

Mr. POLLOCK. If I may comment further, under the research document which I have included as part of the record this morning, there is a very detailed explanation of this difficult area where the Russians thought of the natives as being of three separate categories and they treated them differently. They assumed that some became full American citizens if they didn't go back to Russia in 3 years. For the others, they determined that the Congress would at some future time—the United States said when they picked this up from Russia—at some future time would define their rights and determine how possession was to be established.

Mr. ASPINALL. The reason that I asked you to yield and the reason that I carried on this interrogation was to see whether or not Congress should accept the responsibility of saying, "All right, we will give you 40 million acres of land and \$500 million, or we will give you the right to go into the courts and make a determination."

I know which one is the fastest. I know which one perhaps would be the less expensive for the Indians. I don't know at the present time which one would be the most equitable as far as results are concerned.

Mr. POLLOCK. Mr. Chairman, if I might respond to this, I think from the time of the 1867 Treaty of Cessions the Congress, as we Alaskans understand it, has reserved to itself the right to make this final determination.

Mr. ASPINALL. That is right, but I don't know which way to go at the present time.

Mr. JACKSON. Mr. Chairman, may I complete an answer?

Mr. Chairman, you asked what lands were in Indian title and the answer, perhaps correctly, is that the lands that are in use and occupancy today are still in Indian title. The lands which have gone into private ownership, there has been in fact a taking. Some of the lands have gone into national forests and national parks. There has been a taking. Here the only right traditionally is one of compensation and not of land itself.

In the third case, there is good title in the government and the Indian title has been extinguished.

Mr. ASPINALL. When you get to the title of my little home in Palisades, Colo., it is founded upon a taking by the United States of America from Ute Indians. Whether it was right or wrong, it was founded upon that taking. I am not of the opinion that the Federal Government is going to go back now and state that the Ute Indians, after they had this taking, that we are going to say, "We are going to see that you get more money."

I think the title to my property is pretty well founded and I think the title to the property as such, where it is owned by the individuals and by the State, is pretty well founded and if we try to go behind that, I think we are going to be in trouble.

Mr. JACKSON. I want to emphasize that most of Alaska is still held in use and occupancy by the natives. Originally the first proposal that the Alaskan natives came up with was compensation for the lands that had been taken and fee title to all of the rest. This would have been impossible. It would have meant something like 300 million acres in the fee title to the natives. We have attempted to come up with a compromise with some land and some money and that is what we are asking of Congress.