

**UNITED STATES SENATE
COMMITTEE ON INDIAN AFFAIRS**

**Oversight Hearing to receive testimony on “The Indian Law
and Order Commission Report: A Roadmap for Making
Native America Safer”**

February 12, 2014

**Testimony of Tami Truett Jerue, Tribal Administrator and Director of
Social Services, Anvik Tribal Council, Alaska**

Chairman Tester, Vice-Chairman Barrasso and distinguished Members of the Committee, thank you for holding today’s hearing on the Indian Law and Order report. I would also like to personally thank the Commission for its hard work and commitment to Alaska. My name is Tami Truett Jerue and I am from the village of Anvik, an Athabascan village located on the Yukon River in Western Interior Alaska. Anvik is a small Deg Hit’an Athabascan community with a very rich history. We are located on the west bank of the Yukon River in Interior Alaska, just inside the old mouth of the Anvik River along the hillside. We are a very isolated, federally recognized Tribe with 275 enrolled citizens, for whom we have responsibility to protect and serve. We are not on the State’s road system and we travel in and out of the village by air, boat, or snow machine.

I am honored to also speak for the 37 federally recognized tribes that make up the Tanana Chiefs Conference, an inter-tribal health and social services consortium that serves an area of Interior Alaska that is almost the size of Texas, and I bring the message of over 200 tribes across Alaska.

As a life-long village resident and tribal social services director, with 30 years of professional experience in tribal child protection, domestic violence, sexual assault, substance abuse and therapeutic counseling, I assure you that the Law and Order Commission Report’s chapter dedicated to Alaska is no exaggeration, and that the statistics, data, quotes and findings in the 23 page chapter only briefly touch on the social ills that Alaska Natives confront and seek to change. Everything you have read in this Report about levels of violence and assault in our Alaska Native communities is absolutely true. We have the most severe rates of domestic violence and sexual assault compared to any other communities in the United States. Yet as tribal governments, the crippling legal structure crafted by Congress and the State of Alaska have severely compromised our ability to do anything more to heal and protect our people.

We agree with the Commission’s statement that “ANCSA got Indian policy in Alaska wrong.” To be sure, ANCSA was well-intentioned, and we applaud the efforts of the many ANCSA corporations’ boards and staff that carry-out well the missions of their various companies. ANCSA corporations have certainly had positive impacts on the Alaskan economy. At the same time, because of ANCSA and the flawed interpretations of ANCSA by the Supreme Court and

by the State of Alaska, Alaska Tribes today are denied the most basic of governmental tools necessary to exercise true local self-government and to reverse the alarming and tragic rates of violence, substance abuse and suicide. It is Congress's duty to fix this flawed structure, and to reverse and discontinue the practice of exempting Alaska Tribes from national policies and programs that are available to Tribes everywhere else; our tribal children and communities, our women, will all continue to suffer if nothing is done.

I ask that you seriously consider carrying out all the Commission's recommendations. For today, let me just discuss a few of them.

First, Alaska tribes need a land base to provide public safety, quality education, natural resource management, and economic opportunity for our tribal citizens. This land base can be created by two means: first, by clarifying land status; and second, by giving Alaska Tribes the option to have their lands placed into trust. Finally, to protect Alaska Native women it is essential that Section 910 of VAWA be repealed, as TCC President Isaac requested in his recent testimony on S.919 (a bill to amend Title IV of the Indian Self-Determination Act, and for other purposes).

The Indian Country status of townsites and allotments must be clarified.

An immediate step this Committee can take to provide a land base to Tribes in Alaska is to confirm the Indian Country status of the approximately 6 million acres of individual Native allotments and communal village townsites located throughout the state. These lands, presently held in restricted fee status and not related to ANCSA, already satisfy the "federal supremacy" requirement for Indian Country described by the Supreme Court in the *Venetie* decision. Furthermore, their prevalence in scores of Villages across Alaska already provides many tribal governments with an existing land base upon which to exercise authority.

The Interior Department has been reluctant to affirm the legal status of these lands through regulation, adjudication or the issuance of a firm legal opinion. By providing minor alterations to the definition of Indian Country, this Committee is uniquely situated to bring clarity to this long-unsettled issue. I respectfully urge this Committee to enact legislation confirming that Alaska Tribes (1) have an existing land base in the form of townsite and allotment lands, and that (2) that land base enjoys the same legal Indian Country status as exists for Indian lands in the lower 48 States.

Alaska tribes should be able to have their land taken into federal trust status.

