Letters from Here and There

Complaint on Sleeping Bag Firm

EDITOR'S NOTE: The Tundra Times is publishing the following letter as a service to its readers. Any official or employee of the Alaska Sleeping Bag Co. of Beaverton, Oregon is invited to reply to the author if they feel the letter is in error. According to legal counsel, persons with problems of this type with out-of-state mail order firms can sue the company involved in the State of Alaska for recovery of their money. Copies of this letter have been forwarded to Alaska Legal Services, Inc. for their information if any client should desire to bring such a suit.

Twin Hills School
via Togiak, Ak. 99678
February 24, 1971

Tundra Times
Box 1287
Fairbanks, Alaska 99707

Dear Mr. Rock:

Two villagers, on separate occasions, have come to me asking that I write letters on their behalf to the Alaska Sleeping Bag Co. of Beaverton, Oregon. It seems that this firm has accepted orders--and money--for merchandise which it claims is "temporarily out of stock." They give estimated shipping dates of two to four weeks. But they do not comply.

Inquiries to them seldom get any response, but on a couple occasions they have replied with revised shipping dates Which are then promptly ignored by them. Requests for refunds are also ignored. One man waited for a year for his parka. Another parka was ordered for a schoolboy LAST February--a size 14. The boy is no longer a size 14. The company refuses to grant a refund, and instead continues to offer excuses. Excuses don't keep the lad very warm. Nor will the coat, by the time it arrives.

Another man ordered a $200 sleeping bag--for winter trapping--last September, and sent a money order. He was given the "temporarily out of stock" story, and an estimated shipping date of October 9, 1970. Further inquiries to the firm have gone unanswered. He, also, has requested a refund without success.

Two other orders from the firm are also long overdue. This village has learned its lesson--but how many other villages will suffer from this firm's business practices?

I have written the Alaska State Attorney General's office seeking advice as to what recourse is open to Alaskans who are cheated in this way. Sad to say, the Attorney General's office has never answered, either. Since so much of the purchases of Alaska Natives must be through the mails, it seems to me that there should be some channel through which complaints of this sort can be lodged. And heard.

Sincerely,
/S/ Jim Baenen
Principal--Teacher

Open Letter to Attorney General

March 5, 1971

Open Letter to John Havelock, Attorney General, State of Alaska:

One of the major reasons for the natives of Alaska in their support of William Egan for Governor was the fact that we could never talk with Keith Miller. We were therefore delighted with Mr. Egan's election as Governor not that we expected Mr. Egan to cave in to total native demands but that perhaps we could arrive at a consensus.

We were thrilled with Governor Egan's convening the Task Force composed of native leaders on December 18th. We, on the native side, figured this was the beginning of a dialogue. We wanted to make sure however that a dialogue occurred and so I met with Governor Egan only for the purpose of inviting his representatives (principally you) to meet with the legal team for the Arctic Slope Native Association. Governor Egan endorsed the idea and I immediately relayed his endorsement to you. You seemed to embrace the idea of a dialogue among us and we had sort of a tentative date of February 1st.

Nothing much occurred for a while, Christmas came and went, New Year's Day came and went, and the next thing we knew you filed an application for the haul road and for free gravel for the haul road on January 8th. Your application was accompanied by a press release promising not to commence the road until after the native land claims had been settled.

We, on our side, analyzed the application and the press release and we made up our mind that if we were to permit the application to be processed, legal rights would mature in the State of Alaska which would be hurtful to our clients. We also analyzed the press release and determined that it had no legal efficacy. After all, the State could get a new Attorney General who is not bound by a press release and it could get a new Governor who is not bound by a press release and so we regarded your press release as having no vitality.

Nevertheless, we wanted to wait until February 1st because perhaps you would honor our invitation for a discussion in depth.

You did not so honor it.

Secretary Morton has been confirmed and has held some hearings on the Interior Department's draft of the environmental impact statement. The Governor made a passionate plea for the pipeline basing it on the need of the State for money.

The Arctic Slope Native Association has already stood by and watched the State get $900 million dollars out of North Slope lands. We therefore had a hard time understanding the validity of the Governor's plea. We also analyzed the Environmental Impact Statement and made up our mind that the construction of the pipeline was still experimental. For example, if a break occurs, is there any authoritative statement as to the quantity of oil which will be supplied. Without going into the arithmetic, our estimate is 12½ million gallons on the average.

