

Letters to the Tundra Times

March 19, 1980

Honald J. Sommerville, Director
Division of Game
Alaska Department of
Fish and Game
Support Building
Juneau, Alaska 99801

Re: Proposal No. 43, Funeral
Potlatch Permits for Game.

Dear Mr. Sommerville:

The comments below represent a distillation of the various opinions and feelings expressed at formal meetings and informal discussions by members of the Copper River Native Association Board of Directors, its Subsistence Committee, village council presidents, representatives, and village residents. Input by the elderly, spoken in the Ahtna language was translated by an interpreter.

In general, the proposed regulation no. 43 is too lengthy and involved, unnecessarily cumbersome and restrictive.

The granting of a permit should be merely an administrative procedure automatically given upon request verifiable upon a certification or other proof of death. That this is easily accomplished without a lot of rigamarole has already been demonstrated in the issuance of a permit for game for the funeral potlatch of Ahtna leader, Markle Ewan of Gulkana, just six days after the Supreme Court decision. Subsequent permits, as well, presented no problems. The sacredness of the occasion, of itself, coupled with public acknowledgement of a death in the community practically precludes any wanton requests or abuse of permits.

Attached is a copy of proposal no. 43 with the especially objectionable sections enclosed in brackets. Specific comments on each of the referred sections are noted below:

(1) (A) Delete sex

While the sex of the game should be reported as a matter of course after it is taken, the applicant should not be required to specify a specific sex in advance. This could limit the opportunity of taking the first suitable animal encountered and prolong the hunt unnecessarily, thus delaying the potlatch preparations.

(C) Delete: religious preference

The request for a statement of religious preference really raised peoples' hackles! It is completely irrelevant as an invasion of privacy. Religious freedom, the issue raised by the Alaska Supreme Court in *Carlos Frank vs. the State of Alaska* (File No. 3689, December 21, 1979), does not require an individual to acknowledge or indeed possess a preference or for that matter, conform to Westernized religious practices. The Court has already determined "...that the funeral potlatch is a religious ceremony." And that is all that is required.

(D) Delete all of (D) except the date

This borders on harrassment! The nature of the ceremony and its religious significance is well documented and amply described in the Court Opinion which also correctly noted that "...Athabaskan culture is highly individualized." An individual has no obligation to describe to the state the intimate details of a religious practice.

(G) Delete: a religious practice

Granting such broad discretionary powers to the department makes possible the denial of a permit on the whim of an official.

(2) Delete all of (2) as there are problems with each section as specified below:

(A) This one section addresses a hodge podge of three

unrelated issues, none of which are germane to the applicant's right to a permit.

1. The word "belonged" is ambiguous. The deceased may have married or been admitted into the "group of people." In any case, it is not up to a government official to determine who or who may not be honored by a potlatch. The traditional practices of the individual community will determine that.

2. As noted in (1)(D) above, the applicant is not obligated in any way to justify his religious practice to a government official.

3. Specifying a species "...most commonly used in the area..." is an unnecessary restriction which may serve to the detriment of the resource under certain circumstances e.g. the "most commonly used..." species may be in short supply which might prompt the applicant to choose a species not commonly used, but abundant at the time.

(B) The Court ruled that the State ruled that the State was not justified in denying a "...religious based practice..." on biological grounds.

(C) Since, as the Court opinion so aptly noted "...Athabaskan culture is highly individualized...", and some communities and/or families may not require freshly killed game for a potlatch, individuals might well choose to use available game for the potlatch and not even apply for a permit. This, however, is the prerogative of the applicant and not the state. The Court ruled that the State may not make availability of a game a condition for denial of a permit.

(3) Delete sex See comments (1)(A)

(4) Delete everything except first part of first sentence: "Only one permit may be issued for each qualifying religious observance..." Unforeseen circumstances may arise that make it impossible to hold a potlatch at a reasonably short time after a death occurs and a memorial potlatch would have to be planned instead.

