

SR

4

SENATE COMMITTEE REPORT
 First Committee of Referral

Annette

DATE: 5/7/95

FURTHER:

Date of 5-Day Notice: 24-hour rule
 (in accordance with Uniform Rule 23)

DATE TURNED INTO OFFICE: 5-8-95

Resources Committee considered SR 4

Requesting Congress to clarify that the Reindeer Industry Act of 1937 no longer applies in Alaska.

and recommends:

- be replaced with _____ CS _____
- adopt previous _____ CS _____
- attached amendment(s)
- adopt Letter of Intent by _____ Committee
- further referral to the _____ Committee

Senate Bill:

same title
 new title

House Bill:

same title
 technical title
 new: SCR# _____

SIGNING DO/PASS	DP	OTHER RECOMMENDATIONS	NR	DNP	AM
<i>Rich Halford</i>	<input checked="" type="checkbox"/>	<i>Debra A. ...</i>		<input checked="" type="checkbox"/>	
<i>Chris Taylor</i>	<input checked="" type="checkbox"/>	<i>John Hoff</i>		<input checked="" type="checkbox"/>	
<i>Alan ...</i>	<input checked="" type="checkbox"/>				
CHAIR: <i>Alan D. ...</i>	<input checked="" type="checkbox"/>				

NEW FISCAL NOTE(S):

Department Date Zero Fiscal

<i>D.F.E.</i>		<input checked="" type="checkbox"/>	
<i>forthcoming</i>			

PREVIOUS FISCAL NOTE(S):*

Department Date Zero Fiscal

APPROPRIATION -- no fiscal note

*Include fiscal notes accompanying Governor's bill

FISCAL NOTE

STATE OF ALASKA
1995 LEGISLATIVE SESSION

BILL NO. SR 4

Revision Date: _____ Dept. Affected: Fish and Game
 Title: Reindeer Industry Act of 1937 BRU: Wildlife Conservation
 Component: Wildlife Conservation
 Sponsor: Senator Halford
 Requester: Senate Resources COMPONENT SERIAL NO. 473

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY 96	FY 97	FY 98	FY 99	FY 00	FY 01
PERSONAL SERVICES	0.0	0.0	0.0	0.0	0.0	0.0
TRAVEL	0.0	0.0	0.0	0.0	0.0	0.0
CONTRACTUAL	0.0	0.0	0.0	0.0	0.0	0.0
SUPPLIES	0.0	0.0	0.0	0.0	0.0	0.0
EQUIPMENT	0.0	0.0	0.0	0.0	0.0	0.0
LAND & STRUCTURES	0.0	0.0	0.0	0.0	0.0	0.0
GRANTS, CLAIMS	0.0	0.0	0.0	0.0	0.0	0.0
MISCELLANEOUS	0.0	0.0	0.0	0.0	0.0	0.0
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
------------------------	--	--	--	--	--	--

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1006 GF/MHTIA						
Other						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY95) cost: \$ 0.0

POSITIONS

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: Geron Bruce *GB* Phone: 465-6143
 Division: Commissioner's Office Date: 5/7/95
 Approved by Commissioner: Frank Rus *FR* Date: 5/8/95
 Agency: Commissioner

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Reindeer for Natives only, judge rules

By PETER S. GOODMAN
Daily News reporter

A federal judge in Anchorage on Wednesday dismissed a suit challenging a 1937 law that gives Alaska Natives the exclusive right to raise reindeer.

The ruling came as a defeat for Tom Williams, a reindeer farmer and practicing attorney who filed the suit. Under Judge John Sedwick's ruling, Williams

now has 30 days to dispose of his roughly 200 animals, either by selling them to someone outside of Alaska or by slaughtering them.

Williams, a non-Native man who lives in the Butte area, says the 1937 Federal Reindeer Act is racist. He blasted Sedwick's decision.

"The independent, non-Native Alaskan should really get the hell out of Alaska," Williams said.

"Soon it'll be that only Natives can live in Alaska. All white people should leave." Native reindeer farmers embraced the ruling. They say the Reindeer Act specifically was intended to benefit Alaska Natives to compensate for the ill-effects of European colonialism.

"There is a long history of Indian legislation specifically designed to correct

violations of human rights and land ownership," Rose Fosdick, director of the Nome-based Reindeer Herder's Association, said in an interview last August.

The association, which represents more than a dozen reindeer farmers on the Seward Peninsula, began

Please see Page B-3.
REINDEER

REINDEER: Lawyer has 30 days to get rid of herd

Continued from Page B-1

the legal action in 1991, complaining to the U.S. Department of Interior's Board of Indian Appeals that Williams was violating the Reindeer Act. He had brought reindeer into Alaska from Canada four years earlier, setting up his farm in the Butte.

The appeals board ruled with the association. That prompted Williams to file his own appeal in Federal Court. It was that appeal that Sedwick ruled on Wednesday.

Fosdick says Native reindeer farmers can't compete with non-Natives, who have access to roads, ports and cheaper electricity. If non-Natives are given the right to raise reindeer, Natives would be put out of business, Fosdick said. That would be a cultural blow, she said.

"When we were growing up here, we couldn't afford to buy many of the foods that were sold in the store," Fosdick said. "Reindeer meat is something we can rely on. It's become part of our culture and part of our tradition."

Williams, who has lived in Alaska for more than four decades, doesn't buy it.



"Non-Natives can own reindeer in any U.S. state except Alaska," he said. "Alaska is kind of a special state. It has less rights."

Williams provided contradictory accounts of what he'd do next.

First he said he would comply with the ruling: "Am I going to take on the U.S. Army? Am I going to go out like those Branch Davidians? No way."

Then, claiming the Reindeer Act obligates the U.S. government to pay him "fair market value" for his reindeer, Williams said he wouldn't get rid of the animals until he was paid. He said that a 1991 appraisal placed the value of his reindeer and his farm at over \$2 million.

"I'm gonna keep right on farming until they come over to my house with a big check," he said.

He ruled out another appeal, saying he couldn't afford one.

REINDEER HERDERS ASSOCIATION
KAWERAK, INC.
P.O. BOX 948
NOME, ALASKA 99762
TELEPHONE: 907-443-5231 FAX: 907-443-5708

"The purpose of the Reindeer Herders Association is to provide assistance in the development of a viable reindeer industry, to enhance the economic base for rural Alaska, and improve the management of the herds."

HISTORY

Reindeer were first introduced to Alaska when the Reverend Sheldon Jackson, General Agent of Education in Alaska, imported sixteen reindeer from Siberia in 1891. Jackson believed reindeer would provide a stable food supply for Alaska Natives. Between 1892 and 1898 Alaska Natives were trained by hired Siberian Natives and Lapp herders.

Under various owners and managers, the population of reindeer was fluctuated. By 1905 there were 10,000 head and by 1937 there were an estimate 640,000 reindeer. In 1985 there were 23,000 reindeer in Alaska.

After hearings in Washington, D.C. the Reindeer Act of 1937 was passed which restricted ownership of reindeer to Alaska Native people. The special provisions of the Reindeer Act gave Alaska Natives the opportunity to make a living and contribute to the economic well-being of rural Alaska.

CURRENT

The reindeer industry was evolved since its introduction. Herd sizes are on the rise, largely due to increased knowledge of improved herding techniques and on-going applied research by the University of Alaska Fairbanks Reindeer Research Program. The population in Alaska is estimated at 40,000 with over 25,000 on or near the Seward and Baldwin Peninsulas.

RANGES

The entire Seward and Baldwin Peninsulas serve as reindeer range, as well as permitted areas near Shaktoolik, Stebbins, and on St. Lawrence Island. There are also herds on the island of Nunivak, Umnak, Hagemeister and Kodiak. Herders apply and receive land use permits from land managers.

REINDEER HERDERS ASSOCIATION

The Reindeer Herders Association (RHA) was formed to encourage, foster and facilitate the orderly and efficient production, distribution and marketing of reindeer products. RHA provides administrative, logistical, advocacy and field support to its members. Members are owners and managers of reindeer herds. An Executive committee provides policy and direction to the staff located in Nome under Kawerak, Inc., a regional non-profit corporation. RHA received support from the Department of Interior Bureau of Indian Affairs, and State of Alaska Department of Natural Resources.

Dated: April 6, 1993

KAWERAK, INC.
REINDEER HERDERS ASSOCIATION MEMBERSHIP

Tom Gray
White Mountain, AK 99784
(907) 638-3971

Clifford Weyiouanna
Shishmaref, AK 99772
(907) 649-3451

Harry Karmun
Deering, AK 99736
(907) 363-2125

Fred Goodhope Jr
Box 12
Shishmaref, AK 99772
(907) 649-3641

Nathan Hadley
Buckland, AK 99727
(907) 494-2162

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P.O. Box 172
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(907) 443-2393

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(907) 955-3411

Doug Sheldon
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Herman Toolie
Savoonga IRA Herd
Savoonga, AK 99769
(907) 984-6414

Pius Washington
St. Michael IRA Herd
St. Michael, AK 99659
(907) 923-3772

Leonard Olanna
Brevig Mission, AK 99785
(907) 642-3811

James Noyakuk
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Faye On...
Wales, AK 99783
(907) 664-3281

Wilfred Kakaruk
Box 567
Teller, AK 99778

Roger Menadelook
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(907) 642-3351

Merlin Henry
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Koyuk, AK 99753
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Kotzebue, AK 99752
(907) 442-3592

Fred Pete
Stebbins IRA Herd
Stebbins, AK 99671
(907) 934-3561

ASSOCIATE MEMBERS:

Donnie Olson
Box 142
Nome, AK 99762
(907) 443-2229

Jean Strutz
Kaguna Reindeer Ranch
10670 Bench Circle
Homer, AK 99603

ALASKA FEDERATION OF NATIVES, INC.

1993 ANNUAL CONVENTION

RESOLUTION 93 - 58

TITLE: IN OPPOSITION TO AMENDING THE REINDEER ACT

WHEREAS: the ownership of reindeer is a critical issue of the reindeer herders; the reindeer industry and Alaska Native people, and

WHEREAS: the Reindeer Industry Act of 1937 provides for the right of Alaska Native people to be the sole owners and managers of reindeer in Alaska; and

WHEREAS: in November 1992 the Interior Board of Indian Appeals decided that "where BIA learns that non-Native owned reindeer are kept for commercial purposes, it is required to take some action to eliminate the threat or potential threat to the Native industry," and

WHEREAS: a number of people have signed petitions and submitted them to Alaska's Congressional delegation requesting amendment to the Reindeer Act of 1937, and Senator Murkowski has stated in a letter that he was considering submitting an amendment to the Reindeer Act;

NOW THEREFORE BE IT RESOLVED by the delegates to the 1993 Annual Convention of the Alaska Federation of Natives, Inc. that the Alaska Federation of Natives delegation in assembly declares opposition to any amendments to the Reindeer Industry Act of 1937;

BE IT FURTHER RESOLVED that the Bureau of Indian Affairs, as the department of the federal government with trust oversight responsibility, be requested to take all necessary steps to protect this very vital trust resource.

SUBMITTED BY: Joint Elders/Youth Conference

COMMITTEE RECOMMENDATIONS: Do Pass

CONVENTION ACTION: Do Pass



P.O. Box 40
Kotzebue, Alaska 99752

City Hall
442-3401

Police Dept.
442-3331

Fire Dept.
442-3404

Public Works
442-3401

RESOLUTION #94-02

ENTITLED: "A RESOLUTION OF THE CITY OF KOTZEBUE, ALASKA IN SUPPORT OF THE 1937 REINDEER INDUSTRY ACT AS WRITTEN."

WHEREAS: the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska;

WHEREAS: Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys,

WHEREAS: the Reindeer Industry Act of 1937 was enacted to "...establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established."

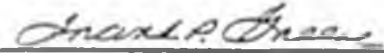
WHEREAS: the reason for the Reindeer Act was to prevent competition;

WHEREAS: there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives;

WHEREAS: we are in opposition to any amendments to the Reindeer Act of 1937.

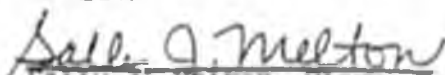
NOW THEREFORE, BE IT RESOLVED, that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer act of 1937.

Passed and adopted by the City of Kotzebue this 6th day of January, 1994 in a regularly scheduled meeting.


Frank P. Greene, Mayor
City of Kotzebue

(SEAL)

ATTEST:


Sally J. Melton, Clerk
City of Kotzebue

RESOLUTION NO 43-12

WHEREAS, the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska;

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys,

WHEREAS, the Reindeer Industry Act of 1937 was enacted to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established."

WHEREAS, the reason for the Reindeer Act was to prevent competition,

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives;

WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937,

NOW THEREFORE BE IT RESOLVED that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED unanimously this 29th day of DECEMBER, 1993 in an regularly scheduled meeting of the QULYU MISSION TRADITIONAL COUNCIL

Robert T. Smith dated: 29 DEC 1993
Mayor of President of Qulyu Mission Traditional Council

Edward Lutz dated: 29 DEC. 1993
City Clerk or Secretary of Traditional Council

RESOLUTION NO 94-01-03-01

WHEREAS, the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska;

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys.

WHEREAS, the Reindeer Industry Act of 1937 was enacted to "...establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established."

WHEREAS, the reason for the Reindeer Act was to prevent competition.

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives;

WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937.

NOW THEREFORE BE IT RESOLVED that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED unanimously this 1st day of January, 1994 in an regularly scheduled meeting of the Koyuk CITY COUNCIL

[Signature]
Mayor or President of CITY of Koyuk

Dated: 01/03/94

[Signature]
City Clerk or Secretary of CITY of Koyuk

Dated: 01/03/94

Native Village of Shishmaref
Shishmaref, Alaska 99772

Resolution # 93-24

WHEREAS, the reindeer industry in Alaska was established just over 100 years to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska, and

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys, and;

WHEREAS, the reindeer Industry Act of 1937 was enacted to "... establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established.", and;

WHEREAS, the reason for the Reindeer Act was to prevent competition, and;

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives, and;

WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937

NOW THEREFORE BE IT RESOLVED that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED unanimously the 27th day of December 1993 in a regularly scheduled meeting of the Shishmaref IRA Council.

Juci Innooruk Dated: 12-28-93
President, Native Village of Shishmaref

John Hinnabell Dated: 12-28-93
Secretary, Native Village of Shishmaref



City of Selawik

P.O. Box 49 • Selawik, Alaska 99770
(907) 484-2132
FAX (907) 484-2209

RESOLUTION NO. 94-13

WHEREAS, the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska;

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys,

WHEREAS, the Reindeer Industry Act of 1937 was enacted to "...establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established."

WHEREAS, the reason for the Reindeer Act was to prevent competition;

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives;

WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937,

NOW THEREFORE BE IT RESOLVED that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED unanimously this 3rd day of January, 1994 in an regularly scheduled meeting of the Selawik City Council

[Signature] dated: 1-3-94
Mayor or President of [Signature]

[Signature] dated: 1-3-94
City Clerk or Secretary of Selawik

NATIVE VILLAGE OF MEKORYUK
INDIAN REORGANIZATION ACT COUNCIL
P.O. BOX 66
MEKORYUK, ALASKA 99630
PH: (907) 827-8828
FAX NO. (907) 827-8133/8215

RESOLUTION NO. 94-01

WHEREAS, the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska; and

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys; and

WHEREAS, the Reindeer Industry Act of 1937 was enacted to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry of business, and by preserving the native character of the said industry or business thus established;" and

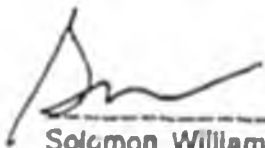
WHEREAS, the reason for the Reindeer Act was to prevent competition; and

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives; and

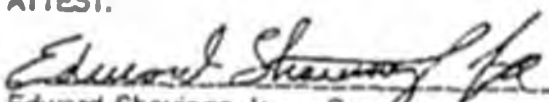
WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937; and

NOW THEREFORE BE IT RESOLVED that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED and APPROVED unanimously this 13th day of January, 1994 in the meeting of Native Village of Mekoryuk, Indian Reorganization Act Council.



Solomon Williams, President

ATTEST:


Edward Shavings Jr., Secretary

John O'Gorman
P.O. Box 1254
Nome, AK 99762

Senator Frank Murkowski
United States Senate
Washington, D.C. 20510-0202

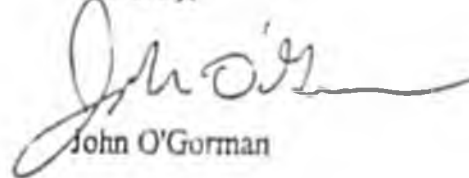
Dear Senator Murkowski,

I am deeply concerned that you are considering amending the 1937 Reindeer Act to allow non-Native people to own reindeer. In 1937, Congress introduced that legislation specifically to help Alaska Natives; in fact, the 1937 Act is part of "Indian" legislation. To take the Native exemption out of the Act would undermine the entire purpose of the legislation.

The Native people who own reindeer are not in a position to compete with non-Natives who have the benefits of financial resources, livestock training, the road system, and other infrastructure, such as slaughter houses, processing plants, and meat inspectors. If non-Natives are allowed to own reindeer, the Native herders will be wiped out.

Please reconsider amending the Act and instead attempt to help the Native herders best exploit the resource for the good of all Alaskans.

Sincerely,



John O'Gorman

cc: Senator Ted Stevens
Representative Don Young
The Honorable Bruce Babbitt

April 9, 1993

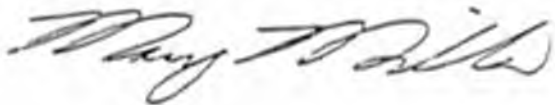
The Honorable Frank H. Murkowski
United States Senate
706 Hart Building
Washington, D.C. 20510-0202 FAX: 202-224-5301

Dear Senator Murkowski:

I am writing to urge you not to seek amendments to the Reindeer Act of 1937. The Act is one of the few remaining laws recognizing and protecting rights of Alaska Natives in a particular area. The Reindeer Act protects the right to sole ownership of reindeer and offers an opportunity for self sufficiency of Alaska Native people.

Alaska Natives have been set apart in the legal and political arenas as somehow being unique from Indian tribes. Our tribal and governmental status has been put in question in recent years. For this one remaining right which is clearly established in federal law, please look after the best interest of the Native community by leaving it be.

A concerned Alaska Native constituent:



Mary Miller
Box 598
Nome, AK 99762

(907) 443-5231 w
(907) 443-2372 h

cc: Honorable Ted Stevens FAX 202-224-1044
Honorable Donald E. Young FAX 202-225-0425

Nathan D. Hadley, Sr.
P.O. Box 4
Buckland, Alaska 99727

June 7, 1993

Honorable Frank Murkowski
U.S. Senator/Alaska
United States Senate
Washington, D.C. 20510-0202

Dear Honorable Senator Murkowski:

I would like to write and let you know my feelings about amending the Reindeer Industry Act of 1937. First, I'll write you a little about my background and a little about reindeer.

In November of 1952, my late father, Paul Hadley, better known as Papa, got a loan of reindeer from the then BIA chief reindeer tender, the late Chester Downey. Five years later, we returned the deer of 725 head, of which 725 was loaned. The 725 head was then loaned out to Fred Goodhope, Sr. of Shishmaref. At that time I was at an age where it was time to attend high school. It was appropriate that we were all brought up to ask first before we do. So, I asked Papa, but his answer was No. He explained he needed my help at home with the deer. On November 12, 1962 to 1964 I got drafted. I left home, my own dog team and Papa and his herd, to serve my duty for the United States. At that time in our village there was no electricity, hardly any oil heaters for heat. We at the time depended on fresh meat at all times. There were no freezers to keep the meat fresh and frozen. When I got drafted, there also was no running water or sewer system. Thirty years later we still don't have either.

I believe you read the letter to a newspaper by Bill Collins from Palmer. The column was titled, Soundoff. In that column he wrote about Tom William's operation and how his operation represents the only real improvement in the reindeer industry in Alaska.

As an Eskimo who was born here in Alaska, near the Arctic Circle, I can see that it's an easy operation for Mr. Williams. Mr. Williams lives in a climate that's just right for a reindeer farm. He has access to running water and sewer, cheaper freight rates, no major predators, no severe storms or frigid weather. Any person can make it work who has easy access to money to operate.

We, the Eskimo, live in a settlement which we call villages or a city in the bush. Our airfare and freight rates are quite expensive. Gas and heating oil get very expensive. Food is also expensive. When we

shop, we got to have a shopping bag full of money for a pocket full of groceries.

The reindeer graze in designated grazing lands. Our grazing permit areas have predators like wolves, wolverines, foxes, raven, bear, and migrating caribou.

We also have severe cold spells like -60 below, wind storms from all directions, and when it rains during the winter it freezes the wet snow to ice and the deer can't dig to eat. All these problems, we survive.

If you do decide to amend the Reindeer Act of 1937, stop fine tuning the Federal law, I want you to keep in mind that Alaska have immigrants from all parts of the world that have the money to start a reindeer business here in Alaska. That would take away the income me and my family and many other families rely on to live with.

The deer came from the Eskimo's of Siberia for the Alaskan Eskimo's who were starving in the 1900's. In return, the Canadians got the deer from the Eskimo's of Alaska.

I feel if you do amend the 1937 Reindeer Act, our Eskimo culture as reindeer herders will be lost. In the past or present time we the Eskimo of Alaska did not have any animals extinct. We survive as subsistence hunters, and reindeer herders. We still do have the deer with us. Already we are losing parts of our land and our subsistence rights. If we have grandfather rights, we would like to keep the reindeer act as is!

The United States has citizens of all races, but in your state you have us, the Alaskan Indians, the Aleuts, and the Eskimo or Inupiat in your land.

Mr. Murkowski, please do not amend the act. Your quick respons would very much be appreciated.

Sincerely,

Nathan D. Hadley Sr.

Nathan D. Hadley, Sr.
P.O. Box 4
Buckland, Alaska 99727

CC: Kawerak, Inc.
Reinderr Herder's Association
P.O. Box 948
Nome, Alaska 99762

file 1/26/93
The Native Village of St. Michael
I. R. A. Council
St. Michael, Alaska 99659
(907) 923-3222 FAX: 923-2284
04/13/93

4-26-93
To: The Honorable Frank H. Murkowski
U. S. Senate
706 Hart Building
Washington, D. C. 20510-0201

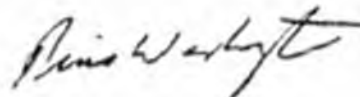
From: Pius Washington
President, I. R. A. Council
St. Michael, AK 99659

Subj: Reindeer Act of 1937

1. The Reindeer Herders Association has informed its members of your intention of amending the Reindeer Act of 1937 to include urban non-Natives into the reindeer industry. Rural Alaskans, especially Native Rural Alaskans, have little opportunity for long-term employment, and will not be able to compete with urban companies that start up because of this amendment, as they do not have easier access to markets, inexpensive slaughter facilities, shipping, and building materials.

2. I urge you to reconsider this amendment to the Reindeer Act, in the interest of my tribe and other tribes in rural Alaska.

Sincerely,



Pius Washington,
President, I. R. A. Council

cc: The Honorable Ted Stevens The Honorable Donald E. Young
U. S. Senate House of Representatives
522 Hart Building 2331 Rayburn House Office Building
Washington, D. C. 20510-0201 Washington, D. C. 20515-0201

Senator Al Adams
Alaska State Senate
State Capitol
Juneau, AK 99801-1182

Representative Richard Foster
Alaska State House of Representatives
State Capitol
Juneau, AK 99801-1182

Loretta Bullard
President, Kawerak, Inc.
Box 948
Nome, AK 99762

Carolyn Michaels
President, Norton Sound Health Corporation
P. O. Box 966
Nome, AK 99762

REINDEER HERDERS' Alaska Federation of Natives, Inc.
DECEMBER
6-4-93

June 1, 1993

The Honorable Frank H. Murkowski
United States Senate
Washington, D.C. 20510

Dear Senator Murkowski:

By means of this letter I want to express the grave concern of the Alaska Native community over current discussions about the possibility of amending the Reindeer Industry Act of 1937. Recent exchanges of correspondence on the issue have caused anxiety in communities across the state. Many individuals and organizations have contacted my office in the past few weeks to express their opposition, and I predict that this is just the beginning. On May 12, the AFN Board of Directors unanimously adopted a motion opposing changes in the federal law.

