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Alaska Federation of Natives Convention, October 26th-28th, 1972 [?]

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Wright says that the chairman is not going to be railroaded through without the discussion. There's a consensus that there should be a treasurer's report and at least a report from auditors as to the status of the organization before they vote on it. While the secretary is passing out copies, Wright will read the resolution. It says that all debts, rights and privileges of the Alaska Federation of Natives [Later, AFN] and the unincorporated association will be transferred to Alaska Federation of Natives Inc., a non-profit corporation that was incorporated under the laws of State of Alaska. AFN is dissolved on this "blank date [to be filled out in signing the paper]," October 1972.

Wright says he's going to make a couple of points very clear and has asked a lawyer to explain what it means. He asks Mr. Ken Bass to come up and give a brief explanation on what it means to dissolve. In the meantime, Wright says that he's been advised by a council that an association may not dissolve itself while a litigation is pending in the court of State of Alaska. There are pieces of litigation pending in the courts in the State of Alaska about that issue. Association may not dissolve itself when it has creditors who have not been paid and who have called their notes, such as Tyonek, who made a demand on their note as a creditor. An association may not dissolve without a permission of all of those individual creditors. Wright says he wants the attorney to explain his view on the matter.

2:25 Ken Bass thanks the president and says that he's not a member of the Alaska Bar but of Districts of Columbia and Virginia. He's been serving as a council for the AFN in federal matters. He is qualified to speak about the general law of associations and has discussed the matter to some extent with Alaskan lawyers. The opinion that he expresses is his own as it's reflected by what their comments have led him to believe.

An association is nothing more than a group of people. It has no independent existence. An association can't make a contract, take a loan, or have a debt but the people who make up the association can. An association acts through a delegation: it elects board members and it elects people to act on behalf of its members. Those agents of the members can incur legal obligations for themselves and for the members only through an agency. It means that everything the association has done in the past is ultimately a responsibility of some individual Alaska Native, or a group of individual Alaska Natives. It's very hard to say who is responsible for any single obligation, but as a general rule, the closer the individual was to a particular act, the more he was personally responsible for carrying out that act and the greater his liability.

The liability can reach down to individual members of the association to the extent that they participated and directed the affairs.

4:36 Ken Bass talks about dissolution of an association: The legal effect of a dissolution, which can be carried out regardless of outstanding debts and litigations, is that the people who make the association say that they will no longer do anything in the future to incur any obligations as a group. Their elected officers have the agency dissolved. That dissolution can only go as far as to act in the future and it can't absolve the association with its past debts. AFN has past debts and there will be an obligation on the association's officers, directors and individual members until the debts are paid by somebody.

Once the debts are paid, the person who paid the debts stands in the place of the old creditor and he can come back against the association unless all of the liabilities and rights of the association are transferred to that same person. If the association transfers all its rights, assets and liabilities to AFN Inc., and if AFN Inc. then pays the indebtedness, the right of coming back against the association will be dissolved. Until the debt is paid the right will be there and nothing can be done to stop it.

He thinks that the association can dissolve itself although the past obligations will be there until they are paid. If they are paid by the person to whom all the assets and liabilities of the association are transferred, then that payment will dissolve the outstanding obligation to each individual. [Break in the recording.]

7:24 Wright thanks Mr. Bass and says the chair will exercise a little more prerogative. He wants to make a couple of things clear to the convention: The most important thing in his view is to see unity amongst Alaska Native people, but only if they honor their debts. There are 6 billion dollars in banks around the country that will be paid to the Natives of Alaska. They promised Tyonek, the Yakima, to the Bank of Alaska, and to other creditors that when they get the land claims settlement money, they will pay their bills. AFN Inc. has not yet organized to the point where they have commitments from all the 12 regional corporations that have received money under the act.

Wright says he feels that it's his duty and obligation to fight until the bills are paid but he has no desire to run for office in AFN again. He wants to go out honorably as he got in honorably. He thinks it's sad that they don't pay their bills or honor the leaders who do what they are instructed to do.

