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THE WHITE HOUSE
WASHINGTON

Come ad met -

10:00 a 2/25 -

*received other
correspondence from the*

Date: February 20, 1975

*called Nicholson
2/21 said the
Pres. should not meet*

MEMORANDUM FOR:

NORM ROSS

FROM:

WILLIAM W. NICHOLSON

SUBJECT:

Karl Armstrong, Secretary, Koniag, Inc.,
Regional Native Corporation, Kodiak, Alaska

The attached is for your appropriate handling.

Thank you.

*John Highball 224-3004
Ted Stevens*

Bobbie

Room 305 - 10:00 25-4



50

Koniag, Inc.

REGIONAL NATIVE CORPORATION

OFFICERS
JACOB WICK, PRES.
HARRY CARTER, V.P.
KARL ARMSTRONG, SEC.
PERRY EATON, TREAS.

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Audience
2-21-75
LEGAL COUNSEL

ROY H. MADSEN - KODIAK
EDWARD WEINBERG - WASH.D.C.

15 February 1975

Hon. Gerald Ford
The President
The White House
Washington, D.C.

CS. 2
Dear Mr. President:

On Feb. 21st five Alaska Natives of the Koniag-Alut tribe of Kodiak Island will fly to Washington to voice a special appeal for fair play from federal government officials and agencies in the implementation of the Alaska Native Claims Settlement Act. They will hopefully be able to meet with you personally to petition for:

1. Certification of seven Koniag bands and clans as villages in accordance with the intent of Congress and the Act.

2. Placing on our official Indian Roll the names of those Natives recognized officially as Natives by their village councils. (Around 300 of our tribesmen have been denied official recognition by the federal government in contravention to the

3. No further changes in the federal regulations applying to

Koniag, Inc.

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LEGAL COUNSEL

ROY H. MADSEN — KODIAK
EDWARD WEINBERG — WASH.D.C.

Our Koniag delegation consists of the following:

*JACK WICK - President of Koniag Inc.
Chairman of Alaska Federation of Natives B*

*HARRY CARTER - Vice President of Koniag, Inc.
Founder of AFN statewide*

*KARL ARMSTRONG - SECRETARY of Koniag, Inc.
President of Woody Island Native Vill*

ROY MADSEN - Legal Counsel - and one of our tribesmen

*CHARLES NAUGHTEN - DIRECTOR (acting) of Koniag Dept. of
Natural Resources*

*Please advise U.S. Senator Ted Stevens of the
date and time we may come to the White House
to talk with you. I also urge you to talk with
Walter J. Hickel about us - he knows us too*
Respectfully yours,
#

STATEMENT OF JACOB WICK, PRESIDENT, KONIAG, INC. BEFORE
THE SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS
May 16, 1975

Mr. Chairman and Members of the Subcommittee:

My name is Jack Wick. I reside in Kodiak, Alaska. I am President of Koniag, Inc., the Regional Native Corporation whose territory covers Kodiak Island, Afognak Island, Shuyak Island and a portion of the mainland of Alaska westerly of Kodiak Island, across the thirty-five mile wide Shelikof Straits. I am also Chairman of the Board of Directors of the Alaska Federation of Natives. President Lang of AFN has already testified regarding the position of AFN on the legislation before you. I fully concur with Mr. Lang's statement and I will, therefore, not take the Subcommittee's time by further comment on the subjects he has covered.

I want to bring to the Subcommittee's attention the need for an addition to S.131 to correct a situation involving inconsistent holdings by the Department of the Interior as to residence on April 1, 1970. The problem has arisen principally in the Koniag region and involves native people enrolled by the Department of the Interior as residents on April 1, 1970, of nine places, all of which were later determined by the Department to be ineligible for determination as villages because they did not have at least twenty-five residents on April 1, 1970. These places are: Uyak, which is listed in Section 11(b) of the Settlement Act as a village, and Uganik, Bells Flats, Anton Larsen Bay, Port William, Litnik, Ayakulik, Aiaktalik and Kitoi.



