

the remark has been made that the United States bought Alaska from Russia. That is not a statement of fact. The fact is the United States bought the sovereignty, and it did not disturb the actual ownership, use, and occupation of the inhabitants. That is based upon international law.

Along back in the 15th century there were five nations that came together and they decided what rights each discoverer should have in the new land. This was reduced to one statement; namely, that the inhabitants who dwelt in North America would not be disturbed in their possession except in one respect—they could not sell without the permission of the discovering nation. On that theory we eventually came to the position where the United States holds the legal title, but the equitable title is in the hands of the inhabitants who lived in this country. So through that scheme we finally came to the place where we have guardians. The United States holds the title for us, we are wards of the Government, the Government is the guardian. All of the trouble that has come up to us since that time is due to the fact of this guardianship. I say that the 103 million acres given to Alaska was not a gift of the equitable title. It was given to Alaska with a flaw in it; namely, the Indian title. I will read a paragraph from a law case:

The contention that Indian lands are public lands, subject to the disposition as such in 17 Wall, 211 was again rejected by the court. In this case the defendant, Joy, claimed under certain preemption Acts of Congress. The Court pointed out that the occupancy rights in the land in question had been in the Indians from the start and was therefor clearly subject to the disposition by the Indian Treaties.

In the matter of the rights that go along with the equitable title, the Indian title is good against anybody and everybody except the United States. I heard Mr. Dwart when he was up with a committee of Congress challenge me on the statement. You are correct. We cannot sue the United States. But we can sue every single homesteader and miner that comes into our country and on that he had no exception. Subject to the right of possession, the ultimate fee was in the Crown and its grantees which could be granted while the land remained in the possession of the Indian could not be taken without their consent.

This is in *Mitchell v. United States* published way back in 1935. The definition of Indian title consists of, for that word Indian title is a subject—it is not in the law itself. Here is what Judge Marshall said:

Indian possession or occupation was considered with reference to their habits and modes of life. Their hunting grounds were as much in their actual possession as the cleared fields of the whites and their rights to its exclusive enjoyment in their own way and for their own purposes were as much respected. It is enough to consider it as a settled principle that their right of occupancy is considered as sacred as the fee simple of the whites.

That I call good title. That is what the Court calls ownership. That is a word over which there is much dispute. But Judge Marshall from the Supreme Court of the United States said that occupation for hunting purposes alone—we say we do not need these laws. We have plenty of laws. We don't need any \$3,500 million that seems to frighten this committee. Just tell the Indian Bureau and others who have authority to let us do the leasing of those oilfields. We can lease them. We can make a lot of money.

Governor Hickel can come along and tax all the products which may run as high as 50 percent or more. We know the courts have said that