

*Question 2. What do you think the state's role should be in the state-native-leasee relationship?*

Answer. We think that Alaska should be developed for Alaskans. Our text in this area is our experience in Southeastern. The problem is a little personal to me because approximately half of the timber being cut for the Ketchikan pulp mill comes from the areas which was aboriginally held by my family, the Tee-hit-ton tribe of Indians. Let us assume that the Tongass National Forest was not, in its creation, a taking of the aboriginally held lands of the southeastern Indians. (We will later develop other phases of the southeastern problem.) For many years, many profound thinkers thought that the exceptions contained in the Proclamation of the President creating the Tongass National Forest included Indian-title lands. The Congress was so uncertain that it passed a joint resolution in 1947 authorizing the United States Forest Service to sell the stumpage in the Tongass National Forest and to place the fund thus created in a special escrow fund. The fund was to be held intact pending determination of the question whether the United States on the one hand or the southeastern Indians on the other owned the timber, and whoever was finally determined to be the owner would get the fund.

Had the Indians prevailed in southeastern, the escrow fund would be owned by the respective groups within southeastern Alaska. So far as the economy of Alaska is concerned, it is much the better that the Indians own the money than the United States do. I can see huge developments being made as a result of local ownership of the stumpage being yielded by the Tongass National Forest. Instead, the money is being funnelled into the Treasury of the United States.

Using our southeastern experience, it is to the interest of the state government of Alaska to promote native ownership of the lands.

The problem becomes acute, however, because the state government has the right to select more than one hundred million acres of so-called public domain. The more lands held by the native groups in Alaska, the less lands will be available for state selection. But the role of a government is not that of a capitalist. A capitalist, by definition, is seeking profit for himself. The role of a government, however, is to seek justice for its citizens. The natives are part of its constituents. Therefore, the state government, if it had any integrity, must support the native claims. This is true, even if it diminish the area that is available for state selection.

The trouble, however, is that the state is hungry for money because its tax base is so perilous. I need only to point to the state's utilizing the oil lease rentals as if it were current income, rather than as its capital, in order to sustain its state government. Therefore, the exigencies of the state in supporting itself and its services to the communities have promoted a greed. Necessarily, the state, in order to meet these exigencies, has felt compelled to oppose native claims. This is a short-sighted solution, because the economic development which the native groups could, through wise management of their funds, produces for the good of all could be tremendous. We need cite only the Tyonek experience as proof of this thought. Other native groups are just as qualified in resisting the improvidence of the Bureau of India Affairs in economic affairs as do the Tyoneks.

But to get back to your question: What should the role of the state be? It should be to promote justice. Whatever the truth is, let it be. Thus, the role of the state should be to assist in providing a vehicle for the determination of that question. It should assist the native groups in the enactment of legislation by the Congress for the determination of the native rights. Not necessarily that there should be a vehicle for paying the Indians and the Eskimos and the Aleuts. Rather, there should be a vehicle for the definition of the native rights, if it be money or definition of the area of present ownership or both.

Certainly, the role of the state should not be to belittle the fundamental basis of native rights. Certainly, the state should not advertise publicly that native rights are fraudulent. Certainly, the state should not advertise that the native rights are baseless.

We, all of us, should have faith in our courts to find the truth. If the natives do have rights, let us have faith that the native will be protected by the courts; if the natives do not have rights, let us have faith that the courts will find that result. If the natives do had land rights, let us have faith that the natives will utilize such rights for the good of all. So far as Alaska is concerned, it is the better for Alaska that the natives have such rights, than it is for the federal government to have such.

The role of the state in this entire problem has tremendous impact on public opinion. It will unduly lengthen the solution of the native rights problem