

GOVERNOR'S LANDS SPEECH DRAWS SHARP CRITICISM

Native Leaders Publicly Oppose Hickel's Stand

Many aspects of Governor Hickel's speech on the Native land claims brought sharp criticism from Native leaders this week. Several publicly opposed certain comments, and Seraphim Stephan, chief of Tyonek, sent a wire to Hickel asking for a public discussion between the Governor and a representative of the Natives.

Although all applauded his statements that the Natives had a right to make the claims and that the claims should be settled quickly, many felt that the speech

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Draws Sharp Criticism . . .

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did, in part, tend to create a poor public impression about the claims.

The effect of the claims on the land titles of non-natives was a major point of contention. In regard to the casting of a "cloud" on the titles to land, Fairbanks Attorney Barry Jackson said that courts have, in past cases, found that a patented title was valid.

In such cases, he said, the Natives would be compensated for the lost land, but the title would be upheld.

Contrary to a statement published in the Associated Press report of the speech, this compensation would be paid by the Federal Government, not by the individual landowners.

Native leaders also denied that the claims would tie up the economy of the State. Hugh Nichols of Barrow said that the governor failed to understand one thing: that the Natives could sell the

land to homesteaders and businessmen to help develop the State.

Stanley McCutcheon, attorney for the Tyoneks, said that the monetary payment for lands not actually needed for residences or livelihood would help build up the state. This money would benefit the merchants and the bankers of Alaska, and would enable the Natives to carry a greater part of the State's tax burden.

"Alaskan Natives are now paying tax money to help pay similar claims in the Lower 48," said McCutcheon. He said that if similar payments are made to Alaskan Natives, this would be a valuable source of capital for developing the State—and one where the profits would be retained within the State.

Hickel's definition of "use and occupancy" brought opposition from Barry Jackson, who said that the Governor's examples included only improved land. Jackson said that the ecologic support areas—the large areas where some villages gather their food—were also included in a court's determination of lands that are occupied by a tribe.

He said that, although these areas might not have man-made improvements, they were vital to the existence of any village. It was most important that these lands be under the protection of the villages.

An attack on the lawyers who represent the Natives was also challenged by Native leaders. Representative William Hensley of Kotzebue said that the proposed legislation was not drafted by McCutcheon, but by a committee of Natives. McCutcheon's suggestion was to create a commission and provide for a cash settlement.

As for the lawyers becoming major landowners, Hensley said that there had been no case of obtaining land for such services. Lawyer Barry Jackson explained that, in such claim cases, the lawyer received his compensation out of the award given to the Indians.

In such cases, he said, the court would set a reasonable fee, which could not exceed the ten percent of the total award. Only if there were no way to make a cash payment would a land award be made; such land would be of little value to an attorney.

Native leaders denied that there were politics involved in the pressing of their claims. However, Attorney McCutcheon replied that "It's not my problem if he didn't keep his campaign promises."

McCutcheon was referring to a statement by Flore Lekanof, chairman of the Alaska Federation of Native

Associations, that Hickel had seen the proposed legislation during the campaign and said that he would support it.

McCutcheon said that Chief Seraphim Stephan of Tyonek had sent a telegram to Governor Hickel asking for a public discussion of the matter between the Governor and McCutcheon.

The Tyonek leaders felt that, while the Governor has proven his ability, he was either uninformed or misinformed on this subject.

Rep. Hensley, noting that the Governor said we must solve the claims, and Attorney Burr said the claims are invalid, quipped that he believed Burr probably had a great deal to do with writing the speech and Hickel did a good job of reading it.

AFNA chairman Flore Lekanof stated that, "regardless of what the Governor says on the AFNA bill, because of the fact that it is drafted to benefit the Native people in general, it stands to reason that the Native people will support it."

He added that Senator Ernest Gruening had promised to support the bill, that Bob Bartlett was seriously studying it, and that the Department of the Interior reportedly was working on a similar bill to present to Congress.