

State backtracks on ICWA challenges

By LINDA LORD-JENKINS

Tundra Times Editor

A challenge to the Indian Child Welfare Act will be dropped and the state position on the Indian Reorganization Act will be clarified as a result of a meeting between Gov. Jay Hammond and Alaska Native representatives.

Hammond met with representatives of Alaska Native Regional Corporations and organizations in January to discuss several state challenges to Native rights and protections. Those issues included a state claim that Alaska Natives are not entitled to protection under the Indian Child Welfare Act because they gave up all rights to that protection with the Alaska Native Claims Settlement Act (ANSCA) was assed.

The challenge grew out of a child custody case in Fairbanks in which the Alaska Department of law claimed that Natives are not due any special protection in custody cases because they aren't technically Native because of ANSCA.

According to a letter sent from Hammond to Frank Ferguson, a state senator from Kotzebue and the president of the Alaska Federation of Natives, the challenge occurred because of a misunderstanding in the Fairbanks office of the Department of Law.

Hammond said the challenge "should not have devel-

(Continued on Page Nine)

State didn't know of challenge to child welfare act: Hammond

(Continued from Page One)
oped as it did."

His letter stated that after the U.S. Congress passed the Indian Child Welfare Act the state Department of Law stated that a problem existed with the ICWA and the Alaska Constitution. The ICWA requires that a better effort be made to determine that a reasonable doubt exists to remove a child from a Native parents' home than from a non-Native home.

He stated that the state department officials decided to not challenge the case in court but he said that apparently since that time, that policy had become confused by workers in the Fairbanks law office which challenged the law. Hammond also said a "personality conflict" between lawyers on both sides of the case caused further problems.

Hammond also stated that the office didn't tell the state Attorney General of the challenge.

He assured Ferguson that neither he nor the Department of Law ever intended to

challenge the ICWA "nor has it ever been our biew that there are no tribes in Alaska."

Because of that, Hammond said he has told the Fairbanks law office to drop the challenge to the ICWA and told all Department of Law offices to not start any other challenges to the law.

Hammond included a copy of a letter he sent to Secretary of the Interior James Watt regarding a previous letter on the Indian Reorganization Act. His previous letter included several questions about the ability of Alaska Native Villages to reorganize under the act because of the passage of the Land Claims Act.

In his Feb. 1 letter to Watt, Hammond said he still thinks a review of the IRA and ANSCA would be the right thing to do, but he said he is not "in any way, attempting to suggest that the Department of the Interior not grant IRA status to the tribes."

Hammond's meeting with Alaska Native representatives was held in the governor's mansion on Jan. 19.