

UTA: Cooperation vowed

By Bill Hess

Tundra Times

Anger at the frustrations created since the passage of the Alaska Native Claims Settlement Act frequently boiled up during the proceedings of the first General Assembly of the United Tribes of Alaska. Yet when the meetings ended, there was widespread agreement to band together, and to work in a spirit of cooperation with the Alaska Federation of Natives.

During the UTA meetings which took place from Oct. 17-19 at the Anchorage Westward Hilton, issues ranging from how Alaskans might use the Indian Tribal Government Tax Status Act to raise revenue to the often contentious subject of relations between the tribes and the state were discussed.

The meetings opened with a workshop conducted by attorney Bert Hirsch on the tax status act. UTA Chairman Willie Goodwin, who retained the leadership of the organization by unanimous consent,

called the General Assembly together the following morning after which working committees and procedures were established.

Thomas Berger, the director of the Alaska Native Review Commission established by the Inuit Circumpolar Conference to study the effect of the Alaska Native Claims Settlement Act, gave the keynote speech.

Berger assured the delegates that in gathering his information, he would visit villages and urban areas statewide. "These village meetings will form the backbone of my commission. The people who live day to day with ANCSA know what has happened since 1971. They can speak for themselves," Berger said.

The atmosphere was a little more tense in the afternoon as delegates and observers gathered to hear an address by AFN president Janie Leask.

Leask told delegates that UTA had done "a great service" when it had first been organized by announcing that

Leask to UTA: Many of your

(Continued from Page One)

it would not be competing with AFN. "Many people in this state would like to use our differences to drive a wedge between us," said Leask.

She also agreed with the delegates that ANCSA "did not in any way abolish tribal sovereignty." The question, said Leask, was not if sovereignty existed, but rather what direction it would take in the future.

Leask said that AFN "would be willing to work with you in any way possible . . . it is important for you to know that some of the most fundamental concerns you have are also some of ours."

Leask also said that AFN had not taken a position on the issue of tribal sovereignty and would not until the board of directors could thoroughly discuss the issue.

"Perhaps the corporate structure passed by ANCSA may not be the vehicle for Alaska Natives," she said.

After her speech, Leask was asked if AFN was holding a fundraiser for Senator Ted Stevens. She answered that Ice Block, a Native political action group closely associated with AFN would be hosting the event, which was held late Saturday night.

Stevens' stance that tribal sovereignty is a matter to be decided by the Alaska governor and the state Legislature has brought him into disfavor by most of the members of UTA, who argue that tribal sovereignty is an inherent right which the United States is bound to protect, and in which the state cannot interfere.

States and tribes should deal with each other on a government-to-government relationship, UTA argues.

UTA later passed a resolution boycotting the fundraiser, but the dance packed the house at the Westward.

After more questions, some dealing with the organization and authority within AFN, Sheldon Katchatag of Unalakleet made a motion that a video tape brought in by Archie Gottschalk, originally from the Bristol Bay region, be shown. With loud applause, the motion carried.

The tape, made shortly after the passage of ANCSA, showed John Borbridge, Emil Notti, then state Sen. William Hensley and Juanita Corwin discussing the function of AFN, Inc., which had just been formed to replace the Alaska Federation of Natives, a group which had been formed primarily to lobby for Alaska Natives during the years leading up to the claims settlement.

"I think the president of AFN should be here to witness this tape," said Archie Gottschalk as Leask walked by. The tape aired a discussion where the participants talked of how the board of AFN, which would consist of a representative selected by each of the



Delegates from Southwest Alaska caucus just before the election of new officers for UTA.

PHOTOS BY BILL HESS

12 regions within Alaska, would have the ultimate power within the organization.

There was also talk of how, when AFN, Inc., was formed, it had abolished its mother organization.

"I have no desire to tear the Native community apart," said Gottschalk after the showing, "but who is speaking for us? I want an accounting!"

It had been rumored that a move would be made to convene a meeting of the original Alaska Federation of Natives, but no action was taken and the tape was not discussed further by the General Assembly.

