

# Subsistence Hope . . . ?

Public Law 92-203, Section 4(b): "All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submerged land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished."

According to Sam Dementieff of the Tanana Chiefs Conference, approximately one out of three Fairbanks residents speaking at meetings relating to fish and game resources are sport hunters and begin their statements by referring to Section 4(b) of Public Law 92-203, better known as the Alaska Native Claims Settlement Act. Dementieff further stated:

"We can be making significant progress toward improving our position on subsistence at a meeting and then a sports hunter opens his statement by referring to Section 4(b) and all progress is wiped out. Subsistence is becoming a forgotten word in state regulations."

Daily, and at will, anti-subsistence elements in the state are encroaching on traditional hunting and fishing patterns. Limited hunting seasons, trapping restrictions, limited fishing seasons and the closure of subsistence whaling are making criminals out of all subsistence people. While all of this is happening, what are the Native advocates doing to protect us?

Many of today's regional corporation leaders were at my "initiation" as a Native advocate several years ago and remember, or have been privately reminded of the event by me. I would like to describe what happened at that initiation. Maybe it's "guilt" for not pushing harder before, or lack of sleep because I'm worried, facing an unemployed winter with fish and game regulations sapping my ability to provide for winter needs and from seasons of battling with fish and game officials. Maybe I'm tired of having to fight for almost every fish my wheel catches. Whatever the reason for my feeling, I would like to share my story.

In August of 1971 I moved from Nenana to Fairbanks in anticipation of enrolling at the University of Alaska. I quite naturally sought and found the company of young Natives. With Rob Manning, employed as a youth counselor by the Fairbanks Native Center acting as a motivator we began to have "rap" sessions, discussing issues felt by young Natives and ultimately formed the "Native Youth Movement," a short-lived but forever-treasured Native youth advocacy group. Over the next three months I was selected Chief of the group and we organized activities, discussed police harassment and Native education, and familiarized ourselves with Native issues which ultimately led us to obtain and review a copy of the unpassed legislation now known as the Alaska Native Claims Settlement Act.

September and October led to a Tanana Chiefs Conference convention and an Alaska Federation of Natives Convention in Fairbanks. I attended, but at 18 years old and having no experience with Native organizations, I did not understand the relationship of the Tanana Chiefs and the Alaska Federation of Natives. I did not understand the discussions on the pending claims legislation.

However, I did not fail to press the issue of hunting and fishing rights with delegates of the conventions. Still, I could not bring myself to address the conventions in session. (My heart still pounds when I talk publicly.)

Bert Reamey, a fellow member of the Native Youth Movement and a university student, began working on funding for Native stu-

(Continued on page 6)

# Hope for subsistence . . . ?

(Continued from page 2)

dents to attend the November, 1971 National Congress of American Indians Convention in Reno, Nevada. Pure dedication and determination by Bert convinced the Associated Students of the University of Alaska Senate to appropriate funds for five students to attend the Reno meeting. Bert and myself were among the five. For me, having blown two opportunities to address conventions and publicly oppose passage of a land claims act that extinguished Native hunting and fishing rights, I looked forward to a third chance, determined not to blow it again. But blow it I did. Youthful determination and energy can never make up for experience.

Once in Reno, I worked through the night on a resolution to be acted upon by the National Congress of American Indians, calling for reconsideration of the land claims bill until the language terminating hunting and fishing rights for Natives was stricken from the draft.

(I do not have a copy of the resolution nor can I reconstruct the resolution from memory, but would appreciate a copy if someone has one).

The next day, Bert and I looked around for some way to have the resolution typed. To our amazement, the convention provided this service at no charge, as well as copying services. With several hundred copies ready for distribution, Bert and I waited for our chance to plead our case to the convention. Little did we suspect that members of the Alaska Native delegation somehow obtained a copy of the resolution and we were asked to refrain from introducing it until we met with an Alaska Native caucus at noon. Reluctantly, we agreed.

As soon as we entered the caucus room, I knew we were in trouble.

"Do you know what this would mean to the claims effort?"

"Do you realize what effect this would have on our years of work to obtain a claims settlement?" (I didn't and still don't).

The delegation was furious. Reluctantly again, we agreed to postpone introduction until next day, pending the arrival of then-AFN President Don Wright and other key members of the Alaska delegation. There would be another caucus that evening to discuss the resolution.

Nervous is an understatement to describe our feelings while waiting for the caucus. We knew we were in for a struggle and all efforts were made to prepare our argument.

Since Bert was the older of the two of us, it was upon him that the Alaska delegation fired a barrage of questions. The delegation was a "who's who" of the land claims effort. Immediately I responded, determined not to miss my third chance. I informed the caucus that Bert had gotten me there and that the resolution was my idea and that any questions were perhaps better directed at me. Delegation leaders asked me why I had drafted such a resolution.

