

We are against suing merely for money. The Tlingit and Haida case was first authorized in 1935 and is still going strong. Thus, I am against the delay that is inherent when suing merely for money.

I believe that the Indian, Eskimo and Aleut can manage his own affairs. They are sophisticated. As I mentioned previously, the Tyoneks are a grand example of self-government. Once the thought that what is good for the native of Alaska is good for Alaska is truly comprehended, then the true lover of Alaska will endorse the proposal of the state-wide conference of native chiefs.

One of the problems of drafting legislation is that usually in aboriginal rights cases, the Indians are suing the United States for a taking, an expropriation. That is why the Tlingit and Haida case is so important in the Alaska situation, because were it not for the Tongass National Forest Proclamation, there would never have been a taking. Thus, in framing legislation, either the Congress (and Congress is the sole authority for this purpose) must, by legislation, deprive the natives of their land rights, in which event the natives would be relegated to an action for money against the United States; or alternatively, the present condition will continue where the action would be for a judgment defining the area still held by the natives and an action for money for the miscellaneous takings by way of patents scattered throughout the State. Hence, our recommendation is for the second alternative.

Under your suggestion for any material I may have, or ideas on emphasis and treatment, may I add these following comments:

A. The *Tlingit and Haida* case holds that aboriginal rights in Alaska survived the treaty with Russia and all general public laws relating to land.

B. Were it not for the Tongass National Forest Proclamation, the Southeastern Indians would still own Southeastern Alaska, disregarding actual patents issued by the United States, which certainly must be regarded as "a taking," by the United States.

C. Using the criterion of the *Tlingit and Haida* case, the balance of the interior of Alaska is still owned by the respective aboriginal groups there, again disregarding actual patents issued by the United States.

D. This is not a catastrophic idea because the native groups are becoming more and more sophisticated and can well manage their own affairs to the good of Alaska and to themselves.

E. The State of Alaska is making a tragic mistake in merely opposing native rights; no doubt the State is motivated by its desire for self-aggrandizement by the state selection rights of one hundred odd million acres.

F. The State of Alaska has an obligation to protect all of its citizens, including the natives, and is thus morally bound not to merely deprive the native of his ancestral homes.

G. But the State of Alaska is distrusted by the native groups because of the thought generated by the State officials that the native claims are baseless and perhaps even fraudulent.

H. Notwithstanding the foregoing, the native groups are still willing to work out an interim method of covenants not to use; and

I. The native groups desire that their areas be defined and that a responsible mechanism be devised for the determination of such areas; and

J. If there be a mechanism entrusted with the definition of the natives' area, the natives will react responsibly in such an effort,

K. Because the natives realize that the United States, as such, may deprive them of their rights altogether.

Yours very truly,

FREDERICK PAUL.

