

In the last analysis, it will be up to Congress to dispose of this issue with such land and money as they deem to be proper. What we are asking for is 40 million and \$400 million, however.

Mr. GROH. Mr. Chairman, I only wanted to add that, once this Indian title is established, it goes on until abandoned. Admittedly Congress must act on it, but it still persists.

Mr. POLLOCK. Mr. Jackson, I wonder if you would very quickly, for the purpose of record, indicate to the committee what the test case is, what is the subject matter and what you hope to achieve?

Mr. JACKSON. Mr. Chairman, Secretary Udall, several years ago, determined not to pass title from the United States to the State of Alaska or to other parties for that matter under public land laws until such time as Congress adopted legislation to resolve the problem of the native land claims.

The State of Alaska has brought suit in the nature of mandamus against Secretary Udall to require him, essentially, to pass title. That case is still in Federal District Court in the District of Alaska. The State of Alaska has filed a motion for summary judgment which has not been argued, but the briefs have been submitted. I might say that I represent an intervenor on the particular lands in question and we maintain in any event we are entitled to a hearing on the question as to whether we actually use and occupy the land and we have never had an evidentiary hearing on that issue at any stage.

Mr. POLLOCK. Thank you, Mr. Jackson.

Now, could you also for the record very briefly indicate what the nature of the major amendments are that you propose, for the proposal originally submitted by the Secretary?

Mr. JACKSON. Yes, Mr. Chairman. Turning to the AFN proposal, page 14 or 15 of my statement, first we have the problem of native children adopted by whites and the problem of the Aleuts which will be taken up by their representatives. We recognize through our amendments that native groups may be incorporated and under our proposal they will be incorporated under State law as business corporations, modified to some extent.

We have pointed out the real problem of need of the villages in withdrawn lands, especially for example on Nunivak Island where there are reindeer. The need of these villages to get some land—we have amended the proposal to permit the Secretary to grant any land in Alaska unless it is in a national park or monument or in some exceptions, within national forests we have expanded the concept of the land debate to permit land to be granted which may be suitable for future village sites, agriculture, grazing, recreation, mining, industry and other uses. In other words, not merely to burial grounds, airfields and water supply, which is essentially what is now in it.

We have broadened it also so that it is not necessary that the land be immediately contiguous to the village. It would be permissible for the Secretary to grant some land away from the village, providing it is still within the area claimed by Indian title by that particular village.

Then we have increased the amount of acreage from 50,000 for a village to a formula grant which gives the Secretary some chance to grant 40 million acres, but he has a discretion between minimum and maximum amounts in the grants.