

RIVERSIDE

Akiachak seeks IRA status

Editor's note: In a move designed to assert its tribal sovereignty and to protect Native lands from alienation after 1991, the Second Class City Council government of the village of Akiachak resigned recently, recognizing the tribal government as the sole voice of the community. It was the first time such an event has ever occurred in Alaska, or perhaps even in the United States. Following is a basic description of the complications which have since risen with the State of Alaska. Next week, tribal leaders and other villagers will describe why they took the action they did, and what they feel it means to their community.

By Bill Hess

Tundra Times

Willie Kasayulie carried a red copy of Webster's dictionary as he walked through the meeting room of the tribal offices in the Native village of Akiachak. "I guess we all know the

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William Lomack, an Akiachak Elder who served on the city council but who now sits on the IRA council, gives his nephew, Jackson Lomack, a ride down the frozen Kuskokwim River. Jackson serves as administrator of the tribal council.

PHOTO BY BILL HESS

Tribal control sought to protect culture

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definition of a nation," he said, sitting down at a table. "A nation's got its own language, its own culture, its own geographical territory . . ."

Kasayulie flipped open the dictionary to "nation," and read aloud words which basically repeated the definition he had just given. "We've got the culture," he stated, snapping the dictionary shut, "we've got the territory, and we've got the language! Hell! We're a nation!"

Akiachak's most recent efforts to assert the nationhood claimed by Kasayulie, who serves as chairman of the tribal council chartered with the federal government under provisions of the Indian Reorganization Act of 1934, have led to a freeze of state funds coming into the Kuskokwim River community of some 450 residents, the majority of whom are Yup'ik.

In September, the mayor and the entire city council resigned their positions in a movement to recognize the IRA council as the sole local government of the village.

The IRA council then passed a resolution declaring it held the power "to delegate authority to phase out the present city capital projects and services."

The council also designated a five-member "administrative team" to carry out the capital projects and services "until such time the Akiachak IRA council and the State of Alaska negotiate an acceptable solution to all parties involved."

The state followed Akiachak's assertions of tribal sovereignty by freezing some \$450,000 of state funds to the village. The money had been slated to go into a water and sewer utilidor, a fire station and fire fighting equipment, a fish hatchery, site development for housing construction, per capita aid and other projects.

Norman Gorsuch, Alaska attorney general, advised the Alaska Department of Community and Regional Affairs (DCRA) that the village did not follow proper procedures in dissolving the city.

Kasayulie agrees that Akiachak did not follow the procedures outlined by the DCRA staffers who visited the village last August to advise the IRA and city governments how to go about dissolving the city council in favor of the IRA.

"What they showed us would have taken years," Kasayulie explains. "We decided to go ahead and do it our way, to get things moving."

Last week, DCRA commissioner Mark Lewis promised assistance to the village despite the fact that "the state does not condone the actions of the Akiachak City Council . . . because of the serious ramifications for the residents of Akiachak."

Lewis stated that the resignation of the city council "does not dissolve the city according to Alaska statutes." He said his department had the authority to temporarily assume the city's municipal powers and to administer the funds and accounts until the matter was resolved.

Lewis also said the money could be released to the village if the city council reinstates itself, or if the court appoints a trustee. He advised that the council be reinstated.

Therefore, Kasayulie argued, the state should be willing to release the funds to the administrative team for the benefit of the city.

In a letter to the council, Lewis stated that the public's ownership of municipal property and finances within Akiachak must be protected, and that another major state concern was the "protection and timely completion of the state's capital projects under construction."

Lewis then urged the community to pursue the dissolution of their municipal government by what is known as the "local option method," to resolve the matter as quickly as possible. He estimated this process would take four months, whereas seeking legislative action would probably take about two years.

Under the local option method, the community would petition the state to dissolve the municipal government and to assume the state's capital projects under construction.

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State disputes legality of Akiachak move

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od, petitions requiring at least 25 percent of the voters registered during the last municipal election would be circulated. Afterward, there would be public hearings and a community vote. If a majority of the community was in favor, the city would be dissolved.

In an earlier meeting, Lewis told village leaders the state would deal with the IRA council if there were no other government in place, but it would consider Akiachak an "unorganized government," making the village eligible for much less state money.

"We are going to get our attorney (Tom DeGrazia of the Association of Village Council Presidents) to review that letter," Kasayulie said. Although the council does not plan any further action until it can discuss the matter with the attorney, Kasayulie expects that the village will probably go ahead with the petition process.

They also intend to stick with their resolution, he said. "The city is not really dissolved yet," Kasayulie explained. "The funding was the intent of our resolution. The funding should still come, because Ray Ekamrak (a member of the administrative team) is still working for the city."

Although events have hap-

pened quickly since the city council resigned and the IRA council passed its resolution, the idea of taking such a step has been considered for years in Akiachak.

"Tribal governments establish their membership under protection of federal law," Kasayulie explained. "That membership consists of Natives born in the community. Under state laws, anybody can be a member. All they have to do is live in the community for 30 days and they can vote in the city council and run for office."

"One example we use to make our people understand is the City of Bethel. When it was first organized as a city government, all of the council members were Native people. Now it has really changed."

"There are only two Natives out of seven council members. We realized that eventually there would be people living in our community who were non-Native. We had to do something to protect our language, our culture, and our lifestyle."

A major goal of the IRA council is to have lands now held by corporations formed under the Alaska Native Claims Settlement Act of 1971 transferred to the tribe. Through Association of Village Council Presidents, the vil-

lage hopes to join with the other villages in the Calista region in holding a constitutional convention and forming a regional tribal government.

The tribes will seek to have not only village corporate lands and regional corporate lands, including subsurface rights, turned over to tribal control. Calista President Alex Raider has given them favorable signs for his cooperation in such a transfer, Kasayulie, who is also chairman of the AVCP board, noted.

William Lomack, a tribal Elder who was a member of the city council and who has since been elected to the tribal government, advised villagers before any action was taken that although their funding was in danger, the land was more important than money.

"We had our government for thousands of years before there was a state of Alaska or a United States," Lomack explained through an interpreter. "Our leaders passed good laws. Our traditional government worked good for us then, it will work good for us in the future."

Lomack also stated his belief that events coming in the near future would cause the state to return funding to projects under tribal direction. He has some ideas on how to

help make this happen, Lomack said, but for now can discuss them only within the tribe.

Although he gave up the powerful position of mayor, Moses F. Peter said he has no regrets about having resigned. "It was hard in a way, when I think of my people, and how much money they are losing," the high school teacher explained, "but because of our culture, because we want to be Yup'ik, because we want to be Native, that is why I resigned."

Despite assurances from state officials that Alaska seeks to work with Akiachak in helping the village achieve self-determination, Peter felt the freeze action was unfair.

"In a way, the state is saying it does not really trust the Native governments," he said. "We have been the inhab-

itants and citizens of Alaska for thousands of years.

"Why should anybody come into Alaska and stay here for six months, and then deny our government? If the state is sincere in wanting to work with us, they will go ahead and accept our resolution."

Last week, Akiachak was struck with a dramatic reminder of the importance of finding funds to continue programs already begun. When the freeze was announced, a fire engine was already being shipped to the community.

It is there now but some of the equipment to operate it has not come, and no one has been taught to use it.

Early Wednesday morning Akiachak's \$250,000 power generating plant burned to the ground while spectators gathered around the fire engine, parked less than 100 feet away.



Willie Kasayulie (left), chairman of the Akiachak IRA.