

# Chevak Celebrates Housing, Showers Land Selection May Be Roadblock...

This month marks an important celebration for the 4th class City of Chevak on the Yukon Kuskokwim. On November 29th the village held an Open House Potlatch to dedicate their new Alaska State Housing Homes.

At the same time, the village

dedicated their new kindergarten, shower and laundry facility and the almost completed new airport.

The shower-laundry facility, the first of its type in village Alaska was completed with no outside help, according to Xavier I. Atcherian of Chevak.

## Supreme Court...

(Continued from page 1)

TUNDRA TIMES, "the majority of people in village areas will continue to plead guilty."

The court decided in the case of Kathleen Alexander, who was arrested and charged with loitering in Anchorage, that the district court and superior court had erred in not appointing counsel to represent her.

The opinion of the Supreme Court, written by retiring Justice John H. Dimond, said the Alaska court was extending the right to counsel in misdemeanor cases although it had not been decided by the Supreme Court of the United States.

"It seems clear enough that the court has not yet extended the right to assign counsel for indigent defendants in all types of criminal prosecutions.

But this does not preclude us from acting in this field in interpreting our own constitutional provisions guaranteeing the assistance of counsel for an accused's defense in all criminal prosecutions."

In reversing the Anchorage Superior Court decision by Judge James M. Fitzgerald the court cited its 1970 decision that the accused is entitled to a jury trial in any criminal case.

In this decision, Baker v. Fairbanks, it ruled that a criminal prosecution involves any offense which could lead to incarceration, loss of valuable license or "heavy enough fine to indicate criminality."

"We further hold, in conformity with well reasoned opinions of other jurisdictions, that such right to the assistance of counsel means that counsel must be appointed at public expense to a misdemeanor defendant who is indigent and too poor to have his own lawyer."

While the Fairbanks office now has sufficient staff to handle extra court referrals, the Anchorage public defenders office plans to add two attorneys to its staff in the near future.

In Fairbanks, according to Public Defender office head Dick Madsen, both judges and the public defenders had been

acting in anticipation of the Supreme Court decision for several months.

Two law clerks, scheduled to arrive in December for a nine month stay, will give the Fairbanks public defenders the facility to appeal many unreasonably harsh magistrate's sentences.

"We don't get these cases till people arrive in jail in Fairbanks," explained Madsen. "Some guy will come in from Tok or Tanacross where he was arrested for drunkenness. He pleaded guilty expecting to get off easy and ends up sentenced to six months."

Lawyers emphasize that any person accused of a crime—drunkenness, loitering, traffic offenses—should have no hesitation about demanding his rights to an attorney.

In appeals of sentences, the public defenders hope to "make it tough enough on the district attorneys so the magistrates will get the word when their sentences are too harsh."

## NCAI Membership...

(Continued from page 1)

of money. Convention dues alone this year were \$20 per delegate.

"Pyramid Lake: A Symbol of Indian Water Rights" was the theme of the convention. It came in a far behind second compared to the power struggle within.

Wracked by politics, by young Indian groups claiming the organization fundamentally excludes the urban and the poor, the NCAI convention struggled from the 14th through the 20th of November toward a compromise between urban and reservation groups.

It heads into the next year with a new young president, an activist of the new generation.

Leon F. Cook, a 32 year old Red Lake Chippewa from Minneapolis, who recently resigned from the Bureau of Indian Affairs, won the NCAI presidency by a huge majority of votes. His predecessor, Earl Old Person, a Blackfoot, trailed far behind.

Cook is considered an activist. A few years ago a man under 50, from a city, would not have been considered for the post. Differences over policy caused him to resign as deputy director of economic development of the BIA. He told reporters "the intent of the federal government is to destroy the Indian."

A graduate of St. John's University in Minnesota, he worked in social work for several years.

"He can talk to the AIM people," commented one Alaskan delegate.

The American Indian Movement (AIM) an aggressive social action group formed in mid 1968, claims to represent some 140,000 mostly urban Indians through its nearly 30 offices in urban areas and on reservations across the country.

Allied with it on most issues is the National Indian Youth Council (NIYC).