While villages in Alaska have largely been looking toward tribal governments formed under the Indian Reorganization Act and traditional councils functioning in similar ways, the next speaker suggested that perhaps the IRA concept was out of date.

"You may have been led to look at the situation of the Native people in Alaska in the wrong light," said Russell Barsh of the University of Washington School of Business Administration.

Barsh has done extensive work within the United Nations and represents the Micmaq tribe of Canada, which has declared itself independent of North America's largest nation.

Barsh argued that the laws and concepts which the U.S. applied in making Alaska a state and legislating ANCSA are long outdated and they "have no place in the modern world."

According to Barsh, international law signed within the U.N. by the U.S. dictates certain safeguards to insure that

colonies of stronger nations are given the opportunity of self-determination. They can choose to assimilate, or they can choose independence or an option somewhere in between, said Barsh.

He argued that the common consent necessary never took place in Alaska. Barsh pointed out that the American colonies of Puerto Rico and Micronesia have conducted "plebiscites" to determine their future role within the U.S.

The two colonies were both geographically and ethnically distinct from the main body of the U.S., and therefore international law, which has been agreed to by America, demanded that a plebiscite be taken before statehood or any other action could be taken. The law also insured that the plebiscite be conducted in a manner approved by the U.N.

Before Alaska was made a state, Barsh said, the U.S. went to the U.N. Security council before proceeding with the statehood process. There, the government convinced the U.N. that Alaska was in fact an essentially white cultural extension of the U.S.

"There is no agreement between Alaska, or the Alaska Native people as a group, ceding their sovereignty to the U.S.," said Barsh, adding that there are no treaties, arguing that ANCSA did not deal with sovereignty and had been adopted without any widely based common consent, such as the plebiscites in Puerto Rico and Micronesia.

However, Barsh also warned of two other ways indigenous groups can lose their sovereign

status to more powerful nations. "Not by conquest," he said, pointing out the Soviet invasion of Afghanistan. "No legal rights are acquired by force . . . those rights are merely suspended until the belligerent occupation is brought to an end."

However, a group of people can, as a practical matter, lose their inherent sovereignty

through "acquiescence," by living within a system for a long time, or by "dependence," becoming addicted to the support of a stronger nation. Barsh cited examples of former colonies of European nations which have been denied national recognition by the U.N. because their military, social system and govern-

(Continued on Page Thirteen)



The Point Hope Dancers appeared at Quiana Alaska.

concerns are our concerns

(Continued from Page Twelve)
ment structure was still dependent on the colonialist nation.

Barsh cited different ways he felt Alaska Natives could use the United Nations and the World Court as vehicles to help them assert their sovereignty, but warned it would be a hard journey and would take years to accomplish.

He also discounted tribal governments formed under the Indian Reorganization Act, which many villages are looking at as a possible solution to the problems they face as 1991 approaches.

Barsh said that the IRA "had been effective in preserving sovereign tribal government as an idea," but had failed in protecting the actual exercise of the governments.

Although Barsh's ideas generated considerable interest and would be brought up several times throughout the remainder of the General Assembly, Unalakleet delegate Sheldon Katchatag questioned their practicality.

"I do not see where we can get anywhere trying to bump heads with the U.S.," said Katchatag. "We have to decide as a people where we want to go . . . We're going to have to figure out a way to work with the U.S., and the State of Alaska. UTA is a good tool."

When Edwin Phelps got up to speak, he found himself facing a mostly suspicious audience. Phelps, from the Educational Services Group of Management Concepts, Inc., explained how MCI would carry out the 1985 study it has been commissioned by the U.S. Department of the Interior to do.

The study is to be presented to Congress in 1985 to determine how ANCSA has worked to that point, and to decide what further action may be necessary.

Phelps said the study would be divided into six parts covering such things as history; the performance of the corporations; federal and state agencies formed because of ANCSA; the feelings of shareholders; and other topics related to the act.

