

## Wm. Paul Criticizes Press

(Continued from page 1)

absurd idea, that the feeble settlements made on the sea-coast, or the companies under whom they were made, acquired legitimate power to govern the people, or occupy the lands from sea to sea, did not enter the mind of any man (except the Anchorage Times as it cast its covetous eyes toward the North Slope. (The Crown) well understood (that was "the exclusive right of purchasing such lands as the natives were willing to sell." p. 572-3.

In the Mitchell case (9 Pet. 711 in 1835) the court defined as follows:

"Indian possession or occupation was considered with reference to their habits and modes of life; their hunting grounds were as much their actual possession as the cleared fields of the whites; . . . (and) were as much respected UNTIL they abandoned them, made a cession to the government, or an authorized sale to individuals.

. . . It is enough to consider it as a settled principal, that their right of occupancy is considered as sacred as the fee-simple of the whites. p. 745-747.

In United States v. Shosone Tribe 304 US 111 (1938) the Supreme Court said;

"Subject to the conditions imposed by the treaty, the Shosone Tribe had the right that has always been understood to belong to Indians, undisturbed possessors of the soil from time immemorial." p. 117

In the Walapai case (314 US 339) wherein the court set aside a grant (the same as in the Alaska Statehood case) 61 years after the event and affirmed the Indian Title,

"... certainly it would take plan and unambiguous action to deprive the Walapais of the benefit of that policy." p. 346.

In the Schumacher case, based on an array of such precedents, the plaintiff alleging his purchase of lands from the State of Washington under a grant from Congress, upheld the Indian's occupation who claimed his allotment after the whiteman had purchased the land from the State.

To those of you who might be puzzled by such conclusions of law, I have to say that by such grants of Congress where Indians are in occupation, the grant gives only the "naked title." The grantee cannot take the land nor can he drive the Indian away unless he buys the Indian's title. His right is the equitable or beneficial right.

And that is all the State of Alaska got in the Statehood bill. The State agrees with this else there is no meaning in its frantic efforts to get the Secretary of the Interior to approve the "State's selection."

—WILLIAM L. PAUL, SR.

## Fred Ipalook Retires . . .

(Continued from page 1)

wright, 90 miles west of Barrow, to take up teaching and taking the place of Ben F. Evans, a teacher who had died.

"Before departing for Wainwright however," Hopson revealed, "and not wanting to leave a lovely lady girl friend behind, he hurriedly made arrangements to marry his sweetheart who has been his better half ever since, the former Miss Ruth Kudralook."

The Ipalooks had nine children four of who died, Hopson said, "and he stops to take a pencil and figure out to find out to find that he now has 19 grandchildren."

Having taught in Wainwright until 1934, Fred came back to Barrow to teach and he followed his calling in his home village until he retired last week.

Through the long years, Ipalook served under many school principals one of whom is the present Bureau of Indian Affairs Area Director for Alaska, Charles Richmond.

Hopson also pointed out, "... and then that tall and mean principal we frequently referred to as the cranky old man Sterling Croel."

"We might also state here," Hopson added, "that while Mr. Ipalook was not made principal, he undoubtedly served as acting principal many more times than any other teacher in the whole BIA system of education."

Hopson pointed out that Ipalook still enjoys walrus, caribou hunting and fishing and that he is quite an outdoors man when he gets the opportunity.

"Whaling was one of the most determined efforts Fred put out as far as hunting is concerned," Hopson said. "After years of effort and many dollars spent, he finally caught a whale and you should have seen the celebration he put on."

Fred Ipalook is probably the only man in the BIA teacher system who has ever caught a bowhead whale.

Hopson recalled the time when Fred Ipalook conducted manual training for the boys in the afternoons. He said the model sled by his brother Eddie Hopson made out of baleen strips was the best.

"He was quick to say, however, that the model sled that I made was so rough and sturdy

that it could have stood many pounds of pressure. Quite a compliment, I might say," said Hopson.

Through the many years, Ipalook has been active in civic affairs in his home village.

He has been the active member of the board of directors of the Barrow cooperative. He has served as its president off and on since 1937 and "he has been president since 1950 and quided the store through its growing pains and frustrations."

Ipalook has been associated with the Presbyterian Church for many years and has served as trustee, a pianist and presently as an elder.

"For a person whose future was spelled out in the beginning, he realizes that he could not have survived successfully without the divine guidance that he has received all these years."

During his school teaching career, Fred Ipalook worked hard to break down the language barrier between the teachers and the pupils.

Hopson said that Ipalook noticed just two years ago that the beginners were able to speak the English language enough to communicate with the teachers; that the children were coming to school more able to understand the teachers which has been his goal.

"Mr. Ipalook feels that we are nearing the half way mark when we might see our children leave here and go to any other institution and take part in the normal education as we might see it elsewhere," Hopson stated.

"The realization of the goals set out and accomplished through many years of service in this field is much of Fred's delight, and seeing the young people take part in city governments and becoming native leaders."

Visibly impressed by the tribute his people gave him, Fred was pleasantly surprised and "perked up" when the Barrow Utilities Inc. presented him with a present he apparently liked—a snow vehicle along with \$600 in cash.

Among the presents was a huge baleen of a whale engraved with Eskimo hunting and other activity scenes. There were many other presents.

