

## Cooperation in the Native community

# Leaders express hope for '1991' bill

by **Patty Ginsburg**  
for the *Tundra Times*

As the U.S. Congress convenes this week, representatives of both tribal and corporate interests appear at least cautiously optimistic about the prospects for passage of 1991 amendments to the Alaska Native Claims Settlement Act.

The source of optimism seems to be a combination of cooperation in the Native community, an early start with the new congressional session and a different political profile in Congress.

One of the first pieces of legislation to be introduced in the new session is last year's House version of the 1991 amendments, designed to help Alaska Natives protect their lands, maintain control of the ANCSA corporations and provide for Natives born after the settlement act was signed in 1971.

"I'm an eternal optimist," said Morris Thompson of Doyon Ltd., co-chairman of the Alaska Federation of Natives. "I feel that all the Native organizations will recognize the importance of these issues, and we'll come to an understanding so that our

differences don't divide us."

AFN's plan, Thompson said, is to reintroduce, with few if any changes, the version passed by the House last year.

"We don't want to tinker with it too much since the House already passed it," and major changes in the House could jeopardize the commitment of House members to pass it out again, he said.

Although proposed technical changes to the bill could be added while it's still in the House, Thompson said any substantive changes

agreed to by the Native community would likely be added after the bill reaches the Senate.

"Then, if the bill gets to the Senate early enough — hopefully by mid-summer — then it could go on to a conference committee to iron out any differences between the two versions," he said.

Under AFN's anticipated timeline, the bill would go to President Reagan for signature no later than September.

Thompson said the Alaska Native

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# Corporate, tribal leaders work together

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Coalition is involved in the process.

"Our goal is to work with the ANC early to come to an agreement so we can put a bill through this year. We all realize we need legislation to deal with 1991 and the children born after 1971. Time is becoming our enemy," he said.

An attorney representing the Alaska Native Coalition echoes Thompson's desire for unity. Bob Anderson of the Native American Rights Fund said ANC agrees with the approach.

"There's never been substantive disagreement over content," Anderson said. "Rather, the problem was with the process and the question of whether to take what we could from the Senate last year or wait for something better."

One of the key differences last year arose over how the Senate's version of the bill dealt with tribal sovereignty and the ability to transfer corporate assets to tribal entities. Although AFN and the ANC had argued the bill was neutral, the Senate balked and changed the language to make the transfer of corporate assets almost impossibly difficult.

As Congress moved toward adjournment last fall, debate raged in the Native community about whether to accept the Senate's version, despite significant problems raised by changes the Senate made, or to hold out for a more acceptable bill.

The question was decided at the AFN Convention in October when delegates voted down the Senate version by a 2-to-1 margin.

The outcome of the November elections in Congress bodes well for the

process this time around. One of the major stumbling blocks in 1986 was Interior Department Secretary Donald Hodel's influence on the Republican-controlled Senate.

Hodel was a key player in development of the Senate's changes in the bill, many of them strongly opposed by the Native community.

The Senate version, much longer and more complicated than the AFN-endorsed House version, would have forced regional corporations to vote on stock restrictions and to pay off dissenters with stock or money. The Senate version also carried a stronger disclaimer on sovereign rights.

With Democrats now in control of the Senate, as well as the House, Hodel doesn't wield the enormous clout he carried in the Republican-controlled Senate. That means chances are better that the Senate is more likely to concur with legislation passed by the Democratic House.

The timing is also an advantage. By reintroducing the 1991 amendments at the beginning of the 100th Congress, instead of mid-way through, the Native community escapes the pressure created by Congress preparing to adjourn, as occurred last year.

Despite the cautious optimism, there is still concern about other problems that could arise.

# 1991

Roy Huhndorf, president of Cook Inlet Region Inc. and a major participant in the 1991 efforts, said attempts to attach new issues to the legislation could create obstacles to smooth passage.

"One danger would be if environmentalists try to link development in the coastal plain of ANWR (Arctic National Wildlife Refuge) to the 1991 bill. Any efforts, whether by environmentalists or tribal interests, to make intransigent demands, might give us problems," Huhndorf said.

"Of course, we're working hard to accommodate reasonable provisions sought by the Alaska Native Coalition. We want to accommodate them to the extent we can," he said.

Attorney Anderson said the ANC's chief concern is "to make sure the tribal option is neutral; to make sure land can be transferred without strings attached."

He said ANC is also concerned about the absence of protection against condemnation of lands transferred to a tribal entity.

"Condemnation" is the right of a government to take privately owned land for public purpose.

Don Mitchell, an attorney for AFN, said only Native lands within national parks or refuges have any protection from condemnation, and even in those

cases, the protection is only partial.

State government refuses to give up that right of condemnation, so ANC-SA lands are even now subject to it. The proposed 1991 legislation does not address the issue.

The legislation expected to be reintroduced in the House soon includes provisions to:

- Automatically extend stock restrictions, unless a corporation's shareholders vote to remove them.

- Allow corporations to have their shareholders vote on participation of Natives born after Dec. 19, 1971; provide special benefits to elders; add Natives who missed the original enrollment; issue new classes of stock; transfer land and other assets to other organizations such as non-profits, cooperatives, IRA and traditional village councils; purchase stock from shareholders who wish to sell; and to provide for dissenters' rights in certain circumstances and to limit the values of those dissenters' rights to protect the remaining shareholders.

- Preserve the legal status quo on the sovereignty issue.

- Extend protections to undeveloped lands to ensure against loss through taxation or other means.

- Protect the U.S. government from any money damages due to court actions resulting from the legislation.

One provision removed from the legislation would have allowed regional corporations, on a vote of shareholders, to transfer the subsurface estate under village lands to the owner of the surface lands. An AFN memo on the legislation said that provision was removed because of complications about its impact on revenue sharing.