

attorneys who have been representing the Alaska Natives. There is grave doubt whether the Secretary will approve attorneys contracts heretofore entered into on any basis and, if they are approved, there isn't any legal basis for compensation. Nevertheless, it is clear that the attorneys have been performing valuable legal services which have helped measurably in obtaining a solution to the land claims problem. They should be paid. The proposed amendment alleviates this problem. While the amendment provided for direct appropriation, such as is not required by AFN. It only seeks the assurance that the attorneys for various groups will be paid from some source.

ATTACHMENT A

COMMENTARY TO FEDERAL ALASKA NATIVE CLAIMS ACT OF 1968

Draft of January 24, 1968

General.—This commentary to the January 24, 1968 draft of the proposed Federal Alaska Native Claims Act of 1968, proposed by the Governor's Task Force on Native Land Claims should be read in conjunction with the report of the Task Force to Governor Hickel from its meeting of January 12-18, 1968.

The draft is still subject to revision, but the draft incorporates the policy decisions of the Task Force and can at least be furnished "as is" to the Senate Committee on Interior and Insular Affairs at its hearing in Anchorage on February 8-10, 1968.

The draft should also be read in conjunction with the proposed state act and commentary thereto.

Section 100. Purpose.—This is the preamble or purpose clause. It is based upon the preamble to the draft federal bill prepared by Attorney General Boyko of Alaska (hereafter the "Boyko Federal Draft"). The term "needed by" should be replaced by "to and by".

Section 101. Creation of Commission.—The commission has administrative and limited adjudicatory functions. Hopefully, it will function fairly but informally. Its primary function is to administer, over a long term, the legislative settlement of the land claims.

The requirement that members be Alaska residents for five (5) years is very important to the Task Force, as is the requirement that Alaska natives be well represented on the commission. The Task Force would otherwise be opposed to granting the commission the powers vested in it by this Act.

The Task Force would have preferred a commission with at least a portion of the members elected by and from all Alaska natives, but this was omitted in the belief that the Congress would not accept such a scheme despite the current poverty program requirements for representation of the poor on governing boards. Compare Section 2, Boyko State Draft.

Section 102. Term of Office.—Overlapping terms are provided, and the commissioners are given tenure.

Section 103. Compensation.—The drafters expect the commission to be full time, or nearly full time during the first few years, later the duties will be less onerous, and they may then be compensated on the basis of the time they are engaged in their duties.

Section 104. Nominations.—If neither the Governor of Alaska nor the natives are to select any members of the commission, the Task Force feels their interest should at least entitle them to make suggestions to the President. This is here provided, but the President is not required to pick his appointees from among those nominated, as such a requirement can lead to an attempt by the suggesting agency to control the choice of the President by suggesting several, only one of whom would be acceptable to the President.

Section 105. Location.—The Task Force deems it of utmost importance that this section be adopted. We do not wish to do our business with the commission in Washington.

Section 106. Employees and Expenses.—This section requires no commentary.

Section 107. Procedure.—No comment.

Section 108. Jurisdiction and Powers.—Since full adjudication of native claims will normally not be necessary the power of the commission to adjudicate claims is limited to the extent necessary to carry out the state and federal acts. The Task Force does not expect a multitude of litigated native claims to be heard by the commission.