



Integrity, Pride in Heritage, Progress

AFN, Inc.

1675 C STREET
ANCHORAGE, ALASKA 99501
PHONE 279-4578

NEWSLETTER

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Vol. 3, No. 10

Wednesday, July 31, 1974

Anchorage, Alaska

COMMISSIONER THOMPSON'S STATEMENT

JOM Program In Full Swing

The Alaska Federation of Natives, Inc./Johnson-O'Malley Program is in full swing completing the fiscal year 1974 and beginning the fiscal year 1975 programs.

To date, there have been 46 subcontracts totaling \$4,076,155 and the Alaska Federation of Natives, Inc./Johnson-O'Malley Program and incorporated into a prime contract.

The AFN, Inc./JOM Program has in the past negotiated additional subcontracts with the Bureau of Indian Affairs. The total subcontract amounts to be funded will not be official until such time as legislation currently before the U.S. Congress has been passed or approved.

The Johnson-O'Malley Program under the direction of Ralph L. Eluska, a graduate of Fort Lewis College in Durango, Colo. and came to the AFN from the University of Alaska in Anchorage where he worked as a director of Special Services.

Ms. Ann Just—

Familiar Evaluator

The name Ms. Anne Just, JOM Program Evaluator, is familiar to many Alaskans who have worked with the JOM Program for both fiscal years 1974 and 1975. Anne negotiated many of the subcontracts by traveling to areas that she never had heard of before.

She hails from South Bend, Ind. and has many educational and professional credentials to bring to the benefit and huge task of the education of the Alaskan Native youth.

Karl Greenwald, who hails from Hoonah and is a recent graduate of Alaska Methodist University, has joined the staff as a JOM Program Evaluator.

Mrs. Mary L. Lekanof joined the staff in May as an Administrative Assistant and Mrs. Jorene R. Reimer on Aug. 1 as Technical Assistant.

There are many phases in the daily life of the Johnson-O'Malley Program and we hope in the coming weeks to give you a background of the Johnson-O'Malley Review Committee and the procedures which are taken from the time a proposal is initially received by JOM office and until the final budget figure is arrived at — after negotiation with the subcontractor and approval by the Bureau of Indian Affairs and the AFN, Inc./JOM Program.

Madam Chairman:

The Indian Financing Act of 1974 was signed on April 12, 1974, as Public Law 93-262. The act authorized appropriations of \$80 million which falls into three separate appropriation actions. On June 3, 1974, the President requested the bureau's fiscal year 1975 budget be amended for the total authorized amount.

Morrison Joins Deputy Director Staff

Woodrow F. Morrison, from Hyaburg, and a graduate of the University of Minnesota, has joined the staff as Deputy Director.

BLA Official Testifies On Appropriations

Statement of Morris Thompson, Commissioner of Indian Affairs, U.S. Department of the Interior, before the House Subcommittee on Appropriations for the Department of the Interior and related agencies.

arising out of, such loans; to pay certain administrative costs and to provide management and technical assistance to eligible borrowers and recipients of development grants.

— \$10 million is requested for the Indian Business Development Program which will stimulate and increase Indian entrepreneurship and employment by providing equity capital through non-reimbursable grants to Indians and Indian tribes to establish and expand profit making Indian-owned economic enterprises benefiting Indian reservations and communities.

The implementation of this act provides the financial underpinning of the administration's pledge to pursue a policy of Indian self-determination since the ability of the American Indian to shape his own future and to assume control of federal programs created for his benefit bears a significant relationship to the strength of his economic base. To this end we expect this program to be the nucleus of our economic development efforts.

— \$20 million is requested for Indian Loan Guaranty and Insurance Funds which is to be used as a reserve for losses and to pay interest subsidies on guaranteed and insured loans and to pay other costs incident to, or

time will be liberally granted.

18. BLM shall not use representatives of federal agencies, and on Forest Service, who have vested interests in the land claimed for allotments, as field investigators for allotment claims.

The Department of the Interior is reviewing with the Department of Agriculture the procedures for processing allotment applications covering National Forest lands.

19. An allotment applicant shall be entitled to the same rights to a hearing as a homestead applicant.

We would like to briefly explain the process for hearings for homesteaders and the procedures used for processing Native allotment applications in order for you to further assess this recommendation. There is a basic difference concerning hearings for a homestead and hearing for a Native allotment applicant. In the case of a homestead, either the government or a private individual may contest the approval of the homestead. Most of the homestead contests in Alaska are initiated by private individuals who gain a preference right to claim the land if the homestead is not approved. The homesteader, his attorney and his witnesses must appear before an Administrative Law Judge at the contest hearing to testify and prove that the requirements of the homestead law have been met.

