

Airfield Repairing Done in Villages

JUNEAU—Governor Keith H. Miller reported that aviation maintenance projects have recently been completed on airfields and seaplane facilities throughout the State.

Forty-one airfields received extra maintenance and repair work ranging from new maintenance buildings, runway extensions, lighting systems, runway grading, assignment of maintenance equipment to employee housing.

The various facilities were improved by the Aviation Division of the Department of Public Works: Akiachak, Akiak, Allakaket, Anvik, Barrow, Bettles, Brevig Mission, Elim, Emmonak, Galena, Grayling, Hooper Bay, Kalskag, Kaltag, Kotlik, Kotzebue, Koyuk, Loyukuk, Mekoryuk, McGrath, Mountain Village, Nome, Noorvik, Nulato, Saint Michael, Savoonga, Sleetmute, Stebbins, Stony River, Umiat, White Mountain, Gustavus, Yakutat, Port Alexander, Port Althorp, Elfin Cove, Wrangell, Lawing, Kake, and Tenakee.

Total approximate cost for all of these projects was \$265,000. Governor Miller said, "In addition to our plans to upgrade all of the major aviation facilities in the State, we will continue to improve our smaller airfields throughout the State which are so vital to our smaller communities. These small airports are often the only transportation link these communities have with the rest of the State."

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Letters to the Editor

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Industry declared, although Congress had given authority to the Department of the Interior to set up reservations this was in derogation 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 derogation 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 derogation 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 opinion, 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 Emancipation 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 Hydraburg, 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

Gun Control Repeals Please . . .

(Continued from page 1)

"Certain people just have to be made aware that where guns are concerned the federal government can't treat Alaskans in the same manner as it does big city residents. It is not right that

Alaskans, most of whom are good sportsmen, be subjected to unnecessary gun control measures. If the majority of the people in New York or Los Angeles or Chicago want strict gun con-

trol measures in their cities that's one thing. But these measures should not be forced upon Alaskans who value their guns and in many cases depend upon them for subsistence," Stevens stated.

Dissect W.C. Arnold's Charges . .

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it has not, then the state's title may be subject to the aboriginal title, and the state has only bare legal title, and the beneficial ownership remains with the Natives. Although the Court of Appeals probably will not reach this issue, if it does the implications are great, for it leads to the question, "Who owns the \$900 million?"

It is to the credit of the Natives that they have not filed multi lawsuits against non-natives occupying the land to which they have aboriginal title. Rather the Natives chose to have Congress settle their claims. This is of obvious benefit to both Natives and non-Natives.

"... no Alaskan attorneys representing Native groups has offered to defend the bill or explain its provisions. This leads some to believe that Alaskan attorneys were excluded from its preparation." We have defended the bill and we have explained its provisions, and we will again. We assisted in its preparation, but the policies reflected in the bill were determined not by Goldberg or Alaskan attorneys, but by the AFN Board of Directors. The bill is not perfect, but it is the most comprehensive of the three before Congress, and

many of its provisions are favorable to the state and non-Native Alaska. For example, one clause protects the state and third parties against future claims, and a second protects the state's share of Federal Highway Funds. Also locatable minerals would not be subject to the 2 per cent royalty, which is an attempt to accommodate the needs of the mining industry.

Native leaders are prepared to try to accommodate the needs of all other groups in Alaska. Some groups were not contacted before the bill was introduced, for lack of time and manpower, but the process of accommodation is continuing.

"If any Native has been molested by the state in his possession of the lands he occupies there is no record of the event."

Apparently, Mr. Arnold has not read the newspapers in the last few years. The state has selected everything in the Minto area except the village itself. Further, the Tanacross situation is particularly bad commencing with the George Lake World's Fair Estate sale and the current problems whereby the state has selected their villages and graveyards.

"... it places the hundreds

of millions or perhaps billions to be received by the Natives, as well as untold millions of acres of land, beyond the reach of the tax collector." This is a lie. The land and money will be held by taxpaying corporations. While you can disagree with the favorable tax treatment given both land and money, and we do as to several clauses, most of the land will be taxable and the corporations are fully taxable on their operations.

