

Disarm the "federal gun" at our heads

To the Editor:

The Assistant Secretary of Interior-Indian Affairs recently sent a letter to all villages where a BIA-funded school is operating. The assistant secretary, Ken Smith, said in the letter that budget decisions had been made to close Mt. Edgecumbe and 20 BIA day schools at the end of this school year. He also said "the assumption is that the remaining BIA day schools will be closed at the end of the 1982-1983 school year."

AVCP officers and members who attended the National Congress of American Indians convention in Anchorage recently heard about these plans at that meeting. We discussed Mr. Smith's announcement with delegates from other parts of Alaska and the United States. We also discussed the issue with attorneys who were at the convention.

It is our position that the announced plans are a violation of federal law and regulations. They were made without prior consultation with the Native communities affected, as required by law. The plans, made in the way that they were, are also a breach of the Federal trust responsibility to Indians and Eskimos.

We recommend to each of the village councils and other involved village groups that they treat these announced plans as illegal attempts to intimidate Alaska Natives into submissive acceptance of arbitrary budget cut proposals.

Smith's letter did not clearly point out that these budget cutting proposals are proposals which the Reagan administration is making to the Congress. Before they become officially a part of the Federal budget,

they must be approved by the Congress.

Therefore, one action which we urge all of you to take is to protest Smith's plans to Senator Stevens, Senator Murkowski, and Congressman Young. So far, we have seen little evidence that our Congressional delegation is doing anything to resist this elimination of BIA educational services in Alaska. In fact, we have heard that some of the Alaska Congressional delegation have unofficially concurred in the idea. It is very important that we let our Congressman and Senators know that this is a critical issue for Alaska Natives.

Besides drumming our message to the Congress, we believe we should also proceed with whatever court actions might be necessary. The administration's neglect to consult with us and their refusal to acknowledge the U.S. government's trust obligation to provide certain services, goes beyond the question of BIA schools in Alaska.

At the convention in Anchorage, Smith stated that he did not view the federal trust obligation as going beyond land holdings. When federal law and BIA regulations which affirm a broader trust responsibility were read to Smith he claimed to be ignorant of them.

If the Administration succeeds in arbitrarily closing our BIA schools, what is to stop them from terminating public health services? The Reagan Administration apparently considers federal trust responsibility as an unimportant thing which can be ignored by the individual opinion of a bureaucrat.

A related action by Smith is his ordering of a moratorium on consideration of new applications for BIA contract schools. This appears to be a direct violation of law contained in The Indian Self-Determination Act. After meeting with AVCP members in Anchorage, the Executive Committee voted to support a lawsuit challenging this action, if BIA attempts to block a contract application from a member village.

As you may know, the Lower Kuskokwim School District Board recently voted to refuse the transfer of BIA schools to LKSD as contemplated by the Reagan administration school closure plans. The school board took this position because villages had not been consulted by BIA. We welcome this action by the LKSD board and praise it as an example of regional unity on the importance of village self-determination. We hope other school districts with BIA schools within their boundaries will follow the lead of LKSD by adopting similar policies.

Natives of Alaska seem to be at the muzzle end of the Administration's attack on Indian Self-Determination in education (and more). We can expect some help from our Indian brothers and sisters in the Lower 48 but we must be sure that we are doing all that we can to disarm the gun that is pointing at us. We urge each village to quickly contact our Congressman and Senators, to enlist their help.

Harold Napoleon

Editor's note - Mr. Napoleon is the former president of the AVCP.