A seventh section would be added from the Secretary of the Interior in which he would make his recommendations to Congress. The study would be researched in Alaska and written in Washington, D.C., said Phelps.

Delegates had clear misgivings about MCI's role in the study. The following day, they would pass a resolution condemning the awarding of the study to MCI.

Steve Cowper received a more friendly reception. Cowper chairs the Board of Trustees Alaska Permanent Fund Corporation, and in the last

election ran in the Democratic primary for governor against Bill Sheffield.

After explaining how 10 percent of the state's oil revenues go into the Permanent Fund, and how half of this goes into individual dividend checks and the other half is invested to increase the value of the fund, Cowper said business and political interests in the state are seeking to divert the money from its current uses to invest in low-cost housing loans and other local business projects.

Cowper argued that such programs would keep the benefits of the fund strictly in the cities and out of Rural Alaska and tear the fund down to meaningless levels in a very short time.

Then, when oil revenues coming into the state begin to taper off late in this decade and in the early 1990's, there would be nothing there for the state to draw on for revenue.

"That will be about the same time as your land will become taxable under law," said Cowper. "When the state starts running out of oil money, they're going to start scrambling for taxes."

Whatever happens, Cowper promised that the taxes will be high. Yet, a healthy Permanent Fund could keep them considerably lower, and ease the tax burden faced by Natives.

Victor Haldane of Hydaburg argued that the tribes would be seeking status similar to that

won back by the Menominee of Wisconsin after they had been terminated by the government. The Menominee had their trust status reinstated with the federal government, and thus were spared having their lands subject to state taxes.

Although Alaska Native children born after ANCSA was passed in 1971 are not entitled to any of the act's benefits unless they inherit them, Steve Erlich assured the delegates ANCSA had no effect on children's membership within tribal governments.

ANCSA membership was determined by the federal government, said Erlich in a Wednesday morning address. Tribal membership is determined by the tribes themselves.

Erlich also suggested that

one option villagers might have to see that their children share in ANCSA benefits would be to develop codes for chartering corporations. ANCSA corporations could then possibly be rechartered under the tribes, with protections they do not have while being chartered under the state.

Erlich stressed that the corporations would not necessarily be owned by the tribes, but would be "citizens" of the tribes.

Andy Johnson of Kenai called on tribes to assert jurisdiction over fish and game in their lands during a frustration-filled discussion of fisheries. Johnson told how his people were ruled "urban" and not qualified as subsistence users because they were on the road system. "We need the subsistence," protested Johnson.

"We're no more urban than Kotzebue or Point Hope. . . I'm sorry to alert the people here; it's going to happen to you next!"

Ted Katcheak of Stebbins said the tribes needed to take action to free themselves of the state's limited entry permit laws. "Some villages have no commercial fishing," Katcheak said. "It's not just for Stebbins, not to have a fishery. We have a lot of fish."

