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2 Alaska Advisory Committee  
3 to the  
4 United States Commission on Civil Rights  
5  
6  
7 October 25, 2001  
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9  
10 Verbatim Transcript of Proceedings  
11  
12 Chairperson: Gilbert F. Gutierrez  
13  
14 Hilton Hotel  
15 500 West Third Avenue  
16 Anchorage, Alaska  
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1 ALASKA ADVISORY COMMITTEE TO THE  
2 U.S. COMMISSION ON CIVIL RIGHTS  
3 Thursday, October 25, 2001  
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1 PROCEEDINGS  
2 Alaska Advisory Committee  
3 to the U.S. Commission on Civil Rights  
4 Thursday, October 25, 2001  
5 (On record - 12:40 p.m.)  
6 CHAIRPERSON GILBERT GUTIERREZ: Good afternoon.  
7 This meeting of the Alaska Advisory Committee to the United  
8 States Commission on Civil Rights will come to order.  
9 I am Gilbert Gutierrez, Chairperson of the Alaska  
10 Advisory Committee. Joining the Advisory Committee today is  
11 Commissioner Yvonne Y. Lee.  
12 We are pleased with their interest in this topic from  
13 the U.S. Commission on Civil Rights. Thank you, and  
14 welcome.  
15 The U.S. Commission on Civil Rights is an independent,  
16 bipartisan, fact-finding agency first established under the  
17 Civil Rights Act of 1957. By Congressional mandate, the  
18 Commission is directed to:  
19 1. Investigate complaints alleging that citizens are  
20 being deprived of their right to vote by reason of  
21 their race, color, religion, sex, age, disability,  
22 or national origin, or by reason of fraudulent  
23 practices;  
24 2. Study and collect information concerning legal  
25 developments constituting discrimination or denial

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1 of equal protection of the laws under the  
 2 Constitution because of race, color, religion,  
 3 sex, age, disability, or national origin, or in  
 4 the administration of justice;  
 5 3. Appraise Federal laws and policies with respect to  
 6 discrimination or denial of equal protection of  
 7 the laws;  
 8 4. Serve as a national clearinghouse for information  
 9 about discrimination; and,  
 10 5. Submit reports, findings, and recommendations to  
 11 the President and Congress.  
 12 Advisory Committees like this one, were established in  
 13 each State and the District of Columbia in accordance with  
 14 enabling legislation, and the Federal Advisory Committee  
 15 Act, to advise the Commission on matters pertaining to  
 16 discrimination or denials of equal protection of the laws  
 17 because of race, color, religion, sex, national origin, age,  
 18 disability, or in the administration of justice, and to aid  
 19 the Commission in its statutory obligation to serve as a  
 20 national clearinghouse for information on those subjects.  
 21 Other members of the Alaska Advisory Committee in  
 22 attendance during this meeting are Daniel Alex, Thelma  
 23 Garcia-Buchholdt, Robert Gonzalez, I believe Rosalee Walker  
 24 will be here with us, and Michael J. Walleri.  
 25 Also present with us are Thomas Pilla, Grace Hernandez

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1 and Angela Trevino, of the Commission's Western Regional  
 2 Office in Los Angeles; and if you need any information or  
 3 you need assistance, please talk to these -- well, this is  
 4 Tom here, and the two ladies are outside.  
 5 This meeting is being held pursuant to Federal rules  
 6 applicable to State Advisory Committees and regulations  
 7 promulgated by the U.S. Commission on Civil Rights. All  
 8 requests regarding these provisions should be directed to  
 9 Commission staff.  
 10 I would like to emphasize that this is a fact-finding  
 11 meeting, and not an adversarial proceeding. Individuals  
 12 have been invited to come and share information with the  
 13 Committee relevant to the subject of today's inquiry. Each  
 14 person who will participate has voluntarily agreed to be  
 15 here today.  
 16 Since this is a public meeting, the press, and radio  
 17 and television stations, as well as individuals, are  
 18 welcome. Persons meeting with the Committee, however, may  
 19 specifically request that they not be televised. In this  
 20 case, we will comply with their wishes.  
 21 We are concerned that no defamatory material is  
 22 presented at this meeting. In the unlikely event that this  
 23 situation should develop, it will be necessary for me to  
 24 call this to the attention of persons making those  
 25 statements, and request that they desist in their action.

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1 Such information will be stricken from the record, if  
 2 necessary.  
 3 Finally, many of you may have questions regarding why  
 4 certain persons were invited to participate while others  
 5 were not. The Committee would like to acknowledge that this  
 6 has been a very important issue in this state, and many  
 7 individuals possessing particular knowledge, expertise, and  
 8 experiences have been involved in moving the discussion  
 9 forward. These issues have many voices.  
 10 Because of time and budget constraints under which we  
 11 operate, the Committee simply could not accommodate everyone  
 12 who wished to participate on scheduled panels today. The  
 13 Committee's goal in assembling the individuals who all of us  
 14 will hear from today was to ensure that information is  
 15 obtained from the broadest and most diverse cross section of  
 16 voices on these issues as possible.  
 17 Each of the persons you will hear from today has  
 18 knowledge on the issues that we felt were important to  
 19 include in the record. This is not to say that others do  
 20 not have opinions and viewpoints that are just as important.  
 21 This is simply to say that as a group, we have attempted to  
 22 do the best that we could -- excuse me. So with that then,  
 23 we would like to -- oh, here we go. Okay. This is simply  
 24 to say that as a group, we have attempted to do the best  
 25 that we could under the circumstances. We thank you for

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1 your understanding.  
 2 In an effort to hear from others having differing  
 3 points of view, we have allocated time to hear from anyone  
 4 who wishes to share specific information with the Committee  
 5 about the specific issues under consideration.  
 6 At that time, each person or organization will be  
 7 afforded a brief opportunity to address the Committee.  
 8 Those wishing to participate in the open session must  
 9 contact Commission staff before 2:00 p.m. this afternoon,  
 10 and also advise staff if they will require a translator.  
 11 In the event that we are not able to hear from you in  
 12 the open session, the record of this meeting will remain  
 13 open for a period of 30 days following its conclusion  
 14 tomorrow. The committee welcomes additional written  
 15 statements and exhibits for inclusion in the record.  
 16 These items should be submitted to the Western Regional  
 17 Office of the U.S. Commission on Civil Rights, 300 North Los  
 18 Angeles Street, Suite 2010, Los Angeles, California 90012.  
 19 Any member of the Commission staff should be able to assist  
 20 you in this process for submitting information.  
 21 Let us proceed. We have a series of speakers,  
 22 panelists, and we're going to begin now with village issues.  
 23 And we'd like to invite Willie Kasayulie, Chairman of  
 24 Akiachak Limited, Edward Thomas, President of Tlingit and  
 25 Haida Central Council, Mike Williams, Chair of the Alaskan

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1 Inter-Tribal Council.  
 2 Mr. Williams, be sure to get a speaker in front of you  
 3 there so when you go to speak, we'll get you on the speaker.  
 4 Mr. Kasayulie?  
 5 MR. WILLIE KASAYULIE: Thank you, Chairman Gutierrez.  
 6 I have a prepared statement that I would like to read into  
 7 the record. I believe a copy of it has been provided to  
 8 you, in front of you. I feel it's important that I read my  
 9 comments into the record based on the information that I  
 10 provided to you.  
 11 Good afternoon to you Chairman Gutierrez, and members  
 12 of the Alaska Advisory Committee to the U.S. Commission on  
 13 Civil Rights. I feel honored and privileged to be included  
 14 to make comments on the civil rights concerns and problems  
 15 faced by the Alaska Natives in the areas of justice,  
 16 education, and employment in the village in rural Alaska.  
 17 For the record, my name is Willie Kasayulie, a Yupik  
 18 Alaska Native from Akiachak Native Community, located on the  
 19 banks of the Kuskowim river in Western Alaska. I have been  
 20 involved and participated in numerous local, regional,  
 21 statewide national as well as international indigenous  
 22 organizations dealing with the rights of indigenous peoples  
 23 in our efforts to maintain our inherent rights of  
 24 self-governance.  
 25 Self-governance by tribes encompasses many areas of

1 responsibilities. It mirrors the responsibilities of state  
 2 and federal government with one difference; why would state  
 3 and federal governments advocates for individual rights,  
 4 tribal governments advocate for collective rights and the  
 5 perpetuation of tribal existence.  
 6 My involvement in tribal politics started in the latter  
 7 part of the 1970s. The inherent rights of self-governance  
 8 for Alaska tribes continues to be an uphill battle. The  
 9 federal government did not fully affirm the status of tribes  
 10 until October 21st, 1993, when the assistant secretary of  
 11 Indian Affairs, Ada Dare (ph), published a list of 226  
 12 villages as tribes in the federal register.  
 13 The State of Alaska continues to oppose the authority  
 14 of tribal self-governance. The Millenium Agreement between  
 15 the signatory tribes of April 11th, 2001, is yet to be  
 16 tested.  
 17 Most tribal where chartered municipalities are  
 18 nonexistent are considered unincorporated communities rather  
 19 than tribes. Even the Alaska Federation of Natives, during  
 20 their deliberations to amend the Alaska Native Claims  
 21 Settlement Act in the mid-1980s referred to tribes as,  
 22 "qualified transferee entities" in our efforts to seek  
 23 provisions that will tribalize corporate lands in the 1991  
 24 amendment process.  
 25 With the clarification by the U.S. Department of

1 Interior in 1993, tribes and tribal authority became  
 2 popularized in the efforts of Alaska Natives to maintain the  
 3 the inherent rights of self-governance, even though some  
 4 tribally-owned medias do not report on the activities of  
 5 tribal quorums.  
 6 Although many of the tribal governments are considered  
 7 traditional councils, they share the same attributes as  
 8 Indian Reorganization Act Councils. Both are recognized by  
 9 the United States as tribal governments and tribes. Many of  
 10 the organic documents of the IRA governments essentially  
 11 share generic languages in their constitutions regarding the  
 12 powers of the communities.  
 13 In order to categorize the discussion topics of this  
 14 meeting, you need to hear what powers the IRA governments  
 15 have. The constitutional language of Akiachak community,  
 16 approved by the Department of the Interior on August 6,  
 17 1948, states:  
 18 To do all things for the common good, which it has done  
 19 or has had the right to do in the past and which are  
 20 not against Federal Law in such territorial law as may  
 21 apply; to deal with the federal and territorial  
 22 governments on matters which interest the community, as  
 23 set forth in the acts of June 18, 1934 as amendment; to  
 24 guard and foster Native life, arts and possessions and  
 25 Native customs not against law.

1 I need to clarify in this constitution language, these  
 2 constitutions were adopted prior to statehood; hence the  
 3 territorial government is still in existence in our  
 4 constitutions.  
 5 I understand that I was supposed to -- or this panel is  
 6 supposed to talk about village issues. But my primary  
 7 discussion, presentation, will be on education at this  
 8 point.  
 9 One of the responsibilities of any government is to  
 10 provide education to their constituents. Tribal governments  
 11 are not exempt from this responsibility. As Chairman  
 12 Gutierrez is aware, the Akiachak Native Community was one of  
 13 five tribes to implement the provisions of Indian Self-  
 14 Determination and Education Assistance Act, Public Law  
 15 93638.  
 16 In the early 1980s, by contracting for the operation of  
 17 the Bureau of Indian Affairs Day School. Despite the  
 18 efforts of the tribes and indigenous organizations, Congress  
 19 discontinued funding of BIA and tribally operated schools in  
 20 1985. Consequently, all BIA and tribally operated schools  
 21 were transferred to the State of Alaska under the auspices  
 22 of state's constitutional responsibility.  
 23 Akiachak, along with two other nearby tribes were  
 24 instrumental in creating a state-chartered school district  
 25 to maintain local control, rather than joining in with the

1 large school district which encompassed 25 villages in the  
 2 Lower Kuskoquim River and the coastal areas. The Yupik  
 3 School District has been in existence since 1985.  
 4 The primary buildings used for classroom instruction  
 5 were built in the 1960s by BIA. The secondary buildings in  
 6 1980 by the State of Alaska under the Molly Hoots Decree.  
 7 The buildings were built without consideration to the  
 8 increase of enrollment in the future. Consequently, the  
 9 buildings are overcrowded with constant maintenance to  
 10 maintain the school facilities in Akiachak, Akiak and  
 11 Tuluksak.  
 12 The requirement by the state legislature to establish  
 13 an operating budget based on 70 percent for instruction and  
 14 30 percent for maintenance and operation on state  
 15 entitlement has placed a burden on the Yupik School  
 16 District, including other rural school districts.  
 17 The location and cost of doing business was not a  
 18 deterrent by the legislature as the 70/30 ratio applies to  
 19 all school districts across the state. In order for the  
 20 school districts to maintain their capital project standing  
 21 within the Alaska Department of Education and Early  
 22 Development priority listing, the districts submit on an  
 23 annual basis updated capital projects for school replacement  
 24 and renovations.  
 25 For YSD, the annual cost of resubmission is

1 labeling schools based on test results. Depending on the  
 2 result of the student testing, each school will be labeled  
 3 one of the following: distinguished, successful, deficient  
 4 or in crisis. Early indications of test results told many  
 5 of the rural schools could be labeled deficient or in  
 6 crisis. This can place a burden on the teaching staff and  
 7 the self-esteem of the student population.  
 8 The indication of the Benchmark testing of Alaska  
 9 Natives and American Indians is that schools need to do  
 10 more. For example, in the state of Montana, seven out of 10  
 11 schools providing education for American Indians were below  
 12 the national standards for Grades 4, 6, and 8. The low  
 13 achievement of the indigenous American is not just an Alaska  
 14 concern; it's a national problem. With the shortage of  
 15 certified teachers, the rural schools have established  
 16 programs that would allow their classified teacher aides to  
 17 take college courses to become classroom teachers. The  
 18 state requires an individual with prior credentials to pass  
 19 the practice test in the areas of math, reading and writing.  
 20 Each unit costs individuals \$25 per test with  
 21 additional cost of \$35. A person may pay a total of \$110 to  
 22 take out three tests. Our classified teachers are  
 23 struggling to pass the required test. I am aware of  
 24 individuals that have failed their test five or times.  
 25 Whoever is providing the practice test is making money off

1 approximately \$20,000 per year. The department has  
 2 maintained a priority listing of school districts for the  
 3 replacement and renovations of schools are critical. The  
 4 budget developed by the department is submitted to the  
 5 legislature for their approval and funding.  
 6 Despite the best efforts of the department and the  
 7 school districts, the legislature has basically ignored the  
 8 priority listing of rural school districts and continued to  
 9 fund school districts in urban areas. The citizens for  
 10 Educational Advancement of Alaska's children was organized  
 11 with the membership consisting of school districts.  
 12 CYAK filed a lawsuit against the State of Alaska and  
 13 were successful in *Kasilie v. State*. A copy of that judge's  
 14 order is provided for your information. The state court  
 15 ruled that the legislature was discriminating against rural  
 16 schools in terms of providing capital project funds to  
 17 replace and renovate rural schools with the majority of the  
 18 funding going to urban schools. The department started the  
 19 Benchmark testing for Grades 4, 6, and 8. Indications of  
 20 progress in rural schools are not promising. The department  
 21 also tested the 10th Grade students to see where Alaska  
 22 students would be passing the high school qualifying exit  
 23 exam. The majority of the students in rural Alaska did not  
 24 pass the exit exam.  
 25 Starting in August of 2002, the department will start

1 these individuals that have a hard time passing these tests.  
 2 As indicated earlier, tribal governments are not exempt  
 3 from providing education to their members. Currently they  
 4 play a limited role by providing scholarships to qualified  
 5 Alaska Natives and American Indians in their jurisdictions.  
 6 Funds are provided by DIA under contract with tribes  
 7 and tribal organizations., but they need to do more. Ninety  
 8 percent of the Alaska Native and American Indians are  
 9 enrolled in public schools nationally. The other 10 percent  
 10 are in BIA operated boarding schools and tribally control  
 11 schools at or off reservation schools, including private  
 12 schools. The majority of the Alaska students are in public  
 13 schools.  
 14 The Akiachak Native Community, March 10, 1999, adopted  
 15 the Akiachak Native Community tribal Education Ordinance.  
 16 The ordinance is also provided for your information. The  
 17 ordinance established a tribal education department that  
 18 would implement the provisions of tribal education ordinance  
 19 and to establish a working relationship with local schools  
 20 and other educational institutions to comply with the  
 21 ordinance.  
 22 One of the important components of the ordinance is for  
 23 the tribal education department to provide the tribe with an  
 24 annual report entitled State of Akiachak Native Community  
 25 Education Report. This report will include, but not limited

1 to compliance by schools and educational institutions to the  
2 code in the areas identified in the ordinance.  
3 Rather than going into details of the provisions of the  
4 ordinance, allow me to read Section 103.10 of the code,  
5 Quick States.  
6 The federal government has a trust responsibility as  
7 embodied in Statutes in the United States Constitution, to  
8 provide for a formal education of Alaska Native students who  
9 attend federal, tribal, and state schools.  
10 The state of Alaska has also historically failed to  
11 meet the needs of Alaska Native students within Akiachak  
12 Native Community. Recognizing that a good formal education  
13 is critical to the survival of the Akiachak Native Community  
14 tribe, it is in the best interest of the tribe to assert its  
15 responsibility over formal education system within Akiachak  
16 Native Community's jurisdiction to improve those systems in  
17 the tribe.  
18 Although federal laws authorize the creation of tribal  
19 education departments in Indian country, funding through  
20 Congress has never been allocated for Alaska tribes. Our  
21 congressional delegation has, on an annual basis, included  
22 riders in the appropriation fields disallowing distribution  
23 of funds to Alaska tribes for operation of BIA and tribally  
24 controlled schools and education departments.  
25 I have several recommendations that I would like the

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1 committee to consider, possibly move forward to the larger  
2 commission. And these are:  
3 Number 1. tribes in Alaska should not be categorized  
4 as having less authority than federally recognized  
5 tribes in the continental United States due to the  
6 absence of reservations or Indian country. Tribes in  
7 Alaska have the same rights to access federal Indian  
8 laws enacted to strengthen in the areas of tribal  
9 governance, economic development, health, education,  
10 and cultural preservation.  
11 Number 2. United States Commission on Civil Rights  
12 needs to monitor and ensure the requirements of the  
13 Kasilie v. State are adhered to by the legislative and  
14 executive branches of State Government.  
15 Number 3. The tools for testing of American Indians  
16 and Alaska Native students need to be sensitive to  
17 cultural norms and location of the tribes. The  
18 majority of the Alaska Native students in rural Alaska  
19 have never experienced the lifestyle of urban setting  
20 and are unfamiliar to some of the questions being asked  
21 of the students.  
22 Number 4. Although it is the desire of the schools to  
23 hire qualified and certified teachers in rural Alaska,  
24 the U.S. Commission on Civil Rights needs to research  
25 the percentage of ethnic individuals that are actually

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1 passing the practice test requirement of the State of  
2 Alaska. In the majority of the cases, classified  
3 teacher rates are on the bottom scale of wage earners  
4 in rural Alaska, and yet perform teaching functions  
5 when certified teachers are unavailable.  
6 And Number 5, the United States Commission on Civil  
7 Rights needs to ensure Congress is providing adequate  
8 funds on an annual basis to Alaska tribes to operate  
9 tribally controlled schools and tribal education  
10 departments as mandated by federal laws.  
11 Thank you very much.  
12 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We're going  
13 -- are these on? What we're going to do is we're going to  
14 have the rest of the panel speak, and then we'll ask  
15 questions.  
16 MR. EDWARD THOMAS: Good afternoon. My name is Edward  
17 Thomas. My Tlingit name is Daawho (ph). My Haida name is  
18 Sklinkudonce (ph). I'm the president of the Central Council  
19 of Tlingit and Haida Indian Tribes of Alaska. And I thank  
20 the Commission for hearing my comments today. And you heard  
21 my attorney's comments, so for the record, my comments will  
22 be verbal.  
23 I think that many of our people over time have made so  
24 many -- and they've attended and provided so much testimony  
25 on our issues of tribal rights and human rights, and the

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1 civil rights of our people being violated constantly. And I  
2 think that it's important that I make a few comments about  
3 why I think some of that's happening. I think there's a  
4 mind set in this country that Native Americans, Alaska  
5 Natives are basically there for the handouts, that we  
6 absolutely are secondary citizens to this nation and that  
7 all we need is a handout. I need to remind the committee  
8 that we were here from the beginning and flourished just  
9 fine and had a standard of living that is comparable to any  
10 other society prior to contact.  
11 Diseases and bringing in the kind of corruption that we  
12 were faced with in our history, it's understandable that  
13 sometimes we have very poor living conditions within our  
14 Native communities.  
15 Now, in Alaska, I have to point out that democracy in  
16 state government is not working. It's just not working. We  
17 have a dominant society based primarily in Anchorage,  
18 Fairbanks and Juneau who set the policy for the entire  
19 state. There is no doubt in my mind about it. There is no  
20 way that anybody is going to convince me that by the  
21 minority coming from the rural bush caucus that you're going  
22 to get your way in this legislature. It just doesn't  
23 happen; unless somehow they have some sort of softened their  
24 hearts a little bit, and then something is going to get  
25 done.

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1 Now, it hasn't always been that way because there were  
 2 a lot of resources at the beginning, of the royalties from  
 3 the oil companies. But I have to point out that the civil  
 4 rights issue of our people is really in bad shape for all  
 5 Indian tribes; not just in Alaska.

6 Let me give you a couple examples; I have attended a  
 7 number of hearings with the state department on the  
 8 proposition of putting forth a paper to United Nations on  
 9 the rights of the indigenous peoples. And the United States  
 10 on the one hand says we want to deal with the tribes on  
 11 government to government, and we respect you as tribal  
 12 peoples, but they will not sign off on this document simply  
 13 because instead of saying people, they're saying peoples,  
 14 and that might mean more than what we're trying to say.  
 15 This country that pretty much has a Rambo style when it  
 16 comes to other issues in imposing their will, say, well, we  
 17 can't do that because we are not sure other countries are  
 18 going to buy off on the word peoples.

19 Now, it might sound like a very petty thing, it might  
 20 sound like something, well, we're dreaming anyway. But I  
 21 think the issue of indigenous peoples throughout the world  
 22 must be addressed by the dominant society or we're never  
 23 going to get anywhere. What I mean by that is we don't have  
 24 a mind set to fix the problems of one group of peoples  
 25 violating the human rights of another peoples; and we don't

1 have the will to do that. There's always going to be then  
 2 the inability to address the smaller problems that occur day  
 3 to day in the dominant society dealing with tribal people.

4 Now, the other thing I must point out is that on a  
 5 broader scale, the court systems are losing empathy to the  
 6 original pledge of this country towards Native Americans.  
 7 And one example is the Venetie case. One of the very  
 8 important principles in the canons of legal construction of  
 9 Indian law is that inherent sovereignty is diminished only  
 10 by explicit acts of Congress. But when you look at the  
 11 Venetie law, it was not that there was language and  
 12 legislation that they could refer to, it was -- maybe this  
 13 is what Congress intended or these are your alternatives.  
 14 It did not say, well, ANCSA had this clause in it, said,  
 15 well, you can't tax or ANCSA had this clause in it that you  
 16 can't do something else. It just says, well, I think that  
 17 was the intent of Congress.

18 There are other examples going on where states' rights  
 19 are preempting tribal rights. And it's not good for the  
 20 future of tribes throughout the nation. Now, one might ask,  
 21 well, gee whiz, why are you complaining? It sounds like you  
 22 get a lot of services from the federal government. If you  
 23 were to compare the amount of dollars spent by Native  
 24 Americans compared to the dominant society, particularly in  
 25 the inner cities, you're going to find that we get less on a

1 per capita basis than is spent by the federal government on  
 2 other societies.

3 Even just the short amount of time that we've been  
 4 engaged in the problem over at Afghanistan; there's been  
 5 more money spent over there than on the entire BIA budget  
 6 for the whole nation. Those are just a few examples of how  
 7 when other issues rise to a prominence and importance in  
 8 this country, our tribal things get put aside and we're  
 9 asked then to kind of pay our dues like the rest of the  
 10 citizens.

11 One important thing I need to talk about is the issue  
 12 of contracting. Willie mentioned that the tribes get  
 13 involved in contacting, which is a good thing. But what  
 14 happens also is the government says okay, you've got this  
 15 contract, it's going to do some good for your people, and  
 16 it's going to cost you money to administer those dollars, so  
 17 we're going to give you some indirect costs for that. And  
 18 in order for us to figure out how much to give you, we'll  
 19 send another agency to audit your books and determine how  
 20 much money you're eligible for.

21 Okay. That all sounds good. So you get it done and  
 22 then they say, okay, well, now we've determined how much  
 23 you're eligible for, so we're going to give you 80 percent.  
 24 So where does the other 20 percent come from? Or where does  
 25 the -- you know, in some cases, even less than that; they

1 tell you that if you don't collect all those dollars, then  
 2 you got to find some other resource to pay for that  
 3 contract. So what is happening here in the scheme of  
 4 things? You're diminishing the ability of that tribe to  
 5 sustain self-determination because they're having to find  
 6 resources they don't have to be able to administer a program  
 7 that the government would have provided through that  
 8 citizenry in the first place. And so it's kind of a  
 9 roundabout way to say that I think you deserve these  
 10 services, but unless you can come up with that 20 percent,  
 11 we're not going to let you have it.

12 It really is a situation where it is a double-tax on  
 13 the tribes who are administering -- carrying out an inherent  
 14 government function on behalf of the government and then  
 15 having to pay the government to do it. And it's the  
 16 neediest of the needy that are doing that in many cases. So  
 17 it really is a bizarre situation when you think about it.  
 18 Now, if Lockheed said, well, I'm going to build you a  
 19 submarine, and the government said, great, build us a  
 20 submarine. Well, we'll give you 80 percent of what it costs  
 21 to build that submarine; that's the kind of mentality we're  
 22 dealing with. Now, how many submarines would get built?  
 23 Not too many. Pretty soon, you know, they'd sink and not  
 24 come back up.

25 But you know, this is the kind of thing that we, as a

1 people, are dealing with. We are citizens of this country,  
 2 but yet the treatment that we're getting is really something  
 3 that would not be tolerated by this country if China did  
 4 that do its citizenry. In other countries they do that to  
 5 their citizenry. Our country says, well, you're not a  
 6 favored nation anymore. You do these bad things to your  
 7 citizens. But in our country, it's all right. It's all  
 8 right so long as, you know, you can get away with it. And  
 9 that kind of mentality really has to stop somewhere. Now,  
 10 I'm not sure what your commission is going to be able to do  
 11 about it or whether you even agree with what I'm saying.  
 12 But these are things that hold down our societies, hold down  
 13 our ability to do business on a one to one basis, and bring  
 14 our people from a situation in our villages of poverty back  
 15 into the mainstream of society.

16 Anyway, I think that it's important for you to hear  
 17 what you're saying and hopefully that you can influence some  
 18 of these things that are in need of being influenced, on a  
 19 broader scale.

20 In closing, I want to say that I appreciate your  
 21 willingness to listen. I apologize if I've offended  
 22 anybody. I really need you to know that it's very  
 23 frustrating trying to deal with the complexities of the  
 24 problems of our people with only half a cup, you know, half  
 25 of what you need to do what is necessary, and that's not

1 American Indians, and also on the Native American Rights  
 2 Fund Board, and lastly, I am the second Vice-Chair of the  
 3 Alaska State Board of Education, in which I have served in  
 4 the past seven years.

5 I just echo both of my colleagues statements, and I  
 6 would like to urge this committee to do something about the  
 7 issues that we are putting forth to you, and make sure that  
 8 you take measures to ensure that Alaska Natives are given  
 9 full and fair treatment under the law of this country, and  
 10 also the state laws.

11 First of all, I'll start with the racially based dual  
 12 system of law enforcement in Alaska. The result of which is  
 13 inadequate police protection of Alaska Natives living in  
 14 rural areas. Urban areas and regional centers in Alaska  
 15 receive full police protection administered by municipal  
 16 police departments, staffed by adequately trained police,  
 17 Alaska Police Standard Council certified police officers.

18 The state also provides full police protection through  
 19 the certified troopers to predominant non-Native communities  
 20 on the inter-connected road system. Similar protection is  
 21 denied to 165 off-road predominantly Native communities. In  
 22 most cases, state troopers only respond to felonies, and  
 23 even then, they only respond promptly when the felonies are  
 24 considered serious; murder, rape, and what have you. As a  
 25 result, Alaska Natives in rural areas are denied the level

1 only because of what I studied. It's because of other  
 2 studies done by the dominant society on what it takes to  
 3 provide healthcare. What does it take to carry out a  
 4 contract, put in an infrastructure of water, sewer and roads  
 5 into a community. All those things other people have  
 6 figured out a long time ago, and it's barely trickling down  
 7 to some of our villages, and yet, we are asked many times to  
 8 just get by, and some of the people -- all of our people do,  
 9 but it really isn't right in this country, at this time, and  
 10 in this state so many years later and so many dollars spent  
 11 on other things. Anyway, that's about all I have. I  
 12 appreciate your time and I'll give it to our esteemed leader  
 13 here. Thank you.

14 CHAIRPERSON GILBERT GUTIERREZ: Thank you.  
 15 MR. MIKE WILLIAMS: They all said it. Yeah, I think it  
 16 is pretty hard to follow those statements made by Willie  
 17 Kasayulie and Ed Thomas. And both have participated in  
 18 revitalizing our governments and our way of life in our  
 19 communities.

