

"I may not agree with a word you say but I will defend unto death your right to say it." — Voltaire

PEACEFUL STRUGGLE FOR JUSTICE

(EDITOR'S NOTE: The following article by Justice Arthur J. Goldberg was recently syndicated by the Associated Church Press for distribution to the religious media throughout the United States—Protestant, Catholic and Jewish. Although the subject matters the article has dealt with have been mentioned in the Tundra Times, Justice Goldberg has treated them concisely and with vast authenticity.)

By ARTHUR J. GOLDBERG

CONCERNED AMERICANS are joining with the Alaska Federation of Natives in its peaceful struggle for justice. The General Assembly of The National Council of Churches has unanimously adopted a resolution to support Alaska Native Land rights. Its call for just and equitable settlement of the Native Land issue by Congress reflects the conscience of America.

THE INDIANS, ESKIMOS, AND ALEUTS of Alaska are among the few hunting and fishing societies remaining in the world today. But, these 60,000 Alaska Natives are threatened with having their lands expropriated by the State of Alaska.

As far as justice is concerned, it is all on the side of the natives. They have conclusive legal and moral claims to most of Alaska's 375 million acres. Since 1823, when Chief Justice John Marshall, in the case of JOHNSON V. M'INTOSH announced that America's original inhabitants are "the rightful occupants of the soil with legal as well as just claims to retain possession of it," the Alaska Natives have neither sold, nor ceded their lands, nor have they lost them in war.

WHEN THE UNITED STATES acquired Alaska from Russia in 1867, it explicitly recognized Native land rights. Then, in 1958, when Alaska became a State, Congress granted it the right to select 103 million acres of land from the public domain. However, included in this Statehood Act was a stipulation by Congress specifically designed to protect Native land rights: "The State and its people do agree and declare that they forever disclaim all right and title . . . to any lands or other property (including fishing rights) the right or title to which may be held by any Indians, Eskimos, or Aleuts."

IN THE ORGANIC ACT of 1884, which established territorial government in Alaska, Congress further acknowledged the Natives' right to the land, stating, "The Indian . . . shall not be disturbed in the possession of any lands actually in their use or occupancy or now claimed by them."

DESPITE THIS clear statement, and violation of the express intent of the Congress to protect the Natives' rights to the land, the Department of Interior's Bureau of Land Management has, since 1958, granted the State "title" to 6 million acres of land and tentatively approved the transfer of another 12 million acres. The oil boom currently taking place in Alaska threatens to accelerate the dispossession of the Natives. The Atlantic Richfield oil strike at Prudhoe Bay and the \$900,000,000 sale of oil exploration rights on a portion of the North Slope in September 1969 are on lands selected by the State without due recognition of the Native land rights.

IN 1966, the then Secretary of the Interior, Stewart L. Udall, halted the transfer of the twelve million acres and suspended the issuance of new Federal oil and gas leases on Native lands pending a settlement by Congress of the issue of title to the lands.

THE PRESENT SECRETARY of the Interior, Walter J. Hickel, was governor of Alaska when Secretary Udall halted these further transfers. The State of Alaska, acting at Governor Hickel's direction, filed a law suit against Secretary Udall in the Federal District Court of Alaska seeking to compel Secretary Udall to complete the transfer of certain of the Native lands which he had blocked.

IN DECEMBER 1969, the U.S. Court of Appeals for the Ninth Circuit handed down an historic decision. The court rejected the State's argument that lands used by the Natives for trapping, hunting and camping are "vacant," and ruled that the State is prohibited from taking Native-used lands. Whether the State will contest this decision remains to be seen.

HOWEVER, one thing is clear: the Natives will never be secure in the possession of their land until Congress acts to grant them protection.

ALTHOUGH CONGRESS, in the Organic Act of 1884, promised to grant title to the Natives, it has failed to do so for close to a century. Justice is long overdue. In a bill now before Congress, the Alaska Federation of Natives, which represents the State's three aboriginal ethnic groups, has proposed that title to 40 million acres be apportioned among the many villages. This is roughly 10 per cent of the land which they claim.

IN RETURN for waiving their claims to more than 300 million acres of land—worth tens of billions of dollars—the Federation asks for cash compensation in the amount of \$500 million (about \$1.50 an acre) and a 2 per cent royalty on minerals, which would be paid to Native-owned villages, regional and statewide development corporations to be used for self-help programs in health, education, housing, employment and economic growth.

THE FEDERAL GOVERNMENT, on the other hand, has offered \$500 million, payable in installments over a long period without interest, no royalty, and 12 million acres of land, without mineral rights (the acreage it proposes amounts to only 3 per cent of the land, yet the Natives comprise 20 per cent of the State's population.) This fails to do justice to the rights and needs of the Alaska Natives, who regard the land as essential for their survival as people.

THE LAND is not only the basis of their ancient subsistence economy; it is the source of their social and cultural heritage, their spiritual strength, and their identity. Proud and self-sufficient, Alaska Native families live by hunting and fishing, much as they have for centuries. Settled in some 200 isolated villages, they range over an area three times the size of Texas in their search for food. Conservative in their use of the resources of the land and its waters, they find a livelihood where most of us could not survive for a week.

ESKIMOS TRACK HERDS of caribou by dogsled across the frozen tundra. They hunt whale, walrus, and seal from skinboats in the Arctic Sea. Indians on snowshoes stalk moose in the spruce forests of the Interior. Rivers and lakes are fished for salmon, whitefish, and pike. Summer brings flocks of ducks and geese. The importance of clean air, open spaces, and unspoiled streams, which the Natives still enjoy, urban America is only beginning to rediscover.

