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FUR SEALS - PRIBILOF ISLANDS

GOVERNMENT

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HEARINGS BEFORE THE COMMITTEE ON COMMERCE UNITED STATES SENATE EIGHTY-NINTH CONGRESS FIRST AND SECOND SESSIONS ON S. 2102

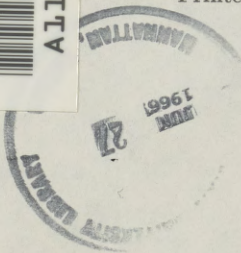
A BILL TO PROTECT AND CONSERVE THE NORTH PACIFIC
FUR SEALS, AND TO ADMINISTER THE PRIBILOF ISLANDS
FOR THE CONSERVATION OF FUR SEALS AND OTHER WILD-
LIFE, AND FOR OTHER PURPOSES

SEPTEMBER 9, 1965, ST. PAUL ISLAND, ALASKA
FEBRUARY 18, 1966, WASHINGTON, D.C.

Serial No. 89-57

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FUR SEALS—PRIBILOF ISLANDS

THURSDAY, SEPTEMBER 9, 1965

U.S. SENATE,
COMMITTEE ON COMMERCE,
Pribilof Islands, Alaska.

The committee met on St. Paul Island, Pribilof Islands, State of Alaska, at 3 p.m., Hon. E. L. Bartlett presiding.

Senator BARTLETT. The committee will be in order.

It is not always done, but always it should be done, so today the committee meeting will start with a prayer offered by Father Lester D. Lestenkof.

Father LESTENKOF. Glory to Thee, our God, glory to Thee. O Heavenly King, the conqueror, the spirit of truth, who are everywhere present and filleth all things, the treasury of blessings and the giver of life, come and abide in us and cleanse us from every impurity; and save, O gracious One, our souls. Amen.

Senator BARTLETT. This is a meeting of a special subcommittee of the U.S. Senate Commerce Committee. The subcommittee is convened at St. Paul to consider S. 2102, which was introduced by me on June 8, 1965.

It is a bill entitled as being one to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

The meeting will be specifically concerned with this bill, but by no means will be limited to it.

(The bill and agency comments follow:)

[S. 2102, 89th Cong., 1st sess.]

A BILL To protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Fur Seal Act of 1965".

TITLE I—CONSERVATION AND PROTECTION OF THE NORTH PACIFIC FUR SEALS

SEC. 101. It is unlawful, except as provided in this Act or by regulation of the Secretary of the Interior, for any person or vessel subject to the jurisdiction of the United States to engage in the taking of fur seals in the North Pacific Ocean or on lands or waters under the jurisdiction of the United States, or to use any port or harbor or other place under the jurisdiction of the United States for any purpose connected in any way with such taking, or for any person to transport, import, offer for sale, or possess at any port or place or on any vessel, subject to the jurisdiction of the United States, fur seals or the parts

Staff counsel assigned to this hearing: William C. Foster.

thereof, including, but not limited to, raw, dressed, or dyed fur seal skins, taken contrary to the provisions of this Act or the Convention, or for any person subject to the jurisdiction of the United States to refuse to permit, except within the territorial waters of the United States, a duly authorized official of Canada, Japan, or the Union of Soviet Socialist Republics to board and search any vessel which is outfitted for the harvesting of living marine resources and which is subject to the jurisdiction of the United States to determine whether such vessel is engaged in sealing contrary to the provisions of said Convention.

SEC. 102. (a) Indians, Aleuts, and Eskimos who dwell on the coasts of the North Pacific Ocean and who take fur seals without the use of firearms in boats not transported by or used in connection with other vessels, and which are propelled entirely by oars, paddles, or sails, and manned by not more than five persons in the way said Indians, Aleuts, and Eskimos have historically practiced, are permitted to take such seals and to dispose of their skins in any manner after the skins have been officially marked and certified by a person authorized by the Secretary of the Interior.

(b) The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by persons engaged in the taking of fur seals.

SEC. 103. The Secretary of the Interior shall (1) conduct such scientific research and investigations on the fur seal resources of the North Pacific Ocean as he deems necessary to carry out the obligations of the United States under the convention, and (2) permit, subject to such terms and conditions as he deems desirable, the taking, transportation, importation, exportation, or possession of fur seals or their parts for educational, scientific, or exhibition purposes.

SEC. 104. (a) The Secretary shall (1) take and cure fur sealskins on the Pribilof Islands and on lands subject to the jurisdiction of the United States whenever he deems such taking and curing is necessary to carry out the provisions of the convention or to manage the fur seal herd, (2) employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur sealskins pursuant to this section, and compensate them at rates to be determined by the Secretary, (3) deliver to authorized agents of the parties such fur sealskins as the parties are entitled under the convention, (4) utilize such quantities of fur sealskins taken pursuant to this section or forfeited to, or seized by, the United States as the Secretary deems desirable for product development and market promotion, (5) provide for the disposal or destruction of any fur sealskins that are damaged or that are determined by the Secretary to have no value or use as luxury furs, (6) provide for the processing of such quantities of fur sealskins as he deems desirable, (7) provide from time to time for the sale, pursuant to such terms and conditions as the Secretary deems desirable, of fur sealskins and products of fur seals not otherwise used or disposed of pursuant to this Act, and (8) deposit into the Treasury the proceeds from such sales, except that the Secretary shall pay annually to the Commission the proceeds from the sales of any fur sealskins that are taken contrary to the provisions of this title and the regulations issued thereunder or that are forfeited to the United States.

(b) The Secretary is authorized to enter into agreements with any public or private agency or person for the purpose of carrying out the provisions of this title, other than for the purpose of taking fur seals.

SEC. 105. (a) Any person authorized to enforce the provisions of this Act who has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the parties to the convention is violating the provisions of article III of the convention may, except within the territorial waters of another nation, board and search such vessel. Such person shall carry a special certificate of identification issued by the Secretary of State which shall be in English, Japanese, and Russian and which shall be exhibited to the master of the vessel upon request.

(b) If, after boarding and searching such vessel, such person continues to have reasonable cause to believe that such vessel, or any person on board, is violating said article, he may seize such vessel or arrest such person, or both. The Secretary of State shall, as soon as practicable, notify the party having jurisdiction over the vessel or person of such seizure or arrest and shall deliver the seized vessel or arrested person, or both, as promptly as practicable to the authorized officials of said party: *Provided*, That whenever said party cannot immediately accept such delivery, the Secretary of State may, upon request of said party, keep the vessel or person under surveillance within the United States. Fur seals or parts thereof discovered on seized vessels shall be subject

to confiscation on the decision of the court or other authorities of the party under whose jurisdiction the trial of the offense takes place.

(c) At the request of said party, the Secretary of State shall direct the person authorized to enforce the provisions of this Act to attend the trial as a witness in any case arising under said article or give testimony by deposition, and shall produce such records and files or copies thereof as may be necessary to establish the offense.

SEC. 106. The President shall appoint to the Commission a United States Commissioner who shall serve at the pleasure of the President. The President may also appoint a Deputy United States Commissioner who shall serve at the pleasure of the President. The Deputy Commissioner shall be the principal adviser of the Commissioner, and shall perform the duties of the Commissioner in case of his death, resignation, absence, or illness. The Commissioner and the Deputy Commissioner shall receive no compensation for their services. The Commissioners may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expense Act of 1946 (5 U.S.C. 736-2) when engaged in the performance of their duties.

SEC. 107. The Secretary of State, with the concurrence of the Secretary of the Interior, is authorized to accept or reject, on behalf of the United States, recommendations made by the Commission pursuant to article V of the convention.

SEC. 108. The head of any Federal agency is authorized to consult with and provide technical assistance to the Secretary of the Interior or the Commission whenever such assistance is needed and can reasonably be furnished in carrying out the provisions of this title. Any Federal agency furnishing assistance hereunder may expend its own funds for such purposes, with or without reimbursement.

SEC. 109. As used in this title, the term—

(a) "Convention" means the Interim Convention on the Conservation of North Pacific Fur Seals signed at Washington, on February 9, 1957, by the parties, as amended by the protocol signed at Washington, on October 8, 1963, by the parties, and any other amendment, treaty, convention, or agreement hereafter entered into by the United States for the protection of fur seals,

(b) "Party" or "parties" means the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics,

(c) "Commission" means the North Pacific Fur Seal Commission established pursuant to article V of the convention,

(d) "Sealing" means the taking of fur seals.

(e) "North Pacific Ocean" means the waters of the Pacific Ocean north of the thirtieth parallel of north latitude, including the Bering, Okhotsk, and Japan Seas,

(f) "Import" means to land on, or bring into, or attempt to land on, or bring into any place subject to the jurisdiction of the United States.

TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

SEC. 201. The Pribilof Islands shall continue to be administered as a special reservation by the Secretary of the Interior for the purposes of conserving, managing, and protecting the North Pacific fur seals and other wildlife, and for other purposes.

SEC. 202. The Secretary, in carrying out the provisions of this title, is authorized to enter into contracts or agreements or leases with, or to issue permits to, public or private agencies or persons, including the natives of said islands, in accordance with such terms and conditions as he deems desirable, for the use of any Government-owned real or personal property located on the Pribilof Islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deems desirable.

SEC. 203. (a) In carrying out the provisions of this title, the Secretary is also authorized—

- (1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, education, and nonemergency medical and dental care,

(2) to provide the employees of the Department of the Interior and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, education, and nonemergency medical and dental care,

(3) to furnish Federal employees and their dependents, and other persons on the Pribilof Islands without charge emergency medical services and supplies, including transportation for such services,

(4) to purchase, transport, store, and distribute such supplies and equipment to carry out the provisions of this section as the Secretary deems necessary, and

(5) to purchase, construct, operate, and maintain such facilities as may be necessary to carry out the provisions of this section.

(b) The proceeds from the furnishing of facilities, services, supplies, and equipment pursuant to this section shall be credited to the appropriation current at the time the proceeds are received.

SEC. 204. (a) The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands, including the costs thereof. The Secretary is also authorized to enter into agreements with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, medical and dental care, and such other facilities, services, and equipment as the Secretary deems necessary.

(b) Any agreement entered into pursuant to this section for the transfer to the State of the responsibility for furnishing education to the natives of the Pribilof Islands shall provide, in addition to such terms and conditions as the Secretary deems desirable, that the State of Alaska, in assuming such responsibility, shall meet the educational needs of the said natives in the same manner as the State meets the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

(c) The Secretary is authorized to transfer to the State of Alaska, without reimbursement, the title to or use of such real and personal property located on the Pribilof Islands as he determines may be necessary to enable the State to assume the responsibility for carrying out any agreement entered into pursuant to this section, by lease, conveyance, exchange, or cooperative agreement upon such terms and conditions as he deems desirable.

(d) Any part of the authority of the Secretary under section 203(a)(1) of this title which is covered by any agreement entered into pursuant to this section shall terminate six months after the effective date of any such agreement.

SEC. 205. In carrying out the provisions of this title, the Secretary is also authorized to enter into agreements with any Federal agency for the purpose of transferring to such agency the function of providing medical and dental care to the natives of the Pribilof Islands, and such agency may expend its own funds for such purposes, with or without reimbursement.

SEC. 206. (a) For the purpose of fostering self-sufficiency among the natives of the Pribilof Islands, and in order that they may enjoy local self-government, and to facilitate the establishment by such natives of a municipal corporation under the laws of the State of Alaska, the Secretary is authorized to set apart so much of the land on St. Paul Island as he determines necessary to establish a townsite. The Secretary shall survey the townsite into lots, blocks, streets, and alleys, and issue a patent therefor to a trustee appointed by the Secretary. The trustee is authorized to convey to the individual natives of the Pribilof Islands title to improved or unimproved lots or tracts of land within such townsite for homesite, commercial, or other purposes not inconsistent with the purpose for which the Secretary administers said islands, upon payment of an amount to be determined by the Secretary. Any deed issued by the trustee shall provide, in addition to such terms and conditions relating to the use of said lots or tracts as the Secretary deems necessary, that the title conveyed is inalienable except upon approval of the Secretary of the Interior. Any lot or tract conveyed by the trustee to said natives shall not be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser or to any claims of adverse possession or to claims of prescription, except that after the establishment of a municipal corporation any lot or tract conveyed to said natives shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.

(b) In determining the amount to be paid for the purchase of lots or tracts under subsection (a) of this section, the Secretary shall consider the economic status of the natives of the Pribilof Islands, including the factor of isolation, the restrictive nature of the title to be conveyed, the improvements, if any, placed on the property by the purchaser and such other factors as he deems pertinent: *Provided*, That payment shall be made in accordance with such terms and conditions as the Secretary deems desirable.

(c) The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be deposited in the Pribilof Islands' fund in the treasury for the administration of the Pribilof Islands: *Provided*, That whenever the Secretary determines that the municipality is capable, financially and otherwise, to provide adequate municipal services to persons inhabiting these islands, such proceeds shall thereafter be made available to the municipality.

(d) Upon approval by the Secretary, the trustee shall convey, with or without reimbursement, any improved or unimproved land which was authorized to be sold under subsection (a), and which is unsold at the time of incorporation, and which is not needed in connection with the Federal activities on said islands, to the municipality for the purposes of this section: *Provided*, That a conveyance pursuant to this subsection shall be subject to such terms and conditions as the Secretary deems necessary to enable him to administer the Pribilof Islands as provided in this title.

