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A proposed new set of Federal regulations under which the commercial rights of the Indians, Eskimos, and Aleuts of Alaska may be exercised, if they choose to utilize such rights, as announced today by Secretary of the Interior Fred A. Seaton.

The proposal is being forwarded to the Federal Register for publication in the near future. Comments are invited from interested parties for a period of 30 days after the date of publication.

The department's sale purpose in proposing the regulations, Secretary Seaton emphasized, is to permit the Alaska natives to use these fishing rights which were preserved for the natives by Section 4 of the Alaska Statehood Let, if they choose to do so.

Secretary Seaton pointed out that when the Alaska Statehood Act was being considered by the Congress, the Department of Justice informed the Congress that the inclusion of a reference to "fishing rights" could well result in Braising an implication that there is a 'right or title' to fishing rights in the natives of Alaska despite prior court holdings to the contrary.

"The Supreme Court," the Secretary stated, "has already enjoined the 3tate of Alaska from interfering with native fish traps until it is determined whether these traps involve native fishing rights protected by the Statehood Act.

"The best legal advice I have been able to obtain from the Department of Justice and the Department of the Interior," of the Secretary said, has been to the effect that these fish traps are 'fishing rights' protected by the Statehood Act. Under the circumstances, I have no alternative but to permit these natives to operate these traps if they choose to do so.

"Congress created these rights and we cannot, by arbitrary or capricious action, abolish them. If the legal conclusions of lawyers in the Department of Justice and the Department of the Interior are correct--as reflected in the position taken in the Supreme Court--them only Congress could abolish the right created by the Congress for these natives to operate fish traps if they so chose. I am further advised that such action by the Congress might also raise questions of just compensation.

"As recently as 1952, 334 fish traps were operated in Alaska waters under regulations issued by Secretary Oscar L. Chapman. The Eisenhower Administration has complied with the wishes of the Alaskan electorate and eliminated all fish traps but these native traps, which I am advised I cannot eliminate," the Secretary stated

"Furthermore," Secretary Seaton said. "I would not eliminate the rights of any native by administrative action without giving him his day in court. These native people have taken their cause to the highest court in our land and I am not going to act so as to deny them the very rights they seek to protect.

"The major difference between the existing State regulations and the proposed new Federal rules relates to the use of commercial fish traps by the native people. No provision for the use of such traps is made by the State regulations. The Federal proposal limits the native people to the "traps used in the

1959 season.

The regulations also describe the location of 21 trap sites of the Angoon community Association, the organized village of Kake and the Metlakatla Indian Community, which have been used at various times in the past by the three native communities.

The proposed regulation provides that during the 1960 fishing season and until otherwise authorized the villages may operate only 11 traps, the same number as were authorized in 1959 in accordance with the Department's position that the intent of the Alaska Statehood legislation was to retain in "status quo" the rights of the natives.

Prior to the 1959 fishing season the native communities brought legal action to enjoin the state of Alaska from interfering with the exercise of the fishing rights which were preserved for them by the Statehood Act. A temporary injunction was granted by the United states Supreme Court and will remain in effect until the Court issues a final decision in the case.

Under protection of the temporary injunction the native villages operated 11 fish traps during the 1959 season--four at Metlakatla, four at Kake, and three at Angoon.

The sole purpose of the proposed regulations is to spell out certain fishing rights which were secured to the Alaska natives under Federal law. In this connection, Secretary Seaton explained, any fishing activities by the natives in violation of both the Federal and the State regulations would be subject to penalties imposed by state law; however, encroachment of the native's rights may result in the utilization of penalties provided by Federal law.