-generational grief."
- Lack of facilities or family treatment and a lack of attention to Fetal Alcohol Syndrome.
- Lack of employment.
- Cultural isolation.

- Political climate (urban-versus-rural tension). Colonialism took away native language and culture. If a man's ability to provide for his family is taken, and he is punished for using his language, that causes pain.
- Easy access to drugs, including cigarettes.

#### **C. Strengths**

- The presence of elders.
- Native culture and spirituality. "Cultural self-hate" is totally preventable. Natives can hold them ourselves up with dignity.
- The sobriety movement taking place in Indian Country, even while young people are using more alcohol and drugs.
- Revitalization of the old ways.

#### **D. Solutions**

- Develop native treatment modality.
- Train all human service providers.

### **IV. Domestic Violence, Sexual Assault, and Child Abuse**

Comment: natives would not have other problems if these could be eradicated.

#### **A. Problems**

- Shame in acknowledging that domestic violence, sexual assault, and child abuse are killing the future of Alaska Natives.
- Domestic violence and child abuse are accepted.
- Inter-generational denial—victims become perpetrators. Polarization occurs because family members do not talk about it together. There is a need for accountability, but people take a risk talking about it.
- Alcohol and substance abuse are contributing factors.

#### **B. Barriers**

- Lack of services for perpetrators who were victims. Sitka has the only program for batterers.

- Polarization of victim and perpetrator programs.
- Lack of services for families.
- Lack of acknowledgment by the state of concurrent jurisdiction everywhere.
- Outdated, distorted views of women brought by colonizers of Alaska and held by tribes.
- Lack of adequate services in villages.
- Lack of individual or community involvement because of a fear of the state court processes.
- Self-banishment and banishment by the tribe of perpetrators who can never return. This often results in perpetrators ending up homeless drifters.
- Tribal governments not making these issues a priority or funding programs addressing them.
- National politicians not supporting prevention programs.

#### **C. Strengths**

- Spiritual beliefs.
- Recognition that women are a strength.
- Belief in self, tribal government, and culture.
- Respect for elders.

#### **D. Solutions**

- Merge children in culture, morality and prevention in early grades.
- Long-term counseling for victims by trained providers.
- Use victims as treatment providers.
- Provide cultural and outdoor activities.
- Take advantage of DOJ/OJP opportunities for new programs.
- Establish immersion programs.
- Use informal support systems; begin to talk openly with trust and respect.
- Take the pledge today—I will not pass on these problems.
- Build respect for women.

*The panel expressed appreciation for the contributions of each representative and urged participants to talk to the DOJ staff about funding opportunities. Comment by Judith Rabinowitz: "In a post-Venetie world, folks wanted assurance that tribes will continue to be recognized. The Attorney General will provide that assurance."*  
*Closing Prayer by Tribal Elder and Adjournment*



## **FORT YUKON**

### **Department of Justice Consultation with Alaska Tribal Governments April 30, 1998**

*The consultation took place in the Fort Yukon Tribal Justice Office.*

**Introductions.** The Honorable Steve Ginnis, First Chief, Native Village of Fort Yukon, introduced other representatives from the Venetie Tribe, Arctic Circle and the Beaver Village Tribal Council. Following introduction of the DOJ staff, Ada Melton facilitated the discussion.

#### **Problems**

- Child abuse and neglect, domestic violence, sexual assault and juvenile delinquency (statement by Sarah Knudson).
- Television has become a big influence on juveniles and parental guidance is limited.
- Graffiti.
- Vanishing tribal traditions. The tribal court has existed since 1959, but the state now says the tribe has no jurisdiction.
- Student anger caused by boredom.
- Alcohol and drug use which play a large role in juvenile problems, including teenage pregnancy.
- Depression among adults, a significant factor in alcohol abuse.
- Confusion over jurisdiction as a result of *Venetie* decision. It is not clear which court is responsible for adjudications.
- Lack of therapeutic facilities for anger management.
- Communication breakdowns in families.
- Unemployment in villages.
- Lack of funds for recreational or social centers.
- Teenage pregnancy.
- Single-parent mothers increasingly supporting families without help.
- New guidelines hampering youth employment.
- Child custody issues and domestic violence.
- Lack of community support for tribal courts.

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- High suicide rate for a small community - four suicides in the last two years and six attempts.

### **Strengths**

- Some adults are taking responsibility for their children.
- Village people are committed to volunteering.
- Extended family is an important source of strength for Yukon communities; they share information on cultural history and traditions.
- Parenting classes are available in Fort Yukon.
- The tribe is aware of its problems, but it needs funding to fix them, not state involvement.
- Venetie is a dry village working to enhance the school system, provide social outlets, and restore the community's sense of tradition.

### **Barriers**

- It would be very costly to have a state trooper come in to handle adjudications.
- Cost of living is excessive.
- Cost of traveling to training and conferences is enormous.
- Judicial system fails community—one is "Americanized," the other indigenous.
- There is difficulty educating non-natives on tribal traditions. Bureaucracy is a big obstacle because of lack of information/communication.
- Animosity toward BIA is evident among many Native Alaskans.
- Financial resources are nonexistent.
- There is no interest in the community to mobilize to create programs and clubs for youth.

### **Solutions**

- It is important to educate the federal government.
- The state should let programs run without interference.
- Drug and alcohol abuse which breed fear of violence must be addressed. The importation of drugs into Fort Yukon must be addressed. Abusers of alcohol and drugs must be held responsible.
- Juveniles must be held accountable for their actions.
- Tribal law enforcement should be established to go hand-in-hand with tribal courts.
- Leaders should commit themselves to carry out what they were elected to do.

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- Professional counseling services should be made available.
- Opportunities should be provided to educate people locally.
- One billion dollars!
- Hire a marshal from local village.
- Cultural camps should be established.
- Tribal courts that are fully operational and manageable with training should be established.
- Tribal, not state, laws should be enforced.
- Local governments should be empowered to handle their own problems (self-government).
- Circle sentencing for offenders, which will build skills, should be implemented.
- More input from the federal government on the tribal role should be provided.
- Increased funding for grades 1-3 should be provided.
- Drug education and prevention programs should be implemented.
- More healing workshops should be held.
- Men's wellness training should be increased.
- Grants should be more flexible.
- Federal funds should flow directly from federal government to the tribes.
- More VPSOs in the villages should be hired.
- Community justice should be restored.

Concluding the consultation, Steve Ginnis stated: "We need to strengthen our relationship with the state government because the relationship with the federal government is good. We need to be recognized and maybe funding will start flowing in. We don't need the state to give us permission to spend money given to us by the federal government."

*Adjournment*

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