I urge that you consider the negative impacts, which would occur on at least two levels, if the Congress were to open reindeer ownership to everyone.

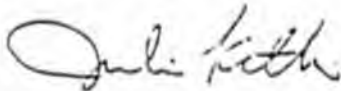
First, the traditional Native reindeer herders of the bush, represented by those families of northern and western Alaska who have stuck with such a difficult enterprise for decades, would gradually be wiped out. Non-Native operations in more urbanized locations, with better access to financing, technologies and distribution to national markets, would inevitably come to monopolize the industry. Eventually we would end up with a few small herds in places like the Matanuska-Susitna Valley and no domesticated deer left in remote villages of the state.

If that is the case, why should we not accept it as the inevitable result of "fair market competition" and not worry about the ethnic or geographical composition of the industry? The answer is that the Reindeer Industry Act is not about industry any more than it is about reindeer. It is about Natives. The provision limiting ownership to aboriginal peoples was the purpose of the law. What Sheldon Jackson had pioneered at the end of the 19th Century, and what the Congress sought in 1937, was the development of an economic base for Alaska's villages. That is the same public purpose for which ANILCA's rural subsistence preference and the Marine Mammal Protection Act's Native exemption were enacted, and these federal guarantees are just as necessary today as they were when originally passed.

The second negative result would be the political symbolism of such a move - a far more pervasive and detrimental effect in the long term. Because it comes at a time when ethnic and geographical divisions have been exacerbated by the subsistence conflict and when relations between Natives and the state government have become strained, this proposal sends an unfortunate message. It says, in effect, that federal laws protecting Native interests are no more inviolable than the actions of the legislature in Juneau. The general feeling among people with whom I have talked is that if reindeer can be taken from us today, the MMPA exemption and Title VIII of ANILCA are no less vulnerable to political pressures from anti-Native interests. While I know this is not your intent, the passage of amendments of the Reindeer Act will become a *cause celebre*, further dividing the Alaskan public.

On behalf of the statewide Native community, I want to thank you for soliciting our views and strongly urge you to table further consideration of amending this important federal law.

Sincerely,



Julie Kitka
President

cc: Senator Stevens
Congressman Young
AFN Board

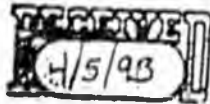
Bcc: ROSE ANNE FOSDICK

NANA REGIONAL CORPORATION, INC.

POST OFFICE BOX 49 / KOTZEBUE, ALASKA 99752 / TELEPHONE (907) 442-3301



April 1, 1993



Senator Frank Murkowski
United States Senator
709 Hart Building
Washington, D.C. 20510-0202

Dear Senator Murkowski:

We understand that you are considering an amendment to the Reindeer Industry Act of 1937 on behalf of Mr. Tom Williams.

We have not received any correspondence of your intentions to propose an amendment. Since this is entirely a Native "preference" issue, do you think that it may be to your advantage to send us this material?

Not only a matter of course, but one of reciprocal respect and courtesy, we assume that to amend the Mining Act, you talk to miners, as well as other sources of opposition and support. We also assume that you would talk to Alaska's Natives about an important issue that directly affects the limited economic opportunities offered to Alaska's Natives.

Please send us any information you may have in regards to your proposed amendment to our office.

Sincerely,

A handwritten signature in black ink, appearing to read "Pete Schaeffer".

Pete Schaeffer
Vice President, NRC

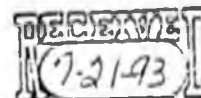
cc: Senator Ted Stevens
Senator Daniel Inouye
Representative Don Young
Reindeer Herders Association





TANANA CHIEFS CONFERENCE, INC.

122 FIRST AVENUE
FAIRBANKS, ALASKA 99701-4897
PHONE (907) 452-8251 FAX (907) 451-8936



July 19, 1993

The Honorable Frank Murkowski
United States Senate
Washington, DC 20510

Dear Senator Murkowski,

The Tanana Chiefs Conference, Inc. would like to express our concern about your consideration of amending the Reindeer Industry Act of 1937.

As you know, the 1937 Act was originally adopted to foster economic self-reliance and protect the interests of Alaska Native reindeer enterprise. Successful rural development, with respect to a subsistence lifestyle, has been and continues to be a challenge within Alaska.

The Reindeer Act, as it currently reads, is critical to the further growth of rural industry. Amending the Act, to include those who have easier access to resources for such business will only decline opportunity and potential prospects for rural enterprise, particularly enterprise that compliments a rural lifestyle.

The Tanana Chiefs Conference is strongly opposed to any amendments to the Reindeer Industry Act and we urge you to reconsider any prospects of amending the Act.

Sincerely,

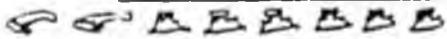
TANANA CHIEFS CONFERENCE, INC.

Will Mayo
President

cc: Reindeer Herders Association



KAWERAK, INC.



PO BOX 948 • NOME, ALASKA 99762

TELEPHONE (907) 443-5231 • FAX: (907) 443-5232

SERVING THE
VILLAGES OF

- BREVIG MISSION
- COUNCIL
- DOVEDE
- ELM
- GAMBELL
- GOLDVIN
- KING ISLAND
- KOTIK
- MARYS IGLOO
- NOME
- SAVOODAGA
- SHAKTOOLIK
- SUSHMAREF
- SOLDONON
- STEBBINS
- ST MICHAEL
- TELEH
- UNALAKLEET
- WALES
- WHITE MOUNTAIN

October 26, 1993

The Honorable Frank H. Murkowski
 United States Senate
 706 Hart Building
 Washington, D.C. 20510-0202 FAX: 202-224-5301

Dear Senator Murkowski:

On behalf of the Western Alaska Tribal Council, a consortium of the 20 tribal council presidents of the communities of the Bering Strait region, this is to urge you not to seek amendments to the Reindeer Industry Act of 1937. Reindeer are clearly designated as a trust resource of the Department of Interior on behalf of Alaska Natives. The provisions of the Reindeer Act limiting ownership to aboriginal Alaska Native people was the purpose of the original law and this federal guarantee is just as vitally important today.

It is our position that the Reindeer Act was federal protection derived from the government to government political relationship between Alaska Native communities and the United States of America. As such, the intent of this law was and is to protect Native interests and we rely completely on the integrity of the federal government to fulfill its legal and political obligation to Alaska Native communities.

At what point do Alaska Native peoples and communities quit conceding? Please take a stand on our behalf. We do not see this issue as a matter for compromise. Any more compromise is an unacceptable loss.

We strongly urge you to table further consideration of amending this important federal law.

Sincerely,

RoseAnn Timbers, Chairperson
 WESTERN ALASKA TRIBAL COUNCIL

cc: Senator Stevens
 Congressman Young



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3706

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GAMBELL
GOLDYIN
KING ISLAND
KOTLIK
MARY SIKLOO
NOME
SAVOONGA
WARTOOLIK
WESHMARREK
SOLDADON
STEBBINS
ST MICHAEL
TELLER
UNALASKET
WALES
WHITE MOUNTAIN

March 19, 1993

Honorable Frank H. Murkowski
United States Senator
709 Hart Building
Washington, D.C. 20510-0202

Dear Senator Murkowski:

Thank you for your letter of February 26, 1993 in which you reference the Reindeer Industry Act of 1937, Tom Williams and the Interior Board of Indian Appeals decision in the case of Reindeer Herders Association v. Juneau Area Director and Bureau of Indian Affairs. The recent decision by the Interior Board of Indian Appeals is the second time that the U.S. Government has affirmed that Alaska Native people have the sole right to own reindeer in Alaska.

If we interpreted your letter correctly, it appears you are considering submitting an amendment to the 1937 Reindeer Act. We are very concerned that you would consider introducing an amendment without asking for input by those who would be most directly affected, the reindeer herders. We are opposed to any amendments to the Reindeer Industry Act of 1937.

Reindeer herding is a tradition in rural Alaska and is an important part of the economy in bush Alaska. In 1891 reindeer were first introduced to Alaska because Alaska Natives were threatened with starvation. Foreign traders, whalers and miners had severely depleted the natural resources on which Alaska Natives depended. It was also thought that Alaska Natives could be assimilated in Euro-American culture by participating in rural economic development.

The right of Alaska Native people to the reindeer herding industry is one of the few remaining rights left to us. At one time Alaska Native people were exclusive owners of the land and its resources. Today our lands and animal resources are under the jurisdiction of the State our right to govern ourselves is in question, our children are educated as non-Natives. Now it appears you wish to support Tom Williams in taking away our sole surviving right.

Rural Alaska Native reindeer herders cannot compete with someone like Mr. Williams, who in an urban setting, has ready access to inexpensive State funded slaughter facilities, inspectors and meat markets. If the 1937 Reindeer Act is amended to allow non-Natives to own reindeer, you would have single-handedly undermined and destroyed the reindeer industry of rural Alaska.

What exactly are you considering for an amendment? Please provide us with the information which leads you to consider this amendment. Also thank you for offering further information on the Tom Williams case; please do send what information you have.

We have enclosed a copy of excerpts from ANCSA and ANILCA which reference the reindeer industry. I have also enclosed a copy of the USDA Policies on American Indians and Alaska Natives.

We look forward to hearing from you.

Sincerely,

REINDEER HERDERS ASSOCIATION

Tom Gray, President

Tom Gray

Harry Herb Karmun, 1st Vice President

Harry Herb Karmun

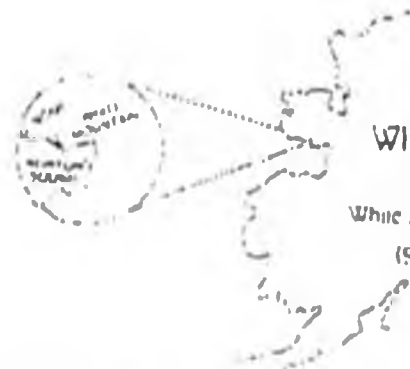
Fred Goodbone, Jr., Treasurer

Fred Goodbone, Jr.

Nathan Hedley, Secretary

Nathan Hedley

cc: Senator Ted Stevens
Representative Don Young



City of
White Mountain
PO BOX # 130
White Mountain AK 99784
(907) 638 3411

RESOLUTION NO. 94-01

WHEREAS, the reindeer industry in Alaska was established just over 100 years ago to provide an alternative food source for Aleut, Eskimo and Indian people in Alaska;

WHEREAS, Aleut, Eskimo and Indian people have managed the reindeer industry to benefit the small communities by providing red meat, jobs and new moneys;

WHEREAS, the Reindeer Industry Act of 1937 was enacted to "... establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established."

WHEREAS, the reason for the Reindeer Act was to prevent competition;

WHEREAS, there is an attempt now to amend the original act to open the ownership of reindeer to non-Natives;

WHEREAS, we are in opposition to any amendments to the Reindeer Act of 1937;

NOW THEREFORE BE IT RESOLVED, that we urge Congress, the Alaska Congressional delegation, and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

PASSED unanimously on the 14th Day of January, 1994 in the regular scheduled meeting of the White Mountain City Council.

Lincoln Simon
(Mayor)

Lincoln Simon dated: 1-5-94

Sally Agloinga
(Secretary)

Sally Agloinga dated: 1-5-94

ATTEST: Tom Brown, Jr.
(City Clerk)

Tom Brown, Jr.

Shishmaref, Alaska
March 17, 1992

Honorable Bruce Babbitt, Secretary
Department of the Interior
1849 C. Street N.W.
Washington, D.C. 20240

Dear Mr. Babbitt:

As a reindeer herder in the Seward Peninsula, I am writing you a letter in regards to the Reindeer Industry Act of 1937. Senator Frank H. Murkowski, Senator from Alaska,, has indicated that he is considering offering an amendment to the Reindeer Act. Any amendment to the act would definitely affect the Native family operations we have going at present. We have reindeer herds that support 2 or 3 families, with reindeer income. Along with insufficient funds at support these families, we are faced with high operating cost, different land ownership within our permitted grazing lands, along with no slaughter facilities established.

We the herders supply our villages with red meat, due to the fact beef or pork runs at least \$7.00 a pound. All slaughter done for the villages is open field slaughter due to the fact we have no funds to construct Federal-State approved slaughter facilities. Through the Reindeer Herders Association in Nome, Alaska, we were able to obtain enough funds to provide herds with only building designs that are approved. Although these prints will be available to the herders we do not know where funds will come from to construct these facilities to expand our meat market since village market is very limited.

We the herders are trying to increase our individual herds so that we may attempt to market our meat elsewhere inspection is necessary. At present this is not available.

After what has happened with reindeer on Hagemeister Island (Togiak) by the Alaska Department of Fish & Wildlife, we are concerned as to what will happen to the reindeer industry. The Reindeer Act of 1937 has helped

the natives to be self employed and not dependent on
State aide.

At present any amendment to the Reindeer Act of 1937 would
eventually get us back before 1937 when Lomen Brothers
operation took over the reindeer herds and took away the
red meat from the villages where natives exists. I,
therefore, Honorable Babbitt would discourage that any
amendments be made to the Reindeer Act of 1937.

Sincerely,

Clifford Weyiouanna
WEYIOUANNA HERD
Box 74
Shishmaref, Alaska 99772

KAWERAK, INC., REINDEER HERDERS ASSOCIATION

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

City of Kotzebue, Alaska	9 Signatures
Native Village of Point Hope Point Hope, Alaska	12 Signatures
City of Elim, Alaska	96 Signatures
Brevig Mission Traditional Council Brevig Mission, Alaska	95 Signatures
Shishmaref IRA Council Shishmaref, Alaska	120 Signatures
Native Village of Unalakleet Unalakleet, Alaska	60 Signatures
Native Village of Shaktoolik Shaktoolik, Alaska	89 Signatures
Koyuk IRA Council Koyuk, Alaska	57 Signatures
Native Village of St. Michael St. Michael, Alaska	50 Signatures
Teller Traditional Council Teller, Alaska	50 Signatures
Savoonga IRA Council Savoonga, Alaska	51 Signatures
White Mountain IRA Council White Mountain, Alaska	34 Signatures
People Attending the 3rd Annual BIA Conference - Anchorage 12/93	158 Signatures
Subtotal (1/19/93)	881

PLEASE RETURN BY Jan. 5, 1994



RECEIVED

DEC 21 1993

CITY OF KOYUK

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business...by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Date	Printed Name	Signed Name	Address
1. 12-21-93	Nancy Nassuk	Nancy Nassuk	PO Box 35, Koyuk AK. 99753
2. 12-22-93	DIANE KIMOKTOAK	Dea E Kimoktoak	PO Box 57 Koyuk AK 99753
3. 12-22-93	Lucille C. Charles	Lucille C. Charles	PO Box 13 Koyuk, Alaska 99753
4. 12-22-93	Floyd Lee	Floyd Lee	Box 13 Koyuk AK 99753
5. 12/22/93	Faverne Kavaitok	Faverne Kavaitok	Box 53 Koyuk 99753
6. 12-22-93	Becky Anasogak	Becky Anasogak	Box 7 Koyuk AK 99753
7. 12-23-93	Leo M. Charles	Leo M. Charles	Box 13 Koyuk AK 99753
8.			
9.			
10.			

PLEASE RETURN BY Jan. 5, 1994

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

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Date	Printed Name	Signed Name	Address
1/2-17-93	FRED S Dewey	Fred Dewey	AKIS
2/2-17-93	Albert T. Charles	Albert Charles	POB 13
3/2/93	Myra M Henry	Myra Henry	Box 24
4/17/93	Charles Ahijis	Charles Ahijis	Box 11
5/2-17-93	Ruby Nassuk	Ruby Nassuk	Box 36
6/2-20-93	Ellen Adams	Ellen Adams	Box 5
7/2-14-93	Arno K Nassuk	ARNO K. NASSUK	Box 25
8/2-18-92	Arthur Kiltell	ARTHUR KILTOLL	Box 56
9/2-18-93	Diane Kavai	Diane Kavai	Box 25
10/2/16/93	Carolyn Dewey	Carolyn Dewey	Box 16



PLEASE RETURN BY Jan 5, 1994

pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address	
11. 17 DEC 93	Richard A. Nassuli Sr.	<i>Richard Nassuli Sr.</i>	POB 37	KKA 99753
12-20-93	Kenneth Dewey Sr.	<i>Kenneth Dewey Sr.</i>		99755 KKA
13. 12-23-93	Danny Adams	<i>Danny Adams</i>	Box 7	Koyuk, AK 99753
14. 12-23-93	William Anliye	<i>William Anliye</i>	Box 96 Shaktolik, AK	99753
15. 12-24-93	Dwayne Charles	<i>Dwayne Charles</i>	Box 13 Koyuk	AK 99755
16. 12-24-93	William Nassuli	<i>William Nassuli</i>	Box 37	Koyuk AK 99755
17. 12-27-93	Dore H. Day	<i>Carl Day</i>	Box 16	Koyuk AK 99755
18. 12-27-93	Lena Henry	<i>Lena Henry</i>	Box 62	KKA 99755
20. 12-27-93	Jeanne Filcher	<i>Jeanne Filcher</i>	Box 53	KKA 99755
21. 12-27-93	Alice Filcher	<i>Alice Filcher</i>	Box 53	Koyuk, AK 99755
22. 12-27-93	Harold Filcher	<i>Harold Filcher</i>	Box 53	Koyuk, AK 99755
23. 12-27-93	RESIGNED M. OKITKON	<i>Foumier M. Obiton</i>	Box 38	KKA 99755
24. 12-27-93	Evelyn M. Obiton	<i>Evelyn M. Obiton</i>	Box 38	KKA 99755
25. 12-27-93	Ariene Charles	<i>Ariene Charles</i>	Box 18	Koyuk 99755
26. 12/27/93	Robert J. Charles	<i>Robert J. Charles</i>	Box 110	Whitemtn 99755
27. 12-27-93	MARY D. CHARLES	<i>Mary D. Charles</i>	P.O. Box 84110	Wm
28. 12-27-93	Mary M. Aook	<i>Mary M. Aook</i>	P.O. Box #2	Koyuk, AK 99755
29. 12-27-93	BLANCHE DAY	<i>Blanche Day</i>	Box 14	Koyuk AK 99755
30. 12-27-93	RUTH OTTON	<i>Ruth Otton</i>	Box 90	KKA 99753

pg. 3 Reindeer Act Petition

Date	Printed Name	Signed Name	Address
31. 12/27/92	David OTTON, Jr.	David Otton Jr.	P.O. Box 27 Koyuk AK
32. 12/27/92	Karen Nassuk	Karen Nassuk	P.O. Box 28 Koyuk AK
33. 12/27/92	HISIRLY ADAMS HISIRLY ADAMS	HISIRLY ADAMS	C/O BOX 1 Koyuk, AK
34. 12/27/93	DONNA ADAMS	Donna Adams	Box 1104 Nome
35. 12/27/93	Ethel Adams	Ethel Adams	Koyuk
36. 12/27/93	Alfred Adams	Alfred Adams	Koyuk
37. 12/27/93	Abraham Anasogak Sr.	Abraham Anasogak	AK
38. 12-27/93	Lane T Douglas	Lane T Douglas	P.O. 1 - Koyuk AK
39. 12/28/93	Jenny Leonard	Jenny Leonard	Box 31 Koyuk AK.
40. 12/28/93	Raymond C Douglas Sr.	Raymond C Douglas Sr.	Box 18 Koyuk AK 9975
41. 12/28/93	Oscar Anasogak Sr.	Oscar Anasogak Sr.	Box 7 Koyuk AK
42. 12-29-93	Oscar Anasogak Jr.	Oscar Anasogak Jr.	Box 7 Koyuk AK
43. 12-28-93	David Anasogak	David Anasogak	
44. 12-28-93	Georgiana Anasogak	Georgiana Anasogak	Box 7 Koyuk AK
45. 12-28-93	Messie M. Otton	Messie M. Otton	Box 41 Koyuk AK 9975
46. 12-28-93	Wally H. Otton	Wally H. Otton	Box 41 Koyuk AK 99753
47. 12-28-93	Nancy Nassuk	Nancy Nassuk	Box 35, Koyuk, AK 99753
48. 12-28-93	Marie Adams	Marie Adams	Box 9, Koyuk, AK 99753
49. 12-28-93	Flora R Swanson	Flora R Swanson	Box 47 Koyuk, AK 99753
50. 12-28-93	Maryann Charles-Maryann	Maryann Charles-Maryann	Box 3 Koyuk AK 99753

Received 12-10-93



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3708

SERVING THE
VILLAGES OF

- BREVIG MESSON
- COUNCIL
- DIOMEDE
- ELN
- GAMBELL
- GOLDVIN
- LONG ISLAND
- KOYUK
- MARYS IGLOO
- NOME
- SAVOONGA
- SHAR TOOLK
- SHISHMARIEF
- ST. MICHAEL
- TELLER
- UNALASKA
- WHITE MOUNTAIN

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business...by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Signed/ Date	Printed Name	Address
1. <u>Pius Washigt 12-2-93</u>	<u>Pius Washigt</u>	<u>8927 St. Michael Pt 99655</u>
2. <u>Shu Lakot 12-6-93</u>	<u>Shu Lakot</u>	<u>20.8111 St. Michael Ak 99654</u>
3. <u>Willard Johnson 12/6/93</u>	<u>Willard Johnson</u>	<u>220X 113 St. Michael, AK 99659</u>
4. <u>Douline & Otten 12/6/93</u>	<u>Douline & Otten</u>	<u>Box 94 St. Michael, AK 99659</u>
5. <u>Darren Billingsley 12/6/93</u>	<u>Darren Billingsley</u>	<u>Box 41 St. Michael AK</u>
6. <u>Bibiane Billingsley 12-6-93</u>	<u>Bibiane Billingsley</u>	<u>Box 41 St. Michael, AK</u>
7. <u>Carl Otten 12-6-93</u>	<u>CARL OTTEN</u>	<u>St. Michael, AK</u>
8. <u>Victor Joe 12-6-93</u>	<u>VICTOR JOE</u>	<u>St. Michael, AK</u>
9. <u>Victor Joe</u>	<u>Victor Joe</u>	<u>St. Michael</u>
10. <u>William Tim</u>	<u>William Tim</u>	<u>St. Michael, AK</u>

- 31. Mary Long , St. Michael
- 32. Danny Long ,
- 33. Frank B Myomick - Frank B Myomick St. Michael, AK
- 34. Alma Snowball Alma Snowball P.O. Box 98 St. Michael
- 35. Hilary Snowball Hilary Snowball P.O. Box 98 St. Michael
- 36. Flora Blackie SMK
- 37. Virginia Washington Virginia Washington Box 37 St. Michael AK
- 38. Helma Myomick SMK 99659 99659
- 39. Graceless SMK 99659
- 40. John
- 41. Katherine Kabuk
- 42. Lynn M Johanson Sr
- 43. Kubuk Skubik SMK
- 44. Linda Olen Box 65 St Michael
- 45. Monica Myomick Box 112 St. Michael
- 46. Peter A. Kohl ¹²⁻⁷⁻⁹³ Box 72 St Michael AK, 99659
- 47. Lynn Niksik
- 48. Vera S. Nitsik Box 17 SMK 99659
- 49. Pulimann Box 30 SMK 99659
- 50. Mike Sheikoh Gen. DEL. St Michael 99659

Received 12-14-93



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

TELEPHONE: (907) 443-5231 • FAX: (907) 443-3700

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- SHAKTOOLIK
- SHIMANEZ
- SOLOMON
- STEPHENS
- ST MICHAEL
- TALLER
- UNALASKET
- WALES
- WHITE MOUNTAIN

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business...by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Signed/ Date	Printed Name	Address
1. <u>Isaac Okbark</u>	Isaac Okbark Jr.	Teller, Alaska 99778
2. <u>Jan C Okbark</u>	Jan C Okbark	Teller, AK 99778
3. <u>Dan Topkok</u>	DAN Topkok	
4. <u>E. Munnell</u>		Selm
5. <u>Alyce Walluk</u>	Alyce Walluk	Teller 99778
6. <u>Ron C Okbark</u>	Ron C Okbark	Box 501 TLA
7. <u>Alice J. Okbark</u>	Alice J. Okbark	Box 551 Teller, Ak
8. <u>Rodney Kugzruk</u>	RODNEY KUGZRUK	12-05-93 Teller, AK 99778
9. <u>Vern Kugzruk</u>	Vernon Kugzruk	P.O. Box 580, Teller, AK 99778
10. <u>Roy Foster</u>	Roy Foster	P.O. Box 580 Teller

