

William Paul, Sr. Criticizes Position Paper, Etc . . .

(continued from page 1)

(b) We must realize that our problem is totally a legal one even though an emotional overtone, and being emotional writers are prone to move the emphasis from law to justice as if the two phases were the same. It is not and if you wished proof thereof, readers should read the opinion of Chief Justice John Marshall in the Mitchell case (9 Pet. 711) wherein he exposes the injustice of an alleged ownership based on discovery conceived in conspiracy of the European nations who eased their collective consciences by proclaiming the refrain "We brought you salvation from eternal damnation."

(c) "Much of the anger (of the native leaders—are not they all "leaders?") is directed at the attorneys" says Tundra Times. What anger? Who is angry? It is true that the intense emotion in John Borbridge's breast is not calmed by a tie vote or an apparent dissatisfaction about the table, but such emotionalism must be excused when one realizes that he believes he sees so clearly that the many other pilots are trying to head the affiliated ship to the shoals of disaster. Others have feelings as intense, but this is not anger. Rather it is a praiseworthy concern felt by all (I was about to use the words "both sides" till I realized that there are no "two sides." We are concerned!)

(d) The regional lawyers are truly concerned with the law of the case and they realize too that this legislative approach is necessarily a compromise in which the natives will accept less than their land is worth. But who will pay the fee? and how much? This is really no concern of ours because we will not set the fee. Congress will. Mr. Boyko erred in bringing up that subject even in a "closed meeting." But he resigned because his clients (the Kodiaks and the Kenaitzes) did not vote on the Goldberg resignation as he, Boyko, thought they should. Some of us were surprised too because Harry Carter made the first motion to accept the resignation, accepted the substitute motion, and then switched sides and it turned out that he thus cast the deciding vote. But I didn't see any anger in his change of position. Switches are not uncommon in parliamentary practice. I once saw Sen. William Beltz elect the President of the Senate simply by not voting at all. So what?

(e) Flore Lekanof said "At meetings attorneys sometimes talked so much that the native representatives didn't get a chance to speak" and charged that "they (the lawyers) might not work for the most desired settlement" a remark that would be libelous if he did not protect himself by refraining from naming which lawyer. Such remarks go to the root of our trouble, broadcasting a distrust that really does not exist but which sounds off for every purpose. The lawyers did a lot of talking but only one such was guilty of talking to point whatever and he is gone now. The others had to talk because they were asked to explain. Perhaps three delegates even then could get the fine points raised and since they did not, those of us that didn't see the point wisely appeared wise simply by keeping quiet.

(f) I suppose I have to assume the Tundra Times quoted President Notti correctly when it reported that he resented the statement by lawyers (this included the Solicitor of the Department.) Assuming that the lawyers are correct in saying that the Alaska Federation of Natives is a fictitious organization in the sense that it of itself owned no land and its component parts have

not ceded their land to the AFN, how can the AFN be considered the legal representative of the aboriginal owners? I think the Department (and with this opinion I think the lawyers agree) has failed in its definition for there is a simple way to give a legal basis to President Notti's position by using the same device used in Senate bill S. 1830, to wit, by enumerating the component parts.

(g) That brings me to Mr. Goldberg himself for I voted to accept his resignation. I did not like to be pushed into a corner and to pass on the question of his sincerity—he either sincerely wished to resign OR he was playing a game to gain additional advantages which he did not disclose. I chose to consider this eminent man, a former Justice of the Supreme Court and former Ambassador to the United Nations, as being above "playing games for his personal advantage" and so I voted to make his resignation effective.

(h) I cannot follow Will Hensley in saying that we should assume that we cannot question the agents whom Mr. Goldberg selects and to support my position I must question the employment of any lawyer who has been in federal service long enough to get into the policy category like Mr. Weinberg. Our trouble stems from the attitude of the federal solicitor's office. While in prop-

erty matters we are wards of the government, the solicitors of our guardian do not protect our rights. Even at the risk of making this letter too long, I wish to quote from a recent letter from the Chief of the Land Appeals:

"There are no provisions in the act of May 25th, 1926 . . . of the regulations thereunder . . . which require that such deeds be issued in accordance with such alleged tribal customs or inheritance." (emphasis supplied).

Mr. Goldberg told us plainly in the March confrontation that he was not an authority on Indian Title Law and he selected Mr. Weinberg because he had been in the Solicitor's office. Don't you think that in his relation as the expert in Mr. Goldberg's legal staff that he would not influence Mr. Goldberg to adopt the Bureau of Land Management's view?

An opinion by Field Solicitor Hugh Wade emphasizes the adverse attitude of the department, and I quote:

"We are not authorized by that section (of May 25, 1926) to acknowledge tribal rights which are in derogation of statutory rights."

And that is the trouble with the Bureau of Land Management which dominates the legal thinking of the Interior Department. This department could have resolved our land problem long ago if it would continue the many

precedents that are now on the books of regulations and court decisions. e.g., "In adjudicating applications for patents to public domain in the Territory of Alaska careful inquiry is always made to ascertain whether or not any native rights are involved" hearings on S. 1196, 72 Cong. 15.

