



Cindy Thieman, left, demonstrates water safety procedures to Ryan McCord and April Standifer of Tyonek, during this years Camp Fire Alaska Council. See photos on Page Five.

Federal court may rehear Tyonek suit

by Steve Pilkington

Tundra Times reporter

A federal court of appeals has reversed a U.S. District Court ruling in a dispute which began last year when the Native Village of Tyonek sought to evict four non-members for violation of a village ordinance.

The Ninth Circuit Court of Appeals ruled last week that the district court — which dismissed the case last November — must reconsider part of its ruling.

But James Vollintine, the attorney representing Tyonek, said the case may be over before it returns to the district court.

"It'll probably be dropped," Vollintine said. "This decision is kind of a disappointing outcome."

But there have been some significant decisions for rural Alaskan villages which this case has established, he said.

"This was a very strong opinion on sovereignty," Vollintine said.

Originally, the district court concluded that the village was immune from suit because of sovereign immunity and that the officers on the village council were immune as well. The court of appeals last week upheld the district court on this portion of its ruling.

Anchorage Native rights attorney Lloyd Miller said that result alone is significant.

"This is the first ninth circuit case

(Continued on Page Twelve)



Since 1975, Camp Fire has provided well-supervised summer youth programs emphasizing water and boating safety, swimming and cold water survival, first aid, health and nutrition and recreation activities.

This summer, 16 villages had programs; they were held in Red Devil, Chuathbaluk, Upper Kalskag, Lower Kalskag, Aniak, Sleetmute, Crooked Creek, Stony River, English Bay, Chenega, Galena, Tyonek, St. Paul, St. Mary's, Tatilek and Tok.

Photos include, at top, from left, Less Standifer, Judd Standifer, Geoff Luck, standing, Jeremy Knoto, Rodney McCord, showing off his hands, and Cindy Thieman, standing.

Center photo includes Sally Barteld, left, Cindy Thieman, middle, and Rodney McMord. Below is Shannon McCord doing artwork.



• Tyonek suit

(Continued from Page One)

to confirm that Alaska villages enjoy the same sovereign immunity from suit that all other tribal governments enjoy," Miller said.

Vollintine said he now plans to draft a letter to the village council to find out what they want to do now, since the non-Natives have left the village anyway.

The lawsuit to evict Donald and Erna Puckett and Fred and Virginia Slawson, claimed that they had violated a village ordinance which states that non-members of the village can not stay for more than 24 hours without the permission of the village council.

The Pucketts and Slawsons had been leasing homes from two families in Tyonek.

The village council also claimed that the families which had leased their homes to the Pucketts and Slawsons had violated village ordinances.

The suit was dismissed from district court last November because the court said village ordinances did not enter federal jurisdiction.

The appeals court ruling last week, however, has overturned the district court saying that because the Pucketts and Slawsons are non-members, the village council may have violated their constitutional rights.

But Vollintine said he does not expect much action on the case when it returns to the district court unless the village council in Tyonek wishes to pursue the case.