

Mumbo-jumbo Legal Ad That Gave Away Native Lands Titled Shysterism

By GEORGE E. UTERMOHLE, JR.

Recently the Anchorage News published a group of informative articles by Jane Pender, of Big Lake, on the North Slope and its Eskimo population. The series was obviously the result of extensive investigation and considerable personal experience. One of the remarkable and almost unbelievable statistics in the series "Crisis on the North Slope" indicated that there are 57 million acres on the Slope, and the Eskimos, through the benevolence of the Department of the Interior, own a sum total of approximately 750 acres. If you like to make comparisons, this means that the Eskimos own just about one half of a square foot of every square mile of land on the North Slope. Before the coming of the white man with his disease, whiskey, religion and justice, 28,000 Eskimos managed to wrest a living and a self-respecting existence from the most hostile environment on the face of the earth. To accomplish this

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'Mumbo-jumbo' Ad...

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they utilized all of the area north of the Brooks Range.

The author ess documented and discussed at length how within the past three years the Department of Interior had legally given away two million acres of Eskimo lands by the mechanics of placing an ad in a weekly Interior Alaska publication. An ad that was hidden on an inside page of a weekly paper, that was written in the legalistic mumbo-jumbo of a language many Eskimos could not have understood even if they had been able to read. This is not "impeccably legal" as it has been described. This is legal shysterism and is wrong as a 18th century constitution that allowed slavery.

But, over, above, and beyond the quiet legalistic footwork which sneaked this deal past the unsuspecting Eskimo, other highly questionable actions have been taken by federal land authorities. The fact that former federal employees who were involved in land administration are now in private land business in the very areas where they previously established policy certainly represents a conflict of interest. While this situation with respect to federal administrators may not be illegal, it does have ethical implications which are prejudicial to those dedicated Department of Interior employees who attempt to fairly implement federal land policies.

The Eskimo of Alaska has been disenfranchized by the Department of Interior of the previous administration in the same way that they were cheated out of their lands by the Czar of Russia a hundred years ago. The Czar of all the Russians denied that the Eskimo and Indian had any rights or standing as property owners. The benevolent Department of Interior under the leadership of Secretary Udall has done the exact same thing. This is not an idle jest or opinion. The Department of Interior in the Federal Register of September 23, 1966, decided that the Eskimo would not be allowed the protection which any man in any part of the lower 48, white or black—but not the Eskimo in Alaska—could expect when the Federal Government sells an oil lease on the ground where he lives. What makes the white or black settler of the other states any different from the Alaskan Eskimo settler or resident? Perhaps Mr. Udall, the Johnson Administration Secretary of Interior, can explain the action of the department which denied the rights of an American citizen to all of the Eskimos who live along the Chukchi Sea. The wording of this masterpiece of discrimination is as follows: "The provision (of Federal laws) pertaining to settlers are not applicable. . . to offers filed" in this area. (The oil lands bordering the Chukchi Sea are considered by many to be the hottest unproven potential oil lands in the world today.)

The federal land regulations state a "Patnetee who made entry prior to February 25, 1920. . . shall be entitled. . . to a preference right to a lease. . ." A settler whose settlement was made prior to 1920 also has such a preference right. The regulation is repeated for emphasis—A settler whose settlement was made prior to 1920 has a preference right. This means that before a lease can be issued the settler must be given the opportunity to obtain the lease. But the Department of Interior has officially decided that this provision of U.S. law will not apply to Eskimos. All of the North Slope has been the exclusive home of the Eskimo since earliest recorded history. The fact that the Eskimo most likely was not financially able or or interested in buying the lease in question is besides the point. The fact remains that this is a provision of federal law, and the laws of the United States have been circumvented for some unstated reasons.

Will the Department of Interior dare to explain why the Eskimos along the Chukchi Sea were denied their rights as settlers? Will the Department of Interior dare to investigate and establish who has benefited from the decision that was published in the Federal Register of September 23, 1966? This decision denied the Eskimo settlers along the Chukchi Sea the protection of U.S. law. Why?

Is the situation with respect to settlers the only unusual occurrence in northern Alaska land transactions in recent years? Most definitely, No! There have been subtle and unpublicized decisions that have conveyed title under curious circumstances. Is the Eskimo the only one who is being cheated? Not hardly. Every American who has not personally pocketed cash as a result of the multi-million dollar blunders of the Department of Interior's oil land policies in northern Alaska is faced with losing his share of America's resources. The richest potential oil lands in the history of America are being given away for 50 cents an acre by a government agency which, at some level of administration, is apparently incapable of managing the riches of America.

There is an unwritten, but definite trait in American ethics that to steal \$10 is a sin, but to steal \$10 million is a mark of social success. If the oil leases and the 20 million acres of offers to lease which were made on the slope in the last six months of 1968 are legitimized by either the Bureau of Land Management or the State of Alaska, the voting public must accept their portion of the guilt for this misappropriation of the natural resources of America.

The fact that a questionable deal turns out to be a billion dollar bonanza does not transform the phony original agreement into a legitimated transaction. There is something about the potential oil lands, the land freeze that was not a land freeze and other "strange happenings" that have a "bad smell."

Has there been dishonesty in oil land lease activity in northern Alaska? To say the least there have been, and continue to be, administrative irregularities. The irregularities have invariably worked to the benefit of a very small group. When do a series of administrative blunders involving hundreds of millions of dollars cease to be honest mistakes? Where there is smoke could there be fire? Is an investigation indicated? If such an investigation indicates that honesty has prevailed, we will all have more confidence in our government. Who can object to this?