



CENTRAL COUNCIL

Tlingit and Haida Indian Tribes of Alaska

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FOR IMMEDIATE RELEASE

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Douglas Indian Association Lawsuit Against Tribe Dismissed

Douglas Indian Association's (DIA) lawsuit against Central Council of the Tlingit and Haida Indian Tribes of Alaska (Central Council) was dismissed on January 13, 2016 by the State of Alaska's Superior Court. Judge Louis Menendez affirmed Central Council has sovereign immunity from suit, and dismissed all of DIA's arguments to the contrary, including claims against Central Council President Richard Peterson and Tribal Transportation Manager William Ware.

"The court ruling was an important victory for Alaska tribes by its affirmation of jurisdictional tribal sovereignty for tribes and tribal officials, said President Peterson. "The lawsuit was dismissed due to sovereign immunity defense of the Tribe. However, had the suit gone to trial, the Tribe would have prevailed because DIA's claims were entirely without merit. Tribal sovereign immunity is a key protection for all tribal governments, and is critical to our right of self-determination as Alaska Native peoples."

The lawsuit involved DIA's claim that it was owed tribal transportation funds after leaving Central Council's Tribal Transportation Consortium in January 2012. When DIA left the consortium, it took responsibility for its shares of Central Council's Federal Highway Administration (FHA) Program Agreement. DIA later demanded that Central Council give DIA its entire amount of tribal shares for the years of 2005-2012, which DIA claimed was approximately \$1M without deductions for amounts spent or for DIA's share of the consortium's expenses for those years. There was no legal, factual or contract basis for this request.

Nonetheless, Central Council made multiple offers to resolve the dispute with DIA on generous terms. In a spirit of tribal cooperation, Central Council offered to have FHA transfer tribal shares of transportation funds to DIA for those years, less DIA's share of the program's expenses. And, even though the Tribe was not obligated to do so, Central Council conducted an exhaustive audit of the years DIA was involved with the program. DIA was provided extensive documentation of its designated tribal shares by year; actual drawdown documents from the federal agencies; audited expenses by year; meeting minutes; and copies of long range transportation plans and transportation improvement plans. The documentation showed Central Council fulfilled all of its obligations to DIA, to the extent that it had successfully increased DIA's road inventory from 5.7 miles in 2005 to 82 miles in 2011, which increased DIA's annual allocation of funding from \$41,188 in 2005 to \$142,986 in 2011. Regretfully, DIA declined all offers and instead filed the lawsuit in April 2015.

President Peterson said, "It's a shame tribal sovereign immunity was tested in court, and even more concerning it was brought forth by another tribe. I am pleased on behalf of our tribal citizens that the principle of tribal sovereignty has been upheld again by the Alaska courts. We appreciate the court's ruling which will benefit all tribes in Alaska. Now that the suit is over, I want to focus on moving forward and hope that Central Council and DIA can work together for the common interest of our tribal citizens."

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