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Alaska Advisory Committee
to the
United States Commission on Civil Rights

August 23 and 24, 2001

Verbatim Transcript of Proceedings

Chairperson: Gilbert F. Gutierrez
Vice-Chairperson: Cruz Reynoso

Sheraton Hotel
401 East Sixth Avenue
Anchorage, Alaska



* * *

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Accurate Transcript Reporting
Anchorage, Alaska
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1 ALASKA ADVISORY COMMITTEE TO THE
2 U.S. COMMISSION ON CIVIL RIGHTS

3 Thursday, August 23, 2001

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**Alaska Advisory Committee
to the
United States Commission on Civil Rights**

Thursday, August 23, 2001

VOLUME I

Verbatim Transcript of Proceedings

Chairperson: Gilbert F. Gutierrez
Vice-Chairperson: Cruz Reynoso

Sheraton Hotel
401 East Sixth Avenue
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P R O C E E D I N G S

Alaska Advisory Committee
to the U.S. Commission on Civil Rights
Thursday, August 23, 2001

MORNING SESSION

(On record - 9:00 a.m.)

CHAIRPERSON GILBERT GUTIERREZ: Good morning. This meeting of the Alaska Advisory Committee to the United States Commission on Civil Rights will come to order.

I am Gilbert F. Gutierrez, Chairperson of the Alaska Advisory Committee. Joining the Advisory Committee today is Cruz Reynoso, Vice-Chairperson of the U.S. Commission on Civil Rights; Commissioners Yvonne Y. Lee and Elsie Meeks.

We are pleased with your interest in this topic, and we want to thank you for coming to Alaska, and you're certainly welcome here.

UNIDENTIFIED VOICE: Thank you very much.

CHAIRPERSON GILBERT GUTIERREZ: The U.S. Commission on Civil Rights is an independent, bipartisan, fact-finding agency first established under the Civil Rights Act of 1957. By Congressional mandate, the Commission is directed to:

1. Investigate complaints alleging that citizens are being deprived of their right to vote by reason of their race, color, religion, sex, age, disability, or national origin, or by reason of fraudulent

1 practices;

- 2 2. Study and collect information concerning legal
3 developments constituting discrimination or denial
4 of equal protection of the laws under the
5 Constitution because of race, color, religion,
6 sex, age, disability, or national origin, or in
7 the administration of justice;
- 8 3. Appraise Federal laws and policies with respect to
9 discrimination or denial of equal protection of
10 the laws;
- 11 4. Serve as a national clearinghouse for information
12 about discrimination; and,
- 13 5. Submit reports, findings, and recommendations to
14 the President and Congress.

15 Advisory Committees like this one, were established in
16 each State and the District of Columbia in accordance with
17 enabling legislation, and the Federal Advisory Committee
18 Act, to advise the Commission on matters pertaining to
19 discrimination or denials of equal protection of the laws
20 because of race, color, religion, sex, national origin, age,
21 disability, or in the administration of justice, and to aid
22 the Commission in its statutory obligation to serve as a
23 national clearinghouse for information on those subjects.

24 Commission regulations and the Federal Advisory
25 Committee Act call for each advisory Committee to:

- 1 1. Advise the Commission in writing of any
2 information it may have respecting any alleged
3 deprivation of citizen's right to vote and to have
4 the vote counted, by reason of color, race,
5 religion, sex, national origin, age, or
6 disability, or that citizens are being accorded or
7 denied the right to vote in Federal elections as a
8 result of patterns or practices of fraud or
9 discrimination;
- 10 2. Advise the Commission concerning legal
11 developments constituting discrimination or a
12 denial of equal protection of the laws under the
13 Constitution because of race, color, religion,
14 sex, national origin, age, or disability, or in
15 the administration of justice, and as to the
16 effect of the laws and policies of the Federal
17 government with respect to equal protection of the
18 laws;
- 19 3. Advise the Commission upon matters of mutual
20 concern in the preparation of reports to the
21 Commission, to the President and the Congress;
- 22 4. Receive reports, suggestions, and recommendations
23 from individuals, public and private
24 organizations, and public officials about matters
25 pertinent to inquiries conducted by the State

1 Advisory Committee;

2 5. Initiate and forward advice and recommendations to
3 the Commission about matters that the Advisory
4 Committee has studied; and,

5 6. Assist the Commission in the exercise of its
6 clearinghouse function.

7 The purpose of this meeting today is to obtain
8 information and public comment on allegations of a climate
9 of intolerance and racial discrimination in the
10 administration of justice, education and employment.

11 Since a hate crime incident in January of this year,
12 numerous activities have been undertaken by the Governor of
13 this State and the Mayor of Anchorage to determine the
14 extent of intolerance and bigotry and to outline potential
15 solutions for constructive change. The Advisory Committee
16 views this project as a valuable addition to the work that
17 has been accomplished and as a tool for future efforts to
18 assist all of Alaska's residents enjoy equal opportunity.

19 Based upon information collected at this meeting, a
20 summary report will be prepared for the U.S. Commission on
21 Civil Rights.

22 Other members of the Alaska Advisory Committee in
23 attendance during this meeting, I believe, is Daniel Alex,
24 Thelma Garcia-Buchholdt, Sylvia G. Carvajal, Robert
25 Gonzalez, Murilda C. Hayes, Beverly L. Masek, Mary A.

1 Miller, Thaddeus J. Owens, Mitchel J. Schapira, Rosalee T.
2 Walker, and Michael J. Walleri.

3 Also present with us today are Les Jin, Staff Director,
4 Ivy Davis and Mireille Ziesness of the Commission's
5 Washington, D.C. office; Thomas V. Pilla, Grace Hernandez
6 and Angelica Trevino, of the Commission's Western Regional
7 Office in Los Angeles; and, John F. Dulles, Regional
8 Director of the Commission's Rocky Mountain Regional Office
9 in Denver.

10 Please seek these individuals out if you require
11 assistance. The meeting is being held pursuant to Federal
12 rules applicable to State Advisory Committees and
13 regulations promulgated by the U.S. Commission on Civil
14 Rights. All requests regarding these provisions should be
15 directed to Commission staff.

16 I would like to emphasize that this is a fact-finding
17 meeting, and not an adversarial proceeding. Individuals
18 have been invited to come and share information with the
19 Committee relevant to the subject of today's inquiry. Each
20 person who will participate has voluntarily agreed to be
21 here today.

22 Since this is a public meeting, the press, and radio
23 and television stations, as well as individuals, are
24 welcome. Persons meeting with the Committee, however, may
25 specifically request that they not be televised. In this

1 case, we will comply with their wishes.

2 We are concerned that no defamatory material is
3 presented at this meeting. In the unlikely event that this
4 situation should develop, it will be necessary for me to
5 call this to the attention of persons making these
6 statements, and request that they desist in their action,
7 since such information will be stricken from the record if
8 necessary.

9 Finally, many of you may have questions regarding why
10 certain persons were invited to participate while others
11 were not. The Committee would like to acknowledge that this
12 has been a very important issue in this state, and many
13 individuals possessing particular knowledge, expertise, and
14 experiences have been involved in moving the discussion
15 forward. These issues have many voices.

16 Because of time and budget constraints under which we
17 operate, the Committee simply could not accommodate everyone
18 who wished to participate on scheduled panels today. The
19 Committee's goal, in assembling the individuals who all of
20 us will hear from today was to ensure that information is
21 obtained from the broadest and most diverse cross section of
22 voices on these issues as possible.

23 Each of the persons you will hear from today has
24 knowledge on the issues that we felt were important to
25 include in the record. This is not to say that others do

1 not have opinions and viewpoints that are just as important.
2 This is simply to say that as a group, we have attempted to
3 do the best that we could under the circumstances. We thank
4 you for your understanding of that.

5 In an effort to hear from others having differing
6 points of view, we have allocated time between 5:00 p.m. and
7 7:00 p.m. to hear from anyone who wishes to share specific
8 information with the Committee about the specific issues
9 under consideration.

10 At that time, each person or organization will be
11 afforded a brief opportunity to address the Committee.
12 Those wishing to participate in the open session must
13 contact a Commission staff before 2:00 p.m. this afternoon.

14 In the event that we are not able to hear from you in
15 the open session, the record of this meeting will remain
16 open for a period of 30 days following its conclusion
17 tomorrow. The committee welcomes additional comments,
18 additional written statements and exhibits for inclusion in
19 the record.

20 These items should be submitted to the Western Regional
21 Office of the U.S. Commission on Civil Rights, 300 North Los
22 Angeles Street, Suite 2010, Los Angeles, California 90012.
23 Any member of the Commission staff should be able to assist
24 you in this process for submitting information.

25 At this time, I would like to ask the Commissioners if

1 they would like to add something to the opening remarks.

2 COMMISSIONER CRUZ REYNOSO: Thank you, Mr. Chairman.
3 As indicated, my name is Cruz Reynoso. I'm Vice-Chair of
4 the U.S. Commission of Civil Rights. My fellow
5 Commissioners and I are very pleased to have been invited to
6 join the Advisory Committee for these very important
7 hearings.

8 It's often been said that a nation or a community is
9 judged by how it treats those with very little power, those
10 who need the help from that community. And I have found
11 that all too often when we go to have hearings, it's as if
12 we're listening to two different communities.

13 I happen to be from California and I recall having a
14 hearing something like this pertaining to the administration
15 of justice and we heard from all the public officials, the
16 Mayor, the county representatives, the Police Chief and so
17 on and to them everything seemed to be just fine.

18 Then we heard from a series of citizens and community
19 and religious representatives who told us of all the
20 problems they had. And it seemed to me as if we were
21 hearing from two different communities. So I just want to
22 suggest to you that it's very important in a hearing like
23 this that we hear, that we listen to what each of us has to
24 say about the issues at hand, the administration of justice,
25 education, employment.

1 I know from my previous readings and having visited
2 Alaska and from the reports from this Advisory Committee
3 that Alaska, like my own native state of California, has had
4 its own share of struggling. Let me put it this way,
5 struggling to have the reality of Alaska in terms of
6 equality and opportunity approximate its ideals because it's
7 ideals are indeed high.

8 In California it's sad to say we have a history where
9 for years there were laws that discriminated against Native
10 Americans, against African Americans, against Latinos and so
11 on, and slowly we've set those aside again in our own state
12 trying to approximate the ideals we've had for our own
13 community.

14 And Alaska, as I say, I believe has been going through
15 the same process. And I view the hearings that we have
16 today as an important step in listening to those who feel
17 that Alaska has not reached yet reached that ideal. And I
18 know that some folk are sometimes offended by the notion
19 that some in their community feel that way. But the reality
20 is that if some folk feel that way all the community must
21 listen whether they agree or disagree. So we're here very
22 much, Mr. Chairman, to listen and to be of any assistance
23 that we may be. I wonder if my fellow Commissioners want to
24 add a word.

25 MS. ELSIE MEEKS: Thank you and I'm very appreciative

1 to the State Advisory Committee for holding this forum. My
2 name is Elsie Meeks and I'm from the Pine Ridge Indian
3 Reservation in South Dakota. And I've been on the
4 Commission for almost two years, since 1999. And I've been
5 the first Native American to ever serve on the Commission,
6 and I've learned a great deal and had a great deal to learn.

7 I was very interested in coming to Alaska because I
8 understand the isolation that is here, the geographic
9 isolation of many Native people. And we experienced some of
10 that freedom. Is this on? It's not on?

11 CHAIRPERSON GILBERT GUTIERREZ: Can you hear? They
12 said that they could hear.

13 COMMISSIONER ELSIE MEEKS: Okay. No, I don't think so.
14 The tribes of South Dakota experience some of the same
15 isolation that -- a bit of the same isolation that Native
16 Alaskans do, not nearly as isolated. But I understand the
17 result that geographic isolation brings to Native people and
18 the sort of lack of power that occurs because of that.

19 So I hope that this can be a forum where Natives and
20 other minorities can talk about the issues that they feel
21 are important. We held a similar forum in South Dakota
22 regarding Native Americans and the justice system in South
23 Dakota. And many, many Native Americans came forward during
24 that forum and really spoke their mind and felt like it was
25 a good chance to get some dialog going. And I think that's

1 what we can bring here. You know, and we're not going to be
2 miracle workers. We're not going to solve all the issues,
3 but if we can bring them to light, get people talking about
4 them then at least we're on the road to making a difference.
5 Thanks.

6 COMMISSIONER YVONNE LEE: Good morning. I'm Yvonne
7 Lee, I'm from San Francisco, California. I again want to
8 thank the members of the Advisory Committee for putting this
9 together. This is a very important forum and I'm glad to be
10 here.

11 I just came back from Hawaii, which experiences similar
12 geographical isolation. Americans tend to think that Alaska
13 and Hawaii are sort of like not part of the country, and
14 what we learned from Hawaii is that we really need to
15 listen. We also need to make sure that the rest of the
16 country listens. So that's why we're here and I look
17 forward to a very important two days. Thank you.

18 CHAIRPERSON GILBERT GUTIERREZ: Thank you
19 Commissioners, and again welcome to Alaska.

20 I would like now to invite the overview panel that we
21 have invited to come forward. And that would be Ms. Julie
22 Kitka, President of the Alaska Federation of Natives;
23 Celeste Hodge, President of the National Association for the
24 Advancement of Colored People; Maria Rosas, Consultant,
25 retired from the State Department of Corrections and Dr. Won

1 Pal Chung, Chairman, Asian American Cultural Center. I want
2 to welcome you and thank you for the your participation
3 today. Go ahead.

4 MS. JULIE KITKA: My name is Julie Kitka, I'm the
5 President of the Alaska Federation of Natives. I thank you
6 for this opportunity to come and speak with you this
7 morning. I also want to extend a special appreciation to
8 the three members of the full U.S. Civil Rights Commission
9 for traveling up here as well and participating in this
10 beginning set of hearings, and express to you how important
11 it is that you are here and how much hope that generates
12 within the Native community that someone will pay attention
13 to the concerns and that people's issues and needs will not
14 be ignored.

15 First off, I want to just respond quickly to one of the
16 rules that was set out earlier as far as people in the open
17 session if they want to testify to notify staff by 2:00
18 o'clock. Unfortunately that will not work with our people
19 because of our history in participating in public forums
20 that people are used to if they come up and they sign up and
21 show up on that that they be allowed to testify and they're
22 not used to because of the way that we conduct our own
23 internal business and policy making, they're not used to
24 those kind of strict requirements.

25 And I'm afraid if you keep to that rule of signing up

1 by 2:00 o'clock you will not have attendance and
2 participation to the extent that you would. And so I would
3 urge you to maybe use that as a guideline, but be flexible
4 and accommodate all the people that show up on that.

5 I'll give you an example, just the different styles of
6 decision-making and policy-making, our Governor recently had
7 a Leadership Summit on subsistence, and it was a lot of
8 community and church leaders and business leaders in our
9 state, about 42 or so, even the whole idea of a Leadership
10 Summit on subsistence to our people -- when we call one of
11 those, we have about 900 of our people from all over and
12 they expect to fully participate in decisions affecting
13 their lives. So just I would urge you to be flexible on
14 that.

15 The second thing in regard to hearing processes on
16 that, I would really urge you to consider having a hearing
17 during our upcoming convention in October when we have
18 nearly 5,000 of our people in town. And which it will also
19 be televised live to all our communities as well as in the
20 urban areas on that. We will have a lot more people in town
21 and you will be able to hear from a lot of people that are
22 not able, that are either out hunting and fishing now or are
23 scattered across the state. So I would seriously urge and
24 encourage that.

25 The second thing I want to comment on is that we've had

1 a chance to review briefly the Hawaiian report that came out
2 and we were greatly encouraged by the Civil Rights
3 Commission expanding its focus and looking at indigenous
4 rights and indigenous self-determination because we think at
5 the heart of what is going here in the State of Alaska is we
6 are dealing with the remnants of colonialism and the
7 aspirations of Native people for greater self-determination
8 and control over decision making that affects their lives is
9 really at the heart of what we need to empower in order to
10 turn around some of the negative things that are going on
11 and some of the dismal statistics.

12 We also believe that we are living in historic times as
13 we look around the country and we look around the globe of a
14 convergence between both Human Rights issues and Civil
15 Rights issues in which the Human Rights community is seeing
16 that Human Rights are not just individual rights they can be
17 collective rights such as Native people's rights as a group
18 as well as a recognition of the importance of protecting
19 those rights for the cultural survival of the peoples in the
20 United States.

21 The different indigenous people as well as a
22 recognition that indigenous rights are really gaining a lot
23 of recognition in the Civil Rights community and the need to
24 work together. So we're very encouraged by this historic
25 convergence.

1 As I stated we're very pleased that you're here. We
2 had it submitted for the record in April and we hope that
3 you've all gotten our 19 page petition as well as a 150
4 pages of attachments of specifics that we want to bring to
5 your attention, we want your focus.

6 I want to put a little bit of background or perspective
7 on that as you take a look at that. And also to inform you
8 that we intend to be submitting since your process is
9 ongoing and you'll be going to other parts of our state over
10 the course of the next year and a half, different specific
11 reports and statistics to try to help you in your
12 deliberations as you write your report.

13 But as I said I hope that when we're taking a look at
14 what the stated purpose of this hearing and you coming to
15 Alaska what it reminds me of is that this is really a matter
16 of life and death for people in our state. It is a very
17 serious matter and we don't want to mince any words with you
18 of how important it is.

19 It's our belief that the actions that we take today and
20 the actions that you are here putting a spotlight on and
21 helping raising the visibility of people's concerns and
22 needs will really have a great impact on people's lives
23 today as well as the next generation here in our state.

24 It is our view and every country has its blind spots
25 when it comes to Human Rights, Civil Rights. In the United

1 States and here in Alaska we believe that the blind spots
2 are crystal clear to the Native people who live here.

3 One blind spot allows a subsistence hunting and fishing
4 issue to fester for years and remain unresolved with Alaska
5 Natives relegated to the sidelines and unimportant in the
6 political decision making that is being made by the State of
7 Alaska and the Congress of the United States. These
8 decisions that are going on affect our ability to maintain
9 our distinct cultures and communities, our peoples very way
10 of life.

11 Another blind spot allows the state of Alaska to ignore
12 and wish away the existence of our Native tribes and also
13 relegate Alaska Natives to the sidelines on issues of
14 importance to our ability to govern ourselves or have input
15 into state decisions which affect our daily lives.

16 Another blind spot allows statistics to accumulate of
17 misery affecting individuals, their families and communities
18 and receive barely a blip on the screen. And to talk about
19 issues such as why has the suicide rate of Alaska Natives
20 gone up 300 percent since statehood. Why do we have such
21 high homicide rates and violence against and among our own
22 people?

23 Is law enforcement and justice color-blind or if you
24 are White and you have money and status you deserve adequate
25 police protection; but if you are homeless without money and

1 have no status you're at the mercy of the worst elements of
2 our society to prey upon you without repercussions. Is this
3 why in the area of sexual assaults, Alaska Native women from
4 the period of time from 1995 to 1999, over 600 sexual
5 assaults have been perpetrated against our women? Almost 42
6 percent of all going on in the city of Anchorage, and yet
7 the majority of them remain unresolved. In 1999 alone 54
8 percent of the sexual assaults reported were of Alaska
9 Native women.

10 We believe that a process of dehumanization has been
11 going on in this state in which fellow Alaskans do not see
12 minority people and, in particular, Alaska Native people as
13 other human beings deserving of respect and dignity. And
14 therefore, you do see report after report being shelved and
15 not acted upon, statistic after statistic accumulating and
16 yet you're hitting up against a roadblock; people don't see
17 that that is real individuals and real people behind those
18 statistics. 600 rapes and assaults against Native women in
19 a short period of time, a very minuscule amount of them ever
20 prosecuted and resolved. I mean that is a national
21 disgrace. And again we think that it is this process of
22 dehumanization that people do not see these -- the people
23 behind the statistics and what it going on.

24 We think that this process of dehumanization is
25 something that is common in this world and is witnessed in

1 all times and places but it's very destructive as history
2 teaches us. And we hope that the Civil Rights Commission by
3 coming here will help expand the circle of understanding
4 that Native people must be accorded dignity and respect for
5 who we are and who we want to be in the future. And the
6 darker aspects of our human experiences, the blind spots
7 must go unchallenged.

8 And we would like to put into the record a series of
9 reports that have been done over the years in which we have
10 tried to highlight what is going on, everything from a
11 report on "A Call to Action" published in 1989 which was
12 kind of a snapshot of statistics to the Alaska Native
13 Commissions report which is a joint Federal/State
14 Commission, a two year process with numerous hearings around
15 the state with lots of findings and yet our state
16 legislature failed to have even one hearing on the end of
17 that process.

18 So we have a series of reports and statistics, so it's
19 not a matter of generating new information, it is putting a
20 spotlight and putting the attention on what needs to be done
21 and letting our people that are most vulnerable get the
22 attention that needs to be paid.

23 And it's also our hope at the end of this process that
24 the people that are most victimized and that are most
25 receiving the brunt of this negative aspect of human

1 behavior their lives are improved. For example, we're all
2 familiar with the paint ball episodes on that but will those
3 people that were the victims of that or will those other
4 people that are homeless and on the streets, will their
5 lives be improved by anything that we have all done or does
6 their life just continue and they continue to have to fend
7 for themselves. And I think that's a standard that we have
8 to put forward in front of the Commission and in front of
9 ourselves, that all our efforts has got to result in direct
10 improvements in individuals and communities lives.

11 It's not enough to just to have headlines in the
12 newspapers and a year from now we've got to be able to see
13 measurable improvements. We've got to see measurable
14 improvements in such as the statistics of violence and the
15 suicide rates and the assaults and so forth on that, that
16 anything less then that just makes a sham of the democracy
17 in our country.

18 I'd also like to say that as Native people each of our
19 groups have followed different paths and all of us will
20 continue to follow different paths. And we are not saying
21 we are victims and we were left at the mercy of everyone
22 else. We are doing a lot of things for ourselves and we
23 have a lot of strong programs going on and a lot of strong
24 leaders that are trying to do things. We have issued
25 reports on successes that need to be emulated and

1 encouraged.

2 We have a report, for example, on Native self-
3 governance in the state, and we have highlighted 11
4 communities that are doing wonderful things in our state
5 that need to be encouraged. And this whole issue of
6 encouraging people, self-determination and decision making,
7 so it's not a matter of a lack of models, a lack of things
8 going on, it's a matter of empowering our people to
9 accomplish things to improve their communities.

10 I'd also like to say we are continuing to reach out to
11 other minority communities in our state. And I'm pleased to
12 say that we have gotten nothing but cooperation and a lot of
13 respect and encouragement from other people in the Native
14 community here in Alaska tends to reciprocate and help one
15 another, so I'm very encouraged by that.

16 I also want to briefly just point to the issue of
17 government and the government's role in effecting the lives
18 of people. And want to say if you take a look at our
19 petition and the statistics we put out you will see that we
20 allege that the state government, in particular the state
21 legislature has created an atmosphere of intolerance in the
22 state by their actions, by their decisions on the
23 appropriations process by their withholding of resources to
24 critical needs in the rural areas, by their lack of funding
25 of things where courts have even determined that people's

1 Civil Rights have been violated.

2 For example in the Kasilie (ph) case, that the state
3 legislature in particular has created and fostered an
4 atmosphere of intolerance that not makes people do bad
5 things against Native people and other minorities but
6 creates an atmosphere of intolerance where things like that
7 are not condemned. Because if you have public officials
8 that are not condemned for actions that they take, then you
9 are just encouraging an environment and things are getting
10 worse.

11 And I'd ask you to consider, especially for those that
12 are paying attention regarding the State of Alaska's
13 behavior and what they've done, is I want you to consider
14 when you look at the State of Alaska what kind of government
15 it is.

16 Does it place people first? Is it representative and
17 accountable and fair to all it's residents in the state? Is
18 it a servant of the people? Does it seek direction from the
19 people? Is it shaped by and belonging to the Native people
20 and other residents of the state? Does it offer programs
21 and services in an integrated and holistic manner? Does it
22 promote harmony among the people in the state? Does it
23 conduct itself with integrity and openness? Does it
24 encourage excellence and welcomes creativity? Does it
25 incorporate the best of human experience and values?

1 If it doesn't do that, then it doesn't measure up to
2 what the Alaskan people deserve in this state. And I would
3 urge you as you take a look at the specific examples of what
4 we think that the state is doing to create this atmosphere
5 of intolerance and measure it up to that standard of what
6 government should be like for the people of the state as
7 well as other parts of the country.

8 And I think you will see the state of Alaska does not
9 promote harmony among its citizens, it fosters deviousness.
10 It does not put people's need first. There's an element of
11 greed that runs through, and an element that we have a
12 scarcity that there's not enough to go around when we are
13 one of the most wealthiest states in this country, with the
14 Permanent Fund in excess of 26 billion dollars; and yet you
15 still have some of the worst conditions of a Third World
16 country going on in this state.

17 So with that I'd like to conclude my comments on that,
18 not to take up time of the other panelists on that, but also
19 urge you to continue your efforts and consider maybe how
20 you're doing, like for example, in Mississippi where you
21 have an ongoing long-term project paying attention to some
22 of the issues that we're dealing, that are so entrenched and
23 have been with us so long that it really does not just need
24 a one-shot hearing or a one year hearing. It needs a
25 systemic approach that will help us empower our people to

1 turn this all around.

2 And so I'd urge you to consider where you look at
3 Mississippi as a long-term maybe 10 year process on that, is
4 to help us turn around some of this institutionalized
5 racism, some of this atmosphere of intolerance and turn
6 this state back to where people's visions and ideals of what
7 a good state is like for all citizens.

8 And I speak not just on behalf of the Native people but
9 for all residents of Alaska. We want to live in a state
10 that has harmony and that people are treated fairly. Thank
11 you.

12 MS. CELESTE HODGE: Good morning.....

13 CHAIRPERSON GILBERT GUTIERREZ: Good morning.

14 MS. CELESTE HODGE:members of the distinguished
15 panel. My name is Celeste Graham Hodge. I am the President
16 of the NAACP here in Anchorage, Alaska. Thank you for the
17 opportunity to come before you this morning on behalf of the
18 NAACP, the largest Civil Rights Organization in the world
19 with 1700 branches in 50 states, the District of Columbia,
20 Germany, Japan, and Korea.

21 First, let me convey to you my deep appreciation for
22 all that this Committee has done in regards to the
23 irregularities in the November election 2000. The NAACP is
24 deeply appreciative of the U.S. Commission on Civil Rights
25 for convening this public fact-finding meeting to gather

1 information and public comment on Civil Rights issues
2 impacting Native Alaskans and other minorities in this state
3 and within the administration of justice, education and
4 employment.

5 The NAACP would also like to thank Julie Kitka,
6 President of the AFN for lobbying the U.S. Civil Rights
7 Commission to come to Alaska to investigate the
8 discriminatory activity in Alaska.

9 Despite the small gains made by minorities, racism,
10 sexism, bigotry, and pain continues to divide our city and
11 polarize people. There are continued acts that show lack of
12 progress as a state and call into question our ability to
13 remain tolerant.

14 We believe that racism is a matter of great concern for
15 our state and its people. The depth of this problem is
16 deep.

17 The unfortunate incident in Anchorage of the paint ball
18 attack on Native Americans is just one well-publicized case.
19 This isn't nothing new. Many times the incidents aren't as
20 blatant; they're subtle.

21 For example, for more than 20 years there was a carved
22 figure known as Hanging Harry that hung outside the Triple B
23 Bar in Houston, Alaska. This carved figure actually looked
24 like a hangman's noose with a body hanging from it. A woman
25 who drove by this bar became outraged and frightened when

1 she saw it. To her and many others it resembled a Black man
2 being lynched. It sent a clear message to the community;
3 who was welcome and who was not. I met with the bar owner
4 and was told we were overreacting. To them Hanging Harry
5 was just a part of the bar's identity.

6 Hate crimes continue to plague and terrorize this
7 community and are on the increase. Hate groups are
8 spreading across Alaska at an alarming rate. I've read that
9 there are currently four groups now in Alaska with 1,000
10 members.

11 The NAACP was informed that unless these groups are
12 breaking the law there's really nothing we can do eradicate
13 their existence. The NAACP's legal redress chair, Ms. Donna
14 Brooks, receives numerous calls alleging discrimination in
15 employment, education, state and municipal government and
16 more.

17 The NAACP strongly believes that there is little or
18 very little economic opportunity for Blacks here and other
19 minorities. We find that many minorities are relocating to
20 other states to find jobs. We find that when jobs require
21 degrees, and Blacks and other minorities apply for those
22 positions that have degrees, we learn that somehow
23 experience becomes the preferred choice. When Blacks and
24 other minorities with the experience apply for a position,
25 we learn that they're requiring or their preferred choice of

1 course are the degrees.

2 Blacks and other minorities are not given an
3 opportunity to promote into higher positions. Currently in
4 the Municipality of Anchorage we have a grand total of 2,985
5 employees. Of those employees 2,573 are White; 119 are
6 Black; 115 are Asian; 89 are American Indian; 84 are
7 Hispanic and five are not applicable.

8 We have one first line manager who is American Indian
9 and one who is Asian; 52 are White for a grand total of 54.
10 So that was the first line managers. And again we're still
11 talking about the Municipality.

12 The City has just one CEO and that individual is White.
13 Out of 22 Director positions two are Black; one is American
14 Indian; 80 are White. In the non-managerial positions 78
15 are Hispanic; five are not applicable; 104 are Black; 111
16 are Asian; 83 are American Indian and 2,257 are White.

17 Senior managers represent 45 employees; five are
18 Hispanic; five are Black; two are Asian and three are
19 American Indian; 106 are White.

20 Supervisors represent 121 employees, five are Hispanic;
21 five are Black; two are Asian and three are American Indian;
22 106 are White. 11 employees represent VP's, one is Black
23 and 10 are White.

24 Broken down, 3 percent of the Municipality's work force
25 is American Indian; 3.9 are Asian; 4 percent are Black, 2.8

1 are Hispanic; 2 percent is N/A; 86.2 are White.

2 The NAACP is often told that it is difficult to find
3 qualified people to fill those Municipal positions. We find
4 that African Americans and other minorities are the last
5 hired and the first fired. Although many of the applicants
6 are degree'd, they never make it past the application phase,
7 never receiving an opportunity to interview.

8 The NAACP finds this to be the practice with the state
9 of Alaska; the Military; the federal government; the United
10 States Postal Service; the School District; the construction
11 arena; some businesses within the private sector and more.
12 Blacks and other minorities are largely under-represented in
13 the oil companies.

14 Statistics speak for themselves. All one needs to do
15 is to walk into these various businesses to see where
16 minorities are strategically placed and the positions that
17 the minorities hold.

18 Various reports, incidents and statistics over the past
19 through years have provided us with evidence to support what
20 we have known for decades. Racism, as subtle as it may be,
21 at times in Alaska does really exist. Although illegal,
22 race has been used when choosing which individual should be
23 stopped and searched.

24 At the most basic level it is difficult for our faith
25 in the American justice system not to be challenged when we

1 cannot even walk or drive down the streets without being
2 stopped merely because of the color of our skin. Numerous
3 studies have shown that ethnic minority youth are treated
4 disproportionately, harsher at all levels of the American
5 justice system; from arrest to sentencing to transfer to
6 adult facilities. Ethnic minority youth are treated much
7 worse than their Caucasian counterparts, despite evidence
8 that in most instances the two groups commit crimes at about
9 the same rate.

10 Again, let me just state that these are the concerns of
11 the NAACP. And I also want to add that most images of
12 African Americans, Hispanics, Asian Americans and Native
13 Americans portrayed to the rest of the community by the news
14 media is one that we either do not exist or are only a
15 marginal part of the community fiber.

16 We must accept and promote the diversity that makes
17 this community and this state great. We need a fair and
18 balanced approach to ensure that all Americans are given the
19 opportunity to meet their fullest potential in the workplace
20 and other arenas.

21 We as a community must embrace diversity in all forms
22 at it's greatest strength and asset.

23 I again thank the members of the committee for holding
24 this public fact-finding meeting and allowing the NAACP to
25 provide information. Thank you.

1 CHAIRPERSON GILBERT GUTIERREZ: I would like to remind
2 the audience to please turn off your cell phones, every time
3 one rings I kind of jump up and want to run out. So do us a
4 favor, would you please. The next panelist is Mr. Won Pal
5 Chung.

6 DR. WON PAL CHUNG: Good morning. Can you hear me?
7 Okay. I'm a little different group presenting this morning.
8 We are the newcomer, new immigrants group in Alaska.
9 Probably Filipinos have been here many -- over a hundred
10 years but it is most diversity since 1980.

11 I am the President of the Asian Cultural Center which
12 was founded in 1983 to organize and present our culture to
13 the Anchorage community. We have by the seven people we
14 organized first and we received some state grants and built
15 our community -- I mean Arts Center. And it has been
16 presenting art show every year for the past 10 years.

17 The purpose of this organization is to culturally
18 exchange to the present Anchorage community and a newcomer
19 from Asia. So we have seven members, like as Japan, China,
20 Korea, Philippine, India, Laos and Thailand. And these
21 people best way to understand each other as a newcomer is to
22 present our culture to the neighbors, that way every body
23 can understand and harmonize and make a better community.

24 We haven't not much political action, but lately we
25 have found that it is some, I don't know whether we should

1 say real discrimination or there is a big wall that is hard
2 to break through. That makes us very disappointed because
3 it's our intention to exchange the culture and a better
4 understanding.

5 We received a grant from the state and also from the
6 Municipality of Anchorage, but we don't get the fair share.
7 They have already allocated whole budget, over 90 percent
8 existing group and the newcomers to join with them that
9 there is no room for. For instance, there was \$230,000 of
10 grant, we requested \$2,000, we were rejected. That is a
11 very, very sad thing.

12 Our population of Asian background is almost 10 percent
13 of Anchorage population; then we should have our fair share.
14 I spoke with the Mayor, so I hope coming here is something
15 different. My hope is to allocate some of the funds to the
16 new groups to grow and at least at 10 or 5 percent; and that
17 is not even there.

18 One instance that made me very upset was application
19 form was not well done by prior group, that among those they
20 should be rejected by the rule that if you don't complete
21 the form properly you are not qualified. But among those,
22 one person, one group was given the application just in
23 front of us and that they asked them to change and they gave
24 the grant. This is not acceptable.

25 I think the previous two panelists presented their

1 background and their long history. We are very new, only
2 probably 20 years or 18 years old group. This is very
3 unfair. And then State Art Council is very similar, it's
4 nothing much different.

5 I hope in the future with your influence or your
6 participation to make some correction of these kind of wrong
7 doing, to make the better society in the future.

8 I have something else rather than my position as
9 President of Asian Cultural Center. I have a been a leader
10 of the Korean community almost 29 years. Recently we have
11 one of the private business City Council voted for to close.
12 Our culture is totally different from the American way of
13 life. There are two groups of our community, one is
14 probably older, longer to residing in USA more than 10
15 years, other is less than 10 years, look same, same
16 background, we have a different type of life.

17 We adjust well in the American way of life if you live
18 more than 10 years. But newcomers, they don't speak English
19 well, they'd rather mingle together with the newcomers. And
20 in the evening they want to get together in a certain place
21 like as a bar or lounge. They can share their thought and
22 also difficulties. And that they drink sometimes. But
23 their life shouldn't be restricted by our community
24 neighbors.

25 What actually happened these past two years, that bar

1 was restricted and also required monitoring of all the in
2 and out people by taping. But that they tolerated, they
3 tried to follow those requests and requirements. But after
4 almost two years, last August 14th, City Council voted to
5 close up that business.

6 I'm sure they can do it by law or the force, but one of
7 these days I'm sure we Koreans will open up another bar.
8 We'll get together because after a hard day's work and
9 isolation and because of the language barrier, they like to
10 get together. And how the law will stop them to get
11 together? I think it's reasonable to survey is okay, but
12 taping all the in and out is too much, never acceptable.

13 And before this one heard in the Anchorage City
14 Council, if they opened the forum or some kind of a
15 discussion, public hearing among the Koreans or some
16 minority is acceptable what they did, but one side action is
17 not fair.

18 So as Asian Cultural Center President, we hope the
19 state and the city allocate certain amounts of money, funds
20 to raise and promote the newcomers to join with the culture.
21 95 percent of all Western culture which is presented every
22 day and every year. New culture is very essential to
23 understand other people who is the newcomers and going to be
24 a big contributing members in the community.

25 Then as I said I don't know whether you have influence

1 to get the city to look after certain group, their business
2 over a \$150,000 worth is going to shut up because certain
3 things they give hardship over two years is not fair.

4 Thank you for coming and listening to our presentation.
5 Thank you.

6 UNIDENTIFIED SPEAKER: Thank you.

7 CHAIRPERSON GILBERT GUTIERREZ: Thank you. The next
8 one is Maria Rosas.

9 MS. MARIA ROSAS: Good morning. When I was asked to
10 speak before this hearing on such broad issues as our
11 education, law administration and employment education and I
12 was told that I had a total of 10 minutes to tell you what I
13 had to say I felt that was far too short for me to convey
14 what I have lived through in my 27 years in Alaska. I will
15 attempt to be brief, and thank you deeply for allowing me
16 this opportunity to convey to you my comments.

17 I have lived here 27 years and the problems I noticed
18 affecting the Hispanic community are many. They are issues
19 rarely understood and almost never addressed.

20 Most politicians come to our communities practicing
21 their ninth grade Spanish, and we never see or hear from
22 them again after election time. My apologies to those who
23 are sincerely trying, and without much success continue to
24 represent us.

25 We had a Mayor who always opened and closed his

1 speeches with, "mi casa es su casa", which translates into
2 my home is your home. This same Mayor would not open his
3 door when I expressed to him the need for our community to
4 have an office that would help them connect with the few
5 services available to them. He said that if he did this for
6 Hispanics, he would have to do it for every other group.

7 I said other groups are not asking nor do they have our
8 same needs. I don't believe he really meant "mi casa es su
9 casa". Enough of that rhetoric.

10 Language as we all know is vital to our existence. In
11 this area Hispanics and immigrants in general run into major
12 conflict. Not only do they not speak, read or understand
13 the English language, but little if anything is being done
14 by state officials to implement an adequate program that
15 will service most minorities.

16 There is tremendous difficulty in healthcare,
17 education, employment, law enforcement, and the court
18 system.

19 A pregnant Russian woman in the Valley experiencing
20 pain utilized her young child as an interpreter and ended up
21 losing her baby when the interpretation was misunderstood.

22 Another example is the Mexican mother of three children
23 who was involved in a domestic violence case. She was
24 discharged from the hospital in a half-body cast without
25 extended home care. This women had no one to feed her

1 children or assisted with basic hygiene. She called La Voz
2 Latina, a local bilingual newspaper of which I was publisher
3 and editor, asking for help.

4 I contacted almost every city and state agency, women
5 groups and churches, no one helped because legalities or
6 their inability to speak Spanish. At the same time the
7 Department of Aid to Families with Dependent Children wanted
8 to take away her food stamps and force her to pay back what
9 had already been given to her because she lacked sufficient
10 points. I contacted her social worker whom I questioned
11 about her husband's points accrual and if that would not
12 cover her. The social worker said she might not be entitled
13 because she was separated from him. I told him that she was
14 still legally married, which entitled her to any of his
15 insurances. Her food stamps were restored. After two years
16 since her accident, this woman continues to receive physical
17 therapy and has not yet been able to get on her feet.
18 Members from the community have extended their assistance
19 and she remains on welfare.

20 There are no interpreters for immigrants who get
21 arrested. Once placed in state custody pending deportation
22 hearings they are housed with felons who often abuse them.
23 and are supervised by custodial staff that due to a language
24 barrier cannot adequately serve their needs. I could cite
25 numerous cases like these, but can't emphasize enough the

1 need for the state to implement programs that adequately
2 serve minority communities.

3 There is no certification process for interpreters in
4 Alaska. And the lack of interpreters affects a wider
5 community than just immigrants. This summer the office of
6 Civil Rights of the Department of Health and Human Services
7 conducted forums on the use of interpreters for community
8 based organizations receiving Federal funds.

9 The Anchorage Neighborhood Health Center obtained a
10 government grant for interpreters. This is the first time
11 this type of grant has been awarded and the program has been
12 successful. The University should offer a curriculum for
13 interpreters in various languages such as Spanish, Russian,
14 Tagalog, and Native languages so that students don't have to
15 travel to Arizona, the only state that offers a legal health
16 interpretation course.

17 While on the subject of education there is a Spanish
18 emergent program offered at two elementary schools, Chugiak
19 and Government Hill. While this program is successful it
20 does not fulfill the needs of most Hispanics.

21 Transportation is not provided by the school district thus
22 making the program most beneficial to the affluent. Not to
23 be forgotten is the case when a few years ago parents were
24 attempting to enroll their children in the Anchorage School
25 District, and personnel in the Anchorage, Juneau and North

1 Pole were asking for immigration documentation.

2 This practice no longer appears to be happening here in
3 Anchorage or Juneau, but may be happening in the Valley.
4 Somehow information from the Immigration and Naturalization
5 Services was confusing to school districts.

6 This has been suggested. It would be wise to the state
7 to get an Attorney General opinion. This was suggested by
8 Robin Braunam (ph), Director of Immigration and Refugee
9 Services, but to date, nothing has occurred. She was told
10 that the Department of Education must first write to the
11 Attorney General requesting that an opinion be rendered.

12 Ms. Braunam also stated that it's evident that the
13 state is disinterested in providing immigrant services, that
14 all states except Alaska and Kentucky have a state refugee
15 coordinator, which is 100 percent federally funded.

16 The Federal Office of Refugee Settlement needs
17 statistics that the state fails to provide. The Office of
18 Civil Rights of Health and Human Services is on the verge of
19 sanctioning Alaska.