(e) The Secretary shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite, and, he may survey and convey additional streets and alleys of the townsite upon and across land purchased by the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner of said land. The deed issued to the grantee shall reserve to the municipality the area covered by the extended streets and alleys.

SEC. 207. Any person who violates or fails to comply with any regulation issued by the Secretary of the Interior under this title relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than \$500 or be imprisoned not more than six months, or both.

SEC. 208. The term "Pribilof Islands" as used in this title includes, but is not limited to, the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.

SEC. 209. (a) Service by natives of the Pribilof Islands engaged in the taking and curing of fur sealskins and other activities in connection with the administration of such islands prior to January 1, 1950, as determined by the Secretary of the Interior based on records available to him, shall be considered for purposes of credit under the Civil Service Retirement Act, as amended (5 U.S.C. 2251-2267), as civilian service performed by an employee, as defined in said Act.

(b) Notwithstanding any other provision of this Act or any other law, benefits under the Civil Service Retirement Act made available by reason of the provisions of this section shall be paid from the civil service retirement and disability fund.

TITLE III—GENERAL

SEC. 301. (a) Every vessel subject to the jurisdiction of the United States that is employed in any manner in connection with a violation of the provisions of this Act, including its tackle, apparel, furniture, appurtenances, cargo, and stores shall be subject to forfeiture and all fur seals, or parts thereof, taken or retained in violation of this Act or the monetary value thereof shall be forfeited.

(b) All provisions of law relating to the seizure, summary and judicial forfeiture, and condemnation of a vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores for violation of the customs laws the disposition of such vessel, including its tackle, apparel, furniture, appurtenances, cargo, and stores or the proceeds from the sale thereof, and the remission or mitigation of such forfeitures shall apply to seizures and forfeitures incurred, or alleged to have been incurred, under the provisions of this Act, insofar as such provisions of law are applicable and not inconsistent with the provisions of this Act.

SEC. 302. (a) Enforcement of the provisions of this Act is the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating. In addition, the Secretary of the Interior may designate officers and employees of the States of the United States to carry out enforcement activities hereunder.

When so designated, such officers and employees are authorized to function as Federal law enforcement agents for these purposes, but they shall not be held and considered as employees of the United States for the purposes of any laws administered by the Civil Service Commission.

(b) The judges of the United States district courts and the United States commissioners may, within their respective jurisdictions, upon proper oath or affirmation showing probable cause, issue such warrants or other process, including warrants or other process issued in admiralty proceedings in Federal District Courts, as may be required for enforcement of this Act and any regulations issued thereunder.

(c) Any person authorized to carry out enforcement activities hereunder shall have the power to execute any warrant or process issued by any officer or court of competent jurisdiction for the enforcement of this Act.

(d) Such person so authorized shall have the power—

(1) with or without a warrant or other process, to arrest any person committing in his presence or view a violation of this Act or the regulations issued thereunder;

(2) with a warrant or other process or without a warrant, if he has reasonable cause to believe that a vessel subject to the jurisdiction of the United States or any person on board is in violation of any provision of this Act or the regulations issued thereunder, to search such vessel and to arrest such person.

(e) Such person so authorized may seize any vessel, together with its tackle, apparel, furniture, appurtenances, cargo, and stores, used or employed contrary to the provisions of this Act or the regulations issued hereunder or which it reasonably appears has been used or employed contrary to the provisions of this Act or the regulations issued hereunder.

(f) Such person so authorized may seize, whenever and wherever lawfully found, all fur seals taken or retained in violation of this Act or the regulations issued thereunder. Any fur seals so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 104 of this Act.

SEC. 303. The Secretary of the Interior is authorized to issue regulations to carry out the provisions of this Act.

SEC. 304. Any person violating the provisions of title I or III of this Act or the regulations issued thereunder shall be fined not more than \$2,000, or imprisoned not more than one year, or both.

SEC. 305. The Secretary of the Interior, in carrying out the provisions of this Act, is authorized to enter into contracts or agreements for research with any person or public or private agency.

SEC. 306. (a) The term "person" as used in this Act means any individual, partnership, corporation, or association.

(b) The terms "take" or "taking" or "taken" as used in this Act mean to pursue, hunt, shoot, capture, collect, kill, or attempt to pursue, hunt, shoot, capture, collect, or kill.

(c) The term "natives of the Pribilof Islands" as used in this Act means any Indians, Aleuts, or Eskimos who permanently reside on said islands.

SEC. 307. There are authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

SEC. 308. (a) The Act of February 26, 1944 (58 Stat. 100; 16 U.S.C. 631a-631q), is repealed.

(b) The last three sentences of section 6(e) of the Alaska Statehood Act (72 Stat. 339) are amended to read as follows: "Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins made in accordance with the provisions of the Fur Seal Act of 1965. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Fur Seal Act of 1965, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Fur Seal Act of 1965 and the Northern Pacific Halibut Act of 1937 (16 U.S.C. 772-772i)."

CIVIL SERVICE COMMISSION,
Washington, D.C., February 18, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate,
New Senate Office Building.

DEAR MR. CHAIRMAN: This is in further reply to your request for the views of the Civil Service Commission on S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

Section 104(a) (2) of the bill provides that the Secretary shall "employ natives of the Pribilof Islands and, when necessary, other persons for taking and curing of fur sealskins pursuant to this section, and compensate them at rates to be determined by the Secretary."

The Commission does not object to this provision but wishes to make it clear that the language does not have the effect of exempting the employees from the Classification Act of 1949, as amended, if they occupy positions which would otherwise be subject to that act and does not exempt the employees from the prevailing rate provisions of section 202(7) of that act should they occupy positions which are excluded from the coverage of the act by that section. The Commission does not suggest that such exemptions are either necessary or desirable but simply wishes to avoid any misunderstanding.

Section 106 of the bill provides that the President shall appoint to the North Pacific Fur Seal Commission a U.S. Commissioner and a Deputy U.S. Commissioner, both to serve at the pleasure of the President. The bill provides that the Commissioner and Deputy Commissioner shall receive no compensation for their services, but that they may be paid travel expenses and per diem in lieu of subsistence at the rates authorized by section 5 of the Administrative Expenses Act of 1946 when engaged in the performance of their duties.

The Civil Service Commission has no objection to the provisions regarding the compensation of the Commissioners. The reference to the United States Code, however, should read 5 U.S.C. 73b-2.

Section 209 proposes to grant civil service retirement credit for service performed by natives of the Pribilof Islands prior to January 1, 1950, in the taking and curing of fur-seal skins and in other activities connected with administration of the islands, as determined by the Secretary of the Interior from records available to him.

Before 1950 the relationship of the Pribilovians to the Department of the Interior was more like that of ward to guardian than employee to employer. The year 1950 marks the point at which, through the introduction of cash wages and other measures, the relationship became one of employee to employer, and service has been creditable toward civil service retirement since that time. The Commission opposes the granting of service credit for other than service as an employee. Therefore, the Commission recommends that section 209 be deleted.

Under section 302(a) State employees designated by the Secretary of the Interior would be authorized to function as Federal law enforcement agents but would not be Federal employees for the purposes of any laws administered by the Civil Service Commission. These laws include the Civil Service Act, Classification Act, Veterans' Preference Act, Civil Service Retirement Act, and others. The Commission has no objection to this provision.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

By direction of the Commission :

JOHN W. MACY, JR.
Chairman.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
Washington, D.C., February 23, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: This letter is in response to your request of June 10, 1965, for a report S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes."

The bill would provide for the protection and conservation of the North Pacific fur seals, the administration of the Pribilof Islands including the provision of medical care, dental and other services to the natives of the island and for the enforcement of the provisions of the bill as related to the protection and conservation of fur seals.

Since titles I and III of the bill relate primarily to activities of the Department of the Interior, we defer to the views of that Department. Title II which provides for the administration of the Pribilof Islands by the Secretary of the Interior is of particular interest to this Department. Among the various provisions of title II the Secretary is authorized to provide nonemergency medical and dental care, without reimbursement, to natives of the Pribilof Islands; non-emergency medical and dental care, at reasonable rates, to employees of the Department of the Interior and other Federal agencies and their dependents, tourists and other persons; and emergency medical services, without charge, to Federal employees and their dependents. The bill would also authorize the Secretary to transfer to another Federal agency the function of providing health care to the natives of the Pribilof Islands.

Public Law 83-568 (42 U.S.C. 2001 et seq.) transferred on July 1, 1955, the Indian health program, including health services to Alaskan natives, from the Department of the Interior to the Surgeon General of the Public Health Service. Under this authority the Public Health Service is already providing health services for the Pribilof Islands natives. Consequently, we urge that all provisions of the bill relating to the health services for natives be deleted. Instead, in order to make it clear that we are to continue providing these services, the bill might include a statement preserving the existing authority of the Public Health Service to provide such services. In addition, since our existing authority has been interpreted to include health services (both emergency and nonemergency) for nonnatives on a fee basis, the provisions relating to such services for such persons should be amended to vest responsibility therefor in the Surgeon General of the Public Health Service.

It is our understanding that, as is now the case, the costs of medical and dental care for natives of the Pribilof Islands will continue to be financed from the Pribilof Islands fund.

For your convenience we have enclosed several amendments to the bill which would carry out our suggestions.

We are advised by the Bureau of the Budget that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely,

WILBUR J. COHEN,
Under Secretary.

HEW AMENDMENTS TO S. 2102

1. Delete section 205, p. 11, lines 8-14, and insert in lieu thereof:

"Sec. 205. The Surgeon General of the Public Health Service shall provide medical and dental care to the natives of the Pribilof Islands as provided by other law. He is authorized to provide medical and dental care to Federal employees and their dependents and tourists and other persons on the Pribilof Islands at a reasonable rates to be determined by him; and, for such purpose, he may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Surgeon General of the Public Health Service under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands."

2. Page 9, lines 1 and 9, insert "and" after "transportation," and on lines 2 and 9-10, strike out "and nonemergency medical and dental care."

3. Page 9, strike out lines 11-14 and on lines 15 and 18 redesignate paragraph (4) as paragraph (3) and paragraph (5) as paragraph (4).

4. Page 10, line 8, strike out "medical and dental care."

DEPARTMENT OF AGRICULTURE,
Washington, D.C., February 18, 1966.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate.*

DEAR MR. CHAIRMAN: This responds to your request on June 10, 1965, for a report on S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

This bill would provide for the taking and protection of North Pacific fur seals in accordance with the Interim Convention on the Conservation of North Pacific Fur Seals of February 9, 1957, as amended October 8, 1963, and the rules and regulations issued by the Secretary of the Interior. It also would provide for the administration and development of the Pribilof Islands as a special reservation for the purposes of conserving, managing, and protecting North Pacific fur seals and other wildlife by the Secretary of the Interior. The Secretary would be authorized to enter into agreements and contracts with the Governor of the State of Alaska and public or private agencies to carry out the provisions of the bill and develop the self-sufficiency of the natives of those islands.

The bill also would provide for administration and enforcement of the provisions of the bill and related laws and regulations, and for sharing the proceeds from sales of sealskins with the State of Alaska.

Since this bill does not affect the responsibilities of this Department, we have no recommendations concerning its enactment.

The Bureau of the Budget advises that there is no objection to the presentation of this report from the standpoint of the administration's program.

Sincerely yours,

ORVILLE L. FREEMAN, *Secretary.*

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., February 17, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: Your committee has requested our comments on S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

We recommend the enactment of S. 2102, if amended as suggested herein.

More than 50 years ago the United States, Japan, Russia, and Great Britain entered into a treaty to give protection to fur seals. This treaty was terminated in 1941 following a notice of abrogation by Japan. A provisional fur seal agreement between Canada and this country was completed in 1942. In 1947 the provisional agreement was extended.

The 1942 agreement was implemented by Congress with the enactment of the Fur Seal Act of February 26, 1944 (58 Stat. 100; 16 U.S.C. 631a-631q). The Fur Seal Act provides for (1) the protection of fur seals within or without the territorial waters of the United States, (2) the protection of sea otters on the high seas, and (3) the administration of the Pribilof Islands. The Fur Seal Act is still in effect.

In 1957, Canada, Japan, Russia, and the United States executed an "Interim Convention on Conservation of North Pacific Fur Seals." This convention was amended by a protocol signed on October 8, 1963. The convention and protocol are still in force.

S. 2102 accomplishes three major objectives. First, it restates, and to some degree, expands the present law relating to the protection of the North Pacific fur seals. Second, it expands the present authority of the Secretary of the Interior to administer the Pribilof Islands. Third, it repeals the 1944 Fur Seal Act. The bill, however, does not continue the protection now afforded the sea otter on the high seas by the 1944 act.

Title I of the bill is primarily designed to implement the 1957 convention and subsequent protocol. Thus, its provisions are consistent with these documents.

More specifically, the title prohibits certain activities relating to North Pacific fur seals, unless the activities are permitted by the bill or by regulations of the Secretary of the Interior. The prohibitions apply to persons or vessels subject to the jurisdiction of the United States.

The title also permits Indians, Aleuts, and Eskimos living on the North Pacific coast to take by historic methods fur seals and to dispose of their skins. This authority does not apply to Indians, Aleuts, and Eskimos who are employed by persons other than the Secretary of the Interior, engaged in the taking of fur seals.

It directs the Secretary to permit otherwise prohibited activities relating to the fur seal for educational, scientific, or exhibition purposes.

