

U of A Native Student Answers Gruening

Hess Hall
University of Alaska
College, Alaska 99735
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Senator Gruening
United States Senate
Washington, D.C.

Dear Senator Gruening:

Undoubtedly you were quite aware that your charge that Native land claims were holding up state development would generate some controversy. (Fairbanks Daily News-Miner, April 13, 1966.) As an individual, I want to state my disagreement with your approach to the Native claims and to the slur placed on the Native citizens' claims though they are exercising their legitimate right of using the legal processes to claim what they believe is rightfully theirs.

You cannot pin the responsibility for the present chaotic state of affairs of Alaskan lands on the Natives. There has been ample time since the Treaty of Cession in 1867 to interpret its provisions. Now that we are finally taking limited action on an issue which has been allowed to ride—I pray that the claims will be allowed to be heard and a just and equitable settlement be made in real property or in cash—depending on comprehensive hearings with full participation of Alaskan Natives.

The "civilizing" process having been in progress for many years, we are realizing the value of land and what may lie beneath it—why should we not be given an opportunity to press claims for real property settlements? I don't think you should rule out the possibility of land awards by the fiat of Congress or the Interior Department without considering Native opinion on the matter.

Realizing that Congress has the ultimate power over what is done with Native lands, I feel that you should have at least made an effort to discover what the Natives desire behind these land claims before creating a prejudiced attitude toward them by your recent statements.

You know better than I do by far the legal aspects of Native claims. We do know, however, that all the important acts of Congress since the Treaty of Cession have left open the definite settlement of Native title to land. The Interior Department has tried to get around Congressional inaction by allowing Natives to secure noncontiguous allotments, but you could probably count on your fingers, toes and ribs the number of Natives who are aware of the procedures required to obtain title. (The Bureau of Indian Affairs has made no effort that I know of to clarify to the Eskimos, Interior Indians, and Aleuts the issues involved in the land controversy.) The Courts have ruled that the U.S. Government has the duty to protect our property rights—but we cannot say that this has been the case.

The Interior Department itself (and the BIA), which you castigate, has reneged in its duty as protector and guardian of Native interests, not only in land, but in every other aspect of their responsibility during the time we were being "civilized" and assimilated. In regard to Indian lands the Department has decided that the "... Federal Government has, in case of actual occupancy, regarded their rights as sacred and not to be taken from them without their consent and then only upon such consideration as may be agreed upon." (53-481)

Now that we have developed and been civilized to the point where we can take legal action, we hope that we will be given the opportunity to press our claims and not have you deprive us of this right by prohibiting our "protectors"—the Interior Department—from accepting our protests against State land selections. If claims are halted, what will be the basis for compensation for the large majority of Eskimos who have made no claims but are among the most needy in terms of material comforts and simple luxuries.

Compensation in cash would certainly be a simple and quick solution for Congress to buy off Native claims, but it seems that we should be given the opportunity to voice our opinions on the matter. There can be a variety of solutions to the situation, and I am sure that money is not the only motivation behind the claims.

In the entire history of American relations with its aboriginal peoples, this is truly the "last frontier" and the last opportunity that is left to treat an "emerging" people with justice, honesty, and understanding.

Sincerely yours,

William L. Hensley