20 Continuing on the subjects of immigrants, only two
21 weeks ago an article in the Anchorage Daily News reported
22 that agents from the Immigration and Naturalization Services
23 arrested 82 illegal immigrants at several fish plants in
24 Valdez.

25 According to INS Director Robert Eddy, the main

1 objective was not to arrest illegal aliens but to open up
2 jobs for American workers and ensure that employers are
3 complying with the Immigration Laws. My question to Mr.
4 Eddy is, does he truly believe that Caucasians will come to
5 work for minimum wages at Alaska fish processing plants?

6 As for the Department of Law Enforcement and Judicial
7 Services they too often fail to meet the needs of Hispanics.
8 A good example is the case of Nicholas Negrone (ph), an 18
9 year old who was killed August 27, 1995, and to this day his
10 murder has not been solved. At the time the family was told
11 by the investigating officers that it was too bad that
12 Nicholas had lost his life for being in the wrong place at
13 the wrong time.

14 CHAIRPERSON GILBERT GUTIERREZ: Ms. Rosas, one more
15 minute, please.

16 MS. MARIA ROSAS: One more minute, oh. A recent
17 example of abusive power is also the case -- oh, I wanted to
18 say that this family continues to be threatened by this
19 person. And recently her sister was attacked at a place
20 where she works and nothing has yet been done to solve this
21 case.

22 Like I said, 10 minutes was not going to be long
23 enough. But I want to say that in the area of employment at
24 the risk of using what becomes a cliché, we are the last
25 hired and the first fired. I speak from experience.

1 During my 20 years of employment with the Department of
2 Corrections, I experienced every kind of discrimination and
3 sexist harassment imaginable. The only requirement for the
4 job is a high school diploma, four years of work experience
5 with the public, and passing an aptitude test. Although I
6 was overqualified for the position, my five years of college
7 seemed insufficient education. I was fired, passed over for
8 promotions, placed on extended probation and not eligible
9 for permanent employment.

10 After numerous rebuttals for retention I was employed
11 permanently. I was responsible for on-the-job training of
12 new officers who, unlike me, were sent for former training
13 at the Academy and later became my supervisors. This should
14 provide you a clear image of the picture of the employment
15 process in one of the state's biggest department. Just
16 imagine what happens at the public sector.

17 I'd like to conclude that from the early beginnings
18 this country has bred racism. This is a disease perpetuated
19 through greed and ignorance. Racism is very subtle. It is
20 a plague from which we may never escape.

21 I thank you for joining those of us who are sincerely
22 trying to find a cure for it, but may never live to see it.
23 Thank you.

24 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much. I
25 would like to ask the panelists if they would accept written

1 questions at this time to keep on schedule with our
2 schedule. We're going to go through 7:00 o'clock tonight,
3 and as it is, we want to get everybody on. I'd sure
4 appreciate that.

5 UNIDENTIFIED SPEAKER: Thank you very much.

6 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much. A
7 very good overview by the way, gives us a good place to
8 start.

9 Who would now like to -- I'm going to give these people
10 a minute to get themselves together here. And please be
11 sure to submit all that written material that you brought to
12 us. I would like to request the Mr.....

13 JUSTICE ROBERT EASTAUGH: Justice.

14 CHAIRPERSON GILBERT GUTIERREZ: Justice Robert L.
15 Eastaugh from the Alaska Supreme Court.

16 JUSTICE ROBERT EASTAUGH: I have materials here, Mr.
17 Chair. And wonder if I could submit them to you either
18 before or after or your preference?

19 CHAIRPERSON GILBERT GUTIERREZ: Yes, sir, you could
20 submit them now if you don't mind. We would appreciate
21 them.

22 JUSTICE ROBERT EASTAUGH: Well, I hope there are enough
23 copies.

24 CHAIRPERSON GILBERT GUTIERREZ: I'm sure there is.

25 JUSTICE ROBERT EASTAUGH: I copied some of those

1 myself, so you never know.

2 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

3 (Pause)

4 JUSTICE ROBERT EASTAUGH: I'm ready if.....

5 CHAIRPERSON GILBERT GUTIERREZ: Yes, please go ahead.

6 JUSTICE ROBERT EASTAUGH: Thank you. Mr. Chairman and
7 Commissioners, ladies and gentlemen, it's a privilege to be
8 invited here. I'm afraid that you're not necessarily
9 getting the person most knowledgeable about the topic I
10 think you're most interested in.

11 When Mr. Pilla first contacted the court system, the
12 person most knowledgeable in the court system about
13 disparate incarceration rate for ethnic minorities is
14 Susanne DiPietro, who had a longstanding engagement to be in
15 the far reaches of Alaska on a wilderness trek. And so
16 you're getting me as a replacement, I'm afraid.

17 The next most knowledgeable -- or actually our
18 statistician who is most skilled at studying these things is
19 Teresa Cairns (ph) of the Alaska Judicial Council. And I'll
20 be addressing the study which she personally has, I should
21 say, dragged through and found the funds to justify. It is
22 a sophisticated study, and we'll be talking about that and
23 you may have questions about that.

24 I'm speaking in my capacity as the co-chair of the
25 Fairness and Access Committee of the Alaska Supreme Court.

1 Our Committee was formed to implement the recommendations
2 issued in October of 1997 by the Fairness and Access
3 Committee created by the Supreme Court in 1995. That
4 Committee was chaired by Justice Jay Rabinowitz and Co-
5 Chaired by Judge Mary Greene of Fairbanks, and she is also
6 Co-Chair of the Implementation Committee.

7 That Committee came up with a number of specific
8 recommendations after an exhaustive series of fact findings.
9 The Committee itself was relatively compact but relied on a
10 number of very large task forces which gathered the
11 information, made findings, traveled to the bush and then
12 came up with a series of recommendations which the Committee
13 made to the Alaska Supreme Court.

14 The Alaska Supreme Court then created the
15 Implementation Committee and asked Judge Green and me to co-
16 chair it. Our goal of the Implementation Committee is to
17 carry out as many of the recommendations as are feasible of
18 the original Committee. Some of the recommendations
19 unfortunately for one reason or another may not be feasible
20 largely for fiscal reasons.

21 One or two may be infeasible for probably political
22 reasons which we can't really control, many are addressed
23 squarely to the Alaska Court System, and how the court
24 system works both in treating its own employees, its jurors,
25 witnesses, and litigants. And we have made, we think, great

1 strides in some areas in this regard.

2 Attached to my statement today is the August 2000
3 Implementation Committee report, the interim report of the
4 Alaska Supreme Court reporting on all of the recommendations
5 which the original Committee had, and indicating our level
6 of success dealing with those.

7 The level of success varies depending on the
8 recommendation. Some of those recommendations are of
9 fundamental importance to how the judicial system, and for
10 that matter, the criminal justice system works. And I'd
11 like to distinguish here because the judicial system of
12 course represents the third branch of government. And it is
13 widely believed to be the least powerful branch of
14 government.

15 We are dependent for budget on other branches of
16 government. We are essentially a passive branch of
17 government in the sense that it's our responsibility to
18 decide matters to us in a litigation context. So it's not
19 either our responsibility nor within our power to impose on
20 other branches of government and require them to do things
21 beyond the dictates of particular litigation, particular
22 disputes.

23 So when the Fairness and Access Committee made
24 recommendations, most of those recommendations were directed
25 to the court system; some dealt with other agencies. And

1 those other recommendations have been referred to those
2 agencies but we have no capability of requiring those
3 agencies to do anything about them.

4 This is of importance because even though the judicial
5 system is in essence the court system, the criminal justice
6 system is a much larger entity and includes not only the
7 judiciary but also includes the executive branch, which
8 encompasses such functions as law enforcement, prosecution,
9 corrections, youth intake.

10 And it also indirectly at least implicates the
11 legislative branch, which controls public policy through
12 enactment of statutes, dealing with crimes, making
13 particular behavior criminal with sentencing guidelines and
14 with, of course, and perhaps most importantly budgetary
15 enactments.

16 The criminal justice system therefore is much larger
17 than just the court system and sometimes the court system is
18 a relatively minor player where basically there is the judge
19 effectively being asked to accept a plea which has been more
20 or less agreed upon between prosecutor and defendant.

21 Now, I won't -- given the passage of time I'm not going
22 to try to cover everything that is in my opening statement.
23 And I think however it is worth noting that the reason that
24 the Committee, the original Committee was appointed and why
25 it acted with considerable energy was a deep felt belief

1 that the Constitution requires fair and equal access for all
2 people to the court system and fair and equal treatment for
3 all people who come in contact with the criminal justice
4 system. The Constitution requires this.

5 And it is as well a deeply felt passion, if you will,
6 not always expressed passionately by those sit on the bench.
7 That doesn't explain, however, why we have clear disparate
8 incarceration rates. And those is no question that ethnic
9 minorities are disproportionally represented in the prison
10 population; not all minorities, but some are. And the
11 disproportions are often ethnic specific so that a given
12 minority may be less frequently incarcerated for one type of
13 crime than for another.

14 The statistics are not -- don't tell us the reasons.
15 And we don't know the reasons. The original Committee came
16 up with a number of recommendations, and in doing so came up
17 with a number of findings, some which are relatively
18 speculative, but are kind of the best informed guesses as to
19 the persons who sat on the Committee and the people who
20 worked on the disparate sentencing subcommittee.

21 And among those speculations, but probably have a
22 considerable grain of support are possibilities that
23 communications difficulties, cultural differences, and rural
24 locations tend to work against certain ethnic minorities.

25 For example, the sentencing -- most obviously

1 sentencing is often a factor of a number of very complex
2 criteria specified by statute. Largely, there are
3 aggravators, there are mitigators, there are choices held at
4 charge, different degrees of crime. And the sentence
5 imposed may well depend on what rehabilitation prospects
6 there are. For a rural offender that sometimes means that
7 the rural offender must be moved to some place where
8 particular rehabilitative programs are available.

9 That might seem like a good technical choice but it
10 isn't always the best choice, of course, in the real world
11 because it removes the person from the support locally that
12 the person has. And it may make the person more susceptible
13 to new offenses in an alien environment, unsupported by
14 family and friends. This in turn may result in probation
15 violations and possibly new charges. So sometimes society's
16 attempt to deal the best way with something is
17 counterproductive or may be counterproductive.

18 Thirdly, communication is a very important aspect of
19 this, and cultural differences may be a very important
20 aspect of this. The law is very precise, sometimes overly
21 precise, sometimes very murky. People and not merely ethnic
22 minorities, but many people have a difficult time dealing
23 with it in one way or another whether they're parties or
24 whether they're witnesses or whether they're jurors. And
25 communication in the English language is extremely subtle,

1 as in other languages.

2 As a result even the simplest types of cases may turn
3 on issues of credibility which in turn depend entirely on
4 the communication between jurors and witnesses or the judge
5 and the defendant during sentencing proceedings. Cultural
6 diffidence, possibly cultural tendencies not to fight
7 charges as aggressively may result in more guilty pleas, may
8 result in less favorable sentences.

9 The study which I mentioned finally is in progress.
10 And I say finally because when our Committee was first
11 created, the Implementation Committee was first created in
12 1998, we had a great number of recommendations to consider
13 and then to try to deal with quickly.

14 And we recognized at the outset that the study was
15 going to be costly. The initial estimates were about \$300
16 or \$400,000 for a sophisticated study. And our Committee
17 has no capability to put that kind of money forward and so
18 some time was spent trying to find grants.

19 Ultimately through the expertise of Terri Cairns (ph),
20 a stripped down version of the study was proposed. And
21 ultimately through her efforts a State Justice Institute
22 grant was provided. And so in March of this year that study
23 began.

24 That study will study something like 2,500 felonies or
25 felony convictions and case files that were generated during

1 1999 in locations throughout Alaska. My opening statement
2 lists a number of the salient points regarding this study.

3 We are hoping that the study will break down the data
4 and give us a clear picture as to what is actually happening
5 in these cases. The study has to be relatively
6 sophisticated because a case by case comparison doesn't tell
7 very much, given the difficulty in matching the many factors
8 that go into decisions to charge, decisions to prosecute,
9 decisions to sentence and then decisions to set bail if
10 that's appropriate and whether to revoke probation or
11 parole. There's a continuum and there are few identical
12 cases.

13 So the study has to cross-match a great amount of data
14 and we'll attempt to come up with some answers. So we
15 simply can't say right now. There were no findings of the
16 original Committee or by the Disparate Incarceration Task
17 Force that there was any overt discrimination, but there may
18 well be factors which lead to some form of bias in the
19 system against ethnic minorities. And if we detect that,
20 then we will do our best to change it. Some of these things
21 are totally out of the control of the Alaska Court System
22 outside the context of litigation. And so some of the
23 things and some of the recommendations are best addressed to
24 other agencies.

25 There is a need for rehabilitation services in rural

1 communities so that people aren't forced to travel. There
2 is a need for considering alternative forms of resolving
3 some of the disputes. There is a need for greater public
4 education, greater public awareness of how the courts work
5 so that witnesses and parties have some sense that they'll
6 be treated fairly and are less reluctant to appear in court
7 and perhaps are less reticent to testify, less reticent to
8 serve as jurors. So those are some of things we hope the
9 study will help us address. Some of those things though
10 clearly depend on agencies other than the court system and
11 some are, if you will, expensive big ticket items.

12 One problem is communication. That necessarily means
13 more sophisticated interpretive services than we now have.
14 And there is, of course, a conflict between expert
15 interpreters who are extremely knowledgeable about legal
16 matters and who may have the best interpretative skills.
17 And the need to have someone locally, readily available who
18 can actually assist. There we have problems in finding
19 relatively disinterested interpreters who are also
20 conversant with sufficient of the legal terminology that the
21 service can be useful.

22 We have been urged to create some sort of a training
23 program. It is probably -- that is probably beyond our
24 capability, although it's conceivable if properly funded.
25 It is a service which could be provided through the

1 universities. Yes?

2 CHAIRPERSON GILBERT GUTIERREZ: One minute left.

3 JUSTICE ROBERT EASTAUGH: Yes, absolutely. But
4 actually I suspect that the one minute might be better taken
5 up by any questions you might have.

6 CHAIRPERSON GILBERT GUTIERREZ: Okay. Very good. Does
7 the panel have questions regarding Justice.....

8 MR. MICHAEL WALLERI: I just have one.

9 CHAIRPERSON GILBERT GUTIERREZ: Go ahead, Mike.

10 MR. MICHAEL WALLERI: Mr. Justice, when do you expect
11 the study to be completed?

12 JUSTICE ROBERT EASTAUGH: The data is now being
13 gathered. We think the Judicial Council will be issuing a
14 report in about August 2002.

15 MR. MICHAEL WALLERI: Thank you.

16 JUSTICE ROBERT EASTAUGH: Some of the data will be
17 available before then, but the conclusions won't be
18 available until then.

19 MR. MICHAEL WALLERI: Do you know when the raw data
20 will be available?

21 JUSTICE ROBERT EASTAUGH: I can't say for sure, but I
22 believe it might be as early as November or December.

23 MR. MICHAEL WALLERI: Thank you.

24 CHAIRPERSON GILBERT GUTIERREZ: Somebody down the.....

25 MR. MICHEL SCHAPIRA: Mr. Justice, it was probably

1 about 20 years ago that the system of presumptive sentencing
2 went into effect, and at the time it was hailed as a
3 response to a problem of disparate sentencing.

4 And in the context in which you spoke of the judicial
5 branch as probably being the weakest branch of the three
6 governments -- three branches of government, the effect of
7 presumptive sentencing has been that charging decisions
8 frequently assume much greater importance than they did
9 before presumptive sentencing.

10 My question is, will the study address the
11 effectiveness or the effect of presumptive sentencing on
12 removing the disparities in incarceration rates? And also,
13 do you have any impressions about what such an inquiry would
14 reveal?

15 JUSTICE ROBERT EASTAUGH: I have no idea what the
16 inquiry will reveal, but there's no -- you're absolutely
17 correct that charging decisions are an important influence
18 on what happens thereafter.

19 And one difficulty is that we're also dealing with
20 negative information, if you will, because sometimes we
21 don't know what hasn't been charged. What discretionary
22 choices are made by the prosecutors or law enforcement in
23 deciding what not to charge, so we're only dealing with what
24 is. To some extent the study will be able to assess this
25 influence especially if there are changes in the charges as

1 a case goes on. Does that answer your question?

2 MR. MICHEL SCHAPIRA: Yes. Thank you.

3 JUSTICE ROBERT EASTAUGH: Thank you.

4 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Your Honor.

5 And we'd like to request that you accept some of our written
6 questions, if you don't mind?

7 JUSTICE ROBERT EASTAUGH: We'd be delighted.

8 CHAIRPERSON GILBERT GUTIERREZ: Appreciate that. Thank
9 you.

10 JUSTICE ROBERT EASTAUGH: Thank you very much for
11 giving me the chance to be here.

12 UNIDENTIFIED SPEAKER: Thank you very much.

13 CHAIRPERSON GILBERT GUTIERREZ: We would like to invite
14 the Honorable Tony Knowles, Governor, to the stand now,
15 please. Thank you for coming, Governor. You may go ahead
16 any time you want.

17 GOVERNOR TONY KNOWLES: Well, thank you. And good
18 morning to you all and thank you for the opportunity to
19 address this distinguished group.

20 Alaskans and all Americans welcome the role of the
21 United States Commission on Civil Rights and the Advisory
22 Boards in preserving and protecting this country's
23 fundamental freedoms. Your mission to assure voting rights
24 to further the cause of equal protection and to fight
25 discrimination is vitally important. And on behalf of all

1 Alaskans, I express to you our deep appreciation for your
2 actions and your advocacy for a better America.

3 To Vice-Chair Reynoso, to Commissioners Lee and Meeks,
4 welcome to Alaska. To Chairman Gilbert Gutierrez and all
5 the members of the Alaska Advisory Committee, greetings and
6 thank you for your important public service.

7 I appreciate the chance to address the broad issues of
8 Civil Rights and Equal Opportunity in Alaska. Like the rest
9 of the country, Alaska is indeed a land of diverse cultures
10 and varied backgrounds. In fact, on a per capita basis, we
11 are America's second most racially diverse state.

12 As Alaskans we cherish our freedom and Civil Rights.
13 We are proud, for instance, of the fact that the First Act
14 of the First Territorial Legislature in 1913 was to give
15 women the right to vote, seven years before the nation
16 followed suit.

17 We're proud of the landmark Civil Rights Legislation
18 championed by Elizabeth Peradovich (ph) and the Alaska
19 Native Brotherhood and Sisterhood of the 1940's which
20 planted the flag of equality two decades before the U.S.
21 Civil Rights Act.

22 However, Alaska like the rest of America, is not immune
23 from the scourge of cultural and racial injustice. Concerns
24 about discrimination and intolerance in Alaska are
25 legitimate. In the most dramatic cases, headlines tell the

1 story of hate and quick violence. The recent murders in
2 Anchorage of women of color and the deplorable paintball
3 attacks on innocent Alaska Natives are shocking. In some
4 cases the victimization is not as obvious of creeping
5 injustice that mounts over the years.

6 In contrast to the Lower 48 where minority populations
7 are often concentrated in the inner city most of Alaska's
8 rural areas are home to significant majority of Alaska
9 Natives. It is there that projects often go unfunded,
10 services are not universally or fairly delivered, community
11 needs go unmet. And even the traditional reliance on fish
12 and game becomes uncertain. Even with these problems I
13 believe that the great majority of Alaskans stand ready to
14 protect the diversity and to provide the Civil Rights that
15 define us as a state.

16 Joining me this morning in this important discussion
17 are several members of the Knowles/Ulmer Cabinet, some of
18 whom you're scheduled to hear from later today and tomorrow;
19 Glen Godfrey, the Commissioner of the Department of Public
20 Safety; Margaret Pugh, the Commissioner of Corrections; Jim
21 Duncan, the Commissioner of Administration; Shirley
22 Holloway, the Commissioner of Education and Early
23 Development; Michele Brown, the Commissioner of
24 Environmental Conservation; and Attorney General, Bruce
25 Botelho.

1 From the outset, the goals of the Knowles/Ulmer
2 Administration has been to make Alaska a land of opportunity
3 for all regardless of skin color, cultural background,
4 religious affiliation, gender or station in life.

5 Looking at the results of the state's own practices,
6 there are some encouraging signs, minority hiring has
7 increased in the past decade with the percentage of
8 minorities in permanent executive branch jobs up from 14
9 percent in 1991 to 18 percent this year. And we're
10 currently hiring minorities into state government at an even
11 higher rate, minorities are now 22 percent of all hires.
12 This progress is the result of our strong commitment to
13 minority hire and recruitment as well as the new Workplace
14 Alaska Program that we have implemented.

15 Appointments of minorities to important State Boards
16 and Commissions have increased significantly during this
17 administration from about 13 percent in 1994 to 21 percent
18 today. This includes minority appointments to vital policy-
19 making Boards such as the State Board of Education; the
20 University of Alaska Board of Regence; the Alaska Housing
21 Finance Corporation, and the Alaska Permanent Fund Board.

22 I have appointed the first African American to the
23 Board of Regence, the first African American to the
24 Permanent Fund Board, and the first African American woman
25 to the Board of Education.

1 Alaska Natives are strongly represented in state
2 government, 16 percent of all of our Boards or all of our
3 appointments to Boards or Commissions are Alaska Natives.
4 My Cabinet has always included prominent Native leaders,
5 Hensley, Irwin, Lestincoff (ph), Malek, and now Will Mao and
6 Glen Godfrey, who I appointed as the first Alaska Native
7 ever to head the Alaska State Troopers and now the first
8 Alaska Native as Commissioner of Public Safety.

9 My administration has significantly raised the
10 percentage of women appointed to Boards and Commissions from
11 32 percent in 1994 to an average of 45 percent today. We
12 appointed the first woman Supreme Court Justice in Alaska.
13 The first ever woman Judge in Southeast Alaska. And the
14 first woman who is also an Alaska Native to the Commercial
15 Fisheries Entry Commission. Behind our strong hiring and
16 appointment record, many other initiatives reflect this
17 administration's commitment to diversity in our hope for
18 safety, success and good health to all Alaskans.

19 We introduced and are still fighting for hate crimes
20 legislation which expands legal protection to those most
21 vulnerable to attack because of prejudice, including
22 discrimination based on sexual orientation or economic
23 disadvantage.

24 We transferred the Office of Equal Opportunity from the
25 bowels of the bureaucracy to -- back to its logical and more

1 prominent home in the Governor's office.

2 We negotiated the landmark Millennium Agreement with
3 Alaska federally recognized tribal governments formally
4 recognizing for the first time in this state their important
5 leadership role.

6 And we have embraced subsistence as essential to the
7 survival of Alaska's Native and rural people. We have
8 fought for years to protect subsistence by introducing and
9 supporting a state constitutional amendment allowing a
10 subsistence priority including calling three special
11 legislative sessions. This is a court issue for the
12 cultural and economic survival of Alaska's Native peoples.

13 Father Michael Alexa (ph), the Arch Priest of the
14 Russian Orthodox Church who oversees several rural parishes
15 recently stated, "without subsistence Alaska Native peoples
16 would die spiritually, die emotionally and eventually die
17 physically."

18 There is no issue more important I believe to achieving
19 racial harmony in this state than protecting the subsistence
20 way of life for rural Alaskans.

21 Many other of our initiatives to improve children's
22 health, fund safe water and sewer projects predominantly in
23 rural Alaska, provide affordable energy and expand basic
24 healthcare have assisted the state's minority populations to
25 a greater proportionality than they are represented in the

1 public population percentages.

2 Yet despite all this progress we know that there is a
3 lot of work to be done. You will hear details from members
4 of my Cabinet today and tomorrow, but let me acknowledge
5 that we can and must do better.

6 The two most important services that we can deliver
7 under our Constitution and so every Alaskan can achieve the
8 American dream are education and public safety. These are
9 two areas where I believe there is a widening gap between
10 rural Alaska and urban Alaska. This speaks to the heart of
11 the concerns over which many will approach this Commission.

12 We are making progress in education including creation
13 of the Quality Schools Initiative which challenges all
14 Alaskans to help close the achievement gap between White and
15 minority students. But in the areas of school funding,
16 facilities, progress has been too slow.

17 And most troublesome is a funding formula that gives
18 some rural districts a lower percentage of dollars per
19 students for new enrollment. Despite repeated efforts to
20 repair and replace schools, lawmakers have just now barely
21 begun to fund the backlog of critical needs in rural areas.
22 Yes, remote schools are more expensive to build and to
23 operate, but the fact remains the gap between urban and
24 rural education funding is not narrowing, we need to do
25 better.

1 As for public safety I have asked the legislature
2 repeatedly for more resources for rural law enforcement,
3 including more troopers, more village public safety
4 officers, and a revival of the State Constable Program in
5 rural areas. Only in the past year has the legislature
6 showed the support and begun to move in the right direction.

7
8 Recognizing that the incarceration rate for Alaska
9 Natives, about 37 percent statewide far exceeds the general
10 Alaska Native population. We have promoted tribal courts,
11 culturally sensitive prison programs like Potlatches, and
12 are working hard to keep Native prisoners closer to home.
13 Recent efforts by lawmakers may help in that regard, but
14 we've just barely begun.

15 However, our repeated calls for alcohol related
16 intervention programs for treatment and prevention have
17 largely gone unanswered. And this must change because
18 Commissioners Pugh of Corrections and Godfrey of Public
19 Safety will tell you that better than 90 percent of violent
20 crime in rural Alaska is alcohol related crime.

21 Closer related to this issue of crime is the alarming
22 rate of suicide of young Alaska Native males. It's the
23 highest suicide rate in the nation. The legislature has
24 recently stepped up the work with the administration in the
25 Alaska Native Community to make progress on this critical

1 issue, but we have much to be done and the need is urgent.

2 Unfortunately acts of racism by individual Alaskans do
3 occur. After the paintball incident last winter it was
4 clear to me that there is more work to do in teaching
5 respect and tolerance. All of us have a role as parents,
6 teachers, religious leaders, coaches and friends.

7 To help guide this very public discussion in May, I
8 appointed the Governor's Commission on Tolerance. This
9 distinguished group of Alaskans including some of you here
10 today, some certainly that will be addressing you is holding
11 hearings to assess the problem and recommend a response.
12 They will serve as our eyes and ears and as our moral
13 advisors. It is my hope the results of the Commission's
14 work will be a more tolerant Alaska that celebrates our
15 diversity of people and cultures.

16 I'll end on a note of further hope, just last week I
17 asked 40 Alaskans from all walks of life to gather, to
18 grapple with the long running issue of subsistence. Their
19 backgrounds were different, their political views were
20 varied and of course, their opinions were strong. Yet they
21 authored a unanimously adopted value statement that
22 celebrates our differences and recognizes that Alaska's
23 future remains brightest if we work together. In part this
24 valued statement says, and I quote:

25 "Alaskans must find solidarity as one people, united

1 across all racial, cultural and geographical
2 boundaries. This principal of solidarity must be based
3 on understanding, tolerance and mutual respect of our
4 racial, cultural and geographic differences. We seek
5 an Alaska in which diverse cultures and life choices
6 are respected and where each is committed to the common
7 good."

8 I agree wholeheartedly. That's why this hearing of the
9 U.S. Civil Rights Commission and the Advisory Group should
10 be viewed as an opportunity, a chance to discuss the issues
11 openly with hope that candid discussion will lead to
12 positive change. Alaskans stand ready to work to make our
13 state a place of justice, tolerance, opportunity, and hope.

14 Thank you very much for giving me the opportunity to
15 make this statement.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Governor.
17 Are there any questions from the committee?

18 COMMISSIONER CRUZ REYNOSO: I have a question.

19 CHAIRPERSON GILBERT GUTIERREZ: Yes.

20 COMMISSIONER CRUZ REYNOSO: One of the concerns
21 expressed earlier by a witness has to do with the
22 relationship of Civil Rights to Human Rights. Civil Rights
23 being often interpreted as individual rights and Human
24 Rights being a broader concept. I think what the witness
25 was getting to was the notion that Human Rights or even

1 Civil Rights ought to include rights that groups have, not
2 just that individuals have. I just wonder whether you as
3 Governor or the legislature has struggled with that concept?

4 GOVERNOR TONY KNOWLES: I think perhaps, Vice-Chairman
5 Reynoso, I would think that perhaps while not articulating
6 it in that way that there is a clear understanding that the
7 cultural bonds that bring people together are expressed as
8 something more than just one person. And that recognition
9 of those values is perhaps part of what was inherent in that
10 statement that was made by the 40 Alaskans that I asked to
11 grapple together -- asked to gather together to work on that
12 most divisive problem. And that they were recognizing in
13 subsistence if there was probably one issue more than any
14 other that would recognize that as a right of a group that
15 comes closest to that.

16 COMMISSIONER CRUZ REYNOSO: Mr. Chairman, the reason I
17 asked that is that we've had hearings dealing with Native
18 Hawaiians and Native Americans in the Lower 48 states, and
19 there's just a strong concept that community rights, you
20 know ought to be recognized as Civil Rights or Human Rights.
21 And I think that's what the witness was trying to get to.

22 GOVERNOR TONY KNOWLES: And perhaps, Mr. Vice-Chairman,
23 if I might just add that that is also what I believe is
24 inherent in the government to government relations that are
25 conducted with tribal governments based on that

1 constitutional obligation.

2 COMMISSIONER CRUZ REYNOSO: Thank you, Mr. Chairman.

3 CHAIRPERSON GILBERT GUTIERREZ: Yes.

4 COMMISSIONER YVONNE Y. LEE: Your Honor, earlier we
5 received a report, the 1997 Alaska Supreme Court report,
6 that outlined several really critical findings and
7 recommendations, that if implemented, would really further
8 your commitment for very diverse communities, equal
9 opportunity and treatment for all.

10 Some of them involved with expanding the diverse
11 workforce, making sure that linguistically and culturally
12 competent services will be provided. Unfortunately, the
13 witness also said that because of budgetary constraints
14 these vital recommendations are not being implemented.

15 Has your office been working with them, and if not,
16 will the state be able to provide these kind of critical
17 funding sources to help implement these important
18 recommendations?

19 GOVERNOR TONY KNOWLES: Thank you, Commissioner Lee.
20 I'm not familiar with the specific recommendations that you
21 address, but as you explained it, I would state very clearly
22 the difference of opinion between a majority in the
23 legislature and myself as Governor does not rest on partisan
24 differences, but really addresses some of the core values
25 that have been expressed by people that see a reducing

1 budget.

2 And where does the burden of those savings fall and is
3 it done fairly? And do we in that reduction, do we either
4 inadvertently or intentionally bias the outcome to be unfair
5 both racially and culturally and limit the opportunity for
6 some that public service is an absolute necessity for their
7 success. We have had those battles on all of those areas,
8 the ability for the government through its programs and
9 services to bring about some of the equality of opportunity
10 that is necessary. So I would suggest that those
11 differences, as I say, are not partisan but really speak to
12 some real fundamental difference in core values. We have
13 not been as successful as we hoped.

14 We seem to be getting more success recently, and I
15 think maybe that might be because of the public recognition
16 of those kind of needs.

17 COMMISSIONER YVONNE Y. LEE: May I ask a very short
18 follow-up question? The federal government mandates that
19 linguistically and culturally competent services be provided
20 on the federal level. Will you be mandating that kind of
21 services in your budget?

22 GOVERNOR TONY KNOWLES: Certainly. And my Commissioner
23 of Education in Early Development, Commissioner Holloway,
24 can speak directly to some of the things that we have
25 proposed, what we haven't received yet, but we look upon as

1 our continued obligation to support and hopefully get some
2 success in.

3 COMMISSIONER ELSIE M. MEEKS: Excuse me, I have a bit
4 of a cold. But one, I want to thank you for coming here.
5 It wasn't by subpoena or anything, it was willingly on your
6 part.

7 You know, no matter where we go and no matter what the
8 issues are when we're talking about Civil Rights issues, you
9 know, one of the biggest reason why none of these issues are
10 remedied is because of lack of funding, no matter where we
11 go.

12 I heard somewhere this morning, I believe, that the
13 state actually has a fairly big Permanent Fund, and that yet
14 you still seem to be operating under budget constraints on
15 carrying out a lot of the Native issues, you know, whether
16 it's injustice or education, et cetera, and I wanted you to
17 comment on that.

18 But because I only have one shot at this I also wonder
19 does -- in South Dakota because of the large Native
20 population there, we've been talking about undertaking a
21 study on justice issues. But one of the things that sort of
22 stands in the way of getting really good information is the
23 number of arrests which goes directly to racial profiling.

24 And I wonder if Alaska has any law like that or is
25 considering passing a law? So two, the budget and, one, the

1 racial profiling bill.

2 GOVERNOR TONY KNOWLES: Yes, ma'am. Mr. Chairman,
3 Commissioner Meeks, there is no excuse for us not to provide
4 the essential services based on a lack of budget. We do
5 have numerous resources that we can turn to.

6 Our inability to get that done as political leadership,
7 the responsibility rests on our shoulders if it's not done.
8 There is plenty of wealth in this state to address those
9 needs and so the responsibility lies clearly with the
10 political leadership if it's not done, and if it's done in a
11 proportionality that is also fair.

12 So adequacy and proportionality are both important. I
13 don't think that we have achieved that. I accept
14 responsibility for that. I apparently have not made my
15 cases strong enough or as compelling enough. We're trying.
16 We think we're doing better, but that is no excuse for not
17 achieving the right kind of results, but we're working on
18 it.

19 In reference racial profiling, if it would be all
20 right, I would like to ask the Attorney General to join with
21 me here and maybe answer that specifically. I know that
22 there is -- I don't believe that we have a law that
23 specifically details that issue, but I believe in terms of
24 the procedures and policy and regulations that we would not
25 in anyway condone that or that it is somehow is accepted as

1 part of our organizational framework. But would it be all
2 right, Mr. Chairman, if I might?

3 CHAIRPERSON GILBERT GUTIERREZ: No. You're not on the
4 agenda -- you're on the agenda later on, aren't you?

5 ATTORNEY GENERAL BRUCE BOTELHO: I am not.

6 CHAIRPERSON GILBERT GUTIERREZ: Oh, you're not. Would
7 you please then come forward and just answer that one
8 question. Then we're going to have to stop here at this
9 point because we got the schedule we're on, though we
10 appreciate your time.

11 ATTORNEY GENERAL BRUCE BOTELHO: Mr. Chairman, the
12 Governor has well-addressed the issue. We do not have a
13 statute which specifically prohibits racial profiling, but I
14 believe that when you hear from Commissioner Godfrey, he
15 will review with you our efforts to make sure that that
16 practice is not existent in Alaska.

17 CHAIRPERSON GILBERT GUTIERREZ: Okay. Does that answer
18 the question?

19 COMMISSIONER ELSIE MEEKS: So in reviewing the number
20 of arrests made per year, there's no mechanism in place to
21 know what the racial makeup of that is?

22 ATTORNEY GENERAL BRUCE BOTELHO: In fact, we do track
23 of course the physical description of anyone who's arrested.
24 So in that respect, yes, we do compile that information.

25 COMMISSIONER ELSIE MEEKS: Okay.

1 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We
2 appreciate your time. We would like to request the
3 acceptance of some written questions, if you wouldn't mind?

4 GOVERNOR TONY KNOWLES: It would be my pleasure.

5 CHAIRPERSON GILBERT GUTIERREZ: Well, we're really out
6 of time.

7 MS. ROSALEE WALKER: I have just a short one.

8 CHAIRPERSON GILBERT GUTIERREZ: Okay. A real short
9 one.

10 MS. ROSALEE WALKER: Thank you for coming, Governor.
11 And my question may sound a little crass, but I sincerely
12 believe in what I'm doing.

13 In listening to your presentation and I attended one of
14 the Tolerance Committee's meeting and in listening to the
15 achievements that you have made out and so forth, my
16 question is why are we here? Because we are still listening
17 to the same, same thing over and over and over, and that's
18 my question. It is short, Gil.

19 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Rosa.

20 GOVERNOR TONY KNOWLES: Ms. Walker, thank you. And
21 thank you for your longstanding advocacy of exactly what
22 this Commission is involved in.

23 It's true, why are we here, if we know so much, if
24 we're making so much progress. And frankly it's because we
25 haven't done enough and we can do better. And I look upon

1 this as an opportunity. It's difficult to describe that
2 there are problems with a state that you love and are proud
3 of. And that, yes, there are problems, but as we all know,
4 the first sign of progress is to admit the fact that you
5 need progress and there needs to be the open discussions
6 about how we can do better.

7 Perhaps I should have had a Tolerance Commission long
8 before the paintball incident, but let that be the trigger
9 by which we can from this point forward acknowledge that we
10 have problems that perhaps we didn't believe were as deep-
11 seated as they are.

12 So thank you for giving me the chance to say that. We
13 can and have to do better.

14 MR. DANIEL ALEX: Mr. Chairman?

15 CHAIRPERSON GILBERT GUTIERREZ: Yes. One more. This
16 will be the last question, I promise.

17 MR. DANIEL ALEX: Governor, what kind of mechanisms are
18 in place to ensure the state agencies are not involved in
19 discriminatory practices against minorities?

20 GOVERNOR TONY KNOWLES: What is in place has to be
21 first of all the professional and personal integrity of the
22 organization from the top down. That if there is any
23 indication that discriminatory practices are being -- are
24 occurring whether they're institutionalized or they're
25 individual acts, they have to be recognized and changed.

1 And that is a fundamental responsibility of everyone within
2 my administration.

3 We have systems within the government by which people
4 on the ability without recrimination to call attention to
5 this and to respond to it. And we welcome those situations.

6 CHAIRPERSON GILBERT GUTIERREZ: Mr. Walleri?

7 MR. MICHAEL WALLERI: The state's rights have been
8 historically used to justify discrimination, segregation,
9 and generally in other areas been used to justify oppression
10 of minorities.

11 At the same time you indicate in your testimony that
12 your recent compilation of Alaska Leadership seemed to
13 develop a consensus of Alaskans about the subsistence issue
14 in terms of -- that the majority of Alaskans support a rural
15 subsistence priority. And I understand that you're facing a
16 critical policy decision in the near term.

17 I have a question with regards to that and that is, do
18 you think that it is more important as a policy statement to
19 defend the state's rights when those that might preserve an
20 undesirable policy, or do you think it is more your duty to
21 defend what is the majority choice of Alaskans?

22 GOVERNOR TONY KNOWLES: Mr. Chairman, Mr. Walleri,
23 thank you for that question. And you have very well
24 described a fundamental dilemma. First just on a personal
25 note if I might, I come from a generation where state's

1 rights as a phrase makes me cringe somewhat.

2 I was born and raised in Oklahoma, the Jim Crow Law was
3 alive and well all during my upbringing. And I heard as I
4 grew up the words state's rights to be used as a code word
5 for segregation.

6 I think America has come a long way in that regard. So
7 I'll say state primacy in regards to natural resource has
8 oftentimes been a reason for the state to assert itself in a
9 way that has in the case, as you're suggesting, in
10 subsistence has been against the fundamental direction that
11 most Alaskans would to see us go. And that has been a very
12 troubling situation.

13 And I am involved right now in a decision that
14 addresses directly that issue and we're now working to the
15 conclusion of that right now. It basically is that we are
16 suing the federal government for doing something, that we
17 should be doing something -- that we should be doing as a
18 state. And then what kind of protection do we offer if
19 we're successful in not having the federal government
20 protect those subsistence rights. That to me is a
21 fundamental issue.

22 That's what I'm looking -- the values I'm looking at in
23 regarding that case. And I have until October 4th to make a
24 decision.

25 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Governor.

1 There was one more question that was brought up here. Did
2 you notify the Department of Safety or the FBI regarding the
3 recent murders of all these Alaska Native women, these
4 unresolved crimes against Alaska Natives? The Department of
5 Justice? Has anybody in your office or the State
6 Administration addressed those issues with the FBI or the
7 Department of Justice?

8 GOVERNOR TONY KNOWLES: Mr. Chairman, I know that both
9 through the Attorney General and Commissioner of Public
10 Safety that those issues have been addressed. I believe
11 that they have been in contact with the FBI. I'm not sure
12 if it's also been with the Department of Justice. I would
13 request the Attorney General comment to that, with your
14 permission.

15 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Wait a
16 minute, he's going to respond to a question here.

17 ATTORNEY GENERAL BRUCE BOTELHO: Mr. Chairman, if I
18 might again request that at the appropriate time
19 Commissioner Godfrey directly address those contacts. I
20 know they've been made, but I'm not at a point to indicate
21 the extent to which the nature of those contacts can be
22 divulged.

23 CHAIRPERSON GILBERT GUTIERREZ: Very good.

24 ATTORNEY GENERAL BRUCE BOTELHO: I'd like to have the
25 opportunity just to consult with him.

1 CHAIRPERSON GILBERT GUTIERREZ: We can do that.

2 ATTORNEY GENERAL BRUCE BOTELHO: Great.

3 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yes, sir.

4 MR. MITCHEL SCHAPIRA: I wanted to ask one question
5 while Mr. Botelho is here. And that is this, you've heard
6 that discrimination in the legal system is problem which
7 many of the panelists have addressed. And Justice Eastaugh
8 has acknowledged that a lot of the discriminatory effect in
9 law enforcement occurs long before the case comes to court
10 as in, for example, charging decisions or even arresting
11 decisions.

12 And I wonder if you or the Attorney General has
13 considered what appears to many as a disproportionate
14 charging decision against a public defender whose main
15 clientele are among the most disadvantaged in society, can
16 be perceived as also a discriminatory act because of his
17 career choice to represent minorities and, as I say, the
18 most disadvantaged?

