

Opinion:

Bush era ends, Clinton begins

By Paul Swetzof

Next Jan. 20, Bill Clinton becomes President and the Reagan-Bush era comes to an end. This is good news for tribal sovereignty and subsistence rights advocates.

President-elect Clinton expressed support for the right of self-determination for Native American tribes. It is likely Clinton's Secretary of Interior will reverse George Bush Dept. of Interior policies so harmful to Alaska Natives.

Shortly after Clinton takes office, an immediate and positive development will be the Special Assistant for Alaska Affairs for the Dept. of Interior, Vern Wiggins will be fired. Mr. Wiggins has consistently attempted to convince the Interior Dept. to make a determination that Alaska Native tribes do not possess governmental powers. Wiggins was appointed to his position at the recommendation of Alaska's congressional delegation. Whoever takes Mr. Wiggins' place will hopefully support the

position that Alaska Native tribes have the same governmental powers as Lower 48 tribes.

The Dept. of Interior under George Bush, with the active encouragement of Sen. Frank Murkowski and Vern Wiggins, has inserted disclaimers into new and amended tribal constitutions which state approval of a tribal constitution neither confirms or denies the powers granted by the constitution. These disclaimers are dangerous because they point out to the court Alaska tribes are somehow different and not equal in stature to Lower 48 tribes. It is likely Clinton's Interior Dept. will stop the use of disclaimers.

The greatest thing that could happen for us is the Clinton Administration will publish a new issue of the Federal Register which lists all Alaska Native tribes in the same manner Outside tribes are listed and omits corporations and other entities from the list. This would once and for all confer tribal recognition of the listed tribes. It would have the added benefit of omitting the current expensive and time consuming

requirement that each tribe in Alaska prove it is the descendant of an historical tribe in order to gain recognition.

It is possible the Clinton Justice Dept. will withdraw the Bush administration's position the State of Alaska has jurisdiction over navigable waters and thus, the subsistence priority guaranteed by ANILCA (Alaska National Interest Lands Conservation Act) does not apply to navigable waterways. This would assist us to obtain a decision in a current federal court case known as "Katie John", which would extend the subsistence priority to navigable rivers.

Under Clinton, there is a possibility the Executive Branch would support an amendment to ANILCA to provide for a Native (and rural) subsistence preference on all federal lands, and if we try real hard, a federal preemption over State lands. This would take patience and a great deal of hard work because our congressional delegation will not support amending ANILCA, however, I believe it can be done.