

# Letters to the Tundra Times

## On Russian document story

Tanadgusix Corporation  
St. Paul Island, Alaska 99660 -  
October 24, 1979

Mr. Tom Richards, Jr. Editor  
Tundra Times  
639 "I" Street  
Anchorage, Alaska 99501

Dear Tom:

I read with great interest the article entitled "Imperial Russia didn't rule Alaska Natives." As you know the Aleut Tribe of the Pribilofs has been pursuing a claim in the Indian Claims Commission for monetary damages for past injustices wrought by the federal government. Perhaps you did not know that part of this case, launched in 1951, included a claim of Aleutian lands based on *prescriptive* use and not aboriginal use. We engaged a Czarist (Russian) lawyer to give expert testimony in this case with regard to the definition of *prescription*. According to article 535 of the Czarist Civil Code, anyone who occupied land (under Russian jurisdiction) for a period of 10 years had full and unconditional property rights. Our Czarist attorney testified to this effect in the U.S. Court of Claims in 1973. The Indian Claims Commission threw out our land claim based upon prescription in 1972 because they believed that ANCSA extinguished our rights. We subsequently appealed to the U.S. Court of Claims which upheld the Commission rulings for two reasons:

1. The Koshvizov memorandum, which your paper refers to, did not prove any claim to fee simple title of land because the Russian American Company charter provided that Aleuts could be moved from place to place, as all aboriginals in Alaska could if under Russian jurisdiction; thus, this demonstrated no recognition of native land ownership.

We argued that this was a process of government land con-

demnation which could take place under any government against any fee simple land owner.

2. Aleuts has to serve in the Russian American Company for a certain number of years which constituted slavery, thus no acceptance of land rights.

We argued that this was a draft and did not result in property loss.

Of course, some of us suspect that the real reason the Court of Claims did not reverse the Indian Claims Commission decision was their fear of facing one tough decision which they did not want to make. The Court of Claims understood the basis of ANCSA and said that this case could be a basis for a separate claim against non-natives and the government. If this concept was included in ANCSA, it would, by necessity, extinguish white man's claims as well as aboriginal claims — which is a prospect that would not have been acceptable to Congress.

We know that the U.S. Justice Department had knowledge of Kostivizov memorandum, and

this can be verified through our attorney in Washington, D.C.

Thank you,

Larry Merculieff  
President

P.S. We are still litigating this case by the way.

## On emergency transport services

*(Editor's Note: Tundra Times has also received a copy of a nearly identical letter sent to Mayor John Carlson of the North Slope Borough from Mayor Hopson.)*

North Slope Borough  
Office of the Mayor  
P.O. Box 69  
Barrow, Alaska 99723  
October 22, 1979

Mayor William Wood  
City of Fairbanks  
410 Cushman  
Fairbanks, Alaska 99701

Dear Mayor Wood:

I have been recently informed of an on-going dispute between  
(Continued on page 7)

# • Letters

(Continued from page 2)

the City of Fairbanks and the North Star Borough concerning the responsibility of providing ambulance services to the various Fairbanks locales.

This, by no means is a small issue. North Slope Borough residents and those of the villages surrounding Fairbanks are, too, affected.

We here on the North Slope must, at times, transport patients to Fairbanks for treatment at Fairbanks Memorial Hospital. In most cases, the patients require emergency care, and I will not speculate how a delay in getting medical attention could result.

I understand that the Northern Alaska Health Resource Associa-

tion, the regional health systems agency, is the acting mediator in the discussions between the City and the Borough. NAHRA has informed me that a volunteer ambulance service responds to calls beyond the City limits. I am also aware that the International Airport, where all North Slope patients land, is outside of City limits.

I am not questioning the dependability of a volunteer service, but I and other Borough residents would feel more at ease knowing a service is assured.

I urge you to settle this matter, and hope it is done before serious incidents involving hospital bound patients occur.

Sincerely,  
EBEN HOPSON, MAYOR