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11.	<u>Gertrude Foster</u>	<u>Gertrude Teller Alaska 99778</u>
12.	<u>Lola Kugyuk</u>	<u>IDA Teller Alaska</u>
13.	<u>Rhonda I Komok</u>	<u>Teller AK</u>
14.	<u>Charles W. Okselak</u>	<u>Okselak Teller AK</u>
15.	<u>Morris T. Kugyuk</u>	<u>Box 583 Teller AK 99778</u>
16.	<u>Theresa M. Kugyuk</u>	<u>Theosam Kugyuk</u>
17.	<u>Patrick Pashuk</u>	<u>Patrick Pashuk Teller AK</u>
18.	<u>St. Olaf's Apostolic</u>	<u>PO Box 515 TELLER, ALASKA 99778</u>
20.	<u>James E. Noyakuk</u>	<u>Box 521 TLA</u>
21.	<u>Robert Dickson</u>	<u>Box 508 Teller AK 99778</u>
22.	<u>Buddy Foster</u>	<u>Buddy Foster Teller AK 99778</u>
23.	<u>Marilyn A. Dickson</u>	<u>Marilyn A. Dickson 508 Teller 99778</u>
24.	<u>Maxim L. Okkasik</u>	<u>Maxim L. Okkasik 571 Teller AK 99778</u>
25.	<u>Justina Pate</u>	<u>Justina Pate 573 Teller AK 99778</u>
26.	<u>Cathy Kerkuk</u>	<u>Cathy Kerkuk Box 570 Teller AK 99778</u>
27.	<u>Linda Topokak</u>	<u>Linda Topokak Box 524 Teller AK 99778</u>
28.	<u>Hennessy Noyakuk</u>	<u>Hennessy Noyakuk PO Box 521 - AK 99778</u>
29.	<u>William J. Blotzoff</u>	<u>P.O. Box 532 Teller AK UT</u>
30.	<u>James P. Okselak</u>	<u>P.O. Box 563 Teller AK 99778</u>

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11/12-10-93	MARION S. JACKSON	SKK
12-10-93	Edgar M JACKSON	Box 26 SKK, AK
12/20/93	MARY KATHRYN	Box 23 SKK, AK 99771
12/20/93	EDNA SAUETLIK	Box 14 Shaktolik, AK 99771
12-20-93	CARL W. TAKAK	Box 44 " " 99771
12-20-93	Helen L Jackson	Box 26 " " " "
12-21-93	Ellen F Huat	Box 42 Shaktolik AK 99771
12-21-93	Edgar Jackson Jr.	Edgar Jackson Jr. Box 26 SKK, AK 99771
12-21-93	William TAKAK	Box 17 SKK, AK 99771
12-21-93	MURAN SAUETLIK	Box 48 SKK, AK 99771
12/21/93	Lena Sauetlik	Box 48 SKK, AK 99771
12-21-93	Fredrick Pack	Box 18 Shaktolik AK 99771
12-21-93	ALAN SOKIYAK	Box 51 SKK, AK 99771
12-21-93	ALEX SOKIYAK	Box 51 SKK, AK 99771
12-21-93	DANIEL SAUETLIK	Box 15 SKK, AK 99771
12-21-93	Lucy L. Sauetlik	Box 15 SKK, AK 99771
12-21-93	Floyd Sockmaluk	Box 08 SKK
12-21-93	Lizzie Pearson	Box 08 SKK, AK
12-21-93	Betty L. Jackson	Box 04 Shaktolik AK 99771

31. Angus Micaluk Tungstapale Box 563 Teller Alaska 99778
32. Maria Omiah MARIA Omiah Box 520 TELLER AK 99778
33. Edna Oonluk Edna Oonluk Box 512 Teller AK 99778
34. Robert Noyakul Robert Noyakul Box 521 Teller AK 99778
35. Robert Tokennua Robert Tokennua Box 584 Teller AK 99778
36. Stella Okmaok Box 526 Teller AK 99778
37. Kevin Isabell Box 593 Teller AK 99778
38. Kathleen Castel Box 591 Teller AK 99778
39. Pavel Soalok Box 510 TELLER AK 99778
40. Theresa Soalok Box 510 TELLER AK 99778
41. Mary Herman Box 577 Teller AK 99778
42. Ronald Wiyama Box 522 Teller AK 99778
43. David Okooduk Box 561 Teller AK 99778
44. Madge K Royce Jr. Ad. Teller AK 99778
45. Alvin Topsek Box 524 TLA 99778
46. Walter Lee Box 562 TLA 99778
47. Edna Kuzynik Box 50 TLA 99778
48. Fred Kuzynik Box 589 TLA 99778
49. Walter Weyama TLA 99778
50. Aynes Noyakul Box 521 Teller AK 99778

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KAWERAK, INC.

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 WHITE MOUNTAIN

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AN ENDING THE REINDEER INDUSTRY ACT

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Signed/ Date	Printed Name	Address
1. Peter Jackson 12-02-93	Peter JACKSON	Box 94 Unalakleet AK 99762
2. Elizabeth Towarak 12-02-93	Elizabeth TOWARAK	Box 264 UNK AK 99762
3. Ebba Jackson 12-2-93	Ebba JACKSON	Box 94 Unk AK 99684
4. Dooling Whitney 12/2/93	Dooling WHITNEY	Box 1261 Nome AK 99762
5. Larry Eggart 12/2/93	LARRY EGGART	Box 1561 Nome AK 99762
6. Reuben Gorman 12/10/93	Reuben GORMAN	Box 95 Sh. H. Lik AK 99762
7. Eva Bardson 12/10/93	EVA BARDSON	Box 123 S. H. Lik AK 99762
8. Emma Sampson 12/10/93	EMMA R. SAMPSON	Box 53 SKK AK 99762
9. Saul C. Panethuk 12/10/93	Saul C. PANETHUK	Box 54 SKK AK 99762
10. Arnold Takak 12/10/93	ARNOLD TAKAK	Box 44 SKK AK 99762
Bruce Sookiyak 12/10/93	Bruce SOOKIYAK	Box 44 SKK AK 99762

31. Lynn Takak Sr. 12-21-93 Lynn Takak St. Box 4
32. ~~Sharon a Takak~~ 12-21-93 ~~Hannah ... Takak~~ Box 44
33. ~~George Schak~~ 12-21-93 ~~Leonard Takak~~ Box 44
34. Carl R Takak Jr 12-21-93 Carl R Takak Box 23
35. ~~Marie A Katchatag~~ 12-21-93 ~~Marie A Katchatag~~ Box 63
36. ~~Clarence Katchatag~~ 12-21-93 ~~Clarence Katchatag~~ Box 63 SKK
37. ~~Thomas Sampson~~ 12-21-93 ~~Thomas Sampson~~
38. Sheryl A Taylor 12-21-93 Sheryl A Taylor Box 76
39. Matilda Handy 12-21-93 Matilda Handy Box 76
40. Ebba Panipchuk 12-21-93 Ebba Panipchuk Box 25
41. ^{JA} Jessie Panipchuk 12-21-93 Jessie Panipchuk ~~Box 25~~
42. Chris Panipchuk 12-21-93 Chris Panipchuk Box 25
43. Helen Katchatag 12-21-93 Helen Katchatag Box 34
44. ~~Clarence A Katchatag~~ 12-21-93 ~~Clarence A Katchatag~~
 Box 34 SKK, AR
45. Gary Pradley 12-21-93 Gary Pradley
46. Timothy Katchatag 12-21-93 Timothy Katchatag ~~Box 34~~
 SKK, AR
47. Timothy Sagonick 12/21/93 Timothy Sagonick Box 27 SKK
48. Mary A. Sagonick 12/21/93 Mary A. Sagonick Box 27 SKK
49. Lewis Nakakke 12/21/93 Lewis Nakakke Box 55 SKK, AR, AT
50. Gregg Rock 12/21/93 Gregg Rock Box 103 SKK, AR

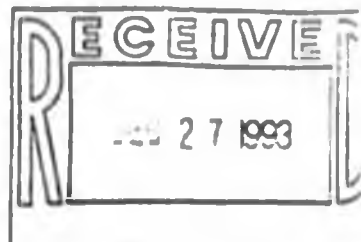
pg. 4 Reindeer Act Petition

51. Vernon C Rock 12-21-93 Vernon C. Rock Box 103
52. Dianne Paupitchuk 12-21-93 Dianne Paupitchuk Box 54
53. Edith Sookiyak 12-21-93 Edith Sookiyak Box 22
54. George Sookiyak 12-21-93 & George Sookiyak Box 22
55. Paul Asicksik Jr. 12-21-93 Paul Asicksik Jr. Box 62
56. Mary Asicksik 12-21-93 Mary Asicksik Box 62
57. Mrs Marilyn Asicksik 12-21-93 Mrs Marilyn Asicksik Box 62
58. Charlotte Sookiyak 12-21-93 Charlotte Sookiyak Box 66
59. Michael S. Sookiyak 12-21-93 Michael S. Sookiyak Box 66
60. Henry Sookiyak 12-21-93 Henry Sookiyak Box 11
61. Clara Mae Sagonick 12-21-93 Clara Mae Sagonick Box 12 SKK
62. Tony Sagonick 12-21-93 Tony Sagonick Box 12 SKK
63. Harvey Sookiyak 12-21-93 Harvey Sookiyak Box 13 SKK
64. Ed Beck 12-21-93 Ed Beck Box 93
65. Betsy Amalukilil 12-21-93 Betsy Amalukilil - Box 93
66. Fred Paupitchuk Jr. 12/21/93 Fred Paupitchuk Jr. Box 03
67. Lynn L Jackson 12/21/93 Lynn L Jackson Box 04
68. Eugene Asicksik 12/21/93 Eugene F. Asicksik Box 24
69. Percy Nekaruk 12/21/93 Percy Nekaruk Box 102
70. Rhoda C Asicksik 12/21/93 Rhoda C Asicksik Box 24

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71. David Bonilla 12/21/93 David Bonilla Box 43 Shaktoolik AK
72. Lila Bonilla 12/21/93 Lila Bonilla Box 74 SKK
73. Gary Bekoolok 12/21/93 Gary Bekoolok Box 32 SKK
74. Elmer B. Bekoolok 12/21/93 Elmer Bekoolok Box 32 Shaktoolik
75. Martha Bekoolok 12-21-93 Martha Bekoolok Box 32
76. Colleen Z. Rock 12-21-93 ~~Elmer~~ Colleen Rock
CAROLE SOOKIYAK Box 18
77. Carole Sookiyak 12-21-93 P.O. Box 51 SKK, AK 99771
Helen C. Jackson
P.O. Box 56
Shaktoolik, AK. 99771-0056
78. Helen C. Jackson 12-21-93 Helen C. Jackson
Box 52
Shaktoolik AK 99771
79. James Jackson 12-21-93 James Jackson
Box 52
Shaktoolik AK 99771
80. Jimmy Hunt 12-21-93 Jimmy Hunt
Box 52
Shaktoolik AK 99771
81. William Takak 12-22-93 William Takak Jr. Box 17 SK
82. Newman M. Savetilik 12-22-93 Newman M. Savetilik Box:
83. Thomas E. Sagonick 12/23/93 Thomas E. Sagonick Box 0.
84. Dean Sockpooluk 12/23/93 P.O. Box 67002 Golovin, A
85. Guustoff Sagonick 1/3/94 P.O. Box 21, SKK
86. Dina Sagonick 1-3-94 - P.O. Box 21, SKK
87. Genevieve Nakarak 1-3-94 Genevieve Nakarak Box 55 SKK, AK 99771
88. Fred N. Sagonick 1-3-94 Fred Sagonick Box 45
89. Richard Takak 1-3-94 Richard Takak Box 44
90. _____

PLEASE RETURN BY Jan. 5, 1994



return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Date	Printed Name	Signed Name	Address
1/21/93	Kenneth Kingakak	Kenneth Kingakak	P.O. Box 195 Savoonga AK 99762
2. "	Francis D. Wahyeyi	Francis D. Wahyeyi	" " " "
3. "	Rudolph Nongwuk	Rudolph Nongwuk	" " " "
4. "	MILTON NONGWUK	Milton Nongwuk	Box 149 Savoonga AK 99762
5. 12-21-93	Town Akuya		Box 107 SVA AK
6.	JERRY WINGILLIANS		Box 10 Savoonga AK 99762
7.	Yea Kingakak		Box 238 SVA AK 99762
8.	Martin Kocovian		" " " "
9.	Julian Kipile		Box 149 " " " "
10.	Robert Anogizuk	Robert Anogizuk	Box 82 Savoonga, Ak. 99762

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pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11. 12-21-93	SANDRA ANNOGIYUK	Jordis Annoqvist	
12. 12-21-93	BRYAN ROOKER SR.	Bryan Rooker	PO BOX 1 3VA AK 99769
13. 12-21-93	Jane Rooker	Jane Rooker	
14. 12-21-93	Floyd Kingakuk		
15. 11/10/11	Avelia Kingakuk		
16. 12/21/93	Elwin Hanger		
17. 12/21/93	Ang Washu		
18. 12/21/93	Carolyn Kava	CAROLYN KAVA	Box 93 SVA, AK
19. 12/21/93	Macees Toolie Sr.	Macees Toolie Sr.	Box 116 SVA AK
20. 12/21/10	Alice Kulowiyi	Alice Kulowiyi	
21. 12/22/93	Irving Kava	Irving Kava	P.O. Box 102 Savona, Alaska
22. 12/22/93	Thomas Kava	Tom Kava	Box 154 Savona, Alaska
23. 12/22/93	Charlotte T. Kava	Charlotte T. Kava	Box 154 SVA, AK
24. 12-22-93	Wayne Demeyak		Box 99 SVA AK
25. " - " - "	Walter Toolie		Box 9 SVA AK 99769
26. 12-22-93	Preston Rooker	P-R Rooker	Box 198 SVA AK 99769
27. 12-22-93	Carlen Kava	Carlen Kava	Box 114
28. 12/22/93	Regina Kava	Regina Kava	" "
29. 12/22/93	Lacey Kava	Lacey Kava	" "
30. 12/22/93			

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31. 1/22/93 Crystal L. Murdock ~~Crystal L. Murdock~~ P.O. Box 154
32. 12/22/93 Leah Lynn Leah Lynn Box 25
33. " " Kim Lynn Kim Lynn 25
34. 12/22/93 Howard King ~~Howard King~~ P.O. Box 73 SVA AK 997
35. Rudi Oromani 12-22-93
36. Dean Kubwini 12-22-93
37. Linda & Akya Linda J Akya 12-22-93 Box 189 SVA AK 99769
38. Frank Wapfisi 12/22/93
39. Noma Jolu
40. Mui Seppu Box 172 SVA AK 99769
41. Buelgi Shygan Box 115 SVA AK 99769
42. 12/22/93 Celine ~~Celine~~ Box 74 SVA AK 99769
43. Russel & Selwyn Box 73 SVA AK 99769
44. 12-22-93 Janet ~~Janet~~ Box 124 Savoonga
45. " " " P. ~~P.~~ Box 1 SVA
46. ~~Relind~~ ~~Chava~~ Box 8 Savoonga 99769
- 12/22/93
47. Thor ~~Thor~~ P.O. Box 72 Savoonga, AK
48. Atling ~~Atling~~ Box 188 SVA
49. Norman ~~Norman~~ Box 192 SVA
- 12/22/93
50. Ada ~~Ada~~ Box 5, Savoonga Ak. 99769
51. Adeline ~~Adeline~~ 77 " "

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return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

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Date	Printed Name	Signed Name	Address
1. 1/4/94	Tom Brown, Jr	Tom Brown	WMO, AK
2. 1/4/94	Dorothy Barr	Dorothy Barr	WMO, AK
3. 1-4-94	Donald Jones	Donald R. Jones	WMO, AK
4. 1-4-94	Robert Owen	Robert Owen	WMO, AK
5. 1-4-94	COLIN C. LINCOLN	Colin C. Lincoln	
6. 1-4-94	Lincoln M. Simon	Lincoln M. Simon	WMO AK 99762
7. 1-4-94	Ernest L. Oksatjavuk	Ernest L. Oksatjavuk	WMO, AK 99762
8. 1-4-94	Willa Ashenfelter	Willa Ashenfelter	WMO, AK
9. 1-4-94	Robert Jones	Robert Jones	WMO, AK
10. 1-4-94	Robert Jones	ROBERT J. LINCOLN	WMO, AK

PLEASE RETURN BY Jan 5, 1994

pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11. 1-4-94	BRUCE ROBERTS	Bruce Roberts	White Mt.
12. 1-4-94	MARY D CHARLES	Mary D Charles	White Mt.
13. 1-4-94	John L. Kiocher	John L. Kiocher	White Mt.
14. 1-4-94	Ida E. Buck	Ida E. Buck	White Mt.
15. 1-4-94	Jane Brown	Jane Brown	White Mt., AK
16. 1-4-94	John Brown	John Brown	White Mt., AK
17. 1-4-94	Kevin Brown	Kevin Brown	White Mt., AK
18. 1-4-94	AARON SIMON	Aaron Simon	
20. 1-4-94	Ruth M SIMON	Ruth M Simon	
21. 1-4-94	Jakeen Fagundes	Jakeen Fagundes	
22. 1-4-94	Lisa ASHENFELTER	Lisa Ashenfelter	WMO, AK
23. 1-4-94	Mary Lou Gray	Mary Lou Gray	White Mt. Alaska
24. 1-4-94	John Brown	John Brown	White Mt., AK
25. 1-4-94	Laverne Amaktoolik	Laverne Amaktoolik	WMO, AK
26. 1-4-94	Alex Ashenfelter II	Alex Ashenfelter	WMO, AK
27. 1-4-94	Steve Buffas	Steve Buffas	WMO, AK
28. 1-4-94	Alfred Brown	Alfred Brown	WMO, AK
29. 1-4-94	TOM GRAY	Tom Gray	WMO, AK
30. 1-4-94	Sally M. Anglinga	Sally M. Anglinga	WMO, AK 99784

PLEASE RETURN BY Jan. 5, 1994

pg. 3 Reindeer Act Petition

DATE	Printed & Signed Name	Village Address.
31. 1-4-94	Steven G. Agloinga <i>Steven G. Agloinga</i>	WMO, AK
32. 1-5-94	Frank Oksohtaruk <i>Frank Oksohtaruk</i>	WMO, AK 99
33. 1/5/94	T: Aiah Oksohtaruk <i>T: Aiah Oksohtaruk</i>	White Mt. AK 99784
34. 010594	SADIE KOMACHUK <i>Sadie Komachuk</i>	White Mt. AK 99784
35.		
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Received 12-16-93

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Date	Printed Name	Signed Name	Address
1. 12/7/93	John Erlich	John Erlich	Box 1054, Kotzebue, AK 99752
2. 12/7/93	Herb Smelcer	Herb Smelcer	P.O. 33542, Juneau, AK 99801
3. 12/7/93	Christine Tanape	Christine Tanape	ANC, AK
4. 12/7/93	FRANK MOONIN	Frank Moonin	3501 E 42nd
5. 12/7/93	Floyd H. Guthrie	Floyd H. Guthrie	POB 703, Ilerik, Alaska AK 99726
6. 12/7/93	Fritz George	FRITZ GEORGE	Box 20, Kotzebue, AK 99751
7. 12/7/93	Ann Armstrong	Ann Armstrong	Box 33399, Cheyenne, AK
8. 12/7/93	Annie Phillips	Annie Phillips	Box 811, Chukchuk, AK
9. 12/7/93	William T. Brady	William Brady	SITKA, Alaska
10. 12/2/93	Kenneth L. Green	Kenneth L. Green	RA Box 412, Hoonah, AK 99829

pg. 2. Reindeer Act Petition

- | Signed/Date | Printed Name | Address |
|-------------|--------------------|--|
| | Flora Lehnoff | 2430 Chandler Dr
Anchorage, AK 99504 |
| 12. | Katie George | PO Box 67 AKiackak
99551 |
| 13. | GORDON JACKSON | 8413 Aurora Dr
Tularem, AK 99501 |
| 12-7-93 14. | Moses Toiyukak Sr. | Box 30
Manakotab Alaska 996 |
| 15. | John Park | P.O. Box 30
Manakotab Alaska 99628 |
| 16. | Eleanore Demant | Box 14
Cantwell, AK 99729
P.O. Box 112 |
| 17. | Tommy Raitt Sr. | Jelavik, AK 99770 |
| 12-9-93 18. | Jack Fuscusson | Box 1
Golovin Alaska 9970 |
| 20. | John P. Jones | Box 626
Barrow, AK 99503 |
| 21. | ANTHONY ANGLIAN | Box 23
Tunuvak, AK. 99681 |
| 22. | ROBERT L. BENS SR. | Box 32007
Mt. Vernon, AK 99652 |
| 12/9/93 23. | GERALD HOPE | PO Box 7576 KATCHIKAN, AK
9970 |
| 24. | Walter Foster | Box 34 Sand Point
AK 9996 |
| 25. | Roxanne Frank | 164 Syracuse #2
Fairbanks, AK 9970 |
| 12-9-93 26. | Paul Joe Paul Joe | Box 90021
Niglkavak & Aie 99690 |
| 27. | | |
| 28. | | |
| 29. | | |
| 30. | | |

Received 12-16-93

PLEASE RETURN BY JAN. 5, 1994

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

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Date	Printed Name	Signed Name	Address
1. 12-7-93	Phyllis Evan	Phyllis Evan	P.O. Box 42 L. Kalskagak 99762
2. 12-7-93	Barb Pungowiyi	Barb Pungowiyi	Box 1627 Nome 99762
3. 12-7-93	Evelyn FRANKSON	Evelyn Frankson	Box 91 Pruit Hope, Ak 99766
4. 12-7-93	ADAM T. PROTOGROUNO	Adam T. Protoprouno	2200 Katlian St. Prudhoe Bay 99702
5. 12-7-93	RALPH KOWCHER	Ralph Kowcher	1010 TYPEN #5 AK
6. 12-7-93	Frank Pariot, Jr	Frank Pariot, Jr	P.O. Box 32771 Fairbanks AK
7. 12-7-93	Theodore C. Solbridge	Barbridge	SITKA ALASKA 99762 432 KATLIAN ST.
8. 12-7-93	James Kuumme	Kuumme	P.O. Box 127 Ukiah Alaska 99551
9. 12-7-93	Thomas Pungalik	Tom Pungalik	Box 41 Upernivik Ak 99766
10. 12-7-93	ANITA ANDREWS	Anita Andrews	P.O. Box 32136 Mt. Village AK

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11. 12/7/93	Harold P. M... & ...	3800 ALBINUS DR. JUNEAU, AK 99801
12. 12-08-93	Frances Frankson	P.O. Box 235 Point Hope Ak 99766
13. 12/8/93	Elmer E. Frankson	P.O. Box 235 Point Hope, AK 99766
14. 12/8/93	Willie Kasayulie	Box 70 AKIACHAK, AK 99555
15. 12/8/93	ARTHUR J. LAKE	Box 49 Kwigillingak 99660
16. 12/8-93	Senny G. Jackson	Box 2160 AKIAK AK 99552
17. 12.8.93	James Kraso	Box 8006 Nanwalek Ak. 99603
18. 12/8/93	Arnold Brower Jr.	Box 1157 Barrow, AK 99703
20. 12/8/93	Willie M. Andrew	P.O. Box 2354 Bethel AK 99559
21. 12/8/93	FELIX P. HESS	P.O. Box 32209 Mt. Village, AK 99602
22. 12/8/93	William A. ...	P.O. Box 822 Bethel, AK 99559
23. 2/3/93	W. C. ...	Box 234 Yakutat, AK 99685
24. 2-9-93	Verna J. Henniger	Box 275 Yakutat, Ak 99680
25. 2/9/93	Clarence Alexander	Box 42 Ft. Yukon, AK 99746
26. 12/9/93	Mike Williams	Box 122 AKIAK AK 99552
27. 9 Dec 93	F. B. Stern	Box 113 Tatchoo 99755
28. 12/9/93	Jimmy Phillips	2806 Aspen Drive Anchorage AK 99517
29. 12/9/93	Charles Pantan	St. Mary's AK 99658
30. 12/9/93	Taman ...	Chevak AK. 99523

