

# **Interior's list called a blow to sovereignty 'Erodes tribal status'**

**by Steve Pilkington**

**Tundra Times reporter**

An Interior Department publication listing Lower 48 and Alaska Native entities eligible for federal services struck a blow last week against groups seeking sovereignty through tribal status, according to tribal advocates.

The department's list includes Outside Indian tribes and Alaska Native entities which are eligible to receive federal health, housing and other services.

For Indian groups in the Lower 48, the list means recognition as tribal governments. For Alaskan entities, however, the effect of inclusion on the list is less clear.

The Alaska section of the list, last published in 1986, now includes more than 30 villages left off the last list. But also added are Alaska Native regional corporations created by the Alaska Native Claims Settlement Act.

Larry Aschenbrenner, an attorney with the Native American Rights Fund, said the addition of the regional corporations to the list erodes the position of groups supporting tribal status.

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"One of our stronger arguments in support of tribal status has been our position that inclusion on the prior list of Alaska Native entities constituted federal recognition," Aschenbrenner said.

"The new list, by including ANCSA corporations, which admittedly are not tribes. . . negates the argument that all entities on the new list have tribal government status," he said.

In addition, the preamble to the list by the Bureau of Indian Affairs says the ANCSA corporations were added for convenience because the list makes it easier for groups and villages to receive federal services.

The preamble says the listing, or exclusion of villages from it, should not be seen as a determination by the Interior Department of the governing powers of a village or group.

The preamble says the reason Alaskan groups aren't recognized as tribes by the list — while Indian groups in the Lower 48 are — is that Alaska has a unique Native history and the villages may not have "extensive documentation" commonly researched for groups in the Lower 48.

But the problem for Alaska Natives, Aschenbrenner said, is that the preamble implies that Native organizations do not have federal recognition of tribal status.

"In short, the disclaimer provisions in the preamble to the new list are a backhanded attempt to terminate the tribal status of Alaska villages which Interior expressly recognized when it first published the list back in 1982,"

he said.

Willie Kasayulie of Akiachak, chairman of the Alaska Native Coalition, wrote in a memorandum dated Dec. 23 that the department has now taken the position that it never recognized that tribes exist in Alaska.

"Incredibly, this action was taken over the objection of the entire Alaska Native community, the entire Alaska Congressional Delegation and the governor," Kasayulie said.

Janie Leask, president of the Alaska Federation of Natives, said while she was in Washington, D.C., last month she asked the Interior Department to put off publication of the list because of its political importance. More time was needed to assess its impact, Leask said.

But the Interior Department wanted to get the list out quickly, Leask said.

"Our meeting in Washington, D.C., was pro forma in that they needed to have a symbolic meeting with Alaska Natives," Leask said.

The Interior Department's list has been a point of controversy between the Reagan administration and Alaska Native groups seeking federally recognized tribal status.

The Interior Department first published the list of Lower 48 Indian tribal entities in 1979. Alaska Native groups, however, were not added to the list until 1982. At that time, a preamble to the 1982 list said Alaska Native villages "are not historical tribes."

The list of Indian tribal entities was not published in 1987 in spite of federal regulations calling for annual publication.