

LEGAL SNARES SLOW CLAIMS

Regional Leaders Blast Interior Department For Snags In Settlement

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REGIONAL LEADERS AND TT REPORTER — Sam Kito (Doyon), Joe Upicksoun (ARSC), and Willie Goodwin, Jr. (NANA) listen to U.S.

Representative Lloyd Meeds, of the House Subcommittee on Indian Affairs. Margie Bauman, our reporter, lurks in the background.

- Photo by LAURA BERGT

"It has been difficult enough to carry out all the planning and studying necessary to make prudent land selections," said Joseph Upicksoun, president of the Arctic Slope Regional Corporation.

"It is intolerable to be forced to divert our energies and use our limited financial resources to take the Secretary (of the Interior) to court, merely to get him to do what the act requires him to do," Upicksoun told U.S. Rep. Lloyd Meeds, D-Wash. and Chairman of the House Subcommittee on Indian Affairs at Fairbanks this week.

Upicksoun was one of more than a dozen spokesman for Alaska Natives to testify before Meeds in Alaska during the week on difficulties between Native Regional Corporations and the Interior Department over implementation of the Alaska Native Claims Settlement Act. Rep. Don Young, R-Alaska and a subcommittee member, also attended the hearings.

As a group they gave strong support to the proposed Indian Trust Counsel Authority, which would provide government funding for Native Americans for legal services "in regard to rights or claims of Indians to natural resources . . . within the United States' trust responsibility owing to the Indians.

And as a group they berated the Interior Department for causing Native corporations to spend thousands of dollars and numerous hours protecting the promises of the settlement.

"We are feeling the financial and time pressures that could be alleviated by establishment of an

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"Department of Interior Is an Extension of the U.S. Cavalry"

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Indian Trust Counsel Authority," said Gary Longley Sr., executive vice president of the Bering Straits Regional Corp. Longley told Meeds that his corporation, headquartered at Nome, spent some \$8,000 and 14 working days of two people on the second Washington meetings on land selection regulations earlier this year. And that, said Longley, did not include Washington attorneys fees.

"We could have better used our time and money for other areas of implementation," had there been something like the Indian Trust Counsel available, Longley said.

"To date, it has been 594 days since the passage of the act, and the public lands order which will authorize the withdrawals has not been made," Meeds was advised by Willie Goodwin Jr., director of lands for the NANA Regional Corp.

Goodwin said that meanwhile, "the National Park Service has had the opportunity to spend hundreds of thousands of dollars to prepare a report to the Secretary on why the lands in question should become a national park. It appears that the Secretary has the discretion to afford some of the agencies under his department time to make firm arguments in their behalf and then tell us why our requests can't be granted," he said.

"It is clear case of the department having a conflict of interest between Native rights and federal land ownership," he said. "We feel that the Indian Trust Counsel Legislation should provide Alaska Natives with a means of fighting the department in these situations."

Executive director Sam Kito, speaking for Doyon Ltd., also gave strong support to that idea. "All of the regional corporations and village corporations established pursuant to the act will soon be hard pressed to assure that in its implementation it does not become an 'empty' shell," Kito said.

"At the present time, and in the absence of an Indian Trust Counsel Authority, it is expected that to assure the Alaskan Native people their settlement rights under the Act will necessitate the spending of substantial sums for litigation. These monies should instead rightfully go to individual native recipients, as intended by the Congress."

Kito said that in years past the Department of the Army had their solution of the "Indian problem" — slaughter. "As inheritors of the 'Indian problem' the Department of the Interior devised its slower, though hardly more humane system of dealing with its native wards," he said.

"It has been but a short step from the clarion call of bugles and clash of sabers to the scratching of crow quill pens on the treaty papers," Kito said. "The Army solution was to bury the people on their own land; the Department of Interior's solution is to sweep them off of it."

Earlier in the hearings, in a session at Anchorage, State Sen. Willie Hensley and others hotly criticized the Interior Department for numerous examples of conflict of interest.

"I can not stress enough the difficulties we have had with the department and their attitude," Hensley said.

"It seems to us that the Department of the Interior at this point is merely an extension of the U.S. Cavalry and if their decisions were let go unchallenged, the Department of the Interior would be affecting the Alaska Natives the same way that the U.S. Cavalry demolished our Indian brothers and sisters in the south 48 during the late 19th and 20th centuries.

"We would recommend that this subcommittee remind the Department of the Interior of their obligations spelled out in section 2 (B) of the act: the settlement should be accomplished rapidly with certainty and conformity with the real economic and social needs of the

Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property . . . " Hensley said.

Meeds, for his part, said he felt the land claims legislation was just and equitable, "but I'm not altogether happy with the way it's been administered."

The Washington State Democrat voiced particular concern with the lack of involvement of Native people in government decisions affecting implementation of the land claims act.

He cited several instances where Natives weren't even consulted in drawing up rules, in addition to the recent revision of native allotment regulations by Undersecretary of Interior Jack Horton. (Horton subsequently rescinded those revisions, subject to further study, after pressure was brought by the AFN Inc., regional leaders and Morris Thompson, area director for the Bureau of Indian Affairs. Thompson and others delivered a scathing verbal attack on Horton for revisions which stood to make ineligible more than 60 per cent of the allotment applications.)

"The question of allotments is a very difficult issue," Meeds said. "There is no hesitation on my part of say it was never the intent (of Congress) that the Natives got more than 40 million acres, but it was our intent that they got every damn acre of that."

Meeds later told Native leaders at the Fairbanks hearing they should continue to support the AFN Inc. and admonished those from stronger regions to help the weaker regions implement the act. Meeds said he was speaking as a friend of the Alaska Natives. "I hope you will take my remarks as those of a friend. I don't mean to come in here and spend five days and say I have all the solutions. I don't have all the solutions, but I have never known a situation where, when it was divide and conquer, it was for the best of all people," he said.