

*Other Voices—*

# “Rubber Words” Erase Aleut Claim To St. Paul

(EDITOR'S NOTE: The U.S. Court of Claims recently ordered the Indian Claims Commission to hear evidence on whether the Aleuts have a claim against the United States, based on government restrictions on the tribe's fur seal trading.

Larry Mercurieff, land planner for the Aleut Corp., based in Anchorage, wrote the following article for the Tundra Times, to explain the full situation.)

Recently the U. S. Court of Claims rejected our contention that we (Aleuts) owned the islands of our residence in fee simple under Russian law. The court did concede that the Aleuts of St. Paul do have a claim under the fair and honorable dealings clause of the Indian Claims Commission Act.

We contend that we have obtained fee simple title via prescription under the laws of Tsarist Russia. The Tsarist Code states that “undisturbed, undisputed, and continuous possession” of property is turned into a fee simple right. In rejecting our claims perhaps the Court of Claims has overlooked the obvious . . .

The Russians began their conquest and subsequent domination of the Aleut Tribes along the Aleutian Chain during the latter part of the 1700's. Within 60 years approximately 20,000 Aleuts were victims of one of the most atrocious forms of genocide in the history of Alaska.

Today there are less than 3,000 Aleuts in existence. Throughout the period of Russian domination, Aleuts were taken as slaves to harvest the rich fur seal pelts. The inevitable point

in time arrived — the guilty conscience of greedy souls. The few haggard Aleut survivors were treated as equals among moral inferiors, and gradually the Aleut rights under Russian law increased.

The U. S. Court of Claims indicated that the Russian Imperial government evidenced concern “that the natives of the islands be disturbed in their possessions as little as possible.” The court states that such “concern cannot be equated with a recognition of fee ownership” given existing evidence; in other words, we had less than full citizenship rights.

In a moment of intensive guilt, the American government granted U.S. citizenship to its near annihilated aboriginal inhabitants in 1934. Does the American government say that the Russian people are incapable of equal sanity and morality? In rejecting our contentions the Court of Claims is indicting the Russian people.

Today we are struggling to protect our vulnerable rights. Our rights have been rendered vulnerable by the Alaska Native Claims Settlement Act. The fact of the matter is that the Act imposes upon all native peoples unrealistic deadlines for identifying Natives and selecting 40 million acres of land. In order to protect our rights in land we must institute foreign corporate entities and teach our people in two years that which should take ten.

Unfortunately, when it is convenient for greedy and powerful members of society to overlook rights of citizens, it is attempted. Thus history repeats itself. The Aleuts must again fight a war — only this time the weapons are rubbery words. The Aleut Tribe's case in the U.S. Court of Claims is one step forward in an attempt to ride the rubbery word.