



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians
Resolution #REN-19-011

TITLE: Calling Upon Congress Promptly to Enact Legislation Recognizing the Jurisdiction of Tribal Nations in Alaska to Prosecute Domestic Violence, Sexual Violence, Child Abuse, and Related Crimes in Alaska Native Villages

EXECUTIVE COMMITTEE

PRESIDENT
Jefferson Keel
Chickasaw Nation

FIRST VICE-PRESIDENT
Aaron Payment
Sault Ste. Marie Tribe of Chippewa Indians of Michigan

RECORDING SECRETARY
Juana Majel-Dixon
Pauma Band Mission Indians

TREASURER
W. Ron Allen
Jamestown S'Kallam Tribe

REGIONAL VICE-PRESIDENTS

ALASKA
Rob Sanderson, Jr.
Tlingit & Haida Indian Tribes of Alaska

EASTERN OKLAHOMA
Joe Byrd
Cherokee Nation

GREAT PLAINS
Larry Wright, Jr.
Ponca Tribe of Nebraska

MIDWEST
Shannon Holsey
Stockbridge Munsee Band of Mohicans

NORTHEAST
Lance Gumbs
Shinnecock Indian Nation

NORTHWEST
Leonard Forsman
Suquamish Tribe

PACIFIC
Brian Poncho
Bishop Paiute Tribe

ROCKY MOUNTAIN
VACANT

SOUTHEAST
Nancy Carnley
Ma-Chis Lower Creek Indians

SOUTHERN PLAINS
Zach Pahmahmie
Prairie Band of Potawatomi Nation

SOUTHWEST
Joe Garcia
Ohkay Owingeh Pueblo

WESTERN
Quintin C. Lopez
Tohono O'odham Nation

CHIEF EXECUTIVE OFFICER
KEVIN ALLIS
FOREST COUNTY POTAWATOMI COMMUNITY

NCAI HEADQUARTERS
1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, domestic violence rates in Alaska are ten times the national average, sexual assaults against Alaska Native women are 12 times the national average, and many offenders are non-Native; and

WHEREAS, Alaska Native women are over-represented by 250 percent among domestic violence victims, considering that Alaska Natives comprise just 19 percent of the state population yet are 47 percent of reported rape victims; and

WHEREAS, every 18 hours an Alaska Native woman is sexually assaulted; and

WHEREAS, one out of every four Alaska Native youth suffers post-traumatic stress disorder (PTSD) due to childhood exposure to violence – the same rate as Afghanistan War veterans; and

WHEREAS, the suicide rate in village Alaska is six times the national rate, alcohol-related mortality rate is 3.5 times the national rate, and 95 percent of rural crimes are alcohol related; and

WHEREAS, state-based law enforcement is virtually nonexistent in most Alaska Native villages because state troopers are only present in hub cities, and state-funded Village Public Safety Officers are only present in 42 out of 229 Alaska Native villages; and

WHEREAS, tribal jurisdiction in village Alaska, while concurrent with the State of Alaska, was effectively eliminated by the 1971 Alaska Native Claims Settlement Act, and most crimes do not occur on the few remaining lands that constitute “Indian country” under federal law (i.e., allotments, townsite lots, and trust lands); and

WHEREAS, effective tribal jurisdiction in village Alaska has been further eroded by gravely insufficient resources directed towards tribal nations in Public Law 280 States for tribal law enforcement and tribal courts; and

WHEREAS, the Supreme Court in *Alaska v Native Village of Venetie* held that lands conveyed to Native corporations under the 1971 Alaska Native Claims Settlement Act do not qualify as “Indian country” under federal law; and

WHEREAS, the Tribal Law and Order Commission found that “Alaska Department of Public Safety (ADPS) officers have primary responsibility for law enforcement in rural Alaska, but ADPS provides for only 1.0-1.4 field officers per million acres.” Without a strong law enforcement presence, crime in Alaska Native villages occurs with impunity; and