The hunting season or area should have absolutely no bearing on a funeral potlatch permit. Obtaining game for a potlatch is a birthright which has finally been legally recognized. It is in addition to any game a hunter may get with a regular license for personal use and in no way replaces it.

(5) Delete: "such information as the commissioner may require, including..." All required information should be spelled out in advance.

(6) Delete in its entirety.

See comments for (4).

(11) Delete in its entirety.

This language is much too vague to justify revocation of a permit. The Court opinion states that, "The burden of demonstrating a compelling state interest which justifies curtailing a religiously based practice lies with the state. On this record, that burden has not been met."

Also enclosed for you consideration is a draft proposal which addresses all the concerns detailed above. It follows the basic form of Proposal No. 42 with significant additions and amendments and incorporates items from Proposal No. 43.

I feel confident that out of a cooperative effort on the part of the Game Division, Subsistence Section, Attorney General's Office, Athabaskan and other Native groups and interested parties, will come a hassle-free regulation that guarantees religious freedom. I cannot think of a more "beneficial use"

our wildlife resources can be put, than to "protect and preserve for American Indians their inherent right of freedom to believe, express and exercise the (ir) traditional religions..." (American Indian Religious Freedom Act, 1979).

Sincerely,
Copper River Native Assn.
Tom Craig
Executive Director
Ruth B. Taylor
Subsistence Specialist

cc: Tundra Times

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March 6, 1980

Hon. Pierre E. Trudeau
Prime Minister
House of Commons
Ottawa, Ontario
Canada

Dear Mr. Prime Minister:

The circumstances of your remarkable restoration to leadership would warm the heart of many man who has given his life to elected public service. I want to congratulate you. We, Inupiat of Alaska, were happy to see you returned to your post. You and I have a mutual political interest seeing the just settlement of the Inuit Land Claims.

The settlement of Inuit Land Claims are being pursued in Canada today. You have been Prime Minister of Canada during most of the years of our land claims movement. During your administration, our Canadian Inuit Land Claims were settled in Northern Quebec, and an agreement in principle was reached with the Inuvialuit of the Western Arctic.

Under the short administration of Mr. Clark, there appeared to be no progress with land claims settlement negotiations, and it appeared the Clark Government wanted to repudiate the agreement reached with the Inuvialuit. Of course, such a repudiation would have set back the progress of national public policy and the resolution of Inuvialuit rights to where they were more than a decade ago.

We understand Canada is undergoing significant constitutional development while she is becoming an important energy producing and exporting nation. An important part of this development will be settlement of Inuit claims and the establishment of strong regional municipal government all along the Arctic Coast.

As countries we each share in the other fortunes and mistakes in Arctic policy. We would therefore welcome the successful resolution of any conflicts between Canada's national energy policy and environmental security must be based upon our Inuit rights and the strength of local government.

Canada and the United States are joined in an Arctic energy partnership. This partnership raises questions of justice affecting all Inuit. We look to your return to leadership as evidence that these serious questions will be resolved.

Sincerely yours,
Eben Hopson
Mayor, North Slope Borough
Chairman, Inuit Circumpolar
Conference

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Dear Editor:

Would you like a piece of the pie? Heres how you can get it. The permanent fund now approximates \$1 billion...Whose? How about the people of Alaska? This fund if carefully pro-

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Letters to the Tundra Times

February 25, 1980

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lected from the political arena and regional Pork Barrel projects could directly supplement your childrens and grand children income indefinitely. Remember what happened to the first \$900,000,000? Where is it now? The idea:

1) 10% of non-renewable resource money to go to permanent fund (currently approx. 1 billion future estimates approx. 10 billion by 1990).

2) Administration of fund by 7 to 9 directors originally appointed as follows in the interest by the governor expediency, legislature, and supreme court justices.

Later to be excepted by shareholders to staggered terms.

3) Permanent fund to be invested by Permanent Fund Board with a minimum of 50% within Alaska. Mortgage loans, bus. loans, agriculture, fishing, resource development, etc. (The idea is to try to build a more stable economy through industry, etc. Rather than just boom and bust.

