

On the other hand, the Aleutian region is one of the most remote in Alaska even today and we find that there are people out there who might be slightly less than one-quarter blood, but they are living a completely Aleut way of life, as have their ancestors. They still speak the Aleut language. They still have all of the customs and folk ways of native people, and their material culture is that of an Aleut. That is, they fish and hunt for a living; they live in an Aleut community and when you want to look at the ugly side of the picture, they are still and have been in the past at various times, regarded as something of a separate group from that of the dominant culture. We are talking here about people who are fully accepted by their communities as being natives, rather than non-native. We do think there should be a liberalization of the provisions in the bill to cover this type of person. We don't think it will result in the expansion of the rolls vastly. We just think it would be more fair and equitable to let the Alaskan Native Commission, which is in the bill we have proposed, determine in close cases what to do.

That is the burden of our presentation on the blood quantum problem and I would like the privilege of making a few brief remarks about some of the other topics which have come up here earlier today, Mr. Chairman.

As to the question of whether the Treaty of Cessions extinguished title, we do have some judicial decisions which guide us in this area, as well as a lot of historical material that Congressman Pollock has referred to concerning the nature of the Russian occupation of Alaska.

First of all, the early Russian settlements there were without any particular legal authority or status from the Crown and it was not until 1799 that the Russian Emperor issued a charter for the first Russian-American company to go in and use the resources of Alaska. Even at that the charter was only in the nature of a franchise. There were successive charters issued. Altogether there were three of them, and the last charter expired a few years before the previous cession. It was never renewed and the Russian-American company was merely holding over more or less as a tentative will of the czar.

Furthermore, at the time of the second charter in about 1821, we find the czar laying down specific rules and these haven't the force of statute, of course, whereby the company itself was restrained from interfering with native possessory rights, property rights of any kind.

Lastly, there is the most significant memorandum which was sent from the Foreign Office of the Russian Government to Secretary Seward at the time of the Treaty of Cessions, which is signed by one called Kostlivtsov and this memorandum details at great length the fact that the Russian-American company did not dispossess the natives of its aboriginal occupancy. It had no intention to do so and had no legal authority to do so.

Furthermore, the memorandum points out that no title was ever granted by the sovereign to even those posts occupied by the Russian-American company. So when the United States took this country, it took it as it was, and there certainly had not been any extinguishment of title by the czar, or the Russian-American company, or anyone else. Therefore, Congress provided in the act of 1884 that whatever rights there might be would await a further determination of Congress. The Treaty of Cession has been a subject of argument and there are some