The following quote from U.S. Supreme Court report 205 U.S. 509, should show Mr. Hensley and others how far the Department's solicitors (recently the employer of Mr. Weinberg) have drifted from the law that still exists:

" . . . all persons . . . found within an Indian nation without permission, intruders there and require their removal by the United States . . . and it must be borne in mind that citizens of the United States have, as such, no more right or business to be there than they have in any foreign nation, and can lawfully be there at all only by Indian permission . . . The performance of this obligation (to eject such intruders) as in other matters concerning the Indians and their affairs, has long been devolved upon the Department of the Interior . . ." 25 Op. Atty. Gen. 214, 217-218.

The background of everybody is important, and when you take into consideration what Mr. Goldberg has done, you must concede that he has not acted up to the standard of his exper-


ience, e.g., he must know as does every attorney who has dealt with the Department of Justice, that it will not give an opinion in advance especially where the law is plain as in the Weinberg one. Why then did Mr. Goldberg ask for such an opinion? As a member of the AFN board, I have a responsibility to act within my knowledge and if I have more experience in such matters than Bill Hensley, my position should cause other members to examine the matter. I cannot get over the fact that Mr. Goldberg knew that Mr. Weinberg was disqualified and that he wrote the inquiry with the hope that the department would shut its eyes to the law (and some unkind person might even say "influence by his eminence, especially the aura of his former membership on the Supreme Court bench," an unkind statement but one that should have been taken into account by the very attributes of Mr. Goldberg for which so many people wish to employ him, to wit, his political acumen.

Is Mr. Goldberg mortal? Could he die suddenly? Would you and I feel safe if in that event Mr. Weinberg should take over? and does your heart warm toward Mr. Goldberg when he should have taken such contingencies into account?

By speaking of our misfortunes we often relieve them.


—CORNEILLE

ALASKA BUSINESS DIRECTORY

 You can fly anywhere in Alaska, the "Lower 48," or the world and find the TUNDRA TIMES —ADVERTISE—

DEAN'S BEAUTY LOUNGE
Room 107
Co-op Bldg. 452-2060

World Book Encyclopedia
CHILDCRAFT
For Growing Minds of All Ages
For Brochure and information:
Nancy Baker, Box 1992, Fairbanks. Phone - 452-2624

 Mido, Bulova Accutron Watches
Watch Repairing
NORTHWARD TIME SHOP
Heinz Borchard, Jeweler

CARR'S
404 Cushman
MAIL ORDERS WELCOMED

 **rogers**
travel service
TICKETS AND RESERVATIONS
Teachers: Now is the time to plan summer trips.
PERSONALIZED SERVICE
AT NO EXTRA COST
Northward Bldg. 452-5115

FAIRBANKS Office Supply
General Office, School, Engineering and Paper Supplies
PROMPT MAIL ORDER SERVICE
551 Third Ave., P.O. Box 2552
Fairbanks, Alaska 99701

CO-OP Drug & Photo
"ALASKA'S LARGEST"
Prompt Mail Order
SERVICE & PHOTOFINISHING
*Prescriptions
*Photo Supplies
*Cosmetics
*Sundry Items
P.O. Box 1390 Fairbanks

LEWIS LODGE
Bethel, Alaska
Hotel - Restaurant - Taxi

Complete Flower Service
Bridal Gowns & Accessories
ORDER BY PHONE OR MAIL
NORTHWARD FLOWER SHOP
NORTHWARD BLDG. 452-5522

FAIRBANKS BARBER SHOP
Glenn Cupp - Owner
Alberta Grant - Assistant
543 2nd Ave. 452-9811

DONALSON COMPANY
PO Box 845
Anchorage, Alaska
Phone 279-3025

Alaska National Bank of Fairbanks
Complete Banking Service
Branches at University
Nenana - Airport Road
Eielson - Delta - Tok
Main Office—Northward Bldg.

House of Fabrics
Fabrics for all your sewing needs
406 Barnette, Fairbanks, Alaska

Yukon Office Supply, Inc.
Sales - Service - Rentals
511 Gaffney Rd., Fairbanks
Phone - 452-1148

Jean's Fabric Shop
1st & Cushman
Fairbanks, Alaska

Sachs MEN'S SHOP
108 Cushman...456-4017

If you enjoy good country music, stop at the
Comet Club
208 Gaffney, Fairbanks

Fairbanks Lumber Supply
"Where One Call Supplies It All"
Box 629 - 272 Illinois St.
Garden Isle, Fairbanks
452-2183

Fairbanks Hearing Center
MAICO - ZENITH
FRANCHISED DEALER
Sales - Service - Batteries
NORTHWARD DRUG
Northward Bldg.—Ph. 452-2103

 Baby chicks, Ducklings, Goslings, Guinea Keets, Turkey Poult, Guaranteed live Bush Deliveries.
KARELLA HUTCH & HATCHERY
Box 1615, Fairbanks, Alaska 99701
Phone—452-3987

THE SEWING LOFT
Specializing in Knits and Stretch Fabrics
We Also Teach Classes in Sewing
Sewing Loft 523 1/2 2nd Ave.