4) Returns from these investments distribute as follows:

(If the fund grew to \$5 billion which brought an annual return of 8% this would come to \$4 million for a given year.)

The first 10% on annual rate of inflation be placed back into principal. The next 2-3% cover the administration of the fund by the board. The percent decided upon would be the compensation of the entire board and all administrative expenses.

This would create an incentive for those board members to make money for the shareholders and limit their expenses.

The remainder to be distributed on a per share basis to all shareholders.

5) Shares distributed one share per person per year of residency over three years in Alaska.

This type of distribution would tend to keep this money in the Alaskan economy as well

as weight any stock holder decisions with those people who are longer term residents who usually tend to still be here to bear the consequences of those decisions.

The only share transfers which should be allowed are those to children of original shareholders on natural heirs.

Shares should be issued only until 1990 at the time another permanent fund could be started. This cut off would serve to keep from diluting the revenues earned by the fund to the point where an individual share would be of questionable worth.

The permanent fund remains intact, grows in principal and distributes the annual earnings directly to the people of Alaska to be spent as the individual recipient wishes. The net result of this could mean \$80 million cash money placed into the hands of individuals now and with the growth of the fund and its earnings. This could grow to as much as \$800 million a year by 1990. Food For Thought....

The legislature will be making a decision immediately.

Denny Victor

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Anaktuvuk Pass, AK 99721
11 March 1980

Dear Editor:

In my concern over John Heffle, Jr.'s concern over government, I believe is irresponsible, and not the governments. But rather it is irresponsibility of the lower leaders. Who complain yet does not do a thing about a certain government agency.

I got tire of my clean up in governments and ain't doing no more for the lower leaders.

The last 10 years-I've taken care of BIA, state and legal services but rather, I know now

where the blame are at.

The last 4 years, I just sit and listen and comfort the ladies. All they want is make money and let by stand to there work for nothing.

Loved you,
Joey T. Mekiana

I held back my vote on lowered taxes bill. And union control over government bill. Stayed neutral on both. I am beginning to think twice-thrice before my moves against governments. I have long learn people don't want solutions. They just want to complain.

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March 28, 1980

The Hon. Alvin Osterback
State Representative
Pouch V
Juneau, Alaska 99811

Dear Rep. Osterback:

It was a pleasure to talk to you this morning about some of the problems which we are facing and will be facing and possible solutions to them on St. George Island.

I understand from talking to your aide that requests such as these are a little late for this session, but nevertheless, I would like to make you aware of them in the event that something might come up later.

We at St. George and St. Paul have been very supportive of your efforts and would like to continue to support you for any further re-election attempts. As such you must understand that we are keeping close watch on your record through the media and contact with other people within your district. Some of the areas which I feel we are in need of assistance are:

1. Assistance with heating fuel. As you might know, we are currently paying approximately

\$59 per gallon. The end of this summer, the cost is going to increase to approximately \$155 per gallon. As you are aware, we are employed on a seasonal basis, and are continually having to rely on the Federal Government for assistance, but they are slowly pulling many of our jobs and other help which they did provide to our community. Therefore, we are going to have to continue to seek more help from the state.

2. I understand that the number one priority of the Bush Caucus is to combat alcoholism and drug abuse problems. We on St. George are also facing such problems and are in need of solutions also. We feel that a Community Center for the young adults and everyone else for that matter would help to fill in some of the leisure time we find ourselves in excess of. Is there a possibility of getting funds of approximately \$1.5 million which it may cost to build one?

3. Finally, our drinking water problem. As you may know, we have been faced with this problem for many years. We have been told that we may need \$300,000 to get a system which may be more realistic than what we currently have. Can you help us with this situation?

I am hoping to hear from you on these matters very soon.

Finally, on another note, I just received your list of requests for fundings from the state. I wish we could have had a more personal contact either by newsletter or other means so we could have contacted you earlier about these matters. Needless to say, I am personally very disappointed with the list. Somehow Sand Point gets everything. It is numbers one, two, three, and four on your list of priorities and St. George is number eighteen. Also, you may have been aware of the poor transportation and mail service to the community of Alka. They are not even mentioned on your list.

