

Secondary Native Students Sue Education Commissioner

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Staff Writer

Molly Hootch, age 16, is a secondary school age child, an Alaskan Native, a citizen of the United States, whose community of residence and home is Emmonak, Alaska. She has completed the ninth grade.

During the 1971-72 school year, Molly Hootch was transported approximately 500 miles from her home at taxpayers'

expense to attend Dimond High School in Anchorage.

Molly and twenty-seven other Native teen-agers have filed suit in Superior Court in Anchorage against the Commissioner of Education, Marshall Lind; seven members of the state Board of Education; the director of the Boarding Home Program, James Harper, and the State Operated School System and Stanley Friese, its superintendent.

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The civil action was brought by Eskimo, Indian, and Aleut school-age children "to secure their right to an education in their community of residence and to redress a willfull and continuous pattern of racial discrimination against Alaskan Natives in violation of the constitution and of the laws of the United States and Alaska.

Student plaintiffs in the complaint reside in three Eskimo communities: Emmonak, Kwigillinok, and Kongiganak. However the suit charges that the state of Alaska has failed to provide secondary education in a total of 145 villages with a population of 50 per cent or more Alaskan Native people.

The suit makes a comparison with predominantly white communities. There are less than ten cities, communities, or villages with a majority of whites where the state does not provide a secondary school.

The state requirement is that in each community where such a secondary school is required there must be more than eight children eligible to attend elementary and secondary school. All of the villages participating in the suit meet this requirement.

Claiming that there is "no compelling state interest to justify defendants' racial discrimination", the schoolchildrens' suit alleges that there has been "a disproportionate share of state, federal, and local funds for the benefit of secondary education for white children and have thereby denied plaintiffs the equal protection of the law."

The suit was filed by Christopher R. Cooke of Alaska Legal Services on behalf of the persons named and "all other persons similarly situated."

The plaintiffs allege that "in order to attend secondary school they, and a highly disproportionate number of Alaska Natives must leave their homes, families, and communities of residence for approximately nine months a year and enter a boarding school or boarding home program."

It charges that if they do not wish to leave home, are not able to leave, or refuse to leave, they are denied further education. In many cases, and as a result, the suit claims, many Alaska Natives do not finish school.

The present suit is a continuation of a suit brought in August. That suit was settled out of court when Judge James K. Singleton ordered the Bureau of Indian Affairs, which operates an elementary school in Emmonak to send a high school teacher, charging the salary to the State Operated Schools.

The BIA runs 53 grade schools throughout the state, but is supposed to be phasing out its role in Alaskan education and turning its rural schools over to SOS.

To date, however, SOS has not had sufficient appropriations to assume the operation of all schools, and without BIA help some villages would have

no schools at all.

The legal brief filed in Anchorage states that: "All children of Alaska, including the plaintiffs, have a right to public education."

The case will test this right to the limits and bring before the public the full issue of the inadequacies of secondary education in bush Alaska.