

strued as a finding, interpretation, or construction by the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation."

Article XII, section 12, of the constitution for the State of Alaska has within it a disclaimer by the State of Alaska and its people which conforms to section 4 of the Statehood act. All of the above acts consistently reiterate our position on Indian title.

From a judicial standpoint, there have been a number of decisions supporting our stand. The cases usually cited in opposition to our view are *Miller v. U.S.*, 159 F. 2d 997 (1947), and *Tee-Hit-Ton Indians v. U.S.*, 348 U.S. 272. We believe both of those cases have been impliedly overruled. However, the ultimate and final answer to the question of whether Indian title exists in Alaska is the case of the *Tlingit-Haida Indians v. The U.S.*, docket No. 47900, U.S. Court of Claims, decided January 1968. There the court held that the Tlingit-Haidas have Indian title to 2,600,000 acres of land, which has not been extinguished. If that group has Indian title, why do not the rest of the Alaskan natives have Indian title? None can demonstrate that the natives of western Alaska should be treated in some manner different from that afforded to their southeastern brothers and all other aboriginal people.

Everyone in Alaska knows of the problems confronting our native people. Others will go into more detail but they involve (1) lack of employment, (2) grossly poor housing, (3) poor education in quantity and quality, and (4) complete absence of public facilities such as water, sewer, electricity, etc. We also know that many of our native people have never had an opportunity to escape the poverty that engulfs them. This has not been the result of anyone's campaign. If given an opportunity, I am confident that they can and will develop Alaska. Their leadership is here and you have observed them. I am proud to represent them and know that after this legislation passes, they will maintain the faith that you have placed in them.

STATEMENT OF BARRY JACKSON, ALASKA FEDERATION OF NATIVES

Mr. JACKSON. My summary will be essentially a digest of my statement.

Mr. ASPINALL. Mr. Chairman, I object to this kind of a file being a part of the record. The real statement of Mr. Jackson, whatever it may be, will be fine, but the rest of the statement will be placed in the file.

Mr. HALEY. The statement will be received and I will ask the professional staff to examine it at a later date and what is pertinent to the matter under consideration will be made a part of the record. The rest will be made a part of the file.

Mr. ASPINALL. Just a minute, Mr. Chairman.

Some people get the idea that we have our files all cluttered up with editorials, newspapers, and magazines. We never permit this sort of material to come into our files. The Chair will instruct the staff to keep that material out no matter how pertinent it is.

Mr. HALEY. I might say to my colleague from Colorado that was thoroughly understood.

Mr. ASPINALL. Thank you very much.

(The statement referred to follows:)