

Akiak Native Community

Akiak IRA Council

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VAWA 2013 Annual Consultation

Written Testimony

Submitted by

Akiak Native Community

Michael Williams, Tribal Council Representative

January 14, 2014

Akiak, Alaska

My name is Michael Williams, and I currently serve as the Secretary/Treasurer of the Akiak Native Community, a Federally Recognized Tribe and Yup'ik Eskimo Village in Alaska. Akiak is located on the west bank of the Kuskokwim River, 42 miles northeast of Bethel. We have over 300 people who live in the Village of Akiak, which means "the other side" and have lived here for thousands of years according to our customs and traditions, including our ways of living evidenced through our subsistence harvest of traditional resources including fish and game and also as a dry village or one that prohibits alcohol. Our village is not on the state road system and is only accessible by air or through our river – by boat during the summer and snow machines in the winter. Weather dictates access into and out of the village, sometimes delaying travel for days or even weeks.

I was a draftee to the US Army in 1972 and stationed overseas in South Korea. I went to the University of Alaska, Kuskokwim College, after which I was hired as a Mental Health Outreach Supervisor and eventually was a Program Administrator serving 56 Villages. After my two older children were born, I built my house in the Village of Akiak and moved back to take up a job in the Village and raise my children. Upon my return, I was elected to the Tribal Government and have served for over 30 years in different capacities as Chief, 2nd Chief, Sec/Treasurer; as well as Chief for the Yup'ik Nation. I have been working as a Mental Health/Substance Abuse Counselor for decades seeing first hand the issues of suicide, domestic violence, sexual abuse, alcohol and substance abuse. I currently serve as Alternate Area Vice President of the National Congress of American Indians (NCAI) after serving eight years as Area VP, Board Member, and First Stewards; I have been a member of the NCAI Task Force on Violence Against Women and support the development of the Alaska Federation of Natives Task Force to Increase the Safety of Native Women established at the Annual Convention Oct. 2013.

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I have been an advocate for Alaska Tribal Sovereignty and ending violence against women in Alaska; ending suicide in Alaska; educational reform to include Indigenous Languages and Cultures; and an avid Sobriety/Wellness advocate by running the Iditarod Sled Dog Race 15 times <http://theteamwilliams.tumblr.com>, garnering sobriety pledges for years. I want to see Healthy environments in all of the communities throughout the Nation. I am married with five children and eight grandchildren.

Support Amending Section 904 to delete Indian Country and include Alaska Native Villages and Delete Section 910

President Obama signed the Violence Against Women Act in March 2013, which included the tribal provision Section 904 that recognized the exercise of inherent tribal authority over non-Indian domestic violence offenders. As you already are aware, the language "Indian country" is included in Section 904, and up until the 1998 Supreme Court Case *Alaska v. Venetie*, Alaska Native Villages were legally included within the definition of Indian country. All of the women included in the 1998 definition of "Indian Country" are better protected from this great Nation of ours, but the 228 Federally Recognized Tribes and most Alaska Native women were recently left out in the cold with the exception of the Metlakatla Indian Community, which is the only tribe currently recognized as having "Indian Country" within the State of Alaska. If the inclusion of Indian country within Section 904 was due to "draft errors," then there should be no resistance to immediately making the correction by removing these two words to give our Alaska Native women the same protections as our Native sisters in Metlakatla and the Lower 48 Tribes. Section 910 would also have to be removed all together.

As you already know, Native American women are 2.5 times more likely to be raped or sexually assaulted than other American women. This is as a result of living conditions created by governmental and corporate policies that prioritize profit over basic human rights.

Support Repeal Section 910 the Special Rule on Alaska

Living in a small, rural village in Alaska, and the vastness of Alaska often works against the victims in our villages, especially given the lack of services and resources in these rural villages. Currently, we have about 140 Native villages across the state with no State Law Enforcement. The State of Alaska has provided that they plan to place public safety officers in each village within the next ten years. In the meantime, depending on the weather, village residents are days from having a State Trooper available to protect and/or respond to violence and crimes and/or enforce the State's laws. Approximately 50 villages have village or tribal law enforcement, but about 90 villages have no protection whatsoever. Zero law enforcement, and those committing violence and crimes, especially against women and children are well

aware of this reality, resulting in the lack of accountability for offenders.