12-9-93 Kay D. Borbridge Kay D BORBRIDGE Box 6272 SITKA 99835

12-9-93 32. Donna Finkle DONNE FINKLE BOX 33 McGRATH, AK

33. Earl R. Chase EARL R CHASE NUNAPITUK AK -99641-

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Received 12-16-93

PLEASE RETURN BY JAN. 5, 1994

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

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Date	Printed Name	Signed Name	Address
1. 12-7-93	ANDREW E BO 11A	Andrew E Bo	P.O. BOX 22129 JUNEAU, AK 99802
2. 12-7-93	PAUL SWETZOF	Paul Swetzof	P.O. Box 103922 ANCHORAGE, AK 995039
3. 12-8-93	Charlene Jaciamana	Charlene Jaciamana	Box 188 NOME AK 99762
4. 12/9/93	Herman Borge Jr.	Herman Borge Jr.	Box 682 OTZ AK 99752
5. 12/9/93	Melody Barger	Melody Barger	OTZ AK 99752
6. 12/9-93	Man, Edwardson	Man, Edwardson	Box 211 Barrow ak 99723
7. 12/9-93	Charles Edwardson	Charles Edwardson	Box 211 Barrow, ak 99723
8. 12/9/93	Jan on Campbell	Jan on Campbell	Box 1191 Barrow AK 99723
9. 12/9/93	Allen Tacket	Allen Tacket	Box 4 Selawik, AK 99770
10. 12/9/93	Gilda Shultz	Gilda Shultz	Box 35, Fair Post 99583

pg. 2. Reindeer Act Petition

Signed/Date

Printed Name

Address

12/9/93

11. Henry J Hunter Sr Henry J Hunter Sr P.O. Box 632 Bethel AK 99557
12. 12-9-93 Frank Miyasato 525 My Franklin Tundra, AK 99801
13. 12-9-93 Edward L. Adams Sr. P.O. Box 9 Shelton AK 99666
14. 12-9-93 Brian M. Rice 208 W. 10th St. Anchorage AK 99510

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Date	Printed Name	Signed Name	Address
12-7-93	Shelley Trainor	Shelley Trainor	211 McCarrey #16 Anch. Ak 99508
12/7/93	Charles E. Carter, Jr.	Charles E. Carter, Jr.	Box 11 P.O. Box 32473 JUNEAU, AK 99803
12/7/93	William Allen	William Allen	JUNEAU, AK 99803
12/7/93	Thomas K. ...	Thomas K. ...	
12/7/93	Paul White, Jr.	Paul White, Jr.	P.O. Box 22356 Juneau 99800 P.O. Box 244834 Anchorage 99524-4834
12/7/93	Debbie Kellogg	Debra L. Kellogg	Anchorage 99524-4834
12/7/93	Tim Deasis	Tim Deasis	9371 Rivercrest Way, Juneau
12/7/93	Melvin Trefon	Melvin Trefon	P.O. Box 055 Nondleton, AK 9964
12/7/93	V. Absiret	V. Absiret	P.O. Box 244 Anchorage, AK 99524
12/07/93	Chester Ballot	Chester Ballot	

pg. 2. Reindeer Act Petition

- | Signed/Date | Printed Name | Address |
|--------------------------|-------------------------------------|--|
| 11. Jan Pilot | Grant Hildeth | P.O. Box 708 Kotzebue AK 9 |
| 12. 12/7 | Geraldine James Geraldine | James 410 Patterson St. Anch. 991 |
| 13. 12/7 | Paul Passnika Paul Passnika | P.O. Box 224 Atkasook, AK 99557 |
| 14. 12/7/93 | Paul W. James Bill James | Box 310 Dlg 99576
BOX CW |
| 15. 12/7/93 | Darlene Peterson Darlene Peterson | Chuathbaluk AK 99557-8999 |
| 16. 12/7/93 | Alfreda Tote Alfreda Tote | Mt. Iliamna, AK |
| 17. 12/7/93 | Lisa Sue Lisa Sue | 455-3rd Ave #734 Fairbanks, AK 99701 |
| 18. 12-8-93 | Inez L. CURRAN Inez L. CURRAN | Box 1-3 Nulato, AK 99712
260 Kenty Ct |
| 19. 12/8/93 | Joyce W. Mark Birdlingwood | 500 Wilman St. Anchorage AK 995 |
| 20. 12/8/93 | Jonathan Salomon Jonathan Salomon | Box 8
Siyukon, Alaska 9971 |
| 21. 12/8/93 | Mildred Akpik Mildred Akpik | NVOB
Box 1139
Baru, AK 99723 |
| 22. 12/8/93 | Perry R. Alososok Perry R. Alososok | 122 First Ave
Fairbanks AK
Box 3 99701 |
| 23. 12/8/93 | Tony Parker Tony Parker | Kunglilluk, AK 99722 |
| 24. 12/8/93 | Wm. P. Friday Wm. P. Friday | Gen Del. Chevak, AK 99563 |
| 25. 12/8/93 | Phillip J. Anders Phillip Anders | PO Box 28 Etlah Falls AK
99722 |
| 26. 12/8/93 | Jerry Isaac Jerry Isaac | TANACROSS, AK 99776 |
| 27. 12-8-93 | Rose Kozyura Rose Kozyura | 4600 Scheldt Street Anchorage |
| 28. 12-9-93 | Elaine Suiyon Elaine Suiyon | 52150
Fairbanks AK 99586 |
| 29. 12-9-93 | Maria T. Green Maria Green | Box 302
Iliamna, AK 99752 |

pg. 3 Reindeer Act Petition

- 31. 12/9/73 DAN SINDLER JR Dan Sandler Jr. P.O. Box 326
Ketchikan AK 99901-0326
- 32. 12/19/73 Dirce E. Benson H. A. E. Jensen P.O. Box 770369
Fogel River AK 99577
- 33. 12-11-73 Tom Dark - Don Dark 10000 Little Dr 375
H. L. H. AK 99801
- 34. Ted Angerson Ted Angerson P.O. Box 70190
So. Wnek AK 99670
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KAWERAK, INC.

P O BOX 948 • NOME ALASKA 99762

TELEPHONE (907) 443-5231 • FAX: (907) 443-3708

- SERVING THE VILLAGES OF
- BREVIG MISSON
- COUNCIL
- DOMEDIC
- ELIM
- GAMBELL
- SOLOMON
- KING ISLAND
- OTUK
- MARYS GLOD
- NOME
- SAYOONGA
- SHAR TOOLIK
- SHISHMARDET
- SOLOMON
- STEBBINS
- ST MICHAEL
- TELLER
- UNALASKET
- WALE
- WHITE MOUNTAIN

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Signed/ Date	Printed Name	Address
1. 12-2-93	Rosch & Timbers	Box 243 Nome,
2. 12-2-93	Lincoln Mike Simon	Box 33 Wmo, AK
3. 12-2-93	Genuine B Nakarak	Genuine B Nakarak Box 55 SKK, AK
4. 12-2-93	Roy P OTTON	Kanuk, AK BORN
5. 12-2-93	LUTHER C KOMONASAK	P O BOX 551 WALE AK 99783
6. ¹²⁻²⁻⁹³ 12-2-93	Mary Miller	MARY MILLER PO Box 598 Nome AK 99762
7. ¹²⁻²⁻⁹³ 12-2-93	Robert A Keith	POB 44 ELIM AK 99739
8. ¹²⁻²⁻⁹³ 12-2-93	Pius Washington	Box 37 St. Michael AK 99659
9.	Sarah Kook	Sarah Kook Box 578 Teller AK 99778
10.	Tina Henderson	Box 1881 Nome

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11. <i>Francis A. Pollock</i>	Francis A. Pollock Sr.	Stellhorn Pt. Ak.
12. <i>Therese A. Soule</i>	Therese A. Soule	Nome
13. <i>Robert Back Sr.</i>	Robert Back Sr.	Brevig Mission Box 181
14. <i>Marie K. Tschirner</i>	Marie K. Tschirner	Nome, Ak. 9976
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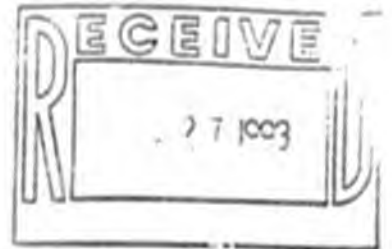
PLEASE RETURN BY Jan. 5, 1994

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Date	Printed Name	Signed Name	Address
1. 1-5-94	CAROL J ASOBYA	Carol Johnson	Box 948 Nome
2. 1-4-94	Nancy E Green	Nancy E Green	Box 1301 Nome Ak
3. 1-5-94	Charles H Johnson	Chad	Box 948 Nome AK
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Date	Printed Name	Signed Name	Address
1. 12/10/93	Jeanine Kennedy	Jeanine Kennedy	1200 I St. Nome AK 99501
2. 12/10/93	Eric Smith	Eric Smith	4440 Upper Myline Eagle River AK 99577
3. 12-10-93	Philip M Owens	Philip M Owens	P.O. Box 10-7774 ANCH. AK 99510
4. 12/10	Susie R DeWace	Susie R DeWace	7110 De Barre Rd #2 Unalakleet 99508
5. 12-10	Katherine McKinley	Katherine McKinley	PO Box 4 Copper Center, AK 99
6. 12-10	Jonathan Solomon	Jonathan Solomon	6099 Ft. Yukon AK 99701
7. 12/10/93	Polly Wheeler	Polly Wheeler	PO Box 82291, Fairbanks 99708
8. 12-10-93	Carol Tozson	Carol Tozson	1558 Thurgood Ave Anchorage, AK 99501
9. 12/10/93	Charles D. Brewer	Charles D. Brewer	PO Box 625 Bettendorf, Alaska 99724
10. 11/15/93	Calvin Simon	Calvin Simon	PO Box 214 Bettendorf, AK 99724

(14)

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11.	Burton Reeford	Burton Reeford AEWJC
12.	Myra J. Olson	Myra J. Olson Box 74, Papeete, TK 100577
13.	Caleh Pungawiyi	Caleh Pungawiyi ICC 3201 C St. Anchorage
14. 140ec93	Carl M. Hill	Carl M. Hill 1238 F St Anchorage AK 99501
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Date	Printed Name	Signed Name	Address
1. 12/7/93	LEE Stephen	Lee Stephen (Native Village of Ektara)	2634 E. Wilgus Rd Chukchi, AK 99587
2. 12/2/93	Anthony Urvina	Anthony Urvina	3012 N. Woodland Circle, Jr
3. 12/8/93	Chemi Edenshaw	Chemi Edenshaw	403 5th Ave, Kotzebue AK 99755
4. 12-93	Sue Norton	Sue Norton	3011 1071 St 2, AK
5. 12/8/93	BEN ATOZUK	Ben Atozuk	Box 73 Niina AK 99749
6. 12/8/93	Frank Adams	Frank Adams	Box 51 Neke AK 99764
7. 12/8/93	Leslie Charles	Leslie Charles	4137 Dorothy Dr. Anchorage 99506
8. 12/8/93	Randall DENEU	Randall Doney	909 Chugach Way #27 Anch. AK. 99503
9. 12-08-93	Rachel Kavairiak	Rachel Kavairiak	Shaktovik AK Box 22 99771
10. 12-08-93	Simon Bekoulak Jr	Simon Bekoulak Jr	Shaktovik AK Box 22 99771

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11. 12/18/93 12/18/93	12/18/93 Peggy Frankson	Box 136 PT Hope AK 99777
12. 12/18/93	James Sigof	Box 1142 Dillingham, AK 99577
13. 12/18/93	MARCIN TPOULSEN	Box 66 ELIM AK
14. 12/18/93	Caroline Kinast	P.O. Box 134 Hope, AK 99766
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Date	Printed Name	Signed Name	Address
1.	ROBERT WELLS	Robert Wells	P.O. Box 68 Noomik, Ak 99762
2.	Mabel A. Hess	Mabel A. Hess	40. 51. 5225 Mtn. Village, Ak. 99682
3.	Oscar Larsen	Oscar Larson	Box 34 Kwethluk, Ak 9962
4.	JAMES LULA	James Lula	PO Box 32009 Mtn. Village, Ak 99682
5.	Nellie Dale Dale	Nellie Dale	Box 193 V. 21. 1. 2. AK. 99687
6.	CLIFFORD MARON EDELSHAW	Clifford Maron Edelshaw	Box 24452 N. 21. 1. 2. AK. 99524
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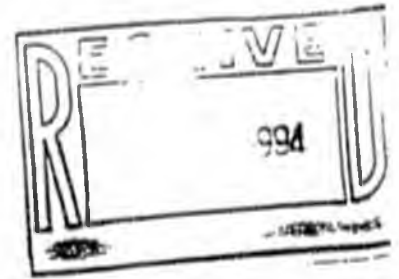
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Date	Printed Name	Signed Name	Address
	1. Nathan Kotch, Jr.	<i>Nathan Kotch</i>	<i>Kotzebue</i>
	2. Frank P. Greene	<i>Frank P. Greene</i>	<i>KOTZEBUE AK</i>
	3. John Baker	<i>John Baker</i>	<i>Kotzebue</i>
	4. Pierre Loneyolf	<i>Pierre Loneyolf</i>	<i>Kotzebue</i>
	5. Eugene Smith	<i>Eugene Smith</i>	<i>Kotzebue</i>
	6. Jordan Ito	<i>Jordan Ito</i>	<i>Kotzebue</i>
	7. Jeff Smith	<i>Jeff Smith</i>	<i>Kotzebue</i>
	8. Judith Bennett	<i>Judith Bennett</i>	<i>Kotzebue</i>
	9. Sally J. Melton	<i>Sally J. Melton</i>	<i>Kotzebue</i>
	10.		



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Date	Printed Name	Signed Name	Address
1. 12/9/93	Dana B. Butler	Dana B. Butler	P.O. Box 90152 Anch. AK 99509
2. 12/14/93	Cecil Heetch	Cecil Heetch	P.O. Box 23 Point Hope AK 99766
3. 12/16/93	Jane Frankson	Jane Frankson	P.O. Box 22 Point Hope AK 99766
4. 12/16/93	Marie Koonik	Marie Koonik	P.O. Box 22 Pt Hope AK 99766
5. 12/17/93	James Sears	James Sears	Box 228 Pt Hope AK 99766
6. 12/21/93	Julia Kaiser	Julia Kaiser	P.O. Box 106 Pt Hope AK 99766
7. 12-20-93	Harold E. Teavoumek	Harold E. Teavoumek	P.O. Box 67 Point Hope AK
8. 12-20-93	Nina Oviok	Nina Oviok	P.O. Box 134 Pt Hope AK
9. 12-20-93	Ronald W. Oviok	Ronald W. Oviok	P.O. Box 134 Pt Hope AK 99766
10. 12-20-93	Francis E. Schaefer	Francis E. Schaefer	Box 213, 933 Ippik St. Pt Hope, AK 99766

pg. 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11. 1-5-94	Klu - A Re-Tussock	Box 50 211st Norton
12. 1-5-94	Klu - A Re-Tussock	Box 10 211st
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Date	Printed Name	Signed Name	Address
1. 1-8-94	[Handwritten]	[Handwritten]	[Handwritten]
2. 1-8-94	Kathleen E. Fecchin	Kathleen E. Fecchin	Box 17, Elm AK
3. 1-8-94	[Handwritten]	[Handwritten]	[Handwritten]
4. 1-8-94	Edwin Kotovyan	[Handwritten]	PO Box 39058, Elm, AK
5. 1-8-94	[Handwritten]	[Handwritten]	[Handwritten]
6. 1/8/94	Maurice Wunoff	[Handwritten]	Box 55, Elm, AK 99756
7. 1/3/94	[Handwritten]	[Handwritten]	[Handwritten]
8. 1-8-94	Christine Murray	Christine Murray	P.O. Box 41, Elm, AK 99754
9. 1-8-94	Selma Willoya	Selma Willoya	PO Box 11, Elm, AK 99759
10. 1-8-94	Martha Paul	[Handwritten]	Box 66, Elm AK 99759

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pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11. 11/2/94	Harold ...	Harold ...	Elim
12. 1/2/94	Li ...	Li ...	Elim
13. 1/2/94	Harold ...	Harold ...	Elim
14. 1/2/94	Harold ...	Harold ...	Elim
15. 1-8-94	ANGIE ...	ANGIE ...	Elim AK
16. 1/2/94	...	...	Elim
17. 1/2/94	...	...	Elim
18. 1/2/94	Josiah ...	Josiah ...	Elim
20. 1/2/94	...	...	Elim
21. 1/2/94	...	...	Elim 9973
22. 1-5-94	Kenneth ...	Kenneth ...	Elim
23. 1-5-94	Plaza ...	Plaza ...	P.O. Box 36 Elim AK 94
24. 1-8-94	...	...	Elim 99737
25. 1/5/94	BEAT ...	BEAT ...	Elim 9973
26. 1-8-94	Ruth Daniels	Ruth Daniels	P.O. Box 33 Elim AK 9973
27. 8-1-94	Frederick B Murray	Frederick B Murray	Elim
28. 1-5-94	CAROL ANN DANIELS	CAROL ANN DANIELS	Elim
29.			
30.			

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return this petition to Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Date	Printed Name	Signed Name	Address
1. 12/23/93	Joseph H Murray	<i>[Signature]</i>	PO Box 31014 Elim, AK 99739
2. 12/23/93	ELISE N. NAGIRUK	<i>[Signature]</i>	P.O. Box 48 Elim AK 99739
3. 12/27/93	Kayla T. T. T. T.	<i>[Signature]</i>	Box 21 Elim AK 99739 P.O. Box 246
4. 12-22-93	KAYLA T. T. T. T.	<i>[Signature]</i>	Elim AK 99739
5. 12-22-93	Helen Johnson	<i>[Signature]</i>	Box 15 Elim AK 99739
6. 12/23/93	LUTHER NAGIRUK	<i>[Signature]</i>	Box 48 Elim, AK 99739
7. 12/23/93	Donald CLEMENAK	<i>[Signature]</i>	Box 39025 Elim AK 99739
8. 12/23/93	WILL R. SEGLES	<i>[Signature]</i>	Box 35045 Elim AK 99739
9. 2/23/93	Dora E Smith	<i>[Signature]</i>	Box 39096 Elim AK 99739
10. 12/23/93	Ronald D. Iva Tanguk	<i>[Signature]</i>	Box 39096 Elim AK 99739

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pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11. 12/23/93	Elim AK 99739
12. 27 DEC 93	SHEILA I KATKATAK	Jill Katt	Box 39027 EUM, AK 997
13. 27 Dec 93	John Jemewok	John Jemewok	Box 046 Elim AK 997
14. 12-27-93	Doris Jemewok	Kate U Jemewok	Box 39046 Elim AK 997
15. 12-27-93	PAUL & MIKON SR	Paul & Mikon	Box 19 Elim AK 990
16. 12-27-93	Al P Sackeus	Al P Sackeus	POB 35 Elim AK 997
17. 12-27-93	Thomas F Sackeus	Thomas F Sackeus	Box 4 Elim
19. 12-27-93	MARION T PAUL SR	Marion T Paul Sr	Box 66 EL...
18. 12-27-93	Michael G Sackeus Sr	Michael G Sackeus Sr	Box 92 Elim 997
20. 12-27-93	Ellen J vanuff	Ellen J vanuff	Box 55 Elim AK
21. 12-27-93	Charles F Sackeus	Charles F Sackeus	Elim AK 997
22. 12/27/93	Tessie Amaktoolik	Tessie Amaktoolik	Box 56 Elim AK 997
23. 12-27-93	Thomas H Sackeus	Thomas H Sackeus	Box 57 Elim
24.	HANS JEMEWOK	Hans Jemewok	
25.	Ellen M. Daniels	Ellen M. Daniels	Box 43 Elim
26. 12-27-93	Ernest Sackeus	Ernest Sackeus	Box 5702
27. 12-27-93	CHRISTINE AMAKTOOLIK	Christine Amaktoolik	Box 25 Elim AK 99739
28. 12-27-93	Martha Paul	Martha Paul	Box 66 Elim AK 99739
29. 12/27/93	Paul T Navares	Paul T Navares	P.O. Box 48 Elim AK 99739
30. 12/27/93	Morris Nakrea	Morris Nakrea	P.O. Box 61 Elim AK 99739

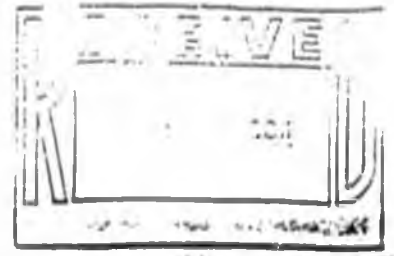
pg. 3 Reindeer Act Petition

- 31. 12-27-93 Lenwood M. Secheus 2070 Sparrows Ct. Palmer - AK.
- 32. 12-27-93 M. Schac Moses 39075 - Elim, AK 99737
- 33. 12-27-93 JACKIE Amaktolik 39056 Elim, AK 99739
- 34. 12-27-93 Harry A DANIELS 39087 ELIM, AK 99737
- 35. 12-27-93 Amaktolik 39025 Elim AK 99739
- 36. 01-04-94 Ernest N. [unclear] 39032 Elim AK 99739
- 37. 01-04-94 ANDREW NAKARAK 39051 ELIM AK 99739
- 38. [unclear] Jela Ruth Nakarak
- 39. 1-04-94 David A NAKARAK David Nakarak Elim AK 99739
- 40. 1-04-94 Solomon M Nakarak Elim AK 99739
- 41. 1-4-94 La Esmeralda Saccheus Box 39038 Elim, AK 99739
- 42. 1-4-94 Paul A Nulin Paul O. Taylor P.O. Box 39038 Elim, AK 99739
- 43. 1/4/94 Gary L Nulin Mani M. Nulin P.O. Box 76 Elim, AK 99739
- 44. 1/4/94 Eliana KOTENICH Elim, AK 99739
- 45. 1-4-94 HENRY Secheus Elim, AK 99739
- 46. [unclear] JOSEPH MURRAY JR
- 47. 1-5-94 Ruth A. Moses Box 39075 Elim, AK 99739
- 48. 1-5-94 Clarence E. Secheus P.O. Box 17 Elim, AK 99739
- 49. 1-5-94 [unclear] [unclear]
- 50. 1-5-94 [unclear] Elim

pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
5X1.	Anna Aukon	Anna A. Aukon	Elim
5X2.	01/05/94 Colleen Aukonrak	Colleen S. Aukonrak	Elim
5X3.	1/5/94 Shelton Nagoruk	Sheldon Nagoruk	Elim
5X4.	1/5/94 Lillie J. Saccheus	Lillie J. Saccheus	Elim
5X5.	1/5/94		Elim
5X6.	1-5-94 RALPH N SACCHEUS	Ralph Saccheus	Elim
5X7.	1-5-94 RALPH N SACCHEUS SR	Ralph N. Saccheus Sr.	Elim, AK
5X8.	1-5-94 ELEANOR M SACCHEUS	Eleanor M. Saccheus	Elim, AK
6X0.	1-5-94 David Wilcox	David Wilcox	Elim
6X1.	1-5-94 Josephine Kaleuc	Josephine Kaleuc	Elim AK 99737
6X2.	1-5-94 Esther Murray	ESTHER MURRAY	Elim AK Box 39016
6X3.	1-5-94 Paul Saccheus		Elim, AK 99737
6X4.	1-5-94 DAVID R Saccheus	David R. Saccheus	Elim, AK 99739
6X5.	1-5-94 Carolyn Dredley	Carolyn Dredley	Elim, AK 77005
6X6.	1-5-94 Evelyn A. Kaitl	Evelyn A. Kaitl	Elim, AK 99737 Box 39044
6X7.	1-5-94 Marjorie Saccheus	Marjorie Saccheus	Elim, AK 99737
6X8.	1-5-94 Charles Saccheus	Charles Saccheus Jr	Elim,
6X9.			
7X0.			

