

Paul, Sr. Stresses Importance Of 'Indian Title' on Lands

May 31, 1968

Mr. Douglas L. Gregg, Attorney
of the Sportsmen's Association,
Juneau, Alaska.

Dear DOUG:-

You did not deal with my criticism of your published statement that the Udall land "Freeze" was fraudulent and unlawful in your favor of the 29th. That question after all is basic, if lawful, you have to start from there; if not lawful, then your remedy is to have a court set it aside. Negative evidence that the State thinks it is lawful is the fact that the STATE'S SUIT TO SET IT ASIDE has apparently been abandoned and so we must consider the flamboyant beginning was buncomb in the truest sense.

I did not mean to get into a public argument with you or your clients, but I see that you have sent copies of your reply to the Juneau Empire and to John Borbridge of the Tlingit/Haida Central Council, so I will cover my concept of the law briefly;

1st; there is "Indian Title" in the Tlingit and Haida Indians and that it persists till extinguished (now accomplished in the area included in the Tongass National Forest Reservation (which however does not include the area below mean-high-tide).

2nd; By many acts and many rulings of the Bureau of Land Management from its highest source, to wit, the Secretary of the Interior, the aboriginees west of Yakutat are in the same category as the Tlingits and we can say that the same court would acknowledge their Indian Title too a simple definition being "the use and occupation of land from time immemorial" (the term "use and occupation" as defined by the Supreme Court in Mitchell v. USA in 1935 and never modified since but sustained as late as 1941 when the Santa Fe R.R. learned

Clarifies Publicity . . .

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bounty system or not, most will agree that management of wildlife resources should be free of politics.

Attempts to manage game on a political basis are made during every legislative session. If what the legislature has done displeases you, you should see the garbage we've held in committee and kept them from doing to you! As long as we're in the legislature we intend to continue to stand as a block of granite in the path of legislation dealing with game regulatory matters sponsored by political types hard pressed to say with assurance which end of the moose wears the antlers.

Now a defensive posture for a politician is a self-defeating stance. All the more so when he's attempting to fend off the scalping knives of numerous outraged bounty hunters in the process. There's no less impressive image than some office-seeker back on his heels making passionate denials over items appearing in the press. For this reason I've had occasion to be grateful that news coverage is slight in the hinter lands. I understand The TUNDRA TIMES picked up the erroneous story from the NEWS MINER. If so, the TIMES is not as yet on my list of Newspapers-In-Which-I-Hope-Never-To-See-My-Name. But fellows, this kind of publicity? Who needs it?

On the other hand, a story on our popular anti-poison legislation was buried somewhere west of the want ads and failed even to mention our name! To make amends, banner headlines retracting the former and lauding the latter would be perfectly acceptable!

Many thanks,
Jay S. Hammond
Senator, District H