"The structure of the NCAI does not permit the voice of youth, the poor and urban to be heard," commented Gerald Wilkinson, president of the NIYC in

committee on land claims.

The conference committee is slated to begin its meetings at 2:30 p.m. Tuesday afternoon and work through Friday or Saturday on writing a bill which will be acceptable to both Houses of Congress.

Senator Gravel, believes Wright, while promising support of the AFN in the Conference Committee, has not made a strong stand publicly. Congressman Nick Begich, he adds, had made no commitment to Alaskan natives even though he had worked diligently during House deliberations.

The strongest support, continued Wright, has come from Senator Ted Stevens. Although Stevens does not completely favor the AFN position, his proposal for 40 million acres of land in contiguous selection is the best he has seen, said Wright.

Senator Stevens told the TUNDRA TIMES last week that, the AFN has already foreclosed any effective opposition," against the report of the conference committee. Stevens noted that he does not support the AFN position because "there is a feeling (in Congress) that every time we find a way to accommodate a request that the request is increased."

The 40 million acre option, stated the Senator, is more in line with the wishes of the people in the bush. Stevens

(Continued from page 1)

said that he will live with the decision made in the Conference Committee.

If the AFN should request that the legislation be killed, he added, he probably would not go along with that request.

"I don't believe the AFN could kill the bill," says Stevens.

Senator Gravel, according to administrative assistant Joe Rothstein, will fully back the AFN position during the Conference Committee deliberations.

"Many people in Alaska have been saying that we have sold out to the natives and that we are dead politically," Rothstein noted.

"I hope that native people heard these comments and are aware of the position that we have taken."

Selection rights are expected to be the most divisive issue in the House-Senate conference committee, according to Rep. Nick Begich.

According to the House bill, Natives would receive first selection rights of 16 to 18 million acres. Then the state gets second pick and the Natives select what's left up to 40 million

acres. The Senate bill allows natives to select 40 million acres around their villages before any state selections or choose 20 million acres in surface title only and 10 million in fee title acres selected anywhere in the state."

## Chante...

(Continued from page 1)

TIMES. The problem is the plane fare. The plane trip to Nome would cost over \$300.

Besides their appearances at night clubs throughout Alaska, from Anchorage to Delta Junction, Chante and Michelle have given demonstrations of ESP at Anchorage high schools.

Although Chante (pronounced Shantay) has been conducting his mentalist, ESP and hypnotist act for many years on his own, his partner, Michelle, met him in Fairbanks only a few years ago. She discovered that she could hear him via ESP.

Anyone who knows of a way to get the duo to Nome should contact them at the King's Kup or contact Jim Silbaugh at the Northern Lights Motel in Anchorage.

## LEGAL ADVERTISEMENT

### NOTICE OF PROPOSED CHANGES IN THE REGULATIONS OF THE DEPARTMENT OF NATURAL RESOURCES

Notice is hereby given that the Department of Natural Resources, under the authority vested by AS 40.15.075, proposes to adopt regulations in Title 11 of the Alaska Administrative Code to implement, interpret, and make specific AS 40.15.070, AS 40.15.075 and AS 40.15.140 as follows:

1. All plats submitted to the Division of Lands shall contain the following certificates:

a. Surveyor's Certificate:

#### SURVEYOR'S CERTIFICATE

I hereby certify that I am registered to practice land surveying in Alaska and that this plat represents a survey made by me or under my direct supervision, and the monuments shown thereon actually exist as located, and that all dimensional and other data are correct.

Date \_\_\_\_\_ Registration Number \_\_\_\_\_

b. Certification of Approval by the State

#### CERTIFICATION OF APPROVAL BY THE STATE

I hereby certify that the plat of survey shown hereon has been found to comply with the survey requirements of the State of Alaska and is approved for recording in the office of the Recorder.

Date \_\_\_\_\_

Director

#### DIVISION OF LANDS

#### DEPARTMENT OF NATURAL RESOURCES

2. Any entity or person seeking to replat, change or vacate shall initiate the request for such action by filing an original petition and one copy of a survey plat showing the area of the petition request with the director, Division of Lands.