The title directs the Secretary of the Interior to conduct scientific research and investigations on North Pacific fur seals to carry out the obligations of the United States under the 1957 interim convention. The Secretary now has broad authority under the Fish and Wildlife Act of 1956 to conduct scientific research and investigations to carry out the fish and wildlife program of this Department, including the fur seal program.

Title I also directs the Secretary of the Interior to take fur seals located on the Pribilof Islands and on other U.S. lands for convention purposes and to manage the herd, to cure the fur sealskins so taken, to hire natives of the Pribilof Islands and, in his discretion, other persons to take and cure fur sealskins, to deliver to the parties to the 1957 convention the fur sealskins to which they are entitled, to use fur sealskins for product development and market promotion, to provide for the disposal or destruction of fur sealskins that have no value or use as luxury furs, to provide for the processing of fur sealskins, to provide for the sale of fur sealskins and the products of fur seals that are not used or disposed of under this title, and to deposit into the Treasury the proceeds of the sales. Seventy percent of the proceeds, after deducting costs to the United States of administering the program, are now paid to Alaska pursuant to the Alaska Statehood Act. This arrangement is continued by the bill (sec. 308(b)).

The title also directs the Secretary to pay each year to the North Pacific Fur Seal Commission any proceeds from sales of fur sealskins taken contrary to this bill or regulations or that are forfeited to the United States.

Title I authorizes Federal enforcement officers to board and search certain vessels of any of the parties to the convention when there is reasonable cause to believe that a vessel is violating the provisions of article III of the convention. The officers must carry a certificate of identification and, after boarding and searching the vessel, the officers may seize the vessel or arrest any person on board, or both.

It provides for the appointment of a U.S. Commissioner and Deputy Commissioner to the Commission and it authorizes the Secretary of State, with the concurrence of this Department, to accept or reject recommendations made by the Commission.

Many of the above provisions of title I of S. 2102 are a restatement of existing law.

Title II of the bill relates to the administration of the Pribilof Islands.

The Pribilof Islands situated in the Bearing Sea approximately 300 miles off the Alaska coast are a special Government reservation set aside in 1869 for the protection of the Alaska fur seal herd and for other purposes. Under the provisions of the 1944 Fur Seal Act, the Secretary of the Interior, through the U.S. Fish and Wildlife Service, administers these islands primarily to conserve and manage the fur seal population and to provide for the welfare of the native inhabitants. There are approximately 650 Aleuts residing on the islands of St. Paul and St. George. Most of these natives are descendants of Aleutian Islands natives transported to the Pribilof Islands by the Russians during the period of Russian ownership of Alaska to exploit the fur seal herd which inhabits the rookeries of the islands.

Since the act of July 1, 1870 (16 Stat. 181), the United States has long recognized an obligation to provide for these native inhabitants. This obligation is recognized and continued in the present Fur Seal Act. Section 7 of the act provides that in harvesting the fur seals and curing the skins the Secretary shall employ the native inhabitants at a fair rate of compensation to be fixed by the Secretary. In addition section 8 of the act provides:

"The Secretary shall have the authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of

the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection."

This authorization is not based on any treaty.

In carrying out this obligation, we have constructed and now maintain schools, homes, public buildings, stores and shops, recreational facilities, water, sewer, and electric facilities, and a hospital. Education, medical and dental services, and welfare assistance are also provided. In short, the Pribilof Islands Reservation has been administered as an economically self-contained community under the supervision of the Secretary of the Interior.

In addition to providing for the native inhabitants of these islands, section 6 of the Fur Seal Act provides:

"The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alaska are declared a special reservation for Government purposes. It shall be unlawful for any person other than natives of the said islands and officers and employees of the Fish and Wildlife Service to land or remain on any of those islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary, * * *."

Under this section this Department has occasion to furnish supplies, fuel, lodging, and other services to contractors and other persons, including tourists.

S. 2102 in part restates this authority. It also expands this authority in order to facilitate the Department's administration and to foster municipal self-government by the native community.

Section 201 of the bill provides that the islands will continue to be a special reservation primarily for the conservation of fur seals and wildlife.

Section 202 authorizes the Secretary of the Interior, in administering the islands, to enter into agreements or leases with, and to issue permits to, various public and private groups or persons for the use of federally owned property for various purposes, including tourist accommodations. Similar authority is found in the 1944 act.

Section 203 authorizes the Department to provide certain services to the natives of the islands and to Federal employees. The Secretary will establish charges for services to Federal employees. Similar services to the natives of the islands may be free. Similar authority is now found in the 1944 act.

Section 205 of the bill authorizes the Secretary of the Interior to enter into agreements with other Federal agencies for the purpose of giving to such agencies the responsibility of providing medical and dental care to the natives of the Pribilof Islands. The appropriate agency in this case would be the Public Health Service. We believe it would be better to specifically provide in the bill that all medical and dental care be furnished by the Surgeon General of the Public Health Service. The administration of the medical and dental program will continue to be financed under this bill from the Pribilof Islands fund. We, therefore, recommend that section 205 of the bill be amended to read as follows:

"SEC. 205. The Surgeon General of the Public Health Service shall provide medical and dental care to the natives of the Pribilof Islands, with or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists and other persons in the Pribilof Islands at reasonable rates to be determined by him; and for such purpose he may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary. Nothing in this Act shall be construed as superseding or limiting the authority and responsibility of the Surgeon General of the PHS under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands."

Section 204 authorizes the Secretary of the Interior to enter into an agreement with the State of Alaska pursuant to which the State will assume the function of educating the natives of the Pribilof Islands. Similarly, the State could assume other responsibilities in relation to the natives, such as the furnishing of food and shelter. In the case of education, the bill specifically provides that the State shall meet the educational needs of the natives in the same manner as the State is required to meet the educational needs of its other citizens, once the State assumes this function.

We recommend the following amendment to section 204 of the bill:

1. On page 10, line 4, change the comma to a period and on line 5, delete "including the costs thereof".

The education function, even though assumed by the State under agreement, will continue to be financed from the "Pribilof Islands funds."

2. Delete subsections (c) and (d) of section 204.

Both of these sections are unnecessary. Obviously, one of the terms of the agreement will be to let the State use whatever facilities, etc., the Department has on the islands for education and other purposes covered by the agreement. In addition, the agreement itself can specify when the State will assume these functions. But, if the State should subsequently be unable to continue these services—during the term of the agreement or at its termination—it may be necessary for the Secretary to again assume responsibility. In those circumstances, he should still have authority to do so.

The primary objective of section 206 of the bill is to foster self-sufficiency among the native inhabitants of the Pribilof Islands. In our view, the natives of the Pribilof Islands should assume gradually increasing responsibility for the development and management of their community on a basis more nearly comparable to other native communities in Alaska. This section of the bill will aid the natives in assuming that responsibility.

This section authorizes the Secretary to set apart some land on St. Paul Island to establish a townsite. No similar provision is found in the bill for establishing a townsite at St. George. While a number of natives, reside on St. George, it has been the policy of the Department to encourage them voluntarily to move to St. Paul. This move cannot be accomplished quickly. It will be furthered, however, by the development of a townsite at St. Paul and the establishment of a normal self-governing community.

The Secretary must then survey the townsite and issue a patent to a trustee appointed by him. We believe that the issuance of the patent to the trustee should be delayed until such time as the Secretary is satisfied that a viable self-governing community is established or about to be established which is capable, financially and otherwise, to provide adequate municipal services to persons inhabiting St. Paul. We believe that the objectives of section 206 cannot be accomplished unless the natives have an established government in the form of a municipal corporation at the time the trustee conveys these tracts to them. We, therefore, recommend that the second sentence in section 206(a) be amended to read as follows:

"The Secretary shall survey the townsite into lots, blocks, streets, and alleys and he may issue a patent therefor to a trustee appointed by him, when he is satisfied that a viable self-governing community which is capable, financially and otherwise, to provide adequate municipal services to persons inhabiting these islands is established or will be established prior to the conveyance by the trustee of title to any property to the natives of the Pribilof Islands."

The trustee then can convey to individual natives of all the islands title to improved or unimproved surveyed lots or tracts of land within the townsite. These properties can be used for any purpose which is consistent with the purpose for which the islands are primarily administered. The Secretary determines the amount to be paid for the lands taking into consideration certain specific factors, such as the economic status of the natives and the restrictive nature of the title to be conveyed.

The deed to the conveyed land will contain whatever conditions the Secretary deems necessary to carry out the conservation needs of the islands. It will also provide that the conveyed land cannot be alienated except upon approval of the Secretary. The lands will, however, be subject to taxation and to levy and sale in satisfaction thereof.

Upon the death of the native owner, his estate will be probated by the Secretary of the Interior pursuant to sections 1 and 2 of the act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372 and 373).

In addition, the bill provides that the conveyed land "shall not be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser." This limitation is desirable. We believe, however, that an exception must be made to allow the purchaser to obtain financing for home or business loan purposes. We, therefore, recommend that after the words "natives shall not" on page 12, line 11, there be inserted a comma and the following: "except as provided in the Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a)."

The 1956 act permits Indian owners of any land which is either held in trust by the United States, or is subject to a restriction against alienation imposed

by the United States to execute a mortgage or deed of trust to the land upon approval of the Secretary of the Interior. Thus, the land would be subject to foreclosure or sale pursuant to the mortgage or deed of trust under State law.

Section 206(c) provides that the net proceeds collected from the sale of these lands are placed in a fund in the Treasury to be used by the Secretary to administer the islands. This provision, relative to administration by the Secretary, will be unnecessary in view of our earlier change requiring the existence of a self-governing community before any lands are conveyed to the natives. The proceeds, along with other available funds, such as tax revenues, should be available to that community to enable them to provide needed services. We therefore, recommend that section 206(c) be amended to read as follows:

“(c) The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to persons inhabiting the islands.”

Two other amendments are also necessary in view of the above changes in this section. They are as follows:

1. On page 12, amend lines 13 through 17 to read as follows: “claims of adverse possession or to claims or prescription, except that such lot or tract shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.”

2. On page 13, line 14, delete “at the time of” and insert “five years after”.

Subsection (d) of section 206 with our suggested amendments directs the trustee, upon approval of the Secretary, to convey to the incorporated municipality any property within the townsite which is unsold 5 years after incorporation and not needed for Federal purposes. The conveyance will be subject to such conditions as the Secretary deems necessary. The municipality may use or dispose of this property, subject to whatever conditions the Secretary may impose, in carrying out its responsibilities.

Subsection (e) directs the Secretary to convey to the incorporated municipality all surveyed streets and alleys of the townsite. We are suggesting an amendment which substitutes the trustee for the Secretary to be consistent with subsection (a). The trustee may also survey and convey additional streets and alleys on land purchased by the natives when it is in the interest of the native owner of the land as determined by the Secretary. The deed issued to the purchaser will reserve to the incorporated municipality the property covered by the extended streets and alleys.

We believe that the trustee lacks authority to survey and establish streets over conveyed land once the deed is issued, unless a reservation is in the deed. We, therefore, recommend that subsection (e) be amended to read as follows:

“(e) The trustee shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite. All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across land conveyed to the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner to establish such streets and alleys. Such reservation shall be for a term not to exceed ten years.”

In order to protect whatever rights the natives or other persons may have in the property to be conveyed pursuant to this section, we recommend that a new subsection “(f)” be added at the end thereof to read as follows:

“(f) The provisions of this section shall not affect any valid existing rights.”

Section 207 of the bill establishes penalties for violating regulations of the Secretary.

Section 208 defines the term “Pribilof Islands.” Since this term is also used in title I of the bill, we recommend that section “208” be deleted, and renumber section “209” as section “208”. In addition, there should be added to section 306 a new subsection “(d)” to read as follows:

“(d) The term ‘Pribilof Islands’ as used in this Act means the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock.”

Section 209 of S. 2102 provides additional retirement credits to certain native inhabitants of the islands who, as determined by the Secretary, were engaged in sealing activities prior to January 1, 1950. The provision stems from a ruling by the Civil Service Commission in April of 1951 on retirement benefits for these people.

In 1951, the Commission advised this Department that the resident Aleuts of the Pribilof Islands performing services for the Government “will be considered as Government employees for retirement purposes only from January 1, 1950.

Prior thereto the relationship of employer and employee did not exist, they being virtual wards of the Government, and any compensation received was on a fee basis. Such period will not be credited in determining retirement benefits."

Under this administrative ruling the older Aleuts now of retirement age do not have creditable service for retirement before 1950.

This section of the bill changes the administrative ruling of the Commission.

Available records leave a great deal to be desired in terms of establishing service credit in a conventional manner. It appears, however, that those individuals who were in an "employment status" can be identified for each year back to 1919. Although records of actual time worked prior to 1950 do not exist, valid assumptions, based on practices followed then, can be made from records which do exist.

It was the policy of the Bureau of Commercial Fisheries prior to 1950 to provide substantially full-time year-around employment to all able-bodied male residents. Approximately 6 months of each year involved employment preparing for the seal harvest, actual harvest of the seals, and closing down operations following completion of the harvest. Also, it was during this period that much of the outside maintenance and construction work on roads and facilities was performed. To accomplish this work, outside laborers, in addition to the resident labor force, were imported each summer. During the other 6 months of the year, employees were assigned to inside village tasks. Each employee had a definite assignment and was expected to be on duty during prescribed working hours.

