

of such lands, we have been prevented and restrained from exercising our rights to deal with and develop such lands and resources. We say that only after we have been permitted the reasonable opportunity to exercise such rights a judgment may fairly be made as to whether our occupancy is hampering the economic development and progress of Alaska.

We believe that we have sufficient leadership ability to direct the development of our lands and resources.

We believe that we have the capacity—at least equal to the Federal and State bureaucracies—to make wise selection of experts and technicians to assist us, including engineers, geologists, foresters, managers, investment advisers, accountants, economists, and lawyers.

Some argue that since the discoveries of valuable oil and gas resources on the native lands have been recent, and since the natives in their aboriginal way of life did not exploit their lands for oil and gas, the natives have no basis for complaint if the Federal Government permits the natives to continue to use the lands solely for hunting, trapping, and fishing purposes, or if the Federal Government appropriates the lands and compensates the natives only for the value of the lands for such aboriginal uses without regard to the oil and gas values.

This is an argument which has been repeatedly rejected by the Supreme Court and the Court of Claims in cases involving Indian tribal lands.

By a parity of poor reasoning, it may be suggested that if Congressman Aspinall owned a 5,000-acre tract of mountain lands in his home State of Colorado which he used exclusively for hunting and for enjoying its beauty, and then valuable mineral deposits were discovered on the land, the Federal Government could, lawfully and in good conscience, appropriate the tract and pay Congressman Aspinall only for its value for hunting purposes and for its beauty.

Many have suggested that since the Alaska Statehood Act gave to the State of Alaska the right of selection of some 103 million acres of land, a serious dilemma has been created in that the exercise of such right by the State would necessarily require the selection of much land presently held by the Alaska natives.

Our answer is that Congress was fully aware of this problem when the Statehood Act was passed. In accordance with the uniform Federal policy to honor and protect lands held by aboriginal occupancy rights. Congress explicitly required the State of Alaska in the Statehood Act to "forever disclaim" all right or title to any lands held by Indian, Eskimo, and Aleut groups.

We say that any State selection of lands which are held by native aboriginal title is violative of the terms, intent, and spirit of the Statehood Act and contrary to other acts of Congress as well as Federal policy.

History shows that on the occasions when other States were earlier admitted to the Union, the acts of admission included provisions substantially identical to the "disclaimer" clause of the Alaska Statehood Act. Following the admission of such States, the Federal Government by agreement with the Indian tribes acquired such Indian title lands as were committed to the newly admitted State. The same procedure is applicable to Alaska.