

Sen. Proposes Cash Payments For Valid Native Land Claims

WASHINGTON, April 8—The proposal that the federal government should compensate Indian and Eskimo groups in Alaska in cash for any valid Native claims of rights to land was made this week by Senator Ernest Gruening (D-Alaska) in a statement of views which accompanied a report of the Senate Interior and Insular Affairs Committee on the nomination of Robert L. Bennett to be commissioner of Indian affairs.

Senator Gruening noted in his statement that Native protests to State of Alaska land selections on what he described as "dubious grounds of aboriginal rights" now apply to about 15 million acres of land. He called this "the single most difficult problem in Alaska at this time directly related to the policies of the Bureau of Indian Affairs."

Because of such protests, which have been encouraged and filed by the Bureau, Senator Gruening said the land selection program of the State of Alaska under the statehood

act has been paralyzed.

He said that although the State is entitled to select some 103 million acres of land under the statehood act, its efforts have been frustrated largely because of the Native protests, with the effect that the State has been able to obtain title to only about 3 million acres of land since statehood arrived January 3,

"A crucial factor in the slow program in the State in land selections," the senator said, "is the existence of protests that have been filed and, even more difficult, the policy of the Department of the Interior which would apparently make every acre of Alaska subject to questionable claims of right by Native protests."

The Native protests to State land selections which have been filed include the following: Lake Aleknagik, 59,000 acres; Minto, 1,124,000 acres; Nenana, 2,790,000 acres; Northway, 2,274,508 acres; Tanacross, 3,142,700 acres; Mentasta, 399,800 acres; Gul-

kana, 1,818,100 acres; Copper Center, 1,200,000 acres; Yakataga, 260,000 acres; Birch Creek, 343,300 acres; and Stevens Village, 1,682,000 acres. In the total of 15,668,168 acres, there are even a few overlappings between one Native protest and another.

The first four protests listed were filed in 1951. Although they were denied by the Bureau of Land Manage-

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ment, the Bureau of Indian Affairs appealed the denial and no further action has been taken by the Interior Department to resolve the matter.

The senator noted that the 15 million acres tied up by Native protests are in addition to the approximately 65 million acres otherwise withdrawn by the federal government and, accordingly, unavailable for State selection.

"Besides the protests now on file," Senator Gruening said, "the same procedure could result in withdrawal of all acreage in the state from selection, thus completely negating the purpose of the land selection provisions of the statehood act. Economic development is frustrated and opportunities for commerce and industry in such fields as mining, lumbering, agriculture and recreation, which would benefit Native citizens together with others, are lost to Alaska.

"This situation is intolerable to the State of Alaska and constitutes a repudiation by fiat of an executive agency of provisions of the statehood act enacted by the Congress. In effect, the Department of the Interior has arrogated to itself the legislative function of Congress by its refusal to act on land selections filed by the State."

Senator Gruening recommended that the Department of the Interior should issue orders immediately refusing the acceptance of any additional Native protests to State land selections. He recommended further that the secretary of the interior should dismiss the protests now pending.

"If it is the considered opinion of the Department of the Interior that a basis exists for assertion of valid Native claims of right to land

in Alaska which cannot be satisfied by existing provisions of law," Senator Gruening said, "the department should present Congress with its proposals for necessary legislation.

"Such a legislative proposal should provide for compensation of such claims from funds in the federal treasury in lieu of awards of real property. The validity of the claims and the amount of compensation should be determined by adjudication by a properly constituted body such as the U.S. Court of Claims (as in the case of the Tlingit-Haida claims), the Indian Claims Commission, or such other adjudicatory body as might be preferable."

In its report on the Bennett nomination, the committee recognized that a number of problems unique to Alaska exist in areas over which the Bureau of Indian Affairs has jurisdiction. It mentions the land problem as one of these. Calling attention to Senator Gruening's statement, the committee report says "The committee directs Commissioner Bennett to give prompt consideration to this matter."

Senator Gruening in his statement quotes the view given by Bennett at the hearing on his confirmation that "I don't think land in and of itself is a solution to the problems of the Native people. I so publicly stated at a meeting of the people about three or four years ago."

Senator Gruening said in his statement that he personally would be very happy if the right to such financial compensation could be established. But he said that compensating the claims by cash would permit the orderly development of Alaska—for the benefit of Natives along with all other citizens—while tying up State land selections, as at present, has the opposite effect.