GIVEN THEIR LIMITED access to the mainstream of American economic life, it is not surprising that they look to the land for their present livelihood and future well-being.

THERE IS MUCH in the condition of the Native villagers that should trouble the national conscience. It is a shocking fact that the average age at death of an Alaskan Native is 35. Only one out of ten Native children finishes high school. The income of the average villager, if he has any income, is only one-quarter that of the white Alaskan. The Federal Government can take no pride in these findings after a century of its stewardship over Native affairs in Alaska.

THE SETTLEMENT proposed by the Alaska Federation of Natives would afford the Native people a meaningful opportunity for self-determination and a viable future. They live in delicate balance with the land; should their way of life be destroyed, their insights and skills will be lost to all of us, perhaps never again to be recovered.

THEY HOPE TO EVOLVE a life style unique in the world today—one that conserves the riches of their land and their traditional life and benefits from new opportunities that industry, science, and the arts can contribute to their personal and community fulfillment. In a world that is rapidly becoming uninhabitable, the Alaska Natives can perhaps show us a way to live in harmony with the land and all its creatures.

THE SENATE COMMITTEE on Interior and Insular Affairs, which is headed by Senator Henry M. Jackson, and the House Committee on Interior and Insular Affairs, headed by U.S. Representative Wayne N. Aspinall, are both considering bills to protect the rights of the Alaska Natives (S-3041 and HR-14212, respectively).

CHURCHMEN of all faiths have priceless opportunity to see that America does justice to its first inhabitants, whose treatment in the past reflects little glory on our nation.

Anyone Likes Log Cabins? Learn at UA

Would you like to learn how to build a log cabin or house?

A five session non-credit course will be offered through the Division of Statewide Services at the University of Alaska beginning March 25th.

The class will meet from 7:30 to 9:30 p.m. on March 25, 31 and April 8, 22 and 29. Fee is \$6.00 for the course.

If interested phone 479-7295.

Letters to the Editor

February 23, 1970

Dear Mr. Rock:

Having read two of your issues furnished to me by one of your subscribers, and laughed my way through Fred Stickman's letter-to-the-editor, I feel compelled to write a letter of appreciation both for your paper and your "inimitable" Mr. Stickman.

As a newspaper woman, and particularly one in a small isolated community, I took particular note of your interesting news items and thought what great fun it must be to live and work in such a fascinating area. I did a feature both for my own paper and a metropolitan newspaper (on whose staff I have been for several years as a correspondent) on your subscriber, Claude Miller, a Washington Indian residing in our parts and subsequently embroiled in Indian affairs in his native state, much like and in conjunction with the Indian problems reported in the Tundra Times, hence my interest in your fine reporting.

I must also admit that I am dying to see a picture of Mr. Stickman . . . he must be SOMETHING ELSE! And wish I were working in an area such as yours. Big Bear Lake is a mountain resort of about 7,500 people . . . our circulation is around 5,500, second class . . . and has its own peculiarities of handling in keeping our "natives" happy. It's a ball.

It is nice talking with you. . .

Arra Moon

While the Editor Wasn't Looking—

Bonnie's, Susan's Machines Whir, Rattle — Then Giggles

(EDITOR'S NOTE: Dear readers, the following letter was written in the Tundra Times office while the editor was busily pasting up last Friday's paper in the composing room. Fred Notti was in the office talking with Bonnie and Susan. During Fred's visit, there were moments of silence, occasional whir of Bonnie's composing machine and rattle of Susan's ancient typewriter. And then there was staccato of titters and giggles—the result of the girls' reading of Fred's letter. A kind request indeed—Fred's letter—which left the editor speechless. The missle does remind him, however, that he has had only three weeks of vacation in seven and one half years of publishing.)

February 26, 1970

Dear Editor:

This letter will cover many subjects; the main thing being your next vacation.

First, while I have been traveling, I decided I should run for the State House from district 15.

I stopped in Nulato, and asked my good friend Ali Gash, (Fred Stickman) for his support. He would travel with me and we could both campaign for the same slot. When my other close friend John Sackett returns from Juneau, I will make the same offer. I think we could all have a ball doing it this way. Ali Gash told me I would be easy for him to beat in the primaries. I want to support him all the way.

Secondly, I would like your help in gaining a feasibility study for developing a new port at Galsovia, and a new shipping center at a point on the Yukon called Eagle Slide. This would save the people on the middle and lower Yukon many thousands each year in shipping costs. All it would take is about 70 miles of road from the Norton Sound (Galsovia) to the Yukon (Eagle Slide).

Shasha Kahanaha of Anchorage is now doing research on this. If we can all hit our legislators with the idea of spending a little

money in the "bush" areas rather than all the large cities, only then will we begin reaping the rewards of being an equal citizen.

Now Hear This! The real reason for this letter is a fund drive. It's a "Let's Send Poor Howard on a Rest Vacation" fund drive. I will start it out by throwing in five dollars. With three thousand subscribers, if everyone threw in a dollar that should take "poor Howard" to Hawaii for a couple of weeks. There are no committees or chairman, only Howard and his girls at the Tundra Times office, Box 1287, Fairbanks, Alaska 99701. Mail in your dollar to "Poor Howard's" Vacation fund now.

Thank you all for listening.

Sincerely,
Fred Notti
Aniak, Alaska 99577

P.S. We all welcome Susan Taylor on the Tundra Times staff and we are all broken-up after hearing we are going to lose Bonnie Ericsson.

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