

# Nicholls Analyzes Claims Bill

The United States Secretary of the Interior has not been swayed by Alaska state officials' pressure to lift the land freeze, William S. Boesch assured Hugh Nicholls in a recent letter.

Boesch, research assistant to Senator E.L. (Bob) Bartlett, wrote in response to a query by Nicholls, vice president of Arctic Slope Native Association.

Boesch enclosed an outline of the claims legislation which Nicholls criticised in a return letter.

Here is the outline and Nicholl's remarks:

*Grants of land and hunting-fishing privileges*

*1. Village proper will be granted in fee to native residents.*

Nicholls: This clause is superfluous as we have the right under existing law to create native townsites. Examples are Barrow, and Kaktovick.

*2. An area outside the village, the size of which will be determined in accordance with the needs and population of the village, will also be granted in fee to residents. Maximum area will be 50,000 acres.*

Nicholls: While 50,000 acres may well serve as a base to create an economy for a village like Pt. Lay, it is entirely inadequate for a large place like Barrow or Bethel. This should read: 50,000 or 100 acres per person per village, whichever is greater.

You see, Barrow is fast approaching the 2,500 mark in population and 100 acres (half of which is water) is not much to stake a person to the competition of the modern economic world.

*3. The grants described in A and B will be made initially to a trustee who will manage and dispose of lands in accordance with the interests of the village residents. The trust will terminate at the end of 25 years and the title will go over to the village.*

Nicholls: This clause is absolutely incompatible to the rights of American citizens to govern their own destinies. Adequate protection is provided under the forthcoming Indian Omnibus Bill.

*4. Each village will have an opportunity to name a trustee of its choice. If such a choice is not made, Secretary of the Interior or the State of Alaska may become the trustee.*

Nicholls: Alaska native groups have formed tribal associations to deal with this

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in lieu of trustee type administration.

5. The lands will not be subject to real estate tax while in trust.

Nicholls: Again refer to Indian Omnibus Bill.

6. 25 year permits will be issued to villages for hunting and fishing outside grant lands. These may be exclusive or not and the Secretary of the Interior will have descretion to decide which. Rights granted under permits will be subject to state law.

Nicholls: Permits are not now needed for such exclusive right to hunt and fish. Why should we regress to a weaker position than we already hold? State laws are entirely unrealistic in their approach to the native need for food, being based entirely on the non-native sportsman hunter needs.

## Special Commission

A special commission, reporting directly to the Secretary, will be established in the Interior Department. The commission will make a roll of all natives of one quarter blood or more to determine who will benefit under the law. It will identify villages to benefit and recommend acreage for each village to the Secretary, who will make the determination.

Nicholls: This should spell out precisely who will be on the commission. Are non-natives to judge what is right for our people? Why cannot the commission be created by election from the native people's vote?

## Authority to bring suit

1. The natives of Alaska will be authorized to bring one suit (as was allowed in the case of the California Indians) in the Court of Claims, for money compensation for lands taken from them.

Nicholls: I think you will find this clause unconstitutional.

2. The time of taking is set arbitrarily at 1867.

Nicholls: This is ill thought out, because on the Arctic slope, except for a few state selections, there has not yet been any taking. If there is not yet a taking, how could it have any base on 1867?

All public land programs allowed to continue in Alaska, except in villages and village areas.

Nicholls: Any time that the state comes up with a plan of mutual benefit for an area under reserve to the natives and claimed by them, the tribal associations will work with them.

To date no land management plans have been forthcoming as the state is only interested in selecting lands for quick sale or leasing in their need for operating cash and not in long range productive development of enduring remuneration.

That development by mutual cooperation can be accomplished is shown by the agreement between the State and the Arctic Slope Native Association on the Barrow airport.