

State Asks U.S. Supreme Court To Review Alaska Land Freeze

The state of Alaska has requested a Supreme Court hearing in hopes of breaking the Interior Department's land freeze—a move termed as “heartening” by the executive director of the Alaska Federation of Natives.

Al Ketzler said, “It is heartening to note that the Miller administration is moving toward legal resolution of the native land claims and away from a political solution.”

He added, “I think the state will get the unexpected result of the high court reaffirming the decision of the appellate court in San Francisco and will thus expedite our case for an equitable land settlement.

The state is asking the high court to review a Ninth Circuit Court ruling on the basis that the ruling is in conflict with the state's right to select certain lands under the Statehood Act and with an earlier Supreme Court ruling.

The case, heard in the Ninth Circuit Court, originated in the U.S. District Court in Anchorage and involved state selection of two tracts of land in Nenana—about 50 miles southwest of Fairbanks.

The district court ruled in favor of the State of Alaska which brought action against the U.S. Secretary of the Interior to compel him to lift the land freeze and issue a patent and grant tentative approval to certain lands selected by the state. The processing of applications for patent

on these lands had been stopped due to the land freeze instituted by the Secretary of the Interior.

The village of Nenana claimed the land on the basis of aboriginal use, occupancy, and continued possession.

The district court disposed of the case in a summary judgment as requested by the state, in effect, ruling that facts relating to the extent of use and occupancy were immaterial and need not be argued.

However, the appeals court in San Francisco disagreed and held that there were genuine issues of material fact that must be considered, and ordered the case back to Anchorage for a rehearing.

A spokesman for the State Attorney General's office said he hopes that the Supreme Court can act on the matter before the regular June recess or it will be October before any action will be possible.