20 My name is Mike Williams. I am a parent of five, and  
 21 grandfather of two, and I am currently a hunter, fisher, and  
 22 a dog musher that runs the Iditarod in the name of sobriety,  
 23 as well as chairman of the Alaskan Inter-Tribal Council.  
 24 And we have membership of 187 federally recognized tribes in  
 25 Alaska. And also, I serve on the National Congress of

1 of police protection that is provided to all other areas of  
 2 the state, and we have undertaken as the Alaskan  
 3 Inter-Tribal Council, and as an individual I have brought  
 4 suit against the state of Alaska for this not an equal  
 5 protection treatment of our people in the areas of police  
 6 protection. And I would like to commend, first of all, a  
 7 lot of the state troopers and law enforcement officials that  
 8 are working to protect the public from these crimes, and I  
 9 applaud their work. But as the years that I've observed in  
 10 this state, that I have not seen equal protection for our  
 11 people here in Alaska.

12 And in the villages, even though we have VPSO programs,  
 13 those VPSO programs need to have more training and need to  
 14 be more equipped in all areas, and they need to have pay  
 15 that needs to be equivalent to other certified police that  
 16 we have here in the state, and also many of our communities  
 17 do not have any jails at all. So for example, in Akiachak,  
 18 for many, many years, we have budgeted \$10 an hour, two  
 19 hours a day, seven days a week to provide police protection  
 20 to our community; and that's it according to the municipal  
 21 budget that I have seen in our community. And two hours a  
 22 day, \$10 an hour does not go very far in protecting our  
 23 communities.

24 And when I'm here in Anchorage, I just have to say that  
 25 I went out for dinner and I parked in a parking lot where I

1 was supposed to pay an adequate amount of money, of which I  
2 still have to pay. But in that one hour that I had dinner,  
3 I had an \$18 fine, and it was that quick that these people,  
4 you know, made sure that I had paid my parking ticket. And  
5 many of the police vehicles, the police protection that I  
6 see now in the communities, the respond time is very fast  
7 compared to the response time that I have seen in Akiachak;  
8 that takes about three days to a week for some of the law  
9 enforcement officers to respond to a crime. And as much as  
10 we want them to respond quickly, they are overworked and  
11 overloaded, and you know, it then creates -- the weather  
12 creates also a problem in responding to a crime that occurs  
13 in Akiachak.

14 So in recent times we have seen a little bit of help  
15 from the federal government with the Cops Fast Program, and  
16 we have fortunately employed two police officers now in  
17 Akiachak, but they're budgeted only for three years. And I  
18 just don't see -- another problem that I see with the police  
19 protection that I see is that many of the police in the  
20 communities have no support from the communities, from the  
21 councils or with no housing -- adequate housing for these  
22 outside VPOs, those that are hired in the communities that  
23 have hardly any housing programs. And that is, I think, the  
24 tip of the iceberg, and in order to come up with adequate  
25 police protection, the state of Alaska needs to put in more

1 populated by non-natives, as a result, Alaska Natives in  
2 rural communities are given secondary attention by the  
3 state, and are denied equal access to state resources, which  
4 we have heard already, and particularly with respect to law  
5 enforcement and education. And those have been very evident  
6 in the last 10 years with the legislative majority that we  
7 had here in our state. And when we are not given, for  
8 instance, school construction two years ago, there was zero  
9 school construction in rural Alaska, and then a couple of  
10 legislators made a trip to Chevak and Pilot Station, and lo  
11 and behold, and after they have, those couple of legislators  
12 that have not been in those communities before, seen those  
13 facilities, and lo and behold, they were funded, and are --  
14 the schools are being built both in Chevak and in Pilot  
15 Station. So that is one of the areas that I see in  
16 Akiachak. And our schools and our facilities are just  
17 running down, and I think in the long-run, the kids in our  
18 schools are being affected by this, and I think the state of  
19 Alaska is going to pay big time in the long-run for their  
20 neglect for these facilities.

21 Racial discrimination in Alaska has been manifested  
22 historically and recently by the federal and state  
23 government's denial of Alaska's indigenous peoples right to  
24 self-determination. Historically, the United States began  
25 the process of nation building by recognizing the

1 money and more training and to really do equal justice in  
2 terms of providing police protection to each community. So  
3 that litigation is still ongoing and we're set for trial in  
4 February, and I don't know the outcome of that -- of this  
5 case would be, but I think based on the Kasilie (ph) case on  
6 the school construction, I think it will be again favorable  
7 to our litigation because of the inadequacies that I see in  
8 this area. And it's probably equivalent reasons to what  
9 we've heard from Mr. Kasilie on his litigation against the  
10 state for inadequate funding for construction of schools and  
11 also the major maintenance programs that would occur.

12 Many of the -- and I'm not going to dwell on the issue  
13 of education because Willie has addressed that issue  
14 adequately, and I think we as Alaska Natives, raise unique  
15 legal and political problems that arise out of overlapping  
16 state and federal jurisdiction over Native affairs and  
17 peculiar socio-economic and historical circumstance of  
18 Native populations.

19 And our population is very -- you know, we have a  
20 little over 100,000 people here in Alaska, and we have  
21 pretty much been insulated in our communities. For  
22 instance, in Akiachak, in Western Alaska where I come from,  
23 you know, we are pretty much insulated from the urban areas,  
24 but I do not think that will be the case in the future. You  
25 know, in urban areas of the state which are largely

1 sovereignty and self-determination of indigenous nations  
2 through the practice of entering into treaties with them on  
3 a nation-to-nation basis. That practice was repudiated by  
4 the late 1800s when federal policy rejected the principle  
5 that indigenous nations were entitled to self-determination.  
6 Instead, the United States Supreme Court attributed to the  
7 United States as superior and civilized nation the power and  
8 the duty of exercising or fostering care and protection over  
9 all dependent Indian communities. And that I think was also  
10 stated by Mr. Thomas here on that issue.

11 And consistent with policy of treating indigenous  
12 peoples as wards, the federal government enacted several  
13 statutes that was designed to protect our hunting and  
14 fishing rights, and the aboriginal use and occupancy of  
15 land, but stops short of recognizing the existence of tribes  
16 as sovereigns or the tribe's aboriginal claims to the land.  
17 And with the situation here in Alaska, I think with the  
18 Indian -- with Alaska Native Claims Settlement Act was  
19 another area that occurred in 1971 that did a lot of help --  
20 that seems to be a lot of help to the Native community, but  
21 did a lot of damage with extinguishment of hunting and  
22 fishing rights, and also that land not ending up in tribal  
23 government's hands. They are a state-chartered corporations  
24 that were created, and that way -- you know, that left the  
25 tribal governments virtually with no jurisdiction over the



1 territory. And that case, the Native Village of Venetie in  
 2 Alaska, you know, I think the Supreme Court of the United  
 3 States deemed that there is no Indian country in Alaska  
 4 again, and that was again a blow to the tribal sovereignty  
 5 of Alaska Natives and another way that it has created the  
 6 oppression to the tribes in Alaska.

7 But I think my recommendations is that we need to turn  
 8 that around to congressional action. The only we can  
 9 restore many of the cases that brought down in these United  
 10 States is through Congress only because the Supreme Court  
 11 repeatedly has struck down a lot of the cases that would  
 12 help our people and the tribes in this country are very  
 13 affected by the court rulings that occur in these past  
 14 years. So I think in order for us to regain and become  
 15 healthy communities again and becoming self-governing people  
 16 once again, we need to restore many of those rights that  
 17 Alaska Natives have.

18 In closing, we live in the richest resource state in  
 19 the union, but in Akiachak we still live in third world  
 20 conditions. And 75 percent of our people are unemployed and  
 21 when many of our people are employed, finally, with  
 22 water/sewer projects, they have a minimum wage of \$15 an  
 23 hour, whereas some of the union contractors or union workers  
 24 get \$30 to \$40 an hour as laborers in some of those  
 25 projects. So I've seen \$10 to \$15 an hour in many of those

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1 projects that the federal and the state government has in  
 2 our communities.

3 So it affects the communities, and I would like to see  
 4 many of the housing projects come to a level that we -- you  
 5 know, we have a safe place to live, and that each Alaska  
 6 Native has running water, and also have adequate schools and  
 7 have adequate police protection, and have courts, tribal  
 8 courts that are functioning in each community, and we need  
 9 to also make sure that we have alcohol enforcement in our  
 10 communities, that would work. And I think the goal is for  
 11 us to have healthy communities in each community. And I  
 12 thank you for your time.

13 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mike. Are  
 14 there any questions from the State Advisory Committee here?  
 15 Ms. Walker.

16 MS. ROSALEE WALKER: Thank you. And thank you,  
 17 gentlemen. You've made your case quite well. I'm familiar  
 18 with everything you said, and you have really confirmed a  
 19 lot of things that I thought I knew. But I did want to  
 20 address the education problem. Do you work under the REAA  
 21 Concept?

22 MR. MIKE WILLIAMS: Yes. Right now, the rural  
 23 communities live on Regional Educational Attendance Areas,  
 24 like Yupiit, LKS, and there's approximately 50 REAA's in  
 25 this state.

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1 MS. ROSALEE WALKER: Can you give me, in your  
 2 estimation, the weaknesses that might be in that area? I  
 3 was around when it was developed, and it was supposed -- the  
 4 REAA's were supposed to be on the same level with the same  
 5 economy that Anchorage School District had, Fairbanks School  
 6 District. It was supposed to do this, but it was supposed  
 7 to take into consideration your environmental and economic  
 8 circumstances. But the more I hear now, it's almost  
 9 defunct, you know, it's just not working. And I'd just like  
 10 to hear your estimation of that. And I had one more  
 11 question, please, Mr. Chair, after that.

12 CHAIRPERSON GILBERT GUTIERREZ: Okay.

13 MR. MIKE WILLIAMS: Yeah, I think with -- especially in  
 14 the last 10 years, and in the last two years, we have seen  
 15 less construction dollars going to REAAs, or major  
 16 maintenance school repairs, and when we have seen schools  
 17 being built, for instance, in the Northwest Arctic, they  
 18 have built schools in communities, and that saved a lot of  
 19 energy cost. And you know, the price of fuel is really high  
 20 out there in our communities, and the cost of living is very  
 21 high out there. But I think the overall goal was to do  
 22 that. You know, we don't have any tax base, and it just --  
 23 we feel that when the legislature appropriates 60 cents out  
 24 of a dollar or 60 percent out of 100 percent there, and our  
 25 kids are worth 60 percent, and those kids in the in the

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1 urban areas are worth 100 percent, you know, we don't see  
 2 that as equal treatment. It's not fair for that.

3 And when we have legislators that are from urban areas,  
 4 the majority is from urban areas; and when I see democracy  
 5 at work, there is democracy, it does not work as well in the  
 6 state, in the country that we believe democracy is the  
 7 central part of our way of life. And again, there are  
 8 problems and I -- you know, the people keep saying that we  
 9 need more money to build schools and fix schools, it's going  
 10 to take about a billion dollars to fix all the schools in  
 11 Alaska. But you know, we're only spending over a hundred  
 12 million dollars just to fix those the old schools. And in  
 13 the long-run, those schools that are 30, 40, 50 years old  
 14 out in our communities are going to be out of -- you know,  
 15 they're not going to be livable.

16 MS. ROSALEE WALKER: I wanted to ask Mr. Kasayulie, you  
 17 mentioned the \$20,000 a year that is needed to prepare the  
 18 information for the priority list; is that to hire someone  
 19 to do this job or what?

20 MR. WILLIE KASAYULIE: Yes, basically to hire a person  
 21 that's familiar in that area to do the work for us. And  
 22 this is just an example of one school district. It may cost  
 23 more in other areas where larger percentages.....

24 MS. ROSALEE WALKER: You shouldn't have to pay it at  
 25 all; that's my point. Get your attorney to check this out,

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1 because I work for the Department of Education, and that's  
 2 part of their mission. If they have a regulation that you  
 3 must follow, and you're unable to follow it because of costs  
 4 or skilled people to do this, they are supposed to send  
 5 someone there to help you do it. I did that till I retired,  
 6 and somebody dropped the ball somewhere. So have your  
 7 attorney to check this out because if they can get by with  
 8 it, yes, they'll make you pay through the nose. But have  
 9 your attorney to check it out, and check out the mission  
 10 under the -- what is it, Alaska Code 21 for the school  
 11 districts? I'm asking him because he's an attorney.

12 MR. MICHAEL WALLERI: I'm not sure. I think it's 23.

13 MS. ROSALEE WALKER: 23? Whichever one it was. Ask  
 14 your attorney to check that out and check out the mission of  
 15 the Department of Education, because you should not have to  
 16 pay that. They are supposed to have people on the staff who  
 17 are ready, willing, and able to come out there and do that  
 18 job, especially if they require you to do it. Now, they're  
 19 going to swear the legislature requires it. Well, if the  
 20 legislature required it, they required it. So I wouldn't  
 21 let them off the hook on that.

22 MR. WILLIE KASAYULIE: Thank you.

23 CHAIRPERSON GILBERT GUTIERREZ: Do you have any other  
 24 questions? We have a time line, but I think the questions  
 25 that we ask here are going to be pretty important. Go

1 ahead.

2 MR. MICHAEL WALLERI: I realize the time schedule. I  
 3 just had a couple requests; one to Mr. Kasayulie and also to  
 4 Mr. Williams. One of the things that this Commission has  
 5 the power to do is to make statutory recommendations, both  
 6 -- as I understand it, both to Congress and to the state.  
 7 And I noticed that in your case, the Kasilie Case, you were  
 8 making a charge of unequal -- and it's all -- it's pretty  
 9 well been recognized, of unequal funding in construction. I  
 10 understand that there's also some concern about unequal  
 11 funding in actual program costs, too. I also know that the  
 12 Mat-Su Borough, for example, has raised the same and  
 13 criticized the entire system also as being unequal.

14 I was wondering if either of you gentlemen are aware of  
 15 any proposals, proposed legislation to the state to correct  
 16 the system. And if there is, could you provide it to the  
 17 Commission?

18 MR. WILLIE KASAYULIE: We can probably try and get that  
 19 information out. Mike would be in a better situation than  
 20 I.

21 MR. MIKE WILLIAMS: Yeah, I think I can get that from  
 22 -- you know, there's a whole slew of proposed legislation  
 23 that would address many of these problems. But these  
 24 proposals that come from minority and minority legislators  
 25 rarely get hearing or put on the legislative agenda or to go

1 through the legislative process and never get a hearing.  
 2 And many are very good -- great ideas in addressing school  
 3 construction, and that affect education. And I would make  
 4 sure that this Commission get those bills that would help  
 5 address some of these disparities.

6 MR. MICHAEL WALLERI: Well, that's kind of one of the  
 7 reasons that we're here. The second issue that I had, to  
 8 request some information from Mr. Thomas, if you would, I  
 9 understand a few years ago, the National Congress of  
 10 American Indians conducted an inquiry into disparity in  
 11 federal contract support between Indian organizations,  
 12 Indian tribes and non-Indian organizations and non-Indian  
 13 tribes. I don't know if that's been updated or not. I  
 14 understand that the study showed substantial disparity. I  
 15 was wondering if you could check into that to see if it's  
 16 been updated and provide a copy of that to the Commission.

17 MR. EDWARD THOMAS: Its been updated in the sense that  
 18 it was directed at the Bureau of Indian Affairs, and it's  
 19 intent to try to get full funding for it. But it was not  
 20 updated for all other agencies as far as I know.

21 MR. MICHAEL WALLERI: Would you get.....

22 MR. EDWARD THOMAS: I can get a copy of that, sure.

23 CHAIRPERSON GILBERT GUTIERREZ: If you could get it to  
 24 Mr. Pilla, he's around here someplace, I'd appreciate it.

25 MR. EDWARD THOMAS: Yeah. Can I make one more point?

1 CHAIRPERSON GILBERT GUTIERREZ: Yes, please.

2 MR. EDWARD THOMAS: It will take me two seconds. One  
 3 of the things that is wrong in our state, and probably is  
 4 wrong elsewhere as well, is that people like your commission  
 5 know and hear about our problems, and you can see the  
 6 justification and the lawsuits like Willie is talking about.  
 7 But it shouldn't be that our people should have to try to  
 8 resolve these in courts. Number one, there's no resources.  
 9 If we had the resources, we wouldn't need to be spending it  
 10 on lawyers.

11 The other thing is you're going in with deck stacked  
 12 against you. You're talking about problems in a dominant  
 13 society who appoint those judges. And so it's kind of like  
 14 spinning your wheels, but we get a lot of hurrah, hurrah out  
 15 of it, but we just don't get fair treatment in these courts  
 16 nowadays. And we need stronger commissions like yours to  
 17 say, look, we have a problem with disparity; you need to fix  
 18 it, you know. That's the way I feel. Many of our problems  
 19 can be solved better by mediation groups or commissions like  
 20 yours with stronger teeth in it because, believe me, we  
 21 could be in court all the time, we just don't have the  
 22 money. I know that I'd like to be in court on a couple of  
 23 things because I know the law is very clear on some of these  
 24 things that people are ignoring. But we just don't have the  
 25 resources.

1 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I've got a  
2 couple of questions. First of all, the speaker of the house  
3 and the president of the senate said that -- talking about  
4 the VPO/VPSO issue, and I asked him, well, don't they  
5 deserve to be trained in the State Trooper Academy, and  
6 don't they deserve to be armed, and they said, well, 25  
7 years ago when they met with all the elders regarding the  
8 VPSO program, that they had determined that they didn't want  
9 them to be armed. So given that, do you find that to be  
10 true today? I mean what is it that the state has to do to  
11 implement a good, sound VPSO program?

12 MR. MIKE WILLIAMS: Well, I think if we they become  
13 certified police officers, and I think that's every goal  
14 that, you know, we have for those programs. I think it  
15 costs more money for additional training. And when those  
16 people make statements that they cannot carry weapons or --  
17 and it's against the culture of the community, I don't think  
18 so. I think, you know, if many of them become certified  
19 police, then they could, you know, have no problem in seeing  
20 them carrying weapons or having adequate equipment to carry  
21 out police protection in each community.

22 CHAIRPERSON GILBERT GUTIERREZ: There's also the issue  
23 of tribal courts. And my understanding is that each village  
24 has a tribal council, and that under the federal purview,  
25 has formed tribal courts. The question here is has the

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1 know more about tribal courts.  
2 CHAIRPERSON GILBERT GUTIERREZ: Could that be done  
3 through the state legislature?  
4 MR. MIKE WILLIAMS: Yeah. We have recommended that the  
5 -- about two years ago the Alaska Federation of Natives  
6 passed the resolution that would recommend to eliminate  
7 Public law 280 in Alaska. And in terms of tribal courts,  
8 we have begun to receive money from the Bureau of Justice  
9 Assistance, and that would help the tribes to set up the  
10 tribal courts and do tribal court training in the state.

11 And I think we need to continue to do that and to step up  
12 that training program for each community. And in that way  
13 many of those tribal courts will be functional and would  
14 take care of many of the disputes or many of the problems  
15 that the villages have. And for the most part, the federal  
16 government is funding those programs. And we need to see  
17 more of that capacity building in those communities to carry  
18 out some of those programs or tribal courts that are set up.

19 I don't know about the state system funding the tribal  
20 courts. I haven't seen that or I haven't seen the idea of  
21 the state funding. But I think a lot of the issues can be  
22 worked out now that there is a Millennium Agreement between  
23 the State of Alaska and the tribes. And maybe there could  
24 be some work that would begin to address some of those  
25 tribal court issues in coming into agreements between the

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1 court system ever determined that they would need some kind  
2 of memorandum of understanding for the tribes to develop or  
3 to start funding tribal courts in the villages so that they  
4 could progressively take over a lot of the misdemeanor  
5 issues, even maybe some felonies. I don't know how strong  
6 they would be, but something that would allow the  
7 communities out there to have some kind of say in the  
8 system. Anyone?

9 MR. EDWARD THOMAS: Well, in our region we feel that  
10 there is a lot of room for a more clear understanding no  
11 jurisdictions on things like that in villages where there is  
12 no court system. But trying to get some of those  
13 memorandums of understandings is really the issue. I think  
14 that in Public Law 280 states we go in there at a  
15 disadvantage as tribes because we -- the federal law  
16 provides for the state to have jurisdiction over our  
17 misdemeanors, things of that nature. So we really need to  
18 amend -- either amend that law or else, you know, try to  
19 somehow change it out to the state because we're pretty much  
20 at their mercy when it comes to issues of this nature. And  
21 this is another area where I think this particular policy is  
22 so old and outdated, but yet we hang onto Public Law 280 as  
23 though it's some sort of saving somebody from something when  
24 it really isn't. It's just an obstacle for doing things the  
25 way people really need to do it in modern times when they

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1 state and the tribes to carry out many of those programs  
2 down the road. But I think right now it is up to the tribes  
3 in the state of Alaska to get the -- to work in putting that  
4 Millennium Agreement into statutes. And if that does not  
5 occur, then what can state of Alaska do without the law,  
6 dealing with the tribal courts and the tribes in Alaska.

7 CHAIRPERSON GILBERT GUTIERREZ: Okay. Thank you.  
8 Commissioner?

9 COMMISSIONER YVONNE LEE: Thank you. This question is  
10 to anyone on the panel. The Commission has heard similar  
11 concerns that you have expressed, which is indigenous  
12 peoples' rights, human rights, and civil rights from  
13 American Indians and Native Hawaiians. And they also  
14 brought up the issue of establishing government to  
15 government relationships, which you have brought up. And  
16 they have also mentioned about their frustration dealing  
17 with the U.S. Government, and they had tried to solicit the  
18 support of the U.N. Are there any efforts to bring the  
19 three groups together so that -- because you share common  
20 objectives two worlds together through Congress, because you  
21 mentioned court may not be the way, maybe Congress is the  
22 only way.

23 So instead of having three indigenous groups seeking  
24 the same indigenous rights, are there any efforts that the  
25 three groups have been working together?

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1 MR. EDWARD THOMAS: Yes, as a matter of fact, we have  
2 some representation from Hawaiian groups here at the AFN,  
3 but last summer I went over, at the invitation of Senator  
4 Enway (ph) to participate in a dialogue between the Native  
5 Hawaiian groups and ourselves here in Alaska, because they  
6 are going through a process of recognition -- or a bill to  
7 create an opportunity for recognition, and they're looking  
8 for some models.

9 The other thing is that we are working with the  
10 National Congress of American Indians on a strategy, if you  
11 may, to clarify the issue of inherent sovereignty as it  
12 relates to legislation and Supreme Court judgements.

13 We feel that there needs to be a broader education on  
14 the importance of the inherent sovereignty of indigenous  
15 peoples so that as we develop legislation, it's built on a  
16 solid foundation and not just a haphazard gesture towards  
17 providing services. Because in many cases, even the  
18 Hawaiian groups are not so much into the services but  
19 identity, preservation of their inherent rights, and so are  
20 we. And so I think, you know, that's an important thing  
21 that we're working on, on a national basis; but believe me,  
22 it's an uphill crawl if you really don't have the ear of  
23 people, and that's why I think your duties here are very  
24 important.

25 MR. MIKE WILLIAMS: Also, the concern that I would like

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1 to point out, too, is on the history of this country. And  
2 you know, we understand what has happened on September 11th,  
3 and that is a very, very, very serious effect that this  
4 country has towards the terrorist attacks that occurred in  
5 New York and in DC and in Pennsylvania. And when I think  
6 about that issue of how the newcomers or the first contact  
7 affected the Native Americans here in this country, and  
8 there were plenty of us, and we were killed, and the  
9 diseases were brought into our communities, and we've lost a  
10 lot of our lands in this country, and when we are being  
11 treated in that way and doing away with our own governments  
12 as well and our inherent sovereignty, and trying to lose a  
13 lot of what we have had in our Native communities, that I  
14 think needs to be stressed to the people here in this  
15 country.

16 With the scare of the Anthrax issue, I think that those  
17 diseases that were brought to our people has the same effect  
18 to our people in our communities. In our communities, we  
19 had plenty of people, and plenty of people have died from  
20 these diseases. And plenty of our lands have been taken,  
21 plenty of our -- you know, we have lost so much in this  
22 country that, you know, it's -- maybe it's time for people  
23 to wake up and understand the special relationship that the  
24 federal government has with the tribes in each area.

25 So I think I echo Ed Thomas' statements on restoring

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1 those inherent sovereignty is the way to go. And you know,  
2 I think in the end, tribal sovereignty means economic  
3 development and health as well.

4 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Is it going  
5 to be a short or a long question, Dan?

6 MR. DANIEL ALEX: No, it's a -- I want to make a  
7 statement because it relates to what these gentlemen are  
8 talking about.

9 CHAIRPERSON GILBERT GUTIERREZ: Go ahead.

10 MR. DANIEL ALEX. And it will be short.

11 CHAIRPERSON GILBERT GUTIERREZ: Go ahead.

12 MR. DANIEL ALEX: Well, first of all I'm the chairman  
13 of the board of a profit corporation, and when Congress  
14 passed the Alaska Native Claims Settlement Act, it built in  
15 some conflicts as to who is a tribe. I don't dispute the  
16 fact that some tribes exist, but in terms of jurisdiction,  
17 you know, my corporation has a jurisdiction of the  
18 properties that our village owns. Rather than go into a  
19 long dialogue of what it is, I intend to write a paper for  
20 our group.

21 CHAIRPERSON GILBERT GUTIERREZ: Great. Well, thank  
22 you, gentlemen. The mikes are gone, but.....

23 MS. THELMA BUCHHOLDT: I have one little question. Very  
24 briefly. Has any of you gentlemen in your organization  
25 taken a stand to bring back the prisoners that we have in

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1 Arizona, and what kind of stand have you taken in that;  
2 Inter-tribal Council or Tlingit and Haida, and maybe your  
3 organization?

4 MR. MIKE WILLIAMS: Yeah, I think those prisoners, you  
5 know, the majority of prisoners in Alaska from even our  
6 population -- you know, many of our people, as we know, are  
7 in our jails, and we would like to have them close to home.  
8 And I think the position that I would have is that we would  
9 like to have those prisoners close to home as much as  
10 possible so we can possibly do rehabilitation to them and to  
11 keep the culture and the language and to really do treatment  
12 to these offenders that are in those jails. And bringing  
13 them back to Alaska and to our areas is a reasonable thing  
14 to do.

15 MR. WILLIE KASAYULIE: Very quickly, our tribe is  
16 interested in that, to a degree. What I mean by that is  
17 that if there are prisoners there and there are no victims  
18 that are Native, then we are all in favor of bringing them  
19 back. But if there are victims, Native victims, then we are  
20 really not in sympathy for them either serving time or where  
21 they're serving time.

22 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr.  
23 Williams?

24 MR. MIKE WILLIAMS: I would like to leave this  
25 executive summary on this -- there's a lot more issues that

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1 I wanted to bring out, but.....

2 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We'll take  
3 into consideration everything you put down here. Our next  
4 panel is -- we're going to go right ahead and go into it.  
5 John Angell, Professor Emeritus, University of Alaska  
6 Anchorage; Lawrence A. Ashenbrenner, Native American Rights  
7 Fund; Loretta Bullard, President, Kawerak Incorporated. We  
8 would not mind if you start, Loretta. Please identify  
9 yourself and your name so she can take it on the recorder  
10 over there?

11 MS. LORETTA BULLARD: My name is Loretta Bullard, and  
12 I'm president of Kawerak Incorporated. Kawerak is the  
13 regional non-profit authorized by the region's 20 federally  
14 recognized tribes in the Bering Straits Region of Alaska.  
15 We provide all the non-health services in the region. And  
16 the presidents of all the IRA traditional Councils in the  
17 Bering Straits region sit on my Board. Thank you for the  
18 opportunity to talk with you today.

19 With the passage of statehood and the state's refusal  
20 to recognize the authority of the IRA or Traditional  
21 Councils at the village level to maintain order, the state  
22 virtually gutted the villages of any authority to maintain  
23 social order.

24 The stated has created a situation in which much of  
25 rural Alaska is dependent on the troopers and the village

1 public safety officer program for rural law enforcement.  
2 However, the state is not adequately meeting the need  
3 they've created, and the legislature is reluctant to fight  
4 law and order in rural Alaska. The state has asserted  
5 jurisdiction over the rural areas, but in most communities,  
6 they don't have the presence to enforce the law. They've  
7 taken the authority away from the people at the village  
8 level and left a law enforcement vacuum in its place.

9 I think the majority of rural law enforcement and  
10 justice issues are systems issues. By that I mean the state  
11 system now in place has created and evolved over time since  
12 statehood. And at no point has the system been assessed  
13 where the system really works for anyone, much less the  
14 rural Native people of the state.

15 Many of the law enforcement problems in rural Alaska  
16 are alcohol related. More than 97 percent of the crimes  
17 committed by Native people are committed under the influence  
18 of alcoholic drug. The alcohol related mortality rate of  
19 Alaska Native is three and a half times that of non-Natives,  
20 and the incidents of fetal alcohol syndrome among Natives is  
21 three times that the non-Native population. Alaska Natives  
22 make up only 16 percent of the general population but  
23 comprise 37 percent of the prison population.

24 Clearly, the existing systems do not deal effectively  
25 with the use of alcohol. Part of the problem is the systems

1 aren't at the village level. You can't solve social  
2 problems by outside efforts. Yet the current mix of state  
3 and federal law leave little room for local Native  
4 institutions to exercise real authority or leadership at the  
5 village level.

