

AFN Official Raps State for Persistence Nenana Is Wrong

A native leader this week criticized a decision of the State of Alaska to press forward in the courts on the issue of the State's land rights versus the native land rights of the village of Nenana.

First vice president of the Alaska Federation of Natives, John Borbridge, said, "I think there should be much more of an air of cooperation toward a common goal, namely the achievement of a just settlement."

At a time when Congress is trying to settle the land claims issue, he continued, the State, in this action, "appears to be manifesting a sense of impatience."

And, if the native people were

to likewise exhibit the same type and degree of impatience, he continued, it is likely that the courts would be filled with proceedings involving native rights.

The State's action referred to by Borbridge involves the case of Alaska v. Udall. The case was first heard in district court in Anchorage where the State filed a suit against the Secretary of the Interior to force him to lift the land freeze on lands claimed by the village of Nenana and to give the State title to the land.

The district court ruled in favor of the State in a summary trial and disposed of the case without considering native claim to the land based on use and oc-

cupancy.

The case was appealed to the Ninth Circuit Court in San Francisco, where the court ordered the case back to the District

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Court for a rehearing on the basis that the district court should have considered native claims to the land based on use and occupancy before making its decision.

The appellate court suggested that the lower court, however, hold the case in abeyance pending the resolution of the Native Claims by Congress.

The State then petitioned the U.S. Supreme Court for a writ of certiorari, which was recently denied. Then May 20 the State announced that it plans to push for a rehearing in the District Court.

Concerning this latter action, Borbridge wrote, "The native people wish to reiterate and to emphasize strongly that we remain firmly of the view that legislation is without question the best means of justly and

equitably settling the aboriginal rights of the natives."

"Although the decision of the Ninth Circuit Court of Appeals shows that there are alternative means available to the natives to protect their rights, resort to them would very likely take years of enervating administrative and judicial proceedings, which would serve the interest of neither the State, the nation, nor the natives.

"I think that the State undoubtedly can best serve the cause of advancing the land rights of its native citizens by awaiting the termination of the Congress."

Borbridge added that he felt very proud of the fact that, in this, the native peoples are choosing to avoid unnecessary judicial proceedings.