In the case of each of these places, the Secretary enrolled at least 25 Alaska Natives as "residents" on April 1, 1970, in the enrollment process required by Section 5(b) of the Settlement Act. As you know, one of the requirements of Section 5(b) is that the roll prepared by the Secretary shall show for each Native, among other things, "the region and the village or other place" in which he resided on April 1, 1970. Section 5(b) requires that each Native be enrolled "according to such residence".

This Committee has already been informed regarding the enrollment procedures of the Bureau of Indian Affairs and I will not dwell upon them. Natives were, in some cases, interviewed by BIA people who filled out the enrollment forms. In others, Natives filled out the forms themselves. In others, the regional corporation acted as sponsors under BIA invitation. There was great confusion on all sides as to what constituted residency.

After the enrollment came the review of village eligibility, made by the Department as required by Section 11 of the Settlement Act. Most of Kodiak Island is included within the boundaries of the Kodiak National Wildlife Refuge. Afognak Island, immediately north of Kodiak Island, is almost entirely included within the boundaries of the Chugach National Forest. That part of Kodiak Island which is not in the Wildlife Refuge is covered by State selections either pending or tentatively approved. There is a small island north of Afognak Island known as Shuyak Island, the site of the village of Port William, which is entirely covered by tentatively approved State selections. A part of the withdrawal for Port Williams is in the Chugach National Forest. The Committee



will understand, therefore, that Koniag villages are in competition for their lands with powerful federal agencies, either the Forest Service or Fish and Wildlife Service, and in some cases, both. The eligibility as villages of each of the nine places that I have named was challenged. The Fish and Wildlife Service challenged the eligibility of Uyak, Uganik, Bells Flats, Anton Larsen Bay, Aiaktalik and Ayakulik. The Forest Service challenged the eligibility of Litnik, Kitoi, Anton Larsen Bay and Port William.

Village eligibility determinations are made initially by BIA. An "interested party aggrieved" may appeal a BIA determination to the Interior Department's Alaska Native Claims Appeal Board. BIA determined that all the places I have named, except for Aiaktalik and Kitoi, were "villages". BIA, however, determined that neither Kitoi nor Aiaktalik qualified as "villages" for, among other reasons, lack of twenty-five residents. After our attorneys advised us that we had no real grounds for appeal in these two cases, we dropped our appeals.

In the eligibility proceedings as to the other seven places, the Alaska Native Claims Appeal Board held, and the Secretary of the Interior affirmed those holdings, that those places were ineligible because, among other reasons, each lacked the minimum required twenty-five residents on April 1, 1970.

In other words, when preparing its roll, the Department of the Interior determined that each of nine places had twenty-five residents and then in the village eligibility proceedings, the Department of the Interior concluded that they did not have twenty-five residents.



Koniag and the Corporations representing these villages have appealed each of the seven cases decided by the Appeals Board to the Federal District Court for the District of Columbia. I am not here to ask this Committee to referee this dispute. However, I am here to ask that Congress instruct the Secretary of the Interior, if the decisions as to village eligibility are right on the number of residents, to correct his first decisions on residence in the enrollment process, because those decisions have been necessarily wrong as to some of the Natives involved. Of course, as to Aiaktalik and Kitoi, we agree that his second decisions were correct and that the enrollments to these places were in error.

As to any lawsuits we win, there will be no problem, because the eligibility of the particular place as a village will then be established and the Secretary's second round decisions on residency in those cases will be voided. As to any that we lose in court, however, unless the Secretary redetermines residence on the official roll, we will have Natives carried by the Secretary on his roll as residents of places that he has said at least some of them are not residents of. And, as I have said, that is now the case as to those of our people who were enrolled to Aiaktalik and Kitoi.

It is important that the roll be corrected in such cases because membership in Native Corporations is determined solely and exclusively by the place of residence as shown on the roll. If some Natives should not have been enrolled as residents of a particular place, it follows that their proper residence on



April 1, 1970, was at some other place. And, if that other place is an eligible village or an eligible group or one of the four urban villages specified in Section 14(h)(3) of the Act, those Natives will be deprived of their rightful entitlement to membership in corporations receiving benefits under the Act. To put it simply, those Natives will be deprived of benefits that Congress, through the Settlement Act, intended they receive.