19 ATTORNEY GENERAL BRUCE BOTELHO: Mr. Chairman, the
20 matter being referred to here is a recent decision to
21 prosecute a public defender in a drunken driving matter.

22 I would simply say this; I think the concerns that were
23 raised were obviously serious. I had personally looked into
24 the matter. I appointed an outside lawyer with extensive
25 prosecutorial experience not connected with the state to

1 independently review all the records, to interview all state
2 attorneys and law enforcement involved in that matter.

3 I received that report. The report indicated that the
4 steps taken were appropriate and that the charge was also
5 within the range of reasonableness. It was not in any way
6 selective prosecution as has been alleged.

7 I'm confident in both the integrity and the
8 thoroughness of the investigation that I had done
9 independently. And I would indicate this is the first time
10 that I've actually acknowledged that that was undertaken in
11 any public forum.

12 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much.
13 We really appreciate your time. And again we've gotten a
14 little off track, but your time has been very valuable to
15 us. Thank you.

16 GOVERNOR TONY KNOWLES: Thank you, Mr. Chairman and
17 Commissioners.

18 CHAIRPERSON GILBERT GUTIERREZ: I would like to now
19 request that Janie Leask, Manager of Community Relations for
20 Alyeska Pipeline Service Company and Jennifer Rudlinger,
21 Attorney for the Alaska CLU come up and present.

22 (Pause)

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you. You can
24 start whenever you're ready.

25 MS. JANIE LEASK: Thank you.

1 CHAIRPERSON GILBERT GUTIERREZ: We sure appreciate.....

2 MS. JANIE LEASK: Thank you, Mr. Chairman. My name is
3 Janie Leask. I'm here today to specifically address the
4 urban/ rural divide. I'm a lifelong Alaskan, have lived in
5 the state for 40 plus years of Haida, Tsimshian, Indian and
6 Irish-German ancestry. I've done a lot of work in trying to
7 heal the divide between urban and rural Alaska which I feel
8 is critical to this state, urban/rural, Native/non-Native.

9 I believe the divide is one of primarily due to
10 ignorance and apathy, where the average citizen doesn't feel
11 that they really need to become involved and feel that it's
12 somehow not their problem that it's somebody else's problem.

13
14 In working on this issue over the years you have a
15 couple of items attached to this testimony. One is the
16 Commonwealth North Urban/Rural Unity Study which was just
17 recently published. You also have some proceedings of what
18 the Governor just talked about, and that is the Governor's
19 Subsistence Leadership Conference, the Summit.

20 I worked for 15 years with the Alaska Federation of
21 Natives and spent a lot of the past 25 years involved with
22 the Chambers of Commerce, both the Anchorage Chamber of
23 Commerce as well as the State Chamber. I currently serve on
24 two organizations, one is the Commonwealth North Board of
25 Directors, which published this report which I'll go into in

1 just a minute. And also another one is the Alaska
2 Humanities Forum and the Alaska Humanities Forum is a
3 statewide organization. We're doing some work with respect
4 to urban/rural studies in bringing urban youth out to rural
5 Alaska, and rural youth into urban Alaska. And this has
6 been our first year with that with a lot of success.

7 Another one of our programs is Alaska 20/20 and this is
8 where we trying to build up consensus and unity among the
9 state of Alaska based upon values.

10 The Urban/Rural Unity study was one that Commonwealth
11 North took on largely because of the subsistence issue, but
12 because of the growing divide in this state that I think
13 everybody recognizes but really nobody had come out and said
14 anything about it.

15 In taking a look at this study, we looked at a number
16 of different areas; we looked at the access to fish and
17 game, education, health services, public safety, governance
18 and sovereignty and economic survival and development.

19 We asked the questions, what are the issues? What will
20 happen if we as a state do nothing? What are some of the
21 positive outcomes; what would they look like and what would
22 they mean to the state. And then the final one, what needs
23 to be achieved in order to have this positive outcome?

24 At the core of this issue like the core of a lot of
25 other issues is the subsistence problem that has been with

1 us now for over 20 years. One of the little mini-successes
2 has been trips by the Anchorage Chamber of Commerce out to
3 rural Alaska. And this was particularly gratifying for me
4 in putting the trips together and working with Native
5 organizations because in many of the trips that we did take
6 out, urban businessmen and women, the light somehow
7 magically went on by visiting rural villages and talking to
8 rural people they finally understood the importance of
9 subsistence, they saw firsthand a honey bucket, they saw the
10 need for power cost equalization, some of the subsidies to
11 rural Alaska. They saw the health clinics. They toured a
12 lot. They came back together as a group and they shared a
13 lot of their observations. It was wonderful. It was
14 absolutely wonderful. Unfortunately the program has
15 discontinued, but I'm hoping that the Anchorage Chamber will
16 pick it up. The Fairbanks Chamber has also been talking
17 about something similar to this as well.

18 But this is a side of Alaska really that Anchorage men
19 and women really don't see because it's prohibitively
20 expensive to travel out to rural Alaska. You can get a
21 ticket to Hawaii or somewhere in the Lower 48 a lot cheaper.
22 And if your job doesn't take you out there then there's
23 really no reason unless you're a tourist and then go tour or
24 a sports fisherman or a hunter. But it's a side of Alaska
25 that most people don't see and I think fuels -- continually

1 fuels the urban/rural divide.

2 I've seen a lot of ignorance. And ignorance I think
3 that is caused by a lack of understanding about Alaska
4 Natives and the place that Alaska Natives hold in our state
5 and the history. There is no requirement for history in our
6 state, Alaska history to be taught which I think is
7 horrible. There is also a pioneer mentality that somehow
8 people think that the history of our state really started
9 when the gold rush happened or when there were -- when the
10 farmers were brought up to the Mat-Su Valley. And there's
11 not really appreciation for the Alaska history, Alaska
12 Native history, a portion of our state. And they're
13 stereotyping that that we all know that goes along.

14 Yes, there is prejudice. And yes, there is racism in
15 our state and we've seen that. We've seen through the
16 paintball issue. I guess one thing that I think that is
17 positive is that people are talking about it now. We have
18 this. We have this forum. We have marches. We have
19 conferences. We have organizations such as Bridge Builders
20 and Healing Racism, people are talking about it and I think
21 people are doing something about it. I think there is
22 reason for hope.

23 The whole -- in my opinion the whole urban/rural divide
24 is really caused by subsistence. And it's caused by the
25 subsistence issues which has been with us for now over 20,

1 25 years. And the subsistence issue again in my opinion is
2 caused by the lack of our state legislatures to take action
3 to even put on the ballot an initiative, a constitutional
4 amendment to allow the people of the state of Alaska to
5 weigh in on the issue.

6 I was a participant in the Governor's Conference on
7 Subsistence. And before I went, a fellow employee
8 approached me and said, "Do you know, all I want to do is
9 vote." He said, "I don't even know how I would vote, but
10 all I want to do is be able to weigh in as a citizen of
11 Alaska and vote on this issue."

12 And for five special sessions and two regular sessions,
13 our state legislature has refused to put this issue on the
14 ballot for people in the state to vote on. And this has
15 continuously fueled this divide between urban/rural Alaska.
16 I think we can talk education, health services, public
17 safety, a lot of other issues, but until and unless the
18 subsistence issue is resolved in the state I don't think the
19 urban/rural divide is really going to go away. And I don't
20 think the healing is really going to take place.

21 And regardless of the goodwill of a lot of people that
22 I saw sitting around the Governor's Summit, and there is a
23 lot of goodwill, and there is a lot of nice words, there is
24 a lot of reports out there, but I think it's really time
25 that there is action behind the words that we hear. And

1 it's ultimately the action whether it's the action by state
2 legislators, whether it's the action by business men and
3 women and Chamber of Commerce's, for a real change to occur.
4

5 And I challenged a couple of Chamber of Commerce
6 leaders and I challenge my own organization, Commonwealth
7 North, it's one thing to pass a resolution and to say, yes,
8 we support putting the issue on a ballot and sending the
9 resolution out to everybody and washing your hands and
10 thinking the job is done. But no longer can businesses and
11 people in the state of Alaska just sit by and think that
12 this is an issue that does not impact them and somehow it
13 becomes a Native issue and it's a Native problem, when in
14 reality it's an Alaskan issue and it's an Alaskan problem
15 and it's a business problem.

16 So I guess in closing I would say that it is time for
17 action. It's time for people to get off the sidelines and
18 to start taking this issue and talking about it. And it's
19 not only urban/rural; Native/non-Native, but it's all the
20 citizens of Alaska. I think we're past the stage of doing
21 studies. I think we're past the stage of holding
22 conferences although it's always good to get people in the
23 same room talking to each other. But we really now have to
24 take that step for action. And the first step would be the
25 legislature calling or passing a constitutional amendment to

1 allow the people of the state of Alaska to vote on this.

2 I had a recent experience in Hawaii, I went over there
3 for a Native Hawaiian/Alaska Native Conference in July. I
4 hadn't been to Hawaii for 10 years and I was struck by --
5 when we landed, there was -- one of the flight attendants
6 said a number of different things which I'm assuming was,
7 "Welcome to Hawaii, welcome to our state, hope you have a
8 good time", but it was all in Hawaiian. And it was
9 wonderful. And I guess it really hit me that in such a way
10 that I turned to friend of mine who worked at Alyeska and I
11 said, you know, it's really sad but I don't think we'll ever
12 see that in our state. And it's really sad.

13 I mean, I'm optimistic, I continue to be an optimist.
14 I tried being a cynic going into the Governor's Subsistence
15 Conference but I ended up having hope coming out because
16 once again I feel that there is goodwill among Alaskans who
17 really care about our state and who really care about the
18 future of our state to really get together and talk and
19 listen to each other.

20 So I think that there's a lot of organizations who are
21 doing a lot of really good work, and I commend them highly.
22 But I also think that in the arena of racism and
23 understanding and continuing to build our state in a better
24 way than what we've been doing in the past, that we really
25 need to take this issue to our schools.

1 We need to get our children involved. That's why I'm
2 really pleased that the Humanities Forum has their
3 Urban/rural Youth Exchange because there's nothing like
4 getting out to rural villages that somehow the light goes on
5 in a lot of people's minds, but we need more of that. We
6 need more of that in our schools. And we need to just see
7 some action and a simple thing as respect one another.
8 Thank you.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Ms.
10 Rudlinger.

11 MS. JENNIFER RUDLINGER: Thank you very much and good
12 morning. I very much appreciate the opportunity to address
13 this Committee. And I know you're running overtime, I'll
14 keep my remarks very brief.

15 First of all, by way of introduction, my name is
16 Jennifer Rudlinger and I'm the Executive Director of the
17 Alaska Civil Liberties Union. The Alaska Civil Liberties
18 Union is the state affiliate of the National ACLU. We have
19 one office in Anchorage. We have been in existence for 30
20 years this year and yet last week was the first time we've
21 ever hired a staff attorney.

22 There's a perception out there that we're Liberty's Law
23 Firm; we wish. But I have one assistant and a part-time
24 staff attorney, and we're hoping to develop that into a
25 full-time position because what I'm about to describe to you

1 is a laundry list of issues we're aware of that we don't
2 have the resources to really do a whole lot about
3 unfortunately in many of these cases. And we're not alone.
4 We're not a state agency. We get no funding from the
5 government, that's not your problem.

6 However many of the agencies to which we refer people
7 also are understaffed and underfunded, agencies like Alaska
8 Legal Services, the Alaska Pro Bono Program, which just
9 started up about a year or two ago. The Anchorage Equal
10 Rights Commission, the Human Rights Commission,
11 understaffed, underfunded, huge backlog. And I throw up my
12 hands so often in despair with the people who come to us who
13 we cannot help because I've run out of places to refer them
14 to.

15 However, I've been asked to address you today and I
16 appreciate the opportunity to discuss some of the issues
17 that the Alaska Civil Liberties Union is aware of that would
18 concern this Commission. And I plan to focus on
19 discrimination, particularly against Alaska Natives and also
20 then to discuss a bit about discrimination against other
21 minorities groups including gays and lesbians.

22 I would concur with basically everything that Janie
23 Leask just said, only I would also add that while the
24 rural/urban divide may have started with subsistence it has
25 manifested itself in many, many other ways and it is now

1 much more complex than that.

2 For example, one of the issues that the Alaska Civil
3 Liberties Union is involved in is a fight against a ballot
4 initiative which mandated that English would be the only
5 language in which government business could be conducted.
6 This was passed in 1998, unfortunately. The initiative does
7 not affect private businesses, of course, it is only
8 affecting government business and it mandates that these
9 transactions whether they be written or oral could be
10 conducted only in English.

11 This is in state with over 104 different languages
12 spoken. A state in which, frankly, those of us who are new
13 to the state are lucky to live here. And we should be
14 celebrating diversity, not passing initiatives like English
15 only that only foster intolerance and divisiveness.

16 One of the most offensive things about this initiative
17 was the fact that in many rural areas School Board meetings
18 and City Council meetings which are traditionally conducted
19 in Yupik or Inupiaq would only be conducted in English. And
20 this would, of course, exclude village elders from
21 participating in these meetings because they don't know
22 English. And frankly it's unnecessary, this law. There is
23 no threat to the English language in Alaska; I assure you.
24 It baffles us that it was passed.

25 There is a provision in the initiative which cites a

1 symbolic Federal Law called the Native American Languages
2 Act. The Native American Languages Act was signed into law
3 in 1990 by George Bush the first. This law is unenforceable
4 against state or local governments. It does nothing to
5 protect Alaska Native languages from the scope of this
6 English only initiative. And yet it was touted as
7 protection for the Alaska Native traditions.

8 Fortunately the ACLU, the Native American Rights Fund
9 and the North Slope Borough have prevented this initiative
10 from ever taking effect. It has never been enforced.
11 Together we represent more than 30 plaintiffs, most of whom
12 are Alaska Native. We obtained an injunction in 1999,
13 preventing the law from taking an effect. It has not take
14 effect since. And there is a hearing scheduled in Superior
15 Court in Dillingham this fall in October on the
16 constitutional issues of that case. We are confident in
17 ultimate success in the outcome, but of course, nothing is
18 ever a sure bet.

19 That's one example however of a symptom of this
20 urban/rural divide, a symptom of intolerance in the state.
21 There are many other examples. The ACLU has worked with the
22 Alaska Native Justice Center. And I know you're going to
23 hear from Denise Morris of the Justice Center later today.
24 Together we were looking into complaints about the Sex
25 Offender Treatment Programs in Alaska.

1 These programs are mandated for sex offenders, but they
2 are offered often only in English. And we were hearing from
3 folks who were unable to complete the programs because they
4 didn't understand English and were therefore being denied
5 good time and were basically being denied equal protection.
6 We are continuing to look into this with the Native Justice
7 Center. Again we have not had the resources to dig as
8 deeply into this as we would like, but I'm bringing this to
9 your awareness and maybe you can help us with this.

10 There are also as you have already heard dozens and
11 dozens of sexual assaults of Alaska Native women in
12 Anchorage in recent years. And we have evidence of a lack
13 of concern by the Anchorage Police Department and the
14 community at large unfortunately.

15 The ACLU heard from a rape victim this spring who was
16 treated by APD -- an Alaska Native rape victim who was
17 treated by APD as though she deserved it because she had
18 been drinking at a local bar before the attack.

19 Another issue which I know has been addressed to you in
20 great detail so I won't go to deeply into is subsistence but
21 I do want to mention that it is something that the Alaska
22 Civil Liberties Union is concerned about. The Alaska Civil
23 Liberties Union in 1998 adopted a policy respecting the
24 rights of Alaska Natives. Among the rights that we
25 staunchly supports for Native peoples are the rights to a

1 tribal land base and pertinent natural resources; the rights
2 to tribal self-government and sovereignty, self-
3 determination; the rights to retention of their cultural and
4 religious heritage, the rights to enforcement of the
5 commitments made to them by the U.S. Government and the
6 Alaska Government, and access to traditional hunting,
7 trapping, fishing and gathering areas for subsistence
8 purposes.

9 We have, since its inception in '98, been a supporter
10 of the We the People March for Subsistence Rights and Native
11 Rights. There's a perception by many in the public that
12 this issue is simply about gathering food.

13 I was happy to hear the Governor articulate a quote
14 from someone, many people articulate this much more
15 eloquently than I do. That this is not just about the right
16 to gather food or the right to feed a family. And this
17 perception that it is about food is just a refusal to
18 recognize and validate the cultural, the spiritual, the
19 religious significance of subsistence to the Alaska Native
20 way of life.

21 I won't go into the history of the Supreme Court
22 Decision in McDowland ANILCA (ph) unless you would like me
23 to. As the Governor has said he has until October 4th to
24 decide whether he will appeal to the U. S. Supreme Court,
25 the Katie John Decision.

1 The Alaska Civil Liberties Union will be urging him not
2 to appeal, not so much because the appeal really has merit
3 or any chance of being successful. There's never a
4 guarantee, but the state has already appealed to the U.S.
5 Supreme Court in '96 and they denied certain ones. We don't
6 know why they would do it again.

7 But more significant perhaps is the perception that a
8 state appeal would have to Alaska Natives. It would carry
9 the perception that this is yet another slap in the face to
10 the Alaska Native way of life by our state government.

11 We will urge the Governor, and my Board of Directors is
12 right now looking at draft of a letter that we hope to get
13 out in a couple of days. We will urge the Governor not to
14 appeal and rather to continue to pursue non-hostile ways of
15 solving the subsistence problem.

16 Another example of bias against Alaska Natives is an
17 unfortunate incident of censorship that occurred in the
18 Anchorage and Fairbanks School District. There is a book
19 called American Indian Myths and Legends. This is an award-
20 winning nationally renowned book which is just what it
21 sounds like, it's a compilation of American myths and
22 legends. It was used in a classroom in Anchorage as part of
23 the discussion -- wrap up? Yes, sir. Thank you.

24 It was removed from the school library shelves in
25 Anchorage, and then it was removed in Fairbanks from all

1 school district shelves without any parent complaining in
2 Fairbanks, without anyone complaining in Fairbanks. In
3 fact, nobody really knew the book was there to begin with
4 until it was removed. It was removed by Fairbanks as a
5 prophylactic measure to avoid any controversy which occurred
6 when it was used in Anchorage.

7 The ACLU and several Native Rights organizations and
8 corporations opposed this censorship. We continue to oppose
9 it and we may be filing a lawsuit in Fairbanks if necessary
10 to get it back on the shelves.

11 You've already heard about the disparity in funding for
12 education and for public safety. The disparity that
13 continues to foster and intensify the rural and urban
14 divide, so I won't go into that unless you'd like me to.

15 You've heard about the paintball attacks. I'd like to
16 briefly discuss some of the backlash that has occurred as a
17 result perhaps of bringing you all here. While we're very
18 happy to have you here, as often happens, any time a
19 minority group stands up for itself or any time action is
20 taken to move toward progress, there is a backlash to that.

21 And we saw an embarrassing situation in our state's
22 Senate this spring wrangling over what kind of
23 discrimination should be okay and what kind of
24 discrimination is quote, unquote, unlawful, in the adoption
25 of a very simple resolution condemning the paintball

1 attacks.

2 It was very embarrassing to watch, frankly, allegations
3 of reverse discrimination by Alaska Natives against White
4 people, and that was used as an example to support the term
5 unlawful.

6 Finally, the Conference Committee reconciled the House
7 and Senate versions and adopted the term wrongful
8 discrimination. Still the discussion shows the lack of
9 sensitivity to these issues even by people who are proposing
10 to condemn the paintball attacks.

11 Another example of the backlash, which I believe does
12 have something to do with bringing you all here and focusing
13 attention on discrimination, there's an organization that
14 has started leafleting neighborhoods in Anchorage, they are
15 called the National Alliance. This is a national White
16 supremacist organization.

17 This is the first year that we at the ACLU have heard
18 of White supremacist activist groups in Anchorage. For all
19 we know, this is two guys in a van, we don't know, but they
20 have been busy leafleting, and attention has been brought to
21 that by the Anchorage Daily News. Police are getting
22 complaints from people who don't want to receive this
23 literature. It is disturbing that they are here. And
24 they're here now and it's no coincidence.

25 Finally, another example, which fortunately we are not

1 having to fight right now because it's been tabled, there
2 has been a proposal in the Anchorage Assembly to adopt
3 something called a quote, unquote, Conduct Ordinance, which
4 would have a disproportionate impact on the homeless and on
5 Alaska Natives in Anchorage.

6 This ordinance would have allowed law enforcement to
7 banish people from public areas for 30 days if law
8 enforcement believed they were committing any one of a
9 number of nuisance crimes. There were no due process
10 provisions, they were inadequate. Fortunately, working
11 again with the Alaska Native Justice Center with Homeward
12 Bound and another organizations that protect Native Rights,
13 we have been able to get this ordinance tabled.

14 Other race discrimination, very quickly. Gee. We just
15 heard two weeks ago from an attorney in Anchorage who
16 handles student discipline cases in the Anchorage School
17 District. She is very concerned about zero tolerance, which
18 the ACLU calls the opposite of tolerance. It is zero common
19 sense.

20 Like many schools around the country since Columbine,
21 Anchorage Schools have adopted zero tolerance. And there
22 are allegations we're hearing of racial disparity in
23 selective use of zero tolerance with the exception of a much
24 publicized group of students who were engaging in off school
25 fights and who were uniformly suspended. Other than those

1 cases we are hearing that there is a racial disparity in
2 zero tolerance being enforced and we are going to look into
3 that along with this attorney.

4 We're also investigating racial profiling that's been
5 alleged in Valdez, a community across the Prince William
6 Sound. We are hearing -- this week we are hearing that the
7 INS is rounding up people in Valdez, that they are setting
8 up roadblocks. And they are not pulling over White people,
9 they are pulling over everybody else. We also hear that
10 they are going into hostels and shelters and places where
11 they think that poor people and immigrants might be. We're
12 looking into that this week along with someone with the
13 Catholic Social Services Immigration Project.

14 The last thing I'd like to briefly mention, there is a
15 big gap in our state law in terms of gay, lesbian, bisexual
16 and trans-gendered folks. There is no protection in state
17 law or local law for these folks from discrimination.

18 We are happy to report the Anchorage School District
19 just this summer did include sexual orientation in its anti-
20 discrimination policy. However, there's no protection in
21 state or local law and perhaps this is an example of lawful
22 discrimination that the Senate wanted to protect. We don't
23 know.

24 Numerous examples of a backlash against every small
25 step forward for Gay Rights in this state, a lawsuit seeking

1 the right to marry led to a 1998 Constitutional Amendment
2 prohibiting state recognition of same sex marriage. Alaska
3 was the first state in the country to do this,
4 embarrassingly, and other states have followed suit.

5 There is a current lawsuit the ACLU has brought seeking
6 equal rights for domestic partners of state employees and
7 municipal employees. They are not covered as spouses are
8 covered under insurance and pension programs. The backlash
9 to this is there is a proposed constitutional amendment
10 barring any right to government funding which would include
11 domestic partner benefits for employees.

12 Finally, many of you here I don't have to discuss the
13 Loussac Library lawsuit, an example of intolerance against
14 gay and lesbian issues. It was an innocuous display that
15 was banned by the Mayor before he even saw it. We had to
16 actually go to court to get it reinstated and we're happy
17 that we were able to do so.

18 I thank you very much. I mean, what can be done, get
19 out to vote big time. The English only is a stark example
20 of that, protection for subsistence rights however that may
21 come, co-management of resources between -- heavily
22 including tribal governments and Alaska Natives, Civil
23 Unions perhaps or equal rights for gay and lesbians under
24 our state laws.

25 The Governor's Hate Crimes Bill is a start, but we need

1 to actually get real benefits for these folks.

2 Interpreters for people who are not proficient in
3 English in our court system, a terrible lack. And the ACLU
4 is submitting an amicus brief in a case bringing an equal
5 protection challenge to this lack of interpreters, but
6 without the funding we don't know what good it will do; it's
7 worth a start.

8 And racial profiling in the state, we do hear of
9 instances. The only community in Alaska I'm aware of that
10 has adopted a racial profiling ordinance is Fairbanks. And
11 unfortunately, the ordinance they adopted last year is
12 toothless, it does not mandate data collection and it is not
13 enforceable. And finally promoting tolerance in schools
14 instead of zero tolerance.

15 I thank you very much for your indulgence.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We would
17 like for you to accept some written questions at some point
18 in time by the panel because we are running short right now.
19 Thank you.

20 I want to extend my apology to the Reverend Greene and
21 Art Lake, but we would like for you to come up at this point
22 in time, and Senator Betty Davis, excuse me.

23 We're going to go ahead until 12:30 and then we're
24 going to reconvene at 1:15, but we're going to open up your
25 opportunity to speak at this point in time. Thank you.

1 Yes, Reverend Greene, please.

2 REVEREND WILLIAM GREENE: Good morning. My name is
3 Pastor Greene. I'm the Pastor of Eagle River Missionary
4 Baptist Church, and I work in all levels of local government
5 voluntarily. And I want to talk about two things.

6 Well, first of all, racism does exist in Alaska. It's
7 alive and doing well. The paintball shooting was just an
8 eye-opener. I've been saying and others have been saying
9 things for 27 years, we're in a state of denial. And that's
10 Ms. Walker's concern about why we are here.

11 We're here because we have had our head buried in the
12 sand. We didn't want to hear the facts and we wanted to
13 believe that racism does not exist. Well, the paintball
14 incidence brought out what we've been saying for years. The
15 public was aware of the racism in the city and in the state,
16 and when we tried to voice that no one wanted to hear it,
17 okay, ignore it. And the paintball shooting was one of the
18 greatest things that ever happened really in the state
19 because it brought out what other minority groups have been
20 saying and it became a reality.

21 The other thing we have racism in the penal system. I
22 have received numerous letters from inmates complaining
23 about being denied their Civil Rights. I recognize the fact
24 that they're paying for their crime but yet they should be
25 treated as human beings. They have been called the N-word

1 routinely there. They have been denied certain privileges,
2 jobs. For instance, when it comes to reporting of jobs to
3 share the job opportunity, they have not been given an
4 opportunity to work as other Caucasians have been.

5 And I just recently received a letter where an
6 individual was complaining about they took his wedding ring.
7 They did not allow him to have his wedding ring. Okay.

8 And another complaint, for instance, I received a
9 letter when an individual was on the top bunk and there was
10 hole in the ceiling and the ceiling fell on him and knocked
11 him out of bed. They took him to hospital, just about zero
12 weather without shoes. He was allowed to go to the
13 hospital, walked to the ambulance only in his socks, and
14 other things such as this. For instance, one of the
15 correction officers said I have a rope in my truck to take
16 care of your complaining. Well, these kind of things happen
17 in the penal system.

18 I'm grateful that this Advisory Board is here to hear
19 these things but the same thing has been said for 27 years.
20 And I think the public is really tired of all these
21 Commissions and all these gathering of facts and nothing has
22 ever come about. I think it's time for action and I think
23 it's time for someone to take this matter seriously.

24 For instance, in the school district, there's racism in
25 the school district and it's doing well. Now, I don't think

1 the administration wants to hear the facts, they're in a
2 state of denial. When it comes to zero tolerance it only
3 applies in certain instances but mostly to the minorities.
4 I've sat in the classroom, I've seen significant others act
5 out in classroom and when the minorities do the same they
6 are chastised, sent to the principal's office. And these
7 are the kind of things that we have seen in the school
8 district. I have personally seen these things.

9 To this date I wrote a letter to the Superintendent,
10 the School Board, when I was on MECC and to this day nothing
11 has been done about these complaints. And I will not be a
12 part of a rubberstamp situation.

13 And so the facts have been gathered, but no one wants
14 to act on the fact. And the reason why we're here today
15 because no one has taken serious about the racism in this
16 state. And it's alive and doing well.

17 For instance in 1981, the minority test score was at
18 rock bottom. We came up with several after-school programs.
19 Those programs worked for a while. Today we don't have a
20 single one in existence because of lack of funds.

21 Minority African-American teachers, in 1987 we had a
22 127 or 129 African-American teachers, today we're down to
23 118, so we're losing ground rather than gaining ground.
24 Why, because the emphasis is not there. The fund when it
25 comes to funding you won't find it.

1 For instance, we had \$50,000 allocated for a
2 recruitment of minority teachers back in 1987. That fund
3 was never used for minority recruitment. And today we don't
4 have one penny allocated for recruitment of minority
5 teachers. These are the kind of things that goes on in the
6 district. These are the kind of things that the people are
7 concerned about. When are we going to take action on all of
8 this information that has been gathered? And I don't see
9 that.

10 Now, since the paintball incident, we've had several
11 facts -- my committee was the first to hold public hearing
12 on the paintball incident. It happened in January and the
13 first public hearing didn't happen until June. Everybody
14 has been in the state of denial. Well, why wait until June
15 if this incident happened in January?

16 Secondly, only one arrest has ever been made, and that
17 was one of the victims. And these are the kinds of
18 experiences that are going through within the state. The
19 perpetrator has not served one single day incarcerated. If
20 it had been a minority, you go to jail first and we get the
21 facts after. That's the way it is in the state, and this is
22 what has to change.

23 The people are frustrated and they have reached zero
24 tolerance, we're not going to tolerate it anymore. And we
25 want some action from our elected officials and they are

1 serving their own selfish gratification.

2 I went before the state legislature back sometime ago
3 in the subsistence. Well, they have it planned in their
4 minds we're not going to deny you -- we're going to give you
5 equal right to live off the land.

6 Well, God has enough fish out there for every citizen,
7 and for wildlife, whatsoever. So this is a big forest we
8 are protecting of this right. We just don't want to do the
9 right thing. And so I think we have talked about that
10 enough.

11 And I agree with what the Governor's trying to do, is
12 trying to get a subsistence level for the rural area, but it
13 doesn't look like that's coming together. Why? Because
14 they don't want the people to make a decision, and I think
15 it's time for our elected officials to start listening to
16 the people and they are not doing that here.

17 And so my thing is if you can't listen to the people,
18 we ought to get together and vote them out. And I think
19 that's the solution to the problem. They represent themselves
20 and not the people.

21 And so I'm thankful that this organ -- Committee is
22 here to hear our concerns and hope that we can generate some
23 interest and some action from this Committee because right
24 now I think we all have done like we work inside, like Rip
25 Van Winkle, we go to sleep. Okay.

1 And the same problem keeps surfacing. And so this has
2 been, like I said, my experience for the last 27 years. For
3 instance we are supposed to have equal right opportunity to
4 post on every bulletin board; that's not there.

5 We came out in 1987 in the District, our present
6 reduction plan that was supposed to have been on every
7 bulletin board and to every principal and every teacher
8 familiarized with that plan. Today you can't even much find
9 anything on that present reduction plan, that's the emphasis
10 of that to be put on it, okay. Until someone started doing
11 the right thing at the right time, that concerned the
12 minority community and the citizens of the state of Alaska,
13 20 years from today we'll be talking about the same thing
14 and the people are not going to tolerate it.

15 So I solicit your help and your support in bringing
16 Alaska into the 21st Century as far as equality. Thank you.

17 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Art Lake.

18 MR. ARTHUR LAKE: Good morning. (Speaking Yupik).

19 That was just a short introduction. Ladies and
20 gentlemen, Chairman Gutierrez, ladies and gentlemen of the
21 Commission, elders on your panel and in the room. My name
22 is Arthur Lake, and I'm the President of the Association of
23 Village Council Presidents headquartered in Bethel, Alaska.

24 I was born and raised in Hooper Bay, Alaska. And the
25 first time I ever went to school I was much like you

1 listening to me just a minute ago, the instruct -- the
2 principal maybe it was, was telling everybody, all the
3 school children which classrooms to go or which buildings to
4 go. I didn't know what he was talking about because I
5 didn't understand him. And I because I didn't I looked
6 around and my same age group, my buddies, you know, five,
7 six years old, I went along with them because I didn't
8 understand a word of what that person was saying. And I
9 think that's basically a lot of the problems we see here in
10 Alaska today is because we don't understand.

11 It's very difficult for me at times to think back and
12 remember a lot of the discrimination and the seeming
13 disregard for an individual based only on color. We have a
14 very strong cultural and traditional value systems in my
15 region which is called the AVCP Talista Region (ph) in
16 Southwest Alaska.

17 The language is very strong. The practices of cultural
18 and traditional values are still very strong. We base
19 ourselves mostly on a community basis, not individual basis,
20 and that's why I believe there is such strong bonds between
21 members in the community. And when you start spreading that
22 out you see less and less of that to where when you come to
23 the statewide issues there's a serious lack of understanding
24 and a serious lack of concern and that we're placed as
25 individuals instead of communities.

1 I remember a lot of -- now looking back in retrospect,
2 a lot of things that were said and done to me as I was
3 growing up was because they didn't understand me in a sense
4 because of my color, because of my background, where a lot
5 of it from very early on were stereotyped, you know, "those
6 dumb Eskimos" and all these other things. And even in the
7 paintball situation where they were going to get their
8 Muktuks. It's very sad.

9 And it's not very -- it's an education, especially as
10 I'm on the panel of education. I like to put it this way
11 when I speak to people in my region and others elsewhere,
12 that our Yupik children go to school in a foreign country
13 every day for seven hours a day for five days a week. A
14 foreign country because they don't speak their language and
15 they don't learn about their culture and traditions.

16 We have six school districts within our region. Not
17 once have they ever got together to talk about education of
18 our Yupik children.

19 You look at the curriculums of those six school
20 districts and I imagine anywhere else in the state, I don't
21 find a single Yupik cultural and traditional value system
22 incorporated into the curriculum in the schools, not one.

23 And I am saddened by the fact that a lot of our little
24 children, our young adults and now adults don't know how to
25 speak their language, our language, Yupik. And that saddens

1 me and it should sadden everybody because a lot of times
2 language is something that keeps people together as a group.

3 We don't see our cultural and traditional value system
4 in the enormous time that our children spend in front of the
5 TV because everything else is in English or something else.
6 Education is key and I feel very strongly that we should do
7 something about that.

8 When our cultural and traditional value systems hold
9 such importance to us, then we should do something about it.
10 Our tribal governments are like us as individual Natives,
11 Yupiks or otherwise. One of their responsibilities it to
12 promote and protect and perpetuate their cultural and
13 traditional value systems, and yet we don't see that.

14 You know, we're recognized by the federal government
15 but subjugated by their laws. We're not acknowledged or
16 recognized by our state government. A lot of these things
17 are just hitting on the surface, if you will. A lot of time
18 must be spent in trying to understand.

19 I remember my late father used to tell me when I was
20 growing up and he used to talk to me about that like this
21 with his fingers crossed, he said no matter how much I try,
22 no matter how much I do not speak my Yupik, no matter how
23 much I don't eat my Native food, no matter what I do to
24 throw away if you will my nativeness I will never become a
25 White man, and I will never become an individual that is a

1 White man.

2 And the reverse is true, no matter what the White man
3 does, no matter if he learns our language, no matter he eats
4 our food, no matter he practices our culture and traditions,
5 he will never be -- he or she will never become a Native.

6 And it's that point I think where we should all look to see
7 and become familiar with the culture and traditions that are
8 here in Alaska today, and there is quite a few of them.

9 But it's always the intolerance, the set-asides, you
10 know, the pushing aside. I've learned that if you don't
11 talk like them and you don't dress like them and if you
12 don't do things like them, you have a harder time getting
13 recognition or getting a little closer. But if you do dress
14 like them and you speak like them and you wear a suit and
15 tie instead of jeans and t-shirt, they'll treat you a little
16 different and with a little more respect, but that's not
17 good enough.

18 We should respect and understand each other to the
19 fullest degree that we are all different and that we have
20 own differences that we as Native people, as Yupiks,
21 understand and embrace that you or others and their
22 cultures, know and understand and embrace.

23 And education is so critical today. Like I said, you
24 know, I'm saddened by the fact that our children and adults
25 even now don't understand our Yupik language. I was

1 fortunate enough that I grew up not knowing a stitch of
2 English, not one word. And so my kids who range in age from
3 2 to 14, that's the first thing they learned was Yupik. We
4 didn't speak any English to them in their presence, not
5 until they went to school did they learn any English because
6 I want them to understand who and what they are and where
7 they come from.

8 At least that's a start, and it's our responsibility as
9 people to believe that we are tolerant, that we believe that
10 the individual is another human being in spite of their
11 color or their race or their culture. And education not
12 only in the classroom but in the meeting places, in the
13 cafes, in the restaurants, in the bars, even on the street,
14 education is very critical. And I thank you for the
15 opportunity to speak today. Thank you very much.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mr. Lake.
17 Senator Betty Davis.

18 SENATOR BETTY DAVIS: Thank you very much. Mr.
19 Chairman and members of the Committee, Advisory Committee
20 and also the Commissions that are present, Mary Miller and
21 also to Ms. Meeks; it is a pleasure to have you here in our
22 city, even though you are here for reasons that we would
23 prefer that we did not have to address if we did not have
24 the problems that we did, but we do have problems.

25 But I didn't come here to talk about all the things

1 that's going to be discussed with you by people that would
2 come before you tonight. And I only have a few minutes and
3 I just to take this opportunity to address some of the
4 things that I think our important in the areas of education.

5
6 Yes, we do have problems within the school district. I
7 know the Anchorage School District very well, having been a
8 school board member for more than 12 years on the school
9 board; once for 9 years and almost 3 years just recently.
10 And I've served in the State Legislature and I'm now serving
11 in the Senate. And education has always been a priority of
12 mine.

13 And no, we are not doing everything right but I do want
14 to say that it is not all gloom and doom here in our state,
15 that many things we are doing correctly and we can do
16 better. There is discrimination throughout, not simply
17 because it is something that people try to make happen, it
18 happens because of lack of ignorance -- due to ignorance,
19 lack of understanding, lack of education in areas that need
20 to made.

21 And also because we sometimes have a community that is
22 not concerned about education issues, they prefer to leave
23 it to the lawmakers, they prefer to leave it to other
24 individuals to carry out what parents need to be doing.

25 I know that I've served as a citizen in this town,

1 working in advocacy groups and going before school boards
2 before I was ever elected official, talking about what the
3 needs of the community were. And many programs have been
4 put in place. And as long as somebody was there to watch
5 those programs and to see that they were kept whole, those
6 programs were there.

7 In the area of equal opportunity, there are many things
8 that need to be done in order for us to educate our children
9 well. And if you would talk to anyone within the education
10 department or the school districts, the school boards, what
11 you would hear them saying is, yeah, we believe that all
12 children can learn. And I do believe that now people do
13 believe that children can learn. But what are we doing to
14 make sure that they all learn, and learn equally, that there
15 won't be the gaps that we see between the majority and
16 minority?

17 Within the Anchorage School District, there are 50,000
18 students in this city. And 30-some percent of those
19 students now are children of color.

20 But when you look at the makeup of the school district
21 when it comes to the administrators, the school teachers and
22 other people that work for the school district, our children
23 are not looking at -- children of color are not looking at
24 people that look like them within the classroom or any of
25 those areas in the capacity -- in the numbers that they

1 should be. And that's something that has to be changed.

2 I know when I came here in 1972, all of the principals
3 of the high school were White males. And there have been
4 changes over the years, and we've had minority principals.
5 But we are losing them. They are at retirement age.
6 They're moving on to better jobs in other places, and
7 they're not being replaced.

8 Some of the training that was being done to provide
9 administrative training to have principals move up into
10 those capacities, we have not had the money to fund those
11 programs. And when money is short, many good programs are
12 cut.

13 The question has been asked, why are we here? We're
14 here for many, many reasons. Because we are not doing the
15 things that need to be done in order to provide professional
16 education to all of our children, to make sure that they
17 have a quality education.

18 We have to first make sure that our class sizes are
19 small, that we're providing professional development to all
20 our staff. We want to test our children and have them ready
21 for the test. We have an exit exam now that will go into
22 place in 2002, we're supposed to. We have moved that now to
23 2004.

24 Will we be ready? We are working in the areas. They
25 now have benchmarks where children are being tested at

1 grades three, six and eight to make sure that they're on
2 grade level. If -- we also have now in the first grade, but
3 kindergarten grade, the children come into the school, they
4 have a profile that is developed on them so we can see what
5 areas of weakness that they have, and they've had to be
6 developed.

7 Perhaps when this group of students gets to be tenth
8 graders, they then will be able to pass the tests that we
9 have put upon them. We can't put all the responsibility on
10 the children. We can't put all the responsibility on the
11 teachers. We must pay our teachers well. We must train
12 them well.

13 And the question was asked, if we have so much money in
14 this state, what is this problem? Well, the money is not
15 the solution to everything, but I guarantee you that money
16 is an issue when it comes to public education in this state.

17 For the five years, the budget has been cut. And
18 during those five years when they said they were fully
19 funding education, it was just the same old repeat of the
20 money that they had been giving them since 1993. The
21 foundation and formula had not been increased since 1993.
22 Inflation rate has gone up more than 20 percent during that
23 time, and yet only about 8 percent has been added to the
24 budget.

25 So we know that first of all, we need to inflation-

1 proof our budget by education. We know that we should
2 provide enough money to cut class sizes down so that
3 teachers can make sure that they meet the needs of every
4 student that's in their room. It's not good enough to say
5 that we're doing fine because in this state, our tests
6 scores are a little more than 60-some percent, 63 percent
7 when it comes to the CAT test. We're talking about, yeah,
8 we are doing well, we are doing better than most large
9 school districts. That's not good enough.

10 We have schools within this district where many of the
11 students are performing at the 90 percentile on the CAT
12 test, where we have others that's down in the 30 percentile,
13 and yet, we're not giving all of the resources to the
14 schools that's not performing as well that they should have.

15 Yes, we do have federal money that comes in, but the
16 federal money that we get is not enough to meet the needs
17 that need to be met. And so we have local monies and we
18 have state monies, and we're not doing enough.

