

Slope Sues State, Interior--

Nine-Page Complaint Talks for 8 Villages

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On Tuesday, October 5, Charles Edwardson, Jr., filed suit in the Washington, D.C. Federal District Court on behalf of the Arctic Slope Native Association and the Inupiat Community of the Arctic Slope.

The plaintiffs, listed as the ASNA, the Arctic Slope Inupiat Community, the eight villages of the Arctic Slope, and 15 individuals, asked that the tentative approval of state selections granted by the Interior Secretary in the Arctic Slope region be cancelled, that the Interior Secretary be enjoined from granting further tentative approvals, and that the Arctic Slope be given

an accounting of revenues received from the state-selected lands.

"For as far back as anyone knows," the nine-page complaint argues, "the plaintiff Eskimo people have occupied, used and exercised dominion over the entire Arctic Slope region of Alaska.

"This area comprises a well-defined parcel of fifty-six and one-half million acres of land between the summit line of the Brooks Mountain Range and the shore of the Arctic Ocean, from north and south, and from the Canadian Border to Point Hope from east to west.

"Since time immemorial the people of the Arctic Slope Native Association, the Inupiat

Community of the Arctic Slope, and their ancestors, have made their homes on this land and have used it to hunt, fish, trap, and gather food, water and fuel.

"Through a slow period of adaption, they have forged a unique and sophisticated culture peculiarly adapted to the harsh and sparse arctic surroundings. Their use, occupancy, domain and ownership were unchallenged by Russia during her sovereignty over what is now the State of Alaska and have remained uncontested by the people of this country up until the time of the discovery of oil on the Arctic Slope.

"At no time has this land been invaded or conquered and

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the plaintiffs have never ceded any part of their land by treaty or otherwise."

The complaint summarized the process through which selections were made of the Arctic Slope lands, approval by the Interior Secretary of those selections, and the sale of over 900 million dollars in leases by the state.

The Interior Secretary's action, argued ASNA, was in violation of "his legal duty as trustee and guardian for the plaintiffs."

They argued further that the land selected violated Section 6 of the Alaska Statehood Act because it was occupied, appropriated, reserved and used by the Arctic Slope Natives.

ASNA also stated that the Secretary acted in violation of the "disclaimer" clause of the Statehood Act, in which the state disclaims interest in land held by Alaska Natives.

Due process of law guaranteed in the Fifth Amendment was also violated, ASNA said, because the Arctic Slope Eskimos were not given adequate notice of the selection and subsequent granting of tentative approval.

"Finally, all leases, sales, conditional leases and conditional sales made under the authority of such tentative approvals are invalid and in violation of Section 6 of the Alaska Statehood Act for the land leased or sold was not 'vacant, unappropriated, or unreserved' as required by that section," the complaint argues.

In addition to Secretary Morton, the complaint named BIA Commissioner Louis R. Bruce, Assistant Secretary for Public Land Management Harrison Boesch, and Bureau of Land Management Director Burton Silcock as defendants.

Bruce was named, according to ASNA counsel Fred Paul, "in order to emphasize the trust responsibility of the United States." Bruce can also put input into the management of the case from the defendant's standpoint, he added.

Paul placed much of the blame for non-protection of Arctic Slope Eskimo rights on a conflict within the Interior Department. Protection of Indian rights conflicts with the administration of public lands because of over-emphasis of the BLM role, he said.

While testimony from the Eskimo plaintiffs will be valuable, Paul noted, the ASNA suit will be won or lost on the testimony of anthropologists," stated Paul.

According to Paul, no date for a hearing on the case can be set until a response is received from the defendants. A maximum of 40 days is allowed the defendants to respond through the Justice Department.

Response from the AFN to the ASNA action has been favorable. AFN president Don Wright stated that the action is a "solid lawsuit" whose effect is "being heard throughout the world."

The suit, on the verge of being filed for the past six years, is believed to indicate the dissatisfaction of the Arctic Slope with the land claims bill expected to be passed by the Congress.

Prior to filing the complaint in Washington, ASNA Executive Director Charles Edwardson, Jr., told the Tundra Times that he wished to commend the House Interior Committee members for their claims proposal.

While commending the "friend of the Alaska Natives on the House side," Edwardson condemned Alaska Senators Ted Stevens and Mike Gravel, who

are "not the friends of the Alaska Natives."

Should Stevens and Gravel choose to be friends of the Alaska Natives, Edwardson stated, they shall "run jointly with a non-discriminatory attitude."

Edwardson attacked the pair for "allowing" the village of Nooiksut to be deleted from the list of villages eligible to participate in the settlement under the Senate Interior Committee proposal.

"Eskimos have died there and rested in peace. There are not 25 people there, but their graves number over 25," he said.

Edwardson also expressed dis-

satisfaction with Senator Stevens for a "blackmail" amendment to the Senate bill which would prevent Natives with pending allotments from sharing in the economic provisions of the bill, and for failing to treat all Alaska reservations the same under the proposed legislation.

Edwardson had praise for Alaska Congressman Nick Begich, to whom he shouted demands in Washington last spring. "Congressman Begich has masterfully and beautifully executed his responsibility to those among the Alaska Native people who voted for him."