

Doyon Files Friend of Court

FAIRBANKS—Board members of Doyon, Limited have agreed to file a friend of the court brief in the Molly Hootch case, a challenge of the lack of educational facilities in bush Alaska.

Alaska Superior Court Judge James K. Singleton Jr., at Anchorage recently issued a partial summary judgment on the first of three counts in the class action

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case, allowing the State Supreme Court to review a lower court stand against Hootch in this class action suit.

Doyon's board of directors, advised during a weekend meeting of the status of the case, agreed to support the plaintiffs — including Molly Hootch of Emmonak and a number of other young people from her village who went to court to demand secondary education at home.

William Timme, general counsel for Doyon, Limited, was given tentative approval to act as Alaska counsel in the appeal, with the American Association of Indians in New York expected to write the Amicus (friend of the court) brief.

The Native American Rights Fund, headquartered in Boulder, Colo., is expected to participate in the amicus action on behalf of the North Slope Borough.

Alaska Legal Services filed a lengthy brief back in 1972 on behalf of Molly Hootch and others angered because they had to leave home and travel 500 to over 2,000 miles to attend high school.

Her father, James Hootch, brought the action on behalf of his 16-year-old daughter and parents of other Emmonak, Kwigillingok and Kongiganak students joined in.

The decision will affect all Native children in bush Alaska.

They charged that the state was denying their constitutional rights to education and that various state officials and agencies named (including State Operated Schools) were guilty of racial and geographic discrimination.

"This is a civil action brought by Alaska Native school-aged children to secure their right to an education in the form of secondary education in their community of residence and to redress a willful and continuous pattern and practice of racial discrimination against Alaska Natives in violation of the constitutions and laws of the United States and Alaska," the suit said in part.

Singleton ruled in favor of the state on the first count, that of denial of constitutional rights. Counts two and three are still awaiting decision before the Superior Court, but meanwhile he issued on Jan. 11 a partial summary judgment affecting the first count.

Summary judgments are issued by a court when there is no question of facts involved and where the judge must simply decide what law applies and how to apply it.

In counts two and three of the Hootch case, the attorneys for the students of the three have to show proof in court of racial and geographic discrimination.