

# Rights of aging Alaska Natives

March 18, 1977

Tundra Times  
Box 1287  
Fairbanks, Alaska

Dear Editor:

To establish the constitutional right for the Aging Alaska Natives, in the "Alaska Native Claims Settlement Act, and participation in the corporate structure established under the corporate laws of the State of Alaska.

Sec. 2 Declaration of Policy: (C) No provision of this Act shall replace or diminish any right, privilege or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Natives as citizens of the United States: Definitions of Corporations, from Putnam's Handy Law Book for the Layman. There are many kinds of corporations. Those generally known are business corporations and only one other should be mentioned as it reflects our understanding regarding corporate law. A "quasi" corporation was set up by Act of Congress for the benefit of the Tlingit and Haidas in their payment of the judgement of the Court of Claims in the case of Thlingit and Haida Indians of Alaska, et.al. against the United States numbered 47,900. So

generally speaking these types of corporation has the same laws applicable to them; that a corporation is like a human being under the jurisdiction of the United States.

(We) this pronoun speaking of the Aging group of the State of Alaska for Indians, 1st person nominative plural of (I). That I represent on the Council and Board of Directors all Aging Natives 60 years or over, the National Indian Council on Aging Inc.

Re: Distribution of funds: We the Aging have not been told of our rights "of the freedom of choice," as guaranteed under the constitution, rather an interpretation of Sec. 7 (j) of the Act appears in print, to quote, "Each Regional Corporation and non village stock holders in its region at least 45% of all the funds it receives as defined in Sec. 7 (j) of the Act, whereas the true printout states, "Not less than 45% of funds from such sources during the first five year period, etc." A final principle was established that through its agents or servants of a corporation could do wrong quite like an individual. Among those wrongs is "false representation of any type" Our contention is that a person quoting a Congressional Act for the benefit of its shareholders must recite the exact words, commas, etc.

Finally to all Indians of Alaska 60 years or over, because in fifteen years most of us will be gone, and with due respect to the Aging on Human Rights, that we invoke the plenary power of Congress to promulgate laws actually for the protection of Indian tribes, and

for the Indians own protection. For all regional leaders, the AFN helps your elders to live in honor and dignity by giving them the freedom of choice which is now denied them. The impact on corporate funds will be very minimal, but the dignity it affords "we the aging" in their declining years will surpass all monetary evaluation.

Victor Haldane  
Box 44

Hydaburg, Alaska 99922  
Council Member; Member Board of Directors of the National Indian Council on Aging

## Governor replies

April 19, 1977

Tundra Times  
Post Office Box 1287  
Fairbanks, Alaska 99701

Dear Editor:

In the Wednesday, March 30, issue of the Tundra Times there was an article regarding payments to the Alaska Native Fund extensively quoting John Borbridge, Sealaska President. I would like to share with you my response to Mr. Borbridge.

Mr. Borbridge asked why payments under the Oil and Gas Ad Valorem Tax were not made to the Alaska Native Fund during fiscal year 1976. In addition, he also asked about payments into the Alaska Native Fund from bonuses, rentals, and royalties received by the United States on federal lands.

It is my understanding that all payments required of the State by the Alaska Native Claims Settlement Act have been made. Additional or accelerated payments (payments not required under the Alaska Native Claims Settlement Act) to the Alaska Native Fund were not made. These additional payments not required by federal law were not made because no appropriation for them was made last year. These additional or accelerated payments included royalties from lands not covered under the settlement act and payments specified under the severance tax and reserves tax statutes. Both the Attorney General and legislative attorneys have given opinions that these accelerated payments cannot be made without an appropriation because it would be unlawful dedication of revenue. In addition, the Attorney General has advised that accelerated payments which are not required by federal law may not be creditable against the State's total liability of \$500 million.

Accordingly, since these payments were not required under federal law, no appropriation was made for these accelerated payments. This fact was mentioned in my 1976 budget message. The House, Senate, and Free Conference Committee on the Budget concurred that these additional payments should not be made in a year of necessary fiscal constraint.

In addition, amounts to be paid into the Alaska Native Fund from federal lands are deducted before payment is made to the State and the federal government is responsible for making these payments into the Native Fund.

Therefore, in summary, payments required of the State

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## Human rights and unsettled Native land claims . . .

(Editor's Note: The following letter to President Jimmy Carter appeared in the April 19 issue of the Fairbanks Daily News-Miner. The writer questions possible U.S. support of a trans-Canadian gas line in light of U.S. foreign policy statements reflecting American concern over human rights issues. Because Rev. Nelson specifically questions the issue of unsettled Canadian Native land rights, we believe the letter merits the attention of Tundra Times readers.)

Box "O"  
North Pole  
April 16, 1977

The President of the United States  
The White House  
Washington, D.C.

Dear President Carter:

Greetings in the name of the Lord!

I just completed my 85th trip over the Alaskan Highway and during my travels in Northern Canada, I was again made aware of the fact that Canada has never settled its Native Land Claims with the Indians and Eskimos of the North. As I follow the news, I am well aware of the posture of the United States relevant to Human Rights, and I agree. I have followed very closely the requirements at the recent negotiations and talks with the Russians in relation to Human Rights and further arms limitation. We require the Russians deal with Human Rights or no talk.

Then, how can we proceed with plans for a gas pipeline that will traverse Canada to bring gas to America that will run rough shod over the the rights of others? How can we even allow our Federal Power Commission or Judge Litt to make decisions relevant to various proposals such as Arctic Gas and Northwestern when a large portion of that pipe will be laid on ground where the issue of human rights is not settled?

I believe there is a Bible Scripture that is applicable here . . . Remove the beam of misuse of human rights out of our own eye that we might better remove the mote of the Communist misuse of human rights out of their eye, Matthew 7:3-5. We will remain a voice of one crying in the wilderness defending the human rights of the Eskimos and Indians who are obviously being ignored during this period of time. They have human rights too, that should be settled first.

Yours living in the shadow of the cross and its teachings,

The Reverend Donald Lloyd Nelson  
President KJNP Radio, North Pole, Alaska  
Director of Calvary's Northern Lights Mission, Inc.

# Letters

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under the Alaska Native Claims Settlement Act have been paid. Additional or accelerated payments not required under federal law have not been paid since no legislative appropriation has been made for this purpose.

I think it would be valuable if representatives of my Administration met with Mr. Borbridge and other Native leaders to jointly discuss this in case there is need for further clarification.

Sincerely,  
Jay S. Hammond  
Governor