WHEREAS, the 2013 Indian Law and Order Commission report states: “The strongly centralized law enforcement and justice systems of the State of Alaska...do not serve local and Native communities adequately, if at all. The Commission believes that devolving authority to Alaska Native communities is essential for addressing local crime. Their governments are best positioned to effectively arrest, prosecute, and punish, and they should have the authority to do so – or to work out voluntary agreements with each other, and with local governments and the State on mutually beneficial terms”; and

WHEREAS, NCAI has previously recognized the urgent need for legislative reforms addressing the unique challenges to public safety in Alaska in Resolution REN 13-006 “Protect Alaska Native Women,” which recognized that tribal governments must have criminal and civil jurisdiction over all persons in their communities, regardless of land ownership, in order to permit Alaska Tribes to enforce the rule of law, provide for civil society according to tribal customs, traditions and laws, and reverse stunning rates of domestic violence, sexual violence, other alcohol- and drug-related crimes, unacceptable rates of suicide, and unacceptable rates of child abuse and neglect and address comprehensive public safety issues within their communities; and

WHEREAS, to be effective and to avoid tragic loopholes, tribal criminal and civil jurisdiction in village Alaska must apply to all persons, Native and non-Native alike; and

WHEREAS, most federal jurisdictional, data gathering and other public safety laws reference application of the laws to a tribal nation’s “Indian country,” which often effectively leaves out tribal nations in Alaska and their communities, and

WHEREAS, tribal nations in Alaska wish to work in collaboration with state and federal authorities to best exercise effective concurrent tribal, federal, and state jurisdiction; and

WHEREAS, Congress in 2011 considered a bill, which NCAI supported, that would have recognized tribal jurisdiction in Alaska Native villages over drug and alcohol and related matters, and over any tribal member or person having consensual relations with a tribal member in the village; and

WHEREAS, in 2019 the House sent to the Senate amendments to the Violence Against Women Act (H.R. 1585) which, as amended at the request of Congressman Don Young (AK-R), would authorize certain villages to exercise criminal jurisdiction over certain domestic and sexual violence-related offenses against all persons present within an Alaska Native village; and

WHEREAS, the population of more than 100 Alaska Native villages is 70 percent or more Alaska Native; and

WHEREAS, recognizing tribal territorial jurisdiction in village Alaska over all persons continues the United States' commitment to maximizing tribal self-determination and self-governance and addressing dangerous public safety concerns in village Alaska; and

WHEREAS, Article 22 of the UN Declaration on the Rights of Indigenous Peoples requires states to ensure that Indigenous women and children enjoy full protection against all forms of violence and discrimination.

NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI) calls upon Congress to promptly enact legislation recognizing the urgent public safety crisis in Alaska Native communities and the concurrent criminal and civil territorial jurisdiction of federally recognized tribal nations in Alaska over all lands and persons within Alaska Native villages in connection with matters concerning domestic and dating violence, sex trafficking, sexual violence, stalking, obstruction of justice, and assault upon law enforcement and corrections officers (all as listed in H.R. 1585, the proposed House-passed VAWA amendments), and drug-, alcohol- and child-abuse-related offenses, such jurisdiction either to be automatic for any village having at least 70 percent Alaska Native population or to be recognized on an expedited pilot project basis of no fewer than five Tribes per year for the next 10 years; and

BE IT FINALLY RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

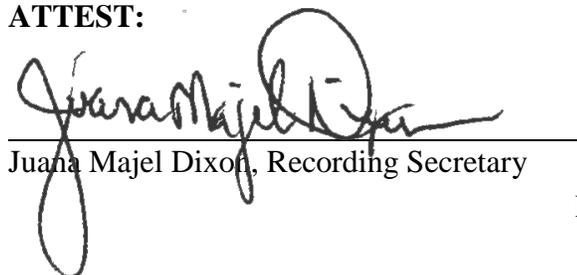
CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2019 Mid-Year Session of the National Congress of American Indians, held at the Nugget Casino Resort, June 24-27, 2019, with a quorum present.



Jefferson Keel, President

ATTEST:



Juana Majel Dixon, Recording Secretary