6 Within the resources presently available, only a third  
7 of the villages in rural Alaska have village public safety  
8 officer positions. Basically the VPSO's are on duty 24  
9 hours a day, seven days a week, dealing with dangerous  
10 situations and intoxicated individuals. Far from any other  
11 law enforcement backup, unarmed, where every household has  
12 five to 10 guns -- we've got eight in our household alone --  
13 for \$14 to \$15 an hour starting. And the \$14 and \$15 an  
14 hour that they're currently making is something that we've  
15 had to fight for, for the last probably five years with  
16 Alaska State Legislature. I think when we began the  
17 argument for increased wages for the VPSO's, I know the  
18 VPSO's in our area were making \$11.16 an hour to start. Our  
19 clerical support staff and our Headstart teacher aides made  
20 more money than the VPSO's.

21 Other villages may have village police officers, which  
22 are municipally funded positions, which the cities fund with  
23 their limited funding. They receive little or no training.  
24 They may not meet law enforcement screening standards in  
25 terms of background checks, are probably paid even less than

1 village public safety officer programs. The troopers are  
2 generally stationed far away and travel to the villages  
3 infrequently, depending on the weather.

4 Many of our VPSO's, not so much in our region, but I  
5 know in other areas of the state, have to use their own snow  
6 machines or four-wheelers to do patrol activities as well as  
7 search and rescue activities because there's not funding to  
8 purchase the new equipment.

9 When individuals in the villages experience a property  
10 crime or an other less serious crime, there is no immediate  
11 response, since the crime is not life-threatening or  
12 serious. The crime is not really even on the radar screen  
13 in terms of being responded to in any timely fashion by the  
14 troopers. It simply is not a priority, given the other  
15 issues the troopers have to respond to. Even in those  
16 situations where a serious crime is reported, the troopers  
17 may not be prompt in traveling to a village to investigate  
18 the situation. For example, we had a situation in our  
19 region where sexual abuse of children was reported, and it  
20 took the troopers months to make it through the community;  
21 they were attempting to question the children over the  
22 phone, but that just did not work. We became involved  
23 because we have parents calling from the villages desperate  
24 to find out what was going on with the perpetrator who was  
25 still wandering around the village. When they inquired to

1 the district attorney as to when the situation would be  
2 addressed, they found the DA had no paperwork on the  
3 situation. The troopers statement being these very young  
4 victims are not going to talk, therefore we don't have much  
5 of a case. It didn't seem to be going anywhere. Kawerak  
6 took the initiative and funded the three parents involved  
7 and their children to travel to Anchorage to be examined at  
8 the Anchorage CIB Office. When the investigation was  
9 finally complete, it was find that the individual had  
10 sexually abused seven children in this particular community.  
11 He is now serving time in jail. The community in question  
12 is extremely difficult to get to. We've had a situation up  
13 here where children -- the sexual abuse of children has been  
14 reported, and because of maintenance or other problems, you  
15 simply cannot get into the community either to investigate  
16 the situation or remove children for exams.

17 We met with the Army National Guard to see if they  
18 might be willing to travel to the community to pick the  
19 children up because they do have an Army Black Hawk  
20 helicopter stationed in Nome. They informed us they cannot  
21 legally transport civilians except in life or death  
22 situations; though I know that a child or two has made it on  
23 a helicopter occasionally, without official notice of the  
24 situation. They in turn suggested that we approach our  
25 regional health corporation to determine whether or not

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1 there was no public outcry by the broader Anchorage  
2 community to address the situation. And I think that speaks  
3 volumes about how Native women are perceived in Anchorage.  
4 Yes, some of the women may have had substance abuse  
5 problems. But does that mean that society values them less  
6 as human beings? On the face of the public response  
7 situation, I would have to say yes. I compare the public  
8 response to these women murdered to the public response  
9 while in the vandalizing of the property of the print shop  
10 own by the individual of Middle Eastern descent on the  
11 September 11th terrorist attacks. The murders of these  
12 women were hate crimes. But there was no public outcry  
13 outside the Native community here in Anchorage.

14 We had a similar situation in Nome. Just within the  
15 past five years, we've had three Native men and women,  
16 quote/unquote, disappear without a trace. Over the past 30  
17 years, we estimate that 10 people have gone missing in Nome.  
18 Some of them had drinking problems. Just this past weekend  
19 there was a memorial march in Nome to remember the missing.  
20 There really has not been anything done to address the  
21 address the situation. I think Gil can speak to that since  
22 he used to live in Nome.

23 Just recently I was talking to a friend from another  
24 sub-regional center as to whether or not they have a similar  
25 problem with disappearing individuals. And he stated they

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1 report of sexual abuse of children could be grounds for  
2 medical staff at the medical facility to request a med-evac,  
3 stating that if the hospital called for med-evac, the Army  
4 National Guard would fly; no questions asked. Our health  
5 corporation responded, and they have -- I'm not saying this  
6 anonymously, but they stated that med-evacs could only be  
7 called for in life or death situations; reported sexual  
8 abuse of a child is not a life or death situation. In this  
9 community, if sexual abuse of a minor is reported,  
10 conceivably the child could spend as long as a month before  
11 that situation is addressed by authorities.

12 In the past, there's been reluctance on the part of the  
13 state to work with tribal courts. I'm really happy to see  
14 that with the Millennium Agreement, that there's more  
15 openness by the state administration to work with tribal  
16 courts and entity. We've had several agreements negotiated  
17 in the Bering Straits region for our tribal courts in Elim  
18 and Koyuk where we negotiated agreements with the state. At  
19 the time they insisted they be called village courts as  
20 opposed to tribal courts. But we were willing to work with  
21 that. This is a step in the right direction.

22 As a woman who used to live in Anchorage, I wanted to  
23 speak to the death of the five Native women here in  
24 Anchorage. I live in Nome, and I've lived in Nome since  
25 1982. What struck me about the situation here was that

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1 did not. To be honest, I was very, very surprised. It's  
2 been going on for so long in Nome that I thought this  
3 happened everywhere; I thought this happens in Bethel, it  
4 happens in Nome, it happens in Kotzebue, Barrow, I thought  
5 our sub-regional centers were pretty much alike. I think  
6 probably the difference between maybe Nome and the other  
7 sub-regional centers is that Nome is a wet community and  
8 Bethel, Kotzebue and the other sub-regional centers are, you  
9 know, either dry or damp, not like Nome, which is freely  
10 flowing.

11 The Alaska Human Resources Committee, of which I'm  
12 chair, held a meeting in February 2001 with the state  
13 attorney general, the commissioners of public safety,  
14 corrections, health and social services, the U.S. attorney  
15 and a number of other state officials. At the meeting,  
16 those present agreed to initiate a dialogue that would  
17 ultimately lead to a summit regarding rural law enforcement  
18 and justice services. Basically the regional non-profits,  
19 which sit on the human resources committee, recognized there  
20 was room for improvement in the current system. We want to  
21 start from a clean slate, to sit down and develop an ideal  
22 rural law enforcement and justice model, one which would  
23 meet the needs of rural communities.

24 When we attempted to schedule our first meeting, the  
25 response that we got back from the attorney general was to

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1 the effect that as long as discussed during our meeting, in  
 2 order for the state to work towards a summit, there must be  
 3 a suspension of the lawsuit filed against the state by AITC,  
 4 the Justice Center, and 10 villages. We were very surprised  
 5 since we had never discussed that as something that needed  
 6 to be addressed prior to initiating a dialogue with the  
 7 state.

8 We felt that the state's response closed the door in  
 9 further discussions with the Native community in rural  
 10 justice and law enforcement issues. Pending the outcome of  
 11 the litigation, which I'm sure Larry will speak to, that  
 12 only a few litigants control, a suit which is focused on the  
 13 state enforcement system and which may take years to  
 14 resolve. As we pointed out to the state, the ideal model  
 15 for rural law enforcement and justice delivery, it's unlike  
 16 to be just a state solution. It will likely take new  
 17 legislation, perhaps federal as well as state, and years to  
 18 implement. And I think one of the -- you know,  
 19 possibilities that was mentioned in the last panel was the  
 20 idea of amending P.L. 280.

21 Although existing state local option laws enable  
 22 villages to ban or restrict importation of alcohol, the laws  
 23 are enforced and prosecuted primarily from the regional  
 24 centers. There is no administration of justice in the  
 25 villages under the state system, except for the few

1 state-funded magistrates out there who seem to be becoming  
 2 fewer and fewer. It doesn't seem to be a priority of the  
 3 state to fill those positions once individuals retire.

4 Defendants are tried in state courts away from the villages.  
 5 For youthful offenders, serious intervention is needed when  
 6 the youth first gets into trouble, but under the state  
 7 system, individuals accumulate any number of minor offenses  
 8 before serious attention is paid by the criminal justice  
 9 system; if they're ever caught. First you have to have law  
 10 enforcement in order to get caught and brought to state  
 11 court. Many of the villages don't have law enforcement.

12 Geographic and cost constraints will prevent the state  
 13 from having magistrates, troopers, prosecutors, et cetera, I  
 14 think anywhere but in larger communities. Second class city  
 15 governments where they exist operate under too many cost  
 16 constraints to effectively address alcohol substance abuse.  
 17 I really think that, for instance, our region, our tribal  
 18 governments are better-funded than the municipal governments  
 19 under state law.

20 State law does not provide for municipal courts, and  
 21 there are no state courts in the villages. City governments  
 22 in the villages have little or no tax base. They rarely  
 23 enforce municipal criminal ordinances because of the expense  
 24 associated with transporting individuals to the sub-regional  
 25 centers. When individuals are charged with a crime, they

1 are transported to the regional centers for adjudication and  
 2 possible incarceration.

3 In terms of recommendations to address the problems; in  
 4 terms of the broader law enforcement issues and justice  
 5 issues, in order for the systems to be improved, you first  
 6 need to recognize, Number 1, there's a problem and room for  
 7 improvement; Number 2, that there's more than one way to  
 8 solve the problem; and 3, there needs to be flexibility  
 9 within the state for all parties to come together for  
 10 creative collaborative problem solving to fix the existing  
 11 system or to design a new one prior to being sued. And the  
 12 reason I'm saying prior to being sued is that, you know, the  
 13 hurdle that was kind of put before the human resources  
 14 community of the AFN Board was, well, if AITC drops their  
 15 lawsuit then we'll initiate this dialogue, and hold the  
 16 summit. And I couldn't believe that that was actually put  
 17 forward as a -- anyway, a process needs to be set in place  
 18 that would facilitate law enforcement and justice systems  
 19 redesign and improvement, whatever system that is set in  
 20 place needs to provide authority at the village level to  
 21 address alcohol and other issues. You can't address those  
 22 from the sub-regional centers or from Anchorage, Fairbanks,  
 23 or the urban areas.

24 AFN has proposed federal legislation that if passed,  
 25 would extent to the IRA or traditional councils the power to

1 enact and enforce local option laws and drug laws within a  
 2 specified geographic radius of the village center. Tribal  
 3 jurisdiction could be concurrent in the state. Jurisdiction  
 4 in the tribes hopefully would work in partnership with the  
 5 state.

6 And there also needs to be funding made available for  
 7 the development and operation of village-based tribal court  
 8 systems in rural Alaska. They not only need to have the  
 9 authority at the local level, to address alcohol and other  
 10 issues, you need to have the vehicles in place in order to  
 11 address those issues.

12 Until such time as a new system is developed that truly  
 13 meets the needs of rural Native Alaskans, the state needs to  
 14 adequately fund and support their existing system. The  
 15 state needs to substantially increase the number of funded  
 16 VPSO positions, increase their wages and benefits.

17 And I don't know if there's a law currently on the  
 18 books, but I think that there needs to be something out  
 19 there that mandates that when a sexual abuse situation  
 20 occurs that there's a time frame within which the situation  
 21 is investigated.

22 One of the questions raised in the letter inviting me  
 23 to testify here today was is there unequal protection of  
 24 Native Alaskans and other minorities, and I believe there  
 25 is; that there is unequal protection and unequal treatment

1 in many facets of state services. And I think much of this  
2 is due to the geographic isolation of where our communities  
3 are, and the expense of providing services out there.  
4 You'll find very few state-funded positions in rural Alaska.  
5 Many of the state services which people in urban areas  
6 routinely take for granted are not available. You want to  
7 get a drivers, you have to come to Nome, and there was even  
8 I think a move to put -- several years ago to close the Nome  
9 DMV office, and if you wanted a driver's license and you  
10 lived in Brevig, you would have to come to Anchorage to get  
11 a driver's license. You know, access to job service, access  
12 to state services is just not available out there.

13 Politically I think some legislators may have been able  
14 to rationalize the situation by citing that services are too  
15 expensive or rural Alaskans made their choice to live in  
16 rural areas, therefore we're not entitled to state services.  
17 I think there are creative ways to address the situation but  
18 again, parties need to be willing to explore new ideas and  
19 approaches to old problems.

20 There's a certain baseline of state services that all  
21 state citizens should have the right to expect. These  
22 services need to be defined, funded and provided. I suggest  
23 to the Commission here that access to law enforcement and  
24 justice on the same basis as other citizens of the state as  
25 a baseline service.

1 Nobody knows My Name, referred to the criminal justice  
2 system as Uncle Charlie's system that enforces Whitey's Law.  
3 Although Baldwin was referring to the criminal justice  
4 system in New York, his is in some respects an appropriate  
5 description of Alaska justice system operation in Native  
6 communities. However, the law enforcement problems faced by  
7 Alaska Native communities are far greater than those that  
8 prompted Baldwin's observation.

9 Alaska Native communities are not only forced to rely  
10 for protection on a criminal justice system beyond their  
11 control, they receive justice services that can only be  
12 described as shamefully inferior to those the state provides  
13 in its non-Native communities.

14 Recognition of this disparate situation is implicit in  
15 terminology routinely used by criminal justice and policy  
16 officials throughout Alaska. Bush Justice is used to  
17 identify the distinctly different public safety court and  
18 correctional operations in Alaska Native communities. Law  
19 enforcement officers in non-Native communities are always  
20 called police officers, but those in Native communities are  
21 usually village police officers, and they're essentially  
22 ignored and unsupported by the police standards council and  
23 Alaska criminal justice officials.

24 Those associated with the administration of justice in  
25 Alaska understand that the words Bush and village in

1 In closing, I encourage this committee to review copies  
2 of the materials which ATTC and 10 villages are suing the  
3 state of Alaska for providing disparate law enforcement  
4 services in the bush. The materials would provide a  
5 compelling case much more so than I have provided here about  
6 the disparity treatment in the arena of law enforcement and  
7 justice. I have reviewed some of those materials, and  
8 there's a statement from a retired trooper basically  
9 agreeing with the plaintiffs in the case, that, yes, there  
10 is disparate treatment.

11 So thank you for this opportunity to speak to you.

12 CHAIRPERSON GUTIERREZ: Thank you. Yes, sir.

13 MR. JOHN ANGELL: Mr. Chairman, members of the  
14 committee. My name is John Angell, I'm Professor Emeritus  
15 Justice from the University of Alaska. I've spent 25 years  
16 with the University of Alaska -- or 20 of those as the head  
17 of the justice center at the university. I've also been  
18 director of department of justice services in Multnomah  
19 County in Oregon, at police courts and corrections operation  
20 from Multnomah County. I've served as consultant for the  
21 President's Commission on Law Enforcement and the  
22 Administration of Justice in the 1960s, and I've been a  
23 police officer. I'm currently working pro bono for NARF on  
24 the equal protection case against the state.

25 James Baldwin who is an author of a 1960s classic

1 reference to criminal justice are code words denoting Native  
2 areas where the justice services are both qualitatively and  
3 quantitatively inferior to those provided in the state's  
4 non-Native communities.

5 The Alaska Justice System development began in  
6 territorial days to serve and protect gold miners,  
7 businessmen, settler, and other non-Native migrants. Police  
8 and court operations were instituted in towns and cities  
9 founded by whites who settled along the Alaska coastline and  
10 the developing road system of the territory. This justice  
11 system was clearly a race-based system which developed in  
12 rue with the growth of White communities. Only in the most  
13 unusual situations did Native communities receive its  
14 attention.

15 Problems associated with the system's non-Native  
16 orientation were apparent at statehood and recognized by  
17 Governor Egan. He urged the group designated to design and  
18 implement the state police, to expand the police  
19 organization to provide operations in Native communities.  
20 However, the planners seemed only to make a token effort to  
21 appease the governor by planning to assign state police  
22 officers in two Native communities. The remainder of the  
23 state department of public safety personnel and nearly all  
24 of its facilities were placed in White communities mainly  
25 along the marine and connected highway system.



1 Over the years since statehood there has been a growing  
 2 awareness of crime and public safety problems in Native  
 3 communities. As a result of the state's failure to  
 4 establish adequate criminal justice beta systems to  
 5 routinely capture information, it has been impossible to  
 6 determine the precise nature of these problems and the  
 7 extent of their growth.

8 What is clear, however, is that most Native communities  
 9 do not have the financial means nor perhaps the political  
 10 authority to establish social control operations to address  
 11 the problem. Alaska officials, while devoting rhetoric to  
 12 the situation, have essentially maintained the original  
 13 race-oriented organizational arrangements of the justice  
 14 system. Consequently Alaskan continues to support a  
 15 criminal justice system that primarily serves its urban non-  
 16 Native populations and conspicuously fails to provide needed  
 17 service of equal protection of residents in rural  
 18 communities.

19 The extent of the inequality of the protection in  
 20 police services between Native and non-Native communities  
 21 can be estimated by comparing the assignment of Alaska State  
 22 Troopers across the state. In January 2001, the Department  
 23 of Public Safety employed 249 commissioned officers.  
 24 According to the census, approximately 52 percent of the  
 25 population places in Alaska are predominantly Native; 48

1 percent then are predominantly non-Native, obviously.

2 Although the state does not provide crime statistics  
 3 for Alaska Native communities, studies have created evidence  
 4 that violent crime rates in Alaska Native areas are three to  
 5 six times higher than the rates in non-Native communities.  
 6 In addition, other public safety problems such as fire loss,  
 7 suicide, drug and alcohol abuse are several times more  
 8 serious in Native areas than in non-Native areas.

9 Further, since Alaska Native communities are  
 10 disproportionately located in remote, roadless areas,  
 11 transportation and communication problems hamper rapid  
 12 responses to emergencies, making the assignment of more  
 13 troopers to Native areas essential for quick responses to  
 14 emergencies and for facilitating reasonable crime prevention  
 15 activities in the communities.

16 Consequently, all available data support a conclusion;  
 17 that a relatively high proportion of the Alaska State  
 18 Troopers should be assigned to Native communities. That is  
 19 not, however, where Alaskan troopers are assigned. Thirty-  
 20 four troopers, 13.7 percent of the troopers, of the sworn  
 21 troopers are assigned in eight Native communities. The  
 22 remaining 215, or 86.3 percent of the troopers are assigned  
 23 in predominantly White communities, with the majority  
 24 assigned in Anchorage, Palmer, Fairbanks, and Kenai, all of  
 25 which have their own police services.

1 Most of the White cities and towns on the inter-  
 2 connected highway system have either a resident trooper or  
 3 are served by a trooper who lives in the town down the road.  
 4 The 34 troopers, among which I should point out are first  
 5 sergeants who supervise and are the highest ranking people  
 6 west of Mount McKinley, that are assigned -- the 34 troopers  
 7 that are assigned to handle crime and public safety problems  
 8 in most Native communities of the state are not readily  
 9 acceptable to Native who need their attention.

10 These troopers must preform policing for a geographic  
 11 area that includes all territory west of Mount McKinley, a  
 12 land area the size of Oregon, Washington, and Idaho  
 13 combined. If one considers trooper work hours and time off,  
 14 there are an average of six troopers available to police  
 15 this area at any one time, to perform all policing and  
 16 public safety responsibilities for over 100 Native  
 17 communities, some of which are separated by hundreds of  
 18 miles.

19 Clearly the state of Alaska, which has a constitutional  
 20 responsibility for providing governmental services in the  
 21 unorganized borough area, where most Native communities are  
 22 located, is not providing equal protection to its Native  
 23 communities. My colleague who is working with us on this  
 24 case, Dr. Richard McClarey (ph), who is a professor at  
 25 University of California Irvine, and who is arguably the

1 most knowledgeable statistician in the area of  
 2 administration of justice, analyzed DPS assignments,  
 3 Department of Public Safety assignments to determine the  
 4 variables associated with the allocation of commissioned or  
 5 sworn troopers to communities in the state.

6 Dr. McClarey (ph) determined that race of the  
 7 population was a critical variable in explaining the trooper  
 8 assignment. In fact, as you know, a relationship is  
 9 generally considered statistically significant if it is  
 10 expected to occur by chance five or less times out of 100.  
 11 Dr. McClarey calculated that the probability of trooper  
 12 allocations not being related to race is less than one time  
 13 in a million in Alaska.

14 Although because of limitations of time, my focus on  
 15 the state's provision of police services and -- police and  
 16 public safety services, similar observations can be made  
 17 about court and correction organizations and operations.  
 18 Both of these latter components of system fail to provide  
 19 equal protection to Native and non-Native peoples. The  
 20 unfortunate fact is that most of the inequality problems  
 21 have been known for years.

22 However, there has not been a willingness to make the  
 23 politically and administratively risky decisions required to  
 24 change the situation. Until such risks are taken, the  
 25 situation which I view as a national disgrace, and I

1 certainly support Mr. Williams statement that we have a  
2 third-world country and the richest state in the United  
3 States, that we're absolutely not providing services for,  
4 but until people take the risk these problems are not going  
5 to be corrected.  
6 And I don't see at this point in time a willingness for  
7 public officials and legislators to take the risks that are  
8 necessary. Alaska Natives are going to continued to be  
9 denied equal protection, due process, and equal justice.  
10 And the Alaska criminal justice system will continue to be  
11 Uncle Charlie's system in Alaska Native communities. Thank  
12 you.  
13 CHAIRPERSON GILBERT GUTIERREZ: Thank you.  
14 MR. LAWRENCE A. ASHENBRENNER: Mr. Chairman and  
15 committee members, I'm Larry Ashenbrenner, directing  
16 attorney of the Alaska office of the Native American Rights  
17 Fund, NARF. NARF is a non-profit law firm representing  
18 indigent tribes on issues involving subsistence,  
19 sovereignty, and racial discrimination.  
20 Over the past 17 years NARF has been involved in  
21 protecting Native subsistence and sovereignty rights,  
22 including the Katie John case and state and federal cases  
23 leading to the federal recognition of the 227 Alaska  
24 villages, and also been involved in cases involving racial  
25 discrimination.

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1 Currently, as Mr. Williams and Loretta explained, our  
2 NARF is representing 10 villages, the Alaska Inter-Tribal  
3 Council, and the Alaska Native Justice Center in a suit  
4 against the state which challenges the state's inadequate  
5 provision of law enforcement to off-road Native villages on  
6 the grounds of racial discrimination. I will not comment on  
7 the merits of this case, which the court will determine at  
8 the trial which is scheduled to commence on February 4th,  
9 next year.  
10 Rather, I will briefly describe three aspects of the  
11 state's rural law enforcement system, which directly impact  
12 the civil rights of rural Alaska Natives.  
13 First, the state's 41 year history of illegally  
14 prohibiting Native villages from keeping the peace in their  
15 traditional ways. Second, the undisputed disparities  
16 between the police protection provided on-road White  
17 communities and off-road Native communities.  
18 Loretta Bullard and Mike Williams did an excellent job  
19 in describing many of these disparities. I'm going to list  
20 a few more in more specific terms.  
21 Third, the fallacy in the state's justification for  
22 providing inferior police service to the bush, namely, high  
23 cost and limited personnel. Taking them in order, prior to  
24 statehood Native villages had effective indigenous  
25 mechanisms for resolving disputes and keeping the peace,

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1 which they had employed for thousands of years.  
2 Historically these functions were carried out pursuant  
3 to custom and tradition by chiefs, headmen, elders, clans,  
4 and families. Early in the 1900s, this system gradually  
5 gave away to elected village councils who took over the  
6 peace keeping role.  
7 In 1959, when Alaska entered the union, virtually every  
8 village council in Alaska was actively engaged in law  
9 enforcement and keeping the peace. During the next few  
10 years, however, the state effectively derailed these  
11 efforts, and by the early 1980s, only a handful of councils  
12 remained active in the criminal justice arena.  
13 At statehood in 1959, pursuant to Public Law 280, the  
14 state assumed an obligation to enforce its laws in Indian  
15 Country, i.e., Native villages. This authority was not  
16 limited to felonies. It included all crimes including  
17 misdemeanors and lesser felonies. Likewise at statehood,  
18 the state assumed a constitutional obligation to provide  
19 equal protection under the law to all its citizens, not just  
20 White citizens on the road system, but to Native systems off  
21 the road system as well. The state has failed to live up to  
22 these obligation. Upon statehood, state officials went out  
23 in a number of meetings across the state and advised village  
24 leaders that statehood had somehow extinguished their  
25 inherent law enforcement authority all together. Village

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1 councils were told that in the future their peace keeping  
2 efforts, even their authority to prohibit alcohol or impose  
3 sanctions on their own members would be extra legal, and  
4 that compliance with the council's laws would be strictly  
5 voluntary. They were told, quote, that village laws were  
6 unenforceable by the councils or under state law, and that  
7 if village council members persisted in enforcing their  
8 laws, they could be arrested, quote/unquote.  
9 Now, this news that statehood had somehow extinguished  
10 the village council's law enforcement authority was shocking  
11 to the councils. Aggravating the situation for 40 years,  
12 state officials have taken conflicting positions with  
13 respect to the authority of village councils. Officials  
14 living in the bush, including state troopers have  
15 consistently but unofficially encouraged village councils to  
16 adopt extra legal ordinances, regulate alcohol, handle  
17 lesser offenses, resolve disputes, and keep the peace in the  
18 best way they could, albeit on a voluntary basis. For the  
19 same decades, the state's official position out of Juneau  
20 was that there were no tribes in Alaska, and that even if  
21 they were, they possessed no governmental powers, and more  
22 specifically, they lacked any criminal law enforcement  
23 authority. Thus, for the last 40 years, the state has  
24 effectively prevented the villages from enforcing their own  
25 laws, thereby foreclosing their traditional means for

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1 keeping the peace;

2 Now, the chilling effect of the state's anti-tribal  
3 government policy and threats to prosecute tribal officials  
4 continues today. In 1995, Native leaders in the Bethel area  
5 asked the troopers, quote, why are Native people who are  
6 officers of tribal courts considered criminals when  
7 enforcing tribal law? Why does the state of Alaska continue  
8 to refuse to recognize tribal law when Native people are  
9 required to live and abide by state law. By what power or  
10 authority does the state government deem tribal court orders  
11 as worthless documents? In short, the fact that Native  
12 councils are no longer engaged in law enforcement is  
13 directly attributable to the state.

14 Finally, on September 29th, 2000, Governor Knowles  
15 officially acknowledged the existence of 227 federally  
16 recognized tribes in Alaska. However, this belated  
17 acknowledgment of tribal existence did not include an  
18 acknowledgment of tribal law enforcement powers.  
19 Consequently, it has not and could not erase the chilling  
20 effect of the state's unlawful treatment of the village law  
21 enforcement authority over the last four years.

22 But not only has the state effectively destroyed tribal  
23 law enforcement, it has failed to provide Native villages  
24 adequate police protection under the state system. Now,  
25 Loretta and Mike Williams described very well many of the

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1 disparities. I'm going to be a little more specific.

2 There is a huge disparity between law enforcement  
3 provided to on-road White communities and off-road Native  
4 villages. On-road, troopers provide full protection to all  
5 communities that lack municipal police departments,  
6 regardless of their financial ability to hire their own  
7 police. The Hillside area is a perfect example; the richest  
8 place in Alaska, and for 35 years, the troopers protected  
9 the Hillside because the people on the hill didn't want to  
10 pay the money to hire their own police.

11 Other examples are the Mat-Su Borough, outside of the  
12 narrow confines of Palmer and Wasilla; all of those suburban  
13 areas around there, protected by the troopers. Big Lake,  
14 the entire Kenai Peninsula except for the small areas within  
15 the two or three municipalities there; all protected by the  
16 troopers, regardless of their ability to hire their own  
17 police.

18 On-road troopers handle all misdemeanors and all  
19 felonies; both serious and not serious. Troopers patrol all  
20 on-road communities. On-road troopers are available to  
21 respond to domestic violence and take abused children  
22 promptly into protective custody. On-road troopers do  
23 security checks on homes, cabins, and other buildings. On-  
24 road troopers issue warnings for less-serious offenses. On  
25 road troopers assist motorists. On-road troopers are a

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1 conspicuous and deter crime by their very presence.

2 Off-road troopers handle virtually no misdemeanors and  
3 many serious -- and many less serious felony offenses go  
4 unprosecuted. Off-road troopers rarely, if ever, patrol.  
5 Off-road troopers are unable to promptly respond to domestic  
6 violence, child abuse, or sexual assault offenses. Off-road  
7 troopers rarely, if ever, issue warnings or traffic  
8 citations. Off-road troopers are rarely present in the  
9 villages. Off-road, due to their limited personnel and  
10 planes, the average trooper response time to the villages  
11 takes many hours or days, sometimes weeks; whereas on the  
12 road system it's 45 minutes.

13 The state has adopted regulations dividing law  
14 enforcement officers in the state into three categories;  
15 certified police who are fully qualified and trained, such  
16 as the troopers, and members of municipal police departments  
17 like Anchorage, Fairbanks, Bethel, and VPSO's, Village  
18 Public Safety Officers, and Village Police Officers who  
19 serve exclusively Native villages.

