

Federal-tribal relationship not based on race

To the editor:

In 1975, Congress established the American Indian Policy Review Commission. The commission was comprised of three senators, three representatives and five Indians.

Its charge was to make a comprehensive review of Indian law and policy and to make recommendations for the future. The commission's recommendations for congressional action may have great impact, much like the Merian Report of 1928 or the Hoover Commission's Report of 1949.

The commission's final report was submitted to Congress in May 1977. In general, the final report is based on

these notions:

- Federal policy should operate on the premise that Indian tribes are permanently governmental institutions in this society.

- Assimilationist policies should be rejected unless they are proposed by the affected Native Americans.

- Congress should make a substantial increased financial commitment to the economic development of the tribes and to the standard of living of individual Native Americans.

- Basic legal doctrines, most particularly tribal sovereignty and the trust relationship, should be reaffirmed and strengthened.

- Terminated and non-federally recognized tribes should be eligible for federal recognition and federal

services.

Congressman Lloyd Meeds, vice chairman of the commission and former House Indian Affairs subcommittee chairman, dissented vigorously from the final report, which was endorsed by the other 10 members of the commission.

Meeds argued for broader state jurisdiction in Indian country and, conversely, for more limited tribal jurisdiction, especially where non-Indians and their property are involved.

At the same time, Indian tribes and individuals are often not subject to state jurisdiction when in Indian country.

The special status of Native Americans has spawned outcries of

"reverse discrimination." Some see treaty rights, tribal jurisdiction and special statutes benefitting Native Americans as resulting in a denial of equal protection for non-Indians.

Morton V. Mancari answered those contentions by concluding that there is no discrimination as to race because the federal-tribal relationship is not based on race but rather is based on relations between governments, i.e., the United States and the tribes. The reasoning in Morton V. Mancari has been reaffirmed several times.

This also pertains to all Alaska villages and individual Natives.

Grover G. Riley
Minto

Point Hope problems

To the editor:

The people of Point Hope find themselves in a serious predicament. In 1971 at the time of the Alaska Native Claims Settlement Act, the village was given to believe that under the act they would automatically receive the legal conveyance of their land. This was, in fact, not the case.

They were blinded and ill-informed about the foreseeable impact of the ANCSA ruling. However, up to a certain deadline, Oct. 17, 1976, they still had time to make use of the earlier Alaska Native Townsite Act, which had existed for the purpose of holding the land in trust for Natives and to protect it for their use.

In 1976, before the date of the deadline, the village was forced to move its site further east up the beach to avoid the erosion that had already destroyed many sod houses on the old site. At the time of the move, the new site was surveyed.

The townsite trustee had the legal duty to inform the people about the

status of the new site. He neglected to do this, and thus the official body he represented, the Department of the Interior, is in default.

Because of the silence of the townsite trustee, the deadline passed by, and to this date Point Hope is in the predicament I have described. Due to the present economic status of Point Hope village as a whole, the villagers would be unable to survive the impact.

The conclusion to be drawn from these events is that Point Hope has a validly existing right to ignore the deadline of Oct. 17, 1976, and, further, has the right to go ahead and use the Alaska Native Townsite Act, because their actions predated the act by 1) use, 2) occupancy, and 3) the survey that was completed before that date.

I call upon the government to respect these actual rights and to uphold the strict fiduciary standards and duties to which it is obligated in this matter.

Sincerely yours,
Edith L.B. Turner
Point Hope



'A little cash is virtually useless in the village'

To Ms. Rutherford:

I can't believe your statement, Ms. Rutherford, state municipal assistance chief, in the Anchorage Daily News article on Sept. 20, where you said, "A little cash goes a long way in the village."

Let's talk reality. I am an Alaska Native. I have lived, worked and visited in over a hundred villages in Alaska. I now live in Anchorage because I can't afford to live in the smaller communities any longer!

Oil to heat the home is over \$500 a month in some of the villages. Without subsidies, no family can afford the cost. Villagers often have a bill of over \$1,000 in the wintertime, just so they don't freeze to death.

To get one small package of meat flown in, the airlines charge a minimum fee of \$50 for under 50 pounds. Now you figure the cost of the meat plus \$50. Most families can't afford to buy an order over \$1,000, which is required by most companies before they will ship out to the village. Of course, then you must add on the freight charges which are by pound, not per package. Not all of us can hunt, because of age, disabilities or preference. To be a vegetarian, forget it. Produce is often low quality with a high price. I paid \$1.10 for one mealy apple.

At times, village stores can't afford to buy the minimum order either.

Food is extremely expensive. Compare the costs at the village level to Anchorage. Why not "live subsistence"? Well, in many of the areas where berry picking and food gathering was done, the fields are gone, tramped over by development! Hunters from the cities come in, take the hides and give away the meat in the city!

Fishing season may not have been the best and the family may not have enough to last the winter. Or Fish and Game have told the people not to kill the bears who are raiding their winter supply of fish. Better the bears live and the people die?

Quotas are put on people who have lived subsistence for thousands of years and never misused the trust of the great Creator. You see, we see the Earth, Skies and Water in a circular manner: Each part taking care of the other and all in balance.

It is atrocious someone with a lack of knowledge about villages is running our Municipal Assistance Department. Just how long have you lived in the village? I suggest Gov. Cowper send you to Buckland to winter. It would be a good eye-opener. Maybe then you would change your mind about cash going a long way in the village. By the way, go with only a little money, few warm clothes and my blessing. It'll do you good!

From your position in your warm

office, you can afford to be optimistic. I realize though "cabin industries" take years to build a following. The net profit is very little at that level, especially with people who don't understand business. I appreciate the glimmer of hope it gives a few people and it should be pursued. But there needs to be education for all the people at all levels.

Therein lies the answer, yet many of the schools are barely able to make it with the budgets they have been given. People must be educated to run local hotels, charter airlines and manage tourism endeavors, lodges and small businesses at a profit. But, look at whose pocket it would hit — the non-Native businessman with lots of clout in the state government. The very government that could give a chance for opportunities, but doesn't see education dollars for the entire community as the way!

The past cannot be changed. We can only look to the future and try to do what we can to survive. Of course, you may not see that as reality!

Our people are a minority in their own land. We had no say and no choice. The dominant culture has come in and conquered and now dictates to us what they feel is "best" for us, as if we are little children who can't make choices for ourselves. We were trusting.

The dominant culture moved in, set

up welfare departments and "helped" the people into dependency on the systems. Now you come to us and say, "We sure are sorry, but you make it on your own!" And many of our people have lost the skills to survive in a harsh land because of years in mission schools where we were taught our ways were "heathen," where families have broken up because parents no longer bonded with children and children grew up with no respect for their parents. Upon return to the village, children saw their parents as "primitive," "dumb" and "ignorant." We entrusted our children to the white schools to be educated. They gave us back our children with no love for their own people or culture.

I am grieving for our dying culture. I am grieving for our people about whom you are so obviously misinformed. Ms. Rutherford, open your eyes, a little cash is virtually useless in the village where the cost of living is enormous and a lack of basic education is holding many back.

I am doing my part by being involved in and encouraging education at all levels. Be more realistic in your position! Get out of your office and get dirty! See how the people live and the reality of the situation

Sincerely,
Mary Smith
Address withheld