Letters to the Editor

Inciting Dissent By W.C. Arnold Under Attack

Hydaburg Town Council
Hydaburg, Alaska 99922
November 18, 1969

Dear Editor:

To men of good will: W.C. Arnold's campaign to discredit Native Land Claims of Alaska with his pamphlet, which must cost a lot of money, was asked who his clients were, he would not say. He is continuing with greater zeal to incite dissent among the citizenry of Alaska, which could result in riots or destruction of oil wells, which are so vulnerable. He may well remember the fishermans strike which tied up canneries up and down the coast, and this writer was one of those flown in by chartered plane, at the expense of the canned salmon Industries, to negotiate a settlement. The Indians were up in arms then. So take note of the trial going on in Chicago, of the eight who are accused of conspiracy to incite riot.

Now, let us view the legal approach of the Alaska Land question and in the contex on the case of the Hydaburg Reservation, which was set up by Secretary of the Interior, Mr. Krug, persuant to authority granted to him by Congress in the I.R.A. act.

There Judge Arnold as the advocate of the Canned Salmon

(Continued on page 6)

Letters to the Editor

(Continued from page 2)

Industry declared, although Congress had given authority to the Department of the Interior to set up reservations this was in derrogation of the Cession Treaty entered into by the United States, viz that the uncivilized races shall be subject to such laws as Congress shall make. And in the case of United States v. 10.95 acres of land, Judge Arnold implies that Indian title had been extinguished in 1867. The Tlingit and Haida case states that Indian title survived the Cession Treaty. So Judge Arnold's theory, even if Congress turned this Native Land Claims case over to the Court of Claims, it could not adjudicate same, because it is not a direct act of Congress.

The Cession Treaty as reference to the Indians of Alaska states—The uncivilized races shall be subject to such laws as Congress shall pass from time to time for those Indians of that land. So that any high school child can understand. Supremacy of the Constitution—the supremacy of the constitution is vested in Congress, which means Congress has full power to act on the constitution, further in Article 6, in which a treaty is the supreme law of the land, that every State shall be bound thereby, anything in the Constitution or laws of any State to the contrary notwithstanding. Justice Goldberg, who has lived by this constitution, is entrusted as our advocate before Congress on such issues.

Judge Arnold states—it is difficult or impossible to read the decision of the Court of Claims in the Tlingit and Haida case. He has reference to the claim by the defense that, Congress knowing that the Indians did own lands like the Indians in the lower 48, they rather owned lands like white men. To say that Congress allowed the Tlingit and Haidas to sue was in derrogation of its sovereignty, but since this was a law to correct the many wrongs committed, we can say that a sovereign who says—you give me your lands and I'll give you what pleases me—is in itself a derrogation from its own sovereignty, hence a master, and its citizens become subjects.

So who are we to say or Judge Arnold, who advocated these same laws, now to say that it does not now hold true. In my opinoin, this is probably the only case in the history of the United States that a settlement of land rights under Indian title correlates specifically to a treaty agreement.

Someone, maybe Judge Arnold, might say—hold it up boy, the United States didn't make a treaty with the Indians. Right! But the sixth article says, "under the authority of the United States. . ." this commitment is just as binding as the one the United States assumed in protecting the rights of South Vietnam against communistic takeover. Remember President Nixon's address? "We shall abide by our commitments, we shall not go back on our treaties."

Let us not belabor the question of the rights of Judge Arnold to even categorize issues to bring out his point of view, but I will not defend his right to cause dissent of men of good will or to cause Indians to even think about their tomahawks.

The morality of the case is stated by so many, so let's take an axiom—"there never was in a nation any promulgator of extraordinary laws who had not recourse to God, because otherwise they would not be accepted." Therefore the Declaration of Independence the Emmancipation Proclamation, "Endowed by the Creator and of Natures God, and we hold these truths to be self evident—that all men are created equal and that these rights are unalienable.

Governor Miller said, and you all heard it, "We have now arrived at our God given right." Could it be that he did not see the Eskimos living on the land, by his vision of the forrest of oil derricks? Or that the State which he represents had disclaimed all right to land in possession of the natives or claimed by them? Here fits the expression, "he could not see the forrest because of the trees." Now for those who who do not wish to be convinced. Turn to Genesis 9—Gods covenant with man and of natures' children. Verse 3, "Every moving thing that liveth shall be meat for you; even as the green herb have I given you all things, and the rainbow in the sky shall be the symbol of His covenant."

Some people might say that Judge Arnolds gave aid and abetted Divine intervention when he helped to defeat the reservation of Hydaburg, thereby setting up another axiom of law that Indian title cannot be extinguished except by the sword, or by permission of the owners. For a stipulation was filed in court in our behalf that we forever give up all claims to land outside the reservation area, as engrossed in the Tlingit and Haida case.

To Judge Arnold I am forever grateful.

Signed:
Victor Haldane