20 There are 165 off-road communities in Alaska that lack  
21 certified, that is, fully qualified police officers, the  
22 vast majority of which are Native villages. Seventy-five  
23 villages have VPSO's and several others have VPO's.  
24 However, 73, have no local police, at all.

25 Now, there's a huge disparity between troopers, VPSOs,

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1 and VPO's in terms of their qualifications, training, arms,  
2 equipment, and law enforcement authority as well as their  
3 salaries, benefits, and working conditions. Troopers  
4 receive 1,130 hours of law enforcement training. VPSO's  
5 receive 200 hours. And VPO's are supposed to receive,  
6 according to regulation, 48 hours. In other words, troopers  
7 receive almost six times the training as VPSO's, and over 21  
8 times as much training as VPO's who protect the villages.

9 Troopers carry firearms. VPSO's and VPO's do not.  
10 Troopers wear protective vests; VPSO's and VPO's do not.  
11 Troopers have cars and planes; VPSO's and VPO's do not.  
12 Many VPSO's and VPO's must use their own boats and snow  
13 machines and four-wheelers or walk or run after offenders.  
14 And I've heard VPO's tell me about they've tried to chase  
15 down somebody in the snow and drag them back to the place  
16 where they can lock them up for the night. And anyways, the  
17 state pays for troopers fuel for their vehicles, but many  
18 VPSO's and VPO's must pay for their own fuel while driving  
19 their snowmobile while on business. Troopers receive well  
20 over two times the salary, and are paid for overtime. The  
21 salaries of many VPO's and VPSO's are so low, they're on  
22 food stamps. VPSO's and VPO's are on call 24 hours a day,  
23 seven days a week with no backup, and receive little or no  
24 overtime. Troopers have full law enforcement powers.  
25 VPSO's lack the power to serve arrest warrants or

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1 investigate felonies without prior approval of the troopers,  
2 and prior approval of the troopers takes many times days and  
3 weeks if it ever comes, which means there's no prosecution.  
4 VPO's likewise are effectively precluded by their lack of  
5 training from making arrests or investigating felonies.

6 The consequences of inadequate police protection are no  
7 where more apparent than in the 73 villages that have no  
8 local police protection at all. The lack of local police  
9 means there is no police presence to deter crime in the  
10 first place. It means that crime rates go up. The lack of  
11 local police is an open invitation to the illegal  
12 importation of alcohol and drugs, which are the primary  
13 factors in most crimes in the villages.

14 Without police, there's no one local to make arrests,  
15 and no one to hold offenders in custody pending their court  
16 appearance. Indeed, with the exception of serious felonies  
17 handled by the troopers, there would probably be no court  
18 appearance, because without local police, there would  
19 probably be no arrests. The lack of local police means that  
20 victims of child abuse, as explained by Loretta, will not be  
21 timely taken into protective custody since there are no  
22 local police officers to accompany the social worker in  
23 removing a child from a home of a dangerous and violent  
24 abuser. And social workers are instructed not to go to  
25 those homes and pick them up without a police officer

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1 present.

2 It also means that untrained civilians, it frequently  
3 happens, must risk their lives as volunteers to keep the  
4 peace. Even villages with VPO's and VPSO's lack the most  
5 basic and critical protection against armed intoxicated  
6 lawbreakers. VPSO's are prohibited from carrying firearms,  
7 they have no protective vests, and are specifically  
8 instructed not to confront an armed offender, but rather, to  
9 call the troopers and wait for their arrival. Of course,  
10 there are still something like 42 villages who lack lights,  
11 so it's not even possible to get there in a short time if it  
12 happens at night, and those incidents always happen at  
13 night.

14 On many occasions courageous VPSO's have violated the  
15 troopers instructions, risking their lives to disarm violent  
16 offenders and protect the lives of others. However, on many  
17 other occasions, VPSO's have followed the troopers  
18 instructions leaving the offender's wife, children, and  
19 others in harm's way for hours or days.

20 Thus, even for off-road communities that have VPO's and  
21 VPSO's, these disparities result in a vastly lower level of  
22 police protection for the off-road communities. For the 73  
23 communities lacking any local police at all, there's no  
24 comparison; they are virtually defenseless to lawbreakers.

25 The tribes, the non-profits, other Native organizations

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1 like AFN and AITC have sought additional VPSO's and more  
2 troopers and better training for VSO's with virtually no  
3 success.

4 Now, the impact of the state's discriminatory provision  
5 of police protection falls overwhelmingly on Natives. Over  
6 84 percent of the population of Alaska receiving full  
7 certified police protection from the troopers is non-Native,  
8 whereas 80 percent of the population that receives only  
9 limited trooper services, and inadequate or no local police  
10 protection is Native. Overall, 87 percent of the population  
11 of Alaska that receives certified police protection is non-  
12 Native, whereas 80 percent of the population that lacks such  
13 protection is Native.

14 From the territorial period to the present, Alaska has  
15 defended its inferior and discriminatory rural law  
16 enforcement system on the ground of high cost and limited  
17 personnel. This was true in 1959 when the first  
18 commissioner of public safety decided to appoint Native  
19 constables in Native villages because to provide, quote,  
20 regular police services would be prohibitively expensive,  
21 were we to utilize regular state police officers. And it is  
22 true today.

23 In 1988, the Department of Public Safety justified its  
24 request for more VPSO's on the ground that, quote, without  
25 them, the increasing workload for law enforcement in rural

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1 Alaska will not be addressed by the lowest cost method  
2 available. And the cost of VPSO serves us, if provided  
3 directly by the Department of Public Safety, would be much  
4 higher than the cost presently incurred by the VPSO program  
5 in providing these services.

6 But neither cost savings nor administrative convenience  
7 justified discrimination in the provision of governmental  
8 services. The law, both Alaska law and federal law is  
9 clear; that if the state cannot afford to provide all  
10 Alaskans adequate police protection, it cannot place the  
11 burden exclusively on off-road Native villages. On-road  
12 Caucasian communities as well must share the sacrifice.  
13 This is an executive truth that neither the legislature nor  
14 the executive branch have never grasped. Until they do or a  
15 court decision so mandates, we can expect the state's  
16 inadequate and discriminatory rural law enforcement system  
17 to continue, and with it the violence and crime, suffering  
18 and death, which such a system inevitably entails.

19 In terms of recommendations, we ask the United States  
20 Civil Rights Commission, this committee, to investigate,  
21 annually report and monitor the state's rural law  
22 enforcement system until the state's racial discrimination  
23 ceases and Alaska Natives at last receive their  
24 constitutional right to equal protection under the law.

25 Inferior discriminatory police protection has gone on

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1 so long in Alaska it has become the norm. It's gone on so  
2 long that well-intentioned state legislators and state  
3 officials can't even see it. And because they can't see it,  
4 they're doing nothing about it. This advisory committee and  
5 the Civil Rights Commission can so forcefully and repeatedly  
6 bring this travesty to their attention that they will no  
7 longer be able to ignore it. Thank you.  
8 CHAIRPERSON GILBERT GUTIERREZ: Thank you.  
9 Commissioner?  
10 COMMISSIONER YVONNE LEE: Thank you. I have a couple  
11 of questions for the panel. The first one is, has the  
12 Department of Justice been contacted to look at all the  
13 unsolved disappearances and murders involving Alaska Native  
14 women, and also for the unequal access to police protection?  
15 The second question is, we heard at the August forum  
16 from the FBI agent that there's a apparently an FBI policy  
17 that local recruits were not assigned to the specific areas  
18 where they were recruited from, which really affect  
19 communities where they need culturally and linguistically  
20 qualified agents to serve those communities.  
21 So I would like to get your comments on, Number 1,  
22 whether that policy should be changed; and also why DOJ has  
23 not been contacted, if they haven't; the two questions for  
24 the panel.  
25 MR. JOHN ANGELL: Well, I haven't.....

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1 COMMISSIONER YVONNE LEE: Because DOJ Civil Rights  
2 Division is supposed to be looking into any possible civil  
3 rights violation. And if there is allegations of unequal  
4 police -- access to police protection, that obviously is a  
5 civil rights violation. So has the DOJ been contacted to  
6 look into that?  
7 MR. JOHN ANGELL: Well, the United States Department of  
8 Justice has been investing whether or not there is a  
9 violation of equal protection in Alaska for the last two  
10 years. They've assigned a lawyer who's made repeated trips  
11 out here, written a report she tells me, recommending that  
12 the United States Department of Justice intervene on the  
13 side of the tribe. But along about the time she did that,  
14 the new administration came in and everything has come to a  
15 screeching halt and so nothing has been done.  
16 CHAIRPERSON GILBERT GUTIERREZ: Yes?  
17 COMMISSIONER YVONNE LEE: And what about the -- if I  
18 could ask.....  
19 CHAIRPERSON GILBERT GUTIERREZ: Go ahead. Please.  
20 COMMISSIONER YVONNE LEE: .....a policy question on  
21 this whole assignment policy that FBI has because I heard  
22 from -- in South Dakota, where they said they could not  
23 recruit any American Indians, and I heard from Hawaii they  
24 could not recruit any Native Hawaiians to serve the  
25 community. And the few individuals who could pass through

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1 all the tests could not be assigned back to the state to  
2 serve those communities even though they know the cultural  
3 and linguistic needs for those.....  
4 MR. LAWRENCE ASHENBRENNER: I'm surprised that that  
5 policy exists because the former director of the FBI  
6 contacted us repeatedly to find folks that might be  
7 candidates for the bureau, and my understanding was that it  
8 was to assign them here in the state. Now, my understanding  
9 is also that they have to spend a period of time before they  
10 come back to the state, and that may be what he's talking  
11 about, that there may be a two year period or something like  
12 that before they can come back to the state. But I've  
13 forgotten the agent in charge who was here, the African  
14 American who was here with the FBI.  
15 UNIDENTIFIED VOICE: He's Samoan.  
16 MR. LAWRENCE ASHENBRENNER: He used to regularly come  
17 and talk.....  
18 UNIDENTIFIED VOICE: He's Samoan.  
19 MR. LAWRENCE ASHENBRENNER: ....with us about the  
20 possibility of getting Alaska Natives to apply for the FBI.  
21 CHAIRPERSON GILBERT GUTIERREZ: Ms. Bullard, you had a  
22 statement?  
23 MS. LORETTA BULLARD: Well, I was just going to say, I  
24 was seeing that your question was in regards to the Alaska  
25 State Troopers and their recruitment of minorities from the

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1 communities in the bush. And if that's the case, I think  
2 from our area we've had several of our village safety public  
3 officers actually become state troopers.  
4 But my sense is, is that the policies, they are not  
5 returned to their kind of community of origin. For a number  
6 of years after beginning a state trooper, they're located  
7 either in a regional center or elsewhere to kind of get some  
8 experience under the belt. But for those individuals that  
9 are from the village, they're never stationed in the  
10 villages; they're stationed in the subregional areas; you  
11 know, the Kotzebue, the Nome's.  
12 CHAIRPERSON GILBERT GUTIERREZ: Ms. Walker?  
13 MS. ROSALEE T. WALKER: Thank you. In your  
14 presentations, Ms. Bullard referred to the Millennium  
15 Agreement. And I think you gave some complimentary words to  
16 the agreement. Mr. Ashenbrenner?  
17 MR. LAWRENCE ASHENBRENNER: Yes.  
18 MS. ROSALEE T. WALKER: You gave some indication that  
19 there's some gaps or there's some problems with the  
20 Millennium Agreement with regard to administration of  
21 justice. I didn't hear anything from you, doctor,  
22 concerning -- and I'm not sure whether you're familiar with  
23 its content or what, but I'd just like to hear your personal  
24 evaluation of the Millennium Agreement really as it relates  
25 to the administration of justice.

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1 MR. JOHN ANGELL: Do you want mine?  
 2 MS. ROSALEE T. WALKER: Yes, please, of the Millennium  
 3 Agreement; did you hear me?  
 4 MR. JOHN ANGELL: Yes. I heard you. I didn't know  
 5 that you were talking to me, though. I thought you were  
 6 talking to Mr. Ashenbrenner.  
 7 MS. ROSALEE T. WALKER: No. I had gotten opinions from  
 8 the other two, but I didn't hear anything from you.  
 9 MR. JOHN ANGELL: Yeah.  
 10 MS. ROSALEE T. WALKER: And I just wanted to hear  
 11 your.....  
 12 MR. JOHN ANGELL: Yeah.  
 13 MS. ROSALEE T. WALKER: .....personal opinion.  
 14 MR. JOHN ANGELL: Yeah. Well, I think, you know, that  
 15 the -- we did a study a few years ago in conjunction with  
 16 the Alaska State Troopers, and it was clear to us at that  
 17 point in time that court systems, that indigenous court  
 18 systems, existed all across the state, and that the state  
 19 would not be able to maintain social control even to the  
 20 extent that it currently does without those kind of  
 21 organizations that the state considered to be illegitimate,  
 22 and the troopers would turn a blind eye to. The troopers  
 23 who are working in those areas, they know that they exist,  
 24 but they don't inform people elsewhere and they don't act  
 25 like to superiors; they know that they exist, you know.

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1 And I think part of what this will do will help to  
 2 legitimize things along that line and increase the amount  
 3 of cooperation that exists between the Native -- between  
 4 those things that have traditionally been carried on in  
 5 Native communities and the formal justice system in the  
 6 state.  
 7 MS. ROSALEE WALKER: Thank you. One follow-up I'd like  
 8 to ask, Mr. Ashenbrenner -- excuse me. I'd like to ask you,  
 9 would you offer as recommendations to strengthen the  
 10 Millennium Agreement with regard to the administration of  
 11 justice?  
 12 MR. JOHN ANGELL: Well, I wasn't criticizing the  
 13 Millennium Agreement.  
 14 MS. ROSALEE WALKER: No. I didn't take it as a  
 15 criticism.  
 16 MR. JOHN ANGELL: It's just kind of a broad outline, as  
 17 I see it anyway. And it's got to be -- the specifics have  
 18 got to be filled in. But one of the specifics surely should  
 19 be that the state should recognize that the tribal  
 20 governments still have the legal authority to control the  
 21 conduct at least of their own members under the latest  
 22 Alaska Supreme Court decisions, which means that they can  
 23 engage in law enforcement activities in those villages even  
 24 though those villages aren't Indian country. Now, that  
 25 would be a real step in the right direction. It would

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1 enable the tribes to legally control alcohol under state law  
 2 even. So that would be a suggestion.  
 3 CHAIRPERSON GILBERT GUTIERREZ: Dan?  
 4 MR. DANIEL ALEX: First of all, you know, I want to  
 5 thank Larry and the Native American Rights Fund for looking  
 6 out for Native interests. I mean I've worked with John  
 7 Barbari (ph) a number of years ago on some issues.  
 8 I've got a question. You know, I mentioned ambiguity  
 9 earlier. But that aside, has Native American Rights Fund  
 10 and/or others working come up with some kind of model to  
 11 present to the state which incorporates the public process  
 12 to grant authority to whatever entity is out there to have  
 13 police power?  
 14 MR. JOHN ANGELL: Well, could we come up with one or --  
 15 well, I think, yeah, one can come up with one. I think my  
 16 partner, Heather, and other lawyers -- legal services and  
 17 other lawyers from the non-profits are working right now on  
 18 legislation pointed in that direction. But I haven't been  
 19 directly involved in it so I don't know the specifics. But  
 20 I think I could ask Heather to give you a call and tell you  
 21 where they're at.  
 22 MICHAEL WALLERI: Just a couple of things. Would it be  
 23 possible to get a copy of the McClarey (ph) report that you  
 24 were -- I don't know if it's litigation or what, but.....  
 25 MR. JOHN ANGELL: Sure.

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1 MR. MICHAEL WALLERI: If it's not privileged.  
 2 MR. JOHN ANGELL: That's possible. Right, Larry?  
 3 MR. LAWRENCE ASHENBRENNER: Yeah, I've got it. Sure.  
 4 MR. MICHAEL WALLERI: If you could provide that to the  
 5 Commission staff, I'd very much appreciate it. Also, was  
 6 your -- Professor Angell, were you submitting written  
 7 testimony also with regards to the statistics?  
 8 MR. JOHN ANGELL: I can. I don't have it prepared at  
 9 this time. But if you'd like.....  
 10 MR. MICHAEL WALLERI: If you could, I.....  
 11 MR. JOHN ANGELL: If you'd like, I can go into -- I  
 12 tried to judge for the eight minutes, and there obviously  
 13 are a lot more things that can be said particularly  
 14 regarding courts and correctional organizations and  
 15 operations in the state.  
 16 MR. MICHAEL WALLERI: Well, the statistics in both --  
 17 that were recited by both you and Mr. Ashenbrenner are  
 18 particularly compelling. And if you could provide those in  
 19 written form,.....  
 20 MR. JOHN ANGELL: Sure.  
 21 MR. MICHAEL WALLERI: .....I think it would be very  
 22 helpful. I had a couple of questions. The first one is  
 23 that the testimony that we're hearing today is very  
 24 different than the testimony that we heard last time we were  
 25 here in Anchorage, which was oftentimes provided by state

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1 officials. In that discussion there was a heavy emphasis, I  
 2 believe, that the statistic was somewhere around -- it was  
 3 two times or three times more likely for an incarcerated  
 4 person to be Native as opposed to the proportionate share of  
 5 the population. So that there seems to be in terms of the  
 6 perpetrators, a high level of enforcement relative to  
 7 Natives. That was the apparent charge.

8 The charge that we're hearing today is that the focus  
 9 of the protected people -- in other words, that the  
 10 disparity is somewhere in the neighborhood of 80 percent I  
 11 think was being talked about by Mr. Ashenbrenner. In terms  
 12 of the focus of who the troopers and law enforcement system  
 13 is designed to protect, is the non-Native communities.

14 So essentially what we're hearing is that, on one hand,  
 15 Natives are being prosecuted as perpetrators more heavily,  
 16 but the focus of the protection is with regards to the non-  
 17 Native population. I was wondering if any of you had any  
 18 comment on that.

19 MR. JOHN ANGELL: Well, I've got one comment, and that  
 20 is that one of the primary faults of the present system is  
 21 that -- as Loretta or Mike explained, is that juveniles will  
 22 get into trouble a dozen -- many, many times before they're  
 23 ever brought before the state court. So that's a lack of  
 24 police protective and it's the immediate consequences of  
 25 your act that acts as a deterrent. So on the road system

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1 where you have got good police protection, kids don't get  
 2 that many chances, they get nabbed the first place, and a  
 3 lot of times that's enough to put them on the straight and  
 4 narrow path. That doesn't happen in the villages. And so  
 5 the lack of law enforcement results in them later becoming  
 6 criminals and going to the penitentiary. Now, that isn't by  
 7 any means the whole thing, but that's one aspect of it.

8 MR. LAWRENCE ASHENBRENNER: I think another thing  
 9 that's a possibility is that the troopers on the on-road  
 10 system spend time drinking coffee and eating donuts and  
 11 talking with the people who are in the community. And they  
 12 know the community. They check the buildings in that  
 13 community. They see things that are going on and they stop  
 14 the things from going on.

15 Some of the research has been done that you know about,  
 16 I'm sure, that there are a small number of people in the  
 17 Native communities that cause the most violence in the  
 18 communities. And those people usually do not -- as Larry  
 19 says, usually do not get detected. The police, when they go  
 20 in, go in to make an arrest, but oftentimes they don't get  
 21 there until no one is willing to give any information about  
 22 being sexually assaulted, and so they do nothing about it.  
 23 When they finally do something about it, they make an arrest  
 24 and take the person out of the community.

25 But there's so many things that go by that people get

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1 away with that these people for a long period of time keep  
 2 creating greater and greater -- or engaging in greater and  
 3 greater deviance until they wind up getting arrested and  
 4 taken out of the community, you know. There's no preventive  
 5 effort that goes on in the communities at all. There's no  
 6 misdemeanor or very little misdemeanor enforcement in the  
 7 communities.

8 CHAIRPERSON GILBERT GUTIERREZ: Ms. Bullard?

9 MS. LORETTA BULLARD: I was going to say in terms of  
 10 what Mike is suggesting, I think there's also an aspect of  
 11 you've got the focus on the protected individuals in the  
 12 non-Native communities, you've got a lack of enforcement in  
 13 the rural communities, and particularly in the area of  
 14 alcohol in that when something does occur out there under  
 15 the influence of alcohol, it tends to be those more serious  
 16 situations, which then result in people being incarcerated.

17 MR. MICHAEL WALLERI: I just had one other. Thank you.  
 18 Just a short one. I just want to see if I'm getting the  
 19 message right.

20 Mr. Ashenbrenner, you were talking about a 41 year  
 21 history of the state stopping the traditional Native legal  
 22 systems, and there's been some discussion about repealing  
 23 PL 280 and a recommendation from AFN, I believe, to do that.

24 Well, on the other hand, there's a pretty expressed  
 25 criticism of the state's system. Am I hearing you correctly

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1 that what you're basically saying is either that the state  
 2 should either do the job properly or allow the tribes to  
 3 take over the responsibility?

4 MR. JOHN ANGELL: No. I think what I'm saying that  
 5 both should happen. Both should happen. I mean the tribes  
 6 can't take over felony jurisdiction. Right now under Public  
 7 Law 280, as you know, they have got concurrent jurisdiction  
 8 with the state to prosecute felonies -- I mean misdemeanors,  
 9 if it were Indian Country. But even -- if it were Indian  
 10 Country, the tribes have no jurisdiction over felonies, so  
 11 the state would have exclusive jurisdiction over felonies.  
 12 But to make the system really work, I think you've got to  
 13 have the tribes handling law enforcement in their  
 14 communities, the deterrent aspect and the after the fact  
 15 aspect in all cases except felonies.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I have a  
 17 couple questions, if you don't mind. First of all the VPSO  
 18 program; it seems to be a pretty good program. But they're  
 19 not fully qualified. I mean could they go, you know, to  
 20 Nome or into Bethel or into Anchorage and be qualified to be  
 21 considered for a police officer here?

22 MR. JOHN ANGELL: No.

23 CHAIRPERSON GILBERT GUTIERREZ: What would be a fully  
 24 qualified person?

25 MR. JOHN ANGELL: They'd have to get about 1,130 hours

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1 -- or 900 more hours of training than they received in order  
 2 to qualify for the training aspect. And then the  
 3 qualifications are also different. Certified officers have  
 4 to meet psychological -- satisfy psychological tests, which  
 5 I'm told are very tough to pass because they don't want  
 6 police officers that are psychologically unequipped to be  
 7 police officers.

8 MS. ROSALEE WALKER: They submit through, though.

9 MR. JOHN ANGELL: And there are also many VPO's that  
 10 have criminal records. VPSO's do not. But VPO's, many of  
 11 them do because villages -- that's all they could come up  
 12 with, for one reason, because they are paid virtually  
 13 nothing. Many are paid the minium wage.

14 CHAIRPERSON GILBERT GUTIERREZ: Following that up then,  
 15 are you saying that they have to go through a state academy,  
 16 a state trooper academy, before they qualify?

17 MR. JOHN ANGELL: Right.

18 CHAIRPERSON GILBERT GUTIERREZ: Okay. Could there be  
 19 some kind of testing for Alaska Natives for mental health  
 20 issues like you pointed out? Isn't there that kind of a  
 21 cultural kind of testing program around? Could there be  
 22 possibly.....

23 MR. JOHN ANGELL: Well, there certainly could be and  
 24 should be. I mean.....

25 MS. ROSALEE WALKER: There isn't.

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1 CHAIRPERSON GILBERT GUTIERREZ: Okay. The other issue  
 2 is, of course, tribal courts. In rural Alaska, I mean the  
 3 Alaska Supreme Court Advisory Committee told us on the  
 4 Fairness and Access Committee Report that Alaska has a  
 5 number of non-state justice resources such as tribal courts  
 6 and dispute resolution boards, particularly in rural areas.  
 7 State law enforcement officers, social workers, and judges  
 8 are reluctant to refer cases to these agencies or ask input  
 9 from them. These agencies are underused while state  
 10 services are overburdened or unavailable in most cases,  
 11 which you pointed out they were unavailable. I mean is it  
 12 reasonable to expect then if this Public Law 280 is kind of  
 13 done away with or repealed or whatever, would that provide  
 14 tribal courts an opportunity to develop?

15 MR. JOHN ANGELL: Well, I don't think you need to  
 16 abolish 280. If you repeal 280, then the federal government  
 17 would prosecute felonies -- well, strike that.

18 CHAIRPERSON GILBERT GUTIERREZ: Okay.

19 MR. JOHN ANGELL: If it were Indian -- I'll start all  
 20 over again. I think under the current recent Alaska Supreme  
 21 Court precedence, the state could legally agree, enter into  
 22 agreement with tribes, to recognize their tribal courts,  
 23 have authority at least over the conduct of their own  
 24 members right now, even though there's not Indian country.  
 25 Even without repealing Public Law 280. I don't think the

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1 repeal of Public Law 280 would give the tribes any more  
 2 powers, tribal powers. All it does would change the state's  
 3 power to prosecute to the feds.

4 CHAIRPERSON GILBERT GUTIERREZ: So -- okay. Go ahead.

5 MS. LORETTA BULLARD: Well, I just wanted to say I  
 6 think Mike had suggested earlier that it was the position of  
 7 AFN that they are suggesting that PL 280 be repealed. That  
 8 was not what I had testified. It's just something that  
 9 could be looked at as a broader scheme of what might really  
 10 work out in the rural areas.

11 MR. LAWRENCE ASHENBRENNER: I think part the -- the  
 12 major part of the resistance to the activities of tribal  
 13 courts and that kind of thing is coming from the Alaska  
 14 Court System, which has traditionally maintained that it is  
 15 the court operation within the state, and it's been very --  
 16 has very jealously guarded that prerogative.

17 And so it seems to me that that's the place where if  
 18 you want to have an impact on changing that, that's the  
 19 place that you go because I don't think -- I think troopers  
 20 would support that enthusiastically if they could begin to  
 21 use tribal courts, or VPSO's could begin to use tribal  
 22 courts. But.....

23 MS. LORETTA BULLARD: I was going to say I think it  
 24 varies from area to area. It depends on your judge. You  
 25 know, if the judge in our area is very willing to work and

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1 wants to refer cases to trial courts and restorative justice  
 2 forums; but I would imagine in other areas of the state  
 3 that's not the case. So I think education of judges is  
 4 really key.

5 CHAIRPERSON GILBERT GUTIERREZ: So it would be to our  
 6 -- at least we should recommend to the court system that  
 7 they should have a system across the board relating to this  
 8 kind of program.....

9 MR. LAWRENCE ASHENBRENNER: Uh-huh.

10 CHAIRPERSON GILBERT GUTIERREZ: .....that they have a  
 11 very.....

12 MR. LAWRENCE ASHENBRENNER: In fact, that area of  
 13 policy is one that's really difficult because there are  
 14 different policies that exist different places in the state.  
 15 For example, with the VPSO's, in some parts of the state,  
 16 troopers put a lot of responsibility on the VPSO's and the  
 17 VPSO's go a long way. In other parts of the state, troopers  
 18 control very rigidly what VPSO's can do and stop them from  
 19 doing a lot of things that they're doing, you know, just in  
 20 the other part.

21 There's no -- or I don't mean no, but there is very  
 22 little standardization of policy, and there's an awful lot  
 23 of flexibility in it and individual discretion all the way  
 24 down to the lowest operative on the street.