Tribes in Alaska, like all other federally-recognized Tribes, exercise and enjoy a government-to-government relationship with the United States. But when it comes to trust lands, we have again been treated differently from other Tribes in the United States. Until recently, Alaska's Tribes were prohibited from petitioning the Secretary of the Interior to place our lands into trust status under Section 5 of the Indian Reorganization Act. Although the trust lands issue is presently in litigation, and despite a victory for our Tribes, I want to emphasize to this Committee that the present federal policy remains one of prohibition: Alaska's tribes are still denied the right to have our lands placed into trust status.

What our communities seek is choice; we seek the right to decide for ourselves whether trust lands status is in the best interests of our Tribes and our tribal communities. Some Tribes may conclude that it is in their best interest to have local lands be in ANCSA corporate ownership. Others may conclude it is in their best interest to have their tribal lands be in fee simple ownership. But some will decide it is in their best interests to have their lands protected through federal trust status, and that choice should be ours, alone, to make. This is the heart of tribal self-determination and self-governance. Tribes in Alaska deserve the opportunity to maximize their self-determination just as much as any other Tribes in America.

Placing land-into-trust would enhance the ability of our Tribes to provide public safety and related services to village residents, concurrent with the State of Alaska. Many of our Tribes are ready and able to take on such public services with some adjustments to local tribal ordinances, and codes, and with existing funding available through federal agencies like the Bureau of Indian Affairs and the Department of Justice. In the Interior region of Alaska, most of our Tribes have active tribal courts, but current funding constraints and narrow jurisdiction limit our opportunities to heal our people, address drug and alcohol issues, and protect our women and children from domestic violence.

Section 910 of VAWA must be repealed.

Section 910 of the recently reauthorized Violence Against Woman Act (VAWA) prevents 228 Alaska Tribes and their tribal courts from being able to adequately address domestic and sexual violence in our communities. This Alaska Exception is one of many such unwarranted exceptions that have treated Tribes in Alaska differently from Tribes in the Lower 48. Given our extraordinarily high numbers of domestic violence and sexual assault, Section 910 only further endangers our communities. This measure is ethically repugnant and must be repealed at once. Last month, Tanana Chiefs Conference President Jerry Isaac encouraged this Committee to repeal Section 910 at once as it considers Senate Bill 919. I join President Isaac in respectfully encouraging you to add a provision to S.919 repealing section 910 of VAWA and to mark-up and pass S. 919 as swiftly as possible. As President Isaac so eloquently said: “Our women cannot wait. Our Children cannot wait.” The time to act is now.

The Alaska Safe Families and Villages Act (S.1474) should be amended and swiftly enacted into law.

Finally, I respectfully request that this Committee consider and amend S. 1474, the proposed Alaska Safe Families and Villages Act. S. 1474’s current provisions should be merged with S. 1192, which was considered in the 112th Congress. It is absolutely essential that, without regard to technical land titles and the technical “Indian country” status of lands or tribal communities, our Tribes must have the tools necessary to combat drug and alcohol abuse, domestic violence, and violence against women. Fighting these scourges in our communities and healing our people cannot be made to stand on technicalities. We need to get to work, and now. And we need Congress’s help to do that. The State is not the problem, because the State is nowhere to be found in most of our Villages. It is our sacred responsibility to protect our people, and Congress has an equally sacred obligation to our Tribes, to our women and to our children, to enact a bill that will, once and for all, secure to our Tribes the tools necessary to do

so. Please amend and pass the Alaska Safe Families and Villages Act. Today, the Tribes of Alaska come to you, not as victims of a failed governmental policy, but as powerful and responsible advocates for our people. We are stepping up to do what we must do. But without equally firm action from Congress, our people will suffer, we will continue with decades more of litigation battles, and loopholes will continue to be found which deny our Tribes the funding necessary to improve law and order in our communities. Our tribal courts will continue their work as best they can—they have courage and commitment I cannot begin to convey here today—but they will remain handicapped and our communities will continue to suffer. Real, lasting, positive change will escape us.

As you consider the Law and Order Commission's Report and Recommendations, please consider my story, my extended family, and my small but precious community. To me, the statistics revealed in this Report tell the story of real people who I love and care for. They deserve better. Please equip our Tribes with the practical and effective tools we need to heal ourselves. If Congress does its part, we will do ours.

Thank you for the opportunity to testify today on the Commission's historical report. And many thanks to the incredibly brave women from our Tribes who shared their personal and horrific stories with the Commission. They are silent no more, and your hearing today honors them more than anyone.