

CLAIMS REACH CRITICAL POINT

AFN Counsel Concerned Over Possible 'No Land' Opposition in Senate

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ANCHORAGE—Native land claims are at a critical point in the Senate Interior and Insular Affairs Committee following Thursday's hearings, according to AFN attorney Ken Bass, a member of Ramsey Clark's law firm.

"Last year there was no organized 'no land' position in the Senate Interior Committee," explained Bass speaking to AFN Board members at their February 20 meeting.

This year, he fears, a conservative opposition to including a large amount of fee title land in a claims settlement may develop around Secretary of the Interior Rogers C.B. Morton.

At Senate Interior Committee hearings on Thursday (February 18) Secretary Morton testified that S-35 (the Senate land claims bill which passed the Senate last year as S-1830) was good, but needed changes in the land provisions.

The changes he proposed closely parallel the provisions of a House bill introduced last month by Congressman Wayne Aspinall. This bill grants Native villages up to four times as much land as their village site in fee title, allowing subsistence use permits to be issued for up to

40 million acres of additional land.

Secretary Morton estimated the land granted by his proposed bill, which he said was presently being prepared by the Interior Department, as about 1 million acres. AFN counsel estimates the land at 80 thousand acres and calls the subsistence permits a "sham."

"We believe they (subsistence permits) are a sham, only good as long as the Secretary of the Interior gives the permits. They are totally discretionary on his part," Bass told the Board.

In a statement to President Nixon and to the Press the AFN Board of Directors expressed itself as "shocked, outraged, dismayed" at the provisions outlined by Secretary Morton (statement printed on Page 2.)

AFN President Don Wright, who was in Washington to appear at the hearings and attorney Bass were surprised and shocked

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at the testimony by Secretary Morton, they told the AFN board.

On the day after the hearing Mr. Bass contacted other Washington officials and members of the White House staff. Till Wednesday, he said, the staff believed Morton would testify that he was generally in favor of a "good and just settlement," of the land claims issue—but not go into specific provisions.

On the Friday before the hearings (February 12), Don Wright met with Secretary Morton in Washington. According to Wright, Morton seemed helpful, concerned and favored a "good bill."

"As Morton testified," said Bass, "we could see some of the more conservative members of the committee looking up." He fears further hearings might push Senators toward a small land settlement.

Secretary Morton and members of the Senate Interior Committee, said the lawyer, do not believe in the legal "rights" of Indian title. They see the land claims settlement as a form of Indian welfare assistance. Thus, they see the land claims issue as how much land they will "give" the Natives, not how much the Natives will "retain."

As a result of the testimony by the Interior Secretary, AFN counsel is not sure of the advisability of further hearings. Senator Fred Harris of Oklahoma, who testified before the Interior Committee, asked for hearings on his bill (S-1830).

Senators Harris and Edward Kennedy of Massachusetts introduced a bill which follows the AFN position, on February 17, the day before Senate hearings began. The bill provides for fee title to 60 million acres of land, a 500 million dollar cash settlement and 2 per cent minerals royalty.

Time is an important problem for AFN strategy in the Senate, according to Mr. Bass. There is not as much support operating this session as last. Senator Henry Jackson (D-Washington),

chairman of the Senate Interior Committee, is and will be preoccupied with the important SST legislation which vitally affects his home state.

If land claims are not settled quickly, they may be caught in the mire of legislation and delayed till the thorny SST question is settled.

On the House side of the hill, the only land claims legislation which has been entered so far is the bill introduced by House Interior Committee Chairman Wayne Aspinall of Colorado.

"It is completely unacceptable," counsel says of the Aspinall bill.

They plan to submit an AFN bill in the House, one which will be almost identical to the legislation introduced by Senators Harris and Kennedy (with 10 cosponsors including both Alaskan Senators "by request").

"Things are happening so fast that what looks good one day as far as strategy doesn't look good the next," explained Mr. Bass. "People change their minds, switch positions and the situation changes daily."

One major problem now is Secretary Morton. Each time he talks, believes Bass, the more he will pull members of the Congressional committees toward a smaller land settlement.

AFN board members are asking for the support of other Indian groups across the country in order to get President Nixon personally involved in the Alaskan native land claims question.

When the President signed the Taos land bill he called it a "turning point in our relations with the Indian people" they said.

In a letter to President Nixon which accompanied their statement, the AFN board protested Secretary Morton's apparent denial of the President's former statements of what a land claims bill would contain.

This, they said, is far from a turning point in U.S. Government-Indian relations.