

Suit filed against Native community

Previous lawyer of Arctic Slope Native Association, Frederick Paul files for payment of attorney fees

An action for injunction for the recovery of equitable relief and attorney fees has been filed in United States District Court in Washington by Frederick Paul for his work in representing the Eskimos of the North Slope in Alaska.

Paul is charging that he was not paid his attorney fees for his professional services in lobbying and handling matters for the North Slope before and during the passage of the Land Claims Act.

A Tlingit Indian from the Sealaska Corporation in Southeastern Alaska, Paul is filing against the Secretary of the Interior, Thomas Kleppe; William Simon, secretary of the treasury; the Attorney General, Edward Levi; Arctic Slope Native Association; Atkasook Community; Anaktuvuk Pass Community; Barrow Community; Barter Island Community; Nooiksut Community; Point Lay Community; Wainwright Community; and the 12 regional corporations established under the Alaska Native Claims Act.

Paul stated the act of 1971 limiting all fees for lawyers and consultants to \$2 million in the aggregate are unconstitutional as an unsupported limitation on the right to petition the government for redress of grievance, guaranteed by the First Amendment to the U.S. Constitution and as an unreasonable exercise of the police power prohibited by the due process clause of the Fifth Amendment.

Paul is a lawyer licensed in the states of Washington and Alaska, the Ninth Circuit, the United States Court of Claims, and the Supreme Court of the United States.

He explained the reason for

including Simon in his charges was because he is in charge of the Alaska Native Fund; Kleppe because he has certain responsibilities over the Alaska Native Fund; Levi because he is incharge of enforcing 20(f) of

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ANCSA, which provides for certain criminal penalties which the plaintiff seeks to be enjoined from enforcement; and the Eskimos of the Arctic Slope Native Association because he had direct contacts with them at the time of his services.

Because the secretary of the treasury is a non-discretionary custodian and is required by section 6(c) of ANCSA to distribute the Alaska Native Fund to the 12 corporations, Paul has joined them as parties so they may defend the Alaska Native Fund.

Paul concluded saying that because the monetary benefits of ANCSA are distributed on a population portion basis, the Alaska Native Fund is primarily liable, and that Arctic Slope Regional Corporation be secondly liable under the common fund and common benefit rationales.

Alternatively he contends that Arctic Slope Native Association (presently called ASRC) is liable

by contract. He also contends that the seven villages are judgement proof thereby making it more demanding that equity shift fees to those benefitted.

The first hearings are to be held in Anchorage this fall.

(Tundra Times will have a summary of background material and a look at the other side of this complex issue next week).