

Natives halt state's 'back-door' bill

by Paul Swetzof
for the Tundra Times

I recently returned from Washington, D.C., where I accompanied Clare Swan of the Kenaitze Indian Tribe, Spud Williams and Mitch Demientieff of the Tanana Chiefs Conference; State Rep. Kay Wallis, D-Fort Yukon; and other representatives of Interior villages.

OPINION

The purpose of the trip was to derail the anti-subsistence amendment to the Alaska National Interest Lands Conservation Act which Congressman Don Young, R-Alaska, had introduced at the request of Gov. Steve Cowper.

The anti-subsistence bill had the potential of eliminating the subsistence priority for individuals living in rural Alaska whose community economies were a mix of cash and subsistence. The bill would have turned ANILCA on its head.

ANILCA grants a subsistence priority to all rural residents. It is based on the geographic location of an individual, not the economic makeup of a community.

The wording for the amendment was lifted directly out of the state's definition of subsistence, which recently was rejected by the 9th Circuit Court of Appeals as the result of a lawsuit filed by the Kenaitze Indian Tribe of the Kenai Peninsula.

If the amendment were passed by Congress, the Alaska Boards of Fisheries and Game, which have always been dominated by sporting and commercial interests, could run wild. They could have eliminated from the subsistence priority the many coastal villages with processing plants and other cash businesses.

Interior communities such as Nenana and Fort Yukon may have been eliminated. The end result could have been the elimination of subsistence for a substantial percentage of villages. Additionally, as more villages managed to develop partial cash economies, they, too, could be eliminated.

So much for our cultural integrity. But Cowper has never cared much for our cultural sustenance, as is evidenced by the actions of his administration.

Rather than abide by the court decision, our governor decided to attempt to sneak an amendment into ANILCA. He almost succeeded. No one received word of the amendment until a few days before it was scheduled to be considered.

We flew to Washington with just a few hours notice. The amendment to ANILCA was put on a fast track in the Interior and Insular Affairs Committee of the House of Representatives. Young is the ranking Republican on that committee.

The bill was sponsored by Young and Rep. George Miller, D-Calif., the committee chair. It was presented to the committee as a technical amendment to ANILCA, a mere "clarification."

Committee members were also told that the Native community was in favor of the amendment. The committee, not knowing any better, accepted this explanation at face value. They were prepared to unanimously approve it and place it on the consent calendar of the House of Representatives within a few days.

In fairness to the committee and Young, there was good reason for the

committee to believe the ridiculous notion that Native people were in favor of the amendment. Don Mitchell, the Alaska Federation of Natives' long-time attorney, was telling people the amendment was a good idea.

Once we got to Washington, we immediately began talking to committee members and their staffs. We also spent more than an hour speaking with Young.

We do have friends in Congress. Specifically worth mentioning is Rep. Ben Campbell, D-Ariz. He is the only Native American in Congress. Fortunately, he is also a member of the Interior and Insular Affairs Committee. He agreed to represent the interests of Alaska Natives before the committee and before the full House.

Also worth mentioning is Young. Young made clear to us he hadn't realized the effects this amendment would have on the subsistence priority.

He, like everyone else, believed the governor's assertion that the amendment was only a technical clarification. He also was led to believe that the Native community was behind the amendment.

Once Young realized the impact of the amendment, he immediately agreed to draft a substitute bill which would meet the needs of the Native community. He was very concerned that people understand that the effects of the amendment were not what he had intended and that he has never wavered in his support of subsistence in Alaska, including the Kenaitze people.

Young deserves a great deal of thanks for admitting a mistake, supporting us and rejecting the governor's back-door amendment.

Finally, on the day the amendment was scheduled to be heard by the committee, AFN, to its credit, voted

unanimously to oppose any amendments to ANILCA. The committee, and specifically Young and Miller, had learned from us that Native people were opposed to the amendment.

The result of this is that if an amendment to ANILCA is considered, it won't be fast tracked and approved without comment from those of us most affected. If an amendment is introduced, it will be a time-consuming action, requiring hearings, comment, discussion and deliberation.

Our friends are now aware of our interests and will stand up to protect them. And, of course, subsistence is protected. The decision in Kenaitze must be allowed to stand for it protects not only the Kenaitze, but all Native and other rural residents.

This is the first time the Court of Appeals has ruled on an ANILCA case between Alaska Natives and the state in favor of Native people. It is a good sign for the future.