SUPPLEMENTAL STATEMENT OF HON. HOWARD W. POLLOCK,
THE CONGRESSMAN FOR ALASKA

The excellent testimony today delivered by the Governor, by the Alaska native leaders and their legal counsel, illustrates the complex issues confronting the Congress on this vital issue of resolving the aboriginal native land claims in Alaska.

As a result of this hearing, several issues yet to be resolved came into clearer focus, which is preliminary and basic as a foundation upon which to build an equitable and just settlement.

First, the Alaskan natives—Aleuts, Eskimo, and Indian alike—claim an "Indian Title" by reason of original aboriginal occupancy and use. The extent of that title has never been determined, but the courts have given credence and validity to its existence.

Second, Congress has historically reserved to itself the prerogative and right to determine the exact extent of the aboriginal title to lands in Alaska, and the means to legally define, recognize, record, and convey this title.

Third, the area occupied by Alaskan natives under aboriginal title encompasses almost all of Alaska, an area about 1/6 of the total land mass of the United States. A court of claims or Indian claims court solution is inadequate because traditionally it gives only money judgments for confiscated lands, whereas, in much of the area in dispute there has not been a taking, as such. The native community seeks not money alone, but land also, some in fee simple title, some in surface rights to use and occupy. They seek clarification and definition of their rights and title, and are willing to support an equitable resolution to bring this complex situation to a close at the earliest possible time, even though this involves a compromise of their position and a waiver of any further aboriginal land claims in Alaska. This is in no manner a withdrawal from the firm conviction that the land belonging exclusively to them originally; that except for some limited coastal areas which were occupied by the Russian fur traders, there was no use and occupancy or actual sovereign taking by the Russians; and there was no exercise of dominion and control of the vast interior or northern coastal areas by the Russians. It is their further belief that whatever rights in land the natives had one hundred years ago, they still have, because the Treaty of Sessions (purchase of Alaska by the United States from Imperial Russia) preserved and protected their rights and interest in the land mass of the subcontinent of Alaska, and no act of Congress has since extinguished any such rights and interest. It only awaits definition.

Further, it is the firm conviction of the natives that a political (legislative) resolution will be accomplished much sooner, and will result in a much more equitable solution than could be accomplished by generations of litigation.

Fourth, the land freeze or moratorium on state land selection under the terms of the 1958 statehood enabling legislation has created serious financial problems for the state and its citizens. The financial problem will become more severe as the land freeze continues. At the same time, the freeze is probably the only equitable way to assure that Alaskan natives will be afforded an opportunity to acquire title to whatever lands are deemed appropriate by Congress. In this connection, it would be fair to point out that many of the larger federal land withdrawals have been made without consideration of the fact that the Alaskan natives do now—and have historically—occupied areas within these federal withdrawals. It would seem that the ultimate settlement must consider conveyance of title to some land areas contiguous to their villages, the same as landownership which might be appropriate for other Alaskan natives in and around their villages.

Fifth, the Alaska natives have several varying and distinguished characteristics which will need consideration in any overall legislation or adjudication. The situation we are confronted with would be similar to that which would have resulted if the Congress originally had decided to settle all Indian rights west of the Mississippi River in one treaty. It is not hard to envision the difficulty in reaching terms which would equally satisfy the Sioux, Zuni, Utes, Yakima, Cheyennes, Mandan, and Paiute. This, to a very large degree, is the problem we face in resolving the Alaskan native land claims.

Sixth, the right of self-determination in handling any monies and land as a result of settling the Alaskan native land claims should be vested with the Alaskan natives. If it is deemed necessary by Congress to have oversight responsibilities vested with the Department of the Interior, it would appear appropriate