19 Yes, we do have the money, the foundation formula is
20 flawed. It's already been said that there's a difference
21 between the way we fund urban schools and the rural schools;
22 it should not be.

23 We know that there's changes that need to be made in
24 the formula. We are pushing for legislation for that to
25 happen. But at this time, at the present point that we are,

1 those are sitting there. We do not have the majority vote
2 to make the changes that need to be made.

3 But legislators can't do it all by themselves. They
4 also need the public behind them. Groups like you that will
5 listen to some of the concerns that are happening -- the are
6 problems that are happening in the state, you can hear that
7 information, you can make recommendations, but it is us
8 that's left here that will have to see that they're carried
9 out.

10 For over 30 years now, I have been involved with
11 education. And I see where we need to go. And I know
12 sometime we are there, and we're moving up, and sometime
13 we're not, but we have to keep pushing. But the main thing
14 is put the resources where they need to be.

15 We know the problem that's in the rural areas. We get
16 teachers out there and sometime before they can get off the
17 plane and get situated to teach their classes, they're ready
18 to move back where they came from because, first of all, we
19 haven't prepared them for what they're going to face when
20 they get there. And so you've got this open door policy.

21 Even though we pay people more in the rural areas,
22 we're not training the teachers that we're sending there,
23 and not providing the resources that are needed. And we
24 need to do more with technology. And we need to do a whole
25 lot of things that can be done. But money is a issue there

1 also.

2 And also keeping the proper staff that you need. We're
3 not able to recruit because of cutback in budgets. It used
4 to be the people would come here by the droves to work for
5 our state. But now, other states are paying even more than
6 we pay our teachers.

7 We used to be Number 1 out of all the states, but now
8 California, and Washington, Oregon are picking up the people
9 that we have here because they're paying them more, they're
10 giving them incentives and bonuses and they feel that they
11 can do better there because of the cost of living is lower
12 and we're having a hard time keeping them.

13 And a lot of the kids that we have now that are in
14 special ed classes, they are there not because they need to
15 be there. They might be having some problem, but many of
16 the problems should be handled within the regular classroom,
17 and not placed in special education.

18 And, yes, there's a problem, we don't get enough money
19 for special ed because the federal government promised at
20 the time when IDEA came into practice that they would
21 provide 40 percent of the funding. But at this point, they
22 haven't given more than 10 percent.

23 Now they are increasing in those areas, and there's
24 work to be done. That means that we as state legislators
25 have to put pressure on Congress to do what they say they

1 have to do. The school boards are doing the best that they
2 can. In many instances, they are there every year asking
3 for the funding. And they appreciate what they do get. But
4 they always know what the needs are and the continue to ask
5 for those monies.

6 And over the last few years, what I see is happening is
7 happening, school boards are coming together, working
8 together, urban and rural, standing up for education,
9 standing up for what's in the best interest of all our
10 students, regardless of their race, of their creed, or if
11 they're rural or if they're urban.

12 And that will get us where we need to go. It didn't
13 happen as well this year as I would have liked for it to
14 happen, but we got more increase in the foundation formula
15 this year than we have for a long time. There were more
16 schools that were funded to be built in the urban areas and
17 that there would be renovation to some of those schools that
18 are run down.

19 We didn't complete the total list, but we went further
20 on the list this year than we've done in many, many years.
21 And I do believe that next year, when we go back to face
22 education again, that we will be able to address the problem
23 with the formula and maybe we will fix it so there will be
24 no more rural/urban divide when it comes to the funding
25 source, that we will fund the schools based upon what their

1 needs are and not what we agreed that they should have based
2 upon what we want.

3 Seventy percent of the money that we get in the
4 Anchorage School District at this time does go into the
5 instructional part of school district. All of its schools
6 have to meet that mark, 70 percent into instruction. But
7 there are many schools that are not able to do that.

8 We have more than 10 schools now that receive waivers
9 at the 65 percent, which means they are not ready to meet
10 the 70 percent. So we must provide that money that they
11 need so that they can do that, so that we can keep students
12 in place. We also have to do things to make sure that we do
13 something to educate more Native people in the area of
14 education.

15 What do you think is happening when our children are
16 being taught and many of the teachers are not there to fill
17 that? We don't have certified teachers. You have these
18 aides in the classroom that's providing those services to
19 them. So we need to do everything that we can to make sure
20 that they can go out and get their degrees. And we can
21 bring classes to them on the Internet. We have the colleges
22 and universities now that are saying that they are going to
23 beef up their program to help them figure out how to
24 complete their training so that they can be there in the
25 classroom.

1 There are many, many things that we know that we can
2 do. Many thing we have been dragging our feet on. Maybe
3 with some motivation from groups like you, we will be
4 encouraged to do more.

5 But I do want to say that it is not all gloom and doom,
6 that we are doing some good things with children in the
7 district. It is not just minority children that sometimes
8 slip through the cracks. Majority children also slip
9 through the cracks. When you have this divide where you
10 have maybe in Anchorage 10 or 12 schools, and they have
11 teachers over there that are doing the very best that they
12 can, but what I see has happened in the district in many
13 cases, new people that come in as new teachers are placed in
14 positions where some of the most difficult students are.
15 And maybe we need to be looking at where are the best
16 teachers needed? That's not to say all our teachers are not
17 doing a good a job, but inexperience and not being able to
18 meet some of the needs, maybe we need look at other areas
19 and move those teachers over.

20 I do know here in Anchorage that we do give funds based
21 upon what we see as the need, but we don't go so far as to
22 say that teachers would be placed where they are most
23 critical needed. Because even when it comes to special ed
24 now, our special ed teachers have been released and they do
25 not have to teach within special ed any more if they don't.

1 And so there's a great shortage there. And we have to work
2 to make sure that we have the increase in funding so that we
3 will have the special needs teachers that we need.

4 We also have to work in conjunction with minority
5 communities to make sure that their needs are met when it
6 comes to having more people of color within the school
7 district, all the way from the janitor all the way up to the
8 superintendent.

9 It's not good to have all the high schools there and
10 you go there and they all have Caucasian principals. We
11 have had a male principal, we have had women and people of
12 color in those jobs. We are losing those positions. I know
13 that they will work hard on trying to put them back there,
14 but what is needed is not to sit back and depend on the
15 superintendent of the school board, that the community can
16 be more involved.

17 I appreciate the fact that we have people like Reverend
18 Greene who has served on various committees and as an
19 individual has come forward and work hard to make sure that
20 we meet the needs of our students. But it can't be just one
21 or two individuals, it has to be a community that is
22 concerned.

23 When the business community was concerned about what
24 they thought was wrong with the school system, the district
25 listened to that. And they will listen to us too as parents

1 and other individuals if we continue to show that we care
2 and don't just sit at home and let things happen.

3 Many times parents don't come out and see what's going
4 on in the children's classroom until there's a problem. And
5 when there's a problem, the children might get suspended.
6 Many times they don't even show up for that. But once they
7 have three suspensions, and you're talking about expelling
8 them from school, then they show. But they should have been
9 there even before the first.

10 Yeah, we do have zero tolerance in school, and there
11 are some times that I do believe, even as a school board
12 member, I believe that there were times that zero tolerance
13 got in the way of us doing the best job. Because we don't
14 want violence in the classrooms and in our buildings; we
15 don't want that. And we should do what we can to get those
16 kids out of the programs. And suspending them and expelling
17 them is not the answer.

18 We do now have some funds where they're going to be
19 setting up a school that will have those students go to
20 class rather than being on the streets, but that's
21 questionable as to how much money will be there for that
22 program, or if we will give money to them next year to
23 expand such a program.

24 So what we need to do is spend more time working as a
25 team, school board, superintendents, elected officials at

1 the state and local level and looking and what are needs
2 are. We have a governor that cares and many of the things
3 that he said to you today, he had in his budget to fund, we
4 as state legislators said we didn't have the money to do
5 that.

6 But based upon what we are funding our budget on from
7 this point on, maybe we didn't have it. Maybe there was
8 areas that we could have cut in and we could have give more
9 to education.

10 But we do have a plan that we need to develop to make
11 sure that we have a long-term fiscal plan that would show us
12 where we're going to go, so that every year when we have to
13 balance our budget, we don't have to go just to the
14 Constitution reserve account that we have to draw down the
15 amount of money to balance the budget for education and the
16 full budget. That we will have other opportunities to look
17 at should we have an increase in -- should we come back with
18 a state income tax, are there other areas that we might be
19 able to come up with funding?

20 I know that people are talking about what we should be
21 doing, but legislators are not ready to move because they
22 said the public is not telling them which direction to move
23 in. But I am pleased to report to you that there is a group
24 of legislators that are getting together, meeting on a
25 regular basis talking about what we need to do for the long-

1 term budget plans and what we will do to come up with a
2 budget rather than just cut, but have something that would
3 provide adequate funding. Because our constitution said
4 that we are to provide education to all our children. It
5 didn't say quality, but we know they meant quality. In
6 order to have quality, we have to have the funds. And we
7 need to make sure that we do what we can.

8 And I agree, and I'm one of those of people that
9 Reverend Greene was talking about. If you don't do your
10 job, then vote them out. I have no problem with that. If I
11 don't do what you think that I need to do, I'm willing to be
12 voted down.

13 I'm willing also to take a stand to fight for what we
14 need for the school district. And it's already a known fact
15 that for many, many years, I've done that. But it takes a
16 lot of people coming together to make those things happen.

17 And what I want to say to you, when you leave here, I
18 want you to understand that we do have a good school system
19 within our state. We have very few people here, there's
20 just less than a million people living this state. There's
21 nowhere you can get to the governor as individual like we
22 can get to our governor or to the State Board Commissioner
23 or to the Board of Education, all those people, you have
24 read to serve you. All we have to do is go before them and
25 let them know what our needs are and our concerns and help

1 them push for what we want.

2 And I do believe as you continue to check on this
3 state, you will find out in the area of education, we are
4 making the right moves and that we will have a better system
5 than what we have now. So I thank you for taking the
6 opportunity to hear me, and if you have any questions, I
7 would be glad to answer.

8 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Senator.
9 Any questions?

10 SENATOR BETTY DAVIS: And I also did provide you a
11 written package of information that will give you more
12 information than what I gave you.

13 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mary?

14 MS. MARY MILLER: I would like to thank all of the
15 panelists today; Reverend Greene, Mr. Lake, and Senator
16 Davis.

17 We were instructed to listen to the facts that come
18 before us as members of the Advisory Committee, and I think
19 I'm doing that to the best of my ability, but I'm also --
20 what I would like to ask about is also going to be coming
21 from the perspective of a mother and a parent.

22 Being the mother of a son who is now going into his
23 second year of teaching, I think it's very critical that
24 somehow we find ways to support minorities, people of color
25 who are in these professions because it is a thankless

1 undertaking.

2 This past year in trying to deal with some students who
3 were very distracting in the classroom, my son was told that
4 he was over-utilizing the discipline policy of the school
5 district, and the derogatory names that were directed his
6 way, he was expected just to accept them. That's one
7 example of what people go through.

8 The other concern I have, and this is as a parent of a
9 student who has three years left of high school, is the high
10 school qualifying exam. When you're dealing with students
11 who may have special needs or who may have either a learning
12 disability or different learning styles, and we impose a
13 evaluation tool three-fourths of the way into their 12 year
14 school career, I feel that that raises their constitutional,
15 their human, and their civil rights of these students who
16 cannot speak for themselves. And that's the one concern
17 that I would like to register, I guess, and ask if there is
18 a way that we can find a way to resolve that so that we can
19 accommodate students who may have learning disabilities or
20 difficulty or different learning styles so that they can
21 earn their degree rather than getting a certificate of
22 attendance.

23 And it's very personal to me because I have spent the
24 summer trying to tutor in the area of Pre-Algebra for my
25 child. Thank you.

1 SENATOR BETTY DAVIS: I thank you for bringing that up,
2 and that is a part of the information that's in your
3 package. As far as what we are doing in the State of
4 Alaska, I do believe that we are on the right track and that
5 we are addressing that appropriately.

6 We are concerned about children in special ed and we
7 have made provisions for those students to have other
8 alternatives other than just passing the exam itself.

9 All that information is -- part of that is provided to
10 you. Anything else that you would need, and as I was
11 saying, we are not just now depending on waiting for a child
12 to get into a grade and then all of a sudden you have to
13 take a qualifying exam to have a diploma.

14 You know, we know -- I know the importance of it. And
15 I know that most people know the importance of a diploma.
16 It would be terrible for us to put all of that burden on the
17 students and not provide the resources that we need to
18 prepare them. And we do have the tests, and they will be
19 testing that in 2004; that's when it's supposed to kick in
20 that they would have to have that in order to graduate.

21 But we changed it from 2002 because we were not ready.
22 I don't know what they're doing in your state, but we have
23 agreed that we will not put the responsibility on the
24 children. We want to make sure that our curriculum is
25 aligned to the test, that teachers are not teaching to the

1 test, and that the students are getting the resources that
2 they need. That would be after-school programs. It would
3 be tutoring, if needed. It would be special classes that
4 would be needed to be set up.

5 We haven't got to the point where we have a longer
6 school day, but we might have after-school, before-school
7 programs, and that is the extra funding that we're giving
8 now into our quality initiatives in order to fund the school
9 district with the money that they can use to make sure that
10 the children are prepared and will pass the benchmarks as
11 well as the exit exam to get a diploma.

12 MS. MARY MILLER: Thank you, Senator. Just to clarify,
13 my state is the State of Alaska, just like yours.....

14 SENATOR BETTY DAVIS: Oh, it is?

15 MS. MARY MILLER:in case you thought I came from
16 somewhere else.

17 SENATOR BETTY DAVIS: It is your state?

18 MS. MARY MILLER: Yes. And the class.....

19 SENATOR BETTY DAVIS: You didn't know that we were
20 doing that?

21 MS. MARY MILLER: I do. I do know that, but I don't
22 think that that's necessarily going to address the concern
23 that I've raised, because if you have.....

24 SENATOR BETTY DAVIS: The concern that you raised has
25 to do with special ed children and what.....

1 MS. MARY MILLER: Not just special ed, but.....

2 SENATOR BETTY DAVIS: No?

3 MS. MARY MILLER:other students who may
4 experience difficulty in learning or who may have different
5 learning styles that are not accommodated by the teaching
6 approach in the schools.

7 SENATOR BETTY DAVIS: That has also been addressed by
8 us and there are other areas other than just the test, and
9 when the final thing is done, there will be teachers'
10 recommendations and principals' recommendations.

11 There's going to be some type of something that will be
12 provided by the State Board of Education. Those things have
13 not gone out to the public for public testimony on that yet,
14 but I know you should have a concern about it, but we are
15 addressing those issues.

16 MS. MARY MILLER: Right. And they will be addressed to
17 accommodate the students who will.....

18 SENATOR BETTY DAVIS: That is correct.

19 MS. MARY MILLER:who will be graduating in 2004?

20 SENATOR BETTY DAVIS: Well, yes. The test does not
21 kick into place -- they will test every year, we'll still
22 test, but you won't have that on your certificate at this
23 time. You just -- 2004, you have to pass the test. But
24 there will be other alternatives also that will be there for
25 other students.

1 MS. MARY MILLER: Thank you very much.

2 SENATOR BETTY DAVIS: You're welcome.

3 CHAIRPERSON GILBERT GUTIERREZ: Mr. Schapira?

4 MR. MITCHEL SCHAPIRA: Yes. Actually, your response
5 hit upon something I want -- a concern of mine. When you
6 said we are working to make sure the curriculum is aligned
7 to the test, but we are not teaching to the test.

8 And what I hear from your testimony, which is very
9 welcome by us, by they way, we're happy to have it, is that
10 we need more funding and that the testing will ensure a
11 quality of education.

12 The concern that I have is that I heard Mr. Lake and
13 others talk about the need for cultural education, diversity
14 training, Alaska history training and those sorts of issues.
15 And my concern is that if we put more money into education,
16 as we should, I'm sure, that it will -- the direction that
17 it will be used will be dictated by the demands of these
18 tests. And these other important areas, such as cultural
19 training and cultural sensitivity, diversity training, et
20 cetera, and Alaskan history will not receive a proportionate
21 share of the additional funding. I wonder if you could just
22 address that briefly?

23 SENATOR BETTY DAVIS: From my standpoint, the Alaska
24 history thing is something that's going to take place now
25 because we have already passed a law that said we will have

1 Alaska history being taught within the school districts.
2 And so that just has to be developed. And what's going to
3 be the real outcome of that, I don't know, but it would be
4 funded just as any other part of our educational programs
5 would be funded. So I don't see that.

6 As far as -- I'm going to use as an example the
7 Anchorage School District because I know that and that's
8 where I lived since '72. There was a multi-culture
9 department at one time in the Anchorage School District. It
10 was there simply because of the people of color went before
11 them and demand that these things take place. And they did
12 happen. But when the funding was beginning to be cut over
13 those five year periods, all of those programs have gone by
14 the wayside.

15 There used to be programs where you would tutor the
16 children right within the classroom, and they didn't have to
17 be pulled out missing the rest of their classes. Those were
18 the first things to go.

19 So, yes, we do need to identify those things and that
20 multi-culture curriculum department needs to be redeveloped
21 in the Anchorage School District. It's up to the School
22 Board, the parents, and the people of this community to
23 demand that it does come back.

24 We have one person in the Anchorage School District now
25 that does multi-cultural as well as bilingual. She is the

1 department, the division or whatever you might want to call
2 it, and we know that's not adequate.

3 When I went back on the School Board back in '96, and I
4 tried to get that multi-cultural, just the specialist back
5 in the budget, my first year of the budget I was not able to
6 get it. The second year of the budget, I was able to get it
7 back in the budget with the help of Reverend Greene and many
8 other groups that came forward, and it went back into the
9 budget. But when they got ready to cut the budget again,
10 the first thing that came out of the budget was that.

11 MR. MITCHEL SCHAPIRA: It's sort of the ed.....

12 SENATOR BETTY DAVIS: So it takes the public working in
13 conjunction with us when we do provide you the money for
14 these things to happen to make sure that you get there to
15 see that they happen.

16 MR. MITCHEL SCHAPIRA: It sounds like you're saying
17 it's sort of the educational equivalent of last hired/first
18 fired when it comes to.....

19 UNIDENTIFIED VOICE: Right.

20 SENATOR BETTY DAVIS: Yeah. And that program was not
21 one of the last, but yes, that would be something equivalent
22 to that, because the program had been around since the '80s.

23 Also for the recruitment, the EEO office was cut back.
24 It was a full division of people working there doing the
25 work, and then it's narrowed down to one person. It has now

1 been moved out from under the superintendent upon to someone
2 else. It should be up under the offices of the
3 superintendent so that person can go there with any problem
4 without having to go through with anyone else. But it's an
5 issue that has to be addressed by us here.

6 You do need to know those things because maybe you
7 might have some recommendations that could made to make
8 something statewide so that we don't have to keep coming
9 back over and over reinventing the wheel every time we have
10 a change of administrations or a change of public, because
11 we do have people to come and go, and they don't know what
12 we provide.

13 CHAIRPERSON GILBERT GUTIERREZ: Commissioner Meeks?

14 COMMISSIONER ELSIE MEEKS: Thank you. I have a
15 question for both Arthur Lake and Ms. Davis. And Mr. Lake,
16 it's because I'm not sure I'm going to get to ask this
17 question of anybody else, we were sort of denied the
18 opportunity to ask questions previously just because of time
19 constraints.

20 And this is shifting from the educational issue,
21 perhaps, but what governmental powers do Native villages
22 have? What governments, I guess, do Native villages have,
23 and where does the authority of that power come from? Do
24 you understand my question?

25 MR. ARTHUR LAKE: Well, if you're talking about

1 federally recognized tribes.....

2 COMMISSIONER ELSIE MEEKS: Or State or.....

3 MR. ARTHUR LAKE: The federal government recognizes the
4 existence of tribes in Alaska. The state doesn't.

5 COMMISSIONER ELSIE MEEKS: Okay. So.....

6 MR. ARTHUR LAKE: The powers that they have come from
7 the people that they govern. Like I'm from the Native
8 village of Niguanak, and that's my government. And they are
9 -- the tribal members or the tribal citizens help develop
10 the laws for that government.

11 COMMISSIONER ELSIE MEEKS: Okay. But those laws are
12 not recognized by the state government?

13 MR. ARTHUR LAKE: Well, we're not recognized by the
14 state government, you know. I'll just leave it at that.

15 COMMISSIONER ELSIE LAKE: So you don't have the ability
16 to make laws and govern your own citizens, is that right?

17 MR. ARTHUR LAKE: It's been very difficult, very, very
18 difficult because the federal and state governments, of
19 course, are entrenched in the way they govern. There's no
20 recognition of ours because they don't know us, you know,
21 we've lived here for thousands of years and governed
22 ourselves. And yet, you know, like I said earlier, we're
23 recognized by the federal government but subjugated by their
24 laws. We're neither acknowledged nor recognized by the
25 State government, although recently they signed a -- what

1 they called the Millennium Agreement with over 100, about
2 150, 180 tribes in Alaska.

3 COMMISSIONER ELISE MEEKS: So do any of the -- I mean,
4 are you able to operate any of your own, manage any of your
5 own federal programs?

6 MR. ARTHUR LAKE: Yes, we do. Each tribe is authorized
7 by the federal government through Public Law 93.6.38 and
8 others, the Indian Self Determination and Education Act and
9 others to contract or compact federal programs on behalf of
10 their people.

11 COMMISSIONER ELSIE MEEKS: Okay. For Ms. Davis, I
12 understand that there's not referendum process here that
13 allows citizens to go out and obtain enough signatures to
14 get something on a referendum ballot, is that right?

15 SENATOR BETTY DAVIS: They can -- we do have a way to
16 get things on the ballot by citizens and it is a process
17 that works. Many times even though state subsistence, I
18 know we've had special sessions and nothing has happened on
19 that. And that's not an issue that anybody has picked up to
20 come back and bring it through the public process and have
21 it placed on the ballot for the people to take a vote on.

22 But I'll tell you one that has been worked on now, is
23 one for increase in wages. The minimum wage bill that we
24 had that was introduced by the governor and many others that
25 have introduced it last year did not go anywhere. But now

1 the labor groups have a group of people going out, gathering
2 the signatures so they will go on the ballot in 2002.

3 COMMISSIONER ELSIE MEEKS: But that has not happened
4 with the subsistence issue?

5 SENATOR BETTY DAVIS: Well, not that a public issue
6 came up to bring out. The governor has called it back into
7 session for it happen, but that's all that's been done. And
8 so far -- and then he called a special meeting that he had
9 just a week ago to try to iron that issue out. But, yeah,
10 there is a way for the public to place issues on the ballot.

11 COMMISSIONER ELSIE MEEKS: Okay. Thank you.

12 CHAIRPERSON GILBERT GUTIERREZ: Okay. There aren't
13 anymore questions. I would like to thank the panel for
14 their -- yes, sir?

15 REVEREND WILLIAM GREENE: Yeah, I do have one other
16 thing I would like to say. Getting back to the school
17 district. I think we need to look at how we spend our
18 money. Okay? I think that's one of the problems.

19 For instance, the areas that are falling through the
20 cracks, I don't think we're putting as much emphasis on
21 those areas as we should. And we know that, as Senator
22 Davis said, it takes money to do anything, and I don't think
23 we have adequately addressed those areas, and that's part of
24 the problem. And that's the reason why 27 years later,
25 we're talking about the same thing. Because all the

1 programs that was working in those areas, you can't find a
2 single one in the school district now.

3 And she mentioned the multi-cultural department down to
4 one person. I recall being part of MECC, where we recommend
5 to the School Board and the superintendent that that
6 department be re-established, it went nowhere. And so I
7 think the District has to establish a partnership with the
8 parents, and the parents should look at the sensitive areas
9 and the District should sit down and hear them. I don't
10 think that's happening.

11 The same way with school discipline. I think it ought
12 to be a partnership with the parents. And if you have a
13 problem child, then that problem should be discussed with
14 the parent and there ought to be a genuine effort to resolve
15 that problem. That's not happening. The minority parents,
16 and all the minority parents can't be wrong. And their
17 problems is that no one would sit down and hear their story.
18 They're automatically isolated as, "you're a trouble maker,
19 we don't listen to you," or "your child is not doing this
20 and not doing that." I think it ought to be a partnership,
21 it takes three to educate a child; the parents, the District
22 and the teachers; and that's not happening.

23 CHAIRPERSON GILBERT GUTIERREZ: Well, Thank you. We're
24 going to adjourn now. Yes, sir?

25 MR. ARTHUR LAKE: A couple of points, if you will. The

1 Alaska Natives and their tribal governments are not special-
2 interest groups.

3 There's been a lot of talk lately about the subsistence
4 issue and others, you know, discrimination. And even people
5 from here in Anchorage and others, you know, continually
6 place Alaska Natives as a special interest group, but
7 they're not. They're tribal governments and their
8 governments are recognized by the -- we have a special
9 relationship with the federal government. It's political
10 and not anything else.

11 And another thing, when you're talking about placing
12 more funding into education, you had better be careful
13 because it doesn't cost the same to educate child here in
14 Anchorage as it does in rural Alaska.

15 You can put the -- our children in my home eat and play
16 in what is called a multi-purpose room. It's their gym,
17 it's really small. And that multi-purpose room where they
18 eat and play basketball and things, in many instances is
19 smaller than the foyers of some of the schools here in
20 Anchorage. Can you imagine that? You know, it really costs
21 a lot of money to educate out there.

22 And another thing about that. I graduated from my dad
23 in the eighth grade. And he was a special education aide,
24 and he used to complain and complain about educating the
25 non-Natives that came in almost every year, a change in the

1 teachers in special education. Educating them about what
2 the children in our village to the educators that came in,
3 and yet never got any recognition for any of that.

4 He spent a lot of time, I can't recall the number of
5 years, as special education aide, but never got beyond
6 further than that because he didn't get -- he didn't have
7 his education and his -- what is normally called a piece of
8 paper.

9 So I think there's things that people really should sit
10 down and think through and think about in terms of more
11 funding for schools. You know, that's fine and great, but a
12 lot of times, you know, what's fair here in Anchorage is not
13 fair out in Niguanak or Hooper Bay or anywhere else.

14 SENATOR BETTY DAVIS: Mr. Chairman -- are you done?
15 I'm sorry.

16 MR. ARTHUR LAKE: There's a clear -- there should be a
17 way for anyone, especially lawmakers to go out there to
18 rural Alaska and to see what conditions are. Because I've
19 found -- and one of the things that I've done is have been a
20 tribal administrator for a tribe for a dozen years. And the
21 only way I found that even here in Anchorage that I can have
22 people understand, you know, what I'm talking about is to
23 invite them to come out there. Because even a landfill in
24 Kwigillingok had to follow the same regulations as they do
25 here in Anchorage, dig a hole in the ground, put a hypo-

1 liner in it, dig monitoring wells around it. You do that
2 out there and you create a lake. But they, for the life of
3 them, couldn't understand, you know, because they're so used
4 -- they're so used to things, normal, you know, it's just
5 normal for them to go and flush their toilet and normal for
6 them to walk across the street without getting mud in their
7 shoes. You know, it's stuff like that.

8 So the best way that I've learned is to invite them out
9 there, and I tell them, by the way, bring your hip boots,
10 you know. So there's a lot of things that need to be said
11 and done, but because of the time restraints, I think try to
12 bring out the more important points though.

13 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yes?

14 SENATOR BETTY DAVIS: Mr. Chairman, I would just like
15 to say this before you adjourn. As far as the funding for
16 education, it is true that it takes less money to educate a
17 child in Anchorage than it would, say, a child in Bethel,
18 and that's built within the formula. But there are some
19 flaws within the formula that need to be corrected.

20 And so the one problem that I try to point out is that
21 we have to work together regardless of where we are, rural,
22 urban, White, Black, whatever we are, to come together. One
23 group can't knock the other group, we need to make sure that
24 we're getting what we need, meet the needs of all our
25 children. And so your children's needs will be met and the

1 kids/children in Anchorage, their needs will be met.

2 Because grant you, there are many, many things within the
3 city that is not correct.

4 Our class size are large because we have a lot of
5 people that live here. And if you want to talk about
6 village children, this is the largest village students right
7 here in the Anchorage School district than anywhere else.
8 So, yes, the money is needed for all our children, village
9 children, Anchorage children, and the formula can take care
10 of that and make sure that we make it right so that we pay
11 the amount of money that's needed to fund the children in
12 this village and also pay the amount that's needed for the
13 children within the city of Anchorage and anywhere else.
14 And there's a way to do that, and we are working on it.

15 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We would
16 like to adjourn now and be back here at 1:30, and we want to
17 go eat lunch, I guess. Thank you.

18 (Off record 12:47 p.m.)
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1 P R O C E E D I N G S

2 Alaska Advisory Committee
3 to the U.S. Commission on Civil Rights
4 Thursday, August 23, 2001

5 AFTERNOON SESSION

6 (On record 1:35 p.m.)

7 CHAIRPERSON GILBERT GUTIERREZ:call the Fact
8 Finding Committee back to order. The time now is 1:35. We
9 had to move up the schedule because we got behind this
10 morning, but I would like to please invite Romeo Rescober,
11 Scott Goldsmith, Bryan Mallott and David Della up to the --
12 to speak to us, please. Thank you.

13 I guess, Mr. Rescober, you can start.

14 MR. ROMEO RESCOBER: First of all, I would like to
15 thank the Alaska State Advisory Committee to the U.S.
16 Commission of Civil Rights for giving me this opportunity to
17 talk about minority employment issue in Alaska.

18 My name is Romeo R. Rescober. I was born and raised in
19 the Philippines, and let me tell you a short summary of my
20 experience living in America.

21 In 1973, my brother and I went to San Francisco,
22 California, to join my father. Approximately two weeks
23 after we arrived in San Francisco, I got a job processing
24 home and fire insurance policies for an insurance broker in
25 the Bay Area.

1 My relatives and friends were amazed that I got an
2 office job that fast without local experience. At that
3 time, I was naive about the issues of racial and employment
4 discrimination in the workplace.

5 This is what happened why I got a job with two weeks
6 after I arrived in San Francisco. There was a middle-age
7 Filipino who was a friend of my sister and worked for an
8 insurance broker. She was leaving her job to work for
9 another company at downtown San Francisco. My sister asked
10 her if she could ask her boss if I could take the place --
11 her place when she goes to a new job. She talked to her
12 boss about me. After talking to her boss, she called my
13 sister and I had an appointment to see her boss for a job
14 interview.

15 First I filled out a job application form and gave this
16 to the boss. The boss read my completed application. She
17 noted that I earned a Bachelor Degree in Commerce, major in
18 Management. After the interview, the boss offered me the
19 job. I worked for this company for about two years. In
20 1975, I went back to the Philippines and married my wife,
21 came back to San Francisco and quit my job to look for a
22 good paying job.

23 That was the time I realized how tough to find a job in
24 San Francisco without the help of my family and friends.

25 I had been out everyday looking for work for two

1 months. I had submitted my job application to about three
2 to six different employers everyday. I had been denied for
3 work for lack of experience; however, I found a temporary
4 job via the City Job Service office as a clerk for two
5 months for another insurance broker on Montgomery Street,
6 San Francisco.

7 After two months, I was out on the street again looking
8 for work. This was my proof that you can get an office job
9 easier through a good recommendation by your friend than
10 applying for a job that nobody knows you. This job hunting
11 practice, this is still true today.

12 There are many Filipinos and other Asians that have
13 college degrees but cannot practice their profession because
14 of racial discrimination. Many Filipinos with college
15 degrees are working at the airports, hotels and other
16 business establishments as janitors and chamber maids.
17 There was a Filipino doctor of medicine who worked at
18 McDonalds just to survive. There are Filipino architects,
19 engineers and teachers working in the U.S. Postal Service as
20 mail carriers and mail processors. And some are laundry and
21 dry cleaning processors.

22 Most of those Filipinos with college degrees are having
23 a hard time getting a decent job with the state and the
24 State Employment Report shows that. Most of them got their
25 job through the recommendation from their fellow Filipinos

1 as labors and clerks. Filipinos reject the idea of being a
2 burden to our community by not going to our church shelters
3 or government welfare office. So they go out and look for a
4 job and take the job that come first in order to survive.

5 In 1974 to 1975, I lived in downtown San Francisco with
6 my brother and my father. I joined the University of San
7 Francisco Berkeley students that hosted the field trips for
8 the Asian seniors leaving the Bay area. We cooked food for
9 them and played with them. I played checkers with them
10 while having a conversation. They expressed their gratitude
11 on what we had been doing for them. Most of them said that
12 we are very lucky and blessed what we have today.

13 In 1976, I went to Kodiak, Alaska. I heard the same
14 statement from the Asian seniors. My experience living in
15 America, I learn and realize what the Asian seniors were
16 telling me about this over the years. I agreed that we,
17 minorities, are lucky and blessed with what we have today.

18 Today we can go to school where everybody is going.
19 Today we can play any sports that everybody is playing.
20 Today we can eat in a restaurant where everybody is eating.
21 Today we can form any organization, like Filipino Community
22 of Anchorage, that nobody says to break it up.

23 Today, we know that the members of the Black community,
24 American Indians and other minorities have suffered
25 discrimination for approximately 400 hundred years living in

1 America. Our elders fought and died for us to have what we
2 have today. They have done their share, and it is our turn
3 to do our share to promote what is good for our community.

4 One of the reasons why we are here today is to find
5 solutions to acquire equal rights and opportunities to make
6 our community a better place and to improve the quality of
7 life for everyone.

8 My role today is to touch base with employment issues
9 in the workplace. I have the following information for the
10 state population and the minority hire in Alaska. First,
11 the population in Alaska reported from the U.S. Census
12 Bureau 2000 for Anchorage in Alaska. Second is Permanent
13 Executive Branch work force talking points as of June 30th,
14 2001 from the Alaska Division of Personnel. And the third
15 one is State of Alaska Executive Branch Race, Ethnicity, and
16 Gender data, Office of the Governor, Office of the Equal
17 Employment Opportunity and Department of Administration as
18 of June 30th, 2001. But according to Thelma, it's not June
19 30th, 2001; this is a report from January 2001.

20 There are three places where you can go to file your
21 employment discrimination complaints. The first is
22 Municipality of Anchorage Equal Rights Commission. Second
23 is the State of Alaska Office of Equal Employment
24 Opportunity. Third is Alaska Human Rights Commission.
25 These agencies provide services to those who believe that

1 law has been violated.

2 These agencies will investigate and make
3 recommendations to prevent and eliminate discrimination in
4 Alaska. Their recommendations are vital to the people in
5 Alaska. They play a major role to help in implementing the
6 local and state laws in Alaska. We hope that anybody who
7 violates these laws should be dealt, regardless of their
8 political affiliation.

9 There was an employment discrimination complaint filed
10 by a state employee who is a member of the minority group at
11 the Alaska Office of Equal Employment Opportunity. The EEO
12 conducted an investigation to this case. Based on EEO
13 findings, they made recommendations for the resolution of
14 this case. EEO sent a memo to the Human Resources of the
15 Department of Natural Resources, but no response from this
16 department is received by EEO as yet.

17 Our public officials work hard to run a good state
18 government. EEO is funded by the state government to make
19 recommendations for the resolution of the disputes between
20 the employee and the state on racial and employment
21 discrimination complaints.

22 EEO received this complaint and conducted and
23 investigation. EEO found possible violation of the law and
24 sought for resolution; however, the Human Resources Office
25 does not act promptly to resolve this case. I think

1 minorities should not be taken lightly, especially on racial
2 and employment discrimination issue.

3 Here's an example that a program for good government
4 becomes and insult toward public officials and to all of us
5 because of some irresponsible state employees whose actions
6 are meant to discredit minorities. Minorities must unite,
7 and we need to do something about these people who are a
8 disgrace to our community by not giving us fair treatment
9 because of our color of our skin, religion, gender and
10 national origin.

11 And if you want to know about the statics of the work
12 force for the State of Alaska, I have it here with me. So
13 if you want to ask questions later, I could give you that
14 information. Thank you.

15 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We would
16 appreciate you providing us with that statement. Okay? And
17 before I forget again, please state your name and the
18 organization you're representing, I would appreciate that,
19 from the panelists, thanks.

20 The next one would be Mr. Scott Goldsmith. Go ahead,
21 sir.

22 MR. SCOTT GOLDSMITH: My name is Scott Goldsmith. I am
23 an economist at the University of Alaska, Anchorage. And I
24 am the Director of the Institute of Social and Economic
25 Research at the university.

1 My written testimony is here and I have 15 copies if
2 you -- somebody would like to distribute them.

3 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yeah, we
4 have one of our staff people coming up.

5 MR. SCOTT GOLDSMITH: Okay. Thanks. You asked that I
6 address the issues of economic and labor market conditions
7 as they impact Alaska Natives, opportunities for economic
8 development in rural Alaska and recommendations for
9 improving the employment environment for Alaska Natives.

10 The rate of job growth in Alaska has slowed since the
11 booms associated with statehood, construction of the oil
12 pipeline and high oil prices in the 1980's. The number of
13 jobs in our traditional resource industries of oil, seafood,
14 timber and mining is no greater today than it was in the
15 early 1980's.

16 New jobs are increasingly in the lower-wage trade and
17 services sectors, result of unsustainable rapid expansion of
18 federal government grants and transfers, and the Alaska
19 permanent fund dividend. Although activity in the oil patch
20 is the highest it's been in years, the construction of a gas
21 pipeline would not come close to generating the number of
22 jobs the oil pipeline brought to the state.

23 In addition to economic growth, the number of job
24 openings depends importantly on retirements. In many Alaska
25 industries, the proportion of workers nearing retirement age

1 is growing, a legacy of the massive hiring that occurred
2 during the 1970's. In the coming years, we will see more
3 openings from retirements than from economic growth.

4 The number of young Alaskans, particularly Alaska
5 Natives entering the job market this decade will increase
6 dramatically as the children of the baby boomers become
7 adults. Whereas the number of White young adults will grow
8 by 25 percent, the number of Native Alaskan young adults
9 will increase by about 50 percent. And in some rural areas,
10 it will more than double.

11 This boom in young Natives entering the labor market is
12 particularly significant since about half the population of
13 Alaska Natives live in the predominantly Native rural parts
14 of the state where the number of market-based jobs is very
15 limited.

16 During the 1990's, job growth in predominantly Native
17 Rural Alaska was as strong in as in urban Alaska with most
18 of the increase coming in government funded services and
19 local government. But with limits on new opportunities for
20 compacting and local government revenue capacity, job growth
21 is likely to slow this decade.

22 In spite of rural job growth this past decade, Native
23 population growth was twice as fast in urban Alaska as in
24 Native rural parts of the state due in part to Natives
25 moving to the urban areas in search of jobs. Now, 40

1 percent of Alaska Natives live in urban Alaska.

2 Rural Alaska is a collection of unique remote
3 communities, each of which is a mixture of a market or cash-
4 based economy and a subsistence or non-cash economy, that
5 together determine the level economic well being of the
6 community. The market economy is heavily dependent for cash
7 on the public sector through direct public employment and
8 transfer payments, both to non-profits for health consortia
9 and so on, and individuals. Cash quickly leaves small
10 places to pay for high priced goods and services delivered
11 from urban Alaska. Many jobs are held by non-residents and
12 non-Natives.

13 Most households engage in subsistence usually measured
14 in pounds of harvested fish and game. The activities
15 associated with subsistence, however, are much broader than
16 simply hunting and fishing. From an economic perspective,
17 subsistence can be viewed as a job and could be measured as
18 hours of work.

19 In this rural setting the official U.S. Department of
20 Labor method of calculated unemployment doesn't work and the
21 reported numbers are grossly under-estimated. To be
22 officially unemployed, one must be actively looking for
23 work.

24 Accurate unemployment estimates would include people
25 who would like to work, but are not looking because they

1 know there are no job openings in their community; however,
2 unlike urban workers, because of subsistence, a year-round
3 full-time job is not the goal for many rural Native job
4 seekers. The number of people looking for work in the
5 market economy depends on the seasonal pattern of
6 subsistence activities and the market unemployment rate
7 might better be measured by the deficit in hours of
8 employment rather than persons.

9 Analysis suggests that for much of rural Alaska where
10 Natives predominate, there is a market employment deficit,
11 even if Natives were to assume all jobs currently taken by
12 non-Natives, and a large time allowance were made for hours
13 working in subsistence activities.

14 Against this background, the goal of achieving full
15 employment of Native Alaskans in both rural and urban Alaska
16 depends on efforts in three areas. First, a larger share of
17 existing jobs needs to be taken by Alaskan Natives.

18 Second, there need to be efforts to expand the number
19 of jobs in rural Alaska. And third, education to prepare
20 Alaska Natives for jobs in the market economy must be a top
21 priority. Furthermore, all these efforts must be based upon
22 economic realities since unrealistic goals can only lead to
23 disappointment.

24 The share of Alaska Natives employed in virtually every
25 industry in the state is less than their share of the

1 population. In a recent report prepared for the Alaska
2 Federation of Natives, we estimated that 50 percent increase
3 in Native workers would be necessary to create parity in job
4 holdings. In some occupations requiring higher education, a
5 200 percent increase would be necessary for parity. Alaska
6 Natives are also under-represented in the public sector of
7 both the federal and state government.

8 In that study, we identified a large number of ongoing
9 programs and initiatives designed to address the
10 under-representation of Alaska Natives in the workforce as
11 well as their concentration in lower-skilled and lower-
12 paying occupations.

13 These initiatives involve the efforts of Native
14 institutions, federal and state government and the private
15 sector and include some notable successes. We attempted to
16 identify ways to improve the effectiveness of these
17 activities, and I'm including a copy of that report for the
18 Commission with my testimony, and I have that here.

