

Don Wright Clarifies Right of Indian Title and Land Freeze

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RIGHT OF INDIAN TITLE

1. Indian title has been recognized by the United States Courts.

2. There are a number of ways to extinguish Indian title. Among them are:

(a) Just war declared by Congress

(b) Negotiated treaty

(c) Due process of law under the Constitution of the United States.

3. Indian title to Alaska (except for that land to which Indian title has been extinguished) still rests, we contend, with the Alaska natives and Congress has reserved unto itself the right to determine the disposition of this land. But, in doing so, should allow just compensation for all lands to which title is extinguished or which is taken.

4. Native interests in Alaska lands have been recognized in the following:

(a) The Treaty of Cession of Alaska from Russia

(b) The Organic Act of May 17, 1884

(c) The Act of August 24, 1912

(d) The Act of June 19, 1935

(e) The Indian Claims Commission Act of 1946

(f) The Alaska Statehood Act of 1958

5. The native right to protest the taking of their lands

is a valid constitutional right.

The Secretary of the Interior is empowered by Congress to administer the laws

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Wright Clarifies...

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enacted which affect natives of Alaska. Among them is a responsibility to protect native property rights.

ALASKA LAND FREEZE

1. The "Land Freeze" was instituted by the Secretary of the Interior by virtue of his responsibility to administer the laws enacted by congress, protecting the rights of Alaska's natives. It has the effect of preserving the "Status Quo" until Congress resolves native interest in the land.

2. When Congress granted Statehood to Alaska, it failed to provide in the act language to permit the extinguishment of Indian title, compatible with state land selection provisions, or to provide for a method of compensation for this extinguishment of title.

3. No United States citizen may be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation. (Amendment No. 4 Constitution of the United States.)

4. Alaska natives are United States citizens within the full meaning of the term. They are not wards of the United States Government under the guardianship of the Secretary of the Interior Department. The secretary, however, is legally obligated to protect their property rights, and so he instituted the land freeze to protect this right.

5. (a) The B.I.A. maintains and operates segregated schools.

(b) Natives do not receive fee title to land under the Native Allotment Act.

The Tlingit-Haida Indians were granted permission to sue the United States for just compensation for 18 million acres taken from them in establishing the Tongass National Forest in Southeastern Alaska, by the Act of June 19, 1935.

The Tongass National Forest is estimated to contain 100 billion board feet of commercial timber, valued at 200 million dollars on a stumpage basis and having a productive potential in perpetuity exceeding 20 million dollars annually from forest products alone.

The United States Court of Claims found in favor of the Tlingit-Haida in 1968 and awarded less than 8 million dollars for this land after 34 years of litigation. The estimated true land value of Southeastern Alaska is approximately \$110.00 per acre or \$1,980,000,000.00; yet the court awarded 43¢ per acre or \$7,740,000.00 in this case.

The Secretary of the Interior had no part in determining this value. He came to Alaska, however, in November 1967, and proposed a possible method of compensation which would be more just to Alaska natives for final settlement of all Alaska, and so the "Outer Continental Shelf" concept came to be.

Governor Hickel, Secretary Udall, and 37 native leaders in joint cooperation drafted a compromise bill, S. 2906, based on a land settlement of 40 million acres of land in fee to be retained by native villages and associations, and adequate compensation to be derived from the Outer Continental Shelf for extinguishment of Indian title

to the remaining 320 million acres of land in Alaska in order not to impose a burden on either the Treasury of the State of Alaska or the United States Treasury.

The latest bill introduced in Congress, referred to as the "Administration Bill", reflects the report that the Bureau of the Budget was influenced by the court decision in the Tlingit-Haida case, in which the court awarded the Tlingit-Haidas 43¢ an acre. This award was used as a precedent to determine the value of land in Alaska for purposes of compensation.

At present, there are five bills before Congress:

1. S. 1764—introduced June 12, 1967

Gruening by request—Interior Bill

2. S. 2020—introduced June 26, 1967

Gruening by request—AFN Bill

3. S. 2690—introduced November 21, 1967

Bartlett—AFN Bill referred to Interior & Insular Affairs Committee

4. S. 2906—introduced February 1, 1968

Gruening by request—Task Force Bill

5. Bureau of the Budget Bill or the Administration Bill

The natives of Alaska have firmed up their position on a just settlement of the land issue. All things being carefully considered, the Alaska natives will ask Congress to:

1. Recognize each village and community in Alaska and issue fee title to all village sites where land is available; with a provision for in lieu selection if land has been transferred to third parties, with full protection for third party interests. The total amount of land retained by native groups to be 40 million acres.

2. Accept as reasonable compensation approximately \$1.60 per acre for extinguishment of Indian title to all remaining land in Alaska, this amounting to five hundred million dollars.

3. Be permitted to manage this land and money through local native organizations on a (a) Statewide basis—AFN (b) Areawide basis—Regional Associations, and (c) Village or community basis.

The native people of Alaska request the endorsement of this program from:

- (1) Secretary Udall
- (2) Governor Hickel
- (3) Alaska's Congressional Delegation

And respectfully request hearings to be scheduled in the near future by the Interior and Insular Affairs Committee in the U.S. Senate and the U.S. House of Representatives, and the appropriate subcommittees on Indian Affairs.

It is the native's understanding that the latest draft legislation introduced by the administration has cleared the Bureau of the Budget, and the proper procedure at this point is to present our amendments to that document.

We are presently scheduled to meet with Governor Hickel on May 24, 1968, and following that meeting, a meeting of native leaders, Governor Hickel and Secretary Udall prior to presenting our case to the congressional committees in Washington, D. C., hopefully in June or early

July, 1968.

In conclusion, May 1 express deep and sincere appreciation to Secretary Udall, Governor Hickel, our congressional delegation, the Senate Committee on Interior and Insular Affairs who held hearings in Anchorage last February and all actively participating citizens for work accomplished to date on this important matter.

The Alaska State Legislature has given the native people full support, and it is necessary that the native people continue to encourage Secretary Udall and Governor Hickel to assist us in convincing the Congress of the United States that Alaska's most important problem is a land claims settlement.

No one, from the beginning of time, has ever had security. When you leave your house you do not know what will happen on the other side of the door. Anything is possible. But we do not stay home on that account.

Eleanor Roosevelt

Eleanor Roosevelt