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Department of the Interior Solicitor Thomas L. Sansonetti today issued a long-awaited legal opinion that explores the extent of Alaska Native village jurisdiction over land and non-village members.

The opinion concludes that Native village jurisdiction was significantly limited by Congress in 1971. The opinion, however, also reaffirms longstanding Departmental and Congressional actions which include Native villages as tribes for purposes of many programs of the Bureau of Indian Affairs and other federal agencies.

Issuance of the opinion culminates two years of historical and legal review by the Interior Solicitor's office. The opinion was requested in 1990 by Secretary of the Interior Manuel Lujan to aid the Department in reviewing jurisdictional claims raised by the Native villages. It is intended to provide guidance in resolving difficult state-federal-village disputes over who has police and regulatory authority over lands.

In his opinion, Sansonetti concluded that Congress, with passage of the 1971 Alaska Native Claims Settlement Act (ANCSA) decisively eliminated village jurisdiction over village and Native corporation lands and non-village members.

"In our view, the purposes of ANCSA to develop state chartered business entities and to avoid the establishment of any reservation system, trusteeship or other racially based institution, would be frustrated by a determination that enclaves of federal and tribal jurisdiction continue to exist," Sansonetti stated.

The Solicitor also noted, however, that this conclusion did not mean a change in the relationship between the Federal Government and Native villages. Sansonetti spent considerable time in the opinion on the tribal status of villages.

"In our view, Congress and the Executive Branch have been clear and consistent in the inclusion of Alaska Natives as eligible for benefits and programs under a number of statutes designed to benefit Indian tribes and members," Sansonetti wrote. His opinion recognizes the fact that Native villages have been considered tribes for many purposes. Sansonetti expressed his hope that the exhaustive review of the history, law and government policy would be beneficial to all who deal with Native village jurisdictional issues. The opinion was forwarded to the United States Department of Justice for use in determining the position of the United States in future litigation.