25 CHAIRPERSON GILBERT GUTIERREZ: Great. Thanks. We may

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1 I want to write questions or have written questions from some  
2 of the panel that we weren't able to give because of time  
3 constraints. I want to thank you for your time. Appreciate  
4 it.  
5 You guys need a break? We're going to take about a  
6 five minute break here it looks like. I don't know that we  
7 have a choice.  
8 (Off record - 3:20)  
9 (On record - 3:25)  
10 CHAIRPERSON GILBERT GUTIERREZ: I'd like to call the  
11 afternoon session back to order. I'd like all the State  
12 Advisory Committee members up here, if we could, please.  
13 And I'm going to go ahead and call the third panel. The  
14 third panel is education, and we would like to invite Mr.  
15 Andy Hope, Ms. Benicia [sic] Tetpon, and.....  
16 MS. BERNICE TETPON: Bernice. My name is misspelled.  
17 It's B-e-r-n-i-c-e, Bernice.  
18 CHAIRPERSON GILBERT GUTIERREZ: Bernice, I'm sorry.  
19 And Ms. Shirley Tuzroyluke?  
20 MS. SHIRLEY TUZROYLUKE: Yes.  
21 (Off record comments)  
22 CHAIRPERSON GILBERT GUTIERREZ: The time is 3:25. Go  
23 ahead.  
24 MS. SHIRLEY TUZROYLUKE: Thank you very much. I'm  
25 honored to be here. Members of the US Commission on Civil  
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1 Rights. I am honored -- go ahead.  
2 (Cell phone ringing)  
3 CHAIRPERSON GILBERT GUTIERREZ: Oh, excuse me a minute.  
4 Would you please turn off all phones and all beepers and  
5 everything else? Thank you. Pull that microphone up. Can  
6 you get it closer?  
7 MS. SHIRLEY TUZROYLUKE: I would like to preface my  
8 presentation with a statement. And this statement would  
9 serve two purposes; one is it's addressing the problem or  
10 the statement in the letter I received to discuss the root  
11 problems. So this kind of goes back just real briefly into  
12 some of the historical things that happened to us that  
13 brought us to this point, and also it's how do we deal with  
14 it and how do we envision education for our children?  
15 We are at a pivotal point in shaping the destiny of our  
16 nations. The hope of our peoples lies in the vision of our  
17 children. In order to formulate a vision of Native  
18 education, I find it necessary to reflect on what we had  
19 experienced as a people in a relatively short period in the  
20 history of Native Alaskans.  
21 As I reflect on this educational experience, it is hard  
22 not to realize that those who came before us entered the  
23 educational systems of this society as children. I would  
24 like to acknowledge those who endured the acculturation  
25 policies of the first schools in Alaska, where obliteration  
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1 of culture and language was calculated and harshly  
2 implemented. I acknowledge the pain and confusion that they  
3 experienced as children and thank them for the strength to  
4 endure.  
5 I would like to acknowledge those who fought to enter  
6 the public educational systems in the early part of the  
7 twentieth century and won for us the right to a fair and  
8 equal education. I would like to acknowledge those who left  
9 their homelands and entered the foreign worlds of boarding  
10 schools. Thank you for returning to our homeland with a  
11 commitment to continue our culture. I would like to  
12 acknowledge those who were raised in the Christian missions  
13 where culture was viewed as sinful and unhealthy. Thank you  
14 for bringing back to us our insight; your insight. I would  
15 like to acknowledge those sent to the large urban centers of  
16 this nation and the relocation programs. Thank you for  
17 learning well and bringing back your much needed technical  
18 knowledge to benefit our communities. I would also like to  
19 acknowledge those enlightened beings who strive to  
20 understand that we still have not found anything of equal  
21 value to replace our way of relating to the world around us.  
22 Thank you for your steadfast efforts to assure that our way  
23 of perceiving the world stays in the plume of human  
24 consciousness.  
25 Finally, I would like to acknowledge our children  
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1 presently attending the educational systems in this state.  
2 We have not forgotten. As a people, we have walked through  
3 the fire of the educational systems of this state. Through  
4 the generations, we have entered the fire like finely  
5 refined iron. Each entry has tempered our values, with  
6 strength akin to the finest steel.  
7 One has to wonder how people can suffer as much as ours  
8 and emerge with a desire to preserve and sustain life. Our  
9 resolve to preserve the spirit in essence of who we are as a  
10 people allows us to flex instead of breaking. This resolve  
11 is, of course, strength needed to carry us through a common  
12 destiny through the vision of our children.  
13 And that brings me to the work that I've done through  
14 the implementations of programs through Cook Inlet Tribal  
15 Council. Through the process of desiring to implement  
16 programs that are of high quality and on target, we have  
17 sought to first establish and determine what is the  
18 condition of Native American Students, specifically in the  
19 Anchorage School District? And through this research, we  
20 found that the scope of the problem is very serious.  
21 I'd like to -- we've done quite a bit of work on  
22 looking at characteristics. And I'd like to just touch on a  
23 few and ponder the question of whether this is a racism  
24 issue. This historical overview of the status of Native  
25 Americans status in the Anchorage School District spans a  
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1 period of between five and 10 years. The commutative  
 2 experience of this generation of Native American children is  
 3 characterized by failure, exclusion, and ultimate  
 4 disenfranchisement.

5 I'd like to kind of give a small view of the Anchorage  
 6 School District. It's one of the 100 largest districts in  
 7 the United States; serves 49,499 students and 85 public  
 8 schools. Of it, 38 percent minority population; Alaska  
 9 Native, American Indian; 12 percent is the largest. Since  
 10 the 1982/83 school year, the Native American student  
 11 population has steadily increased in both absolute numbers  
 12 and percentages of students enrolled. And to give an  
 13 example, in 1982/83 school year, there were 2,942 Native  
 14 American students who comprised 7.29 percent of the student  
 15 population. Last school year, Native American students  
 16 comprised 12.48 percent of the population, and were 6,177  
 17 students. The average percentage increase based on the last  
 18 21 years is 2.93. We've seen a steady, non-ending increase,  
 19 and I have those charts in the handouts.

20 In actual numbers the approximate increase is about 180  
 21 students per year. And we're seeing that the economic  
 22 devastations in the rural areas is driving an ever  
 23 increasing exodus to the urban areas. The Municipality of  
 24 Anchorage projects the total school enrollment in the  
 25 Anchorage School District to be 50,832 by the year 2002 or

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1 3. Even with our growth approximation three years ago, we  
 2 exceeded what we estimated the growth to be, and the  
 3 students last year numbered 7,000. The ethnic population in  
 4 the Anchorage School District is also increasing. In 1976,  
 5 it was 13 percent. Today it's 38. And within five years,  
 6 it may reach 50 percent.

7 So the population in the Anchorage District is becoming  
 8 more ethnically diverse. The involvement is based on and  
 9 the population is based on enrollments in October of each  
 10 year. And the difference in accounts are between the  
 11 October enrollments and the cumulative. And we find the  
 12 number between those two could be about 1,000 students.

13 Both in number and percentage, the highest Native  
 14 American enrollment is in the elementary schools. Within  
 15 the 61 elementary schools, 3,712 students are enrolled and  
 16 comprise 13.51 percent of all students. In the middle  
 17 school, Native Americans count for 12.08 percent. And in  
 18 the senior high, make up 9.33 percent.

19 In looking at a picture of this population right at  
 20 this stage in the elementary, middle, and high schools, the  
 21 picture was almost the same five years ago with  
 22 approximately 3600 elementary Native American students. So  
 23 the question is, at this point five years later, why is the  
 24 number diminished in the high schools to 9.33 percent? In  
 25 the other secondary, Native American students make up 16.45

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1 percent. And then in these special programs, and these are  
 2 the ones that serve the special education programs, those  
 3 that are homeless or are pregnant, Native Americans make up  
 4 25.14 percent.

5 In drop out trends, although the Anchorage School  
 6 District has a drop out rate that is among the lowest in the  
 7 nation, Alaska Native -- Native American children drop out  
 8 of school at a higher rate than any other ethnic group in  
 9 the Anchorage School District. And these statistics go back  
 10 for nine years, so we're seeing an unrelenting pattern of  
 11 drop outs from the school district on a year by year basis.  
 12 This is going back to 1991 and 1992. Although we comprise  
 13 10.23 percent of the population, we represented 22 percent  
 14 of the drop outs, and this is in actual numbers.

15 1992/'93, 10.42, and we represented 23.74.  
 16 '93/94, 10.61 percent, and represented 24 percent,  
 17 almost 25 percent.

18 '94/95, 11.18 percent, 22.66 percent of all drop outs.  
 19 '95/96, 11.41 percent, 27.44 percent of all drop outs.  
 20 '96/97, 11.87 percent, 23.46 percent of all drop outs.  
 21 '96/97, 12.20 percent, 23.07 percent of all drop outs.  
 22 '98/99, 12.30 percent, 23.88 percent of all drop outs.

23 And then in the 1999/2000 school year, we comprised  
 24 12.69 percent of the total student population and  
 25 represented 25.85.

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1 We averaged in that period of time, 11.43 percent of  
 2 the total of student population and comprised 24.18 percent  
 3 of all drop outs from the Anchorage School District.

4 In actual numbers in this period of time, 3,243 Native  
 5 American students dropped out of the system.

6 A very disturbing consideration in regard to this group  
 7 of students is accumulative numbers who drop out of school  
 8 and never return. And those of us in the Native community  
 9 know what this means. I started working in the Anchorage  
 10 School District for the Johnson/O'Malley Program in 1978.  
 11 So in my lifetime, I've worked with students who had dropped  
 12 out in 1978, whose children are now in the system and are  
 13 facing the hardships. So these statistics have faces, and  
 14 the faces have lives that are dire.

15 In CAT scores, I'll just kind of go, you know, briefly  
 16 through some of them; they're more detailed in the report.  
 17 In the CAT reading, in following the lead, taking Fine  
 18 Education Trust, the organization that coordinates the  
 19 national assessment of student progress, the White student  
 20 population is designated as a comparison group. Although  
 21 Anchorage School District students consistently score above  
 22 average in nationally standardized tests, Native Americans  
 23 students consistently score below average.

24 The following CAT results are average scores for  
 25 students enrolled in Grades 3 to 11 from the '95, '96, to

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1 '99/00 school years. And these are average scores; Native  
2 American and White. '95, '96, Native American, 43; White --  
3 the average scores were -- Native American students in that  
4 year were an average of 27 points behind, with the greatest  
5 dividing the sixth grade at 31 points. In '96/97, they  
6 averaged 27 points behind with the greatest divides in the  
7 fifth and seventh grades, at 33 points.  
8 And in looking at these numbers, you know, I just can't  
9 help but, you know, realize that 50 is the medium. And in  
10 looking at the number, I started looking for that number to  
11 see if in any of the tests in any of the years, the Native  
12 American population would hit the medium. But that's kind  
13 something to keep in mind.  
14 And this is the reading, which is the base of most  
15 subjects in schools. In '98/99, Native American Students  
16 were an average 29 points behind with the greatest divide in  
17 the fifth grade. '99, 30 points behind with greatest  
18 divides in the third and the fifth grades.  
19 And I'd like to state that in this district, education  
20 splits into levels in the seventh grade, and that's where  
21 Enrich classes are offered for those that qualify. The  
22 Enrich classes are offered to students who have grades, CAT  
23 scores, and teacher's recommendations. So if we're looking  
24 at an education that may determine what quality of education  
25 that students would get from the seventh grade on, with  
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1 these scores it looks very unlikely that Native American  
2 students were considered for those Enrich classes and then  
3 for the Honors classes.  
4 And then in looking at the course curriculums for these  
5 classes, the menu that's offered in those classes are  
6 creative thinking, thinking on your feet, teamwork, in  
7 essence how to be a leader. In the lower level classes,  
8 it's very much roped. So, you know, we do get a sense from  
9 these scores what type of education that our children would  
10 probably get, given these kinds of scores.  
11 I'll go into Language Arts, and I'll just do the first  
12 and last years. In the '95/96 school year, Native American  
13 students were an average 26 points behind, with the greatest  
14 divide in the sixth grade at 39 points. And in the 1999  
15 school year, Native American students were an average 29  
16 points behind, with the greatest divide in the fourth grade  
17 at 29 points.  
18 And then in Math I'll get on the '95/96 -- they were 27  
19 points behind, with the greatest divide in the sixth grade  
20 at 35 points. And then in '99 to 2000, Native American  
21 students were an average 24 points behind with the greatest  
22 divide in the fourth grade at 30 points.  
23 And then in the total battery, in the '95/'96 school  
24 year, Native American students were an average 32 points  
25 behind, with the greatest divide in the sixth grade at 32  
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1 points. And then in the '99/2000 school year, they're an  
2 average 24 points behind with the greatest divide in the  
3 fourth grade at 30 points.  
4 CHAIRPERSON GILBERT GUTIERREZ: Ms. Tuzroyluke, you  
5 have all that in your report, right?  
6 MS. SHIRLEY TUZROYLUKE: Yes.  
7 CHAIRPERSON GILBERT GUTIERREZ: Okay. Could you just  
8 summarize in about a minute?  
9 MS. SHIRLEY TUZROYLUKE: Yes.  
10 CHAIRPERSON GILBERT GUTIERREZ: We'll read the report  
11 and we'll get all those statistics and make sure they're  
12 determined.  
13 MS. SHIRLEY TUZROYLUKE: Thank you very much. I guess  
14 the reason that I put a lot of these in sequential years is  
15 to demonstrate that it is a very long pattern of failure for  
16 our Native American students in this district, with the  
17 final, I guess, disbelief in the system being to drop out of  
18 school.  
19 So we do have the belief that Native American students  
20 aren't being provided the same education, the same quality  
21 education as other students, specifically the White  
22 population. But then how we compare against other ethnic  
23 groups is also just as serious. Okay. Thank you.  
24 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We can  
25 determine, you know, from your report, it's pretty  
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1 comprehensive, it would appear, and we're sure to see the  
2 differences. Thanks.  
3 MS. BERNICE TETPON: Good afternoon, I'm Bernice  
4 Tetpon. I work for the Department of Education under a  
5 memorandum of agreement between the Alaskan Rural Systemic  
6 Initiative and the department. I also work with the  
7 statewide bilingual programs.  
8 Today I'm speaking on behalf of the Native Educator's  
9 Associations throughout the state of Alaska. Alaska Natives  
10 comprise five percent of approximately 9,000 certified  
11 employed teachers in this state.  
12 In our K-12 public schools in the state, our Native  
13 students represent 23 percent of the enrollment, and our  
14 Native teachers represent only five percent. We need to  
15 look at a way to recruit Alaska Native teachers within our  
16 state. The state recruits 80 percent of our teachers from  
17 out of state. And many of these new teachers who teach our  
18 Alaska Native students know nothing about the language and  
19 culture of our communities and, therefore, our children are  
20 not being taught from their prior knowledge.  
21 Alaska Native teachers didn't come into the picture  
22 until the late '60s and early '70s through the Arctic  
23 Teacher Training Corps and the Exceed program, the  
24 cross-cultural development program through the University of  
25 Alaska in Fairbanks.  
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1 Over the years the university system has cut off many  
 2 programs to the rural areas. There's still a strong  
 3 emphasis on distance delivery to prepare elementary  
 4 teachers, but they have dropped the secondary teacher  
 5 preparation program to the rural areas.  
 6 Many of our rural students can't come to on-campus  
 7 programs, such as UAF, UAA, or UAS because they're already  
 8 employed in many of their communities as the instructional  
 9 aides, special ed aide, regular instruction, and bilingual  
 10 aides.  
 11 Our school districts throughout the state recruit.  
 12 They spend a lot of money traveling out of state to hire  
 13 teachers. When we have this pool, 700 or more instructional  
 14 aides within our state who have the capability, who usually  
 15 are the ones who are consistently there in our classrooms  
 16 and have chosen to live in the communities.  
 17 We need to understand that, again, our Native student  
 18 achievement is the lowest within the state. We're under  
 19 every minority in our achievement rate. This has been going  
 20 on for the past 30 years. None of our students have  
 21 progressed above that bottom knuckle.  
 22 It is my believe that the university system needs to  
 23 focus on our needs in Alaska. That is, we need a strong  
 24 secondary teacher preparation program; we already have a  
 25 strong elementary teacher program. We need the elementary

1 the Juneau Native Education Commission in '92 and '93, and  
 2 I'm using this example to kind of underline the absence of  
 3 our fellow panel member that was supposed to be here from  
 4 the Department of Education, Civil Rights Division.  
 5 A large group of us were concerned about the high  
 6 Native student drop out rate in our community, the lack of  
 7 Native language and culture in the school curriculum, and  
 8 the small number of Native classroom teachers. So we  
 9 organized and we grew out of a part of the strategic plan  
 10 for the district to address those same issues. And that  
 11 strategic plan was adopted by the district in the late '80s,  
 12 and it resulted initially in the hiring of several Native  
 13 classroom teachers. My late wife Elizabeth was among them.  
 14 And I thought that we were really making progress at that  
 15 time. And in the mid '90s, the Native Education Commission  
 16 was very active in addressing remedies to a US Department of  
 17 Justice consent degree with the Juneau School District  
 18 regarding over enrollment of Native children in the special  
 19 education program of the district. And we worked with the  
 20 district to completely restructure that special ed program,  
 21 which in turn led us to address systemic reform outside  
 22 special education programs.  
 23 One of the outcomes of the consent degree remedial  
 24 effort was a commitment by the district to improve staff  
 25 develop training. And in 1998, Esther Lutsik of the Chulisk

1 program to continue, but we need to strengthen the secondary  
 2 program and use the expense that districts use to travel and  
 3 recruit from out of state to teach and train our own local  
 4 people within our communities who are committed to their  
 5 communities and will provide our students with the  
 6 instruction that they need within their local language and  
 7 culture.  
 8 So I recommend to you that you make a recommendation to  
 9 the UA system that rural citizens be given the access to  
 10 teacher preparation programs within their own communities,  
 11 and I would also like to recommend that you ask the  
 12 districts to keep you abreast on how many Alaska Native  
 13 teachers we have within our schools. Thank you.  
 14 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. Hope?  
 15 MR. ANDY HOPE: I can get the other microphone for you.  
 16 I have a short statement. I have to note, though, you folks  
 17 are following the trend of our Native leadership in giving a  
 18 short trip to education. We're being crunched like nobody  
 19 else has been.  
 20 My Tlingit names are Hosdunch and Beachdaau (ph). I'm  
 21 a member of Sitka-Hutti (ph) Clan of the Wolfmoetti (ph).  
 22 I'm enrolled to the Sitka tribe of Alaska. I've been  
 23 employed by the Alaska Rural Systemic Initiative for the  
 24 last six years, and I have been concerned about Native  
 25 student achievement for most of my life. I was a founder of

1 (ph) Research Group from the Dillingham area presented the  
 2 -- and I presented the first course on the Alaska standards  
 3 for culturally responsive schools which were developed by  
 4 Native educator associations from throughout Alaska. And  
 5 that was in early 1998, right, February of '98; which are  
 6 now properly referred to as the Cultural Standards.  
 7 The Juneau School District took the lead statewide in  
 8 addressing the Cultural Standards. The superintendent  
 9 required that all the district administrators attend this  
 10 three day course that Esther and I presented. Since that  
 11 time, you know, I'm grateful to note that the Alaska Board  
 12 of Education has adopted the student section of the cultural  
 13 standards and put them into a state regulation.  
 14 Groups like the Juneau Native Education Commission have  
 15 historically had a difficult time obtaining accurate,  
 16 complete data on Native student achievement. And this is  
 17 until about two years ago, and it's thanks to the leadership  
 18 of the state Department of Education where they now break  
 19 down all this student achievement data by school district  
 20 and by gender, which is very helpful.  
 21 Until about two years ago, our Commission members would  
 22 only get such data from insiders leaking the data to us.  
 23 And usually this happened when one of the administrators was  
 24 walking out the door. The lack of access to accurate Native  
 25 student achievement data was exacerbated by the fact that

1 some of our own Commission members opposed publicizing this  
 2 data with the rationale that the resulting publicity would  
 3 somehow hurt the image of the children and the Native  
 4 community at large.  
 5 It is way past time to get over this type of thinking.  
 6 I look at it as internal colonialism. We will never  
 7 overcome problems relating to Native student achievement  
 8 unless we deal with them honestly and head on. We have to  
 9 take responsibility and ownership of these issues and build  
 10 partnerships to deal with them effectively.  
 11 I have two general recommendations for the Native  
 12 community to begin dealing with specific aspects of issues  
 13 relating to Alaska Native student achievement. I drafted  
 14 two resolutions that were recently adopted by the Alaska  
 15 Native Education Council, that they're meeting this week  
 16 here in town, which have in turn been forwarded to the  
 17 Alaska Federation of Natives, and they'll act on them within  
 18 the next few days.  
 19 I'm hopeful that the AFN convention will approve these  
 20 resolutions and that they will give full consideration to  
 21 them. The participants at the Alaska Native Education  
 22 Summit to be held here at the end of November and early  
 23 December, will also give them considerations. I have a copy  
 24 of those two resolutions that were adopted by ANEC, and I'll  
 25 give them to you.

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1 The first one calls for creation of Alaska Native  
 2 Student Achieve Research Center. Such a center would enable  
 3 -- improve collection and management of the following data;  
 4 the CAT-5 test score data; Benchmark test score data; drop  
 5 out early leaver data; GED enrollment retention data; higher  
 6 education enrollment retention data; as well as research in  
 7 such critical areas as the impact of Native language and  
 8 culture on student achievement. There has been very little  
 9 research done on that.  
 10 One of the most notable studies was published just in  
 11 July by Dr. Michael Pavel (ph). And that report is -- he  
 12 did that for the US Department of Education, and the title  
 13 of that report, The Impact Of Language And Culture On  
 14 American Indian And Alaska Native Student Learning Outcomes.  
 15 Dr. Michael Pavel is Skye Comish (ph) from the Washington  
 16 State area.  
 17 The research center should be  
 18 developed and owned by Alaska tribal colleges. There are  
 19 three that are formerly organized now; Ilisagvik College,  
 20 Interior Athabaskan, and Southeast Alaska Tribal College,  
 21 and several more in other regions of the state. And this is  
 22 to ensure Native ownership of this data. But it could be  
 23 done in partnership and should be done in partnership with  
 24 such an existing institution such as the Institution for  
 25 Social and Economic Research here in Anchorage.

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1 The second resolution calls for an evaluation of the  
 2 so-called Native serving institutions that have received  
 3 funding under the Alaska Native Education Equity and Support  
 4 Systems Act of 1994. I will give you a table of the  
 5 2000/2001 federal education grantees. And it's a large sum  
 6 of money that is pouring into the state supposedly to  
 7 educate Alaska Natives. Much of that funding goes to non-  
 8 Native institutions. And for many of these institutions,  
 9 there's little, if any, Native participation in the  
 10 planning, design, implementation, and management of these  
 11 programs. There is also a need to review the process by  
 12 which these institutions establish eligibility as Native  
 13 serving institutions.  
 14 I thank you for your time today.  
 15 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yes, Dan?  
 16 MR. DANIEL ALEX: There was a blanket statement made by  
 17 a couple of people at the last hearing. One of them was the  
 18 superintendent of Anchorage schools, and I think one of them  
 19 is the superintendent of the state school system. And they  
 20 made the statement that they're actively recruiting Native  
 21 qualified teachers.  
 22 And one of the things that we're looking for, I  
 23 believe, is looking for where there is discrimination. You  
 24 know, they made a blanket statement that they were  
 25 recruiting. But if we have evidence where qualified

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1 teachers that are Alaska Natives that are not hired, that  
 2 amounts to discrimination, and that's something that can  
 3 help us. I know personally of one Eskimo teacher who is  
 4 certified by the state, but he is only employed part-time.  
 5 MS. BERNICE TETPON: You're right. There are  
 6 incidences where a lot of us go and work on our own, get our  
 7 teaching degree, and then return to apply and we are not  
 8 considered.  
 9 CHAIRPERSON GILBERT GUTIERREZ: Can you give us some --  
 10 I mean do you have the names or anything like that?  
 11 MS. BERNICE TETPON: I don't have the names, but I know  
 12 -- I work statewide with the Native Educators Association,  
 13 and I could get you those numbers, if that's what you would  
 14 like.  
 15 CHAIRPERSON GILBERT GUTIERREZ: That would be real  
 16 helpful for us. Thanks. Yes?  
 17 MS. THELMA BUCHHOLDT: Anyone of you can answer this.  
 18 What is the teacher/student ratio in urban schools versus  
 19 rural schools? Do we have information on that?  
 20 MS. BERNICE TETPON: I think what you need is a copy of  
 21 the report card to the public that comes out every school  
 22 year. I didn't bring one with me. Did you bring yours?  
 23 MS. SHIRLEY TUZROYLUKE: I don't.....  
 24 MR. ANDY HOPE: The Benchmark. The Benchmark does.  
 25 MS. SHIRLEY TUZROYLUKE: I've included a copy of the

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1 Benchmark exams. But it varies by school. Some schools, a  
2 number of 30 comes up. That depends on which school  
3 that.....  
4 MS. THELMA BUCHHOLDT: Would you say that there are --  
5 the teacher/student ratio is higher in the villages than it  
6 is in the urban areas?  
7 MS. SHIRLEY TUZROYLUKE: I'm not familiar with the  
8 Native student ratio in the village areas.  
9 MS. BERNICE TETPON: I could tell you. We have about  
10 156 schools throughout the state that have an enrollment of  
11 50 or less. So we have some really small schools, some two  
12 and three students in the fourth grade, or very small  
13 numbers. So we have a lot of one-teacher schools within  
14 those small schools.  
15 MR. ANDY HOPE: We have turnover too.  
16 MS. BERNICE TETPON: Oh, yes, and that doesn't count  
17 the turnover.  
18 MS. THELMA BUCHHOLDT: Uh-huh. Okay. Thanks.  
19 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Appreciate  
20 it.  
21 MR. MICHAEL WALLERI: Just in the information on the --  
22 two questions -- or one request. We've heard reports of a  
23 declining number of Native teachers, including Native  
24 teachers in the rural areas. If you could -- in the data  
25 that you were going to provide us, if you could provide us

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1 some data over time?  
2 The second is are you aware of any study in terms of  
3 drop out rates of Native students and comparing the  
4 anchorage numbers, for example, with the drop out rates in  
5 the rural areas?  
6 MS. BERNICE TETPON: Well, we can do that. I can tell  
7 you sometimes now that a lot of our -- am I talking into the  
8 right mike? A lot of our Native students -- a lot of our  
9 rural schools are 90 percent or more Alaska Native. And if  
10 you look at that number, our drop out rates are similar to  
11 what Shirley has done here in the Anchorage School District.  
12 They're very high; within going from the seventh grade  
13 through the 12th grade. I can get you actual numbers.  
14 MR. MICHAEL WALLERI: That would be helpful. Thank  
15 you.  
16 MS. BERNICE TETPON: Okay.  
17 MS. THELMA BUCHHOLDT: I have another question. In  
18 recent days, I was in Bethel and in Kotzebue on another  
19 commission, and we were presented the Native schools, the  
20 school in Bethel and the one in Kotzebue. I was wondering  
21 if there is a move in the Native community that would  
22 encourage the speaking of the language or teaching of the  
23 language to provide roots and background for the students,  
24 either that or in conjunction with the existing school  
25 districts there, and how much encouragement could we get

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1 from the village people in this regard?  
2 MS. BERNICE TETPON: LKSD has about six immersion  
3 programs; kindergarten to 3, in which they teach their  
4 students in Yupik. And then in the Kotzebue area we have  
5 one. Nagata-Ilisagvik, it's an Inupiaq immersion program  
6 run by the IRA tribal council. The other is in the Juneau  
7 area, the Tlingit language. That's run by parents. Is that  
8 a charter?  
9 MR. ANDY HOPE: No. It's not a charter.  
10 MS. BERNICE TETPON: It's not a charter. It's through  
11 the public school.  
12 MR. ANDY HOPE: Part of Juneau school district.  
13 MS. BERNICE TETPON: But, yes, we are going that. The  
14 bilingual conference -- Thelma, you've been a speaker there,  
15 will occur February 6th through 8, and during that time, a  
16 lot of our programs will be on display in workshops. We  
17 focus on language and culture and the Alaska standards for  
18 culturally responsive schools, plus all the other guidelines  
19 that Native Educator Associations have developed.  
20 CHAIRPERSON GILBERT GUTIERREZ: Ms. Walker?  
21 MS. ROSALEE WALKER: Yes. I'm aware that in many  
22 communities they will hire Native teachers for substitutes.  
23 Many of them are certified teachers, but they hire them as  
24 substitutes, which mean they pay them less and so forth,  
25 they don't have the same benefits and all of that. However,

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1 they are teaching the classes though they were the certified  
2 teacher there.  
3 All right. In the past few days the TV has been  
4 screaming that the state is at a crisis for hiring teachers.  
5 I'd use that as a hammer. And you can get a good ally with  
6 the union. A lot of people are scared of them, but they  
7 influence who hires and fires quite a bit, and I would  
8 recommend that you get them as an ally right now. And  
9 especially when there's that hot spot that they don't have  
10 any teachers. They do have them here. So I would do that.  
11 Thank you.  
12 MS. BERNICE TETPON: Thank you.  
13 CHAIRPERSON GILBERT GUTIERREZ: Thanks a lot, and we  
14 really appreciate your time.  
15 MS. BERNICE TETPON: Thank you.  
16 CHAIRPERSON GILBERT GUTIERREZ: We still are running  
17 late. Any other questions we'll probably provide to you in  
18 writing at some point in time.  
19 MS. BERNICE TETPON: Where did you want us to leave our  
20 copies of our.....  
21 CHAIRPERSON GILBERT GUTIERREZ: You can put them right  
22 here.  
23 MS. BERNICE TETPON: Okay.  
24 CHAIRPERSON GILBERT GUTIERREZ: And then we'll  
25 distribute them. We need to move on here. We're way, way

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1 behind, I guess. That's my fault because I didn't keep  
2 everybody on track. Everybody was supposed to have eight to  
3 10 minutes, but it just didn't appear like that was a  
4 reasonable period of time, so we just went ahead and went  
5 on.  
6 But I'd like to go ahead and invite Sharon Olsen,  
7 director of Employment and Training of the Central Council  
8 Tlingit and Haida, Tribes of Alaska, and Bonnie Jo Savland,  
9 state director, Alaska Native Coalition for Employment and  
10 Training. By the way, has Mr. Gary B. Jackson appeared?  
11 Would you like to join this panel or would you like to.....  
12 UNIDENTIFIED SPEAKER: Who is it?  
13 CHAIRPERSON GILBERT GUTIERREZ: Gary B. Jackson.  
14 UNIDENTIFIED SPEAKER: Oh, no.  
15 CHAIRPERSON GILBERT GUTIERREZ: Regional director.  
16 UNIDENTIFIED SPEAKER: He's not here.  
17 CHAIRPERSON GILBERT GUTIERREZ: Oh, he's not here,  
18 okay.  
19 UNIDENTIFIED SPEAKER: I don't think so.  
20 CHAIRPERSON GILBERT GUTIERREZ: Go ahead. You're going  
21 to have to move that -- no, the other one. That one.  
22 That's the one you speak into. I don't know. What is this  
23 one here for? Is this for the newspapers or some.....  
24 UNIDENTIFIED SPEAKER: The radio.  
25 CHAIRPERSON GILBERT GUTIERREZ: Radio, okay. So you'll

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1 be on radio and public at the same time.  
2 MS. SHARON OLSEN: Good afternoon, my name is Sharon  
3 Olsen, and I'm the co-chair of the Alaska Native Coalition  
4 on Employment and Training. And if you'll note that on your  
5 agenda you have me listed as the Director of Employment and  
6 Training for the Central Council, which is also true, but my  
7 testimony is on behalf of ANCSET, the Alaska Native  
8 Coalition. And we provided three documents for you, a  
9 brochure of ANCSET, our issues paper and report that we gave  
10 to the Alaska Human Resources Investment Council.  
11 And I'll start with just a brief description of ANCSET.  
12 ANCSET is the acronym for the Alaska Native Coalition on  
13 Employment and Training. It is a statewide organization.  
14 We formed in 1982.  
15 ANCSET is now comprised of representatives from the 12  
16 Alaska Native regional nonprofits, including Metlakatla.  
17 And we are the people that run the Department of Labor BIA  
18 and HHS programs on behalf of Alaska Natives in our region.  
19 I will first start with our issues paper that ANCSET  
20 put together just recently, and it begins with, why is it  
21 that Alaska Natives have the highest unemployment rate, the  
22 highest alcoholism rate, the poorest living conditions, the  
23 highest suicide rate, and teen pregnancy rate, the greatest  
24 percentage of inmates in correctional facilities, and the  
25 highest number of high school drop outs, the highest number

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1 of Native students placed in special education programs?  
2 Why is it that Alaska Natives are the last to be hired into  
3 state jobs and are the first to be let go? Why is it that  
4 Alaska Natives who are employed by the state are not given  
5 the same opportunities for promotions or advancement? Does  
6 discrimination exist in Alaska in areas of justice,  
7 education, and employment?  
8 In response to these questions and through our  
9 perceptions of how the state treats Alaska Natives, I will  
10 demonstrate to you that discrimination does exist in Alaska.  
11 Number 1, we have five issues; limited employment  
12 opportunities in rural Alaska. Rural Alaska residents are  
13 aware of the fact that year round employment is nearly  
14 nonexistent in their communities. Sure, we have the Denali  
15 Commission which is funneling training dollars to rural  
16 residents through various organizations in hopes that rural  
17 residents will be placed with employers who are successful  
18 bidders of these projects. However, of our 227 Native  
19 villages, only half are scheduled for projects. But once  
20 these projects are completed, what happens to these Natives  
21 that are working? Will the companies keep them? Will they  
22 go on to other jobs? Who is making sure that something  
23 happens with their careers once we've spent the money to  
24 train them? What is the state of Alaska doing to promote  
25 economics on a long term basis in rural Alaska? The state

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1 of Alaska should consider establishing or creating state  
2 jobs in rural communities that will offer year round  
3 employment for rural residents which are predominantly  
4 Native.  
5 Number 2; limited state services and resources in rural  
6 Alaska. How often do state employees travel to rural  
7 communities specifically to meet with residents who are in  
8 need of state services? The focus has always been on urban  
9 communities. The lack of state services and resources in  
10 rural Alaska residents has always been a barrier. Fifty  
11 percent of our Native people reside in rural Alaska. Why  
12 aren't these resources re-appropriated in a such a fashion  
13 that rural folks can have equal access to services that  
14 urban folks enjoy?  
15 Number 3; limited recruitment in rural Alaska. The  
16 state of Alaska utilizes job service offices and Workplace  
17 Alaska database to do their recruitments and fill vacancies.  
18 However, in rural Alaska, rural Alaskans do not have equal  
19 opportunity to apply for these jobs because they do not have  
20 equal access to internet. And even if they do, the time  
21 that it takes to complete the application is so lengthy and  
22 the cost to have internet access is costly.  
23 We do have schools in rural communities that have  
24 computers for their students, but they do not allow local  
25 residents to go in and use those computers. The state of

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1 Alaska and its residents could benefit greatly if the state  
2 empowered and encouraged rural residents to use school  
3 facilities for community events such as job searching.  
4 Number 4; bonafide qualifications in job descriptions.  
5 Nearly all state of Alaska jobs require, at a minimum, a  
6 high school education, a GED, an Alaska driver's license,  
7 and have prior experience working with Alaska. These items  
8 are the biggest barriers to getting Alaska Natives who  
9 reside in rural Alaska as well as urban areas hired into  
10 state jobs. Alaska Natives residing in urban communities  
11 that apply for entry level state jobs -- but most are not  
12 considered for interviews.

