

ANSCA does not take away sovereign aboriginal rights of Natives

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The term "Subsistence," when properly and adequately addressed to mean the Aboriginal Alaskan Natives' Rights to traditional use of fish and game and other natural resources, means an Inherent Right that cannot be legislated away, taken away, or even given back.

In other words, Inherent Rights are paramount to any other sources of law, regulations or law by referendum. Because Inherent Right is a Common Law Right much older than the American Law and Procedure, it cannot be eliminated by statutes of recent enactment. Federal and state laws may attempt to suppress and intimidate traditional users, but Inherent Rights still exist.

Did the Alaska Native Claims Settlement Act extinguish your Aboriginal Rights? I say No! But the language of the Act seems to say so. Again, I strongly disagree, for the reason cited in the above paragraph and several other reasons. Politicians and legal voices say Congress has Plenary Powers, but can they legislate a culture away? The Alaska Native Claims Settlement did not change my status as an Indian, nor can it now by law change my black hair and brown eyes into blond hair and blue eyes. If it were possible to pass legislation to take away a culture and Inherent Rights, it would be Genocide by Plenary Power.

What about your Native leaders that successfully lobbied for the passage of the Alaska Native Claims Act under the auspices of the Alaska Federation of Natives (AFN)? Did they not represent all the Alaska Natives? As I see it, they were De Facto. Although the United States Congress treated and recognized them as if they were the "Tribal Governing Body" for the purposes of the land claims, they later lost that status when the implementation of the "Indian Self-Determination Act - P.L. 93-638" denied them recognition.

Had they retained that status by continued federal recognition, they still were not and are not the properly design-

nated spokesman of all the separate "Sovereign Tribes" of Alaska. (I am not begrudging the Alaska Native Claims Settlement Act nor our Native leaders their success; they did a very splendid job. What I am saying is, I still have and claim my Inherent Rights. Our survival as Native Cultures does not depend on the Claims Act nor its successful corporations, but, rather, our survival depends on religiously cherishing and practicing our culture and Inherent Rights which are peculiar to our various ethnic groups of Alaska).

What about your "Per Capita Money?" Did the acceptance and cashing of checks mean you have accepted the provisions and interpretations of the Claims Act? No! No one has fully interpreted the Act, and no one has fully accepted all the interpretations of the Act. Acceptance of cash does not mean the Acceptance of the Act. The small per capita checks do not begin to compensate for losses.

The 40 million acres of land were not given to you by the federal government, your leaders were simply successful in retaining ownership of this small portion of Alaska. Further losses are still in the making. 1991 is rapidly approaching.

It is said by many, some of you have lost your rights by assimilation; your social and economic status has changed; and you utilize some modern technology. Some no longer use spears, bow and arrows or other primitive methods; instead you use modern firearms, snow machines, motor boats, and in some cases even airplanes. You do not hunt and fish or take the resources like your ancestors did hundreds of years ago.

To "traditional users" this sounds like a silly argument, but it has been voiced many times. Let me say, none of these opposing arguments destroy, replace or diminish your Inherent Rights.

You are still an Aboriginal Native regardless of income, education or assimilation. Take, for example, the ancient Greek and the modern Greek. Hundreds of years ago they sculpted some beautiful marble gods and worshipped them. Today this same Greek, now a

modern Greek, will escort you among the broken marble as a tourist attraction. His social status has changed and no doubt his culture has changed, but he's still a Greek. No amount of legislation will change that fact.

As Aboriginal Native Americans, the Alaska Natives are many diverse "Sovereign Tribes." The Sovereign Rights of a tribe are rights they have always possessed. They are natural rights they retain; they cannot be taken away, destroyed or granted by another sovereign. It is an accepted rule of international law, a settled Doctrine of the Law of Nations, that a weaker power does not surrender its Rights by associating with the stronger, even if it is for its own protection. It might be argued that some of your "Tribal Governments" have no land base, how can they claim and exercise their sovereignty? Sovereignty is as much a part of the Aborigines as one's "physical arm" is for most. It is simply hanging in disuse.

Loss of land base does not take away Sovereign Rights. A good example is the "Jewish Nation." For 2,000 years, they were dispersed among the nations of the world; their Sovereign Rights to their Home Lands were recognized, they were re-established in Israel in 1948. Today they are a power

in world politics. Their Human Rights are no different than any other Ethnic Groups or Nations. While cultural changes are inevitably due to the economical, technological and educational environment, the Native Peoples still survive as "Distinct Sovereign Groups." The United States should support their rights to cultural and political integrity. Congress should not impose unwarranted pressure to change, nor

should they be indifferent to the Native People's religious values which tie in directly with the use of natural resources.

Among the various Natives of Alaska, there is a diversity in prioritizing "Subsistence Hunting and Fishing." That is, the rural villagers prefer to have priority over urban residents. The present game laws make no distinctions between
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Sacred rights

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attempt to destroy the State of Alaska's Subsistence Law (SCS CSHB 960 amS Ch 151) by Referendum is a direct threat to "Traditional Users' " Rights. It won't destroy or eliminate these rights. It will only intimidate and suppress.

In light of conservation, the present law is the best we can live with. Should it be repealed, the "Sovereign Native Groups" have alternatives to revert to in exercising their Inherent Rights. Waste and wanton destruction of fish and game is deplorable. On the other hand, many Alaska Natives have been fined, sen-

tenced and valuable rifles and gear have been confiscated for alleged violations, even in legitimate subsistence harvest. In the attempt to regulate, there has been outright discrimination. The over-regulation is creating a permit society, a system that one would expect only behind the Iron Curtain.

As Native Alaskans, we cherish our sacred ties to the land and its resources and our right to exist as our own diverse cultures and languages. No other persons or groups possess this very unique identity. Save it, use it, and protect it by every legal means. Last of all, be proud of it.