

Eskimos File Suit to Gain Right to Vote

"The named plaintiffs are native born citizens of the United States and reside in Shungnak, Alaska. Each of the named plaintiffs is of Eskimo stock, and is functionally illiterate in the English language but otherwise qualified to vote under the laws of Alaska..."

Thus stated the complaint filed by John S. Hedland in the U.S. District Court in Anchorage last Friday for the Alaska Legal Services Corporation.

Claiming they are denied the right to vote, Flora Cleveland and Albert Commack of the village of

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Shungnak Eskimos File Suit . . .

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Shungnak have brought suit against the execution and application of certain provisions of the constitution and statutes of Alaska in violation of the equal protection clause of the 14th amendment of the U.S. Constitution.

The suit was made by Flora Cleveland and Albert Commack as individuals and as representatives of a class.

Secretary of State Keith H. Miller in that capacity is responsible for the administration of laws of Alaska governing the conduct of elections and qualifications of voters.

George Cleveland is an election judge for the fourth class city of Shungnak and in that capacity responsible for determining and ruling who should vote in that village.

"The defendant Cleveland," the complaint reads, "follows a policy and practice of allowing only those literate in English to vote in Shungnak city elections, and refused to permit the plaintiff Commack to vote in the 1967 city election on the grounds that the latter was not literate in English.

"As a result of the policy described above, the plaintiffs Cleveland and Commack did not attempt to vote in the

1968 city election."

The complaint states that a substantial portion of the native population of Alaska is functionally unable to speak the English language and a considerably higher proportion is functionally unable to read and write the English language.

The Alaska constitution requires that a voter in Alaska elections "be able to read or speak the English language unless prevented by physical disability."

The complaint says the execution and application the Alaska constitutional laws denies Cleveland and Commack and the substantial portion of the native population the equal protection of the laws.

It further states that it taints the electoral process in all elections as it is conducted now, thereby impairing the interests and infringing upon the rights of all Alaska voters.

"Unless restrained," it says, "the defendants will continue to execute and apply the laws of Alaska in a manner which denies to the plaintiffs the equal protection of the laws, and which impairs the interests and infringes the rights of all Alaska voters."