"Simple," I responded, "I am deeply concerned that Section 4(b) of the act, extinguishing our fishing and hunting rights threatens to destroy our way of life. How will we feed ourselves with no legal means to protect our subsistence needs?"

The Alaska Native Caucus responded: "This act does not mean that hunting and fishing will stop. It just means a settlement of our claims, a correction of the injustice committed when the white men came to take over Alaska."

"That's fine for now," I countered, "but what legal means do we use in the future? We are giving away our legal rights."

The caucus argued: "This is a final settlement of our claims and Congress is very concerned about settling all claims with one act, to finalize things so the issue is resolved. You see, this settlement is intended to compensate Natives for white people taking our land."

I replied: "I do not disagree with the claims act; I know we've been ripped off, but so little we gain for so much to give away."

Patiently, the leaders of the caucus responded: "There was a time not too long ago when we almost settled for a lot less, we have worked very hard to get the settlement increased to this amount. We are told by people who have been associated with Washington for many years that there has never been a lobby so sophisticated and dedicated to this cause. This lobby can work to amend this bill to take out the statement about terminating hunting and fishing rights, but we need that act!"

Hopelessly outclassed, I feebly responded: "Are you sure that this language can be taken out? Are you absolutely certain that our subsistence lifestyle will be protected? Besides, when does anyone

(Continued on page 7)

(Continued from page 6)

ever listen to young people. How can we be sure?" (Typical 18-year-old, full of questions).

Masterfully, and almost paternalistically, I was assured that upon passage of the act everyone would work toward repealing that section. No official action was taken by AFN, (just a caucus commitment that action would be taken). Not only that, they told us, but we are going to appoint one of you as Alternate Vice-President of the National Congress of American Indians representing the Alaska area. Bert and I agreed that he should serve because he was older; of course, he would only be called if the vice-president himself were not available.

(Very little was done by the Alaska caucus at later National Congress of American Indian Conventions and attendance is still down. I don't remember Bert ever being called to attend a single meeting).

I was elated; I thought those guys were pretty neat. Imagine solving my deepest concerns about protecting subsistence in such a short time. I thought to myself, of course I won't introduce the resolution, I accept your solution and look forward to observing and possibly helping on the issue.

Now, in 1977, I know that I was methodically hoodwinked by some of the shrewdest politicians I ever hope to encounter. For, six years later, I am still waiting for the big move. No effort has been made by anyone, least of all those who promised such action, to restore or seek recognition of Native hunting and fishing rights that Congress was so reluctant to admit even existed.

Since then I have been extensively involved in the Tanana Chiefs Conference and I have done what I could on subsistence, but the real influence that Native people have seems lodged with the regional corporations. It is their turn to take action.

Today, I am preparing for the upcoming Alaska Federation of Natives Convention, six years after the National Congress of American Indians meeting in Reno. I approach this year's convention with extreme skepticism. The theme of the convention, I hear, is "subsistence" and a lot of the time will be spent on this issue. However, I hear too that several of the speakers are officials from the Department of the Interior or other government agencies. I wonder what they know about subsistence.

I do not wish to be classified as a rural dissident stockholder or some such rot that has been in the news so much lately. The regional corporation leaders have accomplished so much in a short time. I am proud of Doyon, Limited, my own regional corporation.

But the hard truth remains: Section 4(b) of the Alaska Native Claims Settlement Act abolished any hunting and fishing rights that existed at that time. However, to the best of my knowledge, there were no formal hunting and fishing rights established in 1971, nor are there any in 1977. How can the land claims act extinguish what was never totally defined and therefore never formally existed? Anti-subsistence forces will argue that the land claims act extinguished subsistence rights, but the famed "duck-in" in Barrow in 1961 never really defined a right; it was simply an informal agreement not to enforce a law that prohibits Natives from hunting eider ducks! Hell yes, extinguish that "right" and replace it with a right that allows Natives to hunt ducks and geese in the spring, as well as all the other rights we Natives need.

How can Congress, or anyone else, take away a right that has never been legally defined or described? I suggest that the very fact that our hunting and fishing rights have never been clearly laid out gives us a golden opportunity to reassert these rights.

I have heard that Native Americans in the Lower 48 states are making some progress in states in which they are significantly more of a minority than we Natives are here in Alaska. Their advocates, their lawyers are the people we should be consulting.

You can bet that Section 4(b) of the land claims act will be the "guts" of the subsistence issue. We will either use it as an opportunity to protect ourselves or allow (as I feared in 1971) anti-subsistence forces to continue to interpret Section 4(b) as an extinguishment of our "life."

I am going to attend the AFN convention this year and would enjoy discussing this issue with anyone.

Mitch Dementieff  
Nenana