Others on your list:

1. Sand Point \$500,000 for a Lift for a dock?

2. Sand Point \$75,000 for a Road to Red Cove Lake?

3. Sand, Point/King Cove \$240,000 for Heating Clinics

4. Sand Point, King Cove, Unalaska, and Old Harbor to receive \$1,000,000 for Swimming Pools?

I will skip numbers 5, 6, 7, & 8 and go to item 9, then 15 and 16.

9. Sand Point \$13,510 for a Telephone Center?

15. Sand Point \$1,000,000 for Airport Construction

16. Sand Point \$700,000 for a Complete Road to Airport.

No doubt these are all very worth while projects, and I am not trying to place my own value judgement on them. I am however upset on these matters because we are in real need for just minimum services. You our Representative should try and become our Representative and come to our communities rather than on just a re-election swing to tell us how good you are and what you want to do for us. I hope I will have much to say about your possible re-election if this continues, and will begin work as soon as I hear your response to my questions as well as to the above priorities. We need some attention over here too, because the last time I looked, we are listed on the map of Alaska as well as within your district.

Thank you very much:

Very Truly Yours,
Father George Pietnikoff
St. George Is., Alaska

Mr. Carmen J. Blondin
U.S. Commissioner
North Pacific
Fur Seal Commission
NOAA
National Marine
Fisheries Service
Washington, D.C. 20235

Dear Mr. Blondin:

Our Society is interested in continued and improved management of North Pacific Fur Seals, including continued controlled harvests ashore. The enclosed copy of an earlier letter on this subject should be of interest to you.

We wish to stay abreast of developments as the U.S. moves toward the April meeting of parties to the North Pacific Fur Seal Commission. We would like to receive public mailings (we note that we are not on the list attached to your 11 January memo regarding the Schedule of Preparations).

Also, we would like to know whether public comment will be sought on the draft position paper submitted by NMFS. From what we know to date, we are able to support all points in the proposed U.S. position.

Sincerely yours,
Edward C. Murphy
President

AK Conservation Society
P.O. Box 80132
College Branch
Fairbanks, Alaska 99708

September 11, 1979

Mr. Morris Thompson
President
Alaska Federation of Natives
1675 C Street
Anchorage, Alaska 99501

Dear Mr. Thompson:

Recently a good deal of publicity was given to opposition by Greenpeace, Friends of Animals, and Committee for Humane Legislation to the continuation of fur seal harvests on St. Paul Island. Understandable, several Native leaders were dismayed at this opposition because of its implications for the welfare of people living on Pribilofs. Some Alaskans seem to have assured that the Greenpeace (etc.) position is held widely by environmental groups. This is not the case.

We would like to assure you that the Alaska Conservation Society and Fairbanks Environmental Center support continued controlled harvests of fur seals on the Pribilofs under international convention. We think fur seals are threatened less by present harvests than by the pelagic sealing likely to be conducted by other nations if the treaty is dropped. We also think there is no justification to take a precipitous action that would create immediate, serious hardship to people on St. Paul and St. George. We oppose HR 5033 on those grounds.

Although we support continued fur seal harvest, we do not think the present management regime is totally acceptable. For example, optimum sustainable yield should be the overall harvest policy, not maximum yield. On the research side, we are urging much more effort to understand the relationships of fish harvests in the Bering Sea to fur seal populations.

We think you will find that the major, broad-based environmental organizations will take positions similar to ours and different from Friends of Animals, etc. Our recent contacts with them suggest that this is the case. National Audubon Society, a large and respected organization, has already taken a position supporting fur seal harvests.

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We certainly would welcome any response you may have to this comment, and would be pleased to work with you on this issue in the coming months.

Sincerely yours,
Edward C. Murphy,
President
AK Conservation Society

John Adams,
Director
Fairbanks Environmental
Center