

Mueller Appeal In Supreme Court

A former State Employee who lost his job in an attempt to help the Native people of Tanacross has appealed his case to the Alaska Supreme Court.

Richard D. Mueller, through Fairbanks attorney Steve DeLisio, entered notice of appeal in Superior Court Clerk's office here yesterday.

Mueller was fired from his job with the State Division of Lands last April 1, for questioning the state's selling of Lake George "wilderness estates" at the New York

World's Fair.

Mueller pointed out that the State did not have clear title to the land, and that the Indians of Tanacross had filed a protest against all state land selections in the area.

When he was fired, Mueller protested the firing to the State Personnel Board, but the Board refused to hear the case because Mueller was, at the time of the incident, on "probation" in this job.

Superior Court Judge William Taylor in Fairbanks upheld

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the Personnel Board's decision three weeks ago.

Mueller, now living in Anchorage, hesitated before making the decision to appeal upward to the Supreme Court. Over a year has passed since the time of his firing.

After Taylor's decision came down, he said: "I don't see any further use to appeal the decision, since it appears hopeless."

But then, as the April 25 deadline for appeal neared, the Muellers decided to continue the fight anyway.

Taylor based his decision to reject Mueller's Superior Court appeal on the same reasoning that the State Personnel Board followed in refusing to even hear the protest over his firing.

He had just been promoted to state Land Sales and Lease officer, and by state civil service rules was automatically on the one-year probation period.

The higher position—sales agent of the Lake George "estates" being sold at the World's Fair—led Mueller to investigate titles on the land. It was part of his job.

When he discovered the Tanacross Indian claim on the land, he attempted to bring the situation to light to save the State embarrassment in the future.

Instead, he was told by superiors that the sale would go ahead as planned, and that he would press his investigations no farther.

He knew the investigation was part of his job, and he felt the rights of the Tanacross Indians were being "brushed aside." He originally got wind of the claim when a Fish & Game officer in the area told him of the Tanacross Indians telling white trappers to keep out of the George Lake area, and that the land was theirs.

Later, he asked Bureau of Indian Affairs officials if a protest had been filed on the area, and was told there had been.

The actual firing came about after Mueller traveled to Fairbanks on his own to confer with BIA officials about the claim. While in Fairbanks, he received a telegram saying that he was to return to the Tanacross area, "immediately," and after he was there, he was told that he had been terminated for "unauthorized absence" from his job.