We were most intrigued by the press statements of your testimony before the Environmental Impact Hearings that there might be a jurisdictional fight between the State of Alaska and the Department of Interior as to the regulation of the pipeline because, as you stated, the State of Alaska owns the oil fields from which the oil would be delivered. At one time you represented native groups and participated in the councils of the Alaska Federation of Natives. In addition, you are now the Attorney General. You know better than anybody that the State of Alaska does not have a patent to one square inch on the North Slope. By reason of your retaining Bob Price and Bob Hartig as Assistant Attorneys General, you know better than anyone else the real impact of the Ninth Circuit Court's decision in State v. Udall, namely: Indian possessory rights have sufficient legal dignity to override tentative approval of lands in the State of Alaska.

Finally, the Arctic Slop Native Association's Executive Director personally called the Governor to reiterate the idea of a meeting. We also were alerted by the Governor's office that your team was spending Sunday, February 14th, in Seattle and to stand by for a call. We stood by. There was no call.

I have a hard time understanding how your administration can solve these problems when you slap the natives' faces as you have already done and are doing. I fear that confrontations are becoming more severe and more severe and more severe.

Very truly yours,
Frederick Paul
Attorney for the
Arctic Slope Native Association

(EDITOR'S NOTE: The Seattle "stand up" was apparently due to a misunderstanding, according to Eben Hopson, Special Assistant to Governor Egan on Native Affairs. Hopson said he arranged the meeting in Seattle between Havelock and Fred Paul and somehow, wires had crossed. The Attorney General expected the ASNA attorneys to call him, while they waited for his call. Hopson explained he called Mr. Paul's Seattle office to arrange the meeting and spoke to Jim Wickwire in Paul's absence.)

UA Man Backs Editor's Editorial on Edwardson

University of Alaska and U.S.
Department of Agriculture Cooperating
March 11, 1971

Dear Mr. Rock:

I just read your editorial in the 24 February 1971 issue of Tundra Times, "These are Times of Delicate Situations."

I would say you are to be highly commended for your firm statements. Personally, I may not agree always with your views and editorial comments, but you certainly make it clear that it is very much my privilege as well as yours, or anyone else's by the statement by Voltaire that always appears at the top of page two in Tundra Times.

I am sure you have done more for the cause for which you stand by this editorial, than all the statements combined of the nature made by Charlie Edwardsen, Jr. Backlash, in my opinion, is real, and it can result in much harm, not only for a particular cause, but in permanent damage to people's relationships. Two wrongs do not make a right. Actions must be judged on an individual basis. Acceptance, education, and love of our fellow man (on the individual level) can eventually heal most, if not all wounds.

In my experience, I have found the native people of Alaska with whom I have been privileged to be associated have for the most part, been very patient with me. I would hope this personality trait is not lost as our cultural transition continues.

Thank you for taking time from your busy schedule to read my words.

Very truly yours,
Virgil D. Severns, Agricultural Agent
Yuko-Kwim District

Wm. Paul Raps Rothman

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TUNDRA TIMES

Quoting Stu Rothman from Anchorage Hearing, towit;

"Now, I am not against the native land claims, but let's face facts. When the colonists first came to the shores of America, they bartered and traded for their toe-hold in the new land."

By what right did the English Queen grant the land later known as Virginia from the Atlantic Ocean to the Pacific Ocean? Stick to the facts.

While Stu Rothman talks like a lawyer, he should stay out of that field unless he sticks to the facts of our court's decision. On this point, two decisions are controlling without modification since 1823 and 1835, towit Johnson v. McIntosh and Mitchell v. United States. However, the opinion in the case of Worcester v. Georgia is clearer:

(The international doctrine of discovery) "was an exclusive principle, which shut out the right of competition among those who had agreed to it; ...but could not affect the rights of those already in possession...an aboriginal occupant." p. 544.

That being a fact, Mr. Rothman should also accept as a fact our Supreme Court's opinion as to the nature of "Indian title":

"Subject to this right of possession (By discovery--not by purchase, Mr. Rothman)...Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much in their actual possession as the cleared fields of the whites...It is enough to consider it as a settled principle, that their right of occupancy is considered as sacred as the fee-simple of the whites" pp. 745-747, including Mr. Rothman's.

Let's nail down the facts about the Russian sale--the Court of Claims said:

"The Indians established that they owned by Indian title that area in southeastern Alaska claimed by them."

The meaning of this last quote is that Russia sold only the right to govern or in legal parlance, the "naked title" the "equitable title" being in the Indians.

William L. Paul, Sr.