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return this petition to Reindeer Herders Association P O. Box 948 Nome, Ak.99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business by preserving the native character of the said industry or business thus established. There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Date	Printed Name	Signed Name	Address
1. 12-20-93	S. J. ...	...	...
2. 12-20-93
3. 12-31-93
4. 12-20-93
5. 12-30-93	Henry
6. 12-20-93
7. 12/20/93
8. 12/2/93
9. 12/30/93
10. 12-30-93

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pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11.12.30.43	Reindeer Act	Reindeer Act	Box 11, Fairview, Alaska
12.11.30.43	Linda M. Kuznetsov	Linda M. Kuznetsov	KTC
13.11.30.43	Michael G. ...	Michael G. ...	Barrow, Alaska
14.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
15.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
16.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
17.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
18.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
20.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
21.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
22.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
23.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
24.12.13.43	Linda M. Kuznetsov	Linda M. Kuznetsov	Barrow, Alaska
25.12.13.43	Benjamin ...	Benjamin ...	KTC
26.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
27.12.13.43	Helen ...	Helen ...	Barrow, Alaska
28.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
29.12.13.43	Ernest ...	Ernest ...	Barrow, Alaska
30.12.13.43	Ruth Ann Rock	Ruth Ann Rock	Barrow, Alaska

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- 31. 12-1-77 George A. Sutherland Barrow AK 99755
- 32. 12-1-77 George A. Sutherland Barrow AK 99755
- 33. 12-1-77 George A. Sutherland Barrow AK 99755
- 34. 12-1-77 George A. Sutherland Barrow AK 99755
- 35. 12-30-77 Barrow Barrow Mission AK 99755
- 36. 12-30-77 Barrow Barrow Mission AK 99755
- 37. 12-30-77 Barrow Barrow Mission AK 99755
- 38. 12-30-77 Barrow Barrow Mission AK 99755
- 39. 12-30-77 Barrow Barrow Mission AK 99755
- 40. 12-30-77 Barrow Barrow Mission AK 99755
- 41. 12/30/1977 Alfred & Katherine
- 42. 12-30-77 Sandra Ann Johnson Barrow AK 99755
- 43. 12-30-77 Thomas J. Bean Barrow Mission AK 99755
- 44. 12-30-77 Barrow Barrow Mission AK 99755
- 45. 1-3-94 Annie Marie Cenger Barrow AK 99755
- 46. _____
- 47. _____
- 48. _____
- 49. _____
- 50. _____



NAWPRAN, INC.

PO BOX 948 • NOME ALASKA 99762

TELEPHONE (907) 443-5231 • FAX (907) 443-3708

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IMAGES OF

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- COHEDR
- ELM
- SAMBELL
- SOLGYN
- ING BLAND
- OPUR
- HABY'S CLUD
- NOME
- SAYOCHCA
- SHAM TOOLU
- SHIMBARY
- SOLGON
- STEBONS
- ST MICHAEL
- TALLER
- UNALIEC
- WALES
- WHITE MOUNTAIN

return this petition to: Reindeer Herders Association P O. Box 948 Nome, Ak 99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

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Signed/ Date	Printed Name	Address
1. Fred O. Claman 12-22-92	Fred O. Claman	Box 112, Nome, Alaska
2. [Handwritten]	[Handwritten]	[Handwritten]
3. [Handwritten]	[Handwritten]	[Handwritten]
4. [Handwritten]	[Handwritten]	[Handwritten]
5. [Handwritten]	[Handwritten]	[Handwritten]
6. [Handwritten]	[Handwritten]	[Handwritten]
7. [Handwritten]	[Handwritten]	[Handwritten]
8. Paulie Claman 12-22-92	Paulie Claman	Nome, Alaska 99762
9. [Handwritten]	[Handwritten]	[Handwritten]
10. [Handwritten]	[Handwritten]	[Handwritten]

pg 2. Reindeer Act Petition

Signed/Date	Printed Name	Address
11. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
12. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
13. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
14. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
15. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
16. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
17. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
18. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
20. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
21. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
22. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
23. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
24. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
25. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
26. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
27. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
28. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
29. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>
30. <u>[Signature]</u>	<u>[Signature]</u>	<u>[Address]</u>

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return this petition to Reindeer Herders Association P O. Box 948 Nome, Ak. 99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

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Date	Printed Name	Signed Name	Address
1/12-27-93	Davis Sulek	<i>[Signature]</i>	Box 65
2/2-27-93	John Frings	<i>[Signature]</i>	Box 12209
3/3/27/03	William [unclear]	<i>[Signature]</i>	Box 72007
4/12/27/92	Frank G. [unclear]	<i>[Signature]</i>	POB 48
5/12-27-93	Edgar Thompson	<i>[Signature]</i>	POB 41, Shishmaref
6/12-27-93	[unclear]	<i>[Signature]</i>	Box 3 Shishmaref, AK 99772
7/12-27-93	William [unclear]	<i>[Signature]</i>	Box 46 Shishmaref, AK 99772
8/12-27-93	[unclear]	<i>[Signature]</i>	Box 14 Shishmaref, AK
9.			
10.			

1000

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return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

~~PLEASE NOT TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT~~

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business by preserving the native character of the said industry or business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the Undersigned are opposed to any such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act of 1937.

Date	Printed Name	Signed Name	Address
1/7-27-93	Davis Seckpick	<i>[Signature]</i>	Box 65
2/2-27-93	J. E. Ening...	<i>[Signature]</i>	Box 12...
3/12/93	John P. ...	<i>[Signature]</i>	Box 79...
4/2/93	...	<i>[Signature]</i>	...
5/17-27-93	...	<i>[Signature]</i>	...
6/12-27-93	...	<i>[Signature]</i>	...
7/...	...	<i>[Signature]</i>	...
8/...	...	<i>[Signature]</i>	Box 14 Nome, AK
9/...	Mina Wigoria	<i>[Signature]</i>	Box 79 SHH AK 99772
10/...	Judie Seckpick	Judie Seckpick	Box 65

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pg. 2. Reindeer Act Petition

Date	Printed Name	Signed Name	Address
11. 12-24-93			Box 20
12. 12 30.93	Tom		
13. 12-24-93	Tom		Box 79
14. 12/29/93	Sam ...	Sam ...	Box 720-12
15. 12/21/93	Gene ...	Gene ...	Box 76
16. 12/21/93	Steen ...	Steen ...	Box 70
17. 12/21/93	John ...	John ...	Box 46
18. 12/29/93	Dale ...	Dale ...	Box 72008
20. 12/30/93	John ...	John ...	Box 72096
21. 12/30/93	John ...	John ...	Box 72090
22. 12-30-93	John ...	John ...	Box 72096
23. 12/30	Earl ...	Earl ...	Box 108
24. 12-30-93	John ...	John ...	Box 72070
25. 12/30	Stella ...	Stella ...	Box 92
26. 12/30	John ...	John ...	Box 91
27. 12/30	Richard ...	Richard ...	Box 78
28. 12/30	John ...	John ...	Box 80
29. 12/30	John ...	John ...	Box 126 KOTZ.H
30. 12/30	John ...	John ...	Box 19, Shesler, AK

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- 31. John K. Johnson P.O. Box 10
- 32. John Johnson POB 72078
- 33. Frank C. Johnson Gen. Del. Shishmaref AK 99772
- 34. Dennis Johnson Shishmaref AK 99772
- 35. John Johnson P.O. Box 75 Shishmaref AK 99772
- 36. John Johnson Shishmaref AK 99772
- 37. John Johnson Shishmaref AK 99772
- 38. Roy J. Weyouanna Shishmaref AK 99772
- 39. Amith M. Weyouanna P.O. Box 78 Shishmaref AK 99772
- 40. John Weyouanna P.O. Box 75 Shishmaref AK 99772
- 41. Nancy Kokeck Nancy Kokeck Box 71
- 42. Frankie Kuznetsov Box 25
- 43. Frankie Kuznetsov 1501 72076
- 44. Frankie Kuznetsov 5194 AK 72076
- 45. Flora Kuznetsov Florence Kuznetsov Box 72014 Shh.
- 46. Rene Kuznetsov Box 27, Shishmaref
- 47. Anna Kuznetsov Anna Kuznetsov Box 91 SHH AK 99772
- 48. Laura Kuznetsov Laura Kuznetsov P.O. 77 SHH
- 49. _____
- 50. _____

2/13/93



KAWERAK, INC.

P.O. BOX 948 • NOME, ALASKA 99762

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- PREVIOUS
- OUNCEL
- OVES
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- YUK
- BY SIGLOO
- YIC
- OUNGA
- YOLA
- YAK
- OUN
- YBIS
- YKHAEL
- YER
- YALLET
- YLS
- YEMOUNTAIN

return this petition to: Reindeer Herders Association P.O. Box 948 Nome, Ak. 99762

PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

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Signed/ Date	Printed Name	Address
1. Isabelle A Ryan 12-13	Isabelle A Ryan	Box 951 Utk AK 99684
2. Keith Tawaniak 12/1/93	Isaiah Tawaniak	Box 40 Utk ak 99684
3. Natalin Tu		Box 138 Utk ak 99684
4. Keith Tawaniak		Box 139 Utk ak 99684
5. Brenda H. Ivanoff	Brenda Ivanoff	Box 102 Utk 99684
6. Carla R. Ivanoff	Carla R. Ivanoff	Box 46 Utk AK 99684
7. Ronald D. Ivanoff	RONALD D. IVANOFF	Box 4 Utk 99684
8. Doris M. Saverik	Doris M. Saverik	Box 103 Utk 99684
9. Karen M. Saverik	Karen Saverik	P.O. Box 982 Utk ak 99684
10. Lass A. Saverik		P.O. Box 1? Utk ak 99684

Signed/Date	Printed Name	Address
11 <u>Henry D. Johnson Jr</u>	Henry D. Johnson Jr	Box 56 Unk. AK 99689
12 <u>Paul Inupiat</u>	Paul Inupiat	Box 6, Unk. AK 99689
13 <u>Earl Toskanik</u>	EARL TOSKANIK	Box 32 Unk AK 99689
14 <u>William Johnson</u>	William Johnson	Box 222 Unk, AK 99689
15 <u>Genevieve D. P. Johnson</u>	Genevieve D. P. Johnson	Box 11 Unk AK 99689
16 <u>Jeanette A. Vanouk</u>	Jeanette A. Vanouk	Box 153 Unk AK 99689
17 <u>Ebba Ivanoff</u>	Ebba Ivanoff	Box 131 Unk AK 99689
18 <u>Stella Paivok</u>	Stella Paivok	Box 115 Unk AK 99689
19 <u>Frances Dognan</u>	Frances Dognan	Box 33 Unk AK 99689
20 <u>Don Dognan</u>	Don Dognan	Box 33 Unk AK 99689
21 <u>Charles D. Johnson</u>	Charles D. Johnson	Box 180 Unk AK 99689
22 <u>Annie Fields</u>	ANNIE FIELDS	Box 72 Unk AK 99689
23 <u>Velma Johnson</u>	VELMA JOHNSON	Box 233 Unk AK 99689
24 <u>Jerry Daniels</u>	Jerry Daniels	Box 209 Unk 99689
25 <u>Tim Towarak</u>	Tim Towarak	Box 89 Unk 99689
26 <u>Rose Towarak</u>	Rose Towarak	Box 89 Unk 99689
27 <u>Arlene Lopez</u>	ARLENE LOPEZ	Box 173 Unk AK
28 <u>Elizabeth R. Towarak</u>	Elizabeth R. Towarak	Box 264 Unk AK 99689
29 <u>Paul Agibnik</u>	Paul Agibnik	Box 137 Unk AK 99689

pg. 3 Reindeer Act Petition

- 31 Phil Hartman PHILIP L. HARTMAN Box 52 UNK AK 99684
- 32 Carl Ryzandy FRED RYMAN JK UNK
- 33 Henry Ryzandy Henry Ryzandy UNK
- 34 Joe Ryan Joe Ryan Box 111 UNK AK 99684
- 35 Joe Ryan Joe Ryan Box 111 UNK
- 36 Joseph Platt Joseph Pleasant Box 156
- 37 Elliott Eckerson Elliott Eckerson Box 162
- 38 Jean Button JEAN BUTTON Box 114 UNK
- 39 Merlin Johnson MERLIN JOHNSON Box 233 UNK
- 40 Tony Hanger Tony Hanger Box 82 UNK AK 99684
- 41 Mary Jane Hanger Mary Jane Hanger Box UNK AK 99684
- 42 Luc C Baker LUC C BAKER Box 15 UNK AK
- 43 Pat Lin Pat. Dill Box 355 UNK AK 99684
- 44 Elliott Bradley Sr. Elliott Bradley Sr. UNK AK ^{P.O. Box 92} 99684
- 45 George H. Lockwood George H. Lockwood Sr. UNK AK ^{P.O. Box 84} 99684
- 46 Karen Brindley Karen Brindley Box 71 UNK AK 99684
- 47 Doug Katchak Doug Katchak UNK
- 48 Michael Etzack Michael Etzack Box 69 UNK
- 49 William Kautchak William Kautchak Box 224 UNK AK 99684
- 50 William Kautchak William Kautchak Box 155 UNK AK 99684

2/13/93

KAWERAK, INC.

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PETITION TO REFRAIN FROM AMENDING THE REINDEER INDUSTRY ACT

We, the undersigned hereby support the 1937 Reindeer Industry Act as written. The Reindeer Act was intended to "establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business... processing the native animal product of the said industry... business thus established." There is now an attempt to amend the original act to open the ownership of reindeer to non-Natives. We the undersigned oppose such amendments and urge Congress, our congressional delegation and the Secretary of Interior to oppose amendments to the Reindeer Act.

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IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

THOMAS E. WILLIAMS, ALASKA)
REINDEER, INC., AND REINDEER)
HERDERS ASSOCIATION, INC.,)
)
Plaintiffs,)

vs.)

BRUCE BABBITT, in his capacity as)
THE UNITED STATES SECRETARY)
OF THE INTERIOR, AND NILES CESAR,)
in his capacity as JUNEAU AREA)
DIRECTOR OF THE UNITED STATES)
BUREAU OF INDIAN AFFAIRS)

CASE NO. A94-0245 CV (JWS)

Defendants.)

BRIEF OF THE PLAINTIFFS IN SUPPORT OF
THE ENTRY OF SUMMARY JUDGMENT IN THEIR FAVOR

OF
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Pursuant to the Report of the Parties' Planning Meeting dated October 7, 1984, the plaintiffs, Thomas E. Williams, Alaska Reindeer, Inc. and the Reindeer Herders Association, Inc. (hereafter collectively referred to as "Mr. Williams"), hereby submit their brief in support of the entry of summary judgment in their favor on all nine of the claims for relief contained in their complaint in this action.

I. INTRODUCTION

In December of 1986, plaintiff, Thomas E. Williams, a non-Native resident of Alaska, informed the Area Director of the United States Bureau of Indian Affairs that he intended either directly or through plaintiff, Alaska Reindeer, Inc., to purchase reindeer outside of the state of Alaska, import them into the state of Alaska, and establish a private herd for commercial purposes. At the same time, Mr. Williams requested an opinion from the Area Director as to whether his proposed actions would be prohibited, restricted or regulated in any way under the Reindeer Industry Act of 1937, 25 U.S.C. §§ 500-500(n) (1988) (the "Reindeer Act").

In January of 1987, the Area Director responded to Mr. Williams, through the United States Regional Solicitor. The response stated, in part, the Area Director's opinion that, "there is nothing in the 1937 Reindeer Act to prohibit a non-Native such as Mr. Williams from importing live reindeer from outside of the State of Alaska and raising them within the State as either a hobby or a business."

The statements set out in this introduction are drawn from the allegations contained in paragraphs 6 through 24 of the complaint. With minor qualifications, all of these allegations were admitted by defendants, Bruce Babbitt and Niles Cesar (the "federal defendants"), and intervenor-defendant, Kawerak Reindeer Herders Association ("Kawerak").

On March 19, 1987, Mr. Williams reported to the Area Director that he had imported 19 reindeer from Canada. He stated that the reindeer were owned by plaintiff, Alaska Reindeer, Inc.

In 1989, the Area Director requested the Regional Solicitor to reconsider his opinion of January of 1987 concerning the interpretation of the Reindeer Act as it applied to the plaintiffs' importation of reindeer to Alaska. On May 11, 1989, the Regional Solicitor responded to this request, stating, in part, "we remain unpersuaded of the necessity for revision of our prior opinion."

In March of 1990, Mr. Williams imported an additional 179 reindeer from Canada. In August of 1991, Mr. Williams reported that Alaska Reindeer, Inc. owned 248 reindeer.

In 1991, an unincorporated association calling itself the "Reindeer Herders Association," which was alleged to be an association of 17 Alaska Native reindeer herders whose herds are located on or near the Seward Peninsula, filed suit against the Area Director, challenging his interpretation of the Reindeer Act as described in the preceding paragraphs. Reindeer Herders Association v. Cesar, No. A91-511 Civ. (D. Alaska). Thereafter, the Reindeer Herders Association agreed to pursue an administrative appeal to the Department of Interior Board of Indian Appeals (the "IBIA"), and on June 8, 1992, the RHA filed a notice of appeal before the IBIA. On July 28, 1992, Mr. Williams filed a motion to intervene in the appeal to the IBIA, which motion was granted by the IBIA.

On November 19, 1992, the IBIA issued a written opinion in the case, Reindeer Herders Association v. Juneau Area Director, Bureau of Indian Affairs, IBIA 92-182-A, 23 IBIA 28, November 13, 1992. In its decision, the IBIA reversed the decision of the Area Director and held

that "Congress intended to reserve the reindeer industry exclusively to Natives and to exclude non-Natives from the industry."

II. THE STANDARDS APPLICABLE TO MOTIONS FOR SUMMARY JUDGMENT

Rule 56(c) of the Federal Rules of Civil Procedure allows a party to obtain judgment by showing there are no genuine issues of material fact appropriate for trial and that the moving party is entitled to judgment as a matter of law. The non-moving party must do more than state specific facts showing there is a genuine factual dispute, but must produce evidence on every essential element of its case.

[A] complete failure of proof concerning an essential element of the non-moving party's case necessarily renders all other facts immaterial. The moving party is "entitled to judgment as a matter of law" because the non-moving party has failed to make a sufficient showing on an essential element of her case with respect to which she has the burden of proof.

Celotex Corp. v. Catrett, 477 U.S. 317, 323, 106 S. Ct. 2548, 91 L.Ed.2d 265 (1986) (citing Rule 56).

Moreover, the non-moving party must do more than assert the existence of a triable and material issue of fact or provide only a scintilla of evidence on its version of the asserted triable, material issue. "[T]here is no issue for trial unless there is sufficient evidence favoring the non-moving party for a jury to return a verdict for that party." *Anderson v. Liberty Lobby*, 477 U.S. 242, 249, 106 S. Ct. 2505, 91 L. Ed.2d 202 (1986), (citing *First National Bank of Arizona v. Chiles Service Co.*, 391 U.S. 253, 288-89, 88 S. Ct. 1575, 20 L. Ed.2d 569 (1968), rehearing denied 393 U.S. 901 (1968)).

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III. THIS COURT SHOULD REVERSE THE DECISION OF THE IBIA THAT THE REINDEER ACT TOTALLY BANS THE COMMERCIAL OWNERSHIP OF REINDEER BY NON-NATIVES IN ALASKA, REGARDLESS OF THE ORIGIN OF THE REINDEER

A. Standard of Judicial Review

The IBIA held that the "Reindeer Act must be construed to prohibit non-Native entry into the reindeer industry in Alaska, regardless of the source of the reindeer involved." *Reindeer Herders Association v. Juneau Area Director, Bureau of Indian Affairs*, IBIA 92-182-A, November 13, 1992, 23 IBIA 69 (hereafter 23 IBIA ____). Thus, the IBIA's determination was an act of statutory interpretation. It is well-settled that the interpretation of statutes including those which govern administrative agencies, is a question of law that is determinable by the judiciary. *Pascual v. O'Shea*, 421 F.Supp 80 (D. Hawaii 1976). The reviewing court is not bound by an administrative interpretation and application of a statute, even if long standing, but is free to substitute its own judgment for the judgment or conclusion of the agency. *Folsom v. Pearsall*, 245 F.2d 562 (9th Cir. 1957). *Brannan v. Stark*, 185 F.2d 871, 87 U.S. App. D.C. 388 (D.C. Cir. 1950), affirmed 342 U.S. 451, 72 S.Ct. 433, 96 L.Ed. 497 (1952). Any administrative efforts to either enlarge or restrict the application of a statute are subject to close judicial scrutiny. *Celebrezze v. Kilborn*, 322 F.2d 166 (5th Cir. 1963). In reviewing questions of law, the standard of review is the complete substitution of the court's judgment; the substantial evidence test, manifest error doctrine, and rational basis test are not applicable.

B. The IBIA's Interpretation of the Reindeer Act as Totally Banning Non-Native Entry into the Reindeer Industry in Alaska, Regardless of the Source of the Reindeer Involved, Is Erroneous

1. Under the plain and unambiguous language of 25 U.S.C. § 500i, the importation of live reindeer by non-Natives into Alaska is not prohibited.

The fundamental rule of statutory construction, to which all other rules are subordinate, is to ascertain and, if possible, give effect to the intention or purpose of the legislature as expressed in the statute. The intention of the legislature is to be ascertained primarily from the language used in the statute. 2A Sands, *Sutherland Statutory Construction* § 46.01 at p.81 (5th Ed. 1992) (hereafter "*Sutherland*"). Where the language of the statute is plain and unambiguous, there is no occasion for construction. *U.S. v. Public Utilities Commission of Cal.*, 345 U.S. 295, 73 S.Ct. 706, 97 L.Ed. 1020, reh. den. 345 U.S. 961, 73 S.Ct. 935, 97 L.Ed. 1380 (1953). This is true even though other meanings of the language employed could be found. Compare *Sutherland*, § 46.01 at p. 83.

The provisions of § 500i are plain and unambiguous:

Live reindeer in Alaska, and the increase thereof, acquired by the Secretary of the Interior pursuant to this subchapter, and live reindeer in Alaska, and the increase thereof, owned by the said natives of Alaska or corporations, associations, or other organizations of said natives, however acquired, shall not be sold or transferred, by descent, devise, or in any other manner whatsoever, to anyone other than the said natives of Alaska, the United States for and on behalf of said natives, or corporations, associations, or other organizations of said natives, except with the consent in writing of the Secretary of the Interior or his duly authorized agent, stating that such consent is given upon the condition that the reindeer, and any increase thereof, sold or otherwise transferred with said consent, shall either be butchered in the Territory of Alaska within thirty days or shipped out of said Territory and never brought back alive into said Territory. (emphasis added)

Thus, while § 500i clearly prohibits the purchase by a non-Native in Alaska of reindeer that were physically located within the Territory of Alaska at the time the Reindeer Act was passed, that section just as clearly does not prohibit the purchase by a non-Native in Alaska of reindeer that were neither physically located within the Territory of Alaska at the time the Reindeer Act was passed, nor later descended from animals that were.

The IBIA acknowledges that the Reindeer Act does not prohibit the purchase by Mr. Williams of such reindeer: "[N]o provision in the Reindeer Act explicitly prohibits the importation of reindeer into Alaska or explicitly precludes a non-Native from entering the reindeer business, using imported reindeer." 23 IBIA 51. However, the IBIA then declares, inconsistently with this acknowledgment, that the legislative history of the Reindeer Act "created" an ambiguity regarding what reindeer are covered in the prohibition against purchase by non-Natives in Alaska:

The Board cannot agree with the Regional Solicitor's statement that "there is no particular ambiguity on the face of the [Reindeer Act]." There is neither a specific prohibition of, nor a specific allowance of, importation of foreign reindeer for commercial purposes. The lack of any explicit provision concerning this matter, in the face of the overall purpose expressed in the Act, creates a significant ambiguity. To resolve this ambiguity, it is both appropriate and necessary to employ the principle discussed.

23 IBIA 67. The "principle discussed" that the IBIA was referring to was a rule of statutory construction governing the interpretation of statutes enacted for the benefit of Indians. 23 IBIA 62.