The retiring teacher took advantage of a new policy in the

BIA school system which gave him 5 per cent more annuity if he retired by October 31.

Besides Eben Hopson and the audience, the following people took part in the ceremonies:

Master of ceremonies, Larry Matson; invocation, Pastor Redfearn; Junior Choir and Geneva Fellowship who sang Will I Be Missed When I Am Gone, To Sir With Love and God Will Take Care of You; Lions Club; Jack Carpenter; National Guard, Nelson Ahvakana; VFW, Al Shontz; Jaycees, Jacob Adams; BUI Plant Management, Joe Upicksoun; City Council, Wyman Panigeo;

BIA, David Fauske, Larry Matson, W.O. Craig, superintendent BIA Fairbanks District, J. Leonard Norwood, assistant commissioner, BIA, Wash., Peter Three Stars.

Glenn Hackney, Governor's Office, Fairbanks, and Dr. W. Wolfe, Dean, University of Alaska.

In concluding his address, Eben Hopson declared:

"Finally, Ladies and Gentlemen, Mr. Ipalook says that there is actually no such thing as complete retirement in this field. The teaching of children is an endless thing."

"From that statement we can assume that while he may retire from the active roll of a teacher, he is going to be with us for a long time and help us mold the lives of our children."

"We need people like Fred



SIoux DANCE?—Peter P. Three Stars, a Sioux Indian from South Dakota, right background, seems to be doing a few Sioux dance steps at the conclusion of the ceremonies honoring Fred Ipalook, center, who retired after 40 years of teaching. Mrs. Ruth Ipalook is at left.

## Barry Jackson . .

(Continued from page 1)

in the U.S. House of Representatives:

"I don't believe there will be a bill cleared in either committee this year. There is a grave danger that if we don't have unity in the land claims effort, the Congress will sweep the bill under the rug or turn it over to the Indian Claims Commission."

It is a well known understanding that land litigations processed through the claims commission take years to complete.



BARRY JACKSON

## Miller's Letter . . .

(Continued from page 1)

royalty or in additional oil royalty on future leases," Miller added.

The different interests in Washington involved with the native claims issue have varied reactions to the Governor's letter.

It is reported that members of the Senate Interior Committee are somewhat puzzled by the Miller letter, since it does not further clarify the state's position as to how extensive a federal solution can be.

In effect, the letter said the Miller Administration may consider granting land and a royalty to the Natives should the Congress leave those provisions for the determination of the State.

Miller carefully skirted mention of any clear definition of where state responsibility leaves off from federal responsibility except for obscure references to the Statehood Act.

One thing is clear. The Miller letter offers some hope that his administration may become open to compromise.

With national opinion responding more to the Natives' plea for justice, and with the state acquiring an ever-expanding image of wealth and greed, Miller may now believe that it is in the best interest of his administration to reserve a share of that wealth for the Natives.

The Native interests are also puzzled by the letter. In his letter, Miller said his reassessment of position is largely made "in light of the recent hearings of the House Committee in Alaska."

These hearings are believed to have been highly favorable to the position advocated by the AFN, and highly damaging to the Miller Administration's position.

The hearings were also an indication of widespread native

in this changing world. Mr. Ipalook, we salute you and your lovely wife, Ruth Ipalook, for having such faith in the very people that you live with, and may God continue to guide you and your family through your quiet life in retirement."

Fred Ipalook is one of the very first subscribers to the Tundra Times.

support for the AFN, and of solid unity among Natives in pursuing a favorable land settlement.

In view of this issue as a rallying point in unifying Natives into a formidable political block, and in view of rapidly approaching statewide elections, a change in policy by the Miller Administration is almost inevitable.

The letter, some Natives feel, may be less meaningful than it appears at first glance.

Natives insist that they be allowed to select lands which have been tentatively approved to the state. They also want a perpetual royalty on mineral revenues.

Above all, the AFN would like full native control of proceeds from the land settlement.

If, as Miller indicates, the state were to dispose of lands to native villages and would legislate some form of revenue sharing, there would be no assurance that the Natives could administer the grants.

More importantly, if the state were to grant land to the villages, this would acknowledge that the state owns the land.

The premise for the land claims is that the Natives own the land, and their title to that land has never been extinguished.

To accept the offer of the state's grant would be to negate the argument that, in the first place, the land belongs to Natives and is not available for the state to dispose.

Still, the Native leadership in Washington is reluctant to react strongly toward the Miller letter. Strong official reaction by the AFN may not come about until Miller spells out his position in detail.

Contacted by the Tundra Times, AFN first Vice-President John Borbridge stated, "Not being conversant with all implications of the letter, it appears the Governor is reassessing the position of the state in regard to the AFN position."

"While the particular details of the change remain to be worked out, it is encouraging to know that the Governor realizes the need for a change in the state position."

The AFN leaders say the native position is firm, and has been firm consistently since the position paper was drafted last May.

To date, the Miller Administration has yet to recognize the native position and enter into discussion with native leaders.

They are hopeful that the state's coming policy shift may afford the opportunity for the AFN, for the first time, to approach the Governor and discuss implications of all settlement proposals.

The AFN strongly feels that the best possible settlement for the Natives would also be in the best interests of the state, and for the future economic development of Alaska.

The Governor's message is unclear. Until it is further clarified, the AFN will find it extremely difficult to respond, and to react either favorably or unfavorably toward the Miller position.