19 In that report we also briefly address the potential
20 for the creation of new employment opportunities in rural
21 areas and identified a number of initiatives and programs
22 with that goal.

23 Remoteness, small size, and the lack of infrastructure
24 of most rural communities limit economic development
25 opportunities in an increasingly global economy. Some

1 communities will have the imagination, leadership, skills
2 and good fortune to develop local natural resources, tourism
3 and exportable services. Others, however, will not be
4 successful because the market economy does not favor them.
5 I think it is critically important to understand this
6 reality even though it's impossible to know which
7 communities will develop an economic base independent of
8 government grants and transfers, and which will not.

9 This is really only a recognition of what is already
10 occurring, that is, that an increasing number of Native
11 Alaskans are finding work in urban Alaska. Education is the
12 foundation for the successful incorporation of urban
13 employment into the fabric of Alaska Native life.

14 Education provides empowerment through the availability
15 of choice that comes with skilled training and formal
16 education. Unfortunately, education for Alaska Natives
17 historically has centered on occupations on the lowest rungs
18 of the ladder.

19 Education must include training to succeed in a market
20 economy and most importantly, target the mix of job openings
21 the economy will be generating. The number of sexy jobs in
22 construction, oil production, mining and transportation is
23 limited. The training programs seem to concentrate in these
24 industries. Large numbers of job openings will be in trade
25 and in skilled services in the fields of education and

1 health.

2 Finally, Alaska Native organizations including tribal
3 governments, non-profit, regional corporations, and village
4 and regional profit corporations all require Alaska Natives
5 skilled in management, leadership, analysis and decision
6 making. Our educational system must do a better job of
7 filling this obvious need. Thank you.

8 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Appreciate
9 it. We're expecting Bryan Mallott, but I guess you're
10 representing Bryan? Bryan Mallott, are you representing
11 him?

12 MR. GEORGE IRVIN: Actually, my name is George Irvin,
13 Mr. Chairman, and I'm here to apologize for Bryan because he
14 cannot be here today. He's got the worst case of laryngitis
15 that I have ever heard in my life. He has no voice,
16 whatsoever. But he and I have been working on some
17 testimony that we would like to submit in written form to
18 the Commission concerning federal and state patterns of
19 employment in the public sector.

20 The federal agencies that operate in Alaska and the
21 state agencies, which together, have work force of about
22 24,000 people, perhaps 25,000 people out of the total
23 workforce in Alaska. So it's an important thing that we
24 would like to turn into you after the fact. Is that
25 permitted.....

1 CHAIRPERSON GILBERT GUTIERREZ: Yes.

2 MR. GEORGE IRVIN:to put it on the public record?

3 CHAIRPERSON GILBERT GUTIERREZ: Yes, please. Yes, it
4 is.

5 MR. GEORGE IRVIN: One final thing, Mr. Chairman, and
6 that is Bryan would like to very much testify before the
7 Commission. Will there be any further opportunity for him
8 to do so before the end of the inquiry?

9 CHAIRPERSON GILBERT GUTIERREZ: Yes, there will be,
10 possibly during AFN.

11 MR. GEORGE IRVIN: Okay.

12 CHAIRPERSON GILBERT GUTIERREZ: We're going to have, I
13 understand, some hearings of those days. At least that's
14 been recommended, and when that does take place, we'll let
15 you know.

16 MR. GEORGE IRVIN: Okay. Bryan will do that, and he
17 would very much like that opportunity. I'll work with the
18 staff in order to make that happen.

19 For the record, Mr. Chairman, my name is George Irvin,
20 I-r-v-i-n, and I work for Bryan and the First Alaskans
21 Foundation.

22 CHAIRPERSON GILBERT GUTIERREZ: Okay.

23 MR. GEORGE IRVIN: Okay. That's all I have, sir.

24 CHAIRPERSON GILBERT GUTIERREZ: Just a clarification.
25 Yeah, anybody can submit within the next 30 days any

1 statement you want for the record.

2 So, yes, go ahead and make a presentation, Mr. Irvin,
3 we would appreciate it.

4 MR. GEORGE IRVIN: Well, I'm not going to make it here
5 today.....

6 CHAIRPERSON GILBERT GUTIERREZ: Oh, I see.

7 MR. GEORGE IRVIN:I'm simply going to submit it
8 in written form.

9 CHAIRPERSON GILBERT GUTIERREZ: Very good. Thank you.

10 MR. GEORGE IRVIN: Thank you.

11 MS. ROSALEE WALKER: Mr. Chairman?

12 CHAIRPERSON GILBERT GUTIERREZ: Yes?

13 MS. ROSALEE WALKER: I just wanted to say to the
14 audience here that Mr. Mallott is suffering from the same
15 malady that I have. I think it's drifting all over Juneau.
16 And several people asked me why I sitting down here alone.
17 I did that by choice. I did not want to spread my germs.
18 Thank you.

19 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Rosalee.

20 MR. DAVID DELLA: Mr. Chairman?

21 CHAIRPERSON GILBERT GUTIERREZ: Yes, sir.

22 COMMISSIONER MICHAEL WALLERI: As I understand, we will
23 -- there is some discussion about having a hearing also in
24 Juneau also.....

25 CHAIRPERSON GILBERT GUTIERREZ: Right.

1 MR. MICHAEL WALLERI:on the original work plan.
2 And so it might be more convenient for Mr. Mallott at that
3 point, because I understand he does live in Juneau.

4 CHAIRPERSON GILBERT GUTIERREZ: That's correct. So
5 we'll be in touch with that. The next person on the panel
6 here is Mr. David Della?

7 MR. DAVID DELLA: Yes.

8 CHAIRPERSON GILBERT GUTIERREZ: Would you please state
9 your name and the organization?

10 MR. DAVID DELLA: Great. Good afternoon. For the
11 record, my name is David Della. Your program says I am
12 Director of Community Affairs for United Way, which I am,
13 but I am not here representing United Way today. I'm here
14 representing the Northwest Labor and Employment Law Offices
15 that is in Seattle. And I'm here to talk about the Wards
16 Cove case in front of the commission.

17 So, first of all, I want to thank the U.S. Commission
18 Civil Rights and the Alaska Advisory Committee for inviting
19 me to testify today on the Wards Cove Packing Company case
20 that is a Civil and Human Rights issue that has remained
21 unresolved for the last 27 years.

22 Many of you know that Wards Cove Packing Company is
23 located in Ketchikan, Alaska. And I was one of many
24 thousands of people that ventured up to Alaska. I live in
25 the Lower 48 in Seattle, Washington. And I was one of many

1 thousands of people who ventured up to Alaska during the
2 summers to work in the fish canneries. In fact, working in
3 the canneries financed my way through college.

4 But nonetheless, it was an experience that opened my
5 eyes with regards to discrimination. Many of our fathers
6 and grandfathers also ventured to Alaska, many of them
7 recruited directly from the Philippines to come work in the
8 in the fish canneries here in Alaska. And so I'm here to
9 talk about a case that was filed in 1973 against Wards Cove.

10 Wards Cove case is historic and has historic and
11 contemporary significance in Civil Rights that could not
12 have been imagined by cannery workers who modestly conceived
13 it in the remote salmon canneries here in Alaska. Wards
14 Cove is one of three class action lawsuits cases filed and
15 organized by Asian-American, Pacific Islanders and Alaska
16 Native cannery workers at the end of the 1973 salmon canning
17 season.

18 The two other lawsuits filed were Domingo versus New
19 England Fish Company and Carpenter versus Nefco Fidalgo
20 (ph).

21 These suits were filed after generations of
22 discriminatory practices against minority cannery workers
23 which involved historic and stark racial discrimination at
24 the canneries, which included pervasive race-labeling of
25 jobs, mess halls and housing.

1 A system of nepotism and word of mouth recruitment by
2 friends and foremen for higher paying skilled job positions
3 which benefitted mainly White workers, and the long-standing
4 tradition, since the early 1800's of recruiting workers of
5 color for the menial low-paying jobs at the canneries.

6 By 1984, the cannery workers represented by the
7 Northwest Labor Employment Law Offices settled Domingo
8 versus New England Fish Company and Carpenter versus Nefco
9 Filago (ph) after two courts made broad findings of
10 discrimination.

11 Despite Wards Cove having the same fact pattern and
12 legal underpinnings as the other two cases, it would remain
13 unresolved and wind itself to the courts at both the federal
14 district level and the Ninth Circuit Court for many years to
15 come.

16 In 1989, the United States Supreme Court used Wards
17 Cove and six other employment discrimination cases to
18 narrowly interpret federal civil rights laws and put the
19 burden of proof job discrimination on the plaintiffs of such
20 lawsuits.

21 In this decision, the Supreme Court retreated from the
22 concept of disparate impact in employment discrimination
23 case that essentially overruled its own decision on
24 disparate impact in its 1971 interpretation of the 1964
25 Civil Rights Act in Griggs versus Duke Power Company, in

1 which the burden of proof at that point in employment
2 discrimination lie with the employer.

3 In essence, these decisions, in our opinion, rolled
4 back Civil Rights and stripped workers of their basic rights
5 to fight workplace discrimination through the legal system.

6 In 1992, Congress passed the revised version of the
7 1964 Civil Rights Act in an attempt to restore some of the
8 rights taken away by the courts. This legislation amended
9 the 1964 Civil Rights Act to strengthen and approve federal
10 Civil Rights laws, to provide for damages in cases of
11 intentional employment discrimination, to clarify provisions
12 regarding desperate impact actions and for the other
13 purposes.

14 In an ironic twist of events, and despite the fact that
15 the Wards Cove case played a key role in introducing this
16 revised Civil Rights Act, the 1992 Act excluded the 2,000
17 Wards Cove cannery workers from its protection.

18 Following this legislative disappointment, Wards Cove
19 continued to bounce around the courts. In 1993, the Ninth
20 Circuit Court instructed the Federal District Court judge to
21 follow its ruling reinforce the 1989 Supreme Court Decision.
22 In 1999, the federal judge once again for the employer,
23 reinforcing the Supreme Court decision and dismissing the
24 case.

25 As recent as August, 2000, last year, Wards Cove

1 workers and LELO, which is Labor Employment Law Offices
2 appealed to the Ninth Circuit Court that the federal judge
3 did not apply the previously ruling of the Appeals Court,
4 which was in our favor. We are still waiting, though not
5 optimistic, a ruling from the Ninth Circuit Court. Thus,
6 Wards Cove is still unfinished business and so is the need
7 to reconstruct Civil Rights protection for all workers,
8 including Wards Cove, that the 1992 Civil Rights Act left
9 incomplete.

10 So what lies ahead for the Wards Cove case? Citing
11 justice delayed is justice denied, last year, we and
12 representatives of organized labor and Civil Rights
13 organizations announced our intent to continue fighting for
14 justice for the Wards Cove workers. This will include
15 launching a national legislative initiative to complete the
16 work of the 1992 Civil Rights Act to include protection for
17 Wards Cove workers and to reclaim the courts as a playing
18 field where workers can win remedy for discrimination of
19 unfair treatment in the workplace.

20 In our opinion, the Wards Cove experience gives us
21 other issues that a new Civil Rights act might address, must
22 address. One is to repeal the damage award limitation of
23 the 1992 Civil Rights Act. We must not make continuing
24 discrimination an affordable business and social practice.
25 We must be vocal in our understanding of the great harm

1 imposed by discrimination.

2 Two, we must resuscitate the legal concept of desperate
3 impact by truly returning to the standard that places the
4 burden of proof in employment discrimination on the
5 employer. For it is the employer who is the keeper of their
6 own employment record, and is better situated to prove
7 whether or not a pattern of behavior has adversely impacted
8 a group of workers that cannot be justified by business
9 necessity.

10 Without this type of standard, working people do not
11 have the practical access to the courts for remedies under
12 the Civil Rights Act. Workers don't have the access to the
13 records, nor do they have the resources to cover the costs
14 of such a discovery process.

15 Finally, we must provide legal standing at an
16 affordable cost to workers and community organizations and
17 class action civil rights litigation so that the well being
18 and fate of other class members are not left to some narrow
19 interests of lawyers and named plaintiffs.

20 In conclusion, LELO believes that the Civil Rights
21 issues are in the interests of all workers, workers of
22 color, working women, White male workers over 40 years old
23 and disabled workers. We believe that these people can
24 understand the importance and be supported by a Civil Rights
25 initiative.

1 The 1964 Civil Rights Act with Title 7 represents the
2 most important social and labor legislation of our time.
3 Without the restoration of strong Civil Rights standards for
4 workers, they have no practical access to this legislation.

5 The issue of desperate impact is essential to this
6 access. Desperate impact limits the ability of an employer
7 to fashion arbitrary and capricious practices that exclude
8 groups of workers by conveniently declaring them undesirable
9 or nuances.

10 Thank you very much. And I will provide this written
11 testimony to the staff so they can get you copies.

12 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We
13 appreciate that. Are there any questions by the Committee
14 or the Commissioners?

15 COMMISSIONER CRUZ REYNOSO: I have a question for Mr.
16 Goldsmith.

17 CHAIRPERSON GILBERT GUTIERREZ: Yes.

18 COMMISSIONER CRUZ REYNOSO: What do you think it will
19 take to put Native Americans in a position to assume some of
20 those jobs that will be opening up because of retirement?
21 Is it mostly education? Is it both education and training?
22 What should the state of Alaska be doing now to make sure
23 that you have a sufficient number of Native Americans,
24 Eskimos and Indians prepared to compete for those jobs?

25 MR. SCOTT GOLDSMITH: I can answer that as an

1 economist, but not as an educator.

2 COMMISSIONER CRUZ REYNOSO: Okay.

3 MR. SCOTT GOLDSMITH: Certainly formal education is
4 part of it, but I think in addition to that, education and
5 training to be able to operate successfully in a market
6 economy situation is also important. But I think that it's
7 a two-way street, that there has to be a higher level of
8 recognition of the types of employment, the characteristics
9 of employment that Native Americans are looking for,
10 particularly in Native -- particularly in rural Alaska. And
11 there has to be some accommodation on the part of employers
12 to those patterns, the seasonal patterns so that the Natives
13 can continue to partake in subsistence and so on.

14 So I think it's a two-way street, that education is a
15 big part of it, and non-formal education, and of course,
16 that's mentoring, apprenticeships and a whole range of
17 things.

18 CHAIRPERSON GILBERT GUTIERREZ: Commissioner Meeks?

19 COMMISSIONER ELSIE MEEKS: Yes, this is also for
20 Professor Goldsmith. I came from an Indian reservation in
21 South Dakota that's been the poorest county in the nation
22 for a couple of decades, and I've been involved in economic
23 development for the last 20 years or so and, you know, these
24 same issues that you talk about here, remoteness, small size
25 and lack of infrastructure of most rural communities limit

1 economic development opportunities. And I have to say I
2 don't think we've ever really figured that out.

3 And in an area like, you know, in South Dakota where
4 subsistence really has been taken away, I mean, it's -- you
5 know, the resources for subsistence just aren't there, you
6 know, it would seem then that the survival of these
7 communities really do depend on subsistence and that they
8 probably will not survive without that unless there's a lot
9 of federal assistance, which is not, I think, a good
10 alternative. Am I right in that?

11 MR. SCOTT GOLDSMITH: I think you've asked the \$64
12 economist question. I personally I think tend to agree with
13 your analysis. But as I look around in Alaska, I see a lot
14 of energy and there are opportunities. Every community is
15 different in terms of having a natural resource available to
16 them, having leadership, having special infrastructure
17 capacity that allows -- would allow some communities to
18 develop an economic base. And I think there are examples
19 where that has happened, is happening in Alaska.

20 So I think that some communities will survive
21 economically, will develop an economic base, are developing
22 an economic base.

23 I think that because of the small size of communities,
24 subsistence will always be a necessary element to an
25 economy, if not a preferred desirable element. Because

1 small economies just cannot support a lot of support jobs.
2 You can't support an auto mechanic in a community of 300
3 people and so on. So I think there are instances in Alaska
4 where communities will be successful.

5 CHAIRPERSON GILBERT GUTIERREZ: Commissioner?

6 COMMISSIONER YVONNE LEE: I have a question for Mr.
7 Della. It's sort of a bitter irony that this coming October
8 or November would have been the 10 year anniversary in which
9 2,000 American workers would have been singled out for not
10 having coverage under the Civil Rights Act.

11 You mentioned earlier about mobilizing the national
12 legislative initiative, but given -- and also, you're
13 waiting for various court decisions, even though you've been
14 there quite a few times.

15 Given the recent Supreme Court decision in Senevol
16 (ph), which effectively eliminated access to desperate
17 impact cases, what do you think the changes are for your
18 national legislative initiative, and what else can
19 organizations, besides Congress, can do to undo this grave
20 wrong for the 2,000 workers?

21 MR. DAVID DELLA: I think while recognizing that
22 there's still some work to be done to fight this battle on
23 the legal front. As you know, the make up of the courts
24 does not allow us to go the full extent of finding redress
25 in a lot of these issues. What we're talking about is

1 really a.....

2 CHAIRPERSON GILBERT GUTIERREZ: What a moderate
3 statement.

4 MR. DAVID DELLA: Well, what we're asking for is really
5 to start a political movement of sorts that gets the
6 grassroots in our communities to stand up for Civil Rights,
7 using this case as an unresolved case, both in our courts
8 and in our national legislation, use that as a way to build
9 a grassroots effort over a number of years that brings back
10 the attention to the need to -- for full access to Civil
11 Rights, to the courts, to the political system for all
12 workers throughout the country.

13 So on one hand, we await the decision of the court and
14 we'll work within the legal system as much as we can, but
15 really, what we're talking about is building a long-range
16 political movement because we also can't count on Congress
17 to move on this very quickly, either. But what we can do is
18 create enough of an awareness in this country that there is
19 still some unresolved issues in this country that needs to
20 be dealt with. And if people are much more aware of that,
21 then I think the support in the long term for making sure
22 that everyone has full and equal access to a redress on
23 these issues I think will serve us all well.

24 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Yes,
25 Rosalee? Ms. Walker?

1 MS. ROSALEE WALKER: Thank you. This is for Professor
2 Goldsmith. Right now the legislature is working the
3 development of a fiscal policy to determine how they're
4 going to spend the state money and so forth, I guess it will
5 come out by the time my grandchildren have
6 grandchildren.....

7 UNIDENTIFIED VOICE: I hope so.

8 MS. ROSALEE WALKER: But have you been involved in any
9 of their discussions in any way to incorporate some of your
10 concepts here, just in general or anything, or are they just
11 flying by the seat of their pants with the money angle?

12 MR. SCOTT GOLDSMITH: As far as I know, at this point,
13 and I have been involved over the years in this issue, I
14 have to say.....

15 MS. ROSALEE WALKER: I'm talking about this last one
16 that.....

17 MR. SCOTT GOLDSMITH: Yeah. Yeah. I have been
18 involved in some discussions with them. I don't think they
19 have gotten down to the level of detail in terms of what the
20 elements of the fiscal plan would be in looking at how it
21 might impact various parts of the Alaskan community, Natives
22 or other groups, or rural residents or anything like that.
23 But certainly in the development of any fiscal plan that
24 involved changes in how money is spent or new taxes or so on
25 and so forth, that would be an important element to look at.

1 COMMISSIONER YVONNE LEE: I would think so. And I hope
2 you stay involved.

3 MR. SCOTT GOLDSMITH: Thank you. I hope so too.

4 CHAIRPERSON GILBERT GUTIERREZ: Anybody else? Mike?

5 MR. MICHAEL WALLERI: I had a couple of questions, one
6 for Dr. Goldsmith. Yesterday we heard from the Director of
7 EOC talking about one of the factors that she attributed to
8 unemployment in rural Alaska of Native people was the
9 importing of labor for the number of limited jobs that do
10 exist in the villages. Do you have any data that would
11 support that or any conclusions about that?

12 MR. SCOTT GOLDSMITH: I don't have any hard data on
13 that. There's a lot of anecdotal information floating
14 around, and I think that the accumulation of that anecdotal
15 data suggests that it's a real -- certainly a real
16 phenomena.

17 MR. MICHAEL WALLERI: I had a second question to Mr.
18 Della, I believe I got the name right, correct? In the case
19 of the cannery workers, there's been -- I'm curious about
20 the whether or not in the Wards Cove litigation your offices
21 discovered any evidence of obviously -- and, obviously, the
22 case deals with imported labor, people coming into Alaska to
23 work, and I was wondering if -- it just seems to me kind of
24 odd or coincidental that you're talking about competition
25 between minority groups, and I was wondering in the

1 situation of the Wards Cove whether or not there was any
2 evidence of the employers seeking to pit one minority group
3 against another for purposes of economic undercutting each
4 other in terms of labor costs.

5 MR. DAVID DELLA: Well, as I mentioned, although the
6 lawsuits were initiated by Asian workers, the Alaska Native
7 workers joined the lawsuit at the time that we filed it,
8 which was a year after we initially filed the lawsuits. And
9 you'll notice that one of the three lawsuits was Carpenter
10 versus Nefco Fidalgo (ph), that was an Alaska Native worker.

11 And so there was never any attempt on the company's
12 part to pit one group against another, and even if they
13 tried, were very conscious of the fact that the exported
14 workforce from the Lower 48 was just one part of the
15 picture. There was also the picture of the Alaska Native
16 workers that worked side by side with us on the cannery
17 line.

18 CHAIRPERSON GILBERT GUTIERREZ: Thank you for your
19 presentations and we sure appreciate your time. You can
20 leave any material you need and we'll take it and put it in
21 the record. Thank you.

22 I would like to now invite the Issues Panel in
23 Administration of Justice, Senator Georgianne Lincoln;
24 Denise Morris, CEO, Alaska Native Justice Center; Rex
25 Butler, Attorney.

1 Senator, whenever you're ready.

2 SENATOR GEORGIANNE LINCOLN: Oh.

3 CHAIRPERSON GILBERT GUTIERREZ: Yes?

4 MS. DENISE MORRIS: I was wondering if Roy Hundorf,
5 who's the Chairman of the Alaska Native Justice Center would
6 be able to join me this afternoon?

7 CHAIRPERSON GILBERT GUTIERREZ: Certainly. Yes.

8 MS. DENISE MORRIS: Thank you.

9 CHAIRPERSON GILBERT GUTIERREZ: He's welcome.

10 SENATOR GEORGIANNE LINCOLN: Thank you very much, Mr.
11 Chairman. I want to thank all of you for the invitation to
12 address the Alaska state Advisory Committee to the U.S.
13 Commission on Civil Rights regarding the Civil Rights issues
14 impacting Alaska Natives and other minorities. I will have
15 a written statement prepared for you before the week is up.

16 The Commission has invited me to discuss my perceptions
17 of law enforcement problems and Administration of Justice
18 issues faced by Alaska Natives and other minorities;
19 however, inequities in law enforcement and the
20 Administration of Justice are inextricably intertwined with
21 a broader plight of Alaska Native communities.

22 The highly publicized paint ball attacks carried out by
23 three young men targeting Alaska Natives this past winter
24 spurred a great deal of discussion, self reflection and
25 problem solving. Such inhumane crimes motivated by

1 prejudice are easier to respond to than the day to day, year
2 to day injustices and discrimination Alaska Natives and
3 other minorities face.

4 It is easier to galvanize public support to get to the
5 bottom of the crime and address such an obvious form of
6 discrimination.

7 But how have we responded to the lack of economic
8 development in rural Alaska coupled by the constant threat
9 to Alaska Natives' subsistence way of live? How have we
10 responded to low employment rates of Alaska Natives in state
11 government? How have we responded to the high unemployment
12 rates for Alaska Natives throughout the state? How have we
13 responded when confronted with the reality of inadequate
14 school facilities in rural Alaska and the low test scores on
15 the high school graduate exams by Alaska Natives? How have
16 we responded to the high alcohol and suicide rates among
17 Alaska Natives? How have we responded to the lack of law
18 enforcement protection in village Alaska? How have all of
19 these issues contributed to high incarceration rates of
20 Alaska Natives and problems in the Administration of
21 Justice? How have we tried to resolve these issues and halt
22 the disturbing downward spiral into which many Alaska Native
23 individuals and communities have found themselves?

24 A number of studies completed by state agencies and
25 other groups address these daily inequities, injustices and

1 discriminations. Frequently it seems as if these reports
2 are filed away and quickly forgotten. Perhaps what lies at
3 the heart of the matter is indifference.

4 In a 1999 speech, author, poet, professor, and
5 Holocaust survivor, Mr. Eli Weisel (ph) addressed the perils
6 of indifference. He explains how easy it is when we are in
7 our own comfortable world and in the case of urban Alaska,
8 enjoying cost effective energy systems, a clean water
9 source, safe sewer systems, police protection, emergency
10 services and access to employment, health care agencies and
11 other services such as the justice system, how easy it is to
12 be inattentive to the difficulties faced by others.

13 Mr. Weisel describes this apathy when he says, quote:
14 "Indifference can be tempting, more than that,
15 seductive. It so much easier to look away from
16 victims. It is so much easier to avoid the rude
17 interruptions to our work, our dreams, our hopes. It
18 is, after all, awkward, troublesome to be involved in
19 another person's pain and despair. Yet to the person
20 who is indifferent, his or her neighbors are of no
21 consequence and therefore their lives are meaningless.
22 Their hidden or even invisible anguish is of no
23 interest. Indifference reduces the other to an
24 abstraction."

25 He concluded that:

1 "Indifference then is not only a sin, it's a
2 punishment."

3 Alaska Native villages and, indeed, many Alaska Natives
4 throughout the state sense this indifference. In one of the
5 numerous studies that have crossed my desk, the Alaska
6 Judicial Council reported in '99 that for many Alaska
7 Natives in village Alaska the, quote:

8 "The fundamental problem was that state agencies were
9 so far removed from the villages that they were largely
10 unaware and unresponsive to the village needs."

11 In another, the Alaska Commission on rural Governments
12 and Empowerment in 1999 summarized after gathering testimony
13 from throughout the state that rural Alaskans, especially
14 residents of Native village often regard state government
15 the same way that many urban Alaskans view the federal
16 government in Washington, D.C.

17 In both cases, the government is perceived as cold,
18 distant, hidden, unformed about life at a local level and
19 controlled by someone else. Cold, distant, unaware,
20 irresponsible, unresponsive or simply indifferent.

21 We are here to share those perceptions with this
22 commission. Perhaps some people do not perceive any
23 division in this state, whether they be along racial,
24 economic or geographic lines. However, I believe with all
25 my heart that there is very real division which is often

1 referred to as the Urban/Rural Divide.

2 It is more than simply a geographic divide, and it is
3 one that exacerbates the division between Alaska Natives and
4 non-Natives. On many levels, the existence of this divide
5 is a result of indifference, and the consequences of this
6 unresponsiveness, disinterest and indifference to this
7 divide has indeed resulted in the punishment of all Alaska
8 Natives, including those who reside in urban Alaska.

9 One's cultural identity, one's heritage, one's family
10 unity is not extinguished because one moves to a urban
11 center. Moreover, the question must be asked, why do so
12 many Alaska Natives leave their home villages? Lack of
13 economic development. Lack of jobs. Lack of educational
14 resources. Those are some of the answers that I receive
15 when I travel around to my 93 communities. The state has
16 failed to support solutions or adequately fund programs that
17 could heal the Urban/Rural Divide and promote local
18 empowerment and self determination.

19 Increasingly, after decades of inclusive efforts on the
20 part of the state, many Alaska Natives reside in rural
21 Alaska have turned to the courts for relief or to be heard.

22 As example, the Katie John case, which some have
23 alluded to in the short time that I was here, that
24 subsistence is at the heart, it is the life of Alaska
25 Natives. And the hunting and fishing are critical

1 contributions, as I heard somebody say a little bit earlier
2 of how much does that really contribute to the economy or to
3 the lifestyle. That is the life. And this is very
4 essential. It's core to who Alaska Natives are.

5 The Governor, in convening the subsistence summit, the
6 leadership summit here last week, there was a conclusion,
7 the resulting statement of values. And one of the quotes
8 that as a statement of values from that summit was for the
9 best future of all Alaskans. Resolution of the subsistence
10 impasse is the most important step to bridge the growing gap
11 between urban and rural Alaska.

12 And we go to another case, the Kasilie (ph), which
13 maybe you heard of in the Education Panel, the Kasilie
14 versus the State of Alaska. A strong education system is
15 central to local empowerment. In March, the Superior Court
16 of Alaska ruled in the Kasilie (ph) verus State that the
17 State failed to quote, "allocate available school facility
18 construction and maintenance funds in a non-discriminatory
19 way."

20 The judge went on to say that the urban district gets
21 70 percent of their funding for school reimbursement by the
22 state. The rural districts get whatever the legislature
23 chooses to give them. The bond reimbursement program is
24 automatic. The rural funding is political and has been
25 arbitrary, inadequate, and racially discriminatory. That is

1 from the judge's decision.

2 We also have, of course, many of you know, the Indian
3 Child Welfare Act, which the Native communities have turned
4 to the courts again to exercise the power of their own
5 tribal courts to adjudicate tribal custody of tribal
6 members.

7 In the John versus Baker case, which was decided by the
8 Alaska Supreme Court in '99, they found Alaska tribes can
9 decide child custody and other matters to protect tribal
10 self-government or to control internal relations and,
11 however, even with that, the Alaska Native villages struggle
12 for that recognition of tribal courts.

13 Again, the rural communities turn to the courts to
14 resolve inequities in law enforcement. The Village Public
15 Safety Office Program, VPSO, while it is a movement towards
16 localized control over law enforcement in rural
17 predominantly Alaska Native villages, it's been criticized
18 as separate, unequal and an insufficient form of law
19 enforcement.

20 In a lawsuit between the Inter Tribal Council and the
21 Native Justice Center, they have charged that there's a
22 great disparity between the police protection afforded urban
23 areas and our villages, that the VPSO's who are on call 24
24 hours a day, seven days a week aren't able to carry
25 firearms, and yet in a study they found that 76.1 percent of

1 VPSO's had responded to a perpetrator with a firearm and
2 62.8 percent had responded to a perpetrator armed with a
3 weapon other than a firearm. And they routinely are in
4 life/death situations.

5 Of the 226 villages in Alaska, one-third are without
6 any form of law enforcement. So VPSO's are so critical to
7 our communities.

8 Whether to insure access to resources, education, care
9 for our children or public safety, Alaska Natives are
10 turning to the courts as a result of the state's lack of
11 leadership and perhaps the indifference. This contributes
12 to a domino effect.

13 Indifference to a basic fiber of Alaska Native people,
14 indifference to the survival of the communities and culture
15 result in a feeling of powerless and hopelessness. When
16 communities fall under this gray cloud, there are a
17 multitude of side effects, education deficits, psychological
18 depression, high rates of suicide, substance abuse, violent
19 crimes and finally, incarceration.

20 While organized groups of Alaska Natives attempt to
21 utilize the justice system to address some of the previously
22 mentioned social inequities, this same system, unfortunately
23 still places barriers before individual Alaska Natives.

24 Indeed, while Alaska Natives, and I want to repeat this
25 twice, while Alaska Natives make up 15.6 percent of the

1 total population, the comprise 36 percent of individuals
2 institutionalized in Alaska's correctional facilities. Now,
3 if we take that 15.6 percent and we take out the women and
4 we take out children, then I'm talking about no more than
5 six percent, and I'm probably fudging up a little bit here
6 on the percentage. So we're really saying six percent of
7 Alaska's population comprise 36 percent of those
8 incarcerated. That's atrocious.

9 Such high percentage of these inmates must be cause for
10 alarm in regards to the goal of providing equal justice for
11 all.

12 I want to just quickly, and I apologize, this is so
13 near and dear to my heart, and I might go over my 10
14 minutes, I'm sure I will, and I apologize for that, so
15 interrupt me if I need to speed this along, but I want to
16 tell you of a case real quickly.

17 A young man happened to be in Fairbanks and a young man
18 from my village of Rampart called and said, "Can you please
19 bail me out?" or "Come and get me, I'm in jail." That was
20 his precise words. And I said, "What are you doing there?"
21 And he said, "Just come and get me." And I immediately went
22 to the jail and bailed him out and said, "What happened,
23 Toggie (ph)?" And he said, "I was picked up for
24 shoplifting." And I said, "Shoplifting?" He said, "Yes, I
25 went into a store in Fairbanks," and it was the wintertime,

1 he had a basket, he bought \$126 and I think it was 31 cents
2 of items to take back to the village, paid for it with a
3 check. But as he was going through getting things that he
4 needed for the village, he was a young single man, he picked
5 up a bolt for his dogsled, a bolt. He looks at the basket,
6 it has a bunch of holes in it, what do you do with this
7 bolt? He doesn't know that there's plastic bags that you
8 can put these bolts in, and that it might it stay in the
9 basket, I'm not sure if it does, but he goes,
10 a bolt, can't put it there, need more things, put it in my
11 pocket and I'll remember it when I get to the checkout.

12 He gets up there, the bolt was 39 cents, gets up there
13 to pay, forgets about the bolt, goes outside. They go out
14 and say you shoplifted. Common sense would tell you, you
15 don't pay \$126.31 and leave with a 39 cent bolt and steal
16 that.

17 So I went to court with him. And the judge says to
18 him, "You are charged with shoplifting, did you take
19 something that you did not pay for?" The answer, obviously,
20 is yes. And he says, "Yes." And as the judge starts to
21 sentence him, and before the hammer comes down, I said,
22 "Your Honor, may I speak for this young man who is from my
23 village?" And he said, "Proceed." So I explained to him
24 what had happened and he shook his head and took his gavel
25 and said, "Case dismissed." And he looked at the officer

1 and said, "Don't you ever bring a case back like that to me
2 again."

3 But had I not been there, this young man was answering
4 very honestly, would have been in jail for shoplifting. And
5 I think that too often we see those that are incarcerated
6 being very honest in what they've done without giving any
7 background and because of our culture, I was taught never to
8 oppose or to question authority from the Bureau of Indian
9 Affairs to the Indian Health Service, you don't question
10 authority. If they're going to cut off a leg, there must be
11 a reason, and you don't ask for a second opinion. And that
12 has been translated down through generations.

13 Well, to continue that, all -- you know, numerous
14 reports have been published analyzing the state of the
15 justice system within the State of Alaska and offering
16 recommendations, numerous, volumes of reports. There's no
17 disagreement that there's an obvious disparity in the
18 percentage of Alaska Natives entering the justice system.

19 They question then must be asked, what keeps the
20 situation from resolution? What sorts of barriers do Alaska
21 Natives continue to encounter in the administration of
22 justice? What sorts of programs are providing effective
23 culturally relevant means of addressing the real problem?

24 Restrictions on equal justice can occur due to the
25 locale of residents in relation to urban centers. Language

1 barriers, lack of understanding of the judicial system.

2 As one of the public defenders who was doing a study
3 and had a report stated that lack of adequate
4 client/attorney relationships due to vast distances that
5 frequently separate clients in rural Alaska and the few
6 attorneys available to represent them. Oftentimes these
7 attorneys, as they're going through a door say "And what is
8 your name again, please?" Pretrial communication
9 difficulties, once again, because of distance.
10 Teleconference trials with a public defender with whom the
11 client has never met.

12 If bail can't be met, there's side effects relating to
13 having to be transported between home, pretrial facility and
14 courtroom, such as absence and support from families and
15 friends, difficulty with visiting with attorney and
16 inability of a defendant to work in his or her own
17 community.

18 Court proceedings occurring in English, which is a
19 second language. And when I say that, I want to again
20 relate to the young man I spoke about, that it's not
21 necessarily he couldn't understand English, but the court
22 proceedings is a different language. Jury selection from 50
23 mile radius to a courtroom rather than a jury of one's
24 peers, probation, parole regulations that keep one in an
25 urban area away from family and support systems, that may be

1 directly related to the recidivism rate that we've got so
2 high.

3 What can we do to address these inequities in the
4 Administration of Justice? Well, there's been many
5 recommendations and some of those, I think, we really have
6 to dig out, dust off and roll up our sleeves and say, "Okay,
7 what are we going to do about that?" And I know that there
8 will be others that will be testifying to the alternative
9 punishments should be used more extensively in response to
10 probation and parole revocation. The program should be
11 intensive, responsive to individuals' linguistic and
12 cultural needs.

13 Alternative sentencing and use of community supported
14 courts can provide real solutions to statewide justice. The
15 Alaska Supreme Court Advisory Committee in '97 made
16 recommendations which are still relevant today, that the
17 court system, the Alaska Court System should establish its
18 presence in rural areas.

19 The Alaska Court System should recruit and train local
20 interpreters of common languages. The courts and individual
21 judicial officers should actively support the use of local
22 dispute resolution. They should seek the assistance of
23 local dispute resolution and tribal organizations when the
24 organizations can provide useful information or advice or
25 services. And the judicial officers should make greater use

1 of local sentencing alternatives, in particularly relevant
2 -- culturally relevant sentencing options for ethnic and
3 racial minorities.

4 Ninety-seven percent of crimes committed by Alaska
5 Natives are committed under the influence and/or drugs, 97
6 percent. If we reflect on these exorbitant numbers of
7 crimes committed in Alaska as substance abuse, the more
8 clear it becomes that the alternative intervention,
9 prevention, treatment, rehabilitation and sentencing
10 programs that are culturally relevant to Alaska Natives
11 should be, must be supported and funded.

12 A common thread that runs through all the
13 recommendations of reports regarding improvement of Alaska's
14 justice system is the utilization of restorative justice,
15 and I would agree. With its focus on recognizing and
16 fulfilling victims' need for restitution and healing in
17 addition to holding the offender accountable, restorative
18 justice practices are valuable community-based programs
19 worthy of further attention. Tribal courts must be
20 reestablished, established where they're not. They are very
21 effective.

22 And I want to point out also that restorative justice
23 does not necessarily eliminate the need for incarceration,
24 and it should not be used as the state as an excuse to avoid
25 improving traditional justice services to rural communities.

1 We have some good examples of where restorative justice has
2 worked in communities. And the juvenile diversion programs
3 that has worked in some of the communities.

4 While part of my overall recommendation is following up
5 on all the solutions proposed in the reports over many,
6 many, many years, as well as supporting the revitalization
7 of these traditional problem solving systems, it goes beyond
8 that. I think the Alaska Native Commission identified the
9 underlying root of barriers and inequities as we are
10 discussing here today; its self-destructive culture of
11 powerlessness.

12 How many more reports proclaiming this powerlessness,
13 this hopelessness must we publish? How many more
14 commissions, committees, councils do we have to testify to
15 before we see some results?

16 I appreciate the recognition of public forums and
17 reports that bring these critical issues facing Alaska
18 Natives to the forefront. But we cannot simply leave our
19 concerns in the halls of another hotel conference room, nor
20 can we leave them enclosed in a binding of another book. If
21 we are to see equity in law enforcement, then Alaska Native
22 peoples' attempts to strengthen their communities can no
23 longer be ignored by the State of Alaska, by U.S.
24 Commissioners, by others who are in this field.

25 Alaska Natives have been willing to work with the state

1 on a number of critical issues, and surely with the
2 reoccurring reports calling for reduction in the
3 disproportionate number of Alaska Natives throughout the
4 justice system and the reduction in substance abuse crime,
5 Alaska Native communities should be supported in our efforts
6 to provide proper intervention services, police protection,
7 greater judicial self-determination.

8 Efforts toward self-determination on the part of Alaska
9 Natives must be embraced, respected, supported and resources
10 appropriated by the state of Alaska. This includes Alaska
11 Natives attempting to build healthy lives and sustainable
12 economies in rural Alaska, practicing subsistence, educating
13 and meeting the needs of our children, policing, providing
14 justice and promoting healing in our communities.

15 I appreciate you allowing me the time to go over my 10
16 minute allocation. As I said, it's just something that is
17 so near and dear to my heart and it's heartbreaking to see
18 us to continue to have dialog like this. (Speaks foreign
19 language).

20 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

21 SENATOR GEORGIANNE LINCOLN: Thank you.

22 CHAIRPERSON GILBERT GUTIERREZ: The next speaker would
23 be Ms. Denise Morris or Mr. Roy Hundorf, or you can decide
24 how you're going to do that.

25 MS. DENISE MORRIS: Good afternoon. My name is Denise

1 Morris and I'm the President of the Alaska Native Justice
2 Center. I am Aleutic descent. My family is from the
3 Pribilof Islands, St. Paul and St. George. And I am joined
4 here today by Roy Hundorf who is the present Co-Chair of
5 AFN, a member of my Board of Directors and former President
6 CEO of CIRI, one of the ANSCA regional corporations. On
7 behalf of both of us, I would like to thank the Advisory
8 Committee for the opportunity to speak here today.

9 The U.S. bishops have said that all of us need to
10 examine our own perceptions of Native Americans, how they
11 are shaped by stereotypes, distorted media portrayals or
12 ignorance. We fear that prejudice and insensitivity toward
13 Native people is deeply rooted in the Western culture. We
14 agree with this cultural diagnosis.

15 At the core of the injustices perceived and experienced
16 by Alaska Natives and American Indians in our state lies a
17 cultural divide that can be improved only through
18 understanding of its historical context and taking
19 progressive actions to establish justice for Native people.
20 The non-Native development of Alaska mires the experience of
21 many Native communities in our country.

22 The history of Alaska Native, American Indian groups,
23 though diverse, have many similarities. Tribes share a
24 history of conquest, dissemination from disease, genocide,
25 forced cultural and land-based loss, the evolution of

1 alcohol use, violence and chronic disease.

2 Against this backdrop, an inherent distrust developed
3 within the Native population, the belief that a dual system
4 of justice existed for Alaska Natives and that there is
5 systematic and institutionalized discrimination pervading
6 the justice system.

