"I may not agree with a word you say but I will defend unto death your right to say it." — Voltaire

Tundra Times

Owned, controlled and edited by Eskimo, Indian, Aleut Publishing Company, a corporation of Alaska natives. Published at Fairbanks, Alaska, weekly, on Wednesdays.

Address all mail to Box 1287, Fairbanks, Alaska, 99707. Telephone 452-2244

Second class postage paid at Fairbanks, Alaska 99701.

Eskimo, Indian, Aleut Publishing Co., Inc. Board of Directors, Executive Committee: Chris Anderson, Executive Vice-President and Chairman of the Board; Mary Jane Fate, First Vice-President; Betti Farni, Second Vice-President; Jim Immel, Treasurer; Jimmy Bedford, Assistant Treasurer; Toni Jones, Secretary; Daphne Gustafson, Assistant Secretary; Sue Gamache, Acting Editor.

Founded and edited by HOWARD ROCK, from October 1, 1962 until April 20, 1976.

SUBSCRIPTION RATES

Regular Mail (including Alaska, Canada and other states) ..... 1 year $15.00 6 months $8.50
Air Mail (including Alaska, Canada and other states) ..... 1 year $35.00 6 months $20.00

Member of the American Indian Press Association

Editorial Comment—

Easement policy questioned by Native leaders

Another provision of the Alaska Native Claims Settlement Act has come under attack by the Native Community and this time the dispute concerns the Interior Department and their policy with easements.

Five regional corporations established under the Act and the Alaska Federation of Natives are suing the Department of the Interior for improper procedures that exceeded the authority of Interior Secretary Thomas Kleppe in issuing plans for 'floating' easements across Native lands. The corporations are Chugach Natives, Inc., Doyon Ltd., Cook Inlet Region Inc., Koniag Corp., and NANA regional Native corporation.

Although the Native Claims Act does give the authority to reserve easements across Native lands for transporting resources, recreational access, and certain other uses, it does not allow for what the secretary defines as floating easements, which reserve an area for an easement but do not delineate it.

To many Native leaders it apppars as though the Interior Department is taking back lands under the device of easements and preventing the Native people of Alaska title to land that is provided to them by the claims act.

The fact that the Department of the Interior offers no payment for the confiscated land only makes the injustice seem more evident. Further, it seems as though the Interior Department is using these easement provisions to chip away at the land rights granted to the Native Community by Congress.

Nelson Angapak of the Calista Corporation pointed out at the hearings held in Washington this past week that the lands that are being selected by the Natives are the most valuable concession granted to Natives by the act and without giving them the land the Native people have little.

Question has also been raised by the Commissioner of Natural Resources Guy Martin about the Interior Department's establishment of recreational easements regulations. In his words the clause was one of the worst chapters of the settlement act.

The section of the easement clause concerning recreational use and nonnavigable rivers and streams is also a part of the contended suit against the department. The Native leaders are saying that his order is unlawful because it authorizes federal authorities to reserve easements to which they have clear title and deprive them of full use of their property.

Limits are being proposed by the Native plaintiffs. They say that easements should only be allowed for the crossing of Native lands for international treaty obligations or for transportation, utility right-of-ways and access to adjoining federal lands.

In the past when the government wanted to build something across privately owned land they always had to pay for it. The situation should be the same with the proposed easements now being made by the Secretary of the Interior. Why the change of heart?

SG

Letters from Here and There

Japan and the 200-mile limit fishing zone

June 10, 1976

Hon. Elliot Richardson
Secretary of Commerce
Commerce Building
14th St. between Constitution and E. St., N.W.
Washington, D.C. 20230

Dear Secretary Richardson:

A disturbing report in the May 27, 1976, "Asia and Pacific" bulletin distributed to the Foreign Broadcast Information Service has been brought to our attention. The report consists of an article which appeared in the Japanese press regarding that nation's reaction to the enactment of a 200-mile fishing zone by the United States recently.

The pertinent section of the article is quoted as follows:

"Japan intends to tell the U.S. it cannot accept the recent U.S. decision to enforce a 200-mile fishery zone, government sources said Wednesday.

"This position will be made clear when Agriculture-Forestry Minister Shintaro Abe meets with visiting U.S. Secretary of Commerce Elliot Richardson Thursday, they said."

As sponsors of the 200-mile bill in the U.S. House, we feel it is important to bring to your attention the fact that serious depletion of our anadromous and bottom fisheries by the Japanese (as well as other foreign nations) was one of the prime reasons we felt enactment of the bill was necessary at this time. Indeed, most of us felt it was a necessary step to take for the protection of our nation's fisheries stocks and the economic viability of this country's fishing industry years before actual enactment took place.

We therefore respectfully request that you provide us with a full report on your conversations with Mr. Abe and his delegation on the subject of the 200-mile limit and fishing negotiations with the United States. Any personal assessment you may have made on their intent to abide by the laws of this country in the matter of fisheries resources would also be greatly appreciated.

