

Goldberg Telegram

(Editor's Note: Justice Arthur J. Goldberg last Monday sent a telegram to Emil Notti, president of Alaska Federation of Natives, that he would reconsider his withdrawal he made two weeks ago after pressure was put on him by attorneys of the regional native organizations. The following is Goldberg's telegram in its entirety.)

I have received your telegram asking me to reconsider my decision to withdraw as general counsel for the AFN on the land issue, and appreciate this expression of confidence and good will. As I previously informed you, I withdrew because I felt that at this stage in my career, I should not become involved in unseemly disputes about professional representation.

I had assumed that the resolution unanimously adopted by the AFN Board of Directors appropriately defined the responsibilities of the AFN general counsel and regional counsel. I have repeatedly stated, as have my associates, that it is not my intention to intrude upon or impair the relationship between any Native group and any attorney, or to interfere with the contractual relationships between Native groups and their attorneys, or to affect the right of attorneys to be paid for services.

On the question of compensation, it has always been my position that my representation constitutes a form of public service and that financial considerations are of a secondary concern. The contract which I prepared gave me no voice in setting the fee. Un-

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der that proposed contract, the fee was to be determined by disinterested parties and to be subject to approval of the Secretary of the Interior. Moreover, I told all concerned that I would provide additional safeguards for the Natives rights.

Furthermore, at my direction, all facts concerning Mr. Weinberg's activities on the native land issue were submitted in a detailed letter to the Department of the Interior and a ruling was requested on the issue of whether Mr. Weinberg had a conflict of interest. Mr. Weinberg and I understood and stated publically that he would receive no compensation for any services if it was determined that he had a conflict.

Under these circumstances, I am at a loss to understand why there has been a dispute concerning the role of counsel and counsel's fees, or why my motives, and those of my associates have been questioned.

I need not remind you that the AFN must develop its substantive position on the merits promptly. During the week of April 28, AFN representatives stated publically in Washington that the Natives' position would be presented to the Senate in the near future. Furthermore hearings by the House Committee on Interior and Insular Affairs are scheduled to commence in a few weeks. Thus, it is imperative that the AFN, utilizing the best advice available, get on with the difficult task of formulating its position on substantive matters, as time is of the essence.

If I were satisfied that there would be an end to the controversy which has arisen, involving the relationship of various attorneys, and that all concerned would promptly devote their energies to making sure that the position of the Alaska Natives was properly formulated and presented, I would reconsider my withdrawal. The continuation of the controversy is bound to have the effect of diverting the Natives from consideration of the substantive issues.

It is still my conviction that if the land issue is to be resolved fairly and expeditiously it is imperative that the Natives maintain their cohesion, that they act together with one voice, that they proceed with dispatch, and that their energy and resources not be dissipated in collateral disputes.

Sincerely yours,
/s/ Arthur J. Goldberg