7 In the face of the feelings, state and Municipal
8 policies have fostered little or no confidence in the Alaska
9 justice system or in the administration of justice for
10 Alaska Natives.

11 Although 77 years have passed since the United states
12 granted citizenship to all Native Americans, non-Native
13 perceptions of Native people have not evolved significantly.
14 The recent attack on the, quote, "Drunken Eskimos" reminds
15 us that Alaska Natives and American Indians continue to be
16 treated as second class citizens and worse. Today, just as
17 the did 77 years ago, Alaska Natives struggle for cultural
18 identity, education, and economic security.

19 Sadly, for many Alaska Natives, alcohol and alcoholism
20 have been the tools for coping with the struggle. The abuse
21 of alcohol has been particularly devastating to the Native
22 population, forcing already depressed cultures into deeper
23 turmoil effecting whole communities as well as individual
24 families. However, a people's struggle to overcome its
25 problems should not result in mockery and the isolation of a

1 segment of Alaska's population.

2 Quite on the contrary. Alaska Natives should be
3 afforded respect for maintaining the degree of cultural
4 integrity that we have.

5 Our collective responses to oppression and injustice
6 display resiliency and strength that still flows down to us
7 from our ancestors. In keeping with the best of our
8 traditions, we must ensure the rights of all of our citizens
9 are protected.

10 In these remarks, I will focus on five issues of
11 concerns regarding the justice system and Alaska Natives,
12 and I do have a written report with statistical information
13 to highlight these points.

14 Sentencing and incarceration rates: Statistics show
15 that now entrenched over-representation of Alaska Natives in
16 the justice system is worsening. We suspect that this data
17 reflects how Alaska Natives are treated differently
18 throughout the justice system, and not that Native Americans
19 commit more crimes.

20 The difference has everything to do with the lack of
21 cross-cultural understanding and acceptance. And this
22 difference creates a thicket of traps for Native offenders.

23 The Native persons predisposition for honesty and the
24 avoidance of conflicts works against them when they interact
25 with non-Native attorneys and juries. The system reads

1 guilt when often there is none, leading to a higher
2 conviction rate and indifference in sentencing. Further,
3 when rural offenders reenter society, they are forced to do
4 so in alien city hub environments without cultural relevant
5 services to support their efforts to get back home after
6 probation and parole periods. Many offenders lack city
7 living and job skills which prevent their successful
8 completion of mandated probation terms.

9 Inadequate defense bar funding: Inadequate funding for
10 legal assistance presents a major obstacle to addressing
11 discrimination against Alaska Natives. Rampant poverty and
12 unemployment among Natives' populations foster economic
13 dependency on Government funded legal assistance. Legal
14 services have been drastically reduced in staffing and
15 funding over recent years while funding for prosecutors
16 remains steady, creating a system imbalance overly
17 emphasizing criminal punishment without significant defense
18 support.

19 The Alaska Legal Service Corporation in particular has
20 suffered drastic reductions in funding. The public defender
21 agency's increases in caseloads over the last decade have
22 been accompanied by nearly flat funding.

23 The legal rights of Alaska Natives who make up a
24 disproportionate share of justice clients are being affected
25 by this excessive caseload. The legislative audit found

1 that the public defender agency attorneys are forced to deal
2 with the mounting caseload through tactical legal maneuvers
3 that at best only defer the problem. To further exacerbate
4 the problem, some cases are not allowed to be represented
5 with public funds, such as those relating to discrimination
6 and housing.

7 Third, jurisdictional issues reduce local tribal
8 responsibility. Although Congress granted the state of
9 Alaska both criminal and civil judicial jurisdiction over
10 Alaska Natives under Public Law 280, the state has failed in
11 its responsibility to provide adequate judicial services to
12 Alaska Natives.

13 Currently, there are a wide range of legal matters
14 which can be handled at the local community level. Tribes
15 presently have jurisdictions to handle children's matters,
16 tribal adoptions and other domestic relations where
17 jurisdiction is linked to core tribal relationships.

18 Tribal courts are a cost effective means of reducing
19 state and federal court costs which allow tribal members to
20 be more involved with the law and the legal process within
21 their communities. In spite of the physical and social
22 virtues of tribal courts and other such efforts, there is no
23 stable stream of funding.

24 Federal cops and tribal justice grants and some state
25 grants provide support for tribal courts and limited law

1 enforcement. However, these sources do not provide
2 sufficient levels of funding with the potential for future
3 long-term positive impact.

4 At this point in time, only 76 of Alaska's villages
5 have Village Public Safety Officers. Without change, the
6 jurisdictional and funding limits will continue to hamstring
7 Alaska Native opportunities for equal treatment.

8 Fourth, lack of basic of police protection for rural
9 Alaska communities is unequal treatment that endangers
10 lives. Alaska State Troopers currently provide full police
11 protection to the smaller, mostly non-Native communities on
12 the road system, but do not to rural villages.

13 Alaska State Troopers generally are unable to cover
14 misdemeanors and lesser felonies in villages. Consequently,
15 most of the lower-level crimes have been left to the Village
16 Public Safety Officers. But the number of Village Public
17 Safety Officers have been reduced from 124 in the 1980's to
18 84 just last year, and the crime rate continues to grow in
19 these rural Alaska villages.

20 These VPSO's also receive less training, pay, and
21 benefits. They are not allowed to intervene in major
22 criminal cases. This overall lack of police protection
23 often means there is no presence to deter crime and no one
24 to enforce domestic violence orders.

25 Perhaps most shocking of all is the consequence of

1 inadequate police protection on our once revered givers of
2 life; our mothers, our daughters, or sisters and our aunts.
3 Next to our children, Alaska Native women are perhaps the
4 most victimized group among us, suffering extremely high
5 rates of rape and domestic violence.

6 Research shows that where there is domestic violence,
7 unfortunately, there is also child abuse. It is a painful
8 irony that Alaska Natives in general are a peaceful people
9 who have always valued children as precious and for whom the
10 raising of the child had traditionally been a gentle
11 collaborative, it takes a village, practice.

12 Interpersonal violence is not a Native cultural
13 tradition. There is a growing perception in urban areas and
14 in rural areas that cases involving Alaska Natives are not
15 adequately investigated. The recent case of five unresolved
16 murders, four Alaska Native women and one African-American
17 woman is an example of this. The number of unresolved rape
18 cases of Alaska Native women is another example.

19 Alaska has the highest rate of sexual assault in the
20 nation. Alaska Native women are four and a half times more
21 likely to be a homicide victim in the state of Alaska than
22 anywhere else in the nation.

23 Alaska Natives need to have faith in their law-
24 enforcement agencies. They need to know that crimes
25 committed against them will be as aggressively pursued as

1 those committed against any citizen.

2 Employment of Alaska Natives. Fifth, employment of
3 Alaska Natives is very low in the justice arena. Alaska
4 Natives are severely under-represented in fields of law
5 enforcement, public safety, the legal profession, the child
6 welfare system and the juvenile justice system.

7 The state of Alaska has been attempting to address this
8 problem with a small measure of success. The most recent
9 employment figures provided by the state have shown
10 increases in the Department of Public Safety, which houses
11 the VPSO program, the Department of Corrections and the
12 Department of Law.

13 The Division of Juvenile Justice has also made efforts
14 and increased the number of Alaska Natives employed and has
15 incorporated this effort into their strategic planning.
16 While these increases are somewhat encouraging, there is a
17 long way to go to ensure more adequate representation of
18 Alaska Natives within the justice system.

19 With respect to the recommendations, based on these
20 concerns, I would like to provide the following general
21 recommendations:

22 State and federal government should continue to support
23 restorative justice efforts. While restorative justice
24 practices have become increasingly important to the state
25 and federal government, these efforts need to allow for

1 greater local control of justice matters.

2 Circle sentencing, community courts, tribal courts and
3 other programs that seek to hold offenders accountable at
4 the most local of levels generally mean that Alaska's first
5 contact with the justice system is more likely to be someone
6 from his or her own culture in a manner that is consistent
7 with the community's values.

8 The Alaska Judicial Council recommends development of a
9 continuum of alternative sanctions for violations of
10 pretrial release conditions for sentencing and for probation
11 violations. The state should continue to support and
12 encourage cultural diversity training, cultural diversity
13 training can and will have an impact on how Alaska Natives
14 are treated and viewed within the justice system and will
15 also improve employment opportunities for Alaska Natives.

16 Cultural diversity training is occurring in some state
17 agencies presently, but it needs to be more widely dispersed
18 among all agency levels, including line staff and needs to
19 be stepped up in intensity and also needs to involve Alaska
20 Natives with respect to the training that is offered.

21 State and local governments should develop effective,
22 affirmative action efforts. The state and local governments
23 should establish affirmative recruitment programs
24 specifically designed to increase the number of Alaska
25 Native male and female hires, including retention of Alaska

1 Native and promotion of Alaska Natives once they are hired.

2 One other recommendation would be internship
3 opportunities for Alaska Natives. Alaska Natives in
4 addition should be respected as we educate our justice
5 professional. Alaska Native history and cultural programs,
6 including value systems and social-economic patterns should
7 be included in training of law enforcement and judicial
8 staff. They should be part of the orientation in justice
9 offices included in the Alaska State Troopers Academy.

10 We must formerly study, analyze and address the link
11 between alcoholism, crime and victimization among Alaska
12 Natives. A special task force funded by the state or
13 federal government should be formed to conduct research on
14 the extent of alcoholism and its effect upon crime in the
15 state and make recommendations to address the issues
16 involved.

17 We should explore and implement alternative justice
18 options. Alternative justice options that reflect
19 culturally based traditions should be studied and
20 implemented to provide offenders with the option of
21 treatment, rehabilitation and community service in lieu of
22 fines and incarceration.

23 We must provide meaningful support to the public
24 defender agency, Alaska Legal Services and the Office of the
25 Public Advocacy. These agencies often offer the only hope

1 for rehabilitation rather than incarceration for the Alaska
2 Native populations. They must be provided funding levels
3 that allow them to provide a defense that best serves the
4 interest of their clients.

5 Other recommendations would be that the court system
6 should train and employ male and female Alaska Natives as
7 paralegal professionals to assist Alaska Natives as the
8 encounter the justice system. The state and municipal
9 government should expand their efforts to recruit and retain
10 Alaska Natives at all levels of employment, including law
11 enforcement and managerial positions. And endorsement from
12 the state and municipal governments stating and showing that
13 they are committed to making the appropriate changes to
14 foster healing throughout our state of Alaska and through
15 our communities. Thank you.

16 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Ms. Morris.
17 Mr. Hundorf, would you like to make a statement?

18 MR. ROY HUNDORF: Just a brief one. I don't want to
19 repeat what has been said, but I do think that something is
20 worth noting here. And I would underscore that I know that
21 we're not here to villainize anybody, but if there were a
22 list of culprits that you're developing, I would urge you to
23 include the State of Alaska in that list.

24 I'm not going to repeat the kinds of discriminations
25 that Senator Lincoln and Ms. Morris have talked to you about

1 in employment and education resource and justice
2 distribution, the incarceration rates of Natives, but I
3 would urge you instead to bear those statistics in mind as
4 you go forward with your recommendations to the Governor. I
5 hope it's to the Governor and to the judicial branch as well
6 as the legislative branch, with recommendations that they
7 really take a time -- take out some time and review their
8 rules and laws that are causing this discrimination.

9 You know, some of this is inadvertent. Some of it, I
10 think the state is very comfortably nestled in it's nest of
11 rules and law and they're cloaked in the cloak of legitimacy
12 and feel very comfortable with doing nothing, saying, oh,
13 well, that's the way the state law works and that's the way
14 the rules work. But the net result is the two to three
15 percent employment of Native people in the state of Alaska's
16 agencies. It's the 35 percent incarceration rate of Native
17 people in the jails.

18 A good example of how rules discriminate; a law was
19 passed that is called Little Davis Bacon, and I know of one
20 job right now, and there are hundreds like it every year in
21 village Alaska that required contractors, for example, to
22 pay union wages. Well, the net result of that is they go to
23 the unions to hire these people since they have to pay union
24 wages, they pick these people off the benches of Anchorage,
25 Fairbanks, and Seattle. And the folks in Rampart and

1 elsewhere are left watching the construction job in their
2 own village. It's discrimination, yet the rules allow it.
3 These are the kind of thing I'm talking about and there are
4 scores of these kinds of rules that cause discriminatory
5 practices and work hardships on Native people; sometimes
6 inadvertently, sometimes in a very contrived way.

7 But I think the state needs to take note of its laws
8 and its rules. It needs to take stock of what it's doing
9 and what it intends to do with all of its citizens and make
10 some changes, because this can only get worse unless the
11 State of Alaska comes to its senses and begins to realize
12 what it is doing, again, cloaked in its cloak of legitimacy
13 and sanctity that it being the supreme lawmaker of the land
14 given.

15 And finally, I would say I'm a businessman and I know
16 you set the tone as a leader. If you're the head of an
17 organization, you set the attitude, you lead by example.
18 And if people in Alaska see the State of Alaska
19 discriminating, it's okay to discriminate. The state does
20 it, why shouldn't we? So you lead by example. And if the
21 state wants to lead, it will lead by example here. Thank
22 you.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. Butler?

24 MR. REX BUTLER: Thank you. Good afternoon. My name
25 is Rex Butler. I'm a practicing attorney here. And when I

1 saw the notice and the time to introduce yourself or your
2 subject matter, I decided what I would do was I would bring
3 a transcript to read from of a hearing that I participated
4 in.

5 Now, in the event I go over my 10 minutes, I want you
6 to know this subject matter is near and dear to my heart.
7 Anyway, we've all heard the term racial profiling, and of
8 course, we hear it in the news and we hear it and then we
9 don't hear it because some people say, well, I think it's
10 happening out there. I see that minorities are overly
11 represented in the jails, but can anyone really prove that
12 this is racial profiling? So that's what I'm going to do
13 today for you.

14 Back in 1995, just when we were starting to hear about
15 racial profiling, this is a transcript of a hearing in the
16 United states District Court for the District of Alaska in
17 front of one of our Federal Magistrate judges starring
18 Michael Stickler, who was an Alaska State Trooper, and this
19 is public record so.....

20 "I'm employed by the Alaska Department of Public
21 Safety, Division of Alaska State Troopers. I'm
22 presently assigned as the supervisor for the Fairbanks
23 area interagency narcotics team, which operates under
24 the control of the statewide drug enforcement unit of
25 the Alaska state Troopers."

1 Now, aside from the fact that this is a supervisor,
2 let's get down to the meat of this hearing here. The Alaska
3 state Trooper was asked questions about a stop that he made
4 on a vehicle, a rental vehicle driven by a White female with
5 a Black male passenger. So we've got an interracial couple
6 here driving between Anchorage and Fairbanks.

7 Now, we know that in this day and age, to the chagrin
8 of some, to the indifference of others, there are
9 interracial relationships. And we know that interracial
10 couples come to visit Alaska, especially in the summertime,
11 we want them to come and spend their money like anyone else.
12 And sometimes they rent vehicles and they travel to
13 Fairbanks.

14 Now, in this particular case, this vehicle was stopped
15 because it was doing 77 miles per hours in a 65 mile per
16 hour zone. The trooper who stopped the vehicle called
17 Trooper Stickler and Trooper Stickler advised them to try
18 and get a consent search of the automobile, get a consent
19 search if you can, if not, detain the passengers until we
20 get a search warrant.

21 Now, they claim that there is a profile that the Alaska
22 State Troopers use, and that profile is a White female and a
23 Black male driving between Anchorage and Fairbanks in a
24 rental car.

25 COMMISSIONER CRUZ REYNOSO: At 77 miles an hour?

1 MR. REX BUTLER: At 77 miles an your, yes, sir.

2 And they add to it, especially if that rental car was
3 not rented specifically to one of those passengers. So
4 anyway, in this particular case, Trooper Stickler testifies
5 as follows:

6 Question, "The fact that the" -- well, he says, "The
7 fact that the profile that we have established a rental
8 car being part of that profile, being operated by
9 someone who had not rented the vehicle, and prior
10 indications of drug involvement strengthened my
11 probable cause and my directions to Trooper Tellup at
12 the time."

13 "And what was your direction to Trooper Tellup?"

14 "To attempt to obtain a consent search. If the consent
15 search was forthcoming, to go ahead and search. I was
16 very specific in telling him, you know, get the consent
17 search in writing. If consent was not foregoing, based
18 upon my experience as a drug enforcement investigator,
19 that I wanted the luggage or purse or whatever seized
20 pending application for a search warrant."

21 Hold on. Now, the young lady involved, the White
22 female, at first, she gave consent, and then she says:

23 "I'm not going to give you consent, I haven't done
24 anything wrong, but a speeding ticket."

25 So they showed her the consent form, she refused to

1 sign it. She says:

2 "I'm not going to let you search my purse, my luggage.
3 I haven't done anything wrong."

4 And so you know what Trooper Tellup did, based on what
5 Trooper Stickler told him, they held the people and arrested
6 them.

7 Now, if Trooper Stickler was here, and I doubt if he
8 is, he would tell you:

9 "In this particular case, I found some drugs in the
10 female's purse."

11 In this particular case. But that's not the issue
12 here. The issue here is why do you develop a profile, and
13 this profile consists -- I questioned Trooper Stickler
14 myself for about an hour:

15 "Trooper Stickler, it's your testimony that much of
16 your decision to request a consent search of the bag is
17 based on profile?"

18 Answer, "Yes, I would call it a profile, personal
19 knowledge, but basically a profile, yes, sir."

20 Question, "And what scientific basis, if you will, is
21 this profile based on?"

22 Answer, "There is no scientific basis, possibly
23 profile is not the proper terminology it's....."

24 Question, "Well, but that -- that's what you called it,
25 isn't it?"

1 "Okay. I'm not sure that profile is the proper
2 terminology. Based upon facts, as we knew them, and
3 intelligence information that we have been provided."

4 "Sir, did you bring any of that intelligence
5 information with you that you rely upon?"

6 Answer, "No, sir. I do not make my intelligence files
7 available to anyone."

8 "Sir, prior to coming into this courtroom today,
9 you viewed this information as profile information,
10 didn't you?"

11 Answer, "Well, I -- you're asking me if profile is
12 the -- as I understand is the correct terminology, and
13 I've testified, sir, that profile may not be the best
14 word to use. It's knowledge that my unit had personal
15 knowledge and intelligence information, sir."

16 Question, "Sir, have you ever referred to the
17 information concerning a White female and a Black male
18 in a rental vehicle as profile information? Have you
19 referred to it as profile information?"

20 "Yes, sir, I have."

21 Question, "Then have you basically this
22 information you've quote, unquote, developed, you
23 called it a profile, haven't you?"

24 "I have referred to it, yes, sir, as that."

25 "Okay. So when I speak of it as profile, you

1 understand what I'm saying, don't you?"

2 Answer, "I do, yes, sir."

3 "Okay. Now, this profile is based largely on
4 racial characteristics, isn't it?"

5 "No, sir, it's not. Well, it's based on fact."

6 Question, "Well, the elements of the profile,
7 Number 1, it's White female, yes or no, sir?"

8 Answer, "That is correct."

9 "And a black male, yes or no, sir?"

10 Answer, "That is correct, yes, sir."

11 Question, "Traveling together between Anchorage
12 and Fairbanks?"

13 Answer, "Or Fairbanks to Anchorage."

14 "Or Fairbanks to Anchorage?"

15 Answer, "Yes, that's correct."

16 Question, "In a rental car?"

17 Answer, "This is also correct."

18 Question, "Or it can be any vehicle."

19 Answer, "The information we had was that this
20 particular group of people....."

21 "What group of people, sir?"

22 "The drug traffickers."

23 "I see. Okay."

24 Answer, ".....were using rental vehicles not
25 registered them."

1 Question, "So you found out that Leslie Williams,"
2 he's the one who rented this particular vehicle, "is
3 the spouse of the defendant, didn't you? So the lady
4 who's driving the car, it was rented by her spouse?"

5 Answer, "I didn't believe that I found that out he
6 was the spouse, I found out that they shared a common
7 address."

8 "Okay. So you found out that the named renter of
9 the vehicle shared a common address with the driver,
10 didn't you?"

11 Answer, "A common address of many."

12 Question, "And you were also -- didn't -- weren't
13 you told by Trooper Tellup that -- that she -- that the
14 defendant told him that Leslie Williams was her
15 husband? You were told that, weren't you?"

16 The prosecutor, "Your Honor, that calls for
17 hearsay. I believe that counsel is asking for a
18 hearsay answer."

19 I want to get the judge, who will remain nameless
20 because I've got to appear in his court next week.

21 COMMISSIONER CRUZ REYNOSO: Did the judge sustain the
22 objection?

23 MR. REX BUTLER: No.

24 COMMISSIONER CRUZ REYNOSO: Oh, okay.

25 MR. REX BUTLER: He didn't sustain that objection.

1 We'll get to the judge in a minute. I have run out -- this
2 is near and dear to my heart, hold on.

3 Question, "Would that have made a difference in
4 your profile, the fact that this person is married to
5 Mr. Williams?"

6 Answer, "It would have not made an effect on, or
7 effected the profile except to the extent that if Mr.
8 Williams was the passenger. Mr. Williams was the
9 renter of the vehicle and Mr. Williams is married to
10 this person, yes, that would have had a very distinct
11 bearing on my decision made at the time."

12 Question, "Now, is it also your testimony that
13 anyone, White female or Black male traveling together a
14 rental vehicle between Anchorage and Fairbanks is at
15 risk of being suspected as being drug carriers?"

16 Answer, "I did not testify to that, no, sir."

17 Question, "But isn't that essentially the basis of
18 your profile, sir?"

19 Answer, "That is part of the profile, not the
20 basis of it."

21 Question, "What is the other part of it, sir?"

22 Answer, "The other part of it is rental vehicle or
23 vehicles not registered to them, you know, probable
24 cause to stop the vehicle in the first place."

25 Question, "So if a tourist, for example, a Black

1 tourist who's married to a White woman are traveling
2 between Anchorage and Fairbanks, or Fairbanks and
3 Anchorage in a rental vehicle, and they're traveling
4 too fast, they not only would get a traffic citation,
5 but they'll be suspected of trafficking in narcotics,
6 according your profile?"

7 Answer, "The possibility exists. I can't speak
8 for the person if -- stopping the vehicle."

9 This is the trooper, the supervisor saying I can't
10 speak for the other troopers, but yet they hold these
11 briefings and they put this profile together.

12 Question, "How many did your unit make, sir, in
13 1994?" We're talking about stops.

14 Answer, "I can't answer that question. I have no
15 idea how many stops my unit made in 1994."

16 Question, "Do you keep statistics on the number of
17 stops that your unit makes wherein there's a Black male
18 and a White female in a rented vehicle traveling
19 between Fairbanks and Anchorage, or Anchorage and
20 Fairbanks, do you keep those statistics, sir?"

21 Answer, "No, I do not."

22 Question, "So you have no statistics upon which to
23 base your profile, do you?"

24 Answer, "I have personal knowledge is all."

25 Question, "My understanding is that if you have a

1 Black male and White female traveling in a rental
2 vehicle between Anchorage and Fairbanks or Fairbanks
3 and Anchorage, then automatically you suspect that they
4 may be involved in drug activity?"

5 Answer, "And that is not always true." That's his
6 answer.

7 "Oh, I would agree with you, sir," says the
8 lawyer. "It's probably not always true, but I'm saying
9 that's part of your profile. Now, isn't it true, sir,
10 that for the year of 1995, you have no other instances
11 to point to when you found a White female and a Black
12 male in a rental vehicle traveling between Fairbanks
13 and Anchorage, Anchorage to Fairbanks in which drugs
14 were found in or on their person?"

15 Answer, "Without compromising other investigations
16 and my intelligence sources, the fact that the prior
17 stop and the intelligent sources, this would have been
18 the second time that I am aware of that a Black male,
19 White female driving a rental car -- well, the whole
20 thing."

21 The second time, so you create a profile off of it and
22 this means that this kind of combination is now drug
23 couriers.

24 "And so based on the fact that this is the second
25 time you're aware of, you call that the development of

1 a profile?"

2 Answer, "Every instance, sir, has its own set of
3 circumstances. It's all -- I was doing was providing
4 road troopers with my knowledge, what we have developed
5 through intelligence in order that they could possibly
6 do a better job. Race does not enter into it, other
7 than it's a statement of fact."

8 That's the answer from the trooper. "Race does
9 not enter into it, other than the fact that it's a
10 statement of fact."

11 Question, "But, sir, isn't it true that according
12 to your quote, unquote, profile, that the profile is
13 established to what you say is intelligence sources
14 that a White female in particular, and a Black male in
15 particular, traveling together in a rental vehicle
16 between Fairbanks and Anchorage or Anchorage to
17 Fairbanks, that's a profile?"

18 Answer, "That is the profile, yes, sir."

19 Now, this is the trooper's testimony, but he just
20 said race doesn't enter into it.

21 "Racial, in any manner other -- okay. So it
22 discriminates against person like Ms. So and So?"

23 The prosecutor, "Objection. That's argumentative,
24 Judge."

25 The court, "Counsel, I don't think that you have

1 that from his testimony. If you want to argue it at
2 some other time, I'll hear the argument briefly."
3 That's the court.

4 The court goes on to say, "But I don't think
5 you've established that." That's the court.

6 COMMISSIONER CRUZ REYNOSO: What law school did the
7 judge go to?

8 MR. REX BUTLER: I'm not going to say. I've got appear
9 in front of that judge next week.

10 Anyway, I wanted to bring this to your attention
11 because we all hear about racial profiling, and as far as we
12 know, we note, as my friends here at the table have
13 indicated, we have a disproportionate number of minorities
14 in jail, and I've always maintained that this starts in the
15 streets. It starts with the investigations. And when you
16 have these kinds of profiles, this is the interesting thing,
17 how many people have been stopped by troopers, held,
18 detained, forced to have their personal belongings searched
19 because maybe the unfortunate circumstances of visiting
20 Alaska or traveling the road between Anchorage and
21 Fairbanks?

22 You see, when you have this kind of a profile, you can
23 write them up for a speeding ticket, 77 in a 65, that
24 doesn't mean they were speeding. In fact, on the contrary,
25 these people said they weren't speeding. But if the trooper

1 sees this combination and pulls behind you and notes that
2 you've got a little rental document on your vehicle then
3 maybe under certain circumstances you were speeding whether
4 your know it or not. So they've got to have a probable
5 cause for the stop, and then if you don't consent to the
6 search, you call Trooper Stickler and he'll stick it -- I
7 mean not stick it to you, he'll have the trooper, excuse me,
8 sorry, he'll have the trooper detain you for further
9 discussion, let's put it.

10 Anyway, finally, this is near and dear to my heart,
11 give me one more minute now.

12 "Not in and of itself, sir."

13 Question, "Would you call it suspicious behavior,
14 consenting to let a trooper search your bag and then
15 when they hand you the consent form, read it and then
16 decide that you've changed your mind, would you call
17 that suspicious behavior?"

18 "Not necessarily, no, sir, not in and of itself."

19 "So you have no evidence that this person tried to
20 conceal anything from you, no information, whatsoever?"

21 "No. No, sir, we don't."

22 "So you just -- so just so we understand, sir,
23 because there was a White female and a Black male in a
24 rental vehicle, neither one of them have an
25 authorization to drive it, traveling from Fairbanks to

1 Anchorage, and the White female, being on federal
2 probation, what you've said is you have a drug offense,
3 you seized the bag?"

4 "That's correct sir. I ordered the bag seized."

5 Now, what's important here is you don't know who's
6 driving the car, all you know if you've got a White female
7 and a Black male in a rental car, so other than that, you
8 have no other basis to make a stop or a judgement call on
9 these individuals, unless of course, you have racial
10 profiling.

11 Now, of course, the trooper said that's not racial.
12 And the judge said, "Well, you can argue it briefly, but I
13 don't think you've established it." And so that's what
14 we're dealing with. And I think we're dealing with it
15 across the country, not just here in Alaska. But I've been
16 fortunate enough to have a transcript. So when I say that
17 there's racial profiling in Alaska, that it contributes to
18 the number of minorities incarcerated in Alaska and around
19 the country, I can prove it with this document. So I keep
20 this document. I hold on to it. I save it. I put it with
21 my precious belongings because nobody can say I'm paranoid.
22 Thank you.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mr. Butler.
24 Are there any questions?

25 COMMISSIONER CRUZ REYNOSO: Is that transcript close to

1 your heart?

2 MR. REX BUTLER: Yes, sir, it is.

3 COMMISSIONER CRUZ REYNOSO: Oh, okay.

4 MR. MITCHEL SCHAPIRA: Mr. Chairman?

5 CHAIRPERSON GILBERT GUTIERREZ: Yes?

6 MR. MITCHEL SCHAPIRA: Mr. Butler, of course, I
7 recognize you as one of the pillars of the legal community
8 and also a friend, but I wonder, on the subject of racial
9 profiling, I wonder if you could speak to this experience,
10 that a police officer might justify a stop or an
11 investigatory stop or something like that and take certain
12 actions and base his justification for those actions on the
13 fact that this was a high crime neighborhood?

14 And the cases, I understand, allow the courts to
15 consider -- or allow the police officer to consider that in
16 a high crime neighborhood that can be one factor which
17 builds to sufficient probable cause for a stop or an
18 investigation of some sort.

19 The bones of my question is this, do you find that
20 these high crime neighborhoods tend to directly mirror
21 ethnic neighborhoods where minorities are over-represented
22 so that instead of actually having to engage in racial
23 profiling, they could avoid using that label by just saying,
24 well, any person who happened to be in, let's say Mountain
25 View or, you know, a particularly ethnic community? Do you

1 understand my question?

2 MR. REX BUTLER: Yes, I do. And what I would say is
3 that we're talking about low-income neighborhoods where
4 because of the sociological structure traditionally of this
5 country, you find a lot of minorities. And so when law
6 enforcement goes into these communities and they make their
7 judgements and then they add into it, well, this is a high
8 crime neighborhood, yes, it gives them the opportunity to
9 avoid using the label of racial profiling.

10 Just like this trooper, after we got to using it, then
11 he decided maybe it's not a good idea to call it racial
12 profiling, but he's the one who used the word profile. Then
13 I started using the word profile, and then he said, well,
14 I'm not sure that's the right term. But, yes, when you have
15 low income neighborhoods, often times you will find them
16 overly represented by minorities.

17 And quite frankly, let me say this; this is why our
18 country, unfortunately, has been losing the war on drugs,
19 even though we've thrown billions and billions of dollars at
20 it, is because we're concentrating it in the wrong areas.
21 And as long as you're doing that, you're going to continue
22 to lose it.

23 MR. MITCHEL SCHAPIRA: Thank you very much.

24 CHAIRPERSON GILBERT GUTIERREZ: Anybody else? Dan?

25 MR. DANIEL ALEX: Yeah, for anybody on the panel, I was

1 kind of curious what part, if any, does political corruption
2 contribute to racism in the judicial system?

3 MR. REX BUTLER: Sir, I'm sorry, I missed the first
4 part of your question.

5 MR. DANIEL ALEX: I was asking what part, if any, does
6 political corruption contribute to racism in the judicial
7 system?

8 MR. REX BUTLER: Well, I'm not sure that we can point
9 to political corruption, because I think traditionally
10 people in low income neighborhoods have been viewed as being
11 powerless and not really part of the political structure.
12 And so I think there's some difficulties in that regard in
13 looking at political corruption.

14 Now, in terms of judges, I don't know that there's any
15 judges on the take or politically corrupt, if you will, and
16 I wouldn't say that any of them are. I still have about 10
17 years of practice left in me. But I would say that there is
18 a lack of awareness.

19 Anytime a judge can look at this -- can hear this
20 testimony and say that you haven't established racial
21 profiling, there's a lack of awareness, there's a lack of
22 education somewhere or -- and this is the kind of thing that
23 encourages law enforcement to use these kinds of tools.

24 Do you think that Trooper Stickler would in any way
25 walk out of that courtroom disenfranchised about using race

1 as a factor as long as while you're on the witness stand you
2 say race doesn't play a role in it? You see? And as long
3 as you have the encouragement from the judicial system that
4 wants to turn its back on what's being said and what's being
5 done, then law enforcement officers in the streets are going
6 to continue to do what they're doing.

7 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

8 SENATOR GEORGIANNE LINCOLN: Mr. Chairman, I would like
9 to take a stab at that. And I do it cautiously, as
10 cautiously as my friend down on the other end there. I
11 don't know if I would say political corruption, but I
12 certainly know that there are numerous proposed legislation
13 that unfairly targets rural Alaska, which to me equates to
14 Native Alaskans or Alaska Natives. And, you know, I see
15 that over and over and over again. So I think that in some
16 ways that Alaska Natives are targeted in having unequal
17 resources allocation.

18 UNIDENTIFIED VOICE: Mr. Chair?

19 CHAIRPERSON GILBERT GUTIERREZ: Yes?

20 UNIDENTIFIED VOICE: Ms. Walker was standing up.

21 CHAIRPERSON GILBERT GUTIERREZ: Ms. Walker?

22 MS. ROSALEE WALKER: Yes, thank you. I had a question
23 for Ms. Morris. You suggested that there be studies with
24 regard to alcoholism and its relationship or -- I wrote it
25 down, but I can't find my notes now -- anyway, you

1 recommended studies be done with regard to alcoholism, I
2 assumed, in the village areas?

3 MS. DENISE MORRIS: I don't think it necessarily needs
4 to be only in the village areas, and the reason I'm saying
5 research, I know most recently in Anchorage specifically,
6 they started a wellness court and they've started a mental
7 health court. And with respect to the wellness court, it
8 actually is looking the core cause in individuals that have
9 been coming through the court system and on basically a
10 revolving door system.

11 Primarily, a number of these individuals that are in
12 the wellness court are on Naltrexone (ph) which is a drug that
13 specifically curbs the craving for alcohol. A number of
14 these individuals that have been going to this program have
15 been very successful in this program, and this is another
16 way of addressing the issue instead of incarcerating people
17 that have alcohol or substance abuse issues, it created a
18 way to deal with the problem specifically in a positive
19 manner.

20 MS. ROSALEE WALKER: Well, that's where my question is
21 going. I simply wanted to clarify whether you meant that --
22 now I am aware, and I was wondering if you were aware that
23 every year at budget time, there are zillions of proposals
24 that come in for these studies and research, either through
25 Social Services or some health organization.

1 I know this because I sit down and evaluate some of
2 them, and they get big bucks for these studies. Now, do
3 they make their results available to you or what happens to
4 the information that's gathered?

5 MS. DENISE MORRIS: Some of the information, of course
6 the information is available to individuals, but the other
7 thing with respect to research proposals is that a lot of
8 times the recommendations take funding to implement.

9 One of the prime issues that I know with respect to
10 alcoholism has -- where I've seen it, has been with respect
11 to the Indian Child Welfare Act, and I'll give you a prime
12 example of this, is that presently there is a number of
13 individuals that are -- have case plans with the Department
14 of Family and Human Services, and in order to have their
15 children returned to them, they have to complete an alcohol
16 treatment program.

17 And I specifically worked with an individual about two
18 weeks ago whose six day old child was removed for lack of
19 compliance with the case plan. But she was on a waiting
20 list to get into a treatment program and she was number 35
21 on the waiting list to get in a treatment program. There
22 was no treatment program available for this woman to go to.

23 So that's another issue. When we look at these studies
24 and we find out what's happening, then we need to have
25 recommendations to support and funding to implement the

1 recommendations. Specifically, I think we all know that
2 alcoholism has plagued the Alaska Native community, but
3 there needs to be more resources to deal directly with the
4 problems and enforce the recommendations.

5 MS. ROSALEE WALKER: Excuse me, just to follow up
6 there, that is what these proposals are supposed to be
7 doing, giving you the tools that you are asking for. I'm
8 here wondering where the heck is the dollar bill going,
9 because they're getting some big bucks to write this
10 garbage, and I call some of it garbage. And then where does
11 the information go, what do they do with it after they
12 compile? If they give it to you, then it may be useful in
13 that way.

14 MS. DENISE MORRIS: Uh-huh. I think one of the issues
15 that we all know, there have been a lot of studies around
16 alcohol. There have been a lot studies around substance
17 abuse, and maybe it's time to quit doing studies and
18 actually put the funding in place to actually implement and
19 design some of the recommendations that have bene put forth
20 in these studies. I mean maybe we don't need any more
21 studies. Maybe it's time to actually implement those
22 programs; and in order to implement those programs it's
23 going to take funding.

24 CHAIRPERSON GILBERT GUTIERREZ: Thank you.
25 Commissioner Meeks and then Commissioner Lee.

1 COMMISSIONER ELSIE MEEKS: Yeah, this is for Senator
2 Lincoln or Ms. Morris. What role does the FBI or the U.S.
3 Attorneys Office play in the rural communities? I just
4 can't quite get a feel for.....

5 MS. DENISE MORRIS: Actually, it's an interesting
6 question. About two weeks ago, we had the FBI, the Alaska
7 State Troopers and the -- I'm sorry, not the Alaska State
8 Troopers, but the Anchorage Police Department meet with the
9 Village Service Management Team that represents 55 villages
10 within the Southcentral region, and they asked that specific
11 question as what was the role of the FBI with respect to
12 rural Alaska communities. And they had specific areas that
13 they had jurisdiction within Alaska, and there wasn't a huge
14 role for the FBI in rural Alaska communities.

15 One of the examples that we actually had them involved
16 in was an investigation of an Alaska Native woman that's
17 presently missing, and they had indicated that their
18 jurisdiction doesn't extend to missing persons, but they
19 were able to get involved in the case specifically because
20 bank fraud was involved. And bank fraud does fall under the
21 jurisdiction of the FBI, but I can't really speak to all of
22 the areas that the FBI is able to become involved in. But
23 I'm sure that the chief agent in charge would be willing to
24 provide a report specifically addressing those areas.

25 MR. ROY HUNDORF: Maybe a part of the answer is prior

1 to statehood Alaska was considered a U.S. territory and U.S.
2 Marshals and Federal Magistrates conducted the justice
3 programs out there, and very well I might add. They
4 involved a lot of local people, a lot of local magistrates,
5 et cetera.

6 But since statehood, of course, the state has taken
7 over the judicial service there; and you have what you have.
8 It's a state run operation. There is only limited
9 recognition given to Alaska Native tribes, otherwise, the
10 FBI would be involved probably more deeply, but for the
11 state's opposition to full recognition of tribal rights, you
12 don't have that presence out there as you might on the
13 Navajo Reservation or other reservations in the Lower 48.

14 COMMISSIONER ELSIE MEEKS: Right. So one more question
15 along that line. So the Department of Justice really
16 increased funding for tribal public safety systems, tribal
17 courts, and so did that -- I mean, does then that
18 relationship exclude Alaska Natives from obtaining that kind
19 of funding from the U.S. Department of Justice? I mean,
20 over the last couple of years, the funding for -- you know,
21 for instance, our tribe was really increased, as well as
22 most of the other tribes in the Lower 48.

23 MR. ROY HUNDORF: That money has come down through the
24 state, I think, in some part, but it has not come to Alaska
25 in the same way and in the same quantity that it has to the

1 Lower 48 tribes that have full recognition. And so you
2 don't see as well a developed tribal justice system as you
3 might on the Navajo Reservation in Alaska for that reason,
4 and again, it's the non-recognition of.....

5 COMMISSIONER ELSIE MEEKS: Because some of that money
6 was also for alcohol and drug treatment, increasing that --
7 you know, the remedies for those. And so that's.....

8 SENATOR GEORGIANNE LINCOLN: Yeah. And I think there's
9 pieces of, you know, federal money that the tribes continue
10 to try and receive because of the lack of funding from the
11 state. And it's really a fine balance there because at the
12 state level, we have a responsibility, I feel, has a
13 constitutional responsibility to provide the same or equal
14 treatment to all people in Alaska; and we haven't been doing
15 that.

16 And we received -- or the AFN received a considerable
17 grant from the federal government for Village Public Safety
18 Officers with a lot of strings attached, and the state or
19 the legislators wanted to back off from funding the Village
20 Public Safety Officer positions because they were saying,
21 well, the federal government is stepping in to do that. And
22 we're always having to remind our fellow legislators that we
23 have a responsibility also to Bush Alaska.

24 But I also wanted to go back to the question that you
25 asked about the FBI. I was involved, asked to intervene on

1 a case in Fairbanks where a Native man was shot to death by
2 a city police officer, and they found the city police
3 officer -- what is the term? The term, that it was
4 justifiable.

5 And the family, the Native community wanted the FBI
6 involved. Well, we had to go through a lot of hoops to get
7 the FBI involved because it had to go through the city
8 police, the troopers, and then the FBI would review it only
9 if the regional office looked at it and thought there might
10 be cause to review that case, and they did take the case and
11 reviewed it. But it's just not a simple task to get the FBI
12 involved.

13 CHAIRPERSON GILBERT GUTIERREZ: Commissioner Lee?

14 COMMISSIONER YVONNE LEE: This question is for Senator
15 Lincoln. You mentioned earlier that you feel your one
16 recourse is to go to courts for relief, yet we read the
17 Supreme Court's own report in 1997 that cited that in order
18 to provide equal protection and equal opportunity and equal
19 access to all individuals, there needs to be a lot of
20 improvements such as diversifying the workforce around the
21 court system, providing services that would meet the
22 language and cultural needs of the individuals, and yet,
23 there's no money to do all those improvements.

24 So how do you propose -- how would you, as a State
25 Senator assure that these services are provided, that there

1 will be sufficient money?

2 And the second part of the question is, if anyone of
3 you on the panel know, how many of the -- how many Alaska
4 Native attorneys are currently practicing in Alaska? How
5 many of them are currently in law school? What programs, if
6 any, will assure Alaska Natives to be put certain pipelines
7 to assure that there will be current and future Alaska
8 Natives who will be practicing law in this state?

