

# Native Land Claims

(EDITOR'S NOTE: Wendell P. Kay, state legislator who is now running as a candidate for U.S. Senate, has written what we believe to be a sincere and direct position paper on the Alaska native land claims.)

It is a tragedy that the question of the Native Land Claims is not appreciated by most Alaskans.

Too often prejudice, invective and misinformation have replaced fair consideration of the claims of the Native people, their very solid legal case, and its implications.

The fact is that the Native People of Alaska have a rock-solid claim to much of the lands of our state. This was established by the Federal Field Committee, and has recently been confirmed both by the Interior and Insular Affairs Committee of the United States Senate and by the United States Court of Appeals for the Ninth Circuit.

Briefly, the Native claim is based on "Indian title," which means use and occupancy of land over many years for hunting, travel, fishing and living. Because the Alaska Natives' "Indian title" has never been extinguished by Congress, it is superior to anyone else's, including the State of Alaska. Thus, any lands the state may choose to select or have selected could be liable to Native claims.

But the Natives to their great credit and wisdom, have not chosen to contest their claims in court. Rather, they have taken their case to Congress. And, in exchange for relinquishing their claim to Alaska lands, they ask only for forty million acres of land, a cash settlement now of five hundred million dollars, revenue sharing from the mineral wealth of the lands subject to Natives' claim, and regional Alaska corporations to administer the settlement funds.

Most of the parties concerned agree on much of the Native proposal. The chief area of disagreement is over the amount of land involved.

The Native's proposal would allow some continued use of land to the people who have known and loved it so well for many thousands of years. At the same time, following Native selection of even forty million acres, Alaska would still be left with an area of State lands three and one-half times greater than the size of the entire state of California.

But the Senate Interior Committee's pending bill fails to recognize this. We cannot ignore the fact that the Natives are giving up valid legal rights to most of the state.

For my part, I would only support a bill which provides a fairer land base for Native use. The present legislature simply does not do enough in their regard.

I continue to support the effort to adequately compensate the Native people of Alaska for land taken and the relinquishment of their claims through direct federal payments and through sharing with the state and federal government the mineral revenue from our vast land resource.

And I strongly urge Native autonomy quickly and totally over their own development funds which come from this settlement.

I do this not only because justice is long overdue for our Native brothers, but because I am convinced that a generous and equitable settlement is good for all Alaskans.

1. It will lift the land freeze.
2. It will create a new and needed source of private development capital.
3. It will rapidly integrate our Native people into the full economic life of Alaska.
4. It will provide jobs for all Alaskans, by stimulating

Native businesses and providing wider markets for those who supply and service these new enterprises.

5. It will help us all move forward to an Alaska, free from the immoral gaps of poor health, poverty, inadequate education and disease, which separates many of our Native citizens from the bulk of white Alaska.

—WENDELL P. KAY