Wm. Paul, Sr. Criticizes Press

The only reasons why a newspaper can excuse being untruthful is (1) no time to verify facts and (2) bias of the managing editor. Of these two, the Anchorage Times was untruthful in its editorials of Oct. 18th "The Goldberg Bill" and 21st "Proper Commentary." The first was not correct and in defending this falsehood, the editor compounded the lie.

We do not comment thereon to convince the editor of his error for these editorials for these editorials follow the pattern of the Anchorage Times. We write to remind all fairminded persons that we too follow a pattern, a pattern laid down by the Supreme Court of the United States when it considered what rights acrued to the discovering nation (in this case, the United States) Johnson v. McIntosh 8 Wheat 543 (1823).

"This principle, acknowledged by all European nations, because it was the interest of all to acknowledge it, gave to the nation making the discovery, . . . the sole right of acquiring the soil and of making settlements on it. It was not one which could annul the previous rights of those who had not agreed to it . . . (that is) aboriginal occupants.

The absurdity of the Anchorage Times position is based on "The extravagant and

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absurd idea, that the feeble settlements made on the sea-coast, or the companies under whom they were made, acquired legitimate power to govern the people, or occupy the lands from sea to sea, did not enter the mind of any man (except the Anchorage Times as it cast its covetous eyes toward the North Slope. (The Crown) well understood (that was "the exclusive right of purchasing such lands as the natives were willing to sell." p. 572-3.

In the Mitchell case (9 Pet. 711 in 1835) the court defined as follows:

"Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much their actual possession as the cleared fields of the whites; . . . (and) were as much respected UNTIL they abandoned them, made a cession to the government, or an authorized sale to individuals.

. . . It is enough to consider it as a settled principal, that their right of occupancy is considered as sacred as the fee-simple of the whites. p. 745-747.

In United States v. Shosone Tribe 304 US 111 (1938) the Supreme Court said;

"Subject to the conditions imposed by the treaty, the Shosone Tribe had the right that has always been understood to belong to Indians, undisturbed possesors of the soil from time immemorial." p. ll7

In the Walapai case (314 US 339) wherein the court set aside a grant (the same as in the Alaska Statehood case) 61 years after the event and affirmed the Indian Title,

". . . certainly it would take plan and unambiguous action to deprive the Walapais of the benefit of that policy." p. 346.

In the Schumacher case, based on an array of such precedents, the plaintiff alleging his purchase of lands from the State of Washington under a grant from Congress, upheld the Indian's occupation who claimed his allotment after the whiteman had purchased the land from the State.

To those of you who might be puzzled by such conclusions of law, I have to say that by such grants of Congress where Indians are in occupation, the grant gives only the "naked title." The grantee cannot take the land nor can he drive the Indian away unless he buys the Indian's title. His right is the equitable or beneficial right.

And that is all the State of Alaska got in the Statehood bill. The State agrees with this else there is no meaning in its frantic efforts to get the Secretary of the Interior to approve the "State's selection."

—WILLIAM L. PAUL, SR.