

2. *The task force proposal (S. 2906/H.R. 15049 CSHB 672 (Finance))*

The task force was formed by Governor Hickel at an opportune time in the fall of 1967. He saw the need, he made the commitment for a solution to the land claims problem. At about the same time, Attorney General Boyko became convinced that there was a need for early solution and a generous solution. Secretary Udall, about the same time, came to Alaska and made a suggestion that the natives of Alaska do not need 270 million acres, or whatever it is they claim, but that they need some land and they need some money and that the Outer Continental Shelf would be an appropriate source of some money for the natives.

At about the same time the Fairbanks Native Association, which I also represent, reviewed our problem and decided that what we needed was not endless litigation, but an early administrative type solution and we came up with such a proposal.

That task force, which was then formed of about 40 people, representing all areas of the State, including the board of directors of the Alaska Federation of Natives, met many times for many days. They formed a drafting committee of nine members. The drafting committee worked with myself and three other attorneys, Roger Conner, then of Juneau, Cliff Groh, Anchorage, as well as Fred Paul of Seattle. We attempted to put together for the first time, not what the natives wanted, not what Secretary Udall and not what the Governor wanted, but a proposal that perhaps all could accept, that all could live with. In the finer sense of the word, it was an attempt to come to reason together, as the President sometimes says, to accommodate the conflicting interests that are involved here and to create some legislation that would be meaningful for years to come. I am not saying that what we have come up with is the answer. We do suggest that it forms a basis for consideration by your committee and we think that it offers a general pattern which would be helpful and which offers a possible early solution of the land claims.

The proposal that the task force came up with is essentially in four parts.

*First*, a grant of 40 million acres of land in fee or in trust to the village groups. This compares to the grant in the Statehood Act of the State of Alaska of about 102½ million acres general grant land, plus some other lands in addition. Secretary Udall's bill conceivably could allowed the natives to get as much as 12 or 12½ million acres. In practice, we suspected that the actual amount of land that would be granted would be in the neighborhood of 6 million acres. This would have been totally unacceptable to the natives of Alaska.

On the other hand, while the natives of Alaska believe essentially that they own the land they now occupy and use, they recognize that without the help of Congress they can get title or useful title to none of the land. Forty million acres, we felt, was a reasonable compromise. It is about as little as the native leaders of Alaska feel that they can accept for their own people and I think you recognize that if the native leaders here that have a responsibility settle for too small an amount there is a very real danger that more radical leaders will appear and disrupt Alaska's society. So far it has not happened, but there are people who take advantage of this situation. We do feel that 40 million acres, if the villages can get the land which is most important to them, this much can satisfy them provided they can continue to use the surface, for aboriginal use of, lands around the village which they do not get title to.

The *second* part of the proposal is a 10 percent royalty interest as proposed by Secretary Udall.

The Task Force recognized that his proposal, the Outer Continental Shelf Royalty, may not be politically possible. The Task Force suggested, in that event, that as an alternative, there be some type of settlement of money which does not involve litigation, which does not involve the claims process. We would like to stay away from litigation.

The *third* part of the settlement is a grant by the State of Alaska of a 5 percent royalty in State granted land which the State has acquired from the United States. Now, in order to avoid any impact upon the State Treasury today, we have asked that this royalty from State lands, revenues from State lands, not be applicable to any existing sources. We prepared a State bill which includes that State royalty, and which has been adopted, with amendments, by the Legislature.

The *fourth* part of the Task Force proposal is the scheme for administering the lands and money. This is as important as the land and money itself. Is the land and money to be squandered in per capita payments? Is it to be eaten up in bureaucratic administrative costs?