Mr. PAUL. I would like to enlarge on my testimony and file it later.

Mr. HALEY. You have the permission and the committee stands adjourned.

(Whereupon, at 4 p.m., the subcommittee adjourned.)

(The supplemental statement of Mr. Paul received subsequent to the hearing follows:)

STATEMENT BY FREDERICK PAUL, ATTORNEY FOR THE ARCTIC SLOPE NATIVE ASSOCIATION

It is the curse of modern political practice that when there is a need amongst some of the citizenry, the Congress appropriates vast sums of money, and thereby the Congress has done its duty to correct the wrong. Aside from a relatively minor modification by way of a recognition of relatively small areas of land, the basic intent and purpose of the Department-sponsored bill in solving the Alaska native land problem is to pay the natives some money. The Arctic Slope Native Association is opposed to such a solution.

We use the phrase describing the granting of money as a "curse of modern political practice" advisedly and with some poignancy in the instant situation. While the Alaska Federation of Natives has suggested that the funds to be appropriated under its plan be administered by an independent agency rather than the Bureau of Indian Affairs, nevertheless, we can use the experience with the Bureau as some sort of a guide as to the net result of the appropriation of money. The Bureau gets an annual appropriation around $300,000,000, and so far as solving the Indian problem in the continental United States, the Bureau has been a failure. (Perhaps inadequate Congressional authority has contributed to the Bureau's failure, but in any event, for whatever reason, the Bureau system has failed.)

The Congress is likely to forget that, as of now, the natives have title to much of Alaska; even the worst Indian fighters will agree that the land tenure by Indians under the authority of "Indian title" includes substantial rights. The extent of such ownership is several hundred million acres, even when we exclude direct invasions by the United States through the granting of patents, mining claims, forest lands, townsites, etc. Congress itself has said, back in 1884, that such lands in the possession of the natives or claimed by them should remain undisturbed. Finally, the Court of Claims has said in *Tlingit and Haida Indians of Alaska* v. *United States*, 177 F. Supp. 452 (1959) that as to the whole of Southeastern Alaska, that area was owned by the Tlingits and Haidas, that such ownership survived the Russian Treaty, and survived the laws of general application for homesteads, mining claims, townsites, etc. The reason why the Indians in the Tlingit and Haida case prevailed and got some money from the United States is that the national forest proclamations were an expropriation. But in the balance of Alaska, aside from relatively minor exceptions, there are no invasions by the United States, and so as of today, the natives own the vast majority of the land, including mineral rights, by way of Indian title.

If we were to speak legally, we recognize that the Congress has the authority to continue the rape of the Indian by taking such ownership away from them without further ado. But this is 1968, and we have confidence in the moral integrity of both the Congress and the people of the United States that a flat expropriation will be so offensive that it will not and cannot happen.

In order to salve this conscience, the Department has come up with a policy of recognizing Indian title to relatively modest areas around the villages and giving the various groups a sop by way of money. The Arctic Slope Native Association is appealing to the Congress and to the people of the United States for land. Its whole fight has been for the land of their forefathers, where their culture is inextricably woven and, if you please, where they today make their sustenance.

The Association asserts, as civilization moves in, the sustenance to be yielded by the land will shift from whales, reindeer, moose, and salmon to the minerals and other natural usufructs. The Association asserts that its members are becoming sophisticated and can manage the yield of the land in a provident manner. Money is fleeting; and with the experience of more than a century of Bureau of Indian Affairs' management, the Association believes that it will be, in the large sense, useless. Land is permanent; and when it is the foundation of one's culture, it has an emotional impact on the occupier, which money can never