

# Right to potlatch moose battled

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Fairbanks — Two Interior Alaska Native groups have asked the federal courts to step in and halt state criminal proceedings against Alaska Natives charged with illegally taking, possessing or transporting moose meat for potlatches.

Lawsuits that the Fairbanks-based Tanana Chiefs Conference and the Native Village of Tanana filed against the state this fall in U.S. District Court in Fairbanks deal with potlatches in Ruby and Tanana

last summer. In both cases, state criminal proceedings are on hold until the federal cases are resolved.

The first potlatch was held last June in connection with Tanana's annual Nuchalowoyya festival. The village's federal complaint says that five village members cited by the state for possessing and transporting moose meat were doing so for the Nuchalowoyya potlatch under instructions from the village chief.

The village claims that the acts in question took place in Indian country and that state Fish and Game regulations

don't apply there.

In addition, village leaders say, the state's action illegally interferes with essential tribal government functions, and federal law pre-empts state law where tribes are concerned.

The state, which has asked the federal court to dismiss the village's case, argues in response that it does have Fish and Game jurisdiction in Tanana and that the federal court should not act until the state criminal proceedings are over.

The second potlatch was

scheduled for last August in Ruby in memory of Betty Farmer, who died in November, 1982. The state charged her husband and son with illegally killing and transporting a moose that the plaintiffs say was for the potlatch.

The complaint filed by Tanana Chiefs Conference argues the potlatch was a religious event protected by the constitutional guarantee of freedom of religion and by the federal Indian Religious Freedom Act.

The Alaska Supreme Court upheld a similar claim in 1979 regarding a funeral potlatch,

but has not ruled on whether memorial potlatches are also protected.

The plaintiffs also claim the moose in question was killed on a Native allotment where state laws don't apply, and that the 1979 decision requires the state to develop regulations to accommodate game-taking for potlatches, which it has never done.

The state's response denies that the moose was killed for a potlatch, and, as in the Tanana case, says its criminal proceedings must be completed before federal judges can consider the case.