9 SENATOR GEORGIANNE LINCOLN: Denise can probably answer
10 that question on how many Alaska Native attorneys that we
11 have in the state. But my answer to how I would resolve
12 fulfilling the recommendations by the courts or this
13 Commission or anyone else's; simply to change the party
14 affiliation in Juneau and we get a lot done. Did I hear a
15 groan?

16 It really is difficult because we have a Bush caucus on
17 the House and the Senate side, and I chair the caucus for
18 the Senate, and Representative Reggie Jewell (ph) -- put
19 your hand up, Reggie -- is the chair on the House side. And
20 we, every year, attempt to address some of these inequities
21 and discrimination that is out there for our communities and
22 specifically, the Alaska Native people. And it's very
23 difficult.

24 It's just as what Denise was saying just a moment ago,
25 that, you know, you can have all these studies and the

1 recommendations, but if you don't have the funding to go
2 with it, it just gathers dust. And we need to, as a State
3 Legislature, we need to as the Administration, the Executive
4 Branch, the Judicial Branch, to really -- I mean, not just
5 make those recommendations, but to put the funding that goes
6 with it.

7 And too often, I find that in the legislature, that
8 they're -- to me, there's a lot of discrimination that goes
9 on within the legislature because you can't get the funding
10 for it, or you can't get some of the legislation through
11 that would correct some of these inequities because of the
12 makeup of the legislature or who sits in as Governor or who
13 is in the Judicial Branch.

14 CHAIRPERSON GILBERT GUTIERREZ: Excuse me. She has a
15 second part to her question.

16 MR. ROY HUNDORF: What I was going to say, for example,
17 in the Kasilie (ph) case on education, you won that case,
18 but can you get it implemented? It means more funds, no. I
19 mean, the legislature is as much as saying as what Andrew
20 Jackson told the Supreme Court in his day, "you made the
21 ruling, now go and enforce it."

22 CHAIRPERSON GILBERT GUTIERREZ: Ms. Morris, can you
23 answer that?

24 MS. DENISE MORRIS: I don't know the number of Alaska
25 Native attorneys that are presently members of the Bar. I'm

1 trying to think off the top of my head if there is an Alaska
2 Native judge serving in the State of Alaska, and I don't
3 believe there is. I know there is a number of Alaska Native
4 magistrates.

5 Some of the programs that we at the Alaska Native
6 Justice Center have specifically implemented to encourage
7 Alaska Natives to seek careers in justice is an internship
8 program where we actually pay a stipend to college students
9 that are seeking careers in justice. We've also implemented
10 some internship programs geared toward individuals that are
11 seeking careers in justice.

12 Youth courts is another program that I really do feel
13 has positive aspects as well when we're talking about
14 encouraging individuals to seek careers in justice. It
15 teaches youth that they can be the us within the justice
16 system. They can be the judges, they can be the
17 prosecutors, they can be the attorneys and they can be the
18 officers of the court.

19 And I think the other positive thing that we have to do
20 is to continue to mentor these youth when they do indicate
21 that they are interested in careers in justice. We recently
22 funded two Alaska Native youth from Tyson Elementary in
23 Mountain View to go down to the FBI Academy to promote and
24 encourage these individuals to seek careers in justice. And
25 I think that's where we really have to start is with youth

1 and continue to let them be interested and then give them
2 the opportunities, funding.

3 I know all of the regional corporations presently have
4 scholarship programs that are available to individuals. The
5 First Alaskans Foundation is also encouraging funding for
6 educational opportunities and we just need to foster that
7 environment of learning and education.

8 But the main focus is with respect to the Anchorage
9 School District in education across the State of Alaska. If
10 our youth are not completing high school, they're not going
11 to be able to go to college. So, I mean, there really needs
12 to be a focus on looking at the failure rate of Alaska
13 Natives to achieve high school completion. And one of the
14 other issues, of course, that has been looked at and has
15 been prolonged for a period of time is the exit exam, which
16 would possibly have a devastating effect on Alaska Natives.

17 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

18 COMMISSIONER YVONNE LEE: Can I just ask one follow-up
19 question? Are these mentoring and internship programs
20 funded by the government, state level, federal level at all,
21 or just private?

22 MS. DENISE MORRIS: The internship program that we have
23 is a grant that the Alaska Native Justice Center received
24 through appropriation through Senator Stevens' office, which
25 came through the Bureau of Justice Assistance. That's how

1 ours are funded.

2 SENATOR GEORGIANNE LINCOLN: And sometimes, you know,
3 the mentoring programs will be funded through the
4 corporations under ANSCA, the regional corporations or
5 village corporations.

6 And I just want to also mention that when we talk about
7 court cases, that those precious dollars that oftentimes the
8 Native community has to cough up those dollars to go to
9 court instead of using it for scholarships for the students
10 or other essential programs that we need for our
11 communities, we're out there fighting court case.

12 COMMISSIONER YVONNE LEE: Thank you.

13 CHAIRPERSON GILBERT GUTIERREZ: Ms. Buchholdt?

14 MS. THELMA BUCHHOLDT: Thank you, Mr. Chair. Senator
15 Lincoln, this is for you. You mentioned that there were 36
16 percent of inmates who are Alaska Natives in our system.
17 How many of those are incarcerated within the regional
18 villages, where they come from, or what is the statistical
19 information on that, their region or place of incarceration?
20 I mention this because you talk about community support, and
21 if they were of a great distance from their regions, how do
22 they get their community support?

23 SENATOR GEORGIANNE LINCOLN: Uh-huh. And that's
24 exactly the problem. I'm trying to see if I have those
25 statistics here. I can get those for you. Maybe Denise

1 might thumb through and see if she's got some. But the
2 majority, the vast majority of the Native people that are
3 incarcerated are -- the Commissioner of Corrections is here
4 and she says she can help, so help. But the vast majority
5 are not in the villages and that is one of the problems.

6 Commissioner, do you happen to have those statistics?

7 UNIDENTIFIED VOICE: Margaret Pugh.

8 COMMISSIONER MARGARET PUGH: I'm the Commissioner of
9 the Department of Corrections. And by the time I do my
10 presentation tomorrow, I'll give you some hard numbers.

11 But we have 13 correctional institutions around the
12 state, largely in regional population centers, and then we
13 have 15 community jails that we operate under contract with
14 local governments. The majority of inmates are not held in
15 local jails, they wind up in a regional center while they
16 are pretrial, and they wind up once they're sentenced in the
17 case of felons, either in Arizona or in the Southcentral
18 region. How's that?

19 SENATOR GEORGIANNE LINCOLN: I don't know. How is
20 that?

21 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much.
22 We're going to have to cut it short here, we're way over
23 again.

24 But here's what we want to do now. I would like to
25 remind people -- I want to thank the panel. It was very

1 interesting and very informative, and it was very well done.
2 But I would also like to remind people that if they want to
3 participate in the open session, that they must complete the
4 open session form and submit it to staff in the back. We're
5 going to take a brief break now.

6 We're going to return at five after 4:00, and we'll
7 start there. And then I'll give some direction as to how
8 we're going to follow up on the open session. Thank you
9 very much.

10 (Off record 3:53 p.m.)

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P R O C E E D I N G S

Alaska Advisory Committee
to the U.S. Commission on Civil Rights
Thursday, August 23, 2001

OPEN SESSION

(On record 4:10 p.m.)

CHAIRPERSON GILBERT GUTIERREZ:provide us with a written statement which will give much more information probably than you will be able to provide us with the presentation. And when you come up to the table and it's your time to speak, I would ask you to please state your name and spell it so that the recorder will identify it and be able to place the correct remarks next to the correct name.

And so with that, I want to invite up James Patlan, Gary Charles Patten, Delice Calcote, Clarisa C. Gillis and Kathy Shanti, if you would, please.

Careful. Yeah, watch the wires. There's wires strung all over the place. I'm sorry I didn't caution you about that before.

UNIDENTIFIED VOICE: I did.

CHAIRPERSON GILBERT GUTIERREZ: I hope you didn't hurt yourself. Okay. Who's not here? James Patlan is not here yet. Okay. Why don't we go ahead and start again, three to five minutes, and we will stop at five if you go over it at

1 that point. But please -- and I'll encourage you to please
2 provide us anything in writing. You have 30 days. Thank
3 you. Can we start over here on the right?

4 MR. GARY CHARLES PATTEN: I thank you for being able to
5 be here today, allowing me to speak. My Tlingit name is Daa
6 Vay (ph). I am Kog Wan Ton Yette Raven Qwash Kwon (ph) from
7 the Humpback Salmon Clan. We are the Knik Qwans (ph) the
8 Copper River Tlingits.

9 It's very difficult to sit down here and try to get
10 your points across in three to five minutes. It's really an
11 undemocratic process because it does take some time to hit
12 on such critical things as what we're talking about here; on
13 racism and civil rights. But I believe that one would not
14 have to look too hard to find a pattern and practice of
15 racial discrimination here in Alaska from its conception.

16 Racism is a very horrible thing, but it's very real and
17 it does exist here in Alaska. Civil Rights have been
18 violated amongst our people up here from day one. We are
19 human beings, we have souls and we have the right to
20 jurisdiction.

21 What we have seen and been witnesses to -- I'm 58 years
22 old and I have I witnessed many changes here in Alaska,
23 growing up here. What we're really talking about is
24 apartheid. Apartheid is a very real thing here in a Alaska.
25 It runs deep, it's covert, it's different than outright

1 killing, but the net effects are the same. You manage to
2 separate a people from their lands and from their resources.
3 You manage to take away the customary rights of people that
4 are very ancient rights.

5 And we heard all the violations of things going on here
6 earlier with the panel here about all the things that are
7 going, the high rates of suicide, the high jail rates.
8 We've heard all -- we know all the red flags are up there.
9 It happens to people who are having apartheid applied upon
10 them. And the issue is so deep, what we would like to see
11 happen is the laws being complied with. And that's the
12 problem. The laws are not being complied with.

13 We have international laws on apartheid that cover
14 racism and civil rights. We know what the United Nations
15 charter is about. We know what the United States plenary
16 laws have done to us.

17 We know that it's apartheid legislation, and I think
18 there's only one real way to address that. And it has to be
19 addressed with the truth. What I would like to see happen
20 is a truth and reconciliation commission be set up here in
21 Alaska to bring all the truth, all the facts, all the
22 violations of all the laws onto the table. We have an awful
23 lot of guilty administrations that have been violating the
24 law for a long time.

25 I don't know how -- if these is even the right forum to

1 bring this up in. But it is our civil rights that we're
2 talking about. I encourage the panel here; if they're not
3 familiar with the Declaration of Human Rights; if they're
4 not familiar with the Genocide Treaty, if they're not
5 familiar with the Apartheid Convention; if they're not up on
6 the universal rights of all people, that you do get on that
7 so that we can take the laws and make sure that the laws are
8 applied where they belong, where we can get remedy.

9 This business of us having to keep crying about all the
10 atrocities that are happening to us, it does go very far
11 because it seems that our remedy in America is exhausted and
12 perhaps it should be filed with the United Nations as an
13 apartheid crime against humanity. Thank you.

14 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mr. Patten.
15 Next?

16 MS. DELICE CALCOTE: Good afternoon. My name is Delice
17 Marie Calcote, D-e-l-i-c-e, Calcote is C-a-l-c-o-t-e. I am
18 Aleutic. I am from Afognak Island. I'm not Aleut from the
19 Pribilofs, I am Aleutic from the Kodiak Island area, one of
20 the largest islands in the Pacific.

21 I also have a job. I work for Chickaloon Village. I'm
22 the tribal court clerk. And we have put in a grant for the
23 Drug Court Program with the Department of Justice and we're
24 not going to call it a drug court, we're going to call it a
25 wellness court because we want to focus on our health and

1 getting people back in balance and in harmony with
2 themselves, with the rest of the community. Cook Inlet
3 Region North Subsidiaries represent me as a person on my
4 civil and political rights. They only represent me as a
5 shareholder; that's it, nothing else. Thank you.

6 And I'm going to read to you as fast as I can to get my
7 five minutes in. I believe that there's lots of racism
8 that's been prevalent in Alaska. It started with my area of
9 the world, the Russians slaughtered 20,000 to 50,000 of my
10 people in the Kodiak Island area and the slavery and the
11 raping of women and children; I believe this has followed
12 over into community actions that are prevalent today, you
13 know, all these years, still nothing being done about it.

14 I'm the oldest of eight children, and the only one that
15 has graduated. You see what I look like. The rest of my
16 brothers and sisters are olive-toned skin. I graduated a
17 year early, attended college for one semester and my very
18 first job as secretary was for Alaska Federation of Natives
19 in the spring of 1971 during the Land Claims negotiations.

20 I have now have three sons, they're 30, 21 and 10. The
21 oldest two have graduated. They would ask me during school
22 registration not to say that they were Alaska Natives,
23 please don't say that mom on any form. But little did they
24 know that they were already designated that from their
25 birth, but I didn't argue with them. Regardless, the forms

1 come in the mail for me to sign about my subsistence use and
2 they days that we will be gone from school.

3 One of my sons was signaled out as an Alaska Native and
4 given three shots of Hepatitis B without my consent, not
5 once, but three times without my knowledge, without my
6 consent. What message do all those non-Native teachers tell
7 the remaining non-Native students when my child and the
8 other Alaska Natives were all singled out over the school
9 intercom system to report to the school nurse to get a shot?

10 The other children, what did they ask the teachers?
11 What did the teachers reply? Did they say we're dirty, we
12 live in different conditions, we're more disease-prone?
13 Well, we found out in different various reports and federal
14 policy papers also that all test vaccines are tested on
15 Alaska Natives first, that they may be doing that to other
16 people now, but at the time when back in 1983 when this
17 happened, it was on the books that all vaccines are going to
18 be tested on Alaska Natives first for the benefit for the
19 other peoples.

20 So what if something doesn't work out? Who's there to
21 watch what happens? Who's testing the results of what the
22 health officials have started? If cancer takes 10 years to
23 grow in your body, exactly how long do their tests take to
24 react in our bodies? Who has all the paperwork for every
25 one of the shots, for them to consult to even consent to be

1 a test subject? Where are those records? Do doctors and
2 nurses check up on their test subjects every 10 hours, once
3 a week, once a month, once a year, two years? What's the
4 plan for all their tests?

5 I have worked as a secretary ever since 1971. I took
6 only a couple of years off, yet I was still called upon in a
7 volunteer capacity; our sovereignty was at stake.

8 I've held various jobs in the state also. For eight
9 years, I worked for the State of Alaska Commission on Post-
10 Secondary Education. We approved schools to operate,
11 conducted studies and one being the yearly survey of high
12 school students.

13 What I found being a secretary is that they would take
14 all of the results from these high school seniors, survey
15 results of who entered school, who quit, how many completed,
16 and what they'll do is at the end of the year, well, let me
17 see, these villages didn't do too good, so we'll stick them
18 over here, we'll readjust the census and we'll just add
19 Fairbanks, that will up those statistics. And they do that
20 all across the state.

21 CHAIRPERSON GILBERT GUTIERREZ: You have one minute.

22 MS. DELICE CALCOTE: Okay. We know from behavior
23 experts that the easiest way to ruin a child for life is to
24 destroy his or her self-esteem. By the State also
25 manipulating the hiring of teachers for the villages for

1 years, how many youths have high esteem? How many suicides
2 do we read about?

3 During territorial days, it was illegal to give alcohol
4 to Indians, the government knew that, but you know how the
5 alcohol came into Alaska? It came in through the military.
6 I have family letters that talk about this.

7 And the churches, you know, they told our people that
8 we were heathen in our celebrations, or language, our
9 culture, our beliefs. They were made a mockery of. I was
10 forced to attend Catholic school through the seventh grade
11 except the earthquake and tidal wave wrecked it. It also
12 destroyed my village of Afognak, everything has changed.
13 Two churches have stolen my family properties over these
14 years, and I'll go -- there's more than this. I'm going to
15 give this to you guys.

16 How many Natives hold jobs in the State of Alaska
17 Corporation and its subsidiary? How many in local
18 government? How many in tribal government? How many in
19 Native corporations? How many in the Native corporation
20 partnerships? How many Alaska Natives are in the Park
21 Service, Forestry, Aggr., Department of Transportation, Fish
22 and Game, BLM, all those people that go and take care of our
23 resources for us? I don't believe that any of those have
24 ever voted on the statehood of Alaska. We know that it was
25 mostly military that were up here, and they were also paid

1 if they showed their little slip that they went and voted,
2 they got extra pay in the packet.

3 You know, we didn't get to vote for the statehood act.
4 In fact, at that time, there was a little thing in there,
5 constitutional -- constitution at that time that said that
6 you couldn't vote unless you could read and write English.
7 That wasn't taken off until 1971. Not only did we not get
8 to vote for Alaska statehood, but we didn't get to vote for
9 ANCSA, the Land Claims Act. That was a lateral decision by
10 a president that was impeached for his nefarious works.

11 And we also have ANILCA, we didn't get to go. That was
12 a bilateral thing that went and changed who we were
13 individually and the protection of our subsistence rights,
14 which is spoken about in the U.N. I have to read this whole
15 thing, the International Covenant.....

16 CHAIRPERSON GILBERT GUTIERREZ: Ms. Calcote.....

17 MS. DELICE CALCOTE:on Civil and Political
18 Rights.....

19 CHAIRPERSON GILBERT GUTIERREZ:I'm going to have
20 to interrupt you.

21 MS. DELICE CALCOTE:which says that our
22 subsistence is supposed to be protected. And this has been
23 on the books and the United States is a party to it, and the
24 State of Alaska has to come to some sort of grips that we
25 have international rights. And I understand that this is a

1 report that's submitted every two years on our subsistence
2 activities.

3 And, you know, I would appreciate it if this report on
4 this was going to be published to the U.N. also, that it
5 just doesn't just sit in some U.S. office, but that it
6 actually go somewhere because we are an international
7 peoples, and we have international rights. We have never --
8 we've never given up on that Public Law 280, public.....

9 CHAIRPERSON GILBERT GUTIERREZ: I'm going to have to
10 end.....

11 MS. DELICE CALCOTE:any of it. We never voted
12 for it and we never gave it away.

13 CHAIRPERSON GILBERT GUTIERREZ: You could submit that,
14 all the material, and we'll pass it among ourselves and also
15 review it and attach it to the study.

16 MS. DELICE CALCOTE: Thank you.

17 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Are you Ms.
18 Gillis?

19 MS. CLARISA GILLIS: My name is Clarisa C. Gillis,
20 spelled C-l-a-r-i-s-a, last name, G-i-l-l-i-s. And I am
21 employed by a local non-profit organization that deals with
22 issues of victimization.

23 Reporting a non-profit organization for discriminatory
24 employment practices doesn't feel appropriate to many. The
25 agency's mission often overshadows the legal rights of its

1 employees.

2 As an employee, I was made to feel as though I had
3 compromised the mission by asserting my rights; and my
4 support person was condemned as well. Although my
5 organization said many of the right things and reaffirmed
6 their policy on discrimination, they stated by their actions
7 that they weren't willing to take the appropriate steps to
8 remedy the problem that still exists to this day.

9 As an employee who has a claim filed with the Anchorage
10 Equal Rights Commissions, I can speak to you from a unique
11 point of understanding. The sharing of information with you
12 is not to blame or point fingers. It is to provide you with
13 information on the climate many non-profit organizations in
14 Alaska.

15 A recurrent theme with non-profit organizations is the
16 desire to have culturally diverse employees and board
17 members. But if my experience is any indication, minorities
18 are not always welcome.

19 So I sit here today, tired, disillusioned, sad and
20 feeling helpless. Having been embroiled in this situation
21 for months, this is my first real opportunity to be heard.
22 I realize many others are not heard either, and we must
23 acknowledge all voices and perpetuate change within Social
24 Service organizations. The services they provide are not
25 insurance against discriminatory employment practices.

1 Thank you for giving me time to express myself to you.

2 Finally being heard is healing.

3 UNIDENTIFIED VOICE: Thank you.

4 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

5 MS. KATHY SHANTI: My name is Kathy Shanti, K-a-t-h-y,
6 S-h-a-n-t-i. I am employed by a Social Service agency as a
7 Victim Advocate. Never in my wildest dreams would I have
8 imagined that within that within that agency one of my
9 fellow employees would need an advocate. I have been
10 Clarisa's advocate for the last six months. I have watched
11 as she has gone through all the proper regulations and
12 systems to get her voice heard. We have laughed, we have
13 cried, we have thought, my gosh, this cannot be happening.
14 We felt bad because, my gosh, what about the mission, maybe
15 the mission is more important than the color of her skin.

16 We've gone through a lot of feelings. And as we sit
17 here tonight, I have to add that this was no easy decision
18 to come before this Commission.

19 Clarisa has done everything that she is supposed to
20 have done, and she doesn't get heard. We have not been able
21 to have a voice or find a voice. I also have filed a claim
22 the AERC. I have never experienced what many of you have
23 been talking about here. And in some ways, I do not look
24 upon it as a burden, but as a gift, because I have been
25 allowed to see behavior towards somebody because of the

1 color of their skin, which I would have never experienced.
2 And I thank my dear friend for allowing me to be part of her
3 journey.

4 I am asking that Social Service agencies, non-profits,
5 be held the same standards of State and Federal agencies.
6 They are not immune. Thank you.

7 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Mr. James
8 Patlan?

9 MR. JAMES PATLAN: I have a report here if somebody
10 would pass it out to the group.

11 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

12 MR. JAMES PATLAN: And just a few comments. Those who
13 know me, know that I'm not going to give you guys a break.

14 First of all, I sat here and listened to everybody
15 talk today, but they haven't said nothing. I guess a lot of
16 you people don't know what it is to be on the streets or
17 have somebody kick in your door and pull a six year old baby
18 out of your living room, saying they're from DFYS, and
19 you're not taking care of them, or walk down the street and
20 see a bunch of homeless people sleeping in the alleys,
21 digging in dumpsters for food, or even apply for food stamps
22 and have everybody violate your human rights as well as
23 civil rights.

24 Well, the term racial profiling doesn't only mean for
25 justice departments. You have that with education with

1 students. You have that because of your economic condition.
2 You have that because of the way you look. Example, in
3 Mountain View where I live, the so-called high-crime rate
4 area, I call it Dodge City myself, recently go the Mountain
5 View Elementary School we had a stabbing of children. The
6 school consists of 16 different languages. When they had
7 the next day consolation for the students to understand it,
8 they only had one language, English. What about the 15
9 other languages where the students didn't understand
10 English, and the parents, there was no provision for that?
11 How come and why? Anchorage School District, what did they
12 do about it? Nothing? Why? How come?

13 High school, the counselors in the high school tell
14 some of the students after 16 day absences that they're
15 suspended. What happens to their credits? They lose the
16 credits. They won't graduate. The counselors -- and I
17 experienced it myself, the counselors recommend to the
18 minority students, you're not going to make it, you might as
19 well drop out. What do the students do? They quit. They
20 start running the streets.

21 We've got homeless kids in school. What does the
22 administration do? Nothing. Compile statistical data and
23 reports. Do you see any of the School Board members on the
24 streets? Do you see them contacting Health and Social
25 Services, trying to establish some kind of two-way network?

1 No.

2 This lady asked, where does the bucks go? It goes in
3 their pockets. Somebody has to run the administration.
4 Somebody has to do the paperwork. Do you see any of them on
5 the streets? Do you see any of the ties walking in the
6 airport asking? No. Why? They're scared they're going to
7 lose their job, they don't want to miss the paycheck, it's
8 time for lunch, coffee break, or they're going to go shoot
9 pool or something with their buddies.

10 Nobody is on the street. Nobody is doing nothing. How
11 come and why? Because they just don't care. Why don't they
12 care? Because we're poor, we're the wrong color of skin, we
13 supposedly don't have the education, we're disabled, we
14 don't look right and on and on and on. The discrimination
15 is not only on race, it's on economics. It's on the fact
16 that we may be not old enough. They're tearing us apart out
17 here, folks. And what are we going to do about it? If you
18 guys don't do nothing about it, we're going to do something
19 about it.

20 We ain't going to be talking no more. Talking is -- we
21 did this, what, in 1964, the same problems, the same issues
22 come up and up and up. It's the continuum, you know what
23 I'm saying? If we're going to stop this stuff, we can't be
24 talking to our legislators no more. They've had enough time
25 to do something and they're still stuck.

1 Nobody has got any brains anymore. And I'm not
2 speaking to the illustrious panel, I beg your pardon, but
3 nobody is doing nothing. What's going on? We're doing our
4 part of the deal. Maybe what we ought to do is get rid of
5 everybody in the office and start over. They say don't fix
6 it if it ain't broken. The darn thing is broken and we're
7 sitting here trying to figure what we could do, what kind of
8 reports, what kind of studies. We've got the papers. We
9 know how to read.

10 You folks, the Education Department made a mistake when
11 they taught us how to read, how to write and how to decipher
12 what's going on. We can see; it's all a sham, it's all a
13 coverup. We do this. We do that. We mind. We don't mind.
14 We dressed appropriately. We act a certain way. We could
15 put on a tie. We could put on our beads. We could yes,
16 sir, no, sir. We could be servitude or whatever you want,
17 but the problem still exists. And unless people understand
18 that the money that is supposed to come down to help us
19 don't do anything, you have them come out and do one or two
20 little meetings in our community, it doesn't do anything.

21 This meeting, for example, we didn't have any
22 advertising or communications in our community, which is the
23 highest minority community in this municipality. Nobody
24 came out and said, "Hey, check this out, we're going to have
25 this meeting come up here. If you have issues or problems,

1 come on down and start talking." Nobody said nothing.
2 Didn't want us to say nothing. They want to keep us down,
3 keep it quiet. Okay? There's no inter-working relationship
4 between School District, Health and Social Services, Police
5 Department or anything. The Mayor's office is shut. We try
6 to go to get some information, "Come back Tuesday."

7 Did anybody ever try to fill out for food stamps? They
8 ask you 900 questions. If you don't answer, you don't
9 qualify. If you try to get temporary assistance from SSI,
10 the want to know everything except what size shoes you wear,
11 and then they have a right to come into your home anytime
12 they want and do a home visit.

13 There's a problem there. I mean, you can't just walk
14 into your home, you've got no permission, you've got no
15 warrant, you've got no probable cause. You're just going to
16 come in and look around, come on in, let me take your car
17 for a ride while you're looking at my house, I'll go over
18 here and look in your trunk. It's the same thing. They're
19 still doing it every day.

20 CHAIRPERSON GILBERT GUTIERREZ: One minute, Mr. Patlan.

21 MR. JAMES PATLAN: Sure. So what, what are we going to
22 do? We're going to put that ball on your guys' shoulder
23 now. You keep asking us what we're going to do, we're going
24 to take over. This is the perfect time for us to take over
25 and we're going to take over, because you guys ain't doing

1 nothing. And I'm not speaking to the panel. Unless
2 somebody gets up and says, "I had enough," take off their
3 ties, take off their beads and say, "Okay, you guys want to
4 play, come on down." We're ready to play because we're
5 tired of it.

6 And we've got specific examples. We've got plenty of
7 facts. You guys wrote the papers, we read them. We figured
8 out what it means. Now, come on down to our arena, walk the
9 streets with us. Know how it is to be hungry. Understand,
10 it gets cold on the street, folks, and we don't got no suit
11 and ties. We've got no fancy hotel rooms. And one thing
12 for sure, we ain't got the money. The money did not come
13 down to our programs. Thank you.

14 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I want to
15 thank the panel, and please do provide us all your written
16 materials.

17 MS. DELICE CALCOTE: I just want to say that the tribal
18 courts are not represented by the corporations, you know, we
19 have our plans and the corporations don't come to ask us,
20 you know, can we give you some money for that, we have to go
21 and ask them. And the reason that we won't go and have
22 State VPSO Officers is because their allegiance is to the
23 State. Their allegiance is not to a tribal village.

24 We want -- we have cops that are federally funded. We
25 have a one and a half million dollar cop program. And the

1 reason that we didn't got after State funding is because
2 they want us to sign off on our sovereignty. And Chickaloon
3 Village Council, its members, or the clan grandmother will
4 not allow any such thing. So we don't accept a lot of State
5 funds or any of their little agency funds or some their
6 subsidiaries. We have to stand and remain -- so we work
7 with the federal government.

8 CHAIRPERSON GILBERT GUTIERREZ: We understand. But we
9 want to thank you also.

10 UNIDENTIFIED VOICE: Thank you very much.

11 MS. DELICE CALCOTE: And there's other issues that were
12 not covered, like our economic development. You know, that
13 is a big one I think for all the tribes.

14 CHAIRPERSON GILBERT GUTIERREZ: Please feel free to
15 write about those issues.

16 MS. DELICE CALCOTE: Oh, I have a four-pager that I
17 wish I could have read all four pages to you.

18 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

19 The next panel that I'm going to call up is Gigi
20 Pilcher, Susie Silook, Ron Alleva, Nayyar Malik, William
21 Major Toliver, II.

22 Would you please start here on the right and state your
23 name and spell it for the record?

24 MS. GIGI PILCHER: Okay. And I have some handouts that
25 I would like to provide you with.

1 CHAIRPERSON GILBERT GUTIERREZ: Okay. One of our staff
2 will pick it up and give it to us. Thank you.

3 MS. GIGI PILCHER: My name is Gigi, G-i-g-i, that's my
4 legal name. My last name is Pilcher, P-i-l-c-h-e-r. I am
5 from Ketchikan, Alaska, which is in southern southeast
6 Alaska. I flew in here last night, and I'll be flying back
7 in about two hours. It's 750 air miles from here. I want
8 to thank you for the opportunity to address you.

9 I was originally born and raised on the Laguna Indian
10 Reservation in New Mexico. I moved to Alaska in 1973. I
11 met my husband and married, and I have six children who are
12 all enrolled members of Ketchikan Indian Corporation, which
13 is a tribal entity. And I am an enrolled tribal member
14 myself. I have sat here today through most of it, and I've
15 listened to many, many things, and I agree with just about
16 everything that's been said.

17 And I guess what I would like to do is just to talk
18 about something that's a little bit different in that
19 Ketchikan is a unique community in comparison to some of the
20 testimony you've heard about today from people from
21 Anchorage or from people in the villages up north.

22 Ketchikan is -- I don't know if you want to say it's
23 semi-Rural or semi-Urban, but it has a population of around,
24 going back and forth, around 13,000 people. We are an
25 island community, we serve as a hub for a number of other

1 island communities, including Metlakatla, which is located
2 on the Annette Island, federal -- the only Federal Indian
3 Reservation in Alaska.

4 Three of my children have direct ties, they were
5 adopted from Metlakatla. My oldest daughter, who is my
6 biological daughter just married a man from Metlakatla. In
7 Metlakatla right now, the unemployment rate is between 80
8 and 85 percent unemployment. Things basically in lower-
9 southeast Alaska economically are a disaster, but especially
10 for Alaska Natives.

11 One of the things that I've heard a lot of as I
12 listened to everyone today and I wanted to talk about is the
13 obvious imbalance of power in this state. We have the
14 policy makers and the lawmakers, and for the most part,
15 they're White male.

16 Some of the things that have happened, and what I've
17 asked to have passed out to you were the recently released
18 statewide benchmarks. They were desegregated as you'll --
19 if you'll look at them closely, you'll see they were broken
20 down by race and ethnic group.

21 I think those numbers, if you look at the percentages
22 of children from third grade, sixth grade, eighth grade,
23 tenth grade, eleventh grade, Alaska Native, American Indian,
24 Asian Pacific Islander, Black African American, if you look
25 at those percentages, and I hope you do, that you'll

1 understand that there's a big problem here in Alaska of what
2 I term institutional racism in schools, whether's it's in
3 Ketchikan or Anchorage or other places, and that it really
4 needs to be addressed in order for our children ever to hope
5 to someday get the education that they're going to need to
6 get the type of jobs or to be able to get into a position
7 where they someday can be a policy maker or a lawmaker. It
8 starts with education. It's just not happening.

9 The other reason I passed out two resolutions, one
10 which was from Ketchikan Indian Corporation and one was from
11 Tlingit and Haida Central Council, Ketchikan Chapter because
12 it has to do with an election issue. And I got a really
13 good dose of the Voting Rights Act, which all comes into
14 play. Because in Ketchikan, out of the teachers, we have
15 158 teachers, three of them are Native, three of them are
16 minority, out of 158 teachers. Then you look at our School
17 Board, our City Council and our Borough Assembly, the policy
18 makers and the lawmakers, and it gets even sadder.

19 We had the opportunity to elect two Alaska Natives to
20 the School Board. They were recalled. They're -- part of
21 the reason they were recalled, or the major reason they were
22 recalled was because they were trying to advocate for
23 restructuring of the School District in Ketchikan to address
24 the inequities that, you know, you'll see from the
25 benchmarks. The high -- Ketchikan vied last year for the

1 highest dropout rate in the state. And out of that highest
2 dropout rate, of course, Alaska Natives.

3 I won't go on and on, but I do think you need to know
4 that under the voting rights act when I did attempt to, you
5 know, and I did follow through with the Justice Department,
6 et cetera, that in Alaska, or at least in Ketchikan, the
7 City Government and the bureau people think that pre-
8 clearance is a joke, they think the Federal Voting Rights
9 Act is a joke and it probably, you know, apparently, there's
10 not any real teeth there and it's really too bad because the
11 last thing I want to address is the only thing worse than
12 being a Native and a female is being disabled.

13 Two of my children are disabled. I spent \$13,000 and
14 three years fighting the School District. I got little help
15 from the State Department of Education, other than to be
16 told that Districts are out of compliance, but then, gee, so
17 what, the State is out of compliance with the Feds. In the
18 end, I pulled all of my children out of school and I home-
19 school them, 180 other parents have pulled their children
20 out this year and are educating them at home. And our
21 District had the distinction of being put under sanctions,
22 finally, by the Department of Education because of the
23 numerous violations of IDEA.

24 And since you folks are Federal, I would hope that you
25 would consider not only IDEA and ADA, but also what happened

1 when somebody tweaked Title 9 funds, which is meant to go
2 toward academic assistance for Alaska Native and American
3 Indian children.

4 What happened in our District was our District got the
5 money and they misused the money. They did not use it as it
6 was supposed to be spent our used toward tutoring the
7 academic needs of Alaska Natives and American Indian
8 children. And I think if you look at the statewide
9 benchmarks, you'll probably get a better idea of what I'm
10 talking about. Thank you.

11 CHAIRPERSON GILBERT GUTIERREZ: Thank you. We
12 appreciate your comments. Ms. Silook?

13 MS. SUSIE SILOOK: My name is Susie Silook, S-u-s-i-e,
14 S-i-l-o-o-k. I'm an artist here in Anchorage. I'm also a
15 recovering alcoholic. And the incident I'm going to talk
16 about happened during one my -- a relapse. And I'm now back
17 in recovery for a year. But this incident is not unique to
18 Anchorage. A lot of the sexual assault that occurs here
19 happens on Native women who happen to be drinking.

20 September 19, 1999, I was picked up by Officer Pollock
21 (ph) from the Chilkoot's bar in Anchorage, and they just
22 wanted to get rid of me. They wanted me to go to Community
23 Service Patrol, which is a place where inebriated people go.
24 They said I was assaultive, but they didn't want to deal
25 with me. And that's why -- I woke up in Sixth Avenue

1 Correctional Facility and I had blood in the crotch area of
2 my pants going down my leg and I didn't know what happened
3 to me. I had just vague memories in and out of that night.
4 And apparently the police officer noticed the blood when he
5 picked me up from the bar, but he did not seek any medical
6 attention for me, even though I think this Assault 101, red
7 flag indicator of sexual abuse in these streets.

8 There was no medical attention provided for me either
9 there or at CSP where he tried to take me, and they wouldn't
10 take me, or at the correctional facility where I was listed
11 as medically admissible.

12 I went to SART the next day when the pain and the blood
13 were apparently not from normal menstrual cycles, and I have
14 the reports here, and they reveal a deep laceration, bruises
15 and cuts all the way to my cervix and that this was not
16 caused by a natural object, so this was by a foreign object.

17 At the time of the SART exam, Mitch Grey, the
18 investigator was very polite, he said that there was no way
19 that this was consensual because I wasn't in any position to
20 give my consent. And they took my statements and they took
21 all the -- you know, we sat there and did the horrible exam
22 where they -- you know, when I left the jail, I threw away
23 clothes because I didn't know what happened, so I threw away
24 important DNA evidence because I was not identified as a
25 victim immediately.

1 Even if I had been too unruly that night to be given
2 medical attention, they should have told me the next day
3 when I got up, "we think something might have happened to
4 you, we think you should go to the hospital immediately and
5 we would like to collect specimens." That didn't happen.

6 Two days later, I get a call from Mitch Gray, and his
7 tone is totally different, he's cold-hearted. He said, "Now,
8 how do I know this wasn't consensual?" This two days after
9 he told me that this was -- that no way this could be
10 consensual. That was the first thing out of his mind, "How
11 do I know this wasn't consensual?" And I was shocked
12 because he had been treating me so sensitively up to this
13 point. He said he talked to the Police Officer Pollock (ph)
14 who picked me up and that Pollock said there was already
15 blood on me by the time he got to me at Chilkoot's and they
16 had me handcuffed there waiting for him.

17 So he said because I had no memory of the incident,
18 there was nothing more he could do. And I said, "But I
19 thought it was your job to investigate. You know, murder
20 victims are not around to help you follow the blood trail."
21 And my injury was severe enough to have bled immediately and
22 substantially, and the blood trail would have revealed where
23 it began. So I asked him, "Are you going to talk to the
24 doorman?" You know, highly unlikely that I would have been
25 admitted into Chilkoot's with blood on my pants that way.

1 "No." "Are you going to look at the videos, the video
2 cameras at Chilkoot's?" "No. They have videos?" This is
3 what he asked me.

4 So I got off the phone with him, I was very upset and I
5 called the Alaska Native Justice Center and I called STAR
6 whose representative had followed me to the exam and while I
7 was on the table waiting to be examined, had told me, "And
8 they probably will never find the person who did this," you
9 know, and prophetic words, you know. She should have warned
10 me a little harder. I wouldn't have gone through with the
11 entire exam and the re-traumatization afterwards.

12 So they get with his supervisor, I'm guessing, and he
13 calls me back and says, "Yes, you have indeed been violated,
14 and I'm going to look into this further."

15 Well, he doesn't. He doesn't look -- he doesn't talk
16 to the bar personnel for two months, and by this time, they
17 have gotten their story together and said that it was bodily
18 waste, whereas the officer maintains that it was blood and
19 there was no bodily waste on me. They even heard me go
20 right there in front of them, these witnesses at the bar.

21 And I'm not on the videotapes at all. These
22 discrepancies weren't a concern to Lieutenant Grey who
23 suspended the case the same day that he took these
24 statements finally two months later from the bar personnel.

25 I went to the FBI prior to this and complained about

1 him and they did do a report, and I filled out the Freedom
2 of Information Act and I'm still waiting on that report. So
3 I have no idea what that says. But there's no advocacy here
4 for rape victims. I went to every single agency I could
5 think of and nobody saw the problems that I was having, the
6 lack of medical attention, the lack of taking my case
7 seriously, the lack of even a token effort at an
8 investigation. Everything hinged upon my memory which
9 doesn't make sense to me.

10 I am not an investigator, but I would have at least
11 asked the doorman, "Excuse me, how did this woman appear
12 when you admitted her into your establishment?"

13 The other concern that I have is that all of the
14 publicity given these cases is focused on the victims, "you
15 asked for it, you were drunk, you deserved this." Even the
16 way that they warn us is "Just because you've been drinking
17 doesn't mean you deserve to be sexually assaulted."

18 There is no emphasis placed on the perpetrators out
19 there. They are invisible and I believe that the rates of
20 unsolved murders and rapes on Native women in this state are
21 directly because of the kind of investigation that I
22 received from the Anchorage Police Department on this case.

23 I did talk to the chief about this, he said it was
24 reassigned. I called the man that -- Harrick (ph) that it
25 was reassigned to, and he said it wasn't assigned to anyone,

1 that they were waiting for the lab results. It went two
2 years later, you know, I threw away the DNA evidence, you
3 know there's nothing there. The first time I called
4 Spatafore (ph), he left this message, and I want to play it
5 real quick, because I think it's key to how they were
6 treating me the whole time. He left this message on my tape
7 player in my home and no one there knew what had happened.

8 (Plays tape)

9 My 14 year old daughter was the one that picked up the
10 machine and heard this, and I really didn't appreciate that
11 at all. And I think there is a lot of training within the
12 police department that needs to occur in regard to rape
13 victims, and not just sensitivity training, I'm talking
14 professional training, professional investigative training,
15 you know, basic start 101.

16 I think what this town needs is a civilian review panel
17 with subpoena powers. If that had been in place for me, I
18 would have immediately been able to prove that this officer
19 had no intention of investigating my case period. We don't
20 have that here right now. We have task forces that have no
21 bite, no teeth. What good are they? They're a waste of
22 time. I wouldn't even bother with them.

23 1994, I have a report here, Violence Against Native
24 Women, they say the same thing, the police department
25 treated them this way. There is no victim advocacy. None

1 of these recommendations were followed through. So I'm here
2 today just to give you my story. I have a written
3 statement, but I have the police files, you can read the --
4 the bouncer made it a point to say that he got me in front
5 of the cameras just to be sure, so, yes, we got her in front
6 of the cameras. Why am I not anywhere on their videos? Why
7 was the bar not investigated? There was a chummy
8 relationship between the police and the bouncers, and who
9 are these people? Do they do security background checks on
10 them?