9:17 Wright says he's going to read a prepared statement and then the convention can proceed. His statement will address the fellow members of AFN and he says he had been asked to open the convention which had to be called in October due to their bylaws. Last year's convention was recessed from October to December. Their membership in the villages expected a December convention and has made preparation to attend to the convention, but this October meeting was made necessary by the bylaw requirement. It's obvious that much of their membership will not be able to attend at that time. Instead there is a minority group of people who have been handpicked and transported to the convention at State expense for political influence. Such a meeting is not representative of Native people of Alaska and can't consider such far-reaching proposals as the one that was placed on the agenda without Wright's knowledge or consent, namely, the dissolution of Alaska Federation of Natives and replacing it with a tightly led corporation that would not be responsible for Native people of this State.

Wright recaps that now there is not a sufficient membership of AFN present in order to act legally on this matter or any others in the agenda, and declares the convention to be in recess until December 15th, 1972

at 10am when there will be a convention in Wildwood Complex in Kenai. Wright recesses the convention.

11:35 A man shouts “a point of order,” and says that the president can’t recess the convention. Wright says that the delegates have witnessed the good faith of their people in the convention to come together and resolve important matters with equity and dignity. Whenever they have fundamental differences, the well-being of their people takes a second place to individual differences or political maneuvering. It is “we the people” who have the right, authority, and power to determine their futures and to determine where the convention will go. No one has such authority that they can unilaterally and without “your” participation remove “your” rights to be heard. The call for recess exceeds the powers of the individual who called for it.

He asks that the first vice president comes forward and he asks that people remain with them since they have business to conduct. He asks for about 5 minutes of recess and asks the vice president to come forward to assume the chair. [People talking indistinctly.]

At 13:44 a man’s voice calls the convention into order. He says that before they proceed, he is going to call a parliamentarian who can explain them what the proper procedure is in “these kinds of situations.” He will ask if the chairman has a right to discontinue a convention. The parliamentarian says that the chairman doesn’t have the authority to discontinue a convention. Once the convention is convened, delegates have the authority to either adjourn or [unclear]. The Constitution authorizes people to act in the absence of the president.

The first man says that in the absence of the president, the chair will rule that the convention will proceed. Another man says the first vice president asked if he’d continue being a chair [man] and there’s a motion to adopt a resolution that’s made by John Sackett. He continues that they will go back and check the minutes to make sure that everything is in order and while the secretary is checking, they will have a five-minute recess. If there’s no further discussion, secretary will call a roll on adopting the resolution.

At 15:53 a woman’s voice counts Tlingit and Haida ANB [Alaska Native Brotherhood], John Borbridge; AVCP, Philip Guy; Kodiak, Hank Eaton; Bristol Bay, Harvey Samuelson; Kenai, George Miller; Copper River, Herb Smelzer; Nome, Martin Olsen; Unalakleet, Frank Degnan; Tanana Chiefs, John Sackett; Aleut League, Mike Swetsoff; Kotzebue, Robert Nolan. [Break in the recording.]

[Indistinct socializing.] A man’s voice calls the people back to order and says the secretary will read the totals. She reads: 470 yes, 22 ½ absent, 19 sustained and 33 no.

The man says that convention resolution no. 72-1 is passed, and that that is the last resolution of the Alaska Federation of Natives. Since there is no longer Alaska Federation of Natives, he can’t adjourn it so he will just turn it to Willie Hensley, the president of AFN Inc. [Applause.]

Hensley says that change is not always easy and that he thinks they have a large challenge ahead of them. It seems that they are in similar stage than they were 6 years ago when they tried to define the kind of organization they would like to work with. A man’s voice from the audience asks who are taking part in the new AFN Inc., and if it’s just 12 people who took over. Hensley says it’s common knowledge that the representatives on the board of directors of AFN Inc. are selected by each of their regions. They are not self-appointed people.

Another person in the audience wonders if it's a board meeting or a membership meeting and what the structure of the body is. Hensley says that the structure will be created during the meeting. He feels that under their previous structure it was impossible to take care of the problems they have. It was impossible to try to define means of paying off the debt that everyone is so interested in. That's one of their objectives but they have a greater objective too: to preserve and protect the land claims settlement and they have to define a structure that will allow them to do that.

A person from the audience asks why Hensley doesn't put it plainly that this was just a power-struggle between people, and not about the debt. Another person motions for recess until the following day, and somebody seconds it. Hensley asks everybody in favor of the motion to say "aye," they vote aye and Hensley says they'll meet the next morning. [Applause.]

[End of the recording.]