13 The temporarily assistance to needy families which is  
14 TANA, or better known as welfare reform, recipients in urban  
15 communities are placed into temporary state jobs, which are  
16 temporary placements and some receive hourly salaries. Some  
17 don't get a salary at all and just get their benefits to be  
18 continued, and some are given stipends. Of these people,  
19 most are not retained by the state or placed in permanent  
20 jobs. Only a few are prepared in the rural communities to  
21 become self-sufficient. And now with the high school  
22 exiting exam requirement to obtain a high school diploma, a  
23 large segment of Native students, especially those students  
24 that are not -- that are in special education programs, will  
25 not receive high school diplomas or GED's. And in most

1 those state functions in servicing the villages. These  
2 centralize state programs, by creating year round jobs in  
3 rural communities, will reduce the amount of time it takes  
4 the state to respond to the needs of the rural communities,  
5 will offer equal access to state services and resources to  
6 rural residents, will empower rural residents to attain  
7 self-sufficiency, and will result in healthier communities.

8 Another, use appropriate qualifications. If a job  
9 requires a person to have an Alaska driver's license, then a  
10 part of their job duties should be to drive state vehicles.  
11 If a administrative clerk position only requires knowledge  
12 of office work, filing, and answering the phone, then why is  
13 a driver's license required of them?

14 Network and collaborate more closely with the 227  
15 federally recognized tribes and regional non-profits.  
16 Contracting with any of these groups would save the state  
17 money and reduce duplication of services.

18 The last document we have, a report that ANCSET  
19 prepared for the Alaska Human Resources Investment Council  
20 last year, and the report was in response to the change from  
21 the Department of Labor, JTPA programs, to the Work Force  
22 Investment Act. So the JTPA money now is called WIA money,  
23 and both the tribes and the state get the same money and we  
24 run the same types of programs. And the state asked us to  
25 put together a paper on how we might improve the delivery of

1 villages, there's not even GED services available to them,  
2 even if they wanted to get one.

3 Number 5; job interview process lacks cultural  
4 relevance. When a lucky few Alaska Natives reach the  
5 interview stage for a state job, they are faced with a  
6 hiring committee generally made up of non-minorities. That  
7 hiring committee's lack a knowledge of cultural differences,  
8 hinder their ability to be fair and consistent in their  
9 rating and scoring of Native applicants.

10 In many instances, state personnel departments merely  
11 go through the motions of recruiting and interviewing  
12 applicants when they have really made up their minds who  
13 they want to hire. Alaska Natives that apply for state jobs  
14 often don't get hired and they also feel that it's hopeless.  
15 This attitude is the result of many years of being treated  
16 as second class citizens.

17 The state realizes that their non-minority employees  
18 hiring committees take an -- or the state should realize  
19 that the non-minority employees and hiring committees should  
20 take an active role in recognizing cultural differences and  
21 using that knowledge to get their qualified Alaska Natives  
22 hired into state jobs.

23 We have some recommendations. One is to spend an  
24 adequate time or an adequate amount of state money in rural  
25 Alaska. Train several community members to take some of

1 services, and we put together a very lengthy report. And  
2 rather than me reading it, and I know you don't want me to,  
3 but I hope you read it.

4 CHAIRPERSON GILBERT GUTIERREZ: We'll read it.

5 MS. SHARON OLSEN: I will just read some of the  
6 highlights from the report. Alaska Native organizations  
7 have provided a full range of work force services to our  
8 people in all communities of the state for over 25 years.  
9 But I would say probably even more than that, but I'm  
10 talking more from my experience. Much of this network is  
11 built around regional tribal consortiums. We link very  
12 closely with tribal governments at the village level.

13 The Alaska Native Work Force grantees have long  
14 implemented many of the ideas now embodied in WIA, which is  
15 the Work Force Investment Act. The state has the same  
16 responsibility to serve Alaska Natives. As I had mentioned  
17 before, that they have the same money that we do. They have  
18 a requirement to network with us and to partner with us and  
19 to also have a memorandum of understanding.

20 Our main recommendation is that the existing Alaska  
21 Native grantees be used to deliver services to Native people  
22 in all communities and that the WIA resources, the state's  
23 WIA resources, not be wasted in attempting to duplicate the  
24 same services. In rural Alaska, there are no organizations  
25 other than Native organizations on the ground, in the



1 villages, with a day in/day out ability to provide holistic  
 2 services.  
 3 It only makes sense to use the existing services. We  
 4 can adequately -- if the state would adequately assign and  
 5 provide these services to residents in the remote villages.  
 6 And that if this is what will be done, the contracting  
 7 procedures and terms and conditions must be fair and not to  
 8 cause hardships on the tribal organizations. That the right  
 9 for Alaska Native work force grantees become equal partners  
 10 in the state's one-stop system, and that the statewide Work  
 11 Force Investment Act Board also have at least four seats on  
 12 their board that are Alaska Natives representing Alaska  
 13 Natives. And we now have youth councils; we also need  
 14 Native representation on the youth councils.  
 15 And lastly, the Alaska Native controlled educational  
 16 services have grown to become increasingly important part of  
 17 the work force. Native entities provide a variety of forums  
 18 of remedial education. Examples exist in tribal colleges  
 19 and regional vocational training centers. We have them in  
 20 Juneau, Fairbanks, Nome, Bethel, King Salmon, and they are  
 21 all providing education and technical training to Native  
 22 people. These facilities and institutions should be  
 23 utilized by the state as much as possible.  
 24 And that is the end. I'll end there since I have such  
 25 as lengthy document. Thank you.

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1 compared to seven percent of all families in Alaska. There  
 2 is little economic development, employment, or income in  
 3 remote Native villages; leaving subsistence, hunting,  
 4 fishing, gathering, as the only way to feed a family.  
 5 Poverty is the common lot.  
 6 Village costs of living are exorbitant, making  
 7 residents overly dependent on welfare and other  
 8 appropriations of government. Except for subsistence,  
 9 hunting and fishing, the majority of adult Natives in  
 10 villages are without work. In many communities, this rate  
 11 exceeds 80 percent.  
 12 Of all Native males who have some cash employment, more  
 13 than 40 percent work in the crafts, trades, and services.  
 14 Native women are 60 percent more likely than men to work in  
 15 managerial or professional jobs.  
 16 In light of such wide disparities between the  
 17 well-being of Natives and the well-being of other Alaskans,  
 18 one might expect the state of Alaska to be sufficiently  
 19 concerned to use some its governmental power and oil wealth  
 20 to improve the situation; on the contrary.  
 21 The past decade has seen state policy controlled by the  
 22 urban non-Native majority turn against Natives with a  
 23 vengeance. Under a banner of fiscal austerity, the state is  
 24 making political war on the poorest and most vulnerable of  
 25 its citizens defined by race. And I'll give you just a

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1 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Sharon, and  
 2 we will read the documents.  
 3 MS. BONNIE JO SAVLAND: Great. Good afternoon. And  
 4 welcome to Anchorage. I'm Bonnie Jo Savland, the statewide  
 5 director of the Alaska Native Coalition on Employment and  
 6 Training, ANCSET. However, I have been asked by Byron  
 7 Mallott, president and CEO of the First Alaskans Foundation,  
 8 to give this testimony since he had prior commitments.  
 9 Thank you for the opportunity to provide this testimony  
 10 to the Alaska Advisory Committee and Commission members. I  
 11 will summarize my testimony because it is very lengthy.  
 12 For several months, Alaskans have fixated on last  
 13 January's paintball attacks against Natives. And a lot of  
 14 debate has been generated by this one incident. But  
 15 problems of race relations in our state go far beyond  
 16 individual acts of hatred, awful as they may be.  
 17 The real problem is that racial bias against Natives  
 18 and other minorities is entrenched in Alaskan society and  
 19 government. To do that, we must look beneath the monetary  
 20 manifestations to see basic unexamined patterns of  
 21 prejudice. We must examine persistent and unacceptable  
 22 patterns of discrimination that seldom get the public  
 23 attention paid to hate crimes.  
 24 Here are some unacceptable patterns of data; one-fifth  
 25 of all Native families live below the official poverty line,

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1 couple of examples. There's more in the report.  
 2 One; state aid to local governments has been cut by 60  
 3 percent in the past eight years, disabling many Native  
 4 villages in their basic governmental operations.  
 5 Two; the state uses federal funds to reduce its  
 6 expenditures in villages claiming that rural areas lacking  
 7 tax bases don't pay their own way. It then refuses to  
 8 develop rural economies that could support local government  
 9 in the bush.  
 10 Three; the state uses unrealistic statistics to  
 11 minimize the severity of unemployment in Native villages,  
 12 counting only those residents who are actively looking for  
 13 work and disregarding those who have long since given up  
 14 because there is no work available.  
 15 But beyond all other state policies that are making  
 16 village life untenable, the state has refused for 12 years  
 17 to provide legal protection of subsistence, hunting and  
 18 fishing, the protein base that feeds Native families.  
 19 Without such meager food resources, most remote villages are  
 20 doomed.  
 21 One of the most indefensible measures of racial bias in  
 22 Alaska is that of the public employment. I have provided  
 23 the Commission with three tables of data on Alaska's  
 24 population, its state work force, and its federal work  
 25 force. Table 1 are taken from the 2000 Census, and the

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1 state of Alaska Equal Employment Opportunity office provided  
 2 the work for statistics in Table 2, and the US Office of  
 3 Personnel Management provided the federal work force  
 4 statistics in Table 3. The 2000 Census enumerates 626,932  
 5 people living in Alaska. It then lists people who is self-  
 6 identified by one race. And there, 98,043 individuals;  
 7 about 15.6 percent of the total population are American  
 8 Indian or Alaska Native. The Census then lists 119,241  
 9 individuals, fully 19 percent of the total population who is  
 10 self-identified as American Indian or Alaska Native, whether  
 11 as one race or in combination with one or more races. This  
 12 makes Alaska Natives and American Indians by far the largest  
 13 minority in Alaska. After consulting with social scientists  
 14 at the University of Alaska, I can make an educated guess  
 15 that fully 16.5 percent of our state's population is  
 16 composed of Alaska Eskimos, Indians, and Aleuts. If Alaska  
 17 were an exclusive society, the civilian executive branch  
 18 work forces of the state and federal governments would  
 19 approximately reflect the racial distribution of the  
 20 population. But nothing could be further from the truth.  
 21 Minorities of color are under representative in the  
 22 public sector as well as the private sector employment. And  
 23 no minority is more grossly excluded from such opportunities  
 24 than our Alaska Natives. As of January 2001, the state of  
 25 Alaska's executive branch work force was composed of almost

1 14,000 people of both genders and all races. 11,400 of  
 2 these people, almost 82.3 percent of the work force were  
 3 Caucasian Americans, which is about 10 percent more than  
 4 parity. Five percent are Asian Americans or Pacific  
 5 Islanders, a number fairly close to what it should be. And  
 6 3.6 percent are African Americans, about half a percent less  
 7 than the population as a whole. But when it comes to Alaska  
 8 Natives; the numbers plummet. Only 701 out of almost 14,000  
 9 state employees are Alaska Native. This is five percent,  
 10 less than one-third of what it should be. The state agency  
 11 with the best record of Native hire at 8.1 percent, is the  
 12 Department of Community and Economic Development, which has  
 13 a strong constituency among rural villages. But even that  
 14 department seriously under-represents Alaska Natives as do  
 15 all the other executive branch.  
 16 And I won't go through all of those, but just noting  
 17 that the office of the governor is at a dismal 3.6 percent,  
 18 and the lowest is Natural Resource Department at 2.1  
 19 percent. This pattern does not arise simply from biased  
 20 hiring decisions made by supervisors at the moment they are  
 21 sitting across an interview table from a Native applicant.  
 22 Rather, the whole state personnel system is largely closed  
 23 to Natives long before that moment arrives.  
 24 It's very difficult for anyone living in a rural  
 25 village to get news about job openings because the state

1 recruits from an online internet system. And although urban  
 2 Alaskan families enjoy one of the highest rates for internet  
 3 access, rural Alaska is once again left out. Communication  
 4 to rural Alaska still consists mainly of telephone, fax, and  
 5 mail services. The state spends little effort or money on  
 6 outreach and communication to this segment of its own  
 7 citizens. That's not a priority in an age of compulsive  
 8 budget cutting and very disturbing numbers are the  
 9 inevitable outcome.  
 10 Table 3 shows the data on the federal agencies  
 11 operating in Alaska, which excludes a couple of the  
 12 agencies, including the military, postal service, and  
 13 several other entities.  
 14 Overall, the U.S. Government does a slightly better job  
 15 of employing Natives than does the state. Out of the  
 16 federal work force of almost 12,000, about 989 or 8.3  
 17 percent are Alaska Natives or American Indians. And while  
 18 this is about one-half of the percentage of the general  
 19 population, the whole federal system does as well as the top  
 20 state agency. But those numbers are actually skewed by the  
 21 Bureau of Indian Affairs and the Indian Health Service,  
 22 which have the Native American hire preference.  
 23 The other federal agencies lacking such policies show  
 24 abysmal records of Native hire. As in the case of this  
 25 state, the personnel systems of the federal government also

1 fail to reach out effectively to citizens who are different  
 2 from the mainstream American culture, and the poor system of  
 3 public education for Natives in urban and rural Alaska  
 4 produces Native adults who don't qualify.  
 5 And the recommendations I've got too. The state and  
 6 federal personnel system should be altered to be more  
 7 inclusive, more funding should be appropriated by the state  
 8 and federal governments in order to eventuate the hire of  
 9 minorities, especially from bush Alaska, and the state and  
 10 federal agencies must provide additional outreach to rural  
 11 Alaska, and finally, the state and federal governments  
 12 should appropriate more funding to rural education,  
 13 training, and economic development opportunities so that  
 14 rural Alaskans can enjoy a quality of life on parity with  
 15 the rest of Alaska's population.  
 16 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yes, Dan?  
 17 MR. DANIEL ALEX: One of the things I had held fast is  
 18 identification of -- you know, discrimination. You know,  
 19 just like I believe that the requirement for having a  
 20 driver's license where one is not required to drive is a  
 21 superficial way of eliminating people.  
 22 I haven't seen the '92 -- I think in '92, the Civil  
 23 Rights Act was revised. But I know that the original act  
 24 where there's actual demonstration of discrimination, that  
 25 it actually can the effect the state funding. So, you know,

1 an example of that; you know, just back a number of years  
2 ago, I was chairman of this Advisory Commission, and we held  
3 hearings of, you know, the state DOTPF were actively  
4 involved in discriminatory practices with respect to  
5 minorities, minority subcontractors. And when we had the  
6 hearing, it focused in where the state DOTPF, that we were  
7 aware that they were violating the civil rights law, and  
8 they hurriedly got other -- they hired people to help them  
9 comply with the law. The point is, is where we can -- you  
10 know, where we can have help is where actual discrimination  
11 occurs. You know, that's evidence that we can use.

12 CHAIRPERSON GILBERT GUTIERREZ: Is that a statement or  
13 do you have a question? Just a statement?

14 MR. DANIEL ALEX: It's a question.

15 CHAIRPERSON GILBERT GUTIERREZ: Oh.

16 MR. DANIEL ALEX: The question is they can help -- can  
17 you provide us with data that helps document discrimination?  
18 That's the question.

19 CHAIRPERSON GILBERT GUTIERREZ: Okay.

20 MS. SHARON OLSEN: Names and descriptions of what  
21 happened, is that what you're asking?

22 MR. DANIEL ALEX: Something that amounts to evidence.

23 CHAIRPERSON GILBERT GUTIERREZ: You know, these kinds  
24 of scenarios like differential treatment and people  
25 requiring, like you said, licenses and then does the job

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1 publicize it. I know why and know how to explain it, but I  
2 still end up in some dog fights over that one phrase, and  
3 I'd just like to hear how you defend it.

4 MS. SHARON OLSEN: Okay. I think it's really important  
5 for all of you to realize that the tribes receive -- what  
6 was JTPA is now receiving the Work Force Investment Act,  
7 which is known as the WIA money, the same as the state.

8 The state's program has dual eligibility. In other  
9 words, Alaska Natives are eligible for the state money as  
10 well as the tribal money. The tribal money is only  
11 supplemental, so our people should be served equally by the  
12 state, which is what I talked about in my testimony.

13 And as far as Indian preference, when it's not IHS or  
14 BIA type jobs, then I think we need to look at local hire,  
15 because in our villages, people that get hired are not the  
16 Alaska Native people, even if the village consists of 90  
17 percent Natives. The other 10 percent are the ones that are  
18 in the city office, they're in the school system, they're  
19 docking our ferries, you name it. They're not the ones that  
20 get hired. So I think we need to look at a local hire  
21 provision in our villages or in all our community.

22 CHAIRPERSON GILBERT GUTIERREZ: Anybody else? Did you  
23 have a question?

24 COMMISSIONER YVONNE LEE: For the lucky few who get  
25 hired in the private sector of the state or federal

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1 really require that. Is that a bonafide occupational  
2 qualification, or something to that effect; is that  
3 possible?

4 UNIDENTIFIED VOICES: Yeah.

5 CHAIRPERSON GILBERT GUTIERREZ: Okay. Anybody else?  
6 Yeah. Ms. Walker?

7 MS. ROSALEE WALKER: First of all, I wanted -- in case  
8 you haven't heard already, the GED will be completely  
9 revamped by January, so you go another hurdle there. I hate  
10 to bring this up, but I have been in some confrontations  
11 over the years over this matter. I know the reason for it;  
12 you know the reason for it. But I can't seem to get it over  
13 to commissioners, directors, and these other people, and  
14 that's this issue of Native preference.

15 I have been in meetings and meetings and meetings, and  
16 sometimes I come out -- I don't come out crying, I don't let  
17 them see me cry anyway. I come out mad, though, and leave  
18 some very angry other people because of some of the things  
19 that I might say.

20 But I'm just curious as to how you address this,  
21 especially when -- let's say the JTPA money; you're getting  
22 the same money that I'm getting for my program. But you  
23 have the right to say Native preference, and I don't have  
24 the right to say African American preference. And I'm just  
25 -- I know why. I'm just asking you this so you can just

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1 government, what happens to the ones that get into the door?  
2 Are they proceeding at the same level with other employees,  
3 or are they facing certain barriers? And do you have a  
4 local EEOC who's been working with the community?

5 MS. SHARON OLSEN: Well, supposedly there's an  
6 affirmative action plan that each of the state agencies  
7 follow. But every time we've approached them and asked them  
8 about it, they never know where it is or what we're talking  
9 about. So I think it's really important that the agency EEO  
10 officers, you know, follow the rules that are set before  
11 them, which means treating everybody equally.

12 Now, the Natives that do get through the system, if  
13 they stay and they have the ability to stay with the  
14 uncomfortable situations they're often in, don't ever really  
15 get promoted or advanced at the same rate as other non-  
16 Natives. So that is really truly why there is very few that  
17 work there.

18 COMMISSIONER YVONNE LEE: What are the legal remedies  
19 in this state for those who are facing these kinds of  
20 barriers?

21 MS. SHARON OLSEN: Well, I think it should be fair and  
22 to be consistent; don't look at the color or don't look at  
23 the cultural barriers if they speak differently or if they  
24 look differently. Just treat them fairly and, you know, be  
25 consistent with everyone. You know, we shouldn't be felt

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1 that we're different. We should all be treated the same.  
2 CHAIRPERSON GILBERT GUTIERREZ: Yes?  
3 MS. THELMA BUCHHOLDT: Sharon, you might take a look --  
4 and I think I have suggested it a number time before; you  
5 might take a look at the regulation that deals with  
6 affirmative action of the state of Alaska, which is in the  
7 books, and review that and see what you can do to improve on  
8 it.  
9 MS. SHARON OLSEN: Well, I know that the last time that  
10 the state asked for the tribes to give input on the  
11 affirmative action plan,.....  
12 MS. THELMA BUCHHOLDT: Uh-huh.  
13 MS. SHARON OLSEN: ....we put together a very large  
14 document with many recommendations, many of the same ones  
15 I'm giving today, and I've yet to see them be included.  
16 MS. THELMA BUCHHOLDT: Uh-huh.  
17 CHAIRPERSON GILBERT GUTIERREZ: Okay. Well, thank you  
18 very much. We really appreciate all the information you  
19 brought to us and we'll review that and include it in the  
20 final report, I'm sure.  
21 We're going to go into open session right now. And  
22 we're going to provide again, you know, because of the time  
23 crunch -- some people will be -- we're going to have three  
24 minutes for each person coming up.  
25 And so we're going to start with Terry Duyck, Gary

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1 Patton, and Aaron Tritt. And each one will go first,  
2 second, and third. If you have a statement, please provide  
3 the statement and just given an overview in your three  
4 minutes. Did you need to read this?  
5 MR. J.B. MALLOTT: No. That's asking permission to  
6 speak.  
7 CHAIRPERSON GILBERT GUTIERREZ: Oh, what's your name?  
8 MR. J.B. MALLOTT: J.B. Mallott.  
9 CHAIRPERSON GILBERT GUTIERREZ: Okay. Do you see that  
10 guy over there with the tie on over there? Could you ask  
11 him to put your name on there, please, on this list? Go  
12 ahead.  
13 \* \* \* \* \*  
14 OPEN SESSION  
15 \* \* \* \* \*  
16 MR. TERRY DUYCK: Yeah. I filed a civil rights and  
17 humans rights violation complaint against the state of  
18 Alaska. I'm an a Alaska Native male and I'm a resident of  
19 Denali National Park and Reserve Monument. I am not a  
20 member of any land claims corporation. I am asking for a  
21 federal protection from the state of Alaska. I'm speaking  
22 out on behalf of other men and woman who share in my plight.  
23 Complaint 1; I am being forced into debt by the state  
24 of Alaska without due process, which I cannot relief through  
25 Child Support enforcement. I've never been to court or

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1 allowed an opportunity to give my side of the story in  
2 violation of the state's constitution.  
3 Complaint 2, I've been denied any access to my son by  
4 the State of Alaska and his mother, Anita Morrow (ph).  
5 The State of Alaska should not be putting Natives into  
6 debt over child support, nor should the state of Alaska be  
7 giving welfare or assistance to Natives at Native expense.  
8 The federal government is responsible because of its own  
9 obligations to provide these services without indebtedness  
10 towards the Native people of Alaska.  
11 I base these complaints on case law and commentaries  
12 presented by David S. Case (ph), Alaska Natives of American  
13 Law, starting with chapter 6, Native entitlement to service,  
14 authority, and obligation, in part; the application of such  
15 for entitlement and due process theories to Native social  
16 welfare laws is especially important to Alaska Natives  
17 because the federal government has negotiated no treaties  
18 and few, if any other agreements with them on which the  
19 federal obligation would provide -- human service should be  
20 based.  
21 The federal government has long exercised its  
22 guardianship authority over Alaska Natives. Under this  
23 authority, these Natives have acquired through the same  
24 statutory entitlement through education, economic  
25 development, welfare, and human services, which the federal

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1 government provides by statutes to other Native Americans.  
2 The balance of Chapter 60 tells the federal  
3 government's continuing authority and the scope of its  
4 obligation to provide these services. Felix Conan (ph),  
5 author of American Indian Law, noted the established force  
6 of federal power over Alaska Natives is congressional  
7 authority. To enact any legislation it deems proper for and  
8 benefits and protection of the Natives of Alaska because  
9 they are wards of the United States in a sense they are  
10 subject to the plenary power of Congress over Indian  
11 affairs.  
12 Clearly, no distinction has been or can be made between  
13 Indians and other Natives of Alaska as far as these laws and  
14 relations of the United States are concerned, whether the  
15 Eskimos and other Natives are of Indian origin or not, as  
16 they are all wards of the nation in their statuses in  
17 material respects, similar to that of the Indians of the  
18 United States.  
19 It follows that the Natives of Alaska has referred to  
20 the treaty of March 3rd, 1867, between the United States and  
21 Russia, are entitled to the benefits and are subject to the  
22 general laws and regulations governing the Indians of the  
23 United States.  
24 Consider the Snyder (ph) Act, no failure or mal-  
25 administration in governmental services can reflect so

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1 directly upon the nation as in our relations with American  
 2 Indians. They're wards of the nation, not of any state or  
 3 community. They are disenfranchised, and in our course, we  
 4 look to Washington, DC, for their every need.  
 5 Pete Gush Marshall (ph) and Cherokee Nation versus  
 6 Georgia was the first to compare the relationship of Native  
 7 Americans and the federal government to that of a ward and a  
 8 nation -- I mean a ward and guardian. He also implied that  
 9 this relationship was sustained at least so long as the  
 10 Natives retained their right to possession of their land.  
 11 In U.S. v. Tagoma (ph), 1886, the Supreme Court held  
 12 that federal guardianship over Natives could be exercised by  
 13 statute even though as in that case there were no treaties  
 14 permitting the United States to rescind its criminal laws to  
 15 Indian reservations.  
 16 And the New Mexico Pueblo case said that justice  
 17 (indiscernible) to determine federal guardianship did not  
 18 depend on the citizenship or status of Native land title,  
 19 but was larger amount of congressional determination.  
 20 Beginning in the earliest century, these principals  
 21 were applied to Alaska Natives as authority for federal  
 22 human service programs benefitting them. From then until  
 23 now, guardianship has been recognized by the courts and the  
 24 interior department as the (indiscernible) source of federal  
 25 authority to provide Alaska Native human service programs.