It should not be necessary to determine the actual earnings of employees for periods prior to 1950 for retirement purposes. Because of the change in pay policy which occurred in 1950, an employee's highest 5-year annual earnings would be subsequent to 1950 in every case. Therefore, earnings prior to 1950 would never be a factor in annuity computation.

In summary, records exist which could provide the basis for crediting service performed prior to 1950. If such service could be credited it would make a material difference in the retirement annuities payable to employees having years of services before 1950.

S. 2102 repeals the 1944 Fur Seal Act. That act now affords protection to the sea otter on the high seas. S 2102, however, contains no similar protection.

We recognize that, with the advent of statehood, the taking of sea otters in Alaskan waters is now subject to State regulation. The otters, however, also need protection outside the 3-mile limit.

While most sea otters in the Alaska area remain within the 3-mile limit, some do occur regularly outside that limit at least to the 30-fathom curve. For example, over 2,800 sea otters now range along the north coast of Unimak Island in the Aleutians and the adjacent northwestern tip of the Alaska Peninsula. Here, the 30-fathom curve extends out 6 to 8 miles from the shore. These are relatively shallow waters and provide feeding habitat for sea otters which dive for bottom-dwelling invertebrates to a depth of 20 to 22 fathoms or more.

In a recent report of the Bureau of Sport Fisheries and Wildlife of this Department on an "Aerial Survey of Sea Otters and Other Marine Mammals—Alaska Peninsula and Aleutian Islands—April 19, to May 9, 1965," it was said:

"The large size of this population and the opportunity for otters to find food beyond the 3-mile limit, where they would be vulnerable to hunters, is of particular significance and indicates a need for protective legislation."

Upon repeal of the 1944 act, the sea otter will be left without protection on the high seas. Once the sea otter skins, that the State of Alaska obtained a few years ago as a result of an experimental harvest, are sold and a market is established, illegal killing on the high seas can be expected to occur. We think that Alaska would then welcome Federal protection in waters outside the 3-mile limit. This protection would further the State's conservation efforts.

It should be noted that Executive Order No. 1733 which established the Aleutian Islands National Wildlife Refuge on March 3, 1913, specifically provided for the protection of sea otters among the other animals listed in the order. At the time of the refuge's establishment, the sea otter population was nearly extinct. A few animals were found near some of the islands within the reservation. In recent years, substantial colonies of sea otters have been appearing at many of the islands within the refuge. This appearance indicates movements of the animals far beyond the 3-mile limit.

A population of "southern sea otters" off the California coast is considered as "endangered." They are protected under California law. These animals inhabit territorial waters and range, to some extent, beyond the 3-mile limit. They

formerly occurred in numbers along the coast and around the Farallon Islands and islands off southern California, from 25 to 60 miles from the mainland. They were eliminated from those islands years ago, but recent records from the Channel Islands indicate that they may be reestablishing themselves on some of them. It is obvious that they do, at times, traverse the "high seas" off California. Protection outside California's territorial waters should be continued.

We, therefore, strongly recommend that the bill be amended by inserting after section 209 a new title III to read as follows:

"TITLE III—PROTECTION OF SEA OTTERS ON THE HIGH SEAS

"SEC. 301. (a) It is unlawful, except as provided in this Act or by regulations issued by the Secretary of the Interior, for any person subject to the jurisdiction of the United States to take or engage in the taking of sea otters on the high seas beyond the territorial waters of the United States, or to possess, transport, sell, purchase, or offer to sell or purchase sea otters or their parts taken on the high seas, or to destroy, abandon, or waste needlessly sea otters on the high seas.

"(b) The possession of sea otters or any part thereof by any person contrary to the provisions of this Act shall constitute prima facie evidence that the sea otter or part thereof was taken, purchased, sold, or transported in violation of the provisions of this Act or the regulations issued thereunder.

"SEC. 302. The Secretary is authorized, from time to time, to sell, pursuant to such terms and conditions as he deems desirable, or otherwise dispose of, sea otter skins and all the products derived from sea otters that are forfeited to, or seized by, the United States pursuant to this Act, or that are taken by the Secretary on the high seas or within the Aleutian Islands National Wildlife Refuge for conservation, scientific, or management purposes. The proceeds of such sales shall be deposited in the Pribilof Islands fund in the treasury."

In view of the above amendment, we recommend that the present title III in the bill be renumbered as title IV and that sections 301 to 308 be renumbered as sections 401 to 408.

Renumbered title IV of the bill contains provisions relating to enforcement with respect to persons and vessels subject to the jurisdiction of the United States. It also authorizes the Secretary of the Interior to enter into contracts for research with any person or public or private agency in carrying out the program authorized by this bill. This latter provision will enable the Department to utilize the authority contained in the act of September 6, 1958 (42 U.S.C. 1891-1893) relating to the making of grants for basic scientific research.

Renumbered section 408 (b) of the bill is technical. It revises the last three sentences in section 6(e) of the Alaska Statehood Act. We believe that this provision is desirable.

Section 6(e) now provides for State participation in the proceeds from the Federal sale of sea otter skins, including those taken within the Aleutian Islands National Wildlife Refuge. Since successful management includes some harvesting, there will probably be some receipts from these sales. Thus, we recommend there be inserted after the word "sealskins" on page 19, line 1 of the bill, the words "or sea-otter skins."

We recommend the following technical amendments:

1. On page 2, line 23, insert a coma after "persons".
2. On page 3, amend line 5 to read as follows: "by any person engaged in the taking of fur seals or under contract to deliver the skins to any person".
3. On page 3, lines 18 and 23, page 4, lines 24 and 25, and on page 6, line 21, change the word "convention" to "Convention".
4. On page 4, line 10, after "deposit into" insert "The Pribilof Islands fund in".
5. On page 5, line 3, delete the words "Secretary of State" and insert therein "Secretary of the Interior or the Secretary of the Treasury".
6. On page 5, line 12, after the words "shall deliver" insert "or cause to deliver".
7. On page 5, line 16, after the word "State" insert a comma and "through the Secretary of the Interior or the Secretary of the Treasury".
8. On page 5, line 22, delete "Secretary of State" and insert "Secretary of the Interior or the Secretary of the Treasury".
9. Delete the last sentence in subsection (b) of section 105 of the bill. The provision is unnecessary.
10. On page 7, line 9, after the word "parties" delete the clause following thereafter.

11. Our suggested change in section 205 of the bill necessitates the following amendments:

(a) On page 9, lines 2 and 9, insert "and" before "education" and delete "and nonemergency medical and dental care".

(b) On page 9, delete lines 11 through 14 and renumber paragraphs "(4)" and "(5)" as "(3)" and "(4)".

(c) On page 10, line 8, delete "medical and dental care."

12. On page 15, line 10, delete the comma and insert therein "or sea otters,".

13. On page 16, lines 4 and 5, delete "to carry out enforcement activities hereunder," and insert therein "to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States."

This change is consistent with other provisions of law which withhold from State officials authority to carry out enforcement activities as against persons or vessels of foreign countries.

14. On page 17, line 7, delete the comma and insert therein "subject to the jurisdiction of the United States."

15. On page 17, line 14, after "fur seals" insert "or sea otters".

16. At the end of subsection (f) of renumbered section "402" of the bill, insert a new sentence to read as follows: "Any sea otters so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 302 of this Act."

17. Amend renumbered section "407" of the bill to read as follows:

"SEC. 407. There is established a Pribilof Islands fund and there are authorized to be appropriated such sums as may be necessary from the fund and from other funds in the treasury to carry out the provisions of this Act and the provisions of section 6(e) of the Alaska Statehood Act which provides for the payment to the State of Alaska of certain specified proceeds deposited into said fund."

18. Amend the title of the bill to read as follows:

"A bill to protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas."

Amendment No. 17 authorizes the appropriation of monies in the Pribilof Islands fund, as well as general appropriations, to carry out the provisions of S. 2102, including those relating to the administration of the Pribilof Islands.

The Bureau of the Budget has advised that while there is no objection to the presentation of this report from the standpoint of the administration's program, the Budget Bureau believes that the provisions of section 206 of the bill should be enacted only after the economic viability of the native population has been adequately demonstrated. In addition, the Budget Bureau has also indicated its concurrence with the suggestions contained in the reports being transmitted to the committee by the Department of State and the Civil Service Commission.

Sincerely yours,

STANLEY A. CAIN,
Assistant Secretary of the Interior.

OFFICE OF THE DEPUTY ATTORNEY GENERAL,
Washington, D.C., February 21, 1966.

HON. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR SENATOR: This is in response to your request for the views of the Department of Justice on the bill, S. 2101, to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

In general, the act of February 26, 1944 (58 Stat. 100; 16 U.S.C. 631a-631q), makes unlawful pelagic sealing or sea otter hunting in the North Pacific Ocean by any vessel or person subject to the jurisdiction of the United States, or transportation, importation, offer for sale, or possession on an American-flag vessel of sea otter or fur sealskins taken in violation of law. The Interim Convention on Conservation of the North Pacific Fur Seals to which the United States, Canada, Japan, and Russia are parties also is designed to preserve the fur seal resources of the North Pacific Ocean.

Article X of the convention provides that the parties shall cooperate with each other in carrying out the purposes of the convention, and shall enact and enforce such legislation as may be necessary to make the convention effective.

Title I of the bill which primarily is designed to implement the Interim Convention on Conservation of North Pacific Fur Seals follows closely the language of the convention.

Title II of the bill is a restatement and enlargement of the present authority of the Secretary of the Interior with respect to the administration of the Pribilof Islands and the native inhabitants of those islands.

Title III of the bill provides for the enforcement of the provisions of the bill with respect to persons and vessels subject to the jurisdiction of the United States. Sanctions include forfeiture of vessels and gear, and fines of not more than \$2,000 or imprisonment for not more than 1 year or both.

Title III also includes definitions of terms used in the bill. Provision also is made for the repeal of the act of February 26, 1944.

The subject of the bill is not a matter for which the Department of Justice has primary responsibility and accordingly we make no recommendation as to its enactment. However, for the reasons given below we recommend (1) as a matter of draftsmanship and in the interests of clarity that some reorganization of the provisions of the bill be made; (2) that to the extent that the bill seeks to implement domestically the provisions of the Interim Convention on the Conservation of North Pacific Fur Seals, it should, to prevent misinterpretations and misunderstandings, utilize the exact language of that convention; and (3) that certain provisions with respect to the townsite procedures of title III be clarified.

Our recommendations with respect to reorganization are that the various sections defining the terms used in the bill—that is, section 109, section 208, and section 305, be combined into one section, which should be the first section of the bill. We also recommend that sections 301, 302, 303, 304, and 305 of the bill, which sections deal with the domestic implementation of the convention, be placed in title I of the bill, immediately after section 101. In any event, whether the organization of the sections is changed or not, the reference in section 304 to title III should be deleted, for there appear to be no provisions of title III which can be "violated."

Our recommendation that the language of the bill conform exactly to the language of the convention is made with particular respect to section 102 of the bill, which contains the provision that Indians, Aleuts, and Eskimos may carry on pelagic sealing activities "in the way * * * historically practiced." The omission of the comma before the phrase "in the way" etc., in line 23, page 2 of the bill, seems to make the phrase refer to the manner of manning the boats, rather than the whole operation as is clearly indicated by the convention's use of a comma and its different placement of the phrase "without the use of firearms." The bill, therefore, is not as restrictive as the convention.

In another respect also, the exceptions of these provisions are broader than the convention justifies, for the bill's prohibition against pelagic sealing by Alaska natives extends only to those "employed by persons engaged in the taking of fur seals," whereas the convention would prohibit also any sealing by such natives if done in the course of employment by any persons. In addition, the convention prohibits sealing by natives who, although not employed, are "under contract" to deliver skins, whereas the bill has no such restriction. We recommend that section 102 of the bill be rewritten to conform exactly to the requirements of the convention.

As a corollary of the proposition, implicit in the foregoing recommendation, that one of the purposes of this bill is to implement domestically the provisions of the existing convention, we would recommend that the definition of "convention" in section 109 of the bill exclude any references to any amendments, treaties, or conventions which might hereafter be entered into by the United States for the protection of fur seals. Such future treaties might involve provisions, parties, and policies which are totally different from, and perhaps inconsistent with, the existing convention. The present bill should be limited to implementing our present treaty obligation. Our recommendation that references to future treaties be deleted can be effectuated by placing a period after the word "parties" on line 9, page 7 of the bill.

The townsite provisions of section 206 of the bill seem generally in conformity with traditional townsite legislation, cf. 43 U.S.C. 711 et seq. However, the provision of section 206, page 13, line 21 of the bill, that the Secretary shall convey streets and alleys to the municipality, appears inconsistent with the previous provision, page 11, lines 22 to 24, that the Secretary shall issue to a townsite trustee a patent for streets and alleys. It would seem therefore that the trustee,

rather than the Secretary, is intended to be referred to on page 13, line 21, and we recommend that the word trustee be substituted for the word Secretary.

This section also contains a provision that the Secretary (or, as we think is intended, the trustee) may survey and convey additional streets and alleys of the townsite upon and across land purchased by the natives of the Pribilof Islands. This implies that the right-of-way may be established after the purchase of the land is completed. However, the immediately following sentence, page 14, lines 3 to 5, stating that the deed to the grantee shall contain a reservation to the municipality of the area covered by the extended streets and alleys, implies that what is contemplated is the creation of such streets prior to the passing of title. In our opinion, the authority of a trustee to survey and establish streets over land would cease upon the issuance of a deed to that land, unless the deed contained a provision reserving to the trustee rights-of-way over the deeded land for the establishment of roads. To clarify the situation, and to accomplish the objective apparently sought, we would recommend that a period be placed after the word "townsite" on line 23 of page 13, and the balance of the section be replaced by these sentences:

"All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across the land conveyed whenever the trustee determines that it would be in the interest of the native owner to establish such streets and alleys.