3. (a) The name of the petitioner or petitioners and land ownership relevant to the petition.

(b) The specific action or relief sought by the petitioner.

(c) A brief factual statement in support of the petition including, but not limited to, a description of the land involved and the reasons in support of the action or relief asked for in the petition.

(d) The name and address of a petitioner or attorney for the petitioners designated to receive service.

4. A filing fee in the amount of \$25 and an additional fee in the amount of \$100 to cover advertising, recording and other costs shall accompany the petition. Any unused portion of the additional fee shall be returned to the petitioners.

5. (a) The Division shall send a copy of the petition to applicable public agencies, utility companies, and all affected landowners not joining the petition, within a radial distance of 500 feet, requesting comments within three weeks.

(b) The Division shall publish a notice one week for three consecutive weeks in a newspaper of general circulation, published within the largest governing district in which the land is located or posted in the local post office or other places of general visitation.

(c) If a public hearing is warranted, the hearing shall be held in an applicable district office or recording office or other places so designated by the director, and shall be published in the news media to that effect giving pending action, time and place.

6. (a) If the petition is accepted and approved, the division shall execute a state platting resolution to that effect and shall be sent to the petitioners together with a notice indicating an amended plat must be constructed by a registered surveyor or a registered engineer and submitted to the division. A preliminary plat may be requested prior to final platting. The plat shall be constructed at the petitioner's expense.

(b) In the case of section line vacating, the following certificate shall be included on the plat.

#### SECTION LINE EASEMENT

#### VACATION CERTIFICATE

The State of Alaska, acting by and through the Commissioner of the Department of Natural Resources and the Commissioner of the Department of Highways, does hereby state and declare that the State of Alaska vacates and releases all right and title to any and all portions of section line easements and public highways reserved to it under Alaska Statute 19.10.010 with the subdivision depicted herein.

Date \_\_\_\_\_ Approved: \_\_\_\_\_

\_\_\_\_\_ Commissioner

\_\_\_\_\_ Department of Highways

Date \_\_\_\_\_ Commissioner

\_\_\_\_\_ Department of Natural Resources

(c) Once the plat is approved, the division shall send the plat and resolution out for recording. After recording, the division shall maintain the originals. All petitioners shall be notified of the final action and may request copies of the plat at a cost.

(d) If the petition is rejected, all applicable parties shall be notified and reasons why stated and no state platting resolution shall be executed.

7. Title to vacated areas shall be handled in accordance with AS 40.15.180. Notice is also given that any persons interested may present oral or written statements or arguments relevant to the action proposed at the hearings to be held at the following locations:

Fairbanks	Fairbanks Chamber of Commerce	1:00 P.M. December 20
	550 First Avenue	
Anchorage	Community Center	1:00 P.M. December 21
	607 Sixth Avenue Room 101	
Juneau	State Fish and Game Auditorium	2:00 P.M. December 20
	Support Building	
Haines	American Legion Hall	2:00 P.M. December 21

Persons not attending a public hearing may submit their comments to the director, Division of Lands, Department of Natural Resources, 323 E. 4th Avenue, Anchorage, Alaska, on or before December 22, 1971.

The Department of Natural Resources, upon its own motion or at the instance of any interested person, may at the hearing or after it, adopt the above proposals substantially as set out above without further notice.

DATE: 11-24-71

/s/ F.J. Keenan, Director  
Division of Lands

## Land Use Plan...

(Continued from page 1)

claim approximately 100 million acres on behalf of the Eskimo people in the Arctic and would be the largest private land holders in the proposed study area following enactment of the native claims bill.

The two Kotzebue legislators have sought information about the proposed study since September but were provided only a meager and meaningless responses.

Commissioner Chuck Herbert of the Department of Natural Resources did indicate that "the study team recognizes the fact that it is simply ridiculous to make meaningful studies without having participation from the people who live in the area..."

Sen. Hensley and Rep. Ferguson urge the Governor to seriously consider the recommendation of Commissioner Herbert and allow the Eskimo people to directly participate in the planning that will affect the use and occupation of land they have utilized and owned for centuries.