

Alaskan Natives Want Fair Land Rights Settlement

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"TODAY, the Natives of Alaska, who collectively comprise three distinct aboriginal ethnic groups—Indians, Eskimos and Aleuts—number about 60,000.

Native use and occupation of the lands of Alaska, which had persisted for centuries before the area was 'discovered' by Vitus Bering, a Dane in the service of Peter the Great of Russia in 1728, was hardly disturbed at all during the Russian era, or for two decades after the Treaty of 1867 when Alaska became part of the U.S. The first organic act for the District of Alaska enacted in 1884 provided:

That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for further legislation by Congress.

Rights Preserved

Today Alaska is the sole remaining part of the United States which includes extensive areas still used and claimed by the indigenous inhabitants, based on rights of aboriginal occupancy. The aboriginal titles of most native groups in the United States were extinguished during the 18th and 19th centuries.

The aboriginal rights of the Natives of Alaska have been carefully preserved by Congress in every important statute relating to Alaska, including the Statehood Act, and exist today little diminished from what they were in 1867. The Federal Field Committee, which recently studied the matter for the Congress and submitted a comprehensive report, concluded that: The Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy.

By its Statehood Act, Alaska was given the right to select and have patented to it approximately 103 million acres of the 375 million acres of land contained within its boundaries. In other words, it was given the right to pick and choose for grant to itself in excess of one quarter of the area of the state. Additionally, it was

provided that the state should receive 90 percent of the mineral revenues realized by the United States from the remaining public lands within its borders.

Never in the history of the United States has a new member of the Union been treated so generously by the Federal Government.

Law Is Clear

The law is clear that only Congress can extinguish such aboriginal titles. Until Congress has acted, anyone, including a state, that takes paper title to lands subject to an unextinguished aboriginal title receives a naked fee: that is, a technical estate completely subject to the continuing rights of the natives to the use, occupancy, returns and profits of the lands.

When the State of Alaska began to select lands under the Statehood Act, the Native groups that hold aboriginal title to such lands protested the selections. After reviewing the situation, former Secretary of the Interior Stewart Udall concluded that Congress had not intended to extinguish Native titles by the Statehood Act. Accordingly, Secretary Udall ordered a halt in the processing of state selections to afford Congress an opportunity to determine how the Native rights should be dealt with.

Before what is commonly referred to as 'the freeze' on state selections, Alaska had obtained paper title to approximately 5 million acres of land, and had obtained tentative approval of selections covering another 8½ million acres. Recently the state received approximately 900 million dollars as bonuses for oil and gas leases which it sold on some 450,000 acres of the tentatively approved lands.

Settlement Pursued

Meanwhile, the Natives of Alaska, organized on a statewide basis as the Alaska Federation of Natives, had concluded to press Congress for a direct legislative settlement of their historic rights.

The terms of the settlement are included in the bills that have been introduced in Congress by the members of the Alaska Congressional delegation at our request. Essentially, the Native proposal calls for confirmation of Native title to about 40 million acres of land; for Native retention of a two percent royalty on the

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