

March 30, 2017

Dear Sutton Community,

This letter is a report to the Community concerning Chickaloon Peace Officers in Sutton that many of you have questions about. Public discussion between the Sutton Community Council, Chickaloon Village, Alaska State Trooper Captain Brinke and others in attendance was heard at our Council meeting last night, March 29, 2017. Chief Gary Harrison, Executive Director Gary Hay and Director/Officer Matt Schwier were at the meeting representing Chickaloon Village.

To adequately report this subject I find it necessary to start with some background information that describes many of the stakeholders and jurisdictional issues that come into play. My intent is to report to the best of my understanding in a paraphrased objective manner, which may conclude with more questions than answers due to the legalities and "gray areas". I encourage everyone to do their own research and welcome any additional information and/or corrections.

After the 1971 Alaska Native Claims Settlement Act (ANCSA) was enacted, land was allotted to the Chickaloon Moose Creek Native Association (CMCNA) in the Sutton area and separately Chickaloon Village Traditional Council (CVTC) was formed and subsequently recognized by the federal government as a sovereign self-governing tribe. They both include shareholders of the Cook Inlet Region, Inc. (CIRI) Native Corporation. Native landholdings are recognized by the State as private.

The Chickaloon Peace Officers are funded by federal grant money through the Office of 'Community Orientated Policing Services' (COPS) Program. Once funds were received, Chickaloon developed a Tribal Justice Department (CTJD) in association with their policing program. Sutton Community Council did not receive requested documentation regarding related grant criteria.

During last night's discussion Matt Schwier presented himself to the Council as the CTJD Director/Peace Officer working since 2014 to meet certification and standards required by the State of Alaska, specifically Alaska Police Standards Council. Officer Schwier has 10 years of law enforcement experience working in Arizona. He informed us (with documentation) that he is near completion of establishing the required Alaska Public Safety Information Network (APSIN) access, contracted with the Wasilla Police Department Dispatch Center through a 'Dispatch Services Agreement'. Officer Schwier also delivered a 'Memorandum of Understanding' between CTJD and Alaska State Troopers (AST) that outlines public safety assistance and mutual aid. It authorizes Chickaloon Peace Officers to respond to misdemeanors and civil disputes on Chickaloon Tribe properties and assist AST from mile 55 to mile 115 of the Glenn Highway with AST Supervisor approval. Officer Schwier stated that Chickaloon Peace Officers have

taken action on two traffic violations and responded to the Sutton Elementary School for a disturbance. He also emphasized his main priority is public safety.

AST Captain Brinke spoke to clarify the Memorandum of Understanding (MOU) to the Sutton Council and attending community members. His primary message was that the AST have the authority to use Chickaloon Peace Officers for assistance. If Chickaloon practices public law enforcement independently outside the MOU, that would be their liability given the circumstances. AST does not always have the personnel or resources for an immediate response to incidents.

Chickaloon Executive Director, Gary Hay briefly commented near the end of the meeting that he hopes to find some common ground within the community and look for the benefits this program might offer its' residents. Gary regularly attends SCC meetings.

Chief Gary Harrison brought legal documents that showed Chickaloon Village as a sovereign tribe/nation because of their recognized tribal status by the federal government. His stated implication was that Sutton was situated on and surrounded by Chickaloon (CVTC) sovereign land. CVTC claims sovereign ownership of land based on traditional and cultural premise although no land was titled to CVTC during ANCSA settlements. He also informed the Sutton Community Council that federal law supersedes State law, which historically has sovereign rights unto itself up to the Supreme Court (SCOTUS) level.

After reviewing the legal documents received from Chief Gary it was noted that CVTC federally qualified as a sovereign tribe because of [Native Allotment] land in Chickaloon, owned by the Harrison family since 1956, along with previous Court decisions (case law) and Public Law. Indian (Native) land and sovereignty was partly described in [State of Alaska vs. Gary Harrison, et al] in 1994, by District Court Judge Ashton: ["it depends on circumstances which are the subject of factual decisions by trial courts after trials."] and ["what factual proof was made that it was indian country."]

It seems that the definition of sovereignty is a gray area even in our Courts. Furthermore, this raises the question of expanded jurisdiction of a self-governing tribe over nontribal residents in the Sutton area and legal boundaries decided by trial courts. It is also interesting to note that there are legal nuances in Court cases when defining a Tribe and Tribal land. Under the Code of Federal Regulations ['Tribe' means a tribe, band, nation, community, group or pueblo of Indians.]

Referring back to the Chickaloon Peace Officers, this poses some legal questions in terms of public, nontribal private and tribal private lands jurisdiction. I will not try to interpret this situation but will bring some questions forward, listed as follows:

What grant application criteria did CVTC submit to the federal government to receive money for this program?

What are the implications of a private Native Tribe taking law enforcement authority over nontribal community members when legal sovereign ownership boundaries are in dispute?

The Chickaloon Tribe is a private self-governing Native group asserting political and philosophical views. How might this influence the mission of their Peace Officers and Justice Department?

What benefits do the Chickaloon Peace Officers and Tribal Justice Department offer the Sutton Community?

The purpose of this letter is to provide information to gain more understanding for reasonable discussion. There's always more information out there and the above questions were meant to be general. The Sutton Community Council would like to hear from members of the community about this matter. We thank Chief Gary Harrison, Director Gary Hay, Director/Officer Matt Schwier and AST Captain Brinke for attending the Sutton Community Council meeting and providing information.

Sincerely,

Mark Bertels
Sutton Community Council – Chair
mebertels@gmail.com
745-7686
355-7143