

# **ALASKA NATIVE WOMEN'S RESOURCE CENTER**



November 29, 2017

The Honorable Senator Steve Daines  
United States Senator for Montana  
320 Hart Senate Office Building  
Washington, D.C. 20510  
Sophie\_Miller@daines.senate.gov

re: Repurposing Tribal Court Protection Order Registry Funding

Dear Senator Daines,

You have asked for the Alaska Native Women's Resource Center's opinion about repurposing the funds authorized and appropriated under VAWA 2005 Safety for Indian Women Title to create a tribal Domestic Violence Protection Order and Sex Offender database, specifically to direct the funds to expand the Tribal Access Program (TAP). Repurposing the funds allocated for the tribal registries will allow the funds to support urgently needed resources to expand the TAP program.

While we are enthusiastic to hear that the TAP program is being considered for expansion and it makes sense to use the unused funds from the Tribal Registry, we think it relevant that we provide information about the unique character of Alaska and as a result of how TAP in its current form, 228 out of the 229 tribes in Alaska would be left out, hence 40% of the nation's tribes. Thus, a large percentage of Indian tribes under the current system are delayed the direct ability to enter and access information regarding protection orders and sex offenders. Therefore, specifically including all Alaska Tribes as eligible for the TAP program should be considered.

Historically, Alaska tribes, for various reasons, have been treated differently than lower 48 tribes, often making fundamentals of tribal court jurisdiction difficult to understand or ascertain. In a rather remarkable turn of events, the federal government settled its land claims with the aboriginal people of Alaska not by compensating the tribal governments of the aboriginal people, but rather by establishing corporations whose shareholders would be the aboriginal people and bestowing on those corporations the goal of leveraging the land and money received in compensation to operate for-profit businesses. With the passage of the ANCSA in 1971, the only remaining reservation in the state is the Annette Island Reserve in Southeast Alaska. Rather than recognize sovereign tribal lands, ANCSA tasked the for-profit corporations to manage more than 40 million acres of fee land. ANCSA divided the state into 12 regional

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corporations and over 200 village corporations that would identify with their regional corporation. Many of these villages had corresponding tribal village governments, but with the passage of ANCSA, no meaningful land base. As a result, unlike most court systems that have defined territorial jurisdiction and personal jurisdiction, Alaska Tribal courts generally exercise jurisdiction through tribal citizenship, and not through a geographic space defined as “Indian Country” because of ANCSA and in part due to a United States Supreme Court case. Because of this unique jurisdictional framework, Alaska Tribes, with the exception of Metlakatla, are not eligible for TAP as it currently exists.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Tami Truett Jerue'. The signature is fluid and cursive.

Tami Truett Jerue, Executive Director

Cc: Senator Lisa Murkowski

### ***About the Alaska Native Women's Resource Center***

Organized in 2015, the Alaska Native Women's Resource Center (AKNWRC) is a nonprofit organization dedicated to ending violence against women with Alaska's 229 tribes and allied organizations. AKNWRC Board Members are Alaska Native women raised in Alaska Native Villages and have 141 years of combined experience in tribal governments, nonprofit management, domestic violence, and sexual assault advocacy (both individual crisis and systems and grassroots social change advocacy at the local, statewide, regional, national and international levels), and other social service experience. AKNWRC's philosophy is that violence against women is rooted in the colonization of indigenous nations. For more information, visit: [www.aknwrc.org](http://www.aknwrc.org).