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papers prepared by other groups;

4. Studying, questioning, challenging any premises of the Indian Health Service and Bureau of Indian Affairs regulations if they appeared unsuitable for Alaska.

5. Voicing concerns and recommendations about the regulations through procedures determined by their group. Comments were then summarized daily for all attending participants.

6. Reviewing daily comments of other groups to discover what issues were raised about other parts of the law.

Two documents helped the groups become aware of both positive and negative implications of P.L. 93-638 as it affects Alaska Natives.

These were the proposed rules and regulations for P.L. 93-638, one by the Bureau of Indian Affairs and published in the Federal Register of September 4, 1975; and another by Indian Health Service, published in the Federal Register of September 15, 1975.

With these documents and with the aid of the consultants the groups exercised the right of self-determination: The right of a people to decide upon their own political status or form of government, without outside influence.

With self-determination, the various groups learned these facts about P.L. 93-638 as it affects them.

The purpose of P.L. 93-638 puts the responsibility of administration to the Indian tribes with the monies provided by the federal government.

First, the law restates the right of the Indian tribes to self-determine their health and education options in terms of contracting for these services with the federal government. This law sets forth important rules and regulation procedures for contracting. The Secretary of Interior and Secretary of Health, Education and Welfare will contract with the Indian tribes or organizations who request it.

Second, the law has a declination procedure. Declination means a refusal of a contract proposal by a federally appointed government agent, such as Bureau of Indian Affairs or Indian Health Service. If this happens, the agent has to give specific reasons for turning down a contract.

Third, the law provides the Indian tribes or organizations with administrative review, a process of appealing a declination decision by a government agent.

Fourth, the federal government has to provide technical assistance to Indian tribes or organizations to develop their capabilities to contract. Technical assistance may be in the form of an accountant, personnel procedures, and so forth.

Fifth in the area of personnel, the federal agents have to help the Indian tribes or organizations make it easier to utilize government employees within the contract.

Sixth, the law provides for retrocession—the right, without prejudice, of returning a contracted program back to the Secretary of Interior.

Seventh, the law also provides for reassumption, which provides the Secretary of Interior of both Health, Education and Welfare

and Bureau of Indian Affairs the right to take back any contract program for lack of performance or for other specified reasons.

These were just a few of the major points, though it is not all that pertains to this complicated law.

In reading and evaluating P.L. 93-638 as it relates to Alaska Natives, all groups agreed that there needs to be a redefinition of "Indian tribe" as this term relates to lower '48 reservation Indians.

The definition as used in both H.E.W. and I.H.S. proposed procedures does not include Alaska Native uniqueness. Alaska does not have tribes or tribal councils.

The biggest difference is that Alaska does not have a reservation system as it exists in the lower '48. A reservation is specifically set aside for Indian tribes, and those residing on the reservation exercise a considerable amount of sovereignty within its reservation boundaries to the exclusion of the State.

Sovereignty is the power above and beyond which no other power exists. State law does not apply on reservation boundaries. Alaska Natives do not have territorial sovereignty, but they have the monies and the land. Lower '48 reservation Indians have a recognized land base, so they can control it, but they don't have the money.

Alaska Natives need to redefine what the contracting organization will be in Alaska.

The definition of "Indian tribe" raises a controversial question in the state of Alaska. Who is a tribe? Can a group of tribes delegate to a region or another group the authority to contract for them? There is a problem on the definition of village under Section (h) of the Indian Health Service proposed procedures.

The question is: Who has the authority to contract? It is a village or a village corporation? Also how does a tribal organization fit into this definition in comparison or in relation to a village? For example, one could have a tribal organization within a village not composed of the entire village that would be competing for contract funds with the village corporation.

There definitely needs to be a redefinition and clarification on the issue of who is an Indian tribe. This needs to be done on the regional level and the statewide level.

A fifth group formed to explore alternatives to this thorny question. John Wabaunsee, Native American Rights Fund attorney, guided the discussion and recommendations of this group. The recommendation produced from this group was this:

Since only a limited number of regions were represented, the group felt that the solution to the definition of "Indian tribe" as applied to Alaska can only be achieved with statewide participation. They recommend that Bureau of Indian Affairs provide a grant for Alaska Federation of Natives, Inc., to study the different alternatives and their implications of changing the definition of "Indian tribe".

Indian or Indian tribes represent a special class of people in America. Therefore, Indian law

is class law. As shown by the question raised as to who is a tribe, much of Indian law reflects a groping for a definition of Indian or Indian tribe which is acceptable for legal purposes.