We cannot stress enough our concern in this matter. The implementation of the 200-mile limit is left largely in your department. Any indication that Japan or any other nation does not intend to abide by the duly enacted laws of this country while seeking to take and use the resources of the United States would be of immense concern not only to us, but to all the members of the House Committee on Merchant Marine and Fisheries.

Respectfully yours,
Don Young, M.C.
Gerry Studds, M.C.
Edwin Forsythe, M.C.

About Howard Rock

April 22, 1976

Dear Professor Bedford:

Your letter was a great shock to me. I had become accustomed to the idea that Howard Rock had overcome his former illness and was back to business as usual. I feel very sad that this is not so.

Dr. Forbes first met Howard at Point Hope in 1961. At that time he spoke of being impressed by Howard's thoughtfulness and quiet wisdom. This early impression continued throughout their friendship, and cooperation in keeping the Tundra Times afloat, until Dr. Forbes' death in 1968.

He spoke many times of Howard's ability to report the news faithfully and to make wise judgments about matters concerning the Alaska Native peoples. I never heard him criticize anything that Howard did or any decision that he made concerning Tundra Times and its management.

I should like to add my personal feeling of bereavement at loosing a valued friend. And I greatly hope that Tundra Times can continue as he is leaving it, a place where Eskimos, Indians and Aleuts can speak out courageously in their own behalf and be listened to by those in national, state and local governments.

Howard's life has been a "profile in courage" which we should all think upon. I trust that the young men and women of Alaska will be able to fill his place with distinction.

Every sincerely yours,
Hildegard B. Forbes
71 Forest St.
Milton, Mass. 02186

Proposed administrative regulations

Marshall Lind
Commissioner of Education
State Office Building
Pouch F
Juneau, Alaska 99801

Commissioner Lind:

Please forgive our failure to present this testimony, in opposition to your department's proposed Administrative Regulations for Bilingual-Bicultural Education, at the public hearings scheduled in Barrow and Bethel last week.

It was not feasible for us to travel to those locations, so we present this joint testimony in writing with the hopes that you will transmit it to the State Board.

We would like to present our very strong opposition to the new regulations, on behalf of the students of our region who will be the ultimate victims of the State of Alaska's insincere attempts to implement a state statute (A.S.14.30.400 et. seq.), which by its very language would make bilingual-bicultural education mandatory in most of rural Alaska.

FIRST, the proposed regulations fail to describe an administrative system which provides any guidance to potential applicants for bilingual funding. No criteria for funding are expressed. No timetable for application, review, and appeal is provided. The role of non-departmental evaluators is left conveniently vague. In fact, no bounds whatsoever are placed on the discretion of the Department in making awards under these regulations. The statute requires the Department to adopt regulations to determine entitlement, but the regulations fail to do so.

SECOND, there is no reflection in the regulations of the mandatory character of the statute. AS.14.30.400 requires bilingual-bicultural education under certain circumstances; the regulations, however, do not define properly when such services are required to be provided, nor do they mandate an application from any school district. Even when a school does apply, the department is under no obligation, according to these regulations, to make any award, despite the district's own legal obligation to provide services. No real attempt is made, either, to equate the requirements of Alaskan law with federal requirements enunciated by federal statute and the Lau case and clarified by the Office of Civil Rights guidelines.

THIRD, the state law requires the Department to promulgate regulations by which determine the distribution of funds. These regulations, however, give no indication of how the funds appropriated by the legislature will be distributed, once the department, in its endless discretion, decides that a school district deserves to be funded. The consensus of those of us who work in the field, at your conference in Anchorage last February, was almost unanimously in favor of formula funding, rather than than a system of competitive applications which pits one district against another in the scramble for the meagre sums appropriated. The request for input at the Department's conference was apparently merely for show, as we can see no substantive changes, despite the massive dissatisfaction with the proposed regulations expressed at that gathering.

FOURTH, the department is not embarrassed to require a district to explain why its bilingual-bicultural program cannot be funded from "other resources." Why not fund physical education classes and mathematics from other resources? The suggestion is ridiculous, in both cases. The state has made bilingual-bicultural education mandatory, and it must fund its basic program.

It is important to observe that most of the truly fine bilingual programs have, in the past, been funded from "other resources," such as Johnson O'Malley money—funding specifically designated for supplemental programs. Not only does the State of Alaska fail to meet its obligation under its own laws and those of the federal government, to provide basic bilingual-bicultural education; it also encourages the deprivation of supplemental programs to which Native students are entitled under federal law, by making it necessary to divert supplemental funding to

(Continued on Page 6)

TAKE OUR LAND . . . TAKE OUR LIFE

(reprinted from Land Claims Poster by ALASKA FEDERATION OF NATIVES)