"The trustee, upon the survey of a street or alley over land conveyed under this section, shall convey such street or alley to the municipality, if it has been incorporated."

As noted previously the bill would repeal the act of February 26, 1944. That act now affords protection to sea otters on the high seas. The bill, however, contains no similar provision. If this result is not intended the bill should be amended to provide for the protection of sea otters on the high seas.

Also, a comment may be in order pertaining to regulations to be promulgated by the Secretary of the Interior. Absent an express exception, the rulemaking power of the Secretary of the Interior referred to in title I section 101 would be subject to the provisions of the Administrative Procedure Act. That act contains an exception for rulemaking involving a foreign affairs function (5 U.S.C. 1003). Since the bill would apply to acts occurring not only on lands and waters under the jurisdiction of the United States but also to acts in the North Pacific Ocean (title I sec. 101), defined in title I Section 109(e) so as to include the Bering, Okhotsk, and Japan Seas, it might be argued that these involve a foreign affairs function. It is suggested that this matter be clarified so that application or nonapplication of the Administrative Procedure Act is made clear.

The Bureau of the Budget has advised that there is no objection to the submission of this report from the stand point of the administration's program.

Sincerely,

RAMSEY CLARK,
Deputy Attorney General.

DEPARTMENT OF LABOR,
Washington, D.C., October 15, 1965.

Hon. WARREN G. MAGNUSON,
*Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.*

DEAR MR. CHAIRMAN: This is in further response to your request for our views on S. 2102, "To protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes."

The Department of Labor has no comments to present on the matters involved in this legislation and would therefore defer to the recommendations of those agencies more directly concerned with the effect of the bill's provisions.

The Bureau of the Budget advises that there is no objection to the submission of this report from the standpoint of the administration's program.

Sincerely,

W. WILLARD WIRTZ,
Secretary of Labor.

DEPARTMENT OF STATE,
Washington, D.C., February 18, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate.

DEAR MR. CHAIRMAN: Your letter of June 10, 1965, requested the comments of the Department of State on S. 2102, "To protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes."

The proposed legislation would repeal the act of February 26, 1944 (58 Stat. 100; 16 U.S.C. 631a-631q), and would, among other things, substitute therefor revised provisions for the implementation of the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington, February 9, 1957, and the Protocol thereto signed at Washington, October 8, 1963. The Department considers that the act of February 26, 1944, no longer reflects the circumstances regarding international arrangements for the conservation of North Pacific fur seals and that there is a need for new legislation in this field. We consider that the provisions of S. 2102, if enacted into law, would fulfill that need, and the Department therefore recommends the enactment of the proposed legislation.

The Department would suggest, however, amending section 105 of the bill, which places certain responsibilities on the Secretary of State which he is not in a position to carry out because the Department of State is not an enforcement agency and has no enforcement facilities. It is suggested, therefore, that the Secretary of the Interior issue the special certificate of identification specified in paragraph (a). While the Secretary of State should notify the party having jurisdiction over the vessel or person seized, as specified in paragraph (b), the Secretary is in no position to either deliver the vessel or person or to keep the vessel or person under surveillance. This responsibility should rest on the Secretary of the Department seizing the vessel or person, subject to consultation with the Secretary of State. Finally, the Secretary of State is in no position to direct persons authorized to enforce the provisions of the act to attend the trial as witnesses, or to give testimony by deposition, as specified in paragraph (c). Again, it is suggested that this responsibility should rest with the Secretary of the Department seizing the vessel or person, subject to consultation with the Secretary of State. The Secretary of State should, of course, transmit any records and files or copies thereof to the party having jurisdiction as may be necessary to establish the offense.

Apart from sections 201, 207, and 208, title II of the bill provides for arrangements for the administration of the Pribilof Islands. With respect to these essentially domestic matters, the Department offers no comments and defers to the judgment of the Department of the Interior.

The Bureau of the Budget advises that from the standpoint of the administration's program there is no objection to the submission of this report.

Sincerely yours,

DOUGLAS MACARTHUR II,
Assistant Secretary for Congressional Relations.

THE GENERAL COUNSEL OF THE TREASURY,
Washington, D.C. February 18, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Reference is made to your request for the views of this Department on S. 2102 to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

The proposed legislation would (1) implement the Interim Convention on Conservation of North Pacific Fur Seals signed at Washington on February 9, 1957, by the United States, Canada, Japan, and the Union of Soviet Socialist Russia, as amended by the protocol signed at Washington on October 8, 1963, and

(2) provide for the administration of the Pribilof Islands. Enforcement of the provisions of the bill would be the joint responsibility of the Secretary of the Interior, the Secretary of the Treasury, and the Secretary of the Department in which the Coast Guard is operating.

Both the Bureau of Customs and the U.S. Coast Guard have enforcement responsibilities under the act of February 26, 1944 (16 U.S.C. 631a-631q) which gave effect to the Provisional Fur Seal Agreement of 1942 between the United States and Canada. The provisional agreement has been superseded by the interim convention and the act of February 26, 1944, would be repealed by the proposed legislation.

The Department does not anticipate that the proposed legislation will increase the enforcement authority and operational requirements of the Coast Guard or the Bureau of Customs.

The Department has been advised by the Bureau of the Budget that there is no objection from the standpoint of the administration's program to the submission of this report to your committee.

Sincerely yours,

ROY T. ENGLERT,
Acting General Counsel.

Senator BARTLETT. The committee will be pleased to hear testimony from any one of you concerning not only the bill, but of any subject which you deem of importance relating to the Pribilofs and your residence on these islands.

The special committee was sent to the Pribilofs even though the Congress is still in session, at the direction of the chairman of the Senate Commerce Committee, Senator Warren G. Magnuson, of Washington, who is, as I am, concerned with the welfare of the people here.

It is my privilege to conduct the meeting for the Commerce Committee which, as I am sure you know, is one of the principal committees of the Senate.

Copies of the bill were sent both to St. Paul and St. George.

It has been further explained by a section-by-section analysis of title II, which we assume will be that part of the bill of principal interest to the people here, an particularly to the people of St. Paul.

I am accompanied to the island by William C. Foster, staff counsel to the Commerce Committee, and by Ralph C. Baker, of the Bureau of Commerce Fisheries, who came from Washington, and who are present at the hearing.

The committee has the great good fortune to have with it Willard Bowman, executive director of Governor Egan's commission on human rights, who is making, as I recall, his third trip here this year. Mr. Bowman's most recent trip was in company with several members of Governor Egan's special commission to the Pribilof Islands, the chairman of which was the Honorable Hugh Wade, secretary of state for Alaska.

We expect to hear from Mr. Bowman later on to explain the State's views regarding the bill.

You may have heard that the State group released a report, approved only a few days ago. This was in the newspapers day before yesterday.

The committee will not be able to stay as long as we had hoped to when we started for here on September 7. We made a valiant effort to arrive at St. Paul, having flown out from Anchorage that morning,

and having arrived here when the land was enshrouded in fog. We were traveling in a Coast Guard plane and made four passes at the landing field, none of them being successful. We had intended if we could get here that day, to travel by ship over to St. George. Now the limitation of time will not make that possible. And so the committee is very grateful to the group from St. George for having come over here to participate in this hearing.

Because the Congress is still in session, we are going to have to leave here tomorrow on the return journey. Before then we hope to get as much testimony as possible, and in other ways acquaint ourselves with the situation here and at St. George so that we may be best prepared to act wisely and well in respect to any legislation affecting these islands and the people of these islands which may be acted upon by the Congress.

So much for that.

There will be printed in full in the record the text of S. 2102. I want all of you to know that this is merely a working draft. Very few bills that are introduced in the Congress, either in the House of Representatives or in the Senate, are passed in the form in which they are introduced. As testimony is taken, ideas are projected and changes are made which are deemed useful to the legislation in question. And so it probably will be in this case.

You should know that not I, as the author of the bill and the Senator who introduced it, nor anyone else, feels it has to be in exactly its present form. As I say, this is a working draft only.

There will be printed in the record at this point the text of the Convention on Conservation of North Pacific Fur Seals. I think this information will be essential to a thorough understanding of the problem when the committee considers the bill initially and when the Senate later does.

(The text of the treaty follows:)



[Treaties and Other International Acts Series 3948]

NORTH PACIFIC FUR SEALS***Interim Convention Between the United States of America,
Canada, Japan, and the Union of Soviet Socialist Republics**

(Multilateral)

*Interim convention signed at Washington February 9, 1957;
Ratification advised by the Senate of the United States of America
August 8, 1957;
Ratified by the President of the United States of America August
30, 1957;
Ratifications deposited with the Government of the United States of
America as follows: by the United States of America and by Can-
ada on September 16, 1957; by Japan on September 20, 1957; and
by the Union of Soviet Socialist Republics on October 14, 1957;
Proclaimed by the President of the United States of America No-
vember 15, 1957;
Entered into force October 14, 1957.*

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS an interim convention on conservation of North Pacific fur seals was signed at Washington on February 9, 1957 by the respective representatives of the Governments of the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics;

WHEREAS the text of the said convention, in the English language, is word for word as follows:

**INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC
FUR SEALS**

The Governments of Canada, Japan, the Union of Soviet Socialist Republics, and the United States of America,

Desiring to take effective measures towards achieving the maximum sustainable productivity of the fur seal resources of the

*North Pacific Fur Seal Convention—"Japan Ratifies Protocol Amending Interim Convention on Conservation of Fur Seals: On April 10, 1964, Japan deposited ratification of a Protocol amending the Interim Convention on Conservation of the North Pacific Fur Seals. The Protocol (done at Washington, D.C., October 8, 1963) relates to the continuation of the Interim Convention for another six-year period and reflects the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962. The Protocol entered into force on April 10, 1964." (Bulletin, U.S. Department of State, April 27, 1964.)

NOTE: See Commercial Fisheries Review, April 1964 p. 48; December 1963 p. 52.

North Pacific Ocean so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year, with due regard to their relation to the productivity of other living marine resources of the area,

Recognizing that in order to determine such measures it is necessary to conduct adequate scientific research on the said resources, and

Desiring to provide for international cooperation in achieving these objectives,

Agree as follows:

ARTICLE I

1. The term "pelagic sealing" is hereby defined for the purposes of this Convention as meaning the killing, taking, or hunting in any manner whatsoever of fur seals at sea.

2. The words "each year", "annual" and "annually" as used hereinafter refer to Convention year, that is, the year beginning on the date of entry into force of the Convention.

3. Nothing in this Convention shall be deemed to affect in any way the position of the Parties in regard to the limits of territorial waters or to the jurisdiction over fisheries.

ARTICLE II

1. In order to realize the objectives of this Convention, the Parties agree to coordinate necessary scientific research programs and to cooperate in investigating the fur seal resources of the North Pacific Ocean to determine:

(a) what measures may be necessary to make possible the maximum sustainable productivity of the fur seal resources so that the fur seal populations can be brought to and maintained at the levels which will provide the greatest harvest year after year; and

(b) what the relationship is between fur seals and other living marine resources and whether fur seals have detrimental effects on other living marine resources substantially exploited by any of the Parties and, if so, to what extent.

2. The research referred to in the preceding paragraph shall include studies of the following subjects:

(a) size of each fur seal herd and its age and sex composition;

(b) natural mortality of the different age groups and recruitment of young to each age or size class at present and subsequent population levels;

(c) with regard to each of the herds, the effect upon the magnitude of recruitment of variations in the size and the age and sex composition of the annual kill;

(d) migration routes of fur seals and their wintering areas;

(e) numbers of seals from each herd found on the migration routes and in wintering areas and their ages and sexes;

(f) extent to which the food habits of fur seals affect commercial fish catches and the damage fur seals inflict on fishing gear; and

(g) other subjects involved in achieving the objectives of the Convention, as determined by the Commission established under Article V, paragraph 1.

3. In furtherance of the research referred to in this Article, each of the Parties agrees to carry out, each year after the entry into force of the Convention, the programs set forth in the Schedule annexed to the Convention with any modifications thereof made pursuant to Article V, paragraph 3. The said Schedule, together with any such modifications, shall be considered an integral part of this Convention.

4. Each Party agrees to provide the Commission annually with information on:

(a) number of black pups tagged for each breeding area ;

(b) number of fur seals, by sex and estimated age, taken at sea and on each breeding area ; and

(c) tagged seals recovered on land and at sea ;

and, so far as is practicable, other information pertinent to scientific research which the Commission may request.

5. The Parties further agree to provide for the exchange of scientific personnel ; each such exchange shall be subject to mutual consent of the Parties directly concerned.

6. The Parties agree to use for the scientific pelagic research provided for in this Article only government-owned or government-chartered vessels operating under strict control of their respective authorities. Each Party shall communicate to the other Parties the names and descriptions of vessels which are to be used for pelagic research.

ARTICLE III

In order to realize the purposes of the Convention, including the carrying out of the coordinated and cooperative research, each Party agrees to prohibit pelagic sealing, except as provided in Article II, paragraph 3 and the Schedule, in the Pacific Ocean north of the 30th parallel of north latitude including the seas of Bering, Okhotsk, and Japan by any person or vessel subject to its jurisdiction.