Recommendation that the USDOJ Issue a Clarification that Alaska Native Villages Retain the Authority to Issue Orders of Protection

It is nearly impossible to get a restraining order where there is no Judge in the village. In other instances, we have to travel to the nearest hub by a snow machine, boat, or airplane to get to the Court. When violence occurs, most people have nowhere to go for support. As a result and in response, we have mobilized our community to give support to victims.

About 86 percent of the perpetrators of our Native women are non-Native men. The passage of VAWA restored domestic violence jurisdiction over non-Indian abusers and civil protection order power over all persons to Tribal Courts. This is part of the answer for communities without State courts readily available to issue restraining and protective orders. The "Special Rule 910 for the State of Alaska" in VAWA 2013 has caused the confusion of many within the State and in the Villages that Alaska tribal courts cannot issue and enforce orders to protect our women. Many believe that Section 910 excluded the 228 Tribes in Alaska. Many Alaska Native villages, organizations and tribal leaders spoke out against this "rule" stating that Section 910 was the anti-Alaska Tribal provision in addition to "Indian country" in Section 904. Although Alaska Native Peoples comprise about 17% of the State of Alaska's population, we comprise about 50% of victims of domestic violence and about 62% of Sexual Abuse. The U.S. Department of Justice must send out written clarification immediately to the State of Alaska and all Alaska Native tribal governments that the only exception for Alaska Native tribes in VAWA 2013 is Section 904. The U.S. Department of Justice must send out written clarification immediately to the State of Alaska and all Alaska Native tribal governments that Alaska tribal courts can still issue civil protection orders against all persons that are enforceable by the State of Alaska under VAWA's Full Faith and Credit provision.

OVW Provide Support for Tribal Sexual Assault Services

The Oil Boom in the Bakken area of Montana and North Dakota has received lots of recent attention in the media and by the U.S. Department of Justice, and is not new to Indian tribes and Native women. Anytime the environment has been disrupted or exploited in any way, Native tribes and Native women have experienced this disruption as violence. Alaska Native women have experienced such violence with several environmental disruptions throughout the history of the Russian and U.S. governments, including the building of the Trans-Alaska Pipeline and the effects of climate change like with permafrost thawing. This violence is evident in our high rates of suicide, cancer and other health problems, violence against women, alcohol/substance abuse related deaths, and the other numerous problems under

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Russian and U.S. government control. Perhaps OVW's Tribal Sexual Assault Services Program can be spent specifically developing Native advocacy services in the Bakken region and in Alaska, given the high rates of sexual assaults and severe need for advocacy for victims, especially in rural Alaska Native villages.

Grants to Tribal Government Grant Program Should be Changed to an Annual Formula Based Program

All too often, many Alaska Native village governments don't have the resources for a grant writer or have affordable consistent access to Internet, so applying for and administering discretionary Federal funds becomes inaccessible for many of our villages. In the 19 ½ years history of VAWA and the Office on Violence Against Women, how many Alaska Native village governments have applied for, received, and maintained funding to address these crimes, including the last several years under the Coordinated Tribal Assistance Solicitation Program? To my knowledge it is most likely not more than ten. This reality affects how engaged or not Alaska Native tribal governments are with OVW.

OVW and the Federal governments should reach out to corporations and/or Federal agencies that can address improving affordable Internet access in Alaska, especially in rural remote villages where the cost of living is extremely high. When services – such as shelter or law enforcement - have to prioritize how to use the little funding they receive, then too often paying for Internet access that is inconsistent and unreliable will fall off the priority list. Applying and administering OVW funds should also not be burdensome to tribes, especially smaller under-resourced tribes like Alaska Native village governments. Our women cannot afford to suffer without services and an appropriate systemic response because we don't have village-based advocates, grant writers, administrators, or lawyers to help advocate for our needs and for appropriate policies. For these reasons and many others, OVW should implement annual formula based funding to distribute the Tribal Government Program monies. With formula funding that has as streamlined an application and administration process as possible, Alaska Native tribal governments can be ensured increased and consistent access to critical life-saving resources.