In cases where an allotment applicant has died extensions of

On Allotments—

Twenty-three Recommendations

(NOTE: The following is a continuation of the letter from the U.S. Department of Interior to Roger Lang regarding processing of Native land allotments.)

BLM field examiners and all other personnel involved in the examination and adjudication of Alaska Native allotments will participate in seminars to thoroughly acquaint them with the added procedures and assure that they are aware of the problems raised at the allotment conference. BLM will incorporate into their training program for adjudicators, sessions to expand their knowledge of Native use of the land claimed and Natives' traditional way of life. The BIA and representative Native organizations will be invited to conduct these sessions. In addition, a Native advisor will be stationed in each of the BLM District Offices to assist in evaluating and assessing the Natives' claimed use of the land.

4. That BLM revise the job description for adjudicators to require knowledge of traditional Native use and occupancy or be replaced.

This is covered in the response to recommendation number 3.

5. Allotment applicants be given 90 days from the date of receipt to respond to the BLM's notice of intention to reject an allotment application.

Applicants will be given 60 days to respond to requests for additional evidence of compliance with the Native allotment requirements.

6. Copies of the field investigation report shall accompany the notice of intention to reject the allotment application.

Applicants will be provided

copies of all field examiner's reports. Copies of all correspondence to an applicant will be sent to the appropriate regional corporation.

7. The regional corporation affected and area BLM Realty Officer shall receive copies of the notice of intention to reject and the field investigation report on all allotment applications.

A copy of the field report will be sent to the appropriate Native regional corporation and BIA agency.

8. No further rejections should be issued and no further notices of intention to reject or reduce should be sent to allotment applicants until BLM has made a decision on extending the period for providing additional information from 30 days to 90 days.

No rejections were issued prior to extending the period for response to requests for additional evidence.

9. BLM should simplify the language in the correspondence sent to allotment applicants.

BLM will, along with all official notices and decisions, provide a more simply worded straightforward statement.

10. The Department of Interior shall increase the staffing of the Bureau of Indian Affairs realty staff so that the BIA can assist allotment applicants in collecting affidavits and other evidence. BIA can contract to Regional Corporations which would prove the individual claim of use and occupancy.

The Bureau of Indian Affairs is now reviewing its realty office to determine what further assistance it can make in facilitating the processing of Alaska Native allotments.

11. BLM develop specific standards which would require that affidavits showing use and occupancy are prima facie grounds for granting allotments.

In considering evidence of use, sworn statements by witnesses who have firsthand knowledge of the facts will be given substantial weight on the matters to which they testify. Enclosed are suggested guidelines for witness statements.

12. BLM field investigators should allot the spirit and intent of the criteria for use and occupancy outlined in Jack Horton's October 18th memorandum. (This was read as "may" in entirety as relates to use and occupancy.)

This response is covered in number 3.

13. Mineral potential of allotment lands should be determined during field investigations and not by using United States Geological Survey maps.

Secretary Morton has requested the Geological Survey to review its mineral classifications in Alaska.

14. In situations where communal use is an issue, the Native village corporation should decide if the applicant is entitled to his allotment.

When community use is an issue, we feel the present guidelines, that call for soliciting affidavits and testimony from village inhabitants and others knowledgeable of the situation, are proper for determining the facts from which a decision can be made.

The department is bound by the law and regulations that cannot lawfully delegate its duties of enforcement of those laws to the Native village corporations.

15. In those areas where the Native community and the Department of Interior are in disagreement over the interpretation of the Land Allotment legislation and regulations, the BLM shall agree to process several test cases identified by the AFN which can be litigated and hold all over allotment rejections in the same category as the test case in abeyance until a final judicial decision has been made.

Litigation to resolve issues is frequently a very time consuming and uncertain process. The department is not willing to hold in abeyance the processing of Native allotments for extended periods of time in anticipation of future court rulings. We do not believe this would be in the best interests of the Alaska Natives or the Federal Government.

16. The Department of Interior shall amend land selection regulations to permit, but not require, top filing.

The department is now in the process of amending its land selection regulations to permit Regional and Village Corporations to file land selection applications over lands which are the subject of an allotment application.

17. In cases where the allotment applicant is deceased the effective date of the Notice of Intention to reject or reduce the allotment will be that date on which the notice is delivered to the proper heir.

In cases where an allotment applicant has died extensions of

(More in two weeks)