1 of the treaty process. Elizabeth Brodovich (ph) brought the  
 2 civil rights issues to the forefront here in Alaska many  
 3 years ago.  
 4 The consistency of the continuing violations of law  
 5 have manifested into crimes against humanity; the crimes  
 6 while under the category that is defined as apartheid. The  
 7 reasons are crystal clear. The problem is the colonizers  
 8 were the predators. They left their homelands in search of  
 9 a better life, one which gave them hope of life, liberty,  
 10 and fortune. The problem with that scheme is the predators  
 11 were preying upon on our life, liberty, and fortunes.  
 12 European men described their invasions as discoveries, their  
 13 piracy and theft as trade, and their extermination and  
 14 enslavement of our peoples as a civilizing mission. These  
 15 problems still exist.  
 16 Today it is neocolonialism and neomercantilism.  
 17 Foreign and domestic corporate rights have displaced the  
 18 human rights of our indigenous peoples. Prime examples of  
 19 violation of the rule of law by the United States in their  
 20 attempt to deny the Katella Chill Kited (ph) Tlingit our  
 21 original title under Public Law 92.203, which is a violation  
 22 of your own U.S. code law, specifically 42 U.S. Code,  
 23 Section 1982, Property Rights, and 18 US Code 242,  
 24 Deprivation of rights under the color of law.  
 25 The colonialism and mercantilism of Alaska can be

1 In my case and many other cases involving Alaska  
 2 Natives, the state of Alaska in violation of its own  
 3 constitution is forcing people into a heavy burden of debt  
 4 without due process through child support enforcement.  
 5 Likewise, the state of Alaska is dispensing services,  
 6 welfare and assistance in a manner which (indiscernible)  
 7 and is used as a means for my wife to deny me access of my  
 8 son who also has a right to his father.  
 9 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Would you  
 10 please state your name and where you're from?  
 11 MR. GARY PATTON: My name is Docnaa (ph). I'm a  
 12 Tlingit. I'm (speaking Tlingit), Raven, humpback Salmon  
 13 people.  
 14 We've heard a lot of testimony here today, and I  
 15 believe it's in support of what I'm about to say. This  
 16 Commission here today is to address civil rights. However,  
 17 we believe the truth will reveal the problems affecting the  
 18 indigenous peoples of Alaska goes beyond the scope of civil  
 19 rights.  
 20 The indigenous peoples of Alaska have been a target of  
 21 policy of systematic violations of law that began with the  
 22 rural law as it concerns Alaska since before the 1867 Treaty  
 23 obsession between Russia and the United States of Alaska  
 24 [sic] to this present day. There does exist a pattern in  
 25 practice of violations of law which includes the legal point

1 compared to that of a policy of ethnic cleaning and  
 2 terrorism. In this time of ethnic cleaning and terrorism as  
 3 monocultures spread throughout society and nature, making  
 4 peace with diversity is fast becoming the survival  
 5 imperative. Homogenization and monocultures introduce  
 6 violence at many levels. Monocultures are always associated  
 7 with political violence; the use of coercion, control, and  
 8 centralization. The cultivation of diversity involves  
 9 reclaiming the right to self-organize for those coerced into  
 10 living by imposed measure.  
 11 We, Katella Chill Kited (ph) Tlingit never gave up our  
 12 rights and titles. The world must be made aware of the  
 13 United States of America's pattern and practice of  
 14 violations of law, which compelled us to declare our  
 15 independence March 15th, 2001, to restore our rights in  
 16 government as our solution to these crimes against humanity.  
 17 As already stated, the root of the problem here in  
 18 Alaska has gone beyond the scope of civil rights and has  
 19 manifested into a crime of apartheid.  
 20 We are here today to ask this Commission to help us  
 21 arrange funding for the creation of a non-corporate human  
 22 based indigenous peoples, Alaska truth and reconciliation  
 23 commission, patterned after that of South Africa.  
 24 Reconciliation can begin with full disclosure and requires  
 25 truth of the facts concerning Alaska and its indigenous

1 peoples.  
 2 In support of our testimony today, we are attaching a  
 3 legal brief prepared for us by the University of Illinois,  
 4 College of Law, Urbana, Illinois. I thank you for giving me  
 5 this time and I will give you the attachments and there's  
 6 some end notes in here.  
 7 I don't mean to offend anybody, but I want to, you  
 8 know, restate this. It has gone beyond civil rights. And  
 9 that is what is going to have to be addressed. And it's  
 10 going to have to be addressed by our people, not by another  
 11 group of civil rights people, but our people. Thank you.  
 12 CHAIRPERSON GILBERT GUTIERREZ: Could you get the  
 13 microphone close to you? Thanks a lot.  
 14 MR. TERRY DUYCK: Are you going to be asking any  
 15 questions or.....  
 16 MR. GARY PATTON: Yeah. Did anybody have any questions  
 17 for me?  
 18 CHAIRPERSON GILBERT GUTIERREZ: When the three finish,  
 19 we'll open it up for questions. Okay.  
 20 MR. AARON TRITT: My name is Aaron, and I'm.....  
 21 CHAIRPERSON GILBERT GUTIERREZ: Could you also give us  
 22 your last name and spell it?  
 23 MR. AARON TRITT: Last name, Tritt. I'm from Arctic  
 24 Village. I'm with Venetie tribal government. I want to  
 25 mark it clear for the record that I'm not representing

1 Venetie tribe. I have to get permission from the tribal  
 2 government in both Arctic Village and Venetie Council to do  
 3 that. So pretty much what I'm going to say is for myself  
 4 and to you as a Commission.  
 5 And I want to start out with a tribal government. I  
 6 believe that a tribal government in this state is the answer  
 7 to most of the Native problems that exist in this state,  
 8 whether it's subsistence or Native criminal justice problem,  
 9 or education problems.  
 10 I believe in the tribal government 100 percent. Every  
 11 time the word tribal government is mentioned, it sends a  
 12 shockwave across the state of Alaska among the state  
 13 government and non-Native and Native profit making  
 14 corporation. I believe that we have to set up a coalition  
 15 across Alaska among the Native people whether they're  
 16 Inupiaq Eskimos or Aleuts or Athabaskans. But a coalition  
 17 that has a support system among the Native people in this  
 18 state that has a committee under the Alaska Native tribal  
 19 coalition with a committee that represents the heart of the  
 20 Native people in this state.  
 21 I was at a subsistence meeting the other day, and to me  
 22 they kept talking about rural preference and urban  
 23 preference, and the urban committee kept putting a non-  
 24 Native language into the resolution, and then there's a  
 25 rural preference that puts Native language in the

1 resolution. And they keep arguing over this same issue all  
 2 night long -- I mean all day long. That type of meeting is  
 3 a waste of money. I mean, you know, I think we should have  
 4 a powerful Native lobbyist and committee that represent  
 5 Native people in the state.  
 6 I believe that each generation have their own version  
 7 of how to set up their government. And, like myself, I  
 8 didn't have anything to do with Alaska Native Claims  
 9 Settlement Act. I wasn't even old enough to understand that  
 10 type of a Native claim agreement and settlements. And I  
 11 wasn't even part of it, and I absolutely don't agree with  
 12 it. I believe that that type of a settlement is set up by  
 13 the state of Alaska to create animosity and division among  
 14 Native people in this state.  
 15 They also set up commissions, like a tolerance  
 16 commission or whatever, and these type of commissions is set  
 17 up to make a distortion on Native people like myself that's  
 18 making an effort to create a system that will represent  
 19 Native people besides profit-making corporation. I don't  
 20 think that Alaska Native corporations are strong enough to  
 21 do something like that. I believe in tribal government.  
 22 CHAIRPERSON GILBERT GUTIERREZ: Mr. Tritt, could you  
 23 summarize? Could you summarize it?  
 24 MR. AARON TRITT: Okay. I also believe that the tribal  
 25 -- as far as the Native -- the percentage in the

1 correctional and prison system in our state is pretty high;  
 2 the Native population is pretty high. And that type of  
 3 problem, I believe, that we have to comply tribal and the  
 4 state and federal laws together to make it work, and these  
 5 are complicated processes.  
 6 I want to say that the Native people were civilized  
 7 people way before Columbus set foot on this continent. We  
 8 have Mayan Indians and Inca Indians, and they were civilized  
 9 Indians. And, you know, these are the type of history that  
 10 we have that there's a misconception in our educational  
 11 system.  
 12 And the state -- when we talk about subsistence, the  
 13 state spends millions -- I'll use the Venetie tribe, for  
 14 instance. The Venetie tribal case that went to the Supreme  
 15 Court, they spent four million dollars on a lawyer to  
 16 represent them. And on our Arctic refuge campaign, they  
 17 spent another four million on high-power lobbyists in  
 18 Washington to lobby on behalf of state of Alaska.  
 19 These are mismanagement of public money and that should  
 20 be, you know, allocating to education systems because I  
 21 believe education is important. They should invest into the  
 22 education of our children, and it's.....  
 23 CHAIRPERSON GILBERT GUTIERREZ: Mr. Tritt, we're about  
 24 -- time is up.  
 25 MR. AARON TRITT: I want to say that an open dialog is

1 an important thing for the Native people of the state, like  
 2 yourself, the Commissioners. And there is no -- absolutely  
 3 no open dialog. I mean every time there is a meeting we  
 4 have people that's testifying -- I mean representing certain  
 5 organizations that testifying.  
 6 And it's not -- the answer lies in the heart of the  
 7 people in the state and they have the answer to the solution  
 8 of what's going on in the state. And you need to get these  
 9 people to testify on behalf of their people and, you know,  
 10 they need more time to testify. And so I don't believe -- I  
 11 believe it's injustice in any way you look at it. So.....  
 12 MR. GARY PATTON: There comes the truth in  
 13 reconciliation.  
 14 CHAIRPERSON GUTIERREZ: If you would like to leave  
 15 those written notes, we will transcribe them for you.  
 16 MR. AARON TRITT: I had more things to say, and I think  
 17 that these type of testimonies should go on record. So.....  
 18 CHAIRPERSON GILBERT GUTIERREZ: It's on record.  
 19 Everything you said is being recorded and will be typed up.  
 20 But we're going to have to move on to the next one.  
 21 MR. AARON TRITT: Okay. Thanks.  
 22 CHAIRPERSON GILBERT GUTIERREZ: Okay. Thank you. Is  
 23 there any questions of the panelists?  
 24 MR. DANIEL ALEX: I don't have a question, but I think  
 25 I have a statement of guidelines.

1 my life in violation of my civil and constitutional rights  
 2 in the United States, of which I am supposed to be a  
 3 citizen.  
 4 At this time, I am being denied equal administration of  
 5 justice within the state courts of Alaska. I believe I am  
 6 involved in an absolute illegal court case involved in state  
 7 courts, Talarios (ph) versus Bill Kaiana a.k.a. William E.  
 8 Hagen.  
 9 I believe I have having my constitutional rights being  
 10 denied to my person by the State of Alaska, and a collusion  
 11 of conspiracy which reaches right into this room and your  
 12 respected panel. I have representation in the state courts  
 13 without contact or consent. It was implemented by  
 14 gainsmanship and duplicity due to the fact that my life is  
 15 scripted from a highly dysfunctional background, which is  
 16 appallingly and sadly not all that unique within our Native  
 17 community.  
 18 I am being denied my first right of domicile by the  
 19 city of Haines that are condemning my cabin for destruction  
 20 which is grandfathered into being left alone. I have  
 21 illegal electric poles on my land by Haines Light and Power.  
 22 They have no easement and have done considerable damage to  
 23 the land and stream which I own, fee simple by 1910, United  
 24 States patented land transfer which supercedes the 1935  
 25 Statehood Act, which acquiesces to territorial law in land

1 CHAIRPERSON GILBERT GUTIERREZ: Okay.  
 2 MR. DANIEL ALEX: If you notice, you know, on the title  
 3 of this, this is a fact finding hearing. And what we're  
 4 looking for, I believe, is examples of discrimination,  
 5 whether it be racial, gender, age, whatever.  
 6 CHAIRPERSON GILBERT GUTIERREZ: Thank you.  
 7 MR. GARY PATTON: Can I feel assured that each member  
 8 will get copies of our declaration of independence as well  
 9 as our legal brief? I think every single panel member  
 10 should have a copy of that.  
 11 CHAIRPERSON GILBERT GUTIERREZ: I can assure you of  
 12 that.  
 13 MR. GARY PATTON: And I would like to feel some  
 14 assurance that perhaps we can put together a truth in  
 15 reconciliation commission here in Alaska. That's the only  
 16 way we're going to get to the root of all t his.  
 17 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Thank you.  
 18 Next will be Bill Kaiana, Maria D.L. Coleman, and Richard  
 19 Segura. And if you have a written statement, we'd sure  
 20 appreciate that. If you have -- but we'd like for you do  
 21 kind of an overview. And again, we're going to have three  
 22 minutes each. Did you want to start, Bill?  
 23 MR. BILL KAIANA HAGEN: I guess that will be fine.  
 24 Yeah. My name is Bill Kaiana a.k.a. William E. Hagen, and I  
 25 am using myself on a personal level for what is going on in

1 ownership.  
 2 I have gone to the FBI and well as the federal marshals  
 3 to no avail to help me in my land rights. I, as a Native,  
 4 survived a lot of obstacles in the land ownership of which I  
 5 am being denied basic constitutional inalienable rights  
 6 because I am an effeminate man and a Native to boot.  
 7 My background was that I was adopted into a holocaustal  
 8 type upbringing, chronically child molested with no  
 9 protection from the community at large. School abuse was  
 10 that of constant ridicule due to my being effeminate, and I  
 11 was not White, but I also was not Tlingit either. With no  
 12 support, network or relatives.  
 13 Social displacement was my lot in life. I was treated  
 14 worse than the town dog and not treated in human standards.  
 15 I do remember the elders for their kindness and credit my  
 16 surviving due to them. It was a poor town equated as Little  
 17 Appalachia by National Geographic; that's Haines.  
 18 They were jealous of my mother and her richness, and I  
 19 paid the price for it. I inherited my properties from my  
 20 White mother who was hated for her adopting five Native  
 21 children. One governor who she had business dealings with  
 22 told her the state had a plan that Natives would never  
 23 become a part of the business community at large and she may  
 24 as well sale her properties to him as a whole. Since then  
 25 we have had land claims which uses Natives to keep Natives

1 down, and have by act of Congress even disenfranchised them  
2 from ownership of their corporate lands. I am homeless. I  
3 don't even have a home site from those corporations.  
4 What am I getting -- what I am getting at is that I am  
5 a misnomer in the collusion of conspiracies for the  
6 disenfranchising of our people as a whole. But,  
7 nevertheless, I am a prime example of a situation which  
8 merits study for the norm of genocide here in the state of  
9 Alaska. My name, once again, is Bill Kaiana-Hagen, Post  
10 Office Box 101162, Anchorage, Alaska 99510-1162.  
11 In addendum, I have had my so-called representation  
12 sell my land without knowledge or consent this last summer.  
13 And he was backed. And he was stopped by the people he  
14 allowed into the fraudulent litigation against me. My  
15 enemies turned into my friends.  
16 I do wonder if this panel is here to quash or to be  
17 supportive of people for what they do have in sharing of  
18 violations of their civil rights. I agree with Mr. Tritt;  
19 we need more time. But I do appreciate the time that I've  
20 been allowed. Thank you.  
21 CHAIRPERSON GILBERT GUTIERREZ: Thank you. If you have  
22 any other materials you could provide us, we'd appreciate  
23 it. Ms. Coleman?  
24 MS. MARIA D.L. COLEMAN: Yes. My name is Maria D.L.  
25 Coleman. I am a mother and a grandmother in Anchorage. I

1 know that I heard recently a whole lot of testimony on  
2 behalf of the rural Native population and was a little  
3 miffed I guess that such similar statistics are here right  
4 in Anchorage where there's a very large Native population,  
5 and I didn't see anyone speaking out for them.  
6 I am an elected tribal council member. I am involved  
7 in our local tribal council court development. I am an  
8 elected member our ANCSA corporation.  
9 Through all these, through my living in Anchorage and  
10 through these connections, as you might know, that our local  
11 Eklutna organization has a child advocacy center, and  
12 through all these organizations, I have a lot of contact  
13 with or sight into what happens with the children in  
14 Anchorage.  
15 I don't have a written speech. But there's two ways of  
16 giving speeches; there's the way that you're trained in  
17 college where everything is prepared and organized, and  
18 there's a way that the elders tell us, if you say what comes  
19 to you in your heart at the time, and at this time I have to  
20 honor what they say because there's so many things that  
21 could be said. And I feel that it would be appropriate to  
22 accept that cultural part.  
23 I have come to you with three issues that I wanted to  
24 point out; one was the absence of cultural considerations in  
25 the writing of the state laws, specifically with adoption

1 laws. As you know, the state law is based on European -- I  
2 think it's common law as it's called.  
3 And as citizens of -- as Alaska Natives who are also  
4 citizens of the United States and the state of Alaska, the  
5 state codes and regulations should not reflect one culture.  
6 In its laws it should accommodate all of its cultures;  
7 specifically the adoption law. In Native culture, adoption,  
8 you maintain contact with your family because your family is  
9 not just your mother and father; it is your aunts, uncles,  
10 cousins, and many other people. And the state of Alaska  
11 laws do not allow -- when there's adoption there must be  
12 complete severing of any relationship at all with any of  
13 those things, which is devastating to the child and the  
14 community. And I believe that the state of Alaska's laws  
15 need to reflect all its cultures.  
16 The other area of concern -- a major area of concern is  
17 in education. I know for a fact that the Anchorage  
18 statistics on Natives still consist just as high as what  
19 they've stated previously in the bush. What I have  
20 observed, my own observations; not without a degree, not a  
21 Master's Degree, not a doctorate, but you don't need to be a  
22 doctor to deliver a baby. It is the lack of accommodation  
23 to meet the needs of these students which are not  
24 necessarily meaning that they have learning disabilities.  
25 I know there's a lot of suggestion that there's some

1 kind of distraction disability, and I don't know what the  
2 specific name is. My view is that if I was lost in the  
3 wilderness, I'd much rather be with the student who is aware  
4 of all of their surroundings and could hear all the noises  
5 and could feel all the changes in the air.  
6 My witness has been that -- these students, even though  
7 labeled disabled, once in a smaller classroom with less  
8 distractions, once focused on an independent course rather  
9 than being dictated to, that not only do they move forward  
10 more successfully, they're actually excited about their  
11 learning. There's nothing lazy about them. It's just that  
12 the system doesn't provide for their style. I call it  
13 inherited traits, and I strongly believe those need to be  
14 incorporated.  
15 Also the history. My child does not need to know how  
16 great Columbus was. My child is connected with my child's  
17 history. My child needs to know how great my grandfather  
18 was. Those are subtle messages of inferiority when you  
19 promote one culture's history over another, and that needs  
20 to be changed.  
21 The kids are faced in Anchorage no different than  
22 probably rural Alaska; easy access to drugs and alcohol, not  
23 necessarily meaning from their families, just in all the  
24 schools, not just Mountain View or Muldoon, but all the  
25 schools. They have far more exposure to trauma and



1 experience of their other classmates, fightings in the  
2 schools that don't get reported and so forth.  
3 Many issues to deal with that they are not being  
4 prepared to deal with, and I feel that because the Native  
5 population does not speak assertively necessarily or because  
6 they've been downtrodden so that they don't feel comfortable  
7 speaking that, yeah, they do get the most -- those kids get  
8 more in trouble than other kids. Those kids get put in the,  
9 what do you call it, correction facilities more than other  
10 kids. And because their culture is different.  
11 So I hope I covered the things that I wanted to say.  
12 CHAIRPERSON GILBERT GUTIERREZ: Thank you. You covered  
13 a lot. Could you just pass the microphone to her?  
14 UNIDENTIFIED VOICE: Do you want to hand both or.....  
15 CHAIRPERSON GILBERT GUTIERREZ: The other one.  
16 MR. RICHARD SEGURA: I'll try to stay within my three  
17 minutes there real quick. My name is Richard Segura,  
18 S-e-g-u-r-a. I'm president and CEO of the Kenai Native  
19 Association in Kenai. And basically I'm speaking on behalf  
20 of the prisoners that are incarcerated in Alaska, and  
21 especially in Arizona.  
22 Just a real brief history. Our corporation had tried  
23 at one point to get involved in building a private prison.  
24 You probably all heard about that down on the peninsula.  
25 And of course, it didn't work out. But one of the things

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1 that we are concerned as a corporation and as a Native  
2 corporation; our concern when we did the research was the  
3 atrocious percentage of Alaska Native males that were  
4 incarcerated. And we wanted to do something about it as far  
5 as helping in getting cultural-based programs so that we can  
6 help our people. And not only our people, but Alaska people  
7 in general.  
8 And it was -- the whole thing down there was really  
9 kind of a sad affair as far as politics. And when you talk  
10 about racial profiling -- and I won't name any names, but  
11 there was some sad things that went on. I was called a  
12 stinking Indian for getting involved in this project. And,  
13 you know, I'm really sad to say that there was some very  
14 well-known political people that made some derogative  
15 against the Native people. And I was really saddened to  
16 hear that.  
17 But I just want to read a little section here from your  
18 civil rights enforcement. In Section 4, it says we provide  
19 protection to individuals based on race, sex, age, physical  
20 and mental disability, parenthood, marital status, and  
21 national origin. We can process the investigation of a case  
22 and we are mandated to be impartial. We are the civil  
23 rights police, and I'm assuming that's you guys.  
24 CHAIRPERSON GILBERT GUTIERREZ: It sounds like the state  
25 Human Rights Commission that you're reading from.

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1 MR. RICHARD SEGURA: At any rate, what I would like to  
2 do, if you don't mind, is I have a lot of testimonies from  
3 prisoners from Arizona, and if you don't mind I would like  
4 to send each one of you a book. And unfortunately, I'll  
5 have to check with our attorneys, but I may have to cross  
6 the names out for their protection. But if you don't mind I  
7 would like to do that.  
8 CHAIRPERSON GILBERT GUTIERREZ: Good. You can see Mr.  
9 Tom Pilla for the address, if you don't have it yet.  
10 MR. RICHARD SEGURA: Okay. Thank you very much.  
11 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Any  
12 questions?  
13 MR. MICHAEL WALLERI: Mr. Kaiana, does that lawsuit  
14 involve a Native allotment, or is that.....  
15 MR. BILL KAIANA: No. My land, as I specified in it,  
16 is a 1910 patented, fee simple. It was transferred in  
17 territorial times, pre-statehood of 1935 Statehood Act. And  
18 the Statehood Act goes ahead and reflects that it honors  
19 territorial laws. It proceeds the Statehood Act itself. I  
20 should not even be within the borough or taxed out of my  
21 properties, if I could get representation.  
22 That's why I went to the FBI and the federal marshals  
23 to go ahead and implement my title to supercede that of  
24 being taxed by the Borough because the Borough has no right  
25 to tax me. I don't have to answer to them. I'm

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1 grandfathered in with my title. And foreclosure by them is  
2 illegal. But nobody will stand up.  
3 I can't get one attorney in the whole state of Alaska  
4 to stand up to protect the rights that I have  
5 constitutionally with those properties. And this  
6 representation that I had went ahead and implemented himself  
7 by gainsmanship (ph). I had a conversation with him and he  
8 simply made an entry of appearance without contract. I have  
9 representation which is not my representation.  
10 MR. MICHAEL WALLERI: Is this is an attorney.....  
11 MR. BILL KAIANA: Yeah. Yeah.  
12 MR. MICHAEL WALLERI: .....that did this?  
13 MR. BILL KAIANA: He just kicks me around like I'm less  
14 than a dog; yells and screams at me. Acts like he's my boss  
15 when it's supposed to be the other way around.  
16 CHAIRPERSON GILBERT GUTIERREZ: Maybe you can talk to  
17 Tom or write that up.  
18 MR. MICHAEL WALLERI: Yeah. If you.....  
19 MR. BILL KAIANA: I mean he's.....  
20 MR. MICHAEL WALLERI: If you could give the  
21 details.....  
22 MR. BILL KAIANA: .....a dehumanizer. He could have  
23 gone to work for Hitler himself.  
24 MR. MICHAEL WALLERI: There are some rules about use of  
25 names in your testimony. But if you could give the name to

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1 Mr. Pilla, there are mechanisms available for that.  
 2 One last question, and that is to Mr. Segura. You  
 3 mentioned that there were some concerns on the Kenai prison  
 4 issue, and that went to a vote.  
 5 MR. RICHARD SEGURA: Right.  
 6 MR. MICHAEL WALLERI: In that election in Kenai, was  
 7 race an issue?  
 8 MR. RICHARD SEGURA: Are you asking me personally?  
 9 MR. MICHAEL WALLERI: Yeah.  
 10 CHAIRPERSON GILBERT GUTIERREZ: Well, personally and  
 11 publically.  
 12 MR. RICHARD SEGURA: Yeah. Yeah.  
 13 CHAIRPERSON GILBERT GUTIERREZ: I mean you  
 14 mentioned....  
 15 MR. RICHARD SEGURA: Well, yeah.  
 16 CHAIRPERSON GILBERT GUTIERREZ: .....that they called  
 17 you a stinking idiot. That's racial.  
 18 MR. RICHARD SEGURA: Personally, I believe it was.  
 19 MR. MICHAEL WALLERI: Was it because of bringing Native  
 20 -- perceived bringing Native prisoners in....  
 21 MR. RICHARD SEGURA: Yeah. I had a.....  
 22 MR. MICHAEL WALLERI: .....or if the Native  
 23 organization is involved?  
 24 MR. RICHARD SEGURA: I was in a store one time,  
 25 actually several times, but it kind of goes with the

1 territory and I know that, you know. But I had a guy tell  
 2 me that -- you know, you can just leave the stinking Natives  
 3 where they're at.  
 4 MR. MICHAEL WALLERI: Oh, okay. That answers my  
 5 question. Thank you.  
 6 MR. RICHARD SEGURA: Okay.  
 7 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much for  
 8 your information. I appreciate it. The next panel will be  
 9 George Kudrin, Cliff Edenshaw, Susan Wells. Please state  
 10 your name and spell it for the recorder so we can have it on  
 11 record.  
 12 MR. GEORGE KUDRIN: My name is George Kudrin,  
 13 K-u-d-r-i-n. I'm originally from Atka, Alaska, in the Ocean  
 14 Islands. And today I represent myself. I just want to thank  
 15 the Commission to hear what I have to say today. It's  
 16 personal testimony. And I appreciate your presence here.  
 17 Not since the early '50s and late '60s did I ever  
 18 experience segregation because I'm an Alaska Native. And in  
 19 light of what has happened here in Anchorage in regards to the  
 20 paintball incident, I have experienced discrimination and  
 21 harassment in public places here in Anchorage.  
 22 Just recently, I was assaulted in a public bathroom by a  
 23 security person at a mall, for no apparent reason. And  
 24 fortunately I had somebody else in the bathroom who was a  
 25 commanding sergeant from a recruiting station there at the

1 mall. We were both there washing our hands when the security  
 2 person came in, verbally assaulted me about some mess in the  
 3 commode, and I couldn't understand why. So I went in there  
 4 and checked it out; there was nothing. But which really  
 5 angered me because I've never been assaulted this way in my  
 6 life before.  
 7 So I took the matter direct to his supervisor after I saw  
 8 him come out of the restroom. And he further -- if a human  
 9 being can be desecrated in -- you know, if I may use that  
 10 word; he desecrated me in front of his supervisor in saying to  
 11 an effect that what mess -- what mess are we talking about?  
 12 And he says to an effect something about a sperm on the floor  
 13 and wall. Now, this is in front of his supervisor. I've  
 14 never been so humiliated in my whole life in a public arena  
 15 such as a mall. I've lived here in Anchorage for the past 15  
 16 years. Now, because of health reasons we moved here. And I  
 17 just want to say that, you know, I have been becoming a little  
 18 bit more comfortable around the general public because I feel  
 19 that everybody is almost accepting everybody now. But at the  
 20 same time when I see a whole bunch of other people around the  
 21 world living here in Anchorage, you know, it makes you wonder.  
 22 But at the same time, it looks like we're living happy  
 23 together.  
 24 But I just want the Commission to know that  
 25 discrimination and harassment does thrive in Anchorage, and I

1 don't appreciate that. Thank you.  
 2 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Ms. Wells?  
 3 MS. SUSAN MARS WELLS: My name is Susan Mars Wells. I'm  
 4 a resident in Kenai. I'm a school teacher down there and I  
 5 decided to speak before you today because you had asked for  
 6 some examples of some of the treatment that our students have  
 7 and also the hiring practices of our Native teachers.  
 8 In 1989, I worked in a high school, and I had a very  
 9 difficult time getting my students the upper level classes,  
 10 largely because they were Native. I had a school personnel  
 11 tell me that they didn't think one of my students would be  
 12 able to make it through geometry, even though that student had  
 13 Algebra I, because of what he thought would be attendance  
 14 issues. That particular student did drop out.  
 15 Another student of mine -- I was a tutor at the time, but  
 16 another student of mine had gone to his language arts teacher  
 17 to find out what kind of projects and papers and things that I  
 18 needed to be aware of for this student, and that teacher told  
 19 me that I was wasting my time working with that student  
 20 because he was, and he used the name, and it's a prominent --  
 21 one of our local Native family names, and that none of them  
 22 graduated, so why bother. This particular teacher actually  
 23 went on to become a state representative; of course, I didn't  
 24 vote for him. But that student, I was able to get him  
 25 transferred over to Valdez for a couple interim years, and he

1 came back and broke the cycle for his family. He graduated  
2 and he's now doing something too complicated for me to  
3 explain.  
4 The other issue is I went to work, I went back and tried  
5 to be a cycle-breaker too, and I got an Elementary Ed degree.  
6 And when I was working on that program, I went outside to  
7 Oregon to get my degree because I knew I wouldn't be hired in  
8 the district if I had a local degree. And when I came back, I  
9 was hired as a tutor for the Indian Ed program, and I'm very  
10 proud to be the Indian Ed lady again, or was. But I was a  
11 certified teacher in a classified position. And it wasn't  
12 until I told my building supervisor that I would not come back  
13 as a classified personnel because I financially couldn't  
14 handle it that I got hired half-time, certified half-time,  
15 classified, and then eventually earned the right to teach Math  
16 and Science in sixth grade.  
17 A couple of years ago, we had an opportunity to hire a  
18 position which would be my partner, my classroom teaching  
19 partner, because we had a team. Several people applied, and  
20 one was a Native, a fellow Aleut, that worked in our building  
21 running the Title 1 program. Phenomenal lady, highly  
22 qualified, energetic, proud of who she was and is.  
23 And I was on the interview team. This was for my  
24 partner. My request was to hire this woman. Our building  
25 knew her. She knew the kids that were coming up through the

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1 system because she had worked in the elementary feeder school.  
2 And she was not hired; unfortunately for the school district,  
3 we lost her to Head Start. Head Start hired her and she has  
4 built up a phenomenal program which is actually going to  
5 really help the students by the time they get up to me. But  
6 it was very disconcerting, very painful for me that my opinion  
7 didn't matter.  
8 And what we have asked through the Title 9 program was  
9 that we hire Native teachers because our Native students need  
10 role models. And they also need individual people to look at  
11 them as human beings worthy of an education, worthy of being  
12 acknowledged for who they are and where they came from in  
13 honoring their Nativeness and being proud.  
14 This state, the first people are Natives, and I think our  
15 state school systems don't always honor that, and it's  
16 unfortunate. We also have some other teachers in our school  
17 system right now that are Native that are in tutorial  
18 positions.  
19 CHAIRPERSON GUTIERREZ: Could you summarize, please?  
20 MS. SUSAN MARS WELLS: Yes. The Title 9 program last  
21 summer -- or last year, did write a resolution for our school  
22 district requesting Native hire because we have less than one  
23 percent Native teachers and more than I think it's 11 percent  
24 Native students. It was past onto the school board and that  
25 is where it is today. And I appreciate your time.

