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September 21, 1983

VOLUME XX, Number Thirty-Eight

USPS 844-840

ISSN 0042-4801

Anchorage Alaska

'Arctic John' beats state, pipeline

By Bill Hess
Tundra Times

Ninety-two year old Arctic John Etalook speaks or reads no English but last month he beat the law departments of the State of Alaska and the Alyeska Pipeline Company in his lawsuit contending they illegally took his land to build the Trans-Alaska Pipeline.

U.S. District Judge James von der Heydt has ruled that the State of Alaska and Alyeska Pipeline Service Co. did not follow proper legal procedure when they crossed the 92-year-old Inupiat's Native Allot-

ment with the Trans-Alaska Pipeline and the North Slope Haul road.

Etalook's attorney, Clem Stephenson, said the elderly Inupiat will seek monetary compensation. Assistant attorney general John Athens said the state has not made a final decision on what to do, but will probably "proceed with condemnations proceedings" to obtain clear title to the land.

Alyeska spokesperson Kay Herring said that company does not wish to discuss any detail. "We may have some-

thing to say later on," Herring said.

"What we have is basically a trespass on Arctic John's Native allotment," said Stephenson this week. "Arctic John had lived on the land since 1937. His parents had lived there before he had. He was clearly entitled to the land under the Native Allotment Act of 1906."

Land owned by Natives under the enrollment fall under the federal trust responsibility to American Indians and Alaska Natives and cannot be sold or mortgaged or in any other

way be "alienated" into non-Native hands without the consent of the U.S. Secretary of the Interior.

Although Etalook reluctantly accepted a payment of \$28,500 for the land because he felt he had little other choice, Stephenson said, Interior permission never was received and the right-of-way which Alyeska and the State had was void.

Athens, who represented the state in the issue, argued that federal protection might not apply in Etalook's case. "The legal issues are really

quite complicated," Athens contended. He said that the rights of way across the land had been obtained before Etalook received legal patent to the land, and argued that there are no regulations in the Department of the Interior covering that situation.

Athens said the judge did not address that issue. "Even if the state proceeds with the condemnation and the court makes an award to Etalook for whatever it feels the lands are worth," said Athens, "we would still be entitled to

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Morris Thompson of Doyon Ltd. (center) makes a point in discussion of stock alienation while Maxine Richart, a Sealaska representative (right), Willie Hensley (NANA), Keith Gordioff (Chugach), Sam Diementieff (Doyon), and AFN President Janie Leask (far left) listen.

Patty Ginsburg/AFN photo

UTA won't discuss sovereignty

By Bill Hess
Tundra Times

Questions of tribal sovereignty and how to deal with land and the rights of Alaska Natives born after 1971 are expected to dominate the first General Assembly of the United Tribes of Alaska. The meeting, which is open to all Alaska Natives and especially to representatives of tribal governments, will be held at the Anchorage Westward Hilton Oct. 18-19.

"We will have several different speakers," UTA Chairman Willie Goodwin of Kotzebue said after a planning meeting, "and we'll pass resolutions. We are not sure yet if we are going to do much with work-

shops."

Although not all of the speakers have yet been confirmed, Goodwin said that Canadian Justice Thomas R. Berger will be one of the main presenters featured at the meeting. Berger has been chosen to chair the Inuit Circumpolar Conference sponsored Alaska Native Review Commission, which has been charged with conducting an objective study of the affects of the Alaska Native Claims Settlement of 1971.

Berger headed up the Mackenzie Valley Pipeline Inquiry which investigated the impact which the construction of a pipeline through one of Canada's great, unspoiled wilder-

ness areas would have on the land and the people. Berger's findings, reached after hearing testimony from the people of virtually all of the villages in the region, led to the Mackenzie project being disbanded.

Goodwin noted that although Governor Bill Sheffield had originally declined UTA's invitation to speak on the grounds that his schedule prevented it, the governor told him over a drink in Kotzebue that he would attend.

The Alaska Native legislators and some of the leaders of the Alaska Federation of Natives, who will be holding their convention immediately after UTA's get-together, have

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1991 retreat addresses

'New Natives,' land, stock

By Linda Lord-Jenkins
Tundra Times

Six resolutions reflecting statewide concern about loss of Native land, loss of Native Regional Corporate stock, concern about Elders and about those Natives born after 1971 will be presented at the 1983 Annual convention of the Alaska Federation of Natives.

The resolutions were drawn up after a two-day retreat of representatives of most of the profit and non-profit Regional Corporations last week. The retreat was held in Valdez and was the second held by AFN in the past nine months addressing the 1991 issue.

The first was held in Kodiak and was used to narrow the

vast array of concerns about what will happen in 1991 when many protections afforded Native regional and village corporations are removed.

Those protections include assurances that the corporation-owned land transferred under ANCSA is not taxed for 20 years following conveyance; and that stock in the corporations cannot be sold or transferred.

When ANCSA protections are removed the primary fear of many in the Native community is that the land which was so hard fought to retain will be sold off or involuntarily transferred to non-Native hands.

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ICC ANCSA study starts

By Linda Lord-Jenkins
Tundra Times

An Inuit Circumpolar Conference commissioned judge will begin his two-year study into the effects of the Alaska Native Claims Settlement Act on Alaska Natives at the end of this month, according to the judge, Thomas A. Berger.

Berger, named to head the two-year study at the July triannual meeting of the ICC, made his first trip to Alaska on the study last week when he spoke briefly at a retreat sponsored by the Alaska Federation of Natives in Valdez.

The retreat was held with 35 representatives of the Native profit and non-profit Re-

gional Corporations to discuss recommendations and options to the effects of 1991 changes in ANCSA.

Berger's trip was prompted by that gathering and accompanied the start-up of the two-year study.

Berger told the group that Alaska Natives "are pioneers in the settlement of Native claims. After your 1971 settlement the James Bay claims were filed in Canada. Greenland has achieved home rule and Norway is investigating Sami claims.

"You all have many things in common but most are all concerned about the land. The continuance of Native use and

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