



## Sitka Native Festival is unqualified success

The Sitka Native Education Program (SNEP) held their second annual Native Festival in Sitka April 6-10, 1983 at the Sheldon Jackson campus in Sitka. The week was chock full of art displays, singing, dancing, panel discussions, workshops, films and good food as participants and dance groups representing much of Alaska gathered to share and learn.

Sitka has become a *potpourri* of Alaska Native cultures, primarily due to the two boarding schools, Mt. Edgecumbe High School and Sheldon Jackson College, located there. Athabascans and Eskimos, from the northern regions of Alaska, are well represented in Sitka and offered a delightful contrast to the Southeast Tlingit/Haida dancing and singing groups that participated in the week's festivities.

This is the second year that the SNEP has hosted and coordinated the Southeast Native Festival and SNEP director Isabella Brady has worked very hard coordinating the events.

She and a welcoming group

from Sitka met every ferry and airplane that arrived with participants for the festival. Sometimes it involved getting up at 3:00 a.m. to meet a 4:00 ferry. They were there, though, and made everyone who came to Sitka for the Festival feel very welcome.

Community support and participation, a highlight of the festival, encompassed most of Sitka. The Sitka Bicentennial Building was unavailable for most of the festival due to extensive repair and remodeling it is presently undergoing. Still, it was used for one afternoon feast.

The Sitka volunteers, under Brady's direction, were extremely helpful in offering rides and housing to the dancers and festival participants.

Dance groups from Ketchikan, Kake, Angoon, Klawock, Hydaburg, Juneau and Yakutat flooded the streets of Sitka during festival week. Many took part in the Saturday "Fun Run" at festival's end.

Funding to help coordinate

the week's activities came from private donations, fund raisers and a grant from the Alaska State Council on the Arts. Many of the dance groups did fund-raising in their individual communities to make it possible for them to attend.

The Kake group had sixty dancers, most of whom were in the 10- to 14-year-old age bracket.

Tlingit Elders Jimmie George of Angoon, Charlie Joseph of Sitka, Charlie Jim, Sr. of Angoon, Cyrus Peck of Angoon, Patrick Paul of Sitka deserve a special "thank you" for taking the time and effort helping every one of us "youngsters" learn the "right way to do things."

The Sheldon Jackson College videotaped many of the events of the Festival Week. Questions regarding the video footage and plans for next year's Festival can be directed to:

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## Sovereignty rights will be preserved through organization and planning

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Nowhere does the act address such powers. Therefore, it stands to reason that the powers were never taken away, they argued.

Problems arise in determining over what territory a government can exercise its domain. As one presenter pointed out, tribal governments on reservations have a definite land base on which to exercise their jurisdiction. Cross the reservation boundary, and you are in Indian country, and subject to Indian law. Step back out, and you are in state territory.

What ANCSA did in Alaska was to take the equivalent of the lands held in trust in res-

ervations by the federal government for the tribes, and place these lands instead in State of Alaska chartered village and regional corporations. This has resulted in a great deal of confusion and turmoil between tribal governments and those they deal with.

Although Alaska does business with the tribes, the state does not formally recognize them. The tribes, in turn, have a trust relationship with the federal government wherein Uncle Sam is committed to protect their interests.

Don Wright, who has worked with the Venetie IRA government as it has set up its own

boundaries and lands, told those gathered that the answer is to take those state chartered lands and make them tribally chartered lands. Wright, who was president of the Alaska Federation of Natives and chief negotiator with the government during the days that ANCSA was being worked out, claimed that Congress never intended to wipe out village sovereignty.

"It was the intent of Congress . . . and our intent . . . regardless of the form of local government . . . if it was a traditional village or an IRA, they would get it (the land), and therein lies your initial land base!"

The village of Venetie took all of its fee simple lands and turned them over to the village government. Since that time, the council has exercised its authority in a number of ways. When a state game officer confiscated caribou from villagers last spring, the village confiscated his airplane. Recently, Venetie announced its own oil-lease sale.

Wright also noted that the village had successfully resisted all state easements for campgrounds and trails on its land, and had laid claim to half the rivers bordering its territory.

Further, Wright added, Venetie holds 1,800,000 acres of land and has a Native popula-

tion just over 300. On a per-capita basis, Wright said, that leaves Venetie in control of as much of Alaska as it would have been if the total acreage of the state had been divided equally among all Alaska Natives. "And not one easement!" he boasted.

Wright said that by turning the land over to the village council, the federal government was obligated to protect it in trust just as it must for reservations in the Lower 48. Even after 1991, when lands held by the state-chartered corporation become subject to purchase by non-Natives and to taxation, the lands of Vene-

tie will be protected, said Wright.

Other presenters, including Lawrence Jensen, the Associate Solicitor with the Division of Indian Affairs out of Washington, D.C. had earlier argued that the case of Venetie might not be so secure as some wanted to believe, and would have to be tested in court.

Wright held fast to his argument that the land was in trust forever. Lawyers could disagree, he said, but if the U.S. ever attempted to remove the land, "we could get it to a world forum."

Noting that a corporation does not have to be char-

tered by Alaska to do business in Alaska, Wright urged the villagers to "cast off the shackles" of the state and charter themselves instead under their IRA or traditional governments.

"No kind of corporation exists that has more flexibility than a federally chartered, Section 17 chartered corporation." Such a corporation is authorized by Congress, Wright said, and is free from many taxes incurred by state chartered corporations.

Section 17 is the portion of IRA which authorizes tribal governments to incorporate.

Jensen, who often received

a less than enthusiastic reception from the audience, had argued that it might not be as easy as some hoped to turn corporate lands over to tribal governments. For one thing, he said, there was no guarantee the Secretary of the Interior would accept such lands in trust.

Further, any stockholders who did not want to turn their shares over to the village would have to be bought out before it could happen. If a major corporation began competing with the village for the shares, the village could find itself in need of a great deal of cash to win out, it was argued.

## •Part three: Jurisdiction

Tribal governments in Alaska Native villages do hold the same sovereign powers of self-government which they had before 1971, different speakers at the IRA convention in Anchorage agreed. The question was: over what territory do they exercise their jurisdiction.

On reservations in the Lower 48, the question is relatively simple, although many disputes still exist. Step over the reservation boundary into Indian country and you are within the jurisdiction of an Indian tribe; you are in Indian country. Step back over, and you are subject to the jurisdiction of the state, county or city which exists there.

What constitutes "Indian Country" — in legal terms —

in Alaska? Do lands held by Native village and regional corporations? Tribal governments have a specially recognized trust relationship to the federal government; they are not subject to state laws the same way a city or borough is, and are empowered to deal with the state, federal and other entities in a government-to-government relationship.

The corporations formed under ANCSA, on the other hand, are chartered under the state of Alaska, which often refuses to even recognize the tribal governments. How do the two, federally protected tribal governments and state chartered corporations, blend together?