ARTICLE IV

1. Each Party shall bear the expense of its own research. Title to sealskins taken during the research shall vest in the Party conducting such research.

2. If the total number of seals of the Commander Islands breeding grounds decreases and falls below 50,000 head, according to data in official records, then commercial killing of seals and apportionment of skins may be suspended by the Union of Soviet Socialist Republics until the number of seals exceeds 50,000 head. This provision also applies to the fur seal herd of Robben Island, if the population of that herd becomes less than 50,000 head.

3. The Government of the Union of Soviet Socialist Republics upon suspending such sealing shall so inform the other Parties. In this case the Commission shall determine whether or not to reduce the level of or to suspend completely the pelagic sealing for scientific purposes in the Western Pacific Ocean during the period of the said suspension.

4. The Commission may, subsequent to the second year of operation of the Convention, modify the floor figure set forth in paragraph 2 of this Article in accordance with its findings based upon scientific data received by it; and if any such modifications are made, paragraph 2 of this Article shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

ARTICLE V

1. The Parties agree to establish the North Pacific Fur Seal Commission to be composed of one member from each Party.

2. The duties of the Commission shall be to:

(a) formulate and coordinate research programs designed to achieve the objectives set forth in Article II, paragraph 1;

(b) recommend these coordinated research programs to the respective Parties for implementation;

(c) study the data obtained from the implementation of such coordinated research programs;

(d) recommend appropriate measures to the Parties on the basis of the findings obtained from the implementation of such coordinated research programs, including measures regarding the size and the sex and age composition of the seasonal commercial kill from a herd; and

(e) recommend to the Parties at the end of the fifth year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year, the methods of sealing best suited to achieve the objectives of this Convention; the above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year provided for in Article XI.

3. The Commission may, subsequent to the first year of operation of the Convention, modify in accordance with its scientific findings the research programs set forth in the Schedule and, if any such modifications are made, the Schedule shall be considered amended accordingly. The Commission shall notify each Party of every such amendment and of the effective date thereof.

4. Each Party shall have one vote. Decisions and recommendations shall be made by unanimous vote. With respect to any recommendations regarding the size and the sex and age composition of the seasonal commercial kill from a herd, only those Parties sharing in the sealskins from that herd under the provisions of Article IX, paragraph 1 shall vote.

5. The Commission shall elect from its members a Chairman and other necessary officials and shall adopt rules of procedure for the conduct of its work.

6. The Commission shall hold an annual meeting at such time and place as it may decide. Additional meetings shall be held when requested by two or more members of the Commission. The time and place of the first meeting shall be determined by agreement among the Parties.

7. The expenses of each member of the Commission shall be paid by his own Government. Such joint expenses as may be incurred by the Commission shall be defrayed by the Parties by equal contribu-

tions. Each Party shall also contribute to the Commission annually an amount equivalent to the value of the sealskins it confiscates under the provisions of Article VI, paragraph 5.

8. The Commission shall submit an annual report of its activities to the Parties.

9. The Commission may from time to time make recommendations to the Parties on any matter which relates to the fur seal resources or to the administration of the Commission.

ARTICLE VI

In order to implement the provisions of Article III, the Parties agree as follows:

1. When a duly authorized official of any of the Parties has reasonable cause to believe that any vessel outfitted for the harvesting of living marine resources and subject to the jurisdiction of any of the Parties is offending against the prohibition of pelagic sealing as provided for by Article III, he may, except within the territorial waters of another State, board and search such vessel. Such official shall carry a special certificate issued by the competent authorities of his Government and drawn up in the English, Japanese, and Russian languages which shall be exhibited to the master of the vessel upon request.

2. When the official after searching a vessel continues to have reasonable cause to believe that the vessel or any person on board thereof is offending against the prohibition, he may seize or arrest such vessel or person. In that case, the Party to which the official belongs shall as soon as possible notify the Party having jurisdiction over the vessel or person of such arrest or seizure and shall deliver the vessel or person as promptly as practicable to the authorized officials of the Party having jurisdiction over the vessel or person at a place to be agreed upon by both Parties; provided, however, that when the Party receiving notification cannot immediately accept delivery of the vessel or person, the Party which gives such notification may, upon request of the other Party, keep the vessel or person under surveillance within its own territory, under the conditions agreed upon by both Parties.

3. The authorities of the Party to which such person or vessel belongs alone shall have jurisdiction to try any case arising under Article III and this Article and to impose penalties in connection therewith.

4. The witnesses or their testimony and other proofs necessary to establish the offense, so far as they are under the control of any of the Parties, shall be furnished with all reasonable promptness to the authorities of the Party having jurisdiction to try the case.

5. Sealskins discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the Party under whose jurisdiction the trial of a case takes place.

6. Full details of punitive measures applied to offenders against the prohibition shall be communicated to the other Parties not later than three months after the application of the penalty.

ARTICLE VII

The provisions of this Convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in Article III, who carry on pelagic sealing in canoes not transported by or used in connection with other vessels, and propelled entirely by oars, paddles, or sails, and manned by not more than five persons each, in the way hitherto practiced and without the use of firearms; provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

ARTICLE VIII

1. Each Party agrees that no person or vessel shall be permitted to use any of its ports or harbors or any part of its territory for any purpose designed to violate the prohibition set forth in Article III.

2. Each Party also agrees to prohibit the importation and delivery into and the traffic within its territories of skins of fur seals taken in the area of the North Pacific Ocean mentioned in Article III, except only those taken by the Union of Soviet Socialist Republics or the United States of America on rookeries, those taken at sea for research purposes in accordance with the Schedule, those taken under the provisions of Article VII, those confiscated under the provisions of Article VI, paragraph 5, and those inadvertently captured which are taken possession of by a Party; provided, however, that all such excepted skins shall be officially marked and duly certified by the authorities of the Party concerned.

ARTICLE IX

1. The respective Parties agree that, of the total number of seal-skins taken commercially each season on land, there shall at the end of the season be delivered a percentage of the gross in number and value thereof as follows:

| | | |
|----------------------------------|-----------|-------------|
| By the Union of Soviet Socialist | to Canada | 15 per cent |
| Republics | to Japan | 15 per cent |
| By the United States of | to Canada | 15 per cent |
| America | to Japan | 15 per cent |

2. Each Party agrees to deliver such seal-skins to an authorized agent of the recipient Party at the place of taking, or at some other place mutually agreed upon by such Parties.

3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed:

(a) that in any year in which commercial killing is carried out for both the Commander and Robben Islands herds and pelagic research in that area is carried on at a level of 2,000 or more seals:

(1) Canada and Japan will forego the delivery of the seal-skins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 375 sealskins to each of these Parties;

(b) that in any year in which commercial killing is carried out for one only of the Commander or Robben Islands herds and pelagic research in that area is carried on at a level of 1,000 or more seals:

(1) Canada and Japan will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article; and

(2) the United States of America will increase its delivery to Canada and Japan as set forth in paragraph 1 of this Article by a total of 188 sealskins to each of these Parties.

ARTICLE X

1. Each Party agrees to enact and enforce such legislation as may be necessary to guarantee the observance of this Convention and to make effective its provisions with appropriate penalties for violation thereof.

2. The Parties further agree to cooperate with each other in taking such measures as may be appropriate to carry out the purposes of this Convention, including the prohibition of pelagic sealing as provided for by Article III.

ARTICLE XI

The Parties agree to meet early in the sixth year of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, to meet again at a later year, to consider the recommendations of the Commission made in accordance with Article V, paragraph 2(e) and to determine what further agreements may be desirable in order to achieve the maximum sustainable productivity of the North Pacific fur seal herds. The above-mentioned later year shall be fixed by the Parties at the meeting early in the sixth year.

ARTICLE XII

Should any Party consider that the obligations of Article II, paragraphs 3, 4, or 5 or any other obligation undertaken by the Parties is not being carried out and notify the other Parties to that effect, all the Parties shall, within three months of the receipt of such notification, meet to consult together on the need for and nature of remedial measures. In the event that such consultation shall not lead to agreement as to the need for and nature of remedial measures, any Party may give written notice to the other Parties of intention to terminate the Convention and, notwithstanding the provisions of Article XIII, paragraph 4, the Convention shall thereupon terminate as to all the Parties nine months from the date of such notice.

ARTICLE XIII

1. This Convention shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Convention shall enter into force on the date of the deposit of the fourth instrument of ratification, and upon such entry into force Article IX, paragraphs 1 and 2, shall be deemed to have been operative from June 1, 1956, provided that the Parties shall have, from the date of signing, maintained under their internal law the prohibition and effective prevention of pelagic sealing by all persons and vessels subject to their respective jurisdictions.

4. The present Convention shall continue in force for six years and thereafter until the entry into force of a new or revised fur seal convention between the Parties, or until the expiration of one year after such period of six years, whichever may be the earlier; provided, however, that it may continue in force for a further period if the Parties so decide at the meeting early in the sixth year provided for in Article XI.

5. The original of this Convention shall be deposited with the Government of the United States of America, which shall communicate certified copies thereof to each of the Governments signatory to the Convention.

SCHEDULE

1. The United States of America each year during the first four years shall tag 50,000 black pups on the Pribilof Islands.

2. The Union of Soviet Socialist Republics each year during the first four years shall tag 25 per cent of the black pups on the Commander Islands and 25 per cent of the black pups on Robben Island.

3. In the event that pelagic sealing should be suspended for one or more years under the provisions of Article IV, paragraph 3, the tagging of black pups shall continue at the mentioned rates for a comparable number of years.

4. The United States of America each year shall take at sea for research purposes in the Eastern Pacific Ocean between 1,250 and 1,750 seals.

5. Canada each year shall take at sea for research purposes in the Eastern Pacific Ocean between 500 and 750 seals.

6. Japan shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 2,750 and 3,250 seals;

(b) annually during the remaining four years of pelagic research between 1,400 and 1,600 seals.

7. The Union of Soviet Socialist Republics shall take at sea in the Western Pacific Ocean:

(a) annually in the first and second years of pelagic research between 750 and 1,250 seals;

(b) annually during the remaining four years of pelagic research between 400 and 600 seals.

WHEREAS the Senate of the United States of America by their resolution of August 8, 1957, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the said convention;

WHEREAS the said convention was ratified by the President of the United States of America on August 30, 1957, in pursuance of the aforesaid advice and consent of the Senate;

WHEREAS it is provided in Article XIII of said the convention that the convention shall enter into force on the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on September 16, 1957 by the United States of America and by Canada, on September 20, 1957 by Japan, and on October 14, 1957 by the Union of Soviet Socialist Republics;

AND WHEREAS, pursuant to the aforesaid provisions of Article XIII of the said convention, the convention entered into force on October 14, 1957;

NOW, THEREFORE, be it known that I, Dwight D. Eisenhower, President of the United States of America, do hereby proclaim and make public the said convention to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this fifteenth day of November in the year of our Lord one thousand nine hundred fifty-seven and of the Independence of the United States of America the one hundred eighty-second.

DWIGHT D. EISENHOWER

By the President:

JOHN FOSTER DULLES
Secretary of State

[Treaties and Other International Acts Series 5558]

NORTH PACIFIC FUR SEALS

Protocol Between the United States of America, Canada, Japan, and the Union of Soviet Socialist Republics

(Multilateral)

Protocol amending the interim convention of February 9, 1957.

Signed at Washington October 8, 1963;

*Ratification advised by the Senate of the United States of America
January 30, 1964;*

*Ratified by the President of the United States of America February
6, 1964;*

*Ratifications deposited with the Government of the United States of
America as follows: by Canada November 12, 1963; by the United
States of America February 6, 1964; by the Union of Soviet Social-
ist Republics March 12, 1964; and by Japan April 10, 1964;*

*Proclaimed by the President of the United States of America April
22, 1964;*

Entered into force April 10, 1964.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS a protocol amending the interim convention on conserva-
tion of North Pacific fur seals of February 9, 1957, was signed at
Washington on October 8, 1963, by the respective representatives of
the Governments of the United States of America, Canada, Japan,
and the Union of Soviet Socialist Republics;

WHEREAS the text of the protocol, in the English, * * * languages,
as certified by the Department of State of the United States of
America, is word for word as follows:

PROTOCOL AMENDING THE INTERIM CONVENTION ON CONSERVATION OF NORTH PACIFIC FUR SEALS

The Governments of Canada, Japan, the Union of Soviet Socialist
Republics and the United States of America, Parties to the Interim
Convention on Conservation of North Pacific Fur Seals, signed at
Washington on February 9, 1957, [1] hereinafter referred to as the
Convention,

¹ TIAS 3048; 8 UST 2283.

Having given due consideration to the recommendations adopted by the North Pacific Fur Seal Commission on November 30, 1962, and Desiring to amend the Convention,
Have agreed as follows:

ARTICLE I

The Convention shall be amended by this Protocol as from the date of its entry into force.

ARTICLE II

1. In Article II, paragraph 2 of the Convention, "and" at the end of sub-paragraph (f) shall be deleted and "(g)" shall be replaced by "(i)".

2. After Article II, paragraph 2(f) of the Convention, the following shall be inserted:

"(g) effectiveness of each method of sealing from the viewpoint of management and rational utilization of fur seal resources for conservation purposes;

"(h) quality of sealskins by sex, age, and time and method of sealing; and".