Now in a situation like this, one would have thought that as soon as the Interior Department became aware of the problem, the Department would have given assurance that it would redetermine residence in the cases of those places found ineligible as villages because they lacked the necessary 25 residents even though 25 or more Natives had been enrolled by the Department as residents of that very place. However, to my surprise, even though we raised this matter with the Department months and months ago, the Department so far has failed to give any assurance that it will redetermine residence in these cases for purposes of the roll, and, despite our request, it has failed so far even to advise us whether it considers that it has legal authority to redetermine residence in such cases. The only alternative we have left, if injustice is to be avoided, is to request that Congress include in this legislation a provision directing that such a redetermination of residence be made in the event of a final determination of the ineligibility as a village or a group on grounds which include residency.

In order that there be no complications as to land entitlements or past distributions of monies from the Alaska Native Fund, we agree, as is the case with the "late filers", that no land entitlements are to be affected by any such redetermination and that



no past revenue distributions are to be affected. We agree further, in order to avoid complications, that no place not now a "village" or "group" shall gain eligibility by such a redetermination. All we want, and I think simple justice entitles us to this, is that the Secretary of the Interior enroll the people involved in this situation to the places he determines their residences to be so that from this time forward they receive the benefits to which ANCSA entitles them.

Mr. Chairman, that concludes my statement and I thank the Subcommittee for the opportunity to present it. The amendment to H.R. 6644, which we propose to accomplish this purpose, is attached hereto, as is a letter from our Attorney to Congressman Young regarding this matter. I ask that both be included in the record at this point.

Thank you.

Attachments



Siz

Law Offices
Duncan, Brown, Weinberg & Palmer

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(WUD)

CHICAGO OFFICE
JOSEPH V. KARAGANIS
33 NORTH LA SALLE STREET
CHICAGO, ILLINOIS 60602

May 8, 1975

Honorable Theodore F. Stevens
United States Senator
Old Senate Office Building
Washington, D. C. 20510

Dear Ted:

In addition to the matters covered by S.131, there is a further matter arising out of the administration of the Alaska Native Claims Settlement Act which warrants legislative resolution.

In seven village eligibility proceedings in the Koniag region, the Secretary of the Interior, through his approval of decisions of the Alaska Native Claims Appeal Board, determined that the place in question lacked the twenty-five Native residents as of April 1, 1970, required for "village" status, notwithstanding that in preparing the official roll pursuant to Section 5 of ANCSA, the Department of the Interior had, in each instance, enrolled at least 25 Alaska Natives as residents of that place as of April 1, 1970.

Membership in Alaska Native Corporations is determined by the place of residence of a Native as shown on the official roll. As a result, unless their places of residence are changed on the roll, some Alaska Natives will be carried as residents of places of which they are not residents, and thus, they will be denied the right to membership in the Native Corporation to which their residence entitles them.

What is required in such cases is that the Secretary redetermine the places of residency, as of April 1, 1970 for enrollment purposes. In some cases, such redeterminations may well result in no change in the April 1, 1970 place of residence as now shown on the roll. But it is obvious that there will be some



changes, because if the Department enrolled 25 or more Natives to a given place as residents thereof on April 1, 1970 and then concludes, in determining whether or not that place is a "village", that less than 25 Natives were residents of the place on April 1, 1970, one or the other of these conclusions as to residency must be in error.

If residency for enrollment purposes is not redetermined, genuine injustice will be done in those cases where the Natives in question are thereby denied their rights to membership in Native corporations which themselves qualify for benefits under ANCSA.

Koniag has requested the Department of the Interior to indicate its willingness to undertake redeterminations of residency in the event the Department's village eligibility determinations are upheld on judicial review (such proceedings are now pending). However, the Department has neither agreed to such a course of action nor has it been willing even to advise whether it considers that it has legal authority to undertake such redeterminations. As a result, if the Department's village eligibility determinations are upheld, there will then exist the anomalous situation of Natives being treated by the Secretary as both residents and non-residents of the same place and at the same time. In view of the Department's reluctance to come to grips with the problem, the only solution practicable would seem to be by legislation.