Creation of an Alaska Based OVW Office and Alaska Specific Programing

In addition, because of the 4 hour time difference between Alaska and Washington, D.C., we only have access to OVW and Department staff half of the time. OVW should open an office in Alaska staffed by individuals who understand the unique legal and jurisdictional circumstances of Alaska Native tribes with the understanding that policies must be changed and designed to meet the specific needs of Alaska Native tribes given their histories and realities. Staff working with tribes should be well trained and fully understand the tribal

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provisions within VAWA and other Federal laws. If staff are not already well versed in VAWA and other Federal laws when they are hired, then they should be required within their on-the-job training time to become well versed, and OVW and the Department should work with tribes and allied tribal organizations to develop such training. This would be one way to ensure meaningful consistent government-to-government consultation between the Federal government and Alaska Native tribes. OVW and the Department should also plan for regular consultations with Alaska Native tribes beginning this year paying for tribal leaders and their representatives to engage with Federal policymakers on the development of life-saving services.

OVW technical assistance and training provided to Alaska Native tribes has not historically been fully informed about our legal and jurisdictional challenges and barriers. All OVW technical assistance and training that Alaska Native tribes are required to attend must be designed to specifically address the unique legal and jurisdictional circumstances of Alaska Native tribes. Work with us to support the development of our capacity to develop local village, Native-based solutions. Fund us to support networking and coalition building amongst ourselves, as some of us have accomplished through the Alaska Native Women's Coalition, the Yup'ik Women's Coalition, and the recent development of the Alaska Federation of Natives Task Force to Increase Native Women's Safety.

Recognition of the Alaska Subsistence Way of Life

Last, as I stated earlier, many Alaska Native people still live and practice our subsistence way of life, and when grant deadlines and events occur during our subsistence activities, you are asking us to choose between what has ensured our people's survival for thousands of years and what is required by a 2 or 3 year grant. OVW and Federal agencies should respect our times of subsistence activities and not schedule deadlines and required grant events. The busiest subsistence times for people are from May to September where we gather the majority of our subsistence foods for the rest of the year.

Consult with Alaska Native tribal governments in a meaningful way and carry out your Federal trust responsibility to us that you accepted when you bought Alaska from the Russians. Spend meaningful time to understand our challenges and our strengths and find ways to institutionalize what you've learned in policies so that when there's a change in staffing, you minimize the amount of teaching we must start over with new Federal officials. We have survived for thousands of years and will continue to survive, and ask that you do what's right and not turn your backs away for any reason from the violence happening to our women and children, including when the State of Alaska says this is the State's business only. We are your business – our lives – the safety and health of our people are your Federal trust

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responsibility.

We have worked tirelessly to establish a working relationship with the State of Alaska through changes in State administration. We have experience in ongoing resistance to Tribes asserting and exercising tribal jurisdiction to enhance the quality of life we are entitled to and deserve as citizens of the United States and as Sovereign Peoples over a wide array of issues, including, but not limited to, public safety and justice, alcohol control, adoptions, and subsistence hunting and fishing.

We had high hopes when the State of Alaska initiated a "Choose Respect" movement throughout Alaska, and our People supported the idea, but it appears as has been the case for too long that choosing respect is not afforded to Alaska Native Women or tribal governments. The State cannot afford to protect our women and children in our villages, and they don't support and assist Alaska Native village governments in protecting our own people. Our women and children and all of our people deserve the safety, justice and resources and services that others in the state and around the country are afforded.

Akiak Native Community fully supports equal protections of our Women and Children in the VAWA with no exceptions to Alaska Tribes. Thank you so much for your attention.

Respectfully submitted,

A handwritten signature in dark ink, appearing to read "Michael Williams", written over a light blue horizontal line.

Michael Williams
Akiak Native Community