

letters

Subsistence

Lime Village
via McGrath, AK 99627

Dear Editor:

I strongly agree with your editorial comment on "Subsistence Framework," in the March 28, 1979 newspaper.

I am very interested in what the meeting came to an end to. That is, I would like more information on it in your next newspaper.

Sincerely,
Anna Dick

Viewpoint

Editor
Ketchikan Daily News
501 Dock, Box 7900
Ketchikan, Alaska 99901

Dear Editor:

It is important that the Indian "viewpoint" be applied, and also bear in mind, "(T)hat the natives in Alaska shall be subject to the laws of the U.S. that shall be passed from time to time for those Indians of that land."

Some misconceptions still held by many, as expressed in the Daily News of Ketchikan, relative to a proposed fish tax, "that fishermen could sell to Metlakatla to avoid said tax."

In 1935, Public Law 89-130, an Act of Congress, was enacted, giving authority to the Tlingit and Haida Tribes to sue the United States of America and jurisdiction was conferred on the Court of Claims. Because of the law of 1881, the Tlingit and Haidas were required to establish aboriginal rights in Alaska, Indian Title, which in turn will be protected as a property, under the 5th Amendment of the U.S. Constitution.

For the sake of brevity, very small portions of law are quoted.

Conclusion of Law- Sec. 3.
The policy of the Government to respect aboriginal possession of land by Indians applies to lands ceded by

letters

Russia, under the Treaty of 1867, with the United States.

To clear the statement relative to the sale of fish to Metlakatla, the Department of Interior states the following, use of Annette Island as the only Reservation not true.

Departmental recognition of Native communal forms of landholding is the practice of establishing reservations for Indian villages and communities. (over 240 villages by Act of Congress, Alaska Native Land Settlement). "Notwithstanding the widespread impression that the Annette Island Reservation was the only Indian Reservation in Alaska prior to the Act of May 1, 1936, the fact is that a considerable number of such reservations had been established by Executive order lands prior to the passage of the Wheeler-Howard Act in 1936 to Alaska. A reservation set up by President Howard Taft for the Haidas, the Executive order by Coolidge for villages in S.E. Alaska, to name a few.

The Federal Bar Association states that "aboriginal rights have been recognized in some cases where tribes sought compensation for land taken from them. In Tlingit and Haida Indians vs. United States, the Court required that the value of fishing rights be considered as an element of value in considering the total value of the land. "The most valuable asset lost to these Indians was their fishing rights."

This right had never been paid for by the United States; therefore, said right has never been disposed of to the State of Alaska, in fact the Disclaimer Clause in the State Constitution attests to this fact.

The laws pertaining to the controversial Bolt decision were applied to the Tlingit and Haida hearing in 1944 by Judge Hanna and Secretary Harold L. Eches, which states - "Within those areas where there has been a partial abandonment but where rights of hunting, fishing, gathering, and trapping have been retained, the natives may continue these activities in common with all other citizens in the aboriginal area claimed. Tutlee vs.

letters

State of Washington, United States vs. Winas (1905).

The case of U.S. vs. Washington (1976). Tribes are entitled to continue access to traditional off-reservation fishing grounds, one-half total run of fish, and may regulate Indian fishing right only if necessary for conservation and if run cannot otherwise be preserved.

The application of these laws regained a fishing boat that was confiscated by the Fish and Game Department of Alaska, for an infraction of an A.F.W.L. statute.

Victor Haldane
Member Board of Directors
National Council of Indians
On Aging

cc: Tundra Times

Apology

2408 Cottonwood
Anchorage, Alaska

Dear Editor:

Please let me apologize for any bad feelings that the people of the Upper Tanana villages of Tanacross, Mentasta, Northway, Tetlin and Dot Lake feel because of my paper, the Take Over Cycle. The headline of the National Council on Alcoholism-Alaska Region Newsletter, misinterpreted the purpose of the paper.

The Take Over Cycle is not connected to the Potlatch. My paper compares the values that are fulfilled by the Take Over Cycle. It is a strong cultural trait of the people to accept the gifts of another. Accepting and Taking Over the drinking has caused serious problems.

(See LETTERS, Page Twelve)

Letters to the Editor are invited and should be addressed to 639 T Street, Anchorage, Alaska 99501. The Tundra Times reserves the right to edit letters which are excessively long, and to edit or omit letters which may be considered libelous.

letters

(Continued from Page Two)

The Potlatch and Take Over Cycle are not connected but rather opposite in their affects on the culture. The young people feel strong cultural ties to continue their traditions yet educate themselves in the ways of the West. Heavy drinking in the Take Over Cycle has hindered the progress of the culture. It was my long range purpose to get people talking about the Take Over Cycle and alternative and positive ways to help the community and culture grow.

Sincerely,
Carolynn M. Simeone