P.L. 93-638 is the tool to make Indian Self-Determination a reality. Jacob Pompan, contract lawyer from Washington, D.C. says: "It will never be 'given' to the tribes; the H.E.W. Regulations are clear evidence of that. Within those Regulations are the bureaucratic procedures which the Indians can use to make the system work in their favor. Aggressive use of the waiver system will bring results.

"Aggressive use of appeal, both within the Agency and, if necessary, outside will also be effective if the Departments are reticent to provide the Indian what was intended by P.L. 93-638."

"However, while the burden is properly on the Department before they can refuse an application of any kind, true success under the Act demands that the Indian work aggressively within the system and take maximum advantage of every opportunity which the system provides to assist the Indian in reaching his goals."

To quote Vine DeLoria, noted Indian writer: "The Indian now needs to create techniques to provide the economic strength needed to guarantee the survival of what he has."

Self-Determination is becoming a reality.

CINA Plans Putting on a Big Potlatch

If you enjoy Native dancing, the night of Oct. 18 will be a good one for you. The Cook Inlet Native Association will host its 11th Annual Potlatch, starting at 6 p.m., at the NCO Club of Ft. Richardson, on that night.

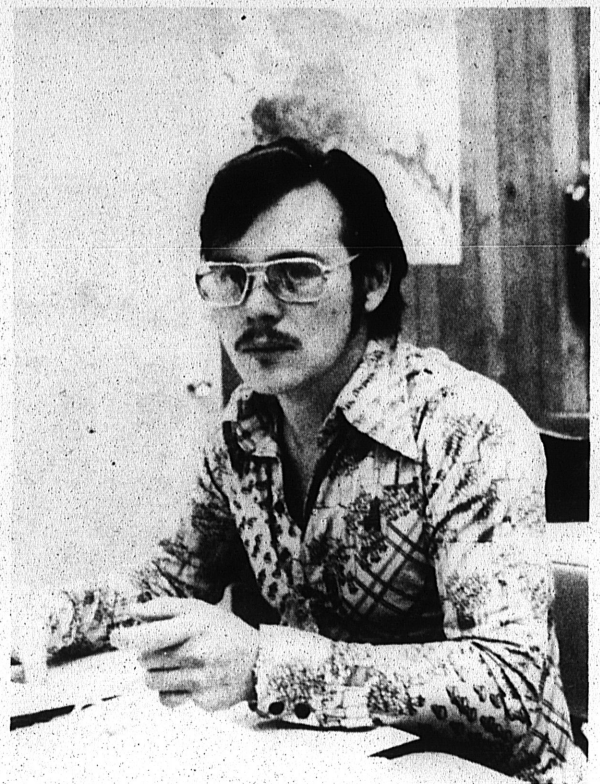
Featured on the dance program, scheduled to begin about 8:30 p.m. at Buckner Field House, will be the Saxman Cape Fox Dancers, a Tlingit group from Ketchikan; the Minto Dancers, an Athabaskan group from Minto; and two Eskimo groups, the famed King Island Dancers and the energetic Chevak Dancers.

Money to bring these groups to Anchorage was received from the CINA Bingo Committee, Alaska State Council on the Arts, BP Alaska, Mr. Walter Hickel, Cook Inlet Region, Inc., and the Native Assistance Center.

Another attraction of the potlatch is, of course, the Native food. This year, CINA will have moose, caribou, seal, ducks, whalemeat, muktuk, smoked and regular salmon, agutuk, shrimp, crab, bear and porcupine.

Door prizes will be given, which include a woven grass tray, grass basket, birchbark basket and an Anaktuvuk Pass mask. A Weatherby rifle will be raffled off during the evening.

Tickets are available at CINA for both the potlatch and the raffle, 670 W. Fireweed Lane, or can be purchased at the door. Admission is \$6 single and \$10 couple, however, if you bring a large pan of food, you will get in free.



ELECTED representative, Robert J. Clark, Dillingham, went to Washington, D.C., with position paper for AFN, Inc.



A LIGHT MOMENT at a heavy meeting. L. to R. Robert J. Clark, Dillingham, Jacob Pompan, government contract lawyer, Washington, D.C., and Carl Jack, AFN Inc.

Questions and Answers veterans administration

FOR WHAT PURPOSES CAN A VETERAN USE HIS OR HER GI LOAN?

- A. To buy or build a home.
- B. To buy a condominium home.
- C. To repair, alter, or improve a home.
- D. To buy a mobile home and/or a suitable lot.
- E. To refinance an existing home loan.

ANSWER: ALL OF THE ABOVE



For information, contact the nearest VA office (check your phone book) or write: Veterans Administration, 271A, 810 Vermont Ave., NW, Washington, D.C. 20420