And most of the tax treatment provisions are fully justified by the theory of the Internal Revenue Code. If your land is taken by the Federal Government, you receive a tax break on the compensation also.

This covers the most serious errors in Arnold's first articles. We will try to reply to the others as well.

Settling the Native Land Claims on a basis fair to all and in a way that benefits all Alaskans in years to come is a task requiring political leadership of the highest order, so that the necessary accommodations can be worked out. No one has to "lose," and all can gain.

We will be happy to discuss the proposed legislation with any interested group.

Claims Opposition Attacked . . .

(Continued from page 1)

used, "the most encouraging development I have witnessed in recent weeks is that the principle issue now being discussed by those who are interested in the settlement is no longer:

"Do the natives have legal rights of sufficient dignity to warrant the payment of significant compensation for their taking?"

"Nor even: 'What is the nature of the native rights?'"

"But rather: 'What are the elements of a fair settlement and what is just compensation for the rights that the natives will be called upon to surrender?'"

Borbridge pointed out that the Nixon administration has proposed to confirm native title to between 10 and 12 million acres of land and to pay the natives a total of \$500 million as compensation for the taking of their aboriginal title to the remainder of Alaska.

"This proposal is attributable to the administration's understanding that the rights of the natives are founded upon something a great deal more solid than an appeal to conscience," Borbridge stated.

"The Alaska Field Committee concluded: 'The Alaska natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy.'"

Borbridge reviewed the history of Lower 48 Indians and that they were extinguished between the 18th and 19th centuries; that they were extinguished under bilateral treaties between the United States and the Indian groups.

He said these treaties were concluded in accordance with a national policy which stipulated that the natives should be paid full value for the lands they ceded to the nation.

Later, Borbridge said, when it was discovered that the tribes had not in all cases been com-

pensated in accord with this standard, the United States provided forums where the tribes could establish and collect the difference between the fair market value of the land at the time of cession and what they had been paid.

"In these ways," he stated, "the Indian tribes of the Lower 48 have received upwards of \$1 billion to date for the land acquired from them by the Nation. And remember, this land was largely acquired from the Indian tribes before the beginning of the last quarter of the 19th century and the accounts are not yet fully settled."

"By and large," he continued, "the aboriginal land rights of the natives of Alaska have not been extinguished. They have been carefully preserved by Congress in virtually every important statute dealing with Alaska, including the Statehood Act, and exist today."

"If they are in part now to be surrendered, the natives are entitled under the established law and policy of the United States to be paid their present fair market value."

Borbridge said that the settlement being sought by Alaska's natives is set forth in three identical bills which have been introduced in Congress by each of the members of the Alaska delegation.

He said substantively the native proposal calls for the formalization of native title to approximately 40 million acres of land; for native retention of a 2 per cent royalty on the production of resources from all lands presently in federal ownership; and for the payment to the natives of \$500 million.

"Let me say here," he added, "contrary to some speculation that has appeared in the Alaska press, that the elements of compensation provided by the native bill were conceived by the elected

representatives of the native people assembled as the Alaska Federation of Natives.

"They were not suggested, let alone dictated, by anyone outside of the federation. The substantive provisions of the native bill reflect decisions taken by the natives and the settlement which they have determined to seek."

In concluding, John Borbridge stated:

"Finally, I would observe that, whatever form it ultimately takes, the settlement legislation will almost certainly result in the natives becoming in important economic force in the state."

"I regret that this fact has to now seemingly been better understood in the business and financial communities outside of the state than it has been by those within Alaska."

"I believe it is no secret that native leaders have been approached by responsible business and financial concerns in the 'Lower 48' interested in exploring a variety of development possibilities."

"More keenly perhaps than any other group of Alaskans, the natives appreciate that they are a part of the state and that their destiny and that of Alaska are inextricably bound together."

"They are agreed that they will now surrender their historic title to most of the land in the state. They seek to retain some of their land and to be justly compensated for the rest."

"They have proposed a settlement which they regard as fair and reasonable. They believe that, once informed of the dignity and standing of their rights before the law, men of good will will agree that what they ask is eminently fair and reasonable."

"They solicit your support in obtaining what they seek because they are convinced, not principally as natives, but as Alaskans, that the best hopes for the future of Alaska will be realized thereby."