However, in reaching to other principles of statutory construction to create an ambiguity where none exists, the IBIA was in error. An ambiguity in a statute cannot be created by

dissecting parts and words of the statute and then applying various canons of construction. See *Sutherland*, § 46.05 at p. 103.

Because § 500i is unambiguous in prohibiting only the purchase by non-Natives in Alaska of live reindeer and their increase that were (a) acquired by the Secretary or (b) owned by natives of Alaska, this court need not and, indeed, should not, reach for any principles of statutory construction to "give effect to the intention and purpose of" Congress in passing the Reindeer Act. For this reason, the IBIA's decision interpreting the Reindeer Act as prohibiting Mr. Williams and other non-Natives in Alaska from owning reindeer from any source should be reversed.

2. Even if the language of 25 U.S.C. § 500i were less than plain, the section should be strictly construed in favor of Mr. Williams.

It is a fundamental rule in the construction of statutes that penal statutes must be construed strictly in favor of the persons sought to be subjected to their operations. *Yates v. U.S.*, 354 U.S. 298, 77 S.Ct. 1064, 1 L.Ed.2d 1356 (1957); *Sutherland*, § 59.03 at p. 102. The rule of strict construction means that such statutes will not be enlarged by implication beyond the fair meaning of the language used, or what their terms reasonably justify, and will not be held to include offenses and persons other than those which are clearly described and provided for, although the court in interpreting and applying particular statutes may think Congress should have made them more comprehensive. *Bouie v. City of Columbia, S.C.*, 378 U.S. 347, 84 S.Ct. 1697, 12 L.Ed 2d 894 (1964); see also *Sutherland*, § 59.03 at 102-105.

Section 500i of the Reindeer Act is a penal statute. Penal statutes are all statutes that command or prohibit certain acts and establish penalties for their violation. See *Sutherland*,

§§ 59.01-59.02 at pages 91-98. Section 500i prohibits any form of sale or transfer of ownership of certain reindeer to non-Natives in Alaska:

Sales or other transfers of said reindeer, if made without the consent in writing herein required, or, although made with said consent, if followed by failure to comply with the condition therein required, shall be null and void, and shall not pass any title to or right to possession of any reindeer or increase thereof. . . . Any willful violation of the provisions of this section by any vendee or other transferee shall be punishable by a fine of not more than \$500: (emphasis added)

In other words, as the means of enforcing the ban on the purchase by non-Natives in Alaska of certain reindeer, § 500i provides for forfeiture of any title acquired in contravention of its provisions and for the imposition of a criminal fine.

If there is fair doubt as to whether the act charged is embraced in a prohibition, that doubt is to be resolved in favor of the person against whom enforcement of the statute is sought. *Sutherland*, § 59.03 at p. 104. Here, there is not even fair doubt as to whether the purchase by Mr. Williams of reindeer in Canada is an act embraced in § 500i's prohibition against the sale or transfer of live reindeer to anyone other than Natives in Alaska.

Under the fundamental principles governing the construction of penal statutes set out above, the IBIA was wrong to expand the coverage of § 500i to the importation by non-Natives of reindeer that are not descendants of the reindeer physically located within the Territory of Alaska at the time the Reindeer Act was passed. Given that the IBIA was in error in its interpretation of the statute, this court should reverse the IBIA and declare that such activities are not prohibited by the Reindeer Act.

3. That § 500i does not prohibit the purchase of reindeer that are not descendants of Alaska reindeer, follows from the principle that where a statute forbids certain things, it is to be construed as excluding from its effect all things not expressly mentioned.

The maxim, *expressio unius est exclusio alterius*, is applicable in the construction and interpretation of statutes when the intention of the lawmaking body is not otherwise clear. *Sutherland*, § 47.23 at 216. Here, § 500i carefully and fully describes two categories of reindeer that non-Natives in Alaska are prohibited from purchasing: (a) government-owned reindeer and their descendants; and (b) Alaska Native owned reindeer and their descendants. Thus, the express mention of the foregoing two categories excludes all other categories not mentioned, including the category of reindeer purchased in Canada, which no one argues could have been descended from reindeer purchased by the Secretary of the Interior or owned by Natives in Alaska. *Sutherland*, § 47.23.

The IBIA apparently believes that the foregoing maxim should not be applied in this case because Congress may not have had the importation of non-Alaska reindeer within its contemplation at the time it adopted § 500i. See, 23 IBIA 67. However, it is absurd to believe that Congress was unaware that other reindeer could be imported to Alaska, given that Congress expressly acknowledged that the source of all of the reindeer in Alaska at that time was through importation of reindeer from outside of Alaska:

To save them [the Eskimos of Northwestern Alaska], 1,280 reindeer were imported from Siberia between the years 1892 and 1902.

H.R. Rep. No. 1188 at 1.

Congress is fully capable of stating a blanket prohibition of impermissible conduct in unqualified terms. See, e.g. the Marine Mammal Protection Act, 16 U.S.C. § 1372, which,

subject to certain specific exceptions, including an exemption for Alaska Natives, makes it unlawful for any person to take any marine mammal on the high seas. If Congress had intended there to be an absolute blanket prohibition on the purchase of reindeer by non-Natives in Alaska, regardless of the source of the reindeer, it would have been simple for Congress to craft such language. In fact, § 500i would be much simpler and considerably shorter if the detailed language qualifying the phrase, "Live reindeer," were omitted.

In interpreting § 500i to have exactly the same meaning as it would have if the qualifying language were omitted, the IBIA ignored the important rule of statutory construction that effect must be given to the whole statute and every part thereof so that no part will become inoperative. *Federal Aviation Administration Administrator v. Robertson*, 422 U.S. 255, 95 S.Ct. 2140, 45 L.Ed.2d 164 (1975); see also *Sutherland*, § 46.06 at pages 119-120. A corollary of this rule of statutory construction is that Congress understood the meaning of the words it used and that it intended to use them. *U.S. v. Goldenberg*, 168 U.S. 95, 18 S.Ct. 3, 42 L.Ed. 394 (1987); see also *Sutherland*, § 45.05 at p. 23. Congress must be presumed to have meant something by the many lines of text in § 500i that qualify the words, "Live reindeer."

The fact that Congress may not have foreseen all of the consequences of a statutory enactment is not a sufficient reason for refusing to give effect to its plain meaning. *Union Bank v. Wolas*, 502 U.S. 151, 112 S.Ct. 527, 531, 116 L.Ed.2d 514, (1991), citing *Toibb v. Radloff*, 501 U.S. 157, ____, 111 S.Ct. 2197, ____, 115 L.Ed.2d 145 (1991). Thus, even if Congress did not have within its contemplation the importation of non-Alaska reindeer at the time it adopted § 500i, that fact is not a sufficient basis for avoiding the plain meaning of § 500i, which

is that the purchase of non-Alaska reindeer by persons who are not Natives in Alaska is not prohibited.

4. This is not one of the "rare cases" in which the literal application of § 500i will produce a result demonstrably at odds with the intention of the drafters.

Citing *U.S. v. Ron Pair Enterprises, Inc.*, 489 U.S. 235, 109 S.Ct. 1026, 1031, 103 L Ed 2d 290 (1989), the IBIA pays lip service to the Supreme Court's oft-repeated pronouncement that "[t]he plain meaning of legislation should be conclusive, except in the rare cases [in which] the literal application of a statute will produce a result demonstrably at odds with the intention of the drafters." 23 IBIA 68. However, the IBIA then completely ignores the stricture by summarily concluding, without any basis, and contrary to the determination of the Juneau Area Director, that reading § 500i as permitting non-Natives in Alaska to import reindeer having no previous connection with Alaska would produce a result that is "demonstrably at odds with the intention of the drafters."

- a. The language of the Reindeer Act cannot be interpreted as prohibiting the importation by non-Natives of reindeer having no prior connection with Alaska.

The first difficulty with the IBIA's analysis in support of its conclusion that the literal application of the Reindeer Act should not prevail is that the IBIA glosses over the need to identify some specific words, phrases or sentences in the Reindeer Act that the IBIA believes should be read to mean, "No non-Native in Alaska shall purchase and bring into Alaska live reindeer, regardless of the origin of said reindeer." The U.S. Supreme Court, in *U.S. v. Ron Pair* and other cases has recognized that in certain circumstances one can depart from the literal meaning of the words of the statute. However, the Supreme Court has never permitted what

the IBIA has done here, which is to insert an entirely new provision into the legislation, without even attempting to fit that provision within a possible meaning of the language of the legislation.

As noted above, the IBIA acknowledges that "[n]o provision in the Reindeer Act explicitly prohibits the importation of reindeer into Alaska or explicitly precludes a non-Native from entering the reindeer business, using imported reindeer."² 23 IBIA 51. The IBIA then asserts that this fact is "an interpretation" of the Reindeer Act, notes that it is not an "unreasonable" interpretation, and concludes that Kawerak's interpretation, which is, apparently, that there is a provision in the Reindeer Act that prohibits the importation of reindeer into Alaska is both reasonable and supported by the statutory language and the legislative history. However, the IBIA never even suggests which provision in the Reindeer Act it believes can be read as making it a crime for a non-Native to import reindeer into Alaska.

- b. Nothing in the Reindeer Act or the legislative history supports the conclusion that it was Congress' intent to ban the importation by non-Natives of live reindeer, where those deer have no connection with the reindeer purchased by the Government or owned by Natives in Alaska.

Having avoided the first task of statutory interpretation, which is to examine the words of the statute itself, the IBIA proceeds to a discussion of the purpose and intention of the drafters of the statute. In this discussion, the IBIA concludes that Congress intended to prohibit non-Natives in Alaska from ever owning any live reindeer, even if the reindeer are purchased outside of Alaska and have no connection with Alaska. As will be shown in the following discussion, here, too, the IBIA's analysis is deeply flawed.

At a later point in its opinion, the IBIA specifically held that § 500i is inapplicable to Mr. Williams because "by its terms it is applicable only to reindeer owned or sold by the United States, Natives, or Native organizations." 23 IBIA 69.

- (1) That the entire reindeer industry in Alaska be permanently and exclusively Native-owned is not a purpose of the Reindeer Act.

The IBIA begins its analysis of discerning Congress' purpose and intent in passing the Reindeer Act with an examination of § 500, which is entitled "Purpose." Regarding this section, IBIA acknowledges that:

It is arguable . . . that the "reindeer industry" with which § 500 is concerned is not the entire reindeer industry in Alaska, but only the industry which the Act created for Natives. Under this interpretation, a non-Native reindeer industry, parallel to the Native industry, might exist in Alaska without offending § 500.

23 IBIA 51-52. However, by ignoring one phrase of § 500, and inaccurately quoting another out of context, the IBIA misses that the plain meaning of § of 500 is that Congress was concerned with creating and preserving for the Natives only a reindeer industry, which industry may exist along side of a non-Native industry. Section 500 states:

Section 500. Purpose

A necessity for providing means of subsistence for the Eskimos and other natives of Alaska is hereby declared to exist. It is also declared to be the policy of Congress, and the purpose of this subchapter, to establish and maintain for the said natives of Alaska a self-sustaining economy by acquiring and organizing for and on behalf of said natives a reindeer industry or business, by encouraging and developing native activity and responsibility in all branches of the said industry or business, and by preserving the native character of the said industry or business thus established. (emphasis added).

On page 51 of its opinion, the IBIA inaccurately quotes the phrase "the said industry or business" as "the industry." 23 IBIA 51. The omitted word, "said," is important. Congress' avowed purpose was not in preserving the Native character of the entire reindeer industry in Alaska but, rather, a reindeer industry.

Strictly on the basis of its misquoting of § 500, the IBIA wrongly declared that § 500 was ambiguous as to whether Congress was concerned with the preservation of a reindeer industry in Alaska or the reindeer industry in Alaska.³ Having made such a flawed declaration of ambiguity, the IBIA then referred to § 500i, purportedly to resolve the matter.

Section 500i, however, does not resolve the ambiguity. The full phrase referred to by the IBIA from § 500i is, "for the purposes of preserving the native character of the reindeer industry or business in Alaska and effectuating the other purposes of this subchapter." It is impossible to discern from this section whether Congress was referring to the reindeer industry or business that Congress intended to establish and maintain for Natives in Alaska, or whether Congress was referring to the entire reindeer industry or business in Alaska, then and for all time. Moreover, because the phrase concludes with the words, "and effectuating the other purposes of this subchapter," it strongly suggests that in its use of the phrase "preserving the native character of the reindeer industry or business," Congress intended nothing more than a reference back to the statement of purpose in § 500, which was to acquire and organize "for and on behalf of said natives a reindeer industry or business."

Continuing its discussion of § 500i, the IBIA acknowledges that the "principal thrust of the section is to impose restrictions upon the alienation of Native and Government-owned

³ In this discussion, the IBIA draws a distinction that makes no practical difference: "It is conceivable that the industry could be Native in character even though not exclusively Native." 23 IBIA 52. However, to ask whether Congress intended to require preservation of the Native character of the entire industry in Alaska, or whether Congress intended the reindeer industry in Alaska to be exclusively Native, is to simply restate the same question. Thus, the IBIA's analysis beginning at page 54 of its opinion is really a continuation of its analysis of whether Congress' purpose in passing the Reindeer Act was to require that the entire reindeer industry in Alaska be permanently and exclusively Native.

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reindeer." 23 IBIA 54. Yet, despite this acknowledgement, the IBIA concludes that Congress must have meant to include all reindeer in the scope of the section, and implicitly reaches such a conclusion by ascribing to Congress factual findings that Congress never made or alluded to.

The IBIA correctly notes that the purpose of the post-transfer restrictions in § 500i was "to preclude the re-emergence of a non-Native reindeer industry descended from reindeer purchased from Natives." 23 IBIA 54. However, the IBIA then asserts that "there would seem to be little point to these detailed restrictions if they could so easily be circumvented with imported reindeer" and "the extent to which the Native reindeer industry would be adversely affected by non-Native commercial reindeer operations does not depend upon the source of the reindeer with which the non-Native operations are launched." In these assertions, the IBIA ignores its own statement of the purpose of § 500i as being "to preclude the re-emergence of a non-Native reindeer industry descended from reindeer purchased from Natives." Importing reindeer that are not descended from reindeer purchased from Natives does not circumvent the detailed restrictions, and launching non-Native commercial reindeer operations with imported reindeer has nothing to do with precluding the re-emergence of a reindeer industry with reindeer purchased from Natives.

Even if this serious flaw in logic is overlooked, the IBIA's statements suffer from the fatal defect that the propositions that it proffers are completely unsupported by findings on the part of Congress, the Department of the Interior, or its own proceedings. The IBIA points to nothing in the Reindeer Act, the legislative history, or the administrative record before it that explicitly or implicitly constitutes a finding that transfer restrictions in § 500i could be "easily circumvented

with imported reindeer" or that the Native reindeer industry would be "adversely affected by non-Native commercial reindeer operations" launched with imported reindeer.

Finally, that the IBIA was wrong in concluding that Congress intended the Reindeer Act to require the preservation in perpetuity of the reindeer industry in Alaska as an exclusively Native industry is belied by other provisions of the Reindeer Act itself. For example, § 500a directs the Secretary of the Interior to acquire, *inter alia*, reindeer he deems necessary to effectuate the Act's purpose, but does not expressly mandate purchase of all non-Native owned animals. The possibility that some reindeer might remain in private non-Native ownership is also suggested by the language of § 500b, which requires non-Natives to file with the duly authorized agent of the Secretary, declarations of ownership of reindeer, not only at the time of the initial implementation of the Act, but "at any time after September 1, 1937."

Similarly, § 500f states that the Secretary of Interior is "authorized and directed to organize and manage the reindeer industry or business provided for by this subchapter." Thus, the Secretary is directed to organize only the reindeer industry "provided for in this subchapter," which is the one to be purchased from the non-Natives. The section does not direct the Secretary to organize and manage the entire reindeer industry in Alaska for all time.⁴

Significantly, as originally introduced by Delegate Dimond, this section of the bill read as follows:

Sec. 6. The Secretary of the Interior is authorized and directed to organize and manage the reindeer industry or business provided for by this Act . . . in such manner as to establish and maintain for said natives of Alaska exclusively a complete and self-sustaining economy.

H.R. 5126, 75th Cong., 1st Sess. However, in the version of the Act that was adopted into

The foregoing provisions, which stop considerably short of a Congressional mandate to maintain the reindeer industry in Alaska as an exclusively Native industry, are consonant with Congress' reluctance to write a "blank check" in regard to the cost of implementing the law, a reluctance which is reflected in the ceiling on authorized appropriations, and the establishment in § 500e of an "off-budget" revolving fund for administration of the Act. While some of the statements made prior to enactment of the Act suggest that certain proponents wanted a permanent and exclusive reindeer industry for Natives in Alaska, the depression-era Congress was not willing to dictate achievement of such a goal at any cost. Rather, the statute directed the Secretary to exercise his discretion in acquiring reindeer so as to establish and maintain a Native reindeer industry.

- (2) Even if a purpose of the Act were that the entire reindeer industry in Alaska be permanently and exclusively Native-owned, it was not Congress' intent to include in the Act a total ban on the ownership by non-Natives of non-Alaska reindeer as one of the means for accomplishing the Act's purpose.

Even if the Reindeer Act and the legislative history of it could be read to conclude that what Congress sought in enacting the Reindeer Act was the permanent exclusion "of all others than natives from the reindeer business or industry" in Alaska, that conclusion does not decide the question concerning the means that Congress intended to employ to accomplish its purpose. For example, because a person may have the intention and purpose of getting rich does not mean that the person intends to use any means to accomplish that intention and purpose. Put

law, the word, "exclusively," was deleted.

1 Statement by delegate Dimond on the House floor. 81 Cong. Rec. 9471.

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another way, in order to know the means that a person intends to employ to achieve a purpose, it is not sufficient to know only the purpose.

Having concluded (wrongly) that Congress' purpose for passing the Reindeer Act was to banish forever non-Native persons from the reindeer industry in Alaska, the IBLA assumes that Congress must have intended to employ every conceivable means that would contribute to the attainment of this purpose. Thus, according to the IBLA, Congress must have intended to include in the Reindeer Act a provision banning the importation of non-Alaska reindeer by non-Natives in Alaska. However, the legislative history instructs us that Congress did not extend the limited restrictions in the Reindeer Act to impose a total ban on non-Native purchase or ownership of reindeer, regardless of the source of the deer, because of its concern that the Reindeer Act not run afoul of the United States Constitution. During the debate that preceded House passage of the bill, the following exchange occurred:

Mr. CRAWFORD. Does the gentleman really believe that we can in the future enact legislation which will prevent a white man from owning and operating a herd of reindeer in Alaska?

Mr. DIMOND. The categorical answer to the question is "yes," because 99.8 percent of all of the land in Alaska, and a little more perhaps, still belongs to the United States Government, and the Government has full right of control of all the range.

* * * * *

Mr. DIMOND. Mr. Speaker, if this bill passes, the Government can control the range so that the provision of the bill forbidding white men to go back on the range can be lawfully enforced without any infringement of the Constitution.

81 Cong. Rec. 9472-73. To the same effect was this exchange between the Chairman of the Committee on the Territories, Representative John E. Rankin, and Delegate Dimond in a hearing before that committee:

THE CHAIRMAN. If we were to pass this bill and they should buy up the interests of the nonnatives in reindeer and turn them over to the natives, does not the bill have a clause that would prevent the non-resident or nonnative from again embarking in the reindeer business?

MR. DIMOND. Yes.

THE CHAIRMAN. If it does, would that be operative? Mr. Rankin is a better lawyer than some of us.

MR. RANKIN. The Territory of Alaska from a constitutional standpoint is in the same position as is the District of Columbia. The question of States' rights does not intervene. We have all the power in the Territory that the State government and the Federal Government combined have in a State.

THE CHAIRMAN. It would be quite drastic to keep somebody from going there and engaging in business.

MR. DIMOND. The only place where reindeer can graze is on the public domain. Nobody can use the public domain without the consent of the Government if the Government wants to exercise its undisputed authority. Therefore if a white man, after the passage of this bill, wanted to graze reindeer on the public domain, he would have to get a permit from the Government to do so.

MR. RANKIN. Of course, one cannot say to a man that he may not go into the State of Florida and acquire and hold property; but if it is a matter of the public domain one can be kept off it by proper restrictions. Frankly, I do not think you need worry about outsiders going to Alaska for the purpose of engaging in the reindeer business.

Mr. GORDON. I should like to invite attention to an analysis of the bill on that point. The bill in providing for the Eskimos does two things: First, it buys reindeer for Eskimos, and I do not think that it will ever be tested on constitutional grounds; secondly, it places certain restrictions on the sale of those Eskimo-owned reindeer.

We have sufficient history of restrictions placed around the sale of Indian property, I believe, to stop any fears of this being tested on constitutional grounds in that respect. Those are the only two things the bill does. (emphasis added).

Hearing before the Committee on the Territories/House of Representatives, Seventy-fifth Congress, First Session, on Bills Relating to the Territory of Alaska, June 15 and 22, 1937.

From the foregoing exchanges, it is evident that, to the extent that the Congress intended to preclude non-Natives from ever again engaging in the reindeer business Alaska, the means by which Congress intended to achieve such a result was through the control of the public lands. Congress never intended to impose a blanket prohibition on the ownership of reindeer by non-Natives in Alaska. As Mr. Rankin, who is "a better lawyer than some of us," noted, "one cannot say to a man that he may not go into the State of Florida and acquire and hold property." Congress was fully aware of this limitation on Congressional action and never intended to say to Mr. Williams or any other person that he may not go into the State of Alaska and farm, on his own privately owned land, reindeer lawfully purchased outside of Alaska.

A closer examination of each of the excerpts from the legislative history quoted by the IBIA reveals that, while the speakers sometimes described the purpose of the Reindeer Act as to establish and maintain a reindeer industry that is permanently and exclusively Native, the speakers also addressed the means that would be employed toward that purpose. In every case that the legislative history addresses the means to be employed in the Reindeer Act, the means are described as: (1) the purchase by the Government of all nonnative-owned reindeer and equipment; (2) the distribution of the reindeer and equipment among the Natives, and (3) the allocation and management of the reindeer ranges to benefit and support the Native reindeer industry. Nowhere in the legislative history does any person ever say or suggest that

an intended means of accomplishing the purpose of the Reindeer Act is to impose a total ban on the purchase and ownership of reindeer, regardless of their source, by all except Natives in Alaska.

The first statement of legislative history quoted by the IBIA is from the House Report:

At the present time only one solution [to the problems caused by conflicts between Natives and non-Natives] seems practicable and that lies in the purpose of the bill under consideration for the purchase by the Government of all nonnative-owned reindeer and such reindeer range equipment as may be useful and distribution of the same among the natives or the holding of such reindeer and other property by the Government in trust for the use of the natives. With the permanent elimination in this manner of the nonnative owners, the problem will be a comparatively simple one, for then all the deer will be native deer and the deer may be distributed and the ranges allocated in an equitable manner satisfactory to the natives. [Emphasis added by the IBIA.]

23 IBIA 55. Note, the language underlined by the IBIA states, "With the permanent elimination in this manner of the nonnative owners, . . ." Thus, while the House may have sought the permanent elimination of non-Native owners of reindeer in Alaska, the House sought to achieve that purpose only "in this manner," that is, by purchasing all reindeer and equipment and distributing the reindeer to the Natives or holding such reindeer in trust for the Natives. One cannot read the phrase, "in this manner," as referring to a complete ban on non-Native ownership of reindeer, regardless of the source of the deer.

Similar to the House Report is the letter from the Secretary of the Interior recommending that the bill be amended to provide that all of the reindeer in Alaska at that time be purchased by the Government, and not only those that are counted in corrals or chutes. H.R. Rep. No. 1188 at 5. In urging this, the Secretary articulated his view that the purpose of the bill was to assure the reindeer industry "permanently to the natives of Alaska." The Secretary went even further and stated that the purpose would not be achieved unless "all possibility of white

ownership be eliminated." However, the Secretary concluded by describing the means for eliminating the "possibility of white ownership" as the purchase by the Government of "all the deer of a nonnative owner on a given range, and not only those that are run through a corral or chute." The Secretary did not propose that all possibility of non-Native ownership be eliminated by imposing a total ban on the purchase or ownership by non-Natives of reindeer, regardless of their source.

