

Self-Determination has Some Problems

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P.L. 93-638 was passed, the act sets up uniform guidelines to follow in arranging contracts. Paul Pearson, a planner for Cook Inlet Native Association, points out, now that the act has been passed, "basically, everyone understands the rules."

Several resolutions aiming at solving some of the problems caused by the Self-Determination Act were passed at last month's AFN Convention in Anchorage.

One of these problems, Davis noted, is the definition of tribal government. This definition is crucial in deciding what kind of Native organization is best able to manage a federal contract. AFN Resolution 76-84 states that under the definition used in the act, Alaska Natives may be members of up to four tribal organizations. The resolution further charges that the Bureau of Indian Affairs "has taken advantage of this loophole to manipulate Alaska Natives into fighting with one another and to undermine Regional Alaska Native Tribal Governments through the mechanism of failing to recognize them as "Tribal Government."

The resolution calls upon Congress to amend the act to include Alaska Native regional non-profit corporations as a type of tribal government.

To date, four of the non-profit corporations are managing BIA programs. They are Yupiktaq Bista, Tlingit Haida Central Council, and Cook Inlet Native Association, all which have relatively limited contracts. The fourth, Tanana Chiefs Conference, Inc. has the largest, most comprehensive contract, delivering nearly all services formerly delivered by the BIA to the northern and interior portions of the state.

The AFN was active in delivering social services through federal programs, now has terminated most of these functions and helps region and villages make contract arrangements with the federal government. Davis does not rule out the possibility that AFN might pick up a contract on a temporary basis if there were difficulties between the government and the prime contractor, such as a village or regional corporation.

Another AFN convention resolution requests Congress to

require federal agencies to include a reasonable management fee in all self-determination contracts. The resolution states that regional non-profit corporations are in a precarious financial position which "requires extraordinary measures by Native Corporations and funding agencies."

According to Davis, who has participated in fee negotiations with BIA, the management fee concept was acceptable to the Area Director's Juneau office, but higher level BIA officials have rejected it. Although BIA attorneys have ruled that management fees are legal, Davis said some officials fear that if Alaska groups are given a fee, groups in the "Lower 48" will make the same demand. He said BIA is uneasy about some of the groups it has contracted with because they have mismanaged funds.

In another jab at the BIA, the convention criticized the agency for departing from the intention

of the Self-Determination Act by altering the formula for passing out Johnson-O'Malley funds to exclude some students. This resolution states:

"Now, therefore be it resolved that the Alaska Federation of Natives, Inc., Human Resources Committee does hereby prevail upon the Bureau of Indian Affairs to include all eligible students in distributing funds for Johnson-O'Malley programs."

Yet another resolution, less pragmatic and more terse than the others, accuses the BIA of dragging its feet in negotiating service contracts and expresses support for dissolving the area office and immediately letting contracts to the regions.

Before turning over programs to Native organizations, the Self-Determination Act requires BIA to make sure the organization actually has the ability to deliver the services once the government delivers the money. The organization must prove to

have adequate personnel, equipment and community support.

In Alaska, the non-profit corporations are generally considered the most practical organizations to manage Native programs. However, it is possible for villages to contract for services. In some cases, it gives the village greater access to money available from federal programs.

Although problems exist with the act, observers are certain these can be worked out. The tribal definition will most certainly be changed. There is hope that a new president in the White House will be responsive to these problems than the Ford Administration has been.

Apparently, the Self-Determination Act is worth the trouble to make it work right.

"I think it's definitely significant," Pearson added. "I think it's the most significant piece of legislation that's come along in I don't know how long, as long as I can remember."

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8. the Alaska State Department of Education adopt a strong position of leadership in meeting the specific needs of the rural school districts, most particularly in developing new regulations in areas such as certification and in reviewing tenure as it affects the quality of education provided rural students.

9. district school boards, after consultation with community school committees, be allowed greater latitude in making decisions regarding the use of funds received from the State for education.

10. this leadership by the Department of Education and attendant reconsideration of funding strategies extend to, and place particular emphasis on, alternatives for facilities design, operation and maintenance.

11. a major revision in teacher training is needed in the State of Alaska to equip teachers to adequately meet teaching requirements peculiar to small schools including academic versatility and cross-cultural adaptiveness.

12. the University of Alaska be directed to develop programs to train and retrain teachers for bush teaching. Such programs would include, but not be limited to, a summer session to retrain teachers to meet immediate needs and a longer range program to meet continuing needs. Further, there should be established an advisory group of rural education practitioners to help shape the above programs.

ALASKA NATIVES



1776

While General Washington was leading his troops against the British, approximately 74,000 Eskimos, Indians and Aleuts were living in the land we now call Alaska in much the same way they had for at least eleven centuries. They lived in widely separated communities all over the face of Alaska. Many of them were nomadic, and followed the animals they hunted along the shores of seas and rivers and across land masses. They were rugged, resourceful and proud people.



1876

Almost ten years had passed since the United States had purchased Alaska from the Russians. The Native people of Alaska continued to live off the land much as they had always done, but now a piece of paper said the land belonged to the United States. By the beginning of the twentieth century whalers and traders, miners and missionaries had penetrated to almost every corner of the territory, and things were beginning to change.



1976

Almost five years have passed since the enactment of the Alaska Native Land Claims Settlement Act. The Alaska Native people have regained pride and stature as well as benefiting from land and money made available by the settlement. But the Bureau of Indian Affairs realizes some people have failed to enroll for these benefits and so a second enrollment has begun.

Anyone who is at least 1/4 Alaska Indian, Eskimo or Aleut; who is a U.S. citizen; and who was born on or before December 18, 1971 and living on that date, is eligible for benefits under the Claims Act. You need not live in Alaska or even have been born there. It does not matter if you are adopted, a stepchild or otherwise removed from your family.

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