ARTICLE III

Article II, paragraph 3 of the Convention shall be replaced by the following:

"3. In furtherance of the research referred to in this Article, the Parties agree:

(a) to continue to mark adequate numbers of pups;

(b) to devote to pelagic research an effort similar in extent to that expended in recent years, provided that this shall not involve the taking of more than 2,500 seals in the Eastern and more than 2,200 seals in the Western Pacific Ocean, unless the Commission, pursuant to Article V, paragraph 3, shall decide otherwise; and

(c) to carry out the determinations made by the Commission pursuant to Article V, paragraph 3."

ARTICLE IV

In Article III of the Convention, "and the Schedule" shall be deleted.

ARTICLE V

Article V, paragraph 2(e) of the Convention shall be replaced by the following:

"(e) study whether or not pelagic sealing in conjunction with land sealing could be permitted in certain circumstances without adversely affecting achievement of the objectives of this Convention, and make recommendations thereon to the Parties at the end of the eleventh year after entry into force of this Convention and, if the Convention is continued under the provisions of Article XIII, paragraph 4, at a later year; this later year shall be fixed by the Parties at the meeting early in the twelfth year provided for in Article XI."

ARTICLE VI

Article V, paragraph 3 of the Convention shall be replaced by the following:

“3. In addition to the duties specified in paragraph 2 of this Article, the Commission shall, subject to Article II, paragraph 3, determine from time to time the number of seals to be marked on the rookery islands, and the total number of seals which shall be taken at sea for research purposes, the times at which such seals shall be taken and the areas in which they shall be taken, as well as the number to be taken by each Party.”

ARTICLE VII

In Article VIII, paragraph 2 of the Convention, “the Schedule” shall be replaced by “Article II, paragraph 3”.

ARTICLE VIII

Article IX, paragraph 3 of the Convention shall be replaced by the following:

“3. In order more equitably to divide the direct and indirect costs of pelagic research in the Western Pacific Ocean, it is agreed that Canada and Japan for three years starting from the seventh year after entry into force of this Convention will forego the delivery of the sealskins by the Union of Soviet Socialist Republics as set forth in paragraph 1 of this Article and the Union of Soviet Socialist Republics will deliver annually to Canada and to Japan 1,500 sealskins each during these three years.”

ARTICLE IX

1. In Article XI of the Convention, “sixth” shall be replaced by “twelfth”.

2. In Article XIII, paragraph 4 of the Convention, “six” shall be replaced by “twelve” and “sixth” shall be replaced by “twelfth”.

ARTICLE X

The Schedule annexed to the Convention shall be deleted.

ARTICLE XI

1. This Protocol shall be ratified and the instruments of ratification deposited with the Government of the United States of America as soon as practicable.

2. The Government of the United States of America shall notify the other signatory Governments of ratifications deposited.

3. This Protocol shall enter into force on October 14, 1963, if the fourth instrument of ratification is deposited on or before that date, and if the fourth instrument of ratification is deposited after October 14, 1963, on the date of its deposit.

4. Notwithstanding Article I of this Protocol:

(a) if this Protocol has not entered into force on or before January 31, 1964, the Convention shall apply with respect to pelagic research for the seventh year;

(b) even if this Protocol has entered into force after the beginning of the commercial sealing season of the seventh year, Article IX, paragraph 3 as amended by this Protocol shall apply with respect to the said season.

5. The original of this Protocol shall be deposited with the Government of the United State of America, which shall communicate certified copies thereof of each of the Governments signatory to this Protocol.

WHEREAS the Senate of the United States of America by their resolution of January 30, 1964, two-thirds of the Senators present concurring therein, did advise and consent to the ratification of the protocol;

WHEREAS the protocol was ratified by the President of the United States of America on February 6, 1964, in pursuance of the aforesaid advice and consent to ratification;

WHEREAS instruments of ratification were deposited with the Government of the United States of America on November 12, 1963 by Canada, on February 6, 1964 by the United States of America, on March 12, 1964 by the Union of Soviet Socialist Republics, and on April 10, 1964 by Japan;

AND WHEREAS, pursuant to the provisions of Article XI of the protocol, the protocol entered into force on April 10, 1964, the date of the deposit of the fourth instrument of ratification with the Government of the United States of America;

NOW, THEREFORE, be it known that I, Lyndon B. Johnson, President of the United States of America, do hereby proclaim and make public the said protocol to the end that the same and every article and clause thereof may be observed and fulfilled in good faith by the United States of America and by the citizens of the United States of America and all other persons subject to the jurisdiction thereof.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the city of Washington this twenty-second
 [SEAL] day of April in the year of our Lord one thousand nine hundred sixty-four and of the Independence of the United States of America the one hundred eighty-eighth.

LYNDON B. JOHNSON

By the President:

DEAN RUSK

Secretary of State

Senator BARTLETT. Also at this point, all Bureau of Commercial Fisheries regulations applying to the islands will be placed in the record.

(The regulations follow:)

TITLE 50—WILDLIFE AND FISHERIES

SUBCHAPTER C—AQUATIC MAMMALS OTHER THAN WHALES

PART 215—ADMINISTRATION OF THE PRIBILOF ISLANDS

Subpart A—Protection of Fur Seals

Sec.

- 215.1 Visits to seal rookeries.
- 215.2 Observation restricted.
- 215.3 Special restrictions; St. Paul Island.
- 215.4 Penalties.
- 215.5 Dogs prohibited.

Authority: §§ 215.1 to 215.5 issued under sec. 17, 58 Stat. 104; 16 U.S.C. 631q. Statutory provisions interpreted or applied are cited to text in parentheses.

Source: §§ 215.1 to 215.5 appear at 25 F.R. 8422, Sept. 1, 1960.

SUBPART A—PROTECTION OF FUR SEALS

§ 215.1 Visits to seal rookeries.

Persons lawfully landing on any of the Pribilof Islands, whether to remain temporarily or otherwise, must confine themselves to their lawful activities, and any visiting of rookeries or hauling grounds of seals or sea lions must face be authorized by the Department's agents-in-charge.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.2 Observation restricted.

In order that persons authorized or permitted to land may have an opportunity to observe the seal life, the Department's agents-in-charge will provide escorts, at convenient times, to accompany interested persons to proper observation points. No side digressions from the designated observation points will be permitted, and there will be no visiting of rookeries except under such escorts. On St. Paul Island the usual observation point for persons temporarily present shall be what are commonly known as "Observation Rocks" at Gorbach rookery.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.3 Special restrictions; St. Paul Island.

Persons authorized to land at St. Paul Island, whether to remain temporarily or otherwise, are required except under circumstances specifically authorized by the Department's agent-in-charge, to remain on that portion of the island in and about the village of St. Paul which is bounded by the shore line, including that of the salt lagoon and its outlet, and two straight lines running approximately as follows: The first from the shore at Black Bluffs to the southerly portion of the salt lagoon, passing to the eastward of the natives' cemetery, the natives' wells, and the by-products plant; the second to cut across the isthmus at Zolotoi Sands. The land lines as described will be indicated by notices posted at suitable intervals.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.4 Penalties.

Any person willfully violating the regulations in this subpart will be regarded as a trespasser and will be required to leave the islands at the first opportunity, and will be subject to such other action as may be deemed appropriate pursuant to law.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

§ 215.5 Dogs prohibited.

In order to prevent molestation of the fur-seal and fox herds, the landing of any dogs at the Pribilof Islands is prohibited.

(Sec. 6, 58 Stat. 102; 16 U.S.C. 631f)

Senator BARTLETT. Since we understand the people of St. George didn't have access to the bill and haven't had really an adequate opportunity to study it as yet, we are going to defer the taking of their testimony until probably this evening.

First we will hear from the people of St. Paul. It is our tentative plan to proceed here until around 5 o'clock or so, or a bit later I hope, then recess for the dinner hour, and reconvene this evening. We should prefer to take it at a more leisurely rate, but since we arrived here belatedly this won't be possible. We will have to drive ahead as rapidly as we can.

Now I am about to call upon the first witness from St. Paul. But before doing so, I want to say that the committee, and Mr. Bowman, but particularly I should think Mr. Baker, are ready whenever it is desired to give a formal presentation of what the bill is and what the bill proposes to do. All of us must understand this thoroughly. You are entitled to. In a democratic form of government such as ours no one would want to pass legislation affecting your lives and fortunes without your having had a thorough understanding of it, and an opportunity to comment upon it and suggest changes.

To the best of my knowledge, this is the first congressional meeting ever held in these islands. I may be wrong but I have no personal recollection of such a hearing before.

If I am correct in that statement, we have created a sort of a historical precedent here, and I hope I am correct as I should like to create that precedent.

Now, do you want to testify for St. Paul, Mr. Merculieff? When you come to testify, please give your first name and last name. We do note that there is a situation existing here where many have the same name. Smiths, in a manner of speaking, are very common on the islands. Do you want to testify first?

STATEMENT OF ILIODOR MERCULIEFF, PRESIDENT OF THE ST. PAUL COUNCIL; ACCOMPANIED BY TEREITY PHILEMONOFF, IOSEF MELOVIDOV, IGNATY HAPOFF, MICHAEL ZACHAROFF, DARIA KOCHUTIN, EDNA PHILEMONOF, SIMEON SWETZOF, NICOLAI MELOVIDOV, ILIODOR KOZLOFF, AUXENTY STEPETIN, AND ALEXANDER MELOVIDOV

MR. MERCULIEFF. I am Iliodor Merculieff, president of the St. Paul Council.

Senator, I want to thank you. I think this is the first time in the history of the islands that there is a Congress hearing, as you said, a while ago.

I appreciate it and on behalf of the community here I am pretty sure they all appreciate it, too.

This is a wonderful opportunity to give our views on the Senate bill which was introduced by Senator Bartlett. It has a lot of provisions for the good of the community here.

There are two main subjects which were never allowed for us, and one, they are going to sell lots to us. That is provided for in the bill. And the second one is buying the houses, if we so choose to buy.

A few days ago we passed a bill for the benefit of the community here to study and to bring other ideas here in this hearing. I hope you all have a copy of the Senate bill 2102.

And don't be afraid to bring out any of your ideas. Give it to the reporter here and it will be considered in Congress.

Senator, the Community Council had studied your bill and we have chosen some amendments. We have chosen some amendments to be made.

On section 206, page 13, line 3, where it says:

The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be deposited in the Pribilof Islands fund in the treasury for the administration of the Pribilof Islands.

We feel, the council feels, that all the proceeds of the said sales from the facilities and services prior to our incorporation shall be made available to the municipality if we so incorporate in the near future.

The second amendment, we propose that funds be made available from receipts of fur seal profits, that is, of the net profits, as the 15 percent shared to Canada and Japan, because if we do incorporate, we will need some kind of funds to have the community operating as it will in any other city. If we don't get the funds made available to us from any manner, there will be no way of us operating a city—incorporated. So we ask, and we pray, that you make this a part of your bill, Senator.

The third thing we would like to have, to present to us, if and when this bill is adopted and made law in the Congress of the United States and the Bureau of Commercial Fisheries make regulations of how to sell the homes, how to sell the lots, and how much land will be made available to us. And all other necessities that they may provide in regulations. We would like to have the Bureau present us the said regulations and have a hearing on it, like you are doing with your Senate bill 2102 here.

I am sure the community council, in behalf of the community here, feels that your bill will be providing us a lot of opportunities the way it is now, other than the amendments we have presented to you. If I am wrong on this, like I mentioned to you in the informal meeting, I haven't had any formal meetings with the community here about your bill, however I have had several meetings with the community council. If I am wrong about the bill there, like I say to the community members here, you may correct me on it and present your own views on it.

I thank you. I haven't go anything else to add to this.

Senator BARTLETT. Let me ask you a few questions, if I may. I want you and the other witnesses to know that we always ask questions simply in an effort to discover more information which we hope will be useful before we act in Washington.

What is your position in the village council?

Mr. MERCULIEFF. I am elected chairman of the community council.

Senator BARTLETT. How many members of the council are there?

Mr. MERCULIEFF. There are 12 members.

Senator BARTLETT. Later on will you furnish to the reporter, for the record, the names of all the members of the council.

Mr. MERCULIEFF. Here it is.

Senator BARTLETT. They are all typed out. We have here the names of the St. Paul Council, and they will be placed in the record at this point.

(The list referred to follows:)

ST. PAUL COUNCIL

| | |
|--|------------------------------|
| Iliodor Merculieff, president | Edna Philemonoff, secretary |
| Terenty Philemonoff, vice president | Simeon Swetozof, adviser |
| Iosef Melovidov, secretary | Nicholai Melovidov, adviser |
| Ignaty Hapoff, treasurer | Iliodor Kozloff, adviser |
| Michael Zacharoff, assistant treasurer | Auxenty Stepetin, adviser |
| Daria Kochutin, secretary | Alexander Melovidov, adviser |

Senator BARTLETT. Under what authority of law or regulation is the village council elected?

Mr. MERCULIEFF. What act is that, may I ask Mr. Euneau?

Mr. EUNEAU. I am Howard Euneau. I am the manager.

The council is organized under the Indian Reorganization Act. I am not sure of the date, but probably 1933.

Senator BARTLETT. Mr. Euneau, let me follow through for a moment. Does that act apply to St. Paul?

Mr. EUNEAU. Yes, sir.

Senator BARTLETT. When was it placed in effect here?

Mr. EUNEAU. 1950.

Senator BARTLETT. For what purpose?

