

While the commission is primarily an administrative agency and not adjudicatory, when it is proceeding in disputed matters, notice and opportunity to be heard is required.

Section 109. Testimony of Witnesses.—No comment.

Section 110. Final Determination of the Commission.—While the commission is not expected to act like a court of law, this section establishes certain minimum standards for its decisions in disputed matters, in order to make judicial review possible.

Section 111. Judicial Review.—Review is provided to the U.S. District Court for the District of Alaska. It is important to the Task Force that the review be to this court, as it is the one most competent to decide any appeal. It may not be the most sympathetic, indeed the drafters believe that historically this court has not been sympathetic to native claims, but this factor is outweighed by its availability and competence.

The scope of review is limited, in part because of a desire for economy and early settlement of disputes, and in part because even the commission's decisions in disputes are likely to be decided on broad public policy grounds rather than on precise legal rights.

Section 112. Attorneys for Native Groups.—The United States has always controlled the contracts of lawyers with Indians. While the Task Force is not happy about this situation, as federal officials have, at times, misused this power, this section appears necessary.

Since the commission will be meeting in Alaska, admission to the bar of the United States District Court for the District of Alaska, to which any appeals would be taken, is appropriate. This does *not* restrict practice to those lawyers resident in Alaska or members of the Alaska Bar Association.

Section 113. Official Documents.—Compare Sec. 10, S. 2690.

Section 201. Native Township Grants.—This and succeeding sections are based upon the selection procedures of the Alaska Statehood Act. The grants are to the local native groups, are in praesenti grants (at least to the extent that the Statehood Act makes in praesenti grants, if it does) and the group, rather than the Secretary, selects the lands it desires.

The total lands granted are 40 million acres, which are divided among the groups according to their "population", that is those on their rolls. However, as will be seen, a native need not be a village resident to be included on the rolls.

Preliminary estimates of the number that will be enrolled is 80,000. If so, the land selection factor will be 500, and each native group will be entitled to select as its grants $500 \text{ acres} \times \text{number of persons on its final roll}$. For example $500 \times 300 = 150,000 \text{ acres}$.

Section 202. Preferred Right of Selection.—Generally, the grant awarded each native group will be much smaller than the area it claims Indian Title to by aboriginal occupancy. The Task Force considers it crucial to any fair settlement that each native group be able to get in its grant the lands most important to it. Generally, these will be lands in the immediate vicinity of the historic village, but some lands may be future village sites or lands of economic value, and so on. This section gives the group a preferred right of selection as against the State of Alaska and all others for a limited period of time so that it can obtain title to such lands. This preference right does not extend throughout the native claims area, however, but only to certain lands nominated and withdrawn within six months of the date of the federal act under the next section.

Section 203. Temporary Withdrawal to Protect Preference Rights.—The Task Force recognizes the interest of the State of Alaska in early resumption of state selection. This section, with Section 202, attempts to accommodate this interest with the interest of native groups in obtaining title to the lands most important to the several native groups.

Each group nominates such lands for selection and the Secretary withdraws, in general, these lands from entry or selection by others. This permits the land freeze (continued by Section 213) to be lifted by the commission within six months after the passage of the federal act.

The maximum acreage so nominated and withdrawn cannot exceed forty million acres.

Section 204. Withdrawn Lands.—A major problem with any land settlement for the villages lies in the fact that many villages are situated on or are surrounded by lands which have been withdrawn or reserved by the Federal Government. No satisfactory land settlement can be made without permitting the natives who have used and occupied these lands from time immemorial to obtain some minimum portion of these reserved and withdrawn lands. This section