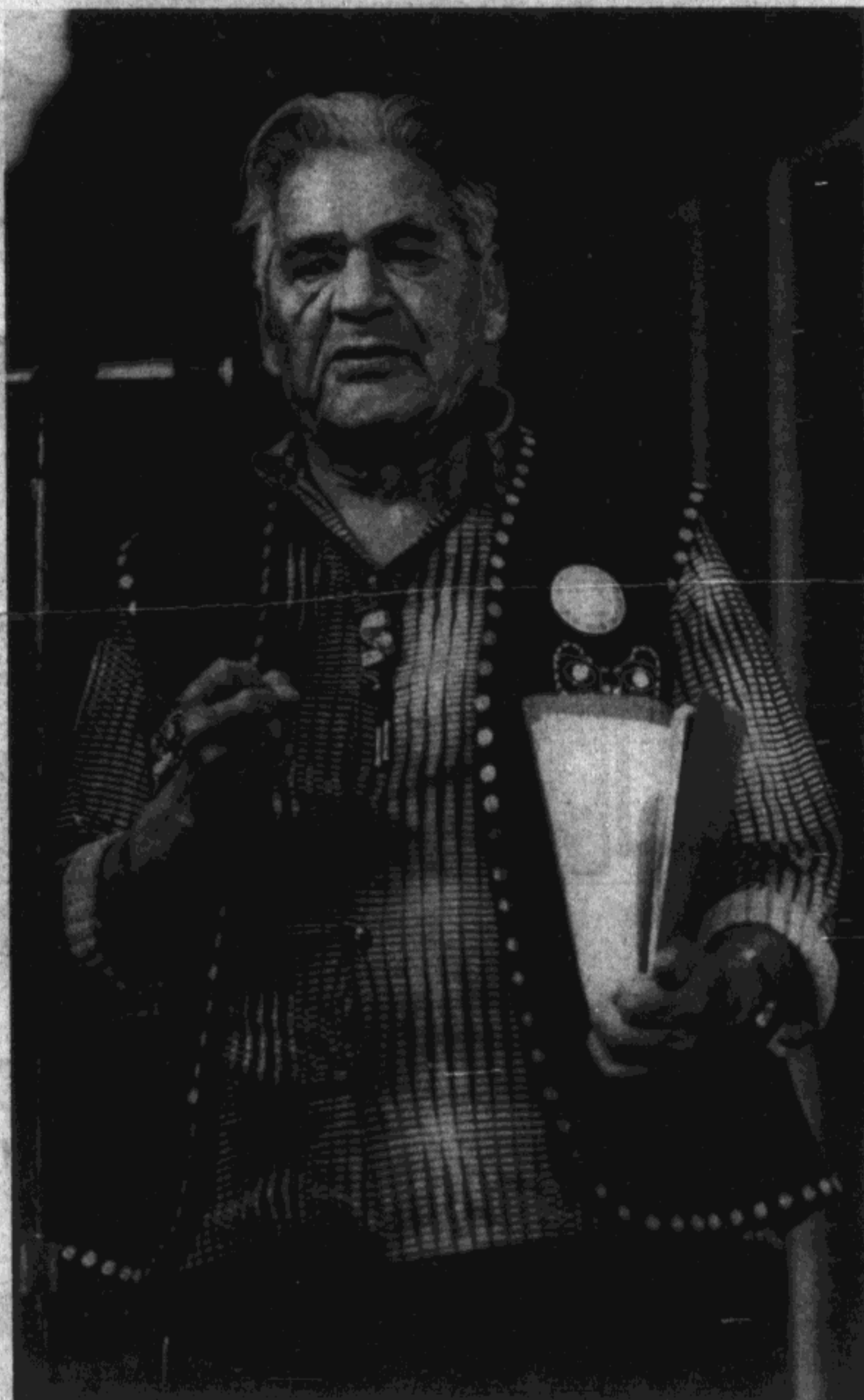
An elderly observer who spoke only in Yup'ic told of his feelings about what was happening, both with fishing and hunting. "Our land was illegally sold." Sam George of Akiachak interpreted.

"I know for a fact it wasn't done right. For example, if someone initiated land ownership in Anchorage, and he didn't have title, he'd be kicked out! We should investigate ways to protect our rights."

State and tribal relations were discussed in the afternoon by the largest and most dynamic panel to appear at the General Assembly.

Native legislators Al Adams, Jerry Ward and Tony Vaska joined with others in supporting a recommendation made by the Alaska Statehood Commission calling for a joint federal/state and "Native organizations" fact-finding and advisory body (see next week's Tundra Times for a more detailed story) to air and help reconcile problems that arise over "land, resources, and other interests."

Kotzebue's Willie Goodwin was elected chairman; Sheldon Katchatag of Unalakleet vice chairman; Theresa Peoples, secretary; Al Goozmer of Tyonek, treasurer. Bill Barr was voted in as the area vice-president from Nome; Gary Ricketts, Fairbanks; Andy Johnson, Anchorage; Willie Kasayulie, Bethel; and Frank Williams, Juneau.



Victor Haldane of Hydaburg participated in both the UTA and AFN meetings.