The statements of Delegate Dimond, quoted on page 65 of the IBIA's opinion, are of the same nature. Mr. Dimond stated that, "The purpose of the bill is to purchase all of the reindeer of Alaska, . . . and that thereafter the reindeer in Alaska shall be reserved as to ownership and grazing for natives alone, so that all others than natives will be excluded from the reindeer business or industry." 81 Cong. Rec. 9471. Note, that Mr. Dimond speaks very specifically to "the reindeer of Alaska" and the "the reindeer in Alaska." The means described by Delegate Dimond are, in fact, exactly those that are employed by the Reindeer Act (to purchase all the reindeer then in Alaska, to prohibit any but Natives in Alaska from owning those reindeer and their increase, and to reserve the grazing areas on the federal lands for the exclusive use of Natives). In short, the legislative history does not contravene, but rather supports the interpretation of the Reindeer Act as not imposing a total ban on the ownership of reindeer by non-Natives in Alaska.

It is true that Congress expressed the hope that by employing the means described in the preceding paragraphs the reindeer industry in Alaska would be permanently assured to Natives:

If we pass this bill, the result we hope will be, and I think it will be, that as the white Alaskan reindeer owner vanishes from Alaska the native owner and the

native Eskimo will be enabled to survive without the Federal Government having to contribute to his existence.

Remarks of Rep. Green, 81 Cong. Rec. 9480. However, the expression of a hoped for, or even intended consequences or results of legislation is not the same as a mandate to accomplish those results or consequences by any conceivable means. For example, Congress may have as its avowed purpose in passing certain legislation the eradication of poverty in America. However, if the legislation provides for a food stamp and other similar program, it would be wrong to interpret the legislation as, for example, also making it illegal for landlords to charge or collect rent from people below the poverty line, even though it is undeniable that making it illegal to charge or collect rent from poor people would be consistent with and may even further the purpose of eradicating poverty in America.

The IBIA quotes Senator Thomas of Oklahoma, the sponsor of the bill in the Senate:

The pending bill has for its purpose the taking of title to reindeer in northern Alaska and holding title in the Government for the benefit of the Eskimos. . . . It provides further for the operation of the reindeer industry as a governmental institution for the benefit of the Eskimos.

81 Cong. Rec. 4278. Here, Senator Thomas describes the employment of certain means as being the purpose of the Reindeer Act. The means that Senator Thomas describes is the taking of title to the reindeer in Northern Alaska and holding title for the benefit of the Eskimos. Senator Thomas does not state that the purpose of the Reindeer Act is to prohibit non-Natives in Alaska from ever purchasing reindeer outside of Alaska and importing them to Alaska. Therefore, this piece of legislative history, like the others, supports the interpretation of the

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Reindeer Act as not imposing a total ban on non-Native ownership of reindeer, rather than the opposite interpretation urged by the IBIA.⁶

Finally, the IBIA refers to an excerpt of the Senate Report, which states, in part, that the "rehabilitation of the Eskimo started in 1892 can be safeguarded and continued only if complete ownership of deer and control of the range is again established in the natives or in the Government on behalf of the natives." Senate Report No. 474, p. 3, 75th Cong., 1st Sess. (1937). Here, the Senate Report refers to both the purpose (or a purpose) of the Reindeer Act and the means employed. The purpose is stated to be the rehabilitation of the Eskimo. The means are stated to be the acquisition of all reindeer and the control of the range. Prohibition on the importation by non-Natives of non-Alaska deer is not among the means mentioned.

The IBIA's response to the Area Director's argument, that the legislative history supports his interpretation of the Reindeer Act, is woefully inadequate. The Area Director noted that even Delegate Dimond, when he spoke of "forever forbidding white men from going into the [reindeer] business," made it clear that there were certain specific means to be employed toward that purpose, among which was control of the reindeer ranges:

[I]t is necessary to purchase these deer as are owned by the white men and distribute them among the natives and forever forbid, through the control of the range, white men from going into the business so that we will never have to go back and do this job all over again.

⁶ It is notable that in Senator Thomas' mind, the bill only provided for the purchase of reindeer in "northern Alaska." If we were to adopt Senator Thomas' statement of the purpose of the Reindeer Act, that act would have no application to the plaintiffs in this case, because their reindeer are not located in "northern Alaska." Of course, the Reindeer Act is not restricted to the reindeer in northern Alaska, which illustrates the limitations and pitfalls involved in placing blind reliance upon the statements of legislators to interpret and construe their legislation.

81 Cong. Rec. 9472. Significantly, Mr. Dimond does not include a total ban on the purchase of non-Alaska reindeer by non-Natives in his description of the means for accomplishing the permanent exclusion of whites from the reindeer industry.

The IBIA's response to the Area Director was to focus solely on Mr. Dimond's range management comment, to the exclusion of the comment about purchasing the non-Native owned reindeer. The IBIA then concluded (1) that the chief concern addressed by the range management provisions of the Act was the need to prevent over-grazing; and (2) that, in any event, Congress did not consider range management alone to solve the problem. 23 IBIA 60. However, the IBIA missed the Area Director's point. The Area Director's argument was that the legislative history reveals that Congress intended the Reindeer Act to employ certain means for accomplishing the purposes stated in § 500 and to exclude other means. Among the means that Congress included were the range management provisions and among the means that Congress did not include was a total ban on non-Native purchase or ownership of foreign reindeer. On the other hand, for the IBIA to observe that the range management provisions served more than one purpose and that range management was not the only means employed toward the purpose of establishing a Native reindeer industry, takes nothing away from the Area Director's argument.

- c. The Area Director's interpretation, that the Reindeer Act does not prohibit the importation of foreign deer by non-Natives, is not in conflict with the Department of Interior's initial or any previous position.

The IBIA asserts that the Department of Interior initially interpreted the Act as authorizing and requiring the Department to eliminate all non-Native ownership of reindeer. In support of this conclusion, the IBIA cites, among other facts, the fact that the Secretary of the Interior

proceeded as soon as possible to acquire all non-Native-owned reindeer. However, the IBIA fails to point to a shred of evidence that the Department of the Interior, either initially or at any time, interpreted the Reindeer Act as prohibiting non-Natives in Alaska from importing non-Alaska reindeer. The fact that the Secretary of the Interior proceeded to use the Congressional appropriations to purchase all reindeer in Alaska owned by caucasians, cannot be construed as evidence that the Secretary interpreted the Act as prohibiting the importation of non-Alaska reindeer.

Moreover, when first faced with the issue, the Department of the Interior, acting through the Juneau Area Director, interpreted the Reindeer Act as not prohibiting the importation by non-Natives of non-Alaska reindeer. Accordingly, the case of *Udall v. Tallman*, 380 U.S. 1, 16, 85 S.Ct. 792, 13 L.Ed.2d 616 (1965) argues against, rather than in favor of the IBIA's decision:

When faced with a problem of statutory construction, this Court shows great deference to the interpretation given the statute by the officers or agency charged with its administration. . . . Particularly is this respect due when the administrative practice at stake involves a contemporaneous construction of a statute by the men charged with responsibility of setting its machinery in motion, of making the parts work efficiently and smoothly while they are yet untried and new.

In this case, surely the administrator of the Bureau of Indian Affairs for Alaska, who is charged with the responsibility of "making the parts [of the Reindeer Act] work efficiently and smoothly," and who is otherwise in charge of the day-to-day administration of the Act, is entitled to be shown greater deference with regard to the interpretation of the Reindeer Act than the IBIA, which sits in Washington, D.C. Moreover, because the Area Director's interpretation of the Reindeer Act arose at the time that the issue of the importation of non-Alaska reindeer by a non-Native first arose, the Area Director's interpretation is a "contemporaneous construction" that

carries persuasive weight. *Watt v. Alaska*, 451 U.S. 259, 272-73, 101 S.Ct. 1673, 68 L.Ed.2d 80 (1981).

- d. Even if one could conclude that a prohibition on the purchase of foreign deer by non-Natives in Alaska was a possible interpretation of the Reindeer Act, that interpretation should not be adopted because the IBIA made no findings of fact that the opposite interpretation would thwart the purpose of the Reindeer Act.

As noted above, the stated purpose of the Reindeer Act, set forth in § 500, is "to establish and acquire for the said natives of Alaska a self-sustaining economy by acquiring and maintaining for and on behalf of said natives a reindeer industry or business." In order to ignore the plain meaning of the Reindeer Act, which the IBIA acknowledges does not prohibit non-Natives from importing foreign reindeer, the IBIA must make findings of fact that the "literal application of a statute will produce a result demonstrably at odds with the intention of its drafters"⁷ or that the literal interpretation "thwarts the purpose of the overall statutory scheme or leads to an absurd result."⁸ However, the IBIA does nothing more than state, in conclusory fashion, that a literal interpretation of the Reindeer Act "conflicts with the intention of its drafters and thwarts the purpose of the overall statutory scheme." 23 IBIA 68.

The IBIA's lack of factual findings on this point is particularly egregious given the statements made by the Regional Solicitor to the Juneau Area Director that "[t]he stated purposes of establishing and maintaining a self-sustaining economy and preserving the Native character of the reindeer industry have not been seriously threatened thus far by the allowance

⁷ *States v. Ron Pair Enterprises, Inc.*, *supra*, at 242.

⁸ *Trailer Train Co. v. State Board of Equalization*, 697 F.2d 860, 866 (9th Cir. 1983), *cert. den.* 464 U.S. 846, 104 S.Ct. 149, 78 L.Ed.2d 139 (1983).

of non-Native importation of non-Alaskan reindeer." Administrative Record p. 110. The presence in the record of such a statement by the government agency charged with administering the Reindeer Act, and the absence of any factual evidence to the contrary, create an even greater burden on the IBIA to justify and support its finding that the importation to Alaska of reindeer by non-Natives would "thwart the purpose of the overall statutory scheme."

According to information supplied by the Alaska Department of Natural Resources, which was published in the Anchorage Daily News, federal land comprises fifty-nine percent (59%) and Native land comprises twelve percent (12%) of all lands in Alaska. On the other hand, privately owned land accounts for only one percent (1%) of the lands in Alaska. See, Exhibit A, annexed hereto. Under the Area Director's interpretation of the Reindeer Act, which was rejected by the IBIA, reindeer herding, grazing and other activities by non-Natives would be prohibited on seventy-one percent (71%) of the land mass in Alaska. Given this, it is nothing short of capricious for the IBIA to conclude that permitting non-Natives to engage in reindeer farming with only imported reindeer on lands one-seventieth the size of the lands potentially available to the Natives would thwart the Act's purpose "to establish and acquire for the said natives of Alaska a self-sustaining economy by acquiring and maintaining for and on behalf of said natives a reindeer industry or business."

5. No basis exists for concluding that Congress reserved the entire reindeer industry to the Natives.
 - a. The Reindeer Act cannot be interpreted as creating a reservation for Natives in Alaska.

Applying the analysis in *Alaska Pacific Fisheries v. United States*, 248 U.S. 78, 39 S.Ct. 40, 63 L.Ed. 138 (1918) and *Winters v. United States*, 207 U.S. 564, 28 S.Ct. 207, 52 L.Ed. 340

(1908) led the IBIA to state, "it appears that Congress should be deemed to have reserved the entire reindeer industry to the Natives -- in other words, to have precluded non-Natives from engaging in the industry." 23 IBIA 65-66. However, neither *Alaska Pacific* nor *Winters* has any application to this case.

Alaska Pacific and *Winters* involved an interpretation of an agreement (in the case of *Winters*) and an act of Congress (in the case of *Alaska Pacific*) that created a reservation for a certain tribe of native peoples. In *Alaska Pacific*, the question addressed by the Supreme Court was one of interpretation of specific words:

The question is one of construction--of determining what Congress intended by the words 'the body of lands known as Annette Islands.'

248 U.S. at 87. Similarly, in *Winters* the question addressed by the Supreme Court was whether, in an agreement by the Crow and other tribes to cede back to the United States a large tract of land while retaining a much smaller tract of land known as the Fort Belknap Reservation, the agreement should be interpreted so as to reserve to the tribes sufficient water rights to irrigate their retained lands. In *Alaska Pacific* the Court determined that Congress intended the words "the body of lands known as Annette Islands" to mean not only the uplands but the submerged lands and the waters surrounding the islands as well. In *Winters*, the Court ruled that an intention by the tribes to retain sufficient water rights for their retained lands could be implied from the grant by the Crow and the other tribes of the lands surrounding the retained parcels and containing the watersheds for the retained parcels. 207 U.S. at 576.

In both *Alaska Pacific* and *Winters*, the Supreme Court started with the language of the statute or the agreement, then determined what interpretations or implications it was possible to make or draw from the language of the agreement, and then turned to the legislative history.

the events preceding the agreement or the statute, and the particular attending circumstances to decide which of the possible interpretations or implications should be adopted. By contrast, the IBIA skipped the first step of this analysis. Rather than examining the language of the Reindeer Act and identifying the possible interpretations of the statutory language, the IBIA ignored the Act's plain language and proceeded instead to a discussion of the purpose and intent of Congress in adopting the Act.⁹

For the reasons just described, the IBIA's citation to *County of Yakima v. Confederated Bands & Tribes of the Yakima Indian Nation*, 502 U.S. 251, 112 S.Ct. 683, 116 L.Ed.2d 567 (1992) is also inapposite. The principle that statutes are to be liberally construed in favor of the Indians only comes into play "when we are faced with these two possible constructions" or "with ambiguous provisions." 112 S.Ct. at 693. Here, two constructions of the Reindeer Act are not possible, and none of its provisions are ambiguous. Liberal construction does not mean making up provisions out of whole cloth and inserting them into the legislation. Legislating is the job of Congress, not the IBIA.¹⁰

⁹ While it is possible to interpret the words, "the body of lands known as Annette Islands," to mean also the submerged lands and waters around and between the islands, and while it is possible to infer that a grant of a part of one's lands includes an implied reservation of sufficient water rights to render the retained lands arable, it is not possible to interpret the language of § 500i of the Reindeer Act, which states that it is crime for a non-Native to purchase reindeer in Alaska from the United States or from Natives, to mean that it is also a crime for a non-Native to purchase reindeer in Canada and bring them to Alaska. Understandably, the IBIA did not even attempt such an interpretative feat.

¹⁰ Even if there were an ambiguous provision in the Reindeer Act that could be construed as a prohibition on the importation of reindeer by non-Natives, there is nothing in the record to support the conclusion that such an interpretation of the Reindeer Act would benefit the Natives in Alaska. The IBIA assumes, without any support in the record, that interpreting the Reindeer Act to prohibit non-Natives from importing reindeer to Alaska would benefit the Natives in Alaska.

- b. Even if Congress had intended to reserve the reindeer industry in Alaska for non-Natives, Congress lacked the power to do so.

There is another more important reason why *Alaska Pacific* and *Winters* have no application to this case. The IBIA argues that the Reindeer Act is an act that created a "reservation" for the Natives, similar to the statute in *Alaska Pacific* which created the Metlakatla Reservation and the agreement in *Winters* which resulted in the creation of the Fort Belknap Reservation. According to the IBIA, the "reservation" created by the Reindeer Act is the "reindeer industry in Alaska." However, a distinction exists between the reservations in *Alaska Pacific* and *Winters* and the reindeer industry "reservation" that is fatal to the IBIA's analysis.

In both *Alaska Pacific* and *Winters*, the grantor of the reservation owned and controlled the property rights granted in the reservation. For example, in *Alaska Pacific*, the Court noted:

There seems to be no doubt that an interpretation which would allow non-Natives to re-enter the reindeer industry in Alaska would impair or defeat the purpose of the Reindeer Act.

23 IBIA 66. However, the IBIA must base conclusions such as this, not on assumptions, but on factual findings that are supported by the record. Here, there is no support in the record for a finding that re-entry by non-Natives in the reindeer industry in Alaska would harm Natives. To the contrary, the historical information suggests that the opposite is true.

According to Stern, *et al.*, *Eskimos, Reindeer and Land*, 102-103, the total number of reindeer in 1937 was 594,000. In its report on the Act, the House of Representatives stated that in 1937, approximately one-third of all of the reindeer in Alaska were owned by Natives. H.R. Rep. 75-1188, 75th Cong., 1st Sess., at 2-3 (1937). Therefore, in 1937, the Natives owned approximately 181,000 reindeer. As Stern, *et al.*, reports, the total number of reindeer in Alaska, all of which were by operation of the Reindeer Act either Native-owned or owned in trust for the Natives, fell within two years of the passage of the Reindeer Act to below 181,000, and in the forty-five years thereafter the number never exceeded 50,000. In short, almost immediately following passage of the Reindeer Act, the reindeer industry in Alaska became just a ghost of its former self. The historical data simply does not support a finding that re-entry by non-Natives in the reindeer industry would harm the Natives.

That Congress had [the] power to make the reservation inclusive of the adjacent waters and submerged land as well as the upland needs little more than statement. All were the property of the United States and within a district where the entire dominion and sovereignty rested in the United States and over which Congress had complete legislative authority. *National Bank v. County of Yankton*, 101 U. S. 129, 133, 25 L. Ed. 1046; *Shively v. Bowlby*, 152 U. S. 1, 47-48, 58, 14 Sup. Ct. 548, 38 L. Ed. 331; *United States v. Winans*, 198 U. S. 371, 383, 25 Sup. Ct. 662, 49 L. Ed. 1089.

248 U.S. 87-88. Similarly, in *Winters*, the Court noted that the Crow and other tribes owned, at the time they granted to the government the lands surrounding the reclaimed Fort Belknap Reservation lands, owned all of the water rights that were the subject of the dispute.

In the case at bar, however, neither Congress nor the natives in Alaska ever owned or had title to the "reindeer industry in Alaska." The IBIA implicitly recognized this fact, on page 62 of its opinion, when it noted that "in a broad sense, appellant views Congress as having purchased a 'reservation' for Alaska Natives, consisting of the reindeer industry in Alaska." In other words, whatever property rights in the reindeer industry that Congress may have included in the "reservation" created for Natives in Alaska, Congress had to purchase from someone. Thus, Congress could include in such a reservation no more than the property rights in the reindeer industry that Congress purchased. While there is no doubt that Congress purchased all of the reindeer, as well as all of the reindeer-related corrals, chutes, and equipment, that were extant in Alaska in the late 1930's, Congress did not purchase, and could not purchase, the right to exclude Mr. Williams or other non-Natives in Alaska from engaging in the business of farming reindeer.

Tellingly, the IBIA never asserts that Congress possesses the inherent power to exclude some but not all from engaging in the reindeer business. This is undoubtedly because the

power to exclude persons from engaging in a lawful business activity is not a power granted to Congress or to any State.

In *Truax v. Raich* 239 U.S. 33, 36 S.Ct. 7, 60 L.Ed.131 (1915), the Supreme Court struck down an Arizona law which prohibited employers from employing non-Native born citizens for more than 20% of their work force.

"It requires no argument to show that the right to work for a living in the common occupations of the community is of the very essence of the personal freedom and opportunity that it was the purpose of the [Fourteenth] Amendment to secure... If this could be refused solely upon the grounds of race or nationality, the prohibition or the denial to any person of the equal protection of the laws would be a barren form of words.

Id. at 41.

In *New State Ice Co. v. Liebman*, 285 U.S. 262, 52 S.Ct. 371, 76 L.Ed. 747 (1932), the Supreme Court reviewed a statute which prohibited the manufacture and sale of ice where existing ice manufacturers were "sufficient to meet the public needs" for ice. *Id.* at 272. While recognizing that all businesses are subject to regulation (*id.* at 273) and that industries affecting the public interest are subject to even more regulation (*id.* at 274-77), the Supreme Court held that an outright ban of new competitors in a business endeavor violates due process:

Plainly, a regulation which has the effect of denying or unreasonably curtailing the common right to engage in a lawful private business, such as that under review, cannot be upheld consistently with the Fourteenth Amendment.

Id. at 278.

Similar to the case at hand, the Court in *New State Ice* recognized the purpose of the ban on competitors in the ice industry.

Stated succinctly, a private corporation here seeks to prevent a competitor from entering the business of making and selling ice. It claims to be endowed with state authority to achieve this exclusion. There is no question now before us of

any regulation by the state to protect the consuming public either with respect to conditions of manufacture and distribution or to insure purity of product or to prevent extortion. The control here asserted does not protect against monopoly, but tends to foster it. The aim is not to encourage business, but to preclude persons from engaging in it.

Id. at 278-79. The court concluded: "The opportunity to apply one's labor and skill in an ordinary occupation with proper regard for all reasonable regulations is no less entitled to protection [than freedom of the press]." *Id.* at 279.

While the *Truax* and *New State Ice* decisions may be viewed as old, the principles within them are not without more recent support. The Supreme Court in *Hampton v. Mow Sun Wong*, 426 U.S. 88, 96 S.Ct. 1895, 48 L.Ed.2d 495 (1976), struck down a federal ban on the employment of non-citizens in federal competitive civil service. *Id.* at 102 (citing *Truax* with approval). Of particular significance to this case was the rejection of the argument in *Hampton* that the "federal power over aliens is ... plenary." *Id.* at 101. While the federal power over aliens is plenary, the federal prohibition of aliens in federal civil service was still subject to review under the Due Process Clause.

In *United States v. Tropiano*, 418 F.2d 1069 (2nd Cir. 1969), cert. denied 397 S.S. 1021, 90 S.Ct. 1255, 25 L.Ed.2d 530 (1970), garbage collectors were charged with extortion in violation of the Hobbs Act when they tried to remove competition in the business. The defendants argued that no extortion occurred because the victims did not relinquish any property, but merely the "right to do business." *Id.* at 1075. The Court rejected the argument, holding that property "includes in a broad sense, any valuable right considered as a source or element of wealth." *Id.* "The right to pursue a lawful business including the solicitation of customers necessary to the conduct of such business has long been recognized as a property

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right within the protection of the Fifth and Fourteenth Amendments of the Constitution." *Id.* at 1076 (citing *Louis K. Liggett Co. v. Baldridge*, 278 U.S. 105, 49 S.Ct. 57, 73 L.Ed.204 (1928)) overruled in *North Dakota State Board of Pharmacy v. Snyder's Drug Stores, Inc.*, 414 U.S. 155, 945 S.Ct. 407, 38 L.Ed.2d 379 (1973). In a more recent case, the Ninth Circuit referred to the ability to pursue one's livelihood as a liberty, as opposed to property, interest protected by the Fifth and Fourteenth Amendments. "[I]nterference with an individual's pursuit of his chosen livelihood may amount to a deprivation of a constitutionally protected liberty interest in employment." *Pelletier v. Federal Home Loan Bank of San Francisco*, 968 F.2d 665 (9th Cir. 1992).

In summary, Congress does not possess the inherent power to exclude persons, even persons who are not United States citizens, from engaging, in a lawful manner, in an otherwise lawful business. As Congress does not possess such a power, and did not purchase such a right pursuant to the provisions of the Reindeer Act, it follows that Congress could not, as the IBIA held, "be deemed to have reserved the entire reindeer industry to the Nations." 23 IBIA 65.

6. The IBIA's Interpretation of the Reindeer Industry Act Violates the Equal Protection Component of the Due Process Clause of the Fifth Amendment

Statutes should be interpreted if at all possible so as to avoid a finding that the statute is unconstitutional. *Hammond v. Hoffbeck*, 627 P.2d 1052 (Alaska 1981). While the Fifth Amendment does not explicitly state that it protects citizens from violation of equal protection of the laws by the federal government, the due process clause has been interpreted to include an equal protection component. See generally, *Fullilove v. Klutznick*, 448 U.S. 448, 100 S.Ct. 2758, 65 L.Ed.2d 902 (1980). In evaluating equal protection claims, the Supreme Court has

steadfastly required courts to use strict scrutiny when the government's treatment of people is based on race, as it is in this case.

Absent searching judicial inquiry into the justification for such race-based measures, there is simply no way of determining what classifications are "benign" or "remedial" and what classifications are in fact motivated by illegitimate notions of racial inferiority or simple racial politics. Indeed, the purpose of strict scrutiny is to "smoke out" illegitimate uses of race by assuring that the legislative body is pursuing a goal important enough to warrant use of a highly suspect tool. The test also ensures that the means chosen "fit" this compelling goal so closely that there is little or no possibility that the motive for the classification was illegitimate racial prejudice or stereotype. *City of Richmond v. J.A. Croson Co.*, 488 U.S. 469, ____ 109 S.Ct. 706, 102 L.Ed.2d 854 (1989) (plurality opinion of O'Connor, J.). In the present case, this Court is obliged to review with the strictest scrutiny, not merely a preference, but the guarantee of an absolute monopoly to members of a particular racial group.