11 People who have the ability to handcuff anyone out
12 there really should have to pass some kind of background
13 exam, and that goes towards the -- I don't know what it is,
14 the Alcohol Enforcement people here in the city who
15 over-served me to this point. I didn't go to a -- I was not
16 a liquor store that night. I was out. There were a lot of
17 problems with it.

18 Also, I'm going to provide you with a copy of the FBI
19 report, the report I gave to the FBI, and also the SART exam
20 which shows all the injury. Thank you.

21 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Ms. Silook.
22 I appreciate it.

23 Could you state your name and spell it, please?

24 MR. RON ALLEVA: My name is Ron Alleva. It's spelled
25 A-l-l-e-v-a. And I'm here as a private citizen to give a

1 specific example of why maybe the Committee should walk the
2 streets and take a tour to see of some of the other examples
3 of the social injustice as well as discrimination here in
4 the Anchorage community.

5 Specifically, I would like them to recognized an
6 injustice an a possible discrimination by our community by
7 warehousing our indigent population. Currently, we have a
8 temporary shelter that we've had temporary for 18 years
9 surround by heavy industrial property. The present shelter
10 sits across a parking lot from the soup kitchen and in the
11 shadow of our new 600 bed jail. Needless to say, it's in
12 the Social Services ghetto. The problem with this area
13 addressing the issues of the homeless and the indigent
14 population are many. Obviously, the homeless, the alcohol
15 issue, the drug issue, the mental health issue is not going
16 to be addressed properly in an industrial area.

17 The challenge and outcomes with new HUD monies,
18 approximately two million dollars to build a new homeless
19 facility, and again, the plan with all due diligence for
20 proper site selection will go right back in to a heavy
21 industrial area.

22 They have not addressed the problems properly and thus
23 expanded the walled community made up of disproportionately
24 number of minorities including Native and non-Native alike.
25 There's definitely an imbalance of power and the social

1 economic classes are put to the outskirts of our community
2 like lepers to the outside of their community. And rather
3 than offer a diverse ideas of approaches, warehousing again
4 is the answer in an environment that's non-conducive to
5 solving the problems of the homeless.

6 As far as the location, it was stated by powers to be
7 that it was less disruptive to our community and less
8 disruptive to the shelter guests. Where is the wall? The
9 all is invisible? No, it's real. When you start placing
10 housing of people who need the most help in an industrial
11 area drawing those types of social economic lines. What I
12 would seek is an investigation of the due diligence of site
13 selection for this new facility as such in Regulation C that
14 designated for HUD financing that there can no be
15 discrimination by race, creed or color.

16 But when a disproportionate number of minorities end up
17 in a warehouse, what is wrong with this picture? And
18 because of this, it produces instead of productive members
19 of our society, acclimating them back into the community as
20 normal citizens overcoming their issues, you might as well
21 put one of these on their back and the stimulus for you
22 coming here for this meeting is target that basically by
23 not addressing their issues in an environment that is
24 conducive to solving it, you only create more targets for
25 the violence and the discrimination and the racism that

1 occurs.

2 This example that I give you of the homeless shelter
3 with its high percentage of minorities is -- shouldn't be
4 built in this industrial area. And the racial and economic
5 profiling is not only a disappointment, disgusting, but I'm
6 ashamed to be not only a citizen of Anchorage but also a
7 contributor to the Social Services Agency that allows for
8 this site selection. I believe they should be held to the
9 highest standards, if not the same standard of any other
10 government agency that would pick a site selection using
11 Federal monies to warehouse our indigent population.

12 So with that, I hope that this Committee would take a
13 small note, I'll prepare a formal statement and pass it on,
14 but the last thing on the list we want to dehumanize people,
15 we want to treat them as human beings and not as targets by
16 putting them into a situation that would treat them more
17 like human life than human beings. I thank you for the
18 opportunity to make this presentation, and I hope that some
19 action will come from it.

20 CHAIRPERSON GILBERT GUTIERREZ: Thank you, Mr. Alleva.
21 Sir, could you state your name and spell it?

22 MR. WILLIAM TOLIVER: Yeah, my name is William Major
23 Toliver the II. William Major Toliver the II. That last
24 name is spelled T-o-l-i-v-e-r. I'm from Juneau, Alaska. I
25 was born in 1944. My father came to Alaska as a merchant

1 seaman back in the late '20s, and what he did is he provided
2 supplies for people throughout the various villages up
3 north.

4 My background is that I grew up in the various villages
5 in Juneau, a place on Franklin Avenue back in the '40s. I'm
6 a documented Negro-Colored-Black African-American and a
7 documented Creek Indian, part Creek, I'm a quarter Creek.

8 My concerns are that when I was a kid, I heard the
9 Reverend speak about discrimination. I remember as a kid
10 going to an Indian school on Willabee (ph) back in the '50s
11 and the White kids used to come up to us and brush against
12 us and blow their -- like we were dirt or something like
13 that. And all the time they were telling Tlingits not to
14 speak the language, I was a witness, they reminded me.

15 It wasn't until I was about eight years old that I
16 realized that I was Negro. But when I was a kid, there was
17 a woman that some people are familiar with, her name was
18 Sarabia (ph). We used to call her Grandma Sarabia (ph). I
19 used to ask her what tribe was I from and she told me I was
20 from the colored tribe; I was satisfied with that. But I
21 was accepted by the Tlingits, Haidas, and Tsimshian people,
22 and I was rejected by the White community. So to this day,
23 I identify and have my sentiments with Native people.

24 I have some of the characteristics, my friends say that
25 I have of the Tlingit people and Haidas that are strong and

1 independent. I'm also from a diversified family. I have a
2 child, I have a son who's 29 years old who works for the FBI
3 here in Anchorage, which I raised by myself.

4 I have children that are Yupik, Tlingit, Haida, and
5 Aleut. And I'm with them today, they recognize and respect
6 me. I'm from a diversified family. I have half-brothers
7 that are both Tlingit, Haida, Aleut, and Yupik.

8 My sentiments again go out, questions I would like to
9 ask, questions that should be answered. Some of the
10 questions that I ask is; the panel is here, historically, if
11 we want to know that questions that everybody is asking,
12 why, why, why, all we have to do is go down to the library,
13 because this is going to cycle over and over and throughout
14 history.

15 The thing is -- the concerns I have are like, for
16 instance, the Native women here, that the police officers
17 are here, I have documented facts, documented facts, proof,
18 statements, that there's times that Native women are in
19 positions where they have to do sexual favors for police
20 officers to keep from going to jail.

21 I also have proof to show you, I'll give you a
22 demonstration of what has happened. A personal friend of
23 mine, her name is Susan Osborne just recently had a standoff
24 with the police officers. I've known Susan for the past 20
25 years. She's a very close friend of mine, and I've been

1 advocating for her.

2 I saw one of the most despicable and saddening,
3 disgusting photos of a Native woman that had been shot. If
4 you look at the photo, you see where her shoulder is blown
5 off. And she was -- had a bullet in her stomach. Police
6 officers, they brought her down the stairs, and she had to
7 wait for a ambulance to come to take her to the hospital.
8 Two days later I went to the hospital with her, to see her,
9 and she work up not realizing what she had done.

10 My experience with Susan, I've always been a friend of
11 hers, she's a friend of my family. She's a very
12 intelligent, articulate woman. She's had emotional
13 problems, mental problems which she's been institutionalized
14 in the mental institution here, and she's gone to court
15 several times, she's been somewhat of a nuisance.

16 Her only crime was that he would either take cart of
17 the Carrs lot or something like that. She's been trying for
18 over the past five years to try to get some recognition and
19 help from the system, powers that they may be. She's
20 recorded as being mentally unstable. But they have totally
21 neglected her and ignored her, one time she exploded because
22 during the time she didn't have a place to stay and she was
23 very sad.

24 One time she came to my house and my girlfriend -- she
25 whispered to my girlfriend and they rushed into the

1 bathroom. And I asked my girlfriend when she came out, I
2 said, "What the hell is going on?" She says, Susie's got a
3 ticket for shoplifting. Susie was in my girlfriend's robe
4 at the time, I said, "Susie, what in the hell did you do?
5 What are you stealing from Carrs again? You know you're
6 going to get in trouble." She looked embarrassed. She
7 looked sad, and she told me that she stole some Tampax.

8 Susan Osborne right now has gone, she's incarcerated.
9 After her operation, she had her hand in her stomach for
10 four days in order for her hand to survive, and after they
11 took a graft from her stomach and put on her shoulder and
12 sewed her stomach up, they immediately took this Native
13 woman to Sixth Avenue Jail. She stayed there for two days.
14 She called me and told me that she's cold, she needed some
15 help.

16 Later on, they transported her to Hiland Park -- Hiland
17 Mountain Prison. She stayed in Hiland Mountain Prison for
18 awhile, they told her they couldn't facilitate her. Her arm
19 was starting to get stiff again. She had infection. She
20 called me and asked me what to do.

21 So not knowing what I did, I did some searching and I
22 called Alaska Native Legal Services and said -- Joe Garu
23 (ph) that was there, I spoke with him. He's an intelligent
24 man, a man that articulates and can identify, his only
25 familiarity with Susan was the fact that he had read the

1 story about the paper -- in the paper about her. Now Susan
2 Osborne is now having therapy. There's another woman up
3 there in jail, a Native woman up in jail that has a broken
4 arm. She's been up there since -- four months, and her arm
5 hasn't been treated. These are things that I wonder.

6 And another thing is if there's any concern about
7 people here in the State of Alaska and especially about the
8 Native women, women that are women that we all have mothers
9 and we all have sisters, the thing is, why doesn't anybody
10 make mention of this on the John Wall's show, America's Most
11 Wanted, say something about the Native women that are being
12 exploited and used and beaten, brutalized.

13 Another example of what racism is up here for me is
14 institutional racism.....

15 CHAIRPERSON GILBERT GUTIERREZ: We're going to -- I
16 want you to sum up, please.

17 MR. WILLIAM TOLIVER: Okay. Seven years ago, I went to
18 a motel, I was denied to stay in the motel. I went to the
19 Human Rights Commission. Human Rights Commission did a six
20 month investigation and found that these people were liable
21 and they were discriminating. I went to court, the judge
22 told me to not to bring up the fact of the investigation in
23 the court of the Human Rights finding.

24 I went court, after I went to court, the judge
25 dismissed my case and told me I didn't have any evidence.

1 This is the institution -- so this is actually a repeat of
2 what's going on. I don't know if the purpose of this panel
3 is -- I'm not -- I think I could probably get more help and
4 they -- please, serious, I'm tired, I can get more help
5 from Kadafi (ph) or Castro than I can get from here. Don't
6 underestimate me. That's the way I feel because it's
7 genocide. Thank you.

8 CHAIRPERSON GILBERT GUTIERREZ: Thank you. You can
9 provide us all the written material you have available,
10 we'll make copies for the rest of the Committee and we'll go
11 from there. Okay?

12 MR. WILLIAM TOLIVER: Sir, one more thing. I've
13 written "48 Hours" and several other top TV shows and record
14 producers, rap artists, to rap about these injustices here
15 in this country.

16 I've got about 85 different addresses; Steven
17 Spielberg, Jewish organizations, all over, because I can't
18 get any help here. I'm going to do something.

19 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

20 MR. WILLIAM TOLIVER: Thank you.

21 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

22 MR. WILLIAM TOLIVER: Thank you.

23 CHAIRPERSON GILBERT GUTIERREZ: Mr. Malik?

24 MR. NAYYAR MALIK: My name is Nayyar Malik. It's
25 spelled like N-a-y-y-a-r, Nayyar, Malik, M-a-l-i-k, Malik.

1 I -- recently I had a problem about my own situation in
2 regard to my pickup and my -- some of my trailer which was
3 stolen. And when I made complaint to the State Troopers,
4 what I found is in a sense they would not press charges
5 against a White person, but if it were me, they would have
6 done it.

7 And as a result, I wrote this letter to the Tony
8 Knowles, and copies of I would like you guys to have, but no
9 action was taken. And if you read this, you will find that
10 the situation, if it had happened to somebody else, the
11 results would have been different.

12 And that's what prompts me to say that there is
13 something seriously wrong in this society in the sense that
14 if something happens to a minority or to a Black or a Native
15 person, nothing happens, nothing is done. But if it happens
16 to somebody else, then everybody takes action. So if you
17 allow me, can I give this to you?

18 UNIDENTIFIED VOICE: I'll have a staff member.....

19 CHAIRPERSON GILBERT GUTIERREZ: Yes, one of the staff
20 members will pick it up from the end of the table there and
21 bring it to us.

22 MR. NAYYAR MALIK: Basically, that's all I have to say.

23 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much. I
24 want to express my thanks to the panel and I appreciate you.

25 MS. SUSIE SILOOK: Can I add one more thing, please?

1 CHAIRPERSON GILBERT GUTIERREZ: Sure.

2 MS. SUSIE SILOOK: Recently there was a lot of
3 publicity on a serial rapist of a Native woman, he raped
4 five women. The second victim took him -- took the police
5 department to his home and they stated there was nothing
6 there for them to believe that this was this man. Now if I
7 was victim three, four or five, I would want to know what
8 nothing constitutes. Because by the time he got to number
9 five, he was becoming increasing brutal, and he inflicted
10 permanent physical damage on her.

11 Recently there was -- just last week, there was a rape
12 of a non-Native woman in a park by quote, unquote, a Native
13 man, and they wanted to alert the public that there was a
14 man out there raping women. We were never informed that
15 there was a serial rapist of Native women out there until
16 they arrested him. And I want that looked at also.

17 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

18 MS. SUSIE SILOOK: I forgot to bring that up.

19 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

20 MS. SUSIE SILOOK: Who do I give these to? I don't
21 have copies of them, they're just one copy.

22 CHAIRPERSON GILBERT GUTIERREZ: Yes. Someone in the
23 back over there will take it and if you need copies right
24 now, they'll do it. Is that you, John?

25 I would like to call Ms. Sharon Shields, John Tetpon,

1 Nelson Angapak, Sr. and Pearson Covington. Well, we've been
2 starting at the right, so Mr. Angapak.....

3 MR. NELSON ANGAPAK: Good afternoon. My name is Nelson
4 Angapak, I'm a Yupik person originally from a village of
5 Tuntutuliak.

6 I was in the kindergarten at age 13. My first
7 experience of racial discrimination also happened at that
8 time. The teacher knew I couldn't speak English, and so I
9 suppose it was a form of encouragement on his part, he
10 grabbed my hand, hit my hand with the straight edge of a
11 ruler, and that afternoon, I decided that at age 16 I would
12 quit school. I went home and told my grandfather that when
13 I'm 16, I was quitting school. You know, he said -- he
14 never persuaded -- he never tried to persuade me from
15 quitting school, all he told me was this, "I was hoping you
16 would learn enough of this language, stay long enough in
17 school so that some day you will tell these people that we
18 are people too." We are people.

19 The purpose of my statement is to state that we have
20 same statutes up here, but different applications. Two
21 cases in point, about three weeks ago, a Native looking man
22 allegedly raped a White woman. The city police will not
23 rest until such time someone, some Native looking man is
24 arrested, that's one case.

25 The second case, the case of five Native women who were

1 murdered, we have a serial killer or killers running around
2 out there and to date we have not seen any investigation
3 done of these five Native women who were murdered. Same
4 statutes, thou shall not kill, different applications.

5 Perhaps through your involvement, Mr. Chairman, Ms.
6 Meeks, some panel or a commission could be organized to look
7 specifically into the resolution of these five Native women
8 who were murdered. You know something, I don't think this
9 is unique to Alaska. I think in the Rosebud Reservation
10 about a year ago three Indian men were found murdered. Has
11 the perpetrators of those men been arrested? I think Mr.
12 Chairman, members of the Commission, I think it's time that
13 people realize we are people, we have the same right to live
14 as any other people. And I should hope that with your
15 involvement there will be a movement toward arrest or arrest
16 of this person or killers that are killing our Native
17 people.

18 Your presence here gives me hope. Let it not be an
19 empty hope. Thank you very much.

20 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

21 Next speaker? Please state your name and spell it.

22 MS. SHARON SHIELDS: My name is Sharon Shields,
23 S-h-i-e-l-d-s. For everybody's information, yesterday I
24 gave the Advisory Committee -- because I want to read from
25 my letter -- gave the Advisory Committee a copy of my book

1 that I've written, it was released in June 20th. And so I'm
2 going to talk about that.

3 Thank you for receiving me. I'm honored to be here and
4 one of the many voices that have devoted their lives to
5 positive change in government, be it our land, or way of
6 life, or right to work or our human condition. We
7 understood our government to mean for the people, by the
8 people, but instead, it has severed itself from the people
9 and is no longer aligned with liberty and justice for all.

10 There are many equally important issues here today, but
11 I believe we're floundering in the processes and failing in
12 resolutions because we don't understand how the rules of law
13 are being applied and enforced, most importantly, which
14 laws. I firmly believe that it's both morally offensive and
15 fundamentally anti-democratic for a government, government
16 agency, municipal agency, insurance company, judge or
17 attorney not to tell its citizens by which it's enforcing
18 the law.

19 I'm here today to address the fraud, extortion and
20 conspiracy among the government agencies, unions, employers
21 and Alaska state politicians against the employees, people
22 in Alaska.

23 For decades, men and women have believed that they've
24 had the right to live in peace, raise our families without
25 deception, extortion, and fraud from our government and

1 share equally and work in both union and non-union State and
2 Federal jobs without threat, harassment or intimidation from
3 supervisors, union bosses or government officials who
4 oversee these jobs.

5 I want to interject here and say, boy, it seems like
6 the White men in positions of power are really out of
7 control when we get down to the rape issues here.

8 Alaska Exposed is the most incriminating piece of
9 evidence ever written in Alaska about union corruption,
10 tying many government administrators and State and Federal
11 representatives and senators into conspiracy. Participating
12 in breaking the laws we understood to be in place to protect
13 us. The operating practices of government agencies and
14 unions in the construction industry and other male-dominated
15 organizations in Alaska are equivalent to seventeenth
16 century mentality -- I think I take that back, probably
17 fourteenth.

18 The lids are tightly kept on the facts in my book by
19 these agencies and officials, but the 1,200 pieces of Bate-
20 stamped indexed documentation cannot be denied. The
21 incidents were swept under many government agencies' rugs
22 from Alaska, Juneau, Seattle, all the way to Washington,
23 D.C.

24 Alaska Exposed focuses on union issues, but a trail is
25 led to many other government agencies and government

1 officials who are working interdependently to deny women and
2 men a fair remedy and just compensation for employer abuses,
3 breaking the law.

4 Final determinations are not based on laws people
5 understand. Truth and fact are irrelevant to how
6 determinations are made. Compromising the stability of
7 Alaskan society by violating our trust and breaking human
8 and civil rights laws, laws that have been cast in stone for
9 centuries but cannot be enforced in Alaska.

10 There are only a handful of atrocities that women
11 endured during the 1999/2000 construction season. The
12 crimes against us are staggering throughout Alaska. And
13 this gentleman here affirms that.

14 One example, during the season where a flagger was
15 condemned and humiliated in front of her co-workers by a
16 male supervisor, White male supervisor, I'll interject,
17 because she has unexpectedly started her menstrual cycle
18 while standing in 14 below weather with a 30 below windchill
19 factor. To relieve her and get her into dry clothing and
20 back on the job took less than 15 minutes.

21 The male supervisor who had already raped one of the
22 flaggers, and the court case is cited in my book, and had a
23 bad reputation for his notorious other acts against women
24 took the opportunity to call a meeting that evening of the
25 personnel, pointing his finger at the flagger, telling

1 everyone in the meeting that evening, pointing his finger,
2 that the menstrual cycle as being the problem on his jobs.
3 And if women couldn't handle themselves in his job, he would
4 find people who could.

5 Women work less than half the hours of men on same
6 jobs. Women were being relieved off jobs and sent home by
7 men who had already worked over eight hours on other jobs
8 because Summit's didn't want women working over eight hours
9 in one day. Summit's is Summit Paving and Construction and
10 Summit Alaska, Inc.

11 There were no bathroom facilities on the downtown job
12 for women who were told there would be no bathroom breaks
13 for them this season. Then most damning in the end, women
14 who had traveled all season alongside of men were not
15 allowed to travel anymore to work the rest of the season
16 because of a new rule made exclusively for them.

17 Alaska Exposed is full of underhanded deals, agencies
18 conspiring with unions and government officials to sweep the
19 1999/2000 construction season under many rugs just to deny
20 women their rights.

21 What quickly comes to light when you read my book is
22 that every one of the people within the agencies and
23 government officials knew what was going on. The NLRB, the
24 DOT, Anchorage Equal Rights Commission, the Human Rights
25 Commission and the public officials. In May of 1999.....

1 CHAIRPERSON GILBERT GUTIERREZ: One minute.

2 MS. SHARON SHIELDS: Okay. All right. In May of 1999,
3 Summit was due for a Federal Highway compliance review and
4 because my civil rights complaint. They combined the
5 review, and amazingly the end, neither the DOT or the Civil
6 Rights Commission found anything wrong with Summit's highway
7 operating practices.

8 Back in 1997, I brought to this Commission while in
9 Anchorage the same issues; violation in employment laws and
10 constitutional rights. Back then I was naive and thought
11 there must have been some small glitch I didn't know to make
12 the system work and asked the Commission to help me
13 understand what is happening.

14 Since that time, I have devoted my life to searching
15 for justice, trying to figure out what happened to me back
16 then that I didn't prevail. The laws I understood to be
17 enforceable are not. Even armed with truth and facts, not
18 one of the agencies or officials would help me.

19 There are hundreds and thousands of fraudulent
20 determinations against people coming out of those agencies
21 and the courts yearly, yet there is not -- there is no one
22 to stop it, everyone appears to be in on it. Today I
23 understand the laws and how they do not work and the dirty
24 vicious tricks being played on society by our leadership.
25 It's called betrayal.

1 I stand before this commission today requesting a
2 remedy that could sincerely help people in Alaska and in
3 this country because betrayal has no boundaries. It is
4 long past the time that people in these agencies and on
5 those boards and commissions quit giving lip service to an
6 only -- to only remedy for justice and stand accountable.
7 We each have a duty to turn the government abuses around.
8 Be part of the solution. Thank you.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you. Before we
10 go on, is there a Charles Edison McKee? Yes, would you come
11 up here, please? I forgot to call you earlier. I just
12 missed your name.

13 Sir, would you please state your name and spell it?

14 MR. PEARSON COVINGTON: My name is Pearson Covington,
15 Senior, C-o-v-i-n-g-t-o-n. I was employed at House of
16 Representatives for 11 years. I was (indiscernible), the
17 16th District (indiscernible).

18 I was an Alaska resident 46 years, and my come to this
19 commission, I'm going to speak on racial profiling. And
20 there will always be racial profiling because the greatest
21 secret in the world, I have it in my hand, God only made one
22 man. When you see me, you met the first man. This is in
23 Genesis, and the church is keeping people separated. That's
24 why there's racial profiling.

25 Now, in my service of (indiscernible) I had been in 37

1 of the 50 states. I've been in -- I'm comfortable in this
2 surroundings, and but they never tell the truth. They say
3 the truth will set you free. There's no such thing as a
4 White man. He's a Caucasian. He came from the Caucasian
5 Mountains. And I know he knows it, and this is why we're
6 separated.

7 We're all brothers and sisters, God made one man. Huh?
8 We all brothers, but you'll never get it across the pulpit.
9 Now to get rid of racial profile, you've got close some of
10 these churches. That's what you've got to do. That's where
11 your problem is. This is a sword here, and you carry this,
12 you're saved, wherever you carry it, but you've got to
13 believe. And I've been in Alaska 46 years and people talk
14 about what are going to do in Alaska. Do you know who built
15 Alaska? Workers, hustlers, whores and pimps. That built
16 this country.

17 But now the people are getting so now they getting away
18 from that. I walk down the street now, I've been here 46
19 years, and people look at you, especially the Caucasian,
20 most especially the Caucasian woman, I don't know what's up
21 with her, what -- she don't want to get on the elevator with
22 you. I'm not thinking about her. I just want to go where
23 I'm going. Huh? What's the difference? Huh? If God only
24 made one man, but they don't tell you that across the
25 pulpit.

1 Invite me to your church and you're supposed to hug
2 each other in a brotherly fashion. If I hug a Caucasian
3 woman, hell, all the members will go out of church, all of
4 them Christians, so that's where your trouble is.

5 Get that word out of your mouth, White. There's no
6 such thing as a White, he's a Caucasian. And a Black man is
7 the first man made. Now if you think it's in here, I didn't
8 put it there, and it's been discussed over and over again.

9 And what is so shocking when I found out what's on the
10 back of a dollar bill is pitiful. The conspiracy is woven
11 so tight, and it's right on the back of a dollar bill. If
12 you put something before a thief, there, he's going to take
13 it, you put it, they'll go over there and get it. So I'm
14 comfortably surrounded.

15 And you talk with the Natives, they don't give them
16 anything. They exploit them. There is -- how many Natives
17 attorneys? They don't let them go to school. That's like
18 Blacks when I came up in Washington, D.C. The only thing
19 that Rex Butler and I have in common is we went to the same
20 school, Harvard University. He graduated. I had to come
21 out -- I stayed two years -- I had to come out to eat.

22 So this -- when you're talking about racial profiling,
23 you've got to say a lot -- nobody -- see, the man you call
24 White, he don't know why he came a Caucasian now, but it's
25 in here. It's in there. There's no such thing.

1 We're all brothers and sisters. God made one man and
2 one woman. Why do you think God told Joseph to take Mary to
3 Egypt? Because they blend in, everybody looked the same.
4 So there's racial profile and you panelists come up here and
5 you're sightseeing and you listen -- some of you take what
6 the people said with a grain of salt, but you don't take the
7 facts. You go back to your various committees.

8 The first chairman of the committee I remember is
9 Robert Dell Dalton (ph) and the Wage and Means Committee in
10 Washington, D.C., that was in the '40s, and I'm comfortable
11 with this surroundings. Huh? And you get back in the back
12 room and you discuss and you push it aside.

13 But you won't give it at church, that's where your
14 trouble is. That's why we are separated, that pulpit.
15 Close them churches. And I'm a Christian. But close them
16 churches. That's what's go everybody upset. I'm White, I'm
17 Black, I'm a Filipino, what difference? I'm a Mexican, I'm
18 a Jap. What difference does it make? You come from one man

19 CHAIRPERSON GILBERT GUTIERREZ: One minute.

20 MR. PEARSON COVINGTON: Then you look at -- you go to
21 the movies, years ago with Amos and Nan (ph) and everybody
22 laughed at it. Now they got All in the Family, and
23 everybody laugh. It's the same thing. It just ain't got
24 Black faces on. That's all I want to say.

25 CHAIRPERSON GILBERT GUTIERREZ: Thank you, sir.

1 Please state and spell your name, sir.

2 MR. CHARLES McKEE: For the record, my name is Charles
3 Edison McKee, and my last name is M-c-K-e-e add UCC1-207,
4 with or without prejudice. I'm here today because of the
5 fact that what this gentleman said next to me, I can verify,
6 but you need to step a little bit beyond that and go after
7 the Masonic Lodges.

8 MR. PEARSON COVINGTON: The devils, you mean. Now you
9 know what's on the back of a dollar bill.

10 MR. CHARLES McKEE: Yes. Okay. Now, the recruitment
11 needs to be stopped, but then I wrote down that I wanted to
12 talk about the identify theft and land theft of the Alaska
13 Natives. And this is all documented. And, in fact, they've
14 stole my identity as well.

15 Now, I've been here for 33 years, my dad fought on the
16 Aleutian Chain and that too. And he was forced out of the
17 state because he married a Native woman, because as this
18 gentleman said next to me, who built this state was
19 bootleggers, pimps, and prostitutes. That's who built the
20 state economically.

21 My dad had been a cab driver after he got medical
22 discharged and served out his term as an Alaskan scout, so
23 he saw that, which is why he married a Native woman, because
24 they wanted to include them in this process. And then they
25 found out and he fathered two children by her, bought some

1 land in that Palmer Agricultural Project and forced him to
2 seel it back to them for a dollar after he spent top dollar
3 on it and drilled a well, a house an a cabin had already
4 been built on it, but the previous occupants were pushed
5 out. Now these were Caucasian people that were allowed to
6 come in, 2,000 come up by the grace of the government, 1,000
7 of them left within the year.

8 And as far as the identity theft, they've taken our
9 birth certificate and put it in their own treasury account.
10 Now you can look at the treasury site on the web and you can
11 download the applications from there to open up your own
12 account. What the states have been doing, including Alaska,
13 is they've been taking our certified copy of our birth
14 certificate and placing it in their account without our
15 knowledge, without our approval and have been drawing
16 interest off of it. And that money goes into a Bank of New
17 York, in their account, the interest off of it paid every 10
18 years, because they go into bonds, they're allowed a million
19 dollars, or maybe four million dollars, I think it's four
20 million dollars now per birth certificate and then that goes
21 towards bonds and every 10 years, the bonds pay off and the
22 interest flows into the Bank of New York and who dips into
23 it? The Bar Association and its related people.

24 All the states are doing this, and I have the
25 documentation right here. I, myself, have the right to the

1 Regional (indiscernible) of North America dating back to the
2 1760's. I happen to be the one that completed the
3 mathematical equation of the stargoing supernova, including
4 E=squared; never been mentioned. It's on my site, new-
5 pi.com, including the treasury seal. Never been nominated
6 for Nobel Peace Prize. I did this in 1992; filed for
7 copyright on it. I'm a ninth grade dropout. I've been a
8 resident for 33 years.

9 During my tenure here, I met a man who passed away last
10 year, he indicated to me that he came within a paper
11 signature away from getting a Bar Certificate for Alaska.
12 But he said that he couldn't stoop that low because he
13 socialized with these people.

14 But you know what his main income was? He was the
15 Alaska Don (ph) for Southcentral Alaska. He was making
16 money off the drugs, the alcohol, the gambling and the
17 prostitution racket.

18 CHAIRPERSON GILBERT GUTIERREZ: One minute. Sum up,
19 one minute.

20 MR. CHARLES MCKEE: See, so he couldn't stoop as low as
21 what they were doing, and what they were doing was stealing
22 the Natives identity as well as Caucasian; their own
23 brothers and sisters.

24 There's no discrimination here in that level; they were
25 doing it to everybody. But they were going for the Alaska

1 Native, and any Caucasian that would socialize legally with
2 the Alaska Native and steal their rights away. First their
3 identity, then their land.

4 Consequently my own -- my dad's land, how it impacted
5 me. And they're doing it to me. Which is why they think
6 that since they have my birth certificate, they created a
7 straw man, and every municipal ordinance and state statute
8 is directed at the straw man. This piece of paper that they
9 say belongs to them; they've taken my Power of Attorney
10 without my consent.

11 Three different felonies are occurring here, to
12 everybody in this room. The first one is identity theft.
13 The second one is grand larceny. The third one is regal.
14 And to sum it all up, the State of Alaska isn't a state,
15 it's a territory. The legal documentation and fact of this
16 is, is we don't have a secretary of state. He wasn't even
17 in office; there was nobody to take the -- receive the state
18 seal when it was recognized as a state seal.

19 Secondly you need a secretary of state to issue out bar
20 licenses. These people are attorneys in this state.
21 They're running under a certificate from the bar, not a
22 license from the state. Go to Washington state, they got a
23 secretary of state, and that's where the license is actually
24 issued.

25 CHAIRPERSON GILBERT GUTIERREZ: Going to have to stop

1 you at this point.

2 MR. CHARLES MCKEE: Yeah, thanks.

3 CHAIRPERSON GILBERT GUTIERREZ: Thank you.

4 MR. JOHN TETPON: My name is John Tetpon. And I'm here
5 to testify as a private citizen. It's a hard act to follow
6 there, but I'll do the best I can.

7 I'm one of nine children. I was born in Shaktoolik
8 near Nome, grew up much the same way that Nelson did. I
9 didn't speak English for at least five or six years of my
10 life. And come from the generation that was punished,
11 brutalized because I spoke my own language. And so I
12 learned racism at a very young age. I grew up part of my
13 growing up years in Nome, which by that time I was able to
14 read and saw signs in the windows of hotels and restaurants
15 that said "No Eskimos and Dogs Allowed."

16 So that was kind of a rude awakening for me. I was
17 born in a village of 130 people, and by the way, there was
18 about that many still. I can't figure that one out. But
19 racism came early to my life, and I have lived with it here
20 in Anchorage since 1957 when we moved here.

21 Racism is nothing new to the Native community here. My
22 dad was an employee of the ANS Hospital when it was on Third
23 and Gambell, and used to come home and tell stories about
24 Native women being found in dumpsters downtown.

25 You know, that was -- at that young age, that was hard

1 to believe, but you know, those stories go way back. These
2 incidents of sexual assaults and homicides against Native
3 people are nothing new; they're not new here. They've been
4 going -- that's been going on for at least 40 years that I
5 know of.

6 So we have a long legacy of racism here in Alaska. And
7 in this state, we have people who have been victims of
8 homicide, unsolved murders. It was a former Chief of Police
9 Duane Udland who told me that at least 600 rapes of Native
10 women are still unsolved and the perpetrators go unpunished
11 to this day.

12 These are stories that have dehumanized, I think, the
13 Native community, the Native people individually, us,
14 demonized us to the point where it is okay to kill Native
15 people, it is okay to rape Native women, it is okay to beat
16 up on homeless people. It is okay to treat human beings
17 with complete and absolute impunity, with no thought of any
18 kind of responsibility attached to it.

19 So it comes as no surprise, I don't think, for me to
20 talk about the kind of thing that evolved from this sort of
21 thing; and that is my own battle with the State of Alaska
22 and the justice system here over my two grandchildren. My
23 blood grandchildren who were taken away from me by a White
24 woman who told me to my face, "I'm a White woman, you're a
25 Native man, who do you think they're going to believe?"

1 That happened in 1998. Here it is 2001. I haven't
2 seen my grandchildren for almost three years. My mother
3 died and she was not allowed to see them. That's the
4 dehumanization process, that's the demonization process that
5 happens here, especially in Anchorage. That process takes
6 place at the DFYS. That is probably the most evil state
7 agency that I know of.

8 As you can probably tell, the Commissioner of Health
9 and Human Services is not here. I don't know if she's on
10 the agenda. But you need to take a look at the Division of
11 the Family and Youth Services and its operation. We have
12 500 Native children in foster care here in Anchorage alone.
13 Maybe less than a dozen, maybe six, are in Native homes.
14 The rest are in non-Native homes. The reason for that is
15 money.

16 There are non-Native people on the waiting list at DFYS
17 just for Native kids because it pays more to have Native
18 children. It's easy at this day and age to demonize,
19 dehumanize, criminalize Native people very easy. I wouldn't
20 have been able to say that two or three years ago, but I've
21 experienced it myself.

22 I would never think in my whole life that I would ever
23 have an experience like I'm having now. I spent \$20,000 on
24 this case; to no avail yet. I'm still in court. Justice
25 has been denied time after time. To the point where I

1 wonder why I'm doing what I'm doing, why am I fighting so
2 hard? And that I think is one part of Native Alaska that
3 seems not to be one that people want to talk about. But
4 let's face it, our Native children are ours; they need to
5 come home.

6 CHAIRPERSON GILBERT GUTIERREZ: Thank you, John. I
7 want to thank the panel and.....

8 MR. MICHAEL WALLERI: Can I ask a question, please?

9 CHAIRPERSON GILBERT GUTIERREZ: Yes, please.

10 MR. MICHAEL WALLERI: Mr. Tetpon, we haven't heard a
11 lot about social program and their effect on the Native
12 families. And I was just wondering, an issue of course
13 near and dear to my heart would be the implementation of the
14 Indian Child Welfare Act, which I was heavily involved in
15 for a number of years. I'm no longer involved.

16 But I was wondering, in your estimate, do you think
17 that the Indian Child Welfare Act is enforced in Alaska by
18 the Alaska Court System? And just generally, what do you
19 think about the Alaska Court System's response to the Indian
20 Child Welfare Act?

21 MR. JOHN TETPON: The Indian Child Welfare Act is sort
22 of thought of as an afterthought. It doesn't exist in the
23 state court system. At least it's been my experience. I
24 don't know how many -- I know there are hundreds and
25 hundreds of Native families here in Anchorage who have had

1 the same complaint that I have, and have brought it to the
2 attention, at least to a former representative Alan Kemplen
3 (ph), who told me that that was one of his major complaints
4 when he was a representative here in Anchorage and Fairview.
5 But my point is that the Indian Child Welfare Act does not
6 exist as far as the state is concerned.

7 The other comment I have is I am now afraid of the
8 criminal justice system because of the experience I've had
9 of being falsely charged, falsely accused, and having had my
10 grandchildren taken away from me because of that. And I'm
11 still fighting.

12 MR. MICHAEL WALLERI: Thank you.

13 CHAIRPERSON GILBERT GUTIERREZ: Thank you very much for
14 your participation in today's session. There is one more
15 person that has wanted to come up here and talk to us. And
16 that is Evelyn Hash. Is she here?

17 Please state your name and spell it please.

18 MS. EVELYN HASH: My name is Evelyn Hash, H-a-s-h. I
19 was born in Glenallen, Alaska, and raised in Anchorage. My
20 first experience with discrimination was when I was about
21 five years ago in the Mountain View Baptist Church. I hate
22 to name names, but I was called a dirty little heathen in
23 that church, and my brothers and sisters too.

24 And we were deathly afraid of God and the consequences
25 of sin, and they accused us of stealing the church offering,

1 which we would never do.

2 The other thing is that my mom, Mabel Hash, is
3 deceased, got beat up by the Anchorage Police Department in
4 her own yard while she was weeding her garden, and appealed
5 it. And appealed it to the Supreme Court, and had to have
6 \$25,000. There was no such legal fund or anything like that
7 that would help her. And the two cops that beat her up
8 essentially got away with it. But they're going to meet
9 their maker.

10 The second experience I had was when I had just learned
11 to read and I was seven years old, and it was like John
12 Tetpon's story. In fact, my story is almost like his. I
13 was learning to read. I went downtown with my aunt to a
14 restaurant. And it had a bar on one side with a little
15 rail. And we started to go on, and there was a sign on the
16 door, and I was reading it because I was just learning to
17 read, and it said, "No Dogs or Indians Allowed". And that
18 hurt my heart ever since then.

19 Okay. I want to talk about the statistics, for male
20 Native incarcerations are not correct. Because the
21 statistics are compiled during each agency's fiscal year,
22 which may happen between June and May, while the state
23 corrections fiscal year is October to September. And
24 they're not reconciled to show the real facts.

25 Yet we in the Native community know the people who make

1 up the statistics. And more people of color are re-
2 incarcerated. Concurrently it's 50 to 70 percent of Native
3 males are incarcerated or Native women who have been left
4 undefended are re-victimized by killers, rapists, and our
5 children are victims of pedophiles.

6 The Alaska Court System makes deals to reduce sentences
7 of the offenders in most cases, so most cases go unsolved or
8 unresolved.

9 In the Copper River area, because our population is so
10 small, many -- not many votes. Our schools are not funded
11 to provide an equal education. Out of 800 to 900 graduates
12 since the Glenallen High School started, only five to six
13 are Natives. And only three to four of them are Copper
14 River Indians. Our tribal and state chartered regional
15 corporations lands are the largest per capita in size, yet
16 we are serviced by the Court System one public defender for
17 eight villages, 297 miles apart. One to two state troopers
18 to cover that 297 miles.

19 I'd like to parrot Rex Butler on the race profiling
20 because if a crime happens within 70 to 80 miles of our
21 biggest village, Copper Center, the Alaska State Troopers,
22 and we hear the report, it comes on the radio, then the
23 trooper comes straight to Copper Center to look for the
24 criminal.

25 And I want to talk about I have five grandchildren that

1 I haven't seen since 1993, and when John Tetpon was talking
2 about my one granddaughter, my second oldest granddaughter,
3 her name is Evelyn Ann. She was named after me and after
4 her other grandmother.

5 And then my son's other four children, April, Mabel,
6 Adell, and Terrin, I have never seen them since '93. DFYS
7 did not use the Indian Child Welfare Act. They tried to
8 grab another woman's record at ANS Hospital who reportedly
9 beat up her children and had the same name as I did way back
10 in 1969. And used her records because she had beaten up her
11 kids, and used her records to bloody my name.

12 And I also want to say that it took the paintball
13 incidents to get this Commission here. But no one said
14 anything about the six women that were killed last year, the
15 Native women that were killed, brutalized, raped, and about
16 the women that have been raped. I mean they've taken steel
17 bars and raped them with it. They sodomized them. They've
18 done everything. They've done everything to humiliate us.

19 When the bars closed, the pedophiles used to go to the
20 bars with a case of beer in one hand and a big bottle on the
21 other and wait for the women to come out of the bars, you
22 know, hi, you're drunk, and take them home, and the woman
23 would trust them, why? Because they never sexually touched
24 them in any manner or even suggested to them. But they
25 thought they were there friends. And then while they passed

1 out, they victimized their children. And nothing -- the
2 law, the court system -- in the first place, the lawyer has
3 to swear to it to be in the Alaska Bar Association, he has
4 to say, "I do solemnly swear to uphold the laws of the
5 United States, the state of Alaska, and the municipalities
6 there", so no lawyer that practices law in Alaska can ever
7 represent me because I'm sovereign and indigenous. Thank
8 you.

9 CHAIRPERSON GILBERT GUTIERREZ: Thank you. I would
10 like to thank all the speakers that came before us, and of
11 course, the audience. But I'm going to adjourn the meeting
12 now, and we will reconvene to Friday, August 24th, tomorrow
13 at 9:00 a.m. here at this place. Thank you.

14 (Off record - 6:00 p.m.)

15 (Meeting Adjourned)

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