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1 I would like to add to Mr. Segura's testimony, if I  
2 could, briefly. I was involved in that campaign, and our  
3 vice-president, who was the forefront in the media, had  
4 telephone calls on her home recorder calling her all sorts of  
5 foul names because she was Native and because this was a  
6 Native issue, a Native project that was brought forth to be  
7 built on Native land.  
8 And on our local sound-off there were many comments that  
9 were anti-Native and very prejudice, and it was, we don't need  
10 to build a prison for you drunken Natives; let's send you all  
11 outside.  
12 So thank you for your time.  
13 CHAIRPERSON GILBERT GUTIERREZ: Thank you.  
14 MR. CLIFFORD EDENSHAW: Thank you. My name is Clifford  
15 Aaron Edenshaw, and I am a full-time employee currently with  
16 US Fish and Wildlife Service under the Department of Interior.  
17 I am a 43 year old Tlingit Haida man, full blooded. I've  
18 lived in this state all of my life. February 2002, I will  
19 have served 15 years with the federal government.  
20 Currently, I'm in the mist of a second EEO complaint  
21 against the agency I work for, which is U.S. Fish and Wildlife  
22 Service, the Offices of Subsidence Management. I serve as a  
23 regional coordinator. I'm currently doing the third region  
24 here in the state. We've divided the state up into 10 regions  
25 and I currently do the Bristol Bay region.

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1 I guess maybe some questions I wanted to ask the  
2 Commission first is, with the recommendations and the input  
3 that you receive from the public, you know, how is this going  
4 to be incorporated? Because I want to know when I leave here  
5 the public testimony that I have provided to the Commission,  
6 some action. Because the agency I work for, I've been lied to  
7 by the people that work there. The only way that I've been  
8 able to curtail retaliation from the agency is by sending  
9 letters to the delegation, to Senator Murkowski, Stevens,  
10 Young, Alaska Federation of Natives, AITC, which is the Alaska  
11 Inter-Tribal Council.  
12 And once the agency -- here the regional office saw that  
13 I wasn't going to sit there and take their crap, they stopped  
14 harassing me, just because I filed an EEO complaint. And the  
15 burden of this complaint is for a promotion.  
16 I do my job well, and I think the biggest complaint I  
17 have through this whole process that I've learned is I'm very  
18 fortunate, my sister lives here and works with the forest  
19 service herself and has served 20 something years in the  
20 office of personnel, so she's always been able to provide me  
21 with the information I need in regards to the EEO process.  
22 And ultimately the burden on proof for when I filed my  
23 complaint against the agency is that I was always having to  
24 provide documentation irregardless of what these people said  
25 and did to me in terms that the -- I was suspended illegally

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1 for a week.  
2 I went ahead and provided ample documentation to the  
3 regional office and to Washington, DC, asking them to cite  
4 regulations, you know, that my immediate boss did not have the  
5 authority to suspend me. Now, my interpretation of the  
6 regulations were that the personnel officer in our regional  
7 office is the only person who had that authority to do so.

8 But the main crux of my complaint was that there were  
9 other individuals in this office who were promoted ahead of  
10 me, and I've been working there going on six years -- well, to  
11 this date, I've worked for the agency for almost six years,  
12 and this is the third federal agency I've for. I've worked  
13 with the Forest service, and I worked with the Bureau of  
14 Indian Affairs under the Department of Interior, and well as  
15 this agency.

16 I think in closing, October 25th, I believe it was, or  
17 tomorrow, will have been 180 days since I submitted my  
18 complaint. Now, prior to this I faxed the complaint to the  
19 Seattle office, the regional office with the Human Rights  
20 Commission requesting a hearing. Of course, they rejected  
21 that because it hadn't been 180 days. I faxed my complaint to  
22 Washington to the Department of Interior to those people who  
23 will handle my complaint, and inside a letter they said, well,  
24 we received your complaint March 17th, which is a lie.

25 You know, I just don't see how these people can continue

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1 know, the retaliation of these actions stopped was when I  
2 started sending letters to the delegation and Stevens,  
3 Murkowski, and Young, and the rest of them. I imagine at the  
4 time, Jamie -- I forgot Jamie's last name. At that time she  
5 was heading up interior. I'm certain that these people in DC  
6 got tired of hearing the delegation calling up their office  
7 because of the retaliation and the actions that were taken  
8 against me.

9 And in closing, I just want to thank the Commission for  
10 providing me an opportunity to speak.

11 CHAIRPERSON GILBERT GUTIERREZ: Thanks. Are there any  
12 questions? Do you have a question?

13 COMMISSIONER YVONNE LEE: Yes, I do. Have you submitted  
14 any complaint to the Washington office or the regional office  
15 of the Equal Employment Opportunity Commission?

16 MR. CLIFFORD EDENSHAW: Yes. I've spoken with -- I  
17 believe his name is Randy Crawford in the Seattle office, and  
18 the only advice he gave to me was that at the end of 180 days  
19 if the agency hadn't done their investigation and provided a  
20 final report to me, would I then -- could submit a request for  
21 a hearing.

22 CHAIRPERSON GILBERT GUTIERREZ: Dan?

23 MR. DANIEL ALEX: I got two questions; one for George.  
24 Could you identify the shopping mall?

25 MR. GEORGE KUDRIN: Yes.

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1 lying to me when I had copies of the fax and the transmission  
2 report saying that they would accept the fax as well as a hard  
3 copy which I Federal Expressed, and these individuals in the  
4 office in DC said we didn't receive it. Well, I think that's  
5 a lie. What else is it?

6 You know, I've heard some of the other testimony from the  
7 individuals at the previous meetings and I grew up in Sitka  
8 and was exposed to physical -- you know, with other non-  
9 Natives growing up there. And when I moved here to Anchorage  
10 -- you know, I think it's safe to say that after I left Sitka  
11 when I was 18 and joined the military, that I didn't receive  
12 or I was exposed to a lot of -- I don't want to say racism; I  
13 tend to believe it's anger, you know, toward other people.

14 But, you know, when I came to this agency, things just have  
15 not gone right for me and I think I'm very good employee.

16 I attended college at University of Washington where I  
17 received my education in forestry, and I would just like, you  
18 know, some kind of action to be taken. I plan on submitting a  
19 docket that I've compiled over the last nine months since  
20 February 20 -- I believe it was February 23rd of this year  
21 when I submitted my fax transmission to Washington, DC, for  
22 action as well as a hard copy that I had expressed mailed to  
23 DC as well. And that's all I've been exposed to since I did  
24 this, are lies, retaliation, and it just never stops.

25 But, you know, the only way I could have this stuff; you

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1 MR. DANIEL ALEX: Which one?

2 MR. GEORGE KUDRIN: This happened at the Northway Mall.

3 MR. DANIEL ALEX: Okay. I can get a request for the  
4 other panel if -- you know, you provided interesting detail.  
5 Could you provide us written detail?

6 CHAIRPERSON GILBERT GUTIERREZ: And you're going to  
7 provide us with some materials?

8 UNIDENTIFIED SPEAKER: Yes, I will.

9 CHAIRPERSON GILBERT GUTIERREZ: Okay. Yes?

10 MR. MICHAEL WALLER: I have two questions; Mr. Edenshaw,  
11 do you think -- we heard from the head of the EEOC  
12 interestingly enough last time we were here. And she  
13 indicated that one of the problems they have is that they  
14 don't have an office here in Alaska. Do you think that if  
15 they had an office here in Alaska that it would have -- that  
16 the response to your complaint would have been more timely?

17 MR. CLIFFORD EDENSHAW: Yes, I believe so. And I believe  
18 that -- I think the ultimate goal would be that the Department  
19 of Interior or specifically that agency shouldn't handle an  
20 EEO complaint. And if they had an EEOC office here, they  
21 could handle that independently because the agency has been  
22 accused of an EEO complaint, and they haven't handled it in  
23 the best possible way I can see because they've been accused  
24 of something and they've just drug their feet and they haven't  
25 done their job. So, yes, I agree. If there was an office

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1 here in Anchorage, I believe my complaint would be handled  
2 better.

3 MR. MICHAEL WALLERI: I wouldn't know if is (ph).  
4 CHAIRPERSON GILBERT GUTIERREZ: Okay.

5 MR. MICHAEL WALLERI: Ironic that you're working in the  
6 one area of the highest -- that's been noted in all the  
7 testimony as being the issue of highest tension on racial  
8 issues. One other question that has to do with Ms. Wells.  
9 Are there other teachers in the Kenai -- or are there other  
10 instructors in the Kenai system that are certified or eligible  
11 to be certified teachers that are in -- I always get this  
12 wrong, the classified system or the certified system? In  
13 other words, it's a classified system?

14 MS. SUSAN MARS WELLS: I know of one Native woman that is  
15 certified that is a tutor for the two high schools in the  
16 Soldotna area.

17 MR. MICHAEL WALLERI: Okay. Are there non-Native  
18 instructors in that situation?

19 MS. SUSAN MARS WELLS: I'm not positive.

20 CHAIRPERSON GILBERT GUTIERREZ: Okay. Thank you. Thank  
21 you all. We appreciate your time. I'd like to call up  
22 Johanna Austin and J.B. Mallott. Ms. Austin, if you would  
23 pull that microphone towards you.

24 MS. JOHANNA AUSTIN: Yes.

25 CHAIRPERSON GILBERT GUTIERREZ: And speak into that one.

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1 MS. JOHANNA AUSTIN: My name is Johanna Austin. I'm from  
2 Southeast Alaska, from (indiscernible). I'm a full-blooded  
3 Tlingit. I'm addressing Native children that are removed  
4 from, you know, their homes, that are taken by DFYS.  
5 That's where Tlingit and Haida should -- Inter-Tribal  
6 should strongly look into these Native children who get  
7 removed from their parents. Not just file them away in their  
8 file cabinets. That gives us the state more power to keep our  
9 children. We cannot understand why they are where they are.  
10 They are caught in limbo between Natives who they are, and  
11 White, where they are now.

12 DFYS takes Native children from their parents and places  
13 some of them in White foster homes if they cannot find family  
14 members to care for them. Most parents give up and fall  
15 deeper into alcohol and drugs and get lost in that part  
16 because they have no education or defense to fight back.

17 And as Tlingit and Haida, not being just paid to be, you  
18 know, where they are in office, should strongly fight and look  
19 into these children that are lost. They are our future  
20 generation. We should strongly represent them.

21 I think that it should be deeply looked into because  
22 these children are our future. That's all I've got to say.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. Mallott?  
24 Could you pull the microphone to you?

25 MR. J.B. MALLOTT: Yeah. My name is J.B. Mallott, better

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1 known as Brown Bear. I'm a Tlingit from Southeast Yakutat.  
2 I'm Shunter Haaidi (ph) Thunderbird, Eagle Clan. I've heard a  
3 lot of testimony here today with regard to the Department of  
4 Corrections and inmate populations.  
5 This is what I choose to speak about. My experience is  
6 as a participant/observer for more than 10 years, meaning that  
7 I've been a guest of the Department of Corrections for quite a  
8 while. So that is the only proof that I have that what I'm  
9 about to say is truth and nothing but the truth, so help me  
10 whoever.

11 I speak for Native Spiritual Culture Councils,  
12 Incorporated, organized under state law, federally exempt,  
13 non-profit. Our mission is to assist in the re-recognition of  
14 the spirituality of Native cultures. And this is what I have  
15 dealt with for a great deal of time, perhaps 25 years,  
16 organizing and reorganizing Native inmate councils groups.  
17 My many names that I've tried to insert the word  
18 spirituality in every place I've been, which is quite  
19 extensive, maybe 15 different places.

20 I heard somebody mention McCleary versus State and the  
21 DOC. The only -- there's about this long of a line in that  
22 suit with regards to religion. Traditional Native people do  
23 not have a religion. Traditional, that's the key word. We  
24 have spirituality, a deep and abiding respect; love, care,  
25 concern, and respect for all living things of the creator's

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1 universe and the mother earth. We are not allowed the -- the  
2 gist of this is we are not allowed to use that word,  
3 spirituality, within the DOC. If we do, we are promptly shut  
4 up; don't use that word.

5 The only way we can practice and express the spirituality  
6 of our Native culture is vis-a-vis the first amendment right  
7 to freedom of religion is to call it culture. Well, everybody  
8 in the room has a culture, one kind or another. Whether  
9 there's a spirituality to all of these cultures or not, I  
10 don't know. But this is the gist of what I'm trying to get  
11 across.

12 I've been in places where -- well, like one instance I  
13 remember I wanted to do a sweatlodge ceremony and a pipe  
14 ceremony at Kenai Prison on spring equinox. And I was just  
15 told bluntly that there's no such celebration. Yet in the  
16 next day's newspaper there was great big articles about  
17 celebrations all over the state in honor of equinox. Well,  
18 Native people live by the stars, the sun, and the moon. And  
19 these dates are very important to us and we celebrate them in  
20 our own ways.

21 So there is so much that I want to say, but I think I'm  
22 going to have to rewrite the testimony that I gave over at the  
23 Sheraton Hotel a month or so ago because I just wish-washed  
24 over it kind of in general and didn't really make any  
25 specifics.

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1 However, I think one thing that is very important, and I  
2 can prove it, I can provide the documents; I took the state to  
3 court in 1985, and it went all the way to Ninth Circuit Court  
4 of Appeals. And the state for five years kept their frivolous  
5 rebuttals to my claims until that five year span was up  
6 because they accused me of -- I could not represent Native  
7 people in the prisons because I'm not in prison anymore. All  
8 right? But I'm still under the thumb of the Department of  
9 Corrections because I'm on parole. The Ninth Circuit agreed.  
10 And, in the end, I just didn't know how to proceed any further  
11 with this lawsuit as an individual representing the NSCC's,  
12 Incorporated.

13 And I can -- it will take a while, but my registered  
14 agent, an attorney here in town, has a copy of this lawsuit.  
15 And this would provide all the specifics that you ask about.  
16 Even though it's so long ago, 1985, all right, I have been in  
17 and out since violations of parole. So finally I said the  
18 heck with that. Just give me -- do all my time, so I -- much  
19 more time inside recently so that I know that all the things  
20 in that lawsuit still apply. They went so far as to -- the  
21 guy that handled the state's side of my complaints, is an  
22 attorney, of course. At the time he was assistant attorney  
23 general.

24 And as a result of the lawsuit that I filed, they made  
25 him commissioner of corrections so that he could directly

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1 supervise what I was trying to accomplish in the prison  
2 system. Now, I call this racism. I call it discrimination  
3 with no reservations whatsoever.

4 CHAIRPERSON GILBERT GUTIERREZ: You may want to provide  
5 us that in that brief, if you could.

6 MR. J.B. MALLOTT: It's pretty fat, but it's all there  
7 and it still applies. And the paint ball thing. The  
8 following week, a friend of mine, Simon, who is in a motorized  
9 wheelchair, his legs are just withered away. A bunch of kids  
10 come out of the Fifth Avenue Mall and shoved his wheelchair  
11 over in the muck, in the gutter, and all Simon could do was  
12 lay and holler for help, and people are just walking by, ha,  
13 ha, poor drunk injun', you know, and run his chair off the  
14 gutter until finally someone from across the street, a non-  
15 Native gentleman at that, and helped him get up and motor  
16 away.

17 CHAIRPERSON GILBERT GUTIERREZ: You're going to have to  
18 summarize, Mr. Mallott.

19 MR. J.B. MALLOTT: Yes. Okay. I think that one of the  
20 most important things that we have tried to accomplish as  
21 Native people within the prison system is to continually offer  
22 opportunities to hold culturally relevant workshops. And we  
23 set the date -- and the time and the date, and nobody shows  
24 up; that you don't want to do it.

25 So in closing, that's about all I have to offer. But I

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1 I did notice in the front page of one of these documents here,  
2 this one, that all of you serve without compensation, and I  
3 have to commend you for that. I think that's wonderful of you  
4 to offer yourselves in this manner. I thank you.

5 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

6 MR. MICHAEL WALLERI: Mr. Mallott, were you ever in  
7 Arizona?

8 MR. J.B. MALLOTT: No. But I was hoping to go there on  
9 testimony because we have so many people down there, you know.

10 And they're in exile. They've been excommunicated from their  
11 support system. One of the things that the DOC itself is  
12 Number 1 on the list is support system of family, the ability

13 to come in and visit once in a while and/or establish a  
14 support system. Well, how can you do that if you're in exile?

15 MR. MICHAEL WALLERI: One other question, if I could?

16 What did you think about the Kenai proposal?

17 MR. J.B. MALLOTT: I was all for it; still am. I didn't  
18 get to speak to it. Senator Ward knows of my feelings about  
19 it and I think it would be a very good idea.

20 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Ms. Walker?

21 MR. ROSALEE WALKER: I wanted -- and I have comments to  
22 this young lady. You say you're from Hoonah?

23 MS. JOHANNA AUSTIN: Yes, I am.

24 MS. ROSALEE WALKER: Okay. We get -- or I get anyway a  
25 lot of complaints about the idea of the children being taken

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1 from the parents and so forth. I don't know whether you're  
2 aware of it or not, but the law requires that DFYS work with  
3 the family or the parents prior to removing the child from the  
4 home permanently. They may have to remove them temporarily  
5 for safety or something like that, but they come back and  
6 they're supposed to work with that parent or that family to  
7 try to get them back on track, say, if they have an alcohol  
8 problem, they put them through a program. So are you aware of  
9 this or.....

10 MS. JOHANNA AUSTIN: Yes, I am.

11 MS. ROSALEE WALKER: .....or do you know of any of these  
12 programs that.....

13 MS. JOHANNA AUSTIN: Yes, I am. I've known a lot of my  
14 people lost a lot of friends through that. They don't even  
15 want to accomplish it because there's so much hurt in them,  
16 you know. They don't feel like they're going to be able to  
17 get their children back. And they don't have the strength  
18 enough to allow stuff -- throughout a year -- sometimes  
19 required a year for treatment because of, you know, the  
20 alcohol and drug abuse they've been going through throughout  
21 the years.

22 And also because of couples that cannot come back  
23 together, and that are still, you know, trying to straighten  
24 out their lives, their past history is against them, even if  
25 they're trying to straighten their lives out, and still have

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1 to be able to continue on through state organizations that are  
 2 making them require to go through all of that. And.....  
 3 MS. ROSALEE WALKER: Well, what would you recommend that  
 4 becomes of the child during the time these parents, these  
 5 adults are going through these rehabilitation or whatever  
 6 they're going through or not going through? What do you  
 7 recommend should happen to the child?  
 8 MS. JOHANNA AUSTIN: I've lived in -- Natives, as Tlingit  
 9 and Haidas, you know, organizations, not just have, you know a  
 10 badge with them, being behind the desk and just be able to  
 11 investigate, not just put them in files.  
 12 MS. ROSALEE WALKER: But are you saying you want the  
 13 organizations to.....  
 14 MS. JOHANNA AUSTIN: This is required to get ahold of  
 15 tribal -- Inter-Tribal because they have to by law. And just  
 16 because the parent don't come in between because, like I said,  
 17 they get lost in their pride or don't have the strength enough  
 18 to, you know, fight, and not educated enough or not strong  
 19 enough, and because like I said their past history or the  
 20 criminal history or whatever because of alcohol or drug abuse.  
 21 MS. ROSALEE WALKER: I was just trying to understand for  
 22 your recommendation. Are you saying maybe Tlingit and Haida  
 23 should take the child or work with the family, or what?  
 24 MS. JOHANNA AUSTIN: They need to strongly, you know,  
 25 look into that because that's our future generation. You

1 know, they're caught in limbo because of White and, you know,  
 2 the Native people who they are, where they come from. They're  
 3 the ones who are lost. The parents, most of them end up.....  
 4 MS. ROSALEE WALKER: I wasn't sure I understood you  
 5 because -- I'm going to end up -- I wasn't sure I understood  
 6 you because there is the Indian Welfare Law and then there's  
 7 some things that go along with it that Health and Social  
 8 Services is supposed to abide by. But then there's some other  
 9 responsibilities that the parent is supposed to carry through  
 10 in this deal too. And I was just trying to -- you know,  
 11 figure out what your recommendation was.  
 12 MS. JOHANNA AUSTIN: Well, just like what the state does;  
 13 you know, they go into the homes and remove the children. I  
 14 think that the Native people also need to investigate also,  
 15 strongly go against that, and you know, investigate and check  
 16 into where the children are placed. Otherwise, you guys are  
 17 just giving them the power to -- and you know, like I said,  
 18 you're putting them in filing them, and the parents are giving  
 19 up.  
 20 I mean all there is, is nothing but file cabinets I've  
 21 seen in Juneau, you know, and D&H, you know, past experience.  
 22 I have not yet seen anything done I mean as far as the power  
 23 that our people say we have. The state has more power over us  
 24 as far as the children go, and you guys say our children are  
 25 the next generation, and these children are the next

1 generation that are caught in limbo between state and who they  
 2 are, like I said. And you guys are educated.  
 3 MS. ROSALEE WALKER: Thank you.  
 4 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Thelma, did  
 5 you have.....  
 6 MS. JOHANNA AUSTIN: Did I make any sense enough?  
 7 CHAIRPERSON GILBERT GUTIERREZ: Yes. Thank you.  
 8 MS. ROSALEE WALKER: Yeah. I got you.  
 9 MS. JOHANNA AUSTIN: Thank you very much.  
 10 MS. THELMA BUCHHOLDT: I had a question to Mr. Mallott.  
 11 I heard earlier this afternoon that some Native groups don't  
 12 really care whether some of the prisoners stay in Arizona  
 13 because if those prisoners committed crimes against their  
 14 fellow Natives, that's fine with them wherever they go. What  
 15 is your opinion on that?  
 16 MR. J.B. MALLOTT: Shamefully enough, this is true in all  
 17 too many cases. However, Jeannie Greene, just a couple of  
 18 weeks ago put in a beautiful notice in the paper soliciting  
 19 support for the Native populations in Arizona. On the other  
 20 hand, even there, you know, especially in the privately run  
 21 prison, they haven't been allowed to have a potlatch. I'm not  
 22 sure whether they have sweatlodge or not, but it's too hot  
 23 down there, you don't need one, I guess.  
 24 But, yes, I'm not sure I answered that question properly.  
 25 MS. THELMA BUCHHOLDT: No. But, yeah, it answered from

1 the other question we had, on the spirit days that you're  
 2 talking about,.....  
 3 MR. J.B. MALLOTT: Uh-huh.  
 4 MS. THELMA BUCHHOLDT: ....you know, spiritual thing.  
 5 But what I was saying is that if a prisoner in Arizona has  
 6 committed a crime or was convicted of a crime against a Native  
 7 person, that in some Native organizations, they feel that they  
 8 don't need to come back to the state in local prisons or state  
 9 prisons within the state of Alaska.  
 10 MR. J.B. MALLOTT: Well, that's true; Native people are  
 11 being ignored by organizations out here that could be of great  
 12 value and assistance. I think also that the parole and  
 13 probation guidelines call for all those released from prison  
 14 must be released in Anchorage or Fairbanks or in a  
 15 metropolitan area where there are parole officers and so on.  
 16 So these people that you're referring to aren't even  
 17 allowed to go back to the village for that one same reason  
 18 alone. Whether or not they would be accused or further  
 19 castigated for their offense, whatever it may be, I know for  
 20 sure that the main and most important offense is various forms  
 21 of assault. And, truthfully, this is a part of Native  
 22 culture. Remember how we used to come in from school with a  
 23 black eye, and dad would say, did you win?  
 24 UNIDENTIFIED VOICE: No.  
 25 MR. J.B. MALLOTT: Well, you get back out and don't you

1 come till you win. Well, that's the way it is in the village.  
 2 I mean we're taught to be strong and courageous so that we'll  
 3 be better able to live a subsistence way of life and be able to  
 4 care for ourselves and others that are with us. That's a way  
 5 of life. So.....  
 6 MS. THELMA BUCHHOLDT: Okay. Thank you.  
 7 MR. MICHAEL WALLERI: Well, I guess if I could have one  
 8 follow-up. I'm not so sure I got the answer to Thelma's  
 9 question.  
 10 MS. THELMA BUCHHOLDT: Uh-huh.  
 11 MR. MICHAEL WALLERI: Do you agree with that policy? In  
 12 other words, do you agree with the idea that it makes it -- as  
 13 to whether or not prisoners should come back from Arizona, do  
 14 you think it makes a difference whether or not they committed  
 15 a crime against a Native or a non-Native?  
 16 MR. J.B. MALLOTT: I'm not sure that I know enough about  
 17 that particular subject. I know that I myself have faced some  
 18 vast criticism. My character is crucified. I no longer have  
 19 any credibility in the Native community.  
 20 I was convicted of a statutory rape in 1976, and that  
 21 has followed me all these years. I cannot work for Native  
 22 organizations. You're going to have a lot of politics  
 23 involved in this as well. There's just a lot of things that I  
 24 am completely out of the loop.  
 25 Well, the same thing applies to the question you asked;

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1 yes, there is a lot of that. I suppose you could call it  
 2 Native discrimination on Natives.  
 3 MR. MICHAEL WALLERI: Okay. Thank you.  
 4 MR. J.B. MALLOTT: And that's the way it works.  
 5 CHAIRPERSON GILBERT GUTIERREZ: Thank you all. We sure  
 6 appreciate your time.  
 7 MR. J.B. MALLOTT: No, thank you.  
 8 CHAIRPERSON GILBERT GUTIERREZ: And I want to close the  
 9 session at this time.  
 10 This concludes the latest session on these topics by the  
 11 Alaska Advisory Committee to the U.S. Commission on Civil  
 12 Rights. We thank the participants for their candor and  
 13 comments. We await the transcript of these proceedings.  
 14 Please remember that the record of this meeting will  
 15 remain open for a period of 30 days following our conclusion  
 16 today. The Advisory Committee will evaluate the material it  
 17 has collected and determine if additional such open meetings  
 18 will be necessary. We stand adjourned. Thank you.  
 19 (Hearing adjourned)  
 20 (Off record 6:15 p.m.)  
 21 \* \* \* \* \*  
 22 END OF PROCEEDINGS  
 23  
 24  
 25

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1 CERTIFICATE  
 2 UNITED STATES OF AMERICA )  
 3 STATE OF ALASKA ) ss.  
 4 I, Shirley Cohen, Notary Public in and for the State of  
 5 Alaska, and Reporter for Accurate Transcript Reporting, do  
 6 hereby certify:  
 7 That the foregoing pages 01 to 190 are a true,  
 8 accurate, and complete transcript of proceedings in the two  
 9 day session of the Alaska Advisory Committee to the U.S.  
 10 Commission on Civil Rights, held on October 25, 2001,  
 11 recorded and transcribed by me from a copy of the electronic  
 12 sound recording to the best of my knowledge and ability.  
 13  
 14 THAT I am not a relative, employee or attorney of any  
 15 of the parties, nor am I financially interested in this  
 16 action.  
 17  
 18 IN WITNESS WHEREOF, I have hereunto set my hand and  
 19 affixed my seal this 5th day of November, 2001.  
 20  
 21  
 22  
 23  
 24  
 25

SHIRLEY L. COHEN  
 Notary Public in & for Alaska  
 My Commission expires:02/14/03

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