Mr. EUNEAU. For community government purposes.

Senator BARTLETT. No loans attached to the organization?

Mr. EUNEAU. They have never secured—applied or secured a loan that I am aware of.

Senator BARTLETT. It was merely to establish a local government?

Mr. EUNEAU. Yes, sir; that is my understanding.

Senator BARTLETT. Thank you.

How often are elections held?

Mr. ILIODOR MERCULIEFF. Every 2 years.

Senator BARTLETT. Were you born here?

Mr. ILIODOR MERCULIEFF. Yes, I was born here.

Senator BARTLETT. Lived here all your life?

Mr. ILIODOR MERCULIEFF. Lived here all my life, outside of the 2 years we were evacuated during World War II.

Senator BARTLETT. Where did you go then?

Mr. ILIODOR MERCULIEFF. We were transferred to southern Alaska, 60 miles away from Juneau, the Admiralty Islands.

Senator BARTLETT. Funter Bay?

Mr. ILIODOR MERCULIEFF. Funter Bay.

Senator BARTLETT. Do you have a house here?

Mr. ILIODOR MERCULIEFF. At present I am renting a house from the Bureau.

Senator BARTLETT. Is it possible now for a resident of St. Paul to own his own home?

Mr. ILIODOR MERCULIEFF. That I cannot answer at present because I don't know how the regulations will be made by the Bureau.

Senator BARTLETT. I mean right now. What if you wanted to buy your home; could you?

Mr. ILIODOR MERCULIEFF. I suppose all those that are employed steady, the year round, would be capable of buying their home, on low-scale rates.

Senator BARTLETT. You are not saying you could do it. You are saying that some might be able to afford it?

Mr. ILIODOR MERCULIEFF. Yes.

Senator BARTLETT. We will go into that later. We will inquire about that from the Government witnesses. You in general as chairman of the village council believe this bill would bring some improvement, provided the amendments you suggest are adopted, is that right?

Mr. ILIODOR MERCULIEFF. That is right?

Senator BARTLETT. What if they weren't adopted?

Mr. ILIODOR MERCULIEFF. I don't know how we would be incorporated if it were not provided some means of funds where we can have the community jobs available to them. I don't know how the corporation would function.

Senator BARTLETT. Wouldn't it function in part upon a levy of taxes upon real and personal property?

Mr. ILIODOR MERCULIEFF. The taxes alone would be insufficient.

Senator BARTLETT. What services would you have to provide here that would require tax money?

Mr. ILIODOR MERCULIEFF. I don't think if we incorporate we would not tax anything but levy sales taxes.

Senator BARTLETT. Have you made any estimate of what those sales taxes would bring in?

Mr. ILIODOR MERCULIEFF. No; I haven't as yet, because we haven't started operating our local canteen as a community. We have been under the Bureau of Commercial Fisheries, who have been operating it for us. I don't know just how much taxes we would be imposing. Nevertheless I understand it shouldn't be over 3 percent of we do incorporate. We can't levy more than 3 percent safely.

Senator BARTLETT. You are quite sure that the 3 percent would not be enough to operate the city government because you don't know what services would be required of the city?

Mr. ILIODOR MERCULIEFF. No.

Senator BARTLETT. When you speak of canteen, what do you mean? Is that the place where you get your groceries?

Mr. ILIODOR MERCULIEFF. That was established by the local residents here years ago. Now it has raised a capital fund. I don't know what the worth is now. Maybe you will get what the capital is later.

Senator BARTLETT. Does the village council operate that?

Mr. ILIODOR MERCULIEFF. No, it is not operated wholly by the village council because the canteen funds are attached to the Bureau of Commercial Fisheries funds there.

Senator BARTLETT. What can you buy in the canteen?

Mr. ILIODOR MERCULIEFF. We have groceries—very few groceries, dry goods, ammunition, and, of course, since 1962 we have been selling beer.

Senator BARTLETT. Who pays the clerks in that store?

Mr. ILIODOR MERCULIEFF. The canteen pays them out of the profits.

Senator BARTLETT. Who manages the canteen? The village or the Bureau of Commercial Fisheries?

Mr. ILIODOR MERCULIEFF. Since at least about 5 years ago, I think, the local—one of our residents here is in full charge of the operations managing the canteen.

Senator BARTLETT. The Bureau of Commercial Fisheries has no authority then?

Mr. ILIODOR MERCULIEFF. They do have authority in the funds there because the funds are connected with the Bureau.

Senator BARTLETT. Who puts up the money to buy these supplies?

Mr. ILIODOR MERCULIEFF. The purchase order has been submitted by the regional office, the Bureau's regional office in Seattle, and then they have a fiscal officer there that pays for all these bills.

Senator BARTLETT. Have you, the people of St. Paul, ever said to the Bureau, "The time has come for us to operate this store, we want to operate it ourselves?"

Mr. ILIODOR MERCULIEFF. That we haven't exactly said, but it is stressed that it is time for us to operate it.

Senator BARTLETT. Who stresses this, you or the Bureau?

Mr. ILIODOR MERCULIEFF. The Bureau. They want us to take it over because I think the community council is functioning in the right way, I would say.

Senator BARTLETT. Are you willing to take it over?

Mr. ILIODOR MERCULIEFF. Yes, we are willing to take it over.

Senator BARTLETT. If this place became a municipality, would you operate the utilities, too, and provide electricity, for example?

Mr. ILIODOR MERCULIEFF. Not that I am aware of. I think in the future these will be all made available for us to provide. If we so incorporate, and get funds from our amendments to your bill.

Senator BARTLETT. You want that first amendment, the one which you suggested, that net proceeds from the sales of property—land—not go into the Pribilof Islands' fund in the U.S. Treasury, but to you because you felt otherwise the city would have no money to launch itself?

Mr. ILIODOR MERCULIEFF. Yes. That is the main purpose there. And I feel—I am pretty sure the community feels—that we are entitled to something. All these years since the Russian time there, when they ran the islands, and from thereafter the purchase of Alaska, from Russia to the Americans, we feel that the island residents have been neglected. They haven't had any fair opportunity in any way. That is one of the reasons we are asking for that first amendment, which should not amount to much. However, it will give us a starting fund.

Senator BARTLETT. The third amendment, you suggested, I should think, could be incorporated in the bill without any great fuss or bother, and I would be sure that the Bureau of Commercial Fisheries would be entirely willing to hold hearings before promulgating any regulations affecting the life of the municipality. I see no problem there. I think it is a good suggestion.

But, I can see considerable controversy arising as a consequence of your second suggested amendment, relating to your request that 15 percent of the net proceeds be turned over to the municipality.

You said, or meant, 15 percent of the net or gross?

Mr. ILIODOR MERCULIEFF. The net proceeds. I am pretty sure the community would settle for 15 percent or \$50,000 per year.

Senator BARTLETT. \$50,000 this year would be considerably more, I guess, than you would derive from 15 percent, or 99 percent, because I think it will be zero.

Mr. LIODOR MERCULIEFF. Whichever way you look at it.

Senator BARTLETT. You think you would be better off if you settled upon a fixed sum and wouldn't be subject to the vagaries of the "take" or the market, is that right?

Mr. LIODOR MERCULIEFF. I do not know.

Senator BARTLETT. You don't want to commit yourself?

Mr. LIODOR MERCULIEFF. I shouldn't decide either way.

Senator BARTLETT. I understand. You don't want to commit the whole community. You are wise. [Laughter.]

Under the present international arrangement, the United States gets 70 percent of the sealskins, and Canada and Japan each receive 15 percent. Is that your understanding?

Mr. LIODOR MERCULIEFF. Yes; that is my understanding.

Senator BARTLETT. I think we ought to go back and review for a moment or two the situation which existed at the time the statehood bill was under consideration. It is a matter of historical record. I think it is pertinent to our discussion here.

There was a very strong effort made to leave the Pribilofs out of the State of Alaska, to reserve it from the boundaries of the new State. It was argued that since the seals came to the Pribilof Islands, since they were managed under international treaty, that the State of Alaska could not properly intervene as the owner or manager.

I was the Delegate in Congress from Alaska at that time and resisted that very strongly, because I always believed that all that which was the territory of Alaska ought to be the State of Alaska, and that is the way it came out.

We did make a special arrangement in respect to what went on here. We agreed, on account of the very special circumstances, that the Federal Government should continue in its management capacity and that as a consequence of this surrender of sovereignty, in a manner of speaking, the State of Alaska should receive 70 percent of the net proceeds accruing to the United States on an annual basis. And that is the way it has been ever since.

In some years this has been a very substantial addition to the State treasury, and at all times since the advent of statehood, a young struggling State, can stand any additions to its treasury, whether they are small or large.

In respect to the amendment you have suggested, which would take 15 percent of the net, as I understand it, of course, the views of the State of Alaska would necessarily have to be taken into consideration by the Congress of the United States, and I assume that those views would be rather promptly presented.

Of course, we haven't talked with Secretary of State Wade, as chairman of the group that came out here, about this proposed amendment, or with Governor Egan, because we didn't know about it until today.

We want to assure you that this will be done and the State's views will be solicited because they will be an important factor bearing upon the final determination.

In the meantime, I think it would be well for the village council, if I may suggest this, to solicit the opinion of the community to determine if a consensus may be derived on such a subject, to determine whether that which you proposed a while ago would be acceptable, that is to say, 15 percent of the net proceeds, or \$50,000 a year.

Now, let me ask you this, if I may: Over the years a series of allegations have been made that the people of these islands have existed in the state of servitude in a form of virtual slavery. As we all know, the State has inquired very diligently and thoroughly into this. Mr. Bowman and his associates have just issued their report.

Inevitably all of this will come to the attention of the Senate Commerce Committee as it considers this bill. And so it is that I would like your opinion.

Do you feel, as an individual, or as chairman of the village council, that the people of St. Paul are now living in a state of servitude?

Mr. ILIODOR MERCULIEFF. No; not at the present time. I think you will find that answer likewise in the report of the commission to the Governor.

Senator BARTLETT. Do you feel that this condition used to exist?

Mr. ILIODOR MERCULIEFF. It used to exist. Nevertheless, I can mention, a while ago, the Russians ruled the islands here, after the State was bought—I mean after Alaska was bought by the United States, it was Russian-American, and up until 1950, from there, we were not paid fair compensation and we were allowed just very little food, and shelter, of course.

I think all those, added together, plus the fact that if we didn't cooperate with the Bureau, you used to be laid off. You had to do what the island manager said. What he says used to go.

Now, since 1960, that isn't so.

Senator BARTLETT. If you had criticized the Bureau in the old days, you might lose your job?

Mr. ILIODOR MERCULIEFF. No. So far I haven't lost my job. [Laughter.]

Senator BARTLETT. I don't mean you. You are still on the payroll?

Mr. ILIODOR MERCULIEFF. Still am.

Senator BARTLETT. I didn't mean you as an individual, though. In the old days, a St. Paul resident who was critical of the Bureau, might lose his job?

Mr. ILIODOR MERCULIEFF. In the old days they used to lay them off; yes. Or else if he asked for a vacation, and stayed out for about 6 months, when you came back you wouldn't get into your old house. So anybody was afraid to go out for more than 6 months. If they would come back, then they wouldn't have no home to stay in.

Senator BARTLETT. What if they had been good boys and hadn't criticized the Bureau?

Mr. ILIODOR MERCULIEFF. Those good boys benefited all right. They had a home all the time.

Senator BARTLETT. Did you get any cash money at all in those days?

Mr. ILIODOR MERCULIEFF. We used to get—the highest we used to get, around \$400 or \$500 a year, up until 1950.

Senator BARTLETT. And the rest of your salary was deducted for groceries?

Mr. ILIODOR MERCULIEFF. No; that was all cash, \$400 or \$500. Then on top of that they allowed us groceries.

Senator BARTLETT. And housing?

Mr. ILIODOR MERCULIEFF. And housing. Groceries they used to allow us for one family, man and wife, a dozen eggs for a week, and no meat.

Senator BARTLETT. No meat?

Mr. ILIODOR MERCULIEFF. No meat. They used to give us two cans of salmon and no meat.

Senator BARTLETT. For how long?

Mr. ILIODOR MERCULIEFF. For a week.

Senator BARTLETT. I am glad they didn't give you tuna. [Laughter.]

At least you had an Alaska product.

When did all of this change?

Mr. ILIODOR MERCULIEFF. This changed since 1950. It has been going for the good and has been getting better since 1960 or 1962.

Now, I am pretty sure everybody feels that we are almost on the same level as any other city. That is, in buying what you want, all the different varieties of food from the Government store.

Senator BARTLETT. I don't know whether you would be a good witness on this subject. Probably a woman would be a better one. But I will ask you anyway.

How about the price of food? How does it compare with Anchorage, Bethel, Fairbanks, and so forth, if you know?

Mr. ILIODOR MERCULIEFF. I don't know. I hardly ever see my food bills. I think my wife sees them. I think a comparison, our prices here, from what I understand from some of the tourists that come in through here, they say some of the islands are lower and some of the items are higher. Of course our prices are based on the selling price of Seattle. I mean the cost price of Seattle.

Senator BARTLETT. Plus a certain percentage?

Mr. ILIODOR MERCULIEFF. Plus 35 percent.

Senator BARTLETT. Thirty-five percent across the board?

Mr. ILIODOR MERCULIEFF. Across the board.

Senator BARTLETT. Thirty-five percent across the board doesn't seem like a very scientific way to assign prices.