

Mueller's Appeal Refused By Court

The final chapter of a man's fight to do what he thought was right may have been written here last week.

Superior Court Judge William Taylor in Fairbanks upheld a decision of the Alaska State Personnel Board that Richard C. Mueller, former state Division of Lands lease and sales

manager, was not entitled to a hearing by the Board after he was fired last April 1 for questioning the state's selling of 'wilderness estates' from George Lake 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.

The Board had refused to hear Mueller's case, Mueller had appealed the Board's decision to State Superior Court, and the Board decision has been upheld.

After a year's time and considerable amounts of money spent in legal fees, the Muellers have not yet made the decision as to whether

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they will appeal Taylor's decision—to the State Supreme Court.

A recent note to Tundra Times brought out a note of dejection.

"At this time," Mueller wrote, "I do not see any further use to appeal the decision since it appears hopeless. It is also very costly."

Taylor based his decision on a series of state regulations that would appear to have brought about a reverse position.

He quoted A.S. 39.25.170 (a), that says, in part, that "An employee in the classified service who is dismissed . . . shall be notified in writing by his employer of the action and the reason for it, and may be heard publicly by the Personnel Board."

The State Personnel Board met last Aug. 11 and refused to hear Mueller's appeal, ruling that the state could fire him without cause.

Mueller was, at the time of his firing, on 'probation,' the state maintained.

He had just been promoted and state rules put any employee on a one-year probationary period when raised to a higher position.

The higher position—sales agent of the George Lake 'estates'—led Mueller to investigate the titles to the land. When he found out about the Tanacross claims on the area, he attempted to bring the situation to light to save the state possible future embarrassment.

He was told to press his investigations no further, and that the sales of the 'wilderness estates' at the World's Fair would go ahead as planned.

Mueller knew the investigation was part of his job, and that he found the rights of

the Indians in the Tanacross area were being, "brushed aside."

The claim first came to light when the former land official, now living in Anchorage, was told by a Fish & Game employee that Tanacross natives had previously chased some white trappers out of the area, claiming the land was theirs.

Later, he asked BIA officials if the natives had filed a protest, and was told that they had.

Mueller travelled to Fairbanks to confer with BLM and BIA officials on possible clouds on the titles, and while in Fairbanks received a telegram recalling him. He was then told that he was fired for being, "unaccountably absent from duties and . . . without authorization arranging a meeting through the BIA with the Indians at Tanacross."

Mueller said that he did not arrange the meeting with the Indians, but that the BIA did. At the meeting, the Indians reaffirmed their right to the George Lake land.

Whether Mueller's firing was fair, the broiling controversy that ensued reached all the way to the Governor's office and at least stopped the promotion of the George Lake estates at the World's Fair.

Joe Lawler, Area Director for the Division of Lands in Fairbanks, indicated that the George Lake land is now officially a protest area, and the affair will be settled along with other protests in Alaska.

Steve Delisio, attorney for Mueller in Fairbanks, said that the case may be appealed to the State Supreme Court, and that the Muellers will have until April 25 to make the appeal.