

Aspinall Bill Stresses Native Land Use Not Property Rights

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WASHINGTON — The intent of major provisions of the Alaska Native land claims legislation introduced in the House by Rep. Wayne Aspinall, Chairman of the House Interior and Insular Affairs Committee, and Rep. James Haley (D-Fla.) was explained in a memorandum circulated by legislative counsel of that committee.

The memorandum summarized seven major provisions of the legislation which was introduced last week.

According to the summary, the premise for the Aspinall bill is the need to protect Native use and occupancy for the purpose of maintaining a subsistence economy rather than to "recognize Native use as a private property right in all public lands in Alaska."

Secondly, the legislation would enact a final settlement

of the Native claims and effectively extinguish all established claims.

In discussing the land grants provided for in the Aspinall bill, the memorandum placed little emphasis on the requirements

for any specific acreage to be granted to Natives.

"The 40 million acre figure is used for psychological purposes. It could be omitted and the Secretary would then

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grant subsistence permits on whatever acreage is needed," it stated.

The only fee title provided for in the Aspinall bill would include each village and the area surrounding each village to the extent of three times the size of the village.

Individual Natives living in urban areas would be allowed 160 acres outside village areas.

The legislative counsel contends that Natives could fare well with use permits on federal lands and does not need full ownership of Native claimed lands.

With regard to the future development of areas now claimed by Alaska Natives, the memo stated, "The final decision, however, should not be vested in one segment of the population (Natives), but should be made after considering the interests of all of the people."

The Aspinall bill does not provide for an over-riding royalty in perpetuity from mineral revenues from federal lands.

The billion dollar package, over a period of twenty-five years, would include an initial \$250 million from the federal treasury, \$250 million over a ten year period from federal revenues, and \$500 million over a 25 year period from the state share of mineral revenues from federal lands.

One of the most controversial aspects of the Aspinall legislation is likely to be the administration of the settlement proceeds.

The memo was quick to enumerate the disadvantages of the native corporations.

Primary fears include high costs of operation, creation of a financial giant, the difficulties of assuring equal benefits, lack

of individual opportunity, and duplicity of governmental organization.

The memo also stated that Alaska Natives might not be capable of looking after their own interests in a corporation situation.

It noted a "lack of effective democratic controls in a large corporation, particularly with unsophisticated people..."

Whether or not this vague reference to Native ability may be construed as racism, it is obvious that the authors of this legislation feel that Alaska Natives do not possess sufficient sophistication to function within a corporate establishment.

This fear of Native inexperience is also evident in the provision which would require Natives to be appointed rather than elected to the controlling agency established for the settlement.

Another provision is simply explained. "Attorney fees for lobbying the legislation are severely limited."

The final provision of the legislation would eliminate the Bureau of Indian Affairs in Alaska and delegate the state the power to control and administer programs and funds earmarked for Alaska Natives.

"The principal effect is to end the BIA organization in Alaska and channel federal education, welfare, and health aids through the State," the memorandum said.

This provision is also likely to be strongly opposed by Native leaders who feel that ongoing programs should not be terminated until it is determined that the needs of Alaska Natives can be otherwise met without turning the settlement into a welfare program.