The Court in *Croson* also emphasized that it makes no difference which race is being affected. "[T]he standard of review under the Equal Protection Clause is not dependent on the race of those burdened or benefited by a particular classification." *Id.* (citing *Wygant v. Jackson Board of Education*, 476 U.S. 257, 279-80, 285-86, 106 S.Ct. 1842, 90 L.Ed.2d 250 (1986) (O'Connor, J., concurring)). The Court confirmed that "' [t]he guarantee of equal protection cannot mean one thing when applied to one individual and something else when applied to a person of another color.'" *Croson*, 102 L.Ed.2d at 882 (quoting *Regents of the University of California v. Bakke*, 438 U.S. 265, 289-90, 98 S.Ct. 2733, 57 L.Ed.2d 750 (1978)).

The Supreme Court in *Croson* also made clear that the only justification for classifications based on race is to remedy the present effects of past discrimination through the government's granting of a preference to a particular race, and reviewable findings must be made to support such a determination. *Croson*, 102 L. Ed. 2d at 88-1 (opinion of O'Connor, J.) Here, however, the government has made no findings that the granting of a monopoly in the reindeer business to Alaskan natives is necessary to combat the effects of past discrimination.

The government may argue that *Croson* does not apply here. *Croson* involved a review of the power of a municipality to redress racial discrimination rather than the plenary power of the federal government reviewed in *Fullilove v. Klutznick*, supra, 446 U.S. 448 (1980). The Supreme Court in *Fullilove* found that a waiver from the otherwise strict racial preference was essential for the program to be narrowly tailored and otherwise "pass muster." *Fullilove*, 448 U.S. at 487. Here, however, the racial monopoly as interpreted by the IBLA is absolute, with no flexibility or provision for waivers.

The requirement that plaintiffs get out of the reindeer business is tantamount to the racial preference in *Wygant*, where the Court held that laying off more senior white teachers to preserve racial balances in the work force was too drastic a remedy, regardless of whether a race-based remedy was truly warranted in the case. Even if there could be some legitimate basis for giving an economic benefit to native Alaskans as a racial group, the complete exclusion or expulsion of non-natives from the business is simply too drastic to comport with the Constitution.

The IBIA purports to base this federally imposed racial monopoly on grounds entirely different from the limited remedy for past wrongs approved in *Croson* and all the prior affirmative action cases: the power of Congress to regulate commerce with the Indians.

First, the Supreme Court has clearly held that Congressional power to regulate commerce with the Indians is not immune from scrutiny under the equal protection guarantee in the Fifth Amendment. In *Delaware Tribal Business Committee v. Weeks*, 430 U.S. 73, 97 S.Ct. 911, 51 L.Ed.2d 173 (1977), Kansas Delawares were excluded from a federal payment to the Cherokee and Absentee Delawares. The Kansas Delawares sued on equal protection grounds. The Court reaffirmed that even in Indian affairs the federal government is subject to the equal protection requirements of the Fifth Amendment.

Appellant Secretary of the Interior, on the other hand, submits that the plenary power of Congress in matters of Indian affairs "does not mean that all federal legislation concerning Indians is . . . immune from judicial scrutiny or that claims such as those presented by [appellants], are not justiciable." . . . We agree with the Secretary of the Interior.

Id. at 83-84 (citation to brief omitted). Since the equal protection requirement applies even when legislation favoring "Indians" is involved, the ultimate question is whether equal protection is violated in the case at hand. In *Morton v. Mancari*, 417 U.S. 535, 94 S.Ct. 2474, 41 L.Ed.2d 280 (1974), cited in *Weeks*, 430 U.S. at 84, the Court reviewed the Indian Reorganization Act of 1934, 25 U.S.C. § 461, which gave preferences to qualified Indians in employment in the Bureau of Indian Affairs. Non-Indians challenged the preference on equal protection grounds and sought review under strict scrutiny as a race-based employment practice. The Court noted:

The purpose of these [historical] preferences, as variously expressed in the legislative history, has been to give Indians a greater participation in their own self-government, to further the Government's trust obligation toward the Indian

tribes, and to reduce the negative impact of having non-Indians administer matters that affect Indian tribal life.

Id. at 541-42 (footnotes omitted) These purposes are not present in the case of Alaska natives and the reindeer monopoly. The plaintiffs, if allowed to carry on their business, would have no impact on the tribal life of Alaska natives or on matters involving Alaskan natives "self-government."

The Court in *Mancari* explained that the employment preference was unique

Resolution of the instant issue turns on the unique legal status of Indian tribes under federal law and upon the plenary power of Congress, based on a history of treaties and the assumption of a "guardian-ward" status, to legislate on behalf of federally recognized Indian tribes.

Id. at 552. Alaskan natives are not the same as federally recognized Indian tribes

Moreover, the Court found the employment preference in *Mancari* easy to uphold because it was "not even a racial preference." The preference is similar in kind to the constitutional requirement that a United States Senator, when elected, be "an Inhabitant of that State for which he shall be chosen." *Id.* at 554 (quoting U.S. Constitution, Art. I, § 3, cl. 3) (footnote omitted) Since the preference applies to federally recognized tribes, "[i]n this sense, the preference is political rather than racial in nature." *Id.* at 554 n.24. It was on this basis that the Court distinguished the situation in *Mancari* from the racial preference in *Regents of the University of California v. Bakke*, 438 U.S. 265, 304 n.42, 98 S.Ct. 2733, 57 L.Ed.2d 750 (1978). Like *Bakke*, the present case is distinguishable from *Mancari*, and an opposite result should obtain.

One lower court was faced with an equal protection challenge to legislation creating an economic preference for Indians in *Livingston v. Ewing*, 455 F. Supp. 825 (D.N.M. 1978).

affirmed 601 F.2d 1110 (10th Cir. 1979), cert. denied 444 U.S. 870, 100 S.Ct. 147, 62 L.Ed.2d 95 (1979). Only Indians were allowed to sell handmade crafts at a museum. Non-Indians challenged the policy on equal protection grounds. The court upheld the policy on the ground that the distinction was cultural, rather than racial. *Id.* at 830. However, the reindeer monopoly in the present case is purely racial, not cultural or political. It does not apply to persons having some recognized sovereign status such as federally recognized Indian tribes. It certainly has nothing to do with self-government.

The IBIA cited *United States v. Clark*, 912 F.2d 1087 (9th Cir. 1990) cert. denied 498 U.S. 1037, 111 S.Ct. 705, 112 L.Ed.2d 695 (1991), involving a prohibition of the taking of marine animals under the Marine Mammal Protection Act, with an exclusion for takings by native Alaskans for subsistence purposes. However, there was no equal protection challenge raised in *Clark*. The purpose of the statute at issue there was to protect certain species from extinction. Only because the taking of certain marine mammals was necessary for survival of their culture were Alaskan natives excluded from the coverage of the act. That is not true in the present case. There is no evidence that the Reindeer Industry Act was designed to protect reindeer from extinction. The purpose as recognized by the IBIA is to give one race of people a monopoly in an area of commerce. Moreover, the IBIA's interpretation is not necessary to restore some historical or cultural tradition. Native Alaskans never had any monopoly over the propagation of Canadian reindeer--the only reindeer plaintiffs have owned.

In summary, the IBIA's interpretation of the Reindeer Industry Act gives an absolute monopoly in a business endeavor to one racial group. It would be the same as if Congress declared that only native Alaskans could be lawyers or only whites could be teachers or only

blacks could be doctors. Such racial distinctions are abhorrent to the Constitution, reminiscent of the exclusion of people of Chinese descent from San Francisco's private laundry industry in *Yick Wo v. Hopkins*, 118 U.S. 356, 6 S.Ct. 1064, 30 L.Ed. 220 (1886), limited *U.S. v. Verdugo-Urquidez*, 494 U.S. 259, 110 S.Ct. 1056, 108 L.3d 2d 222 (1990). The Congressional authority to regulate in Indian affairs as in a guardian-ward relationship has no applicability in the present discrimination against plaintiff as a non-native Alaskan.

7. The IBIA's Interpretation of the Reindeer Act Deprives the Plaintiffs of Their Rights under the Privileges and Immunities Clause of Article IV, § 2

The Privileges and Immunities Clause provides: "The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States." U.S. Constitution, Art. IV § 2. While this provision has always been applied against states discriminating against citizens of other states, there is nothing in the language of this provision to indicate that it does not restrict the federal government. The reason it has never been applied to the federal government is that it is extremely rare for the federal government to dictate that people of one state cannot engage in a business which they are free to engage in as citizens of any other state. While it is rare, it is exactly what the IBIA determined that Congress intended to do with the Reindeer Industry Act--prohibit nonnatives from engaging in the reindeer business in Alaska even though they could raise reindeer in any other state.

The purpose of the Privileges and Immunities clause is to ensure that "the people of each state shall . . . enjoy therein all the privileges of trade and commerce, subject to the same duties, impositions and restrictions as the inhabitants thereof." *Slaughter-House Cases*, 83 U.S. (15 Wall.) 36, 21 L.Ed 394 (1872). While the scope of the Privileges and Immunities Clause has

changed since the *Slaughter-House Cases* in the 1870's, occupations are still clearly privileges of trade and commerce. *Supreme Court of New Hampshire v. Piper*, 470 U.S. 274, 105 S.Ct. 1272, 84 L.Ed 2d 204 (1985). The right to hold personal and real property is also such a privilege. *Ward v. Maryland*, 79 U.S. (12 Wall.) 418, 20 L.Ed. 449 (1870). The Privileges and Immunities Clause also protects the plying of one's trade. *Doe v. Bolton*, 410 U.S. 179, 93 S.Ct. 739, 35 L.Ed 2d 201 (1973).

The modern articulation of the test can be seen in *Supreme Court of Virginia v. Friedman*, 487 U.S. 59, 108 S.Ct. 2250, 101 L.Ed 2d 56 (1988). First, the activity must be one of the privileges of citizenship. *Id.* at 65. Second, the regulation is invalid only if it is not closely related to the advancement of a substantial governmental interest. *Id.*

As the cases above demonstrate, owning personal property such as reindeer and engaging in the reindeer business is a privilege of citizenship. Thus, the first element of the two part test is satisfied. In addition, the Reindeer Industry Act as interpreted by the IBIA does not closely advance a substantial federal interest. Instead, it advances an illegitimate interest--to grant monopolies in commerce on the basis of race. This interest is unrelated to preservation of the historical or subsistence needs of Alaska natives. By definition, native Alaskans did not have a monopoly over non-native reindeer. It is only such non-native reindeer that are involved in plaintiffs' business. No legitimate interest exists for depriving Plaintiffs of the right to continue that business.

8. **The IBIA's Interpretation of the Reindeer Industry Act Violates Plaintiffs' Fundamental Rights to Travel and Resettlement**

The IBIA's decision that the Reindeer Act absolutely prohibits the plaintiffs from engaging in the reindeer business in Alaska violates the plaintiffs' due process rights to travel and

resettlement. The Reindeer Act only applies to the reindeer industry in Alaska. Under the IBIA's decision, plaintiffs can engage in their business in any state in the country, except Alaska. This decision requires plaintiffs to either abandon their business or move and reestablish their livelihood in another state.

The leading case on the right to travel and resettle in the state of one's own choosing is *Shapiro v. Thompson*, 394 U.S. 618, 89 S.Ct. 1322, 22 L.Ed. 600 (1969). The Court invalidated a state law which imposed a one year waiting period before newcomers to the state would be eligible for welfare benefits. The purpose of the statute was to save the state money by avoiding the influx of poor people into the state. The waiting period certainly achieved that purpose. "But the purpose of inhibiting migration by needy persons into the State is constitutionally impermissible." *Id.* at 629.

The Court held that the statute impacted the right "to migrate, resettle, find a new job, and start a new life" in the state of one's choice. *Id.* at 629. Such an impact required that the law be justified by a compelling governmental interest. *Id.* at 639.

The ruling in *Shapiro* was explained in *Memorial Hospital v. Maricopa County*, 415 U.S. 250, 94 S.Ct. 1076, 39 L.Ed.2d 306 (1974). The Court held that, to affect the fundamental right of travel and resettlement, the law must deter migration and impose a penalty on migration. *Id.* at 257. Moreover, the Court recognized the right is more than a right to movement, but a right to locate and establish life in the state of one's choice. *Id.* at 255.

Shapiro and Dunn (v. Blums'ain, 405 U.S. 330, 92 S.Ct. 995, 31 L.Ed.2d 274 (1972)) stand for the proposition that a classification which "operates to penalize those persons... who have exercised their constitutional right of interstate migration," must be justified by a compelling state interest.

Id. at 258 (emphasis by Court in *Memorial Hospital*) (quoting *Oregon v. Mitchell*, 400 U.S. 112, 238, 91 S.Ct. 260, 27 L.Ed 2d 272 (1970) (separate opinion of Brennan, White, and Marshall, J.J.), rehearing denied 401 U.S. 903, 91 S.Ct. 862, 27 L.Ed.2d 802 (1971); recognized as superseded by constitutional amendment 492 F.2d 587 (D.C. Cir. 1974). The denial of welfare in *Shapiro*, the denial of medical care in *Memorial Hospital*, and the denial of the right to vote in *Dunn* were all penalties on migration.

The denial of the right to practice one's commercial livelihood of raising reindeer is a similar penalty on all who wish to settle in Alaska. This is not a ban on a business because it is dangerous or has public health concerns. If raising reindeer was a nuisance, it would be banned in all 50 states and no one would be allowed to engage in it. This is a case where the federal government has prohibited the reindeer business only in Alaska and only for people of a certain race. Plaintiffs are forced to uproot their lives and relocate to another state if they are to continue their livelihood. This is the antithesis of the right to freedom of resettlement confirmed in the cases cited above.

To force people to move out of state to practice their profession is a drastic step and can be justified under the Due Process Clause only by a compelling governmental interest. The United States can show no interest which is so compelling that it requires people to leave the state. If the IBIA's decision is upheld, Congress or the state could ban non-native Alaskans from engaging in any other profession. Such a result violates the right to earn a living in the occupation of one's choice in the state of one's choice.

IV. THE PLAINTIFFS ARE ENTITLED TO A DECLARATION THAT THEY ARE NOT PRECLUDED FROM FARMING REINDEER IN ALASKA WITH REINDEER IMPORTED FROM OUTSIDE OF ALASKA.

As demonstrated above, the IBIA erred as a matter of law in holding that the Reindeer Act prohibits the plaintiffs from engaging in commercial activities with reindeer imported from outside of Alaska. Since under the standard of review applicable to questions of law, this court must substitute its judgment for that of the IBIA, the plaintiffs are entitled to summary judgment declaring their right to engage in the reindeer industry with imported reindeer.

V. THE REINDEER ACT IS INVALID FOR THE REASON THAT IT VIOLATES THE UNITED STATES CONSTITUTION

A discussion of the application of the IBIA's interpretation of the Reindeer Act to the Right to Property Clause of the Fifth Amendment, the Equal Protection Component of the Due Process Clause of the Fifth Amendment, the Privileges and Immunities Clause of Article IV, § 2, and to the Fundamental Right to Travel and Resettlement are set out in §§ III. B. 4, 5, 6, and 7, above. That discussion is incorporated here. As that discussion demonstrates, the provisions of the Reindeer Act (even ignoring the IBIA's interpretation of that Act), violates the afore-mentioned provisions of the United States Constitution. To prohibit persons from purchasing reindeer in Alaska from Natives or the Government solely on the bases of their race or place of residence is just as much a violation of a person's liberty, property, equal protection, travel, and equal privileges and immunities rights as to prohibit persons, on the basis of their race or place of residence, from engaging in the reindeer industry in Alaska with imported deer. Similarly, to grant to Natives but not to non-Natives reindeer grazing permits on public lands is a violation of these same provisions of the U.S. constitution.

A fundamental obligation of the Courts is to safeguard the legislative infringements of the constitutional rights of all persons. Here, the infringement resulting from the Reindeer Act

on the constitutional rights of the plaintiffs and others was amply demonstrated above. Accordingly, this Court should declare the Reindeer Act to be invalid.

VI. THE IBIA ERRED IN RULING THAT THE REINDEER ACT WAS NOT REPEALED, AT LEAST IN PART, BY THE ALASKA STATEHOOD ACT AND THE ALASKA OMNIBUS ACT

Congress enacted the Reindeer Act while Alaska was still a territory -- over 20 years before Alaska became a state. The Reindeer Act of 1937 was incorporated into the Territorial Laws of Alaska. See, Compiled Laws of Alaska (1949), §§ 33-3-31 -- 33-3-45.

At the time of statehood for Alaska, Congress enacted the Alaska Omnibus Act, Pub. L. No. 86-70, §373, Stat. 141 (1959) (the "Omnibus Act"), which provides, in part, as follows:

Any Territorial law, as that term is defined in section 8(d)[of the Statehood Act], the application of which to the State of Alaska is continued solely by reason of such section 8(d), shall cease to apply to the State of Alaska on June 30, 1961, or on the effective date of any law enacted by the Legislature of the State of Alaska which modifies or changes such Territorial law, whichever occurs first.

Section 8(d) of the Alaska Statehood Act of 1958, Pub. L. No. 35-508, 72 Stat. 339 (the "Statehood Act") defines a Territorial law as any law "the validity of which was dependent solely upon the authority of the Congress to provide for the government of Alaska."

There is no question but that the Reindeer Act is a law that falls within the definition of §8(d) of the Statehood Act. There could be no clearer statement that the power of Congress to enact the Reindeer Act sprang solely from Congress' power to govern the Territory of Alaska than the statement of Representative John E. Rankin to the Chairman of the Committee on the Territories:

THE CHAIRMAN If we were to pass this bill and they should buy up the interests of the nonnatives in reindeer and turn them over to the natives, does

not the bill have a clause that would prevent the non-resident or nonnative from again embarking in the reindeer business?

MR. DIMOND. Yes.

THE CHAIRMAN. If it does, would that be operative? Mr. Rankin is a better lawyer than some of us.

MR. RANKIN. The Territory of Alaska from a constitutional standpoint is in the same position as is the District of Columbia. The question of States' rights does not intervene. We have all the power in the Territory that the State government and the Federal Government combined have in a State.

Id. at 26

From the foregoing, it is evident that at least that portion of the Reindeer Act that "prevent[s] the non-resident or nonnative from again embarking in the reindeer business" depends entirely for its validity upon Congress governmental authority over the people residing in that Territory. In holding that the validity of this provision is "grounded first and foremost in the plenary power of Congress to legislate for the benefit of Alaska Natives," the ISIA was clearly wrong. While Congress may have the power to distribute money and property to, and confer other benefits upon, the Natives in Alaska, that power does not extend to regulating, much less banning, the otherwise lawful activities of non-Natives on their privately owned land.

If any government had such power (and, as argued above, none does), that power could only arise from a government's power to govern and legislate for its own citizens. That power Congress ceded to the State of Alaska at the time of statehood, and those laws, such as the provisions of the Reindeer Act that purport to ban non-Natives in Alaska from engaging in the Reindeer industry, which Congress adopted pursuant to its territorial governing powers, were specifically repealed by Congress with the passage of the Statehood Act and the Omnibus Act.

The conclusion that the Reindeer Act, or certain of its provisions, were repealed by the Statehood Act and the Omnibus Act is especially compelling if this court were to conclude (wrongly, as demonstrated above) that the Reindeer Act should be interpreted as preventing Mr. Williams from "embarking in the reindeer business" with reindeer imported from outside of Alaska. Given Representative Rankin's belief that Congress could prevent non-Natives in Alaska from "embarking in the reindeer business" only because of its territorial governing powers, the case becomes even stronger if the provision is expanded to ban non-Native citizens of the State of Alaska from bringing to Alaska an animal that the citizen could lawfully own in any other state of the union.

Beyond the specific provisions banning the otherwise lawful activity of non-Native citizens of Alaska, history demonstrates that the entire Reindeer Act was an economic endeavor to aid certain people in the Territory of Alaska. See, Ornulv Vorren, *Saami, Reindeer, and Gold in Alaska* (1994). The Reindeer Act was intended to develop a reindeer industry for certain Native Alaskans. Sheldon Jackson, the missionary and government agent who largely inspired the effort to create a reindeer business for western Alaska Natives in the late 1800's and early 1900s, evidently viewed a reindeer industry as a way for indigenous Alaskans to fit into the 20th Century and to overcome loss of wild game in their local areas due to overharvests. Vorren, *id.*

In short, the Reindeer Act was an economic measure rather than an effort to reverse prior racial discrimination. Whether based in part on Congress's authority to deal with Native Americans or on Congress's authority to deal with interstate commerce and with its territories, the 1937 Act's provisions for a Native reindeer industry was a law, "the validity of which was dependent solely upon the authority of Congress to provide for the government of Alaska."

Alaska was admitted to the United States on an equal footing with all other states. Pub. L. 508; 72 Stat. 339. To be the only state in the union where certain people are deprived of the right to engage in the business of reindeer herding because of their race or ethnic origin discredits Congress's assertion of equal footing. The automatic repeal of outdated and racially-biased laws in the Omnibus Act fortified Congress's intent to make Alaska a state with the same opportunities other states had to allow all races to pursue their chosen occupations

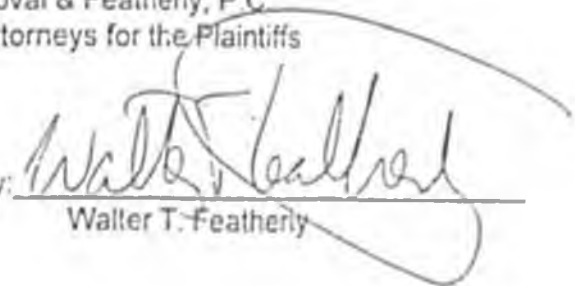
VIII. CONCLUSION

For the reasons stated above, the IBIA erred in ruling that the Reindeer Act prohibits the importation of reindeer reindeer to Alaska by non-Natives. Even apart from the IBIA's error, the Reindeer Act, or portions of it, violate the United States Constitution. Finally, the Reindeer Act, or at least the provisions in it that prohibit non-Natives from owning reindeer in Alaska, were repealed by the Alaska Statehood Act and the Omnibus Act.

WHEREFORE, judgment should be entered in favor of the plaintiffs in accordance with the foregoing conclusions.

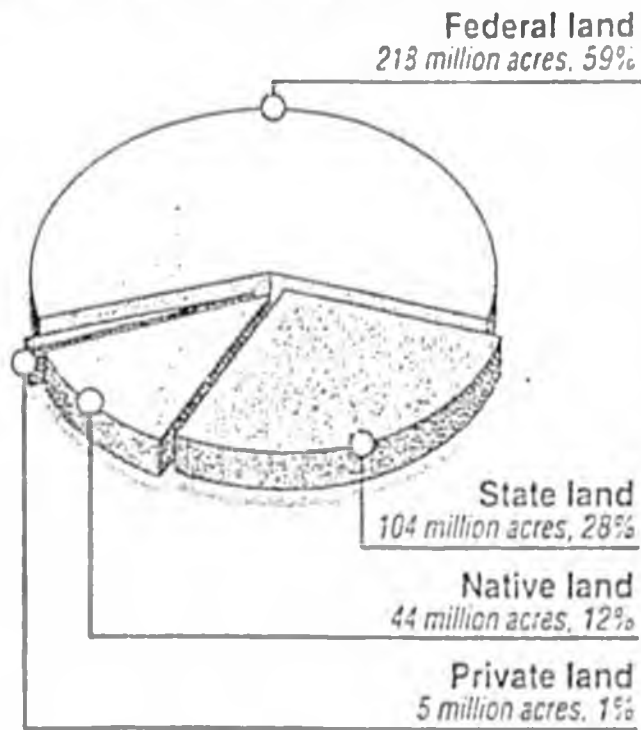
RESPECTFULLY SUBMITTED this 8th day of November, 1994.

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Who owns Alaska?



Source: Alaska Department of Natural Resources

KEVIN POWELL / Anchorage Daily News

EXHIBIT A