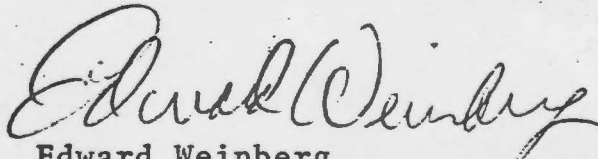
The enclosed proposed amendment to S.131 would provide for the necessary residency redeterminations. Provision is made that no land entitlements are to be affected one way or the other by any residency determinations and that no new "village" or "group" eligibility shall result therefrom. The provisions of the proposal in this regard are modeled on the similar provisions of present Section 1 (which would be redesignated as Section 1(a)). Provision is also made, as with the case of present Section 1, that no previous revenue distributions by any Native corporation are to be disturbed.

Finally, provision is also made that distribution by the Secretary of funds from the Alaska Native Fund among the regional corporations shall not be affected.



It is respectfully requested that you propose the amendment enclosed herewith. I shall be glad to answer any questions you or your staff may have.

Sincerely yours,



Edward Weinberg
of DUNCAN, BROWN, WEINBERG & PALMER

EW:ld

Enclosure

xc: All Members, Subcommittee on Indian Affairs, Senate Committee
on Interior and Insular Affairs
Steven Quarles, Esq.

BCC: Jacob Wick, President, Koniag, Inc.
Roger Lang, President, Alaska Federation of Natives



Proposed Amendment to S.131

Redesignate Section 1 of S.131 as Section 1(a) and add the following as subsection (b):

(b) In those instances where, on the roll prepared under Section 5 of the Settlement Act, there were enrolled as residents of a place on April 1, 1970 the minimum number of Natives required for a "Native village" or a "Native group", as the case may be, and it is subsequently and finally determined that such place is not eligible for land benefits under the Act on grounds which include a lack of sufficient number of residents, the Secretary shall, in accordance with the criteria for residence applied in the final determination of eligibility, redetermine the place of residence on April 1, 1970 of each Native enrolled to such place, and the place of residence as so redetermined shall be such Native's place of residence on April 1, 1970 for all purposes under the Settlement Act: Provided, That each Native whose place of residence on April 1, 1970 is changed by reason of this subsection shall be issued stock in the Native corporation or corporations in which such redetermination entitles him to membership and all stock issued to such Native by any Native corporation in which he is no longer eligible for membership shall be deemed cancelled: Provided further, That no distribution of funds made by any Native corporation on the basis of prior places of residence shall be affected: Provided further, That land entitlements of any Native village, Native group, Village Corporation, Regional Corporation or Corporations organized by Natives residing in Sitka, Kenai,

Juneau or Kodiak, all as defined in said Act, shall not be affected by any redetermination of residence made pursuant to this subsection, and no tribe, band, clan, group, village, community, or association not otherwise eligible for land or other benefits as a "Native village" as defined in said Act, shall become eligible for land or other benefits as a Native village because of any redetermination of residence pursuant to this subsection: Provided further, That no tribe, band, clan, village, community, or village association not otherwise eligible for land or other benefits as a "Native group" as defined in said Act, shall become eligible for land or other benefits as a Native group because of any redetermination of residence pursuant to this subsection: And, Provided further, That any distribution of funds from the Alaska Native Fund pursuant to subsection (c) of Section 6 of the Settlement Act made by the Secretary or his delegate prior to any redetermination of residency shall not be affected by the provisions of this subsection. Each Native whose place of residence is subject to redetermination as provided in this subsection shall be given notice and an opportunity for hearing in connection with such re-examination as shall any Native corporation which it appears may gain or lose stockholders by reason of such redetermination of residence.



THE WHITE HOUSE

WASHINGTON

Held up until May 18
- 144 Regs. "on land"

- Easement section

- Appeals Regulation

Amend. Attraction Claims Act

Monday's *Wall Street Journal*

12th Cupration

- Sac has day to hold immediate election

OCS Adv. Pros
in Gulf of Alaska

- Airforce base close - sat. tracking station → 1976 Excess Property
Chinook - Make final report
before exp. H.I. say status
must be terminated.



THE WHITE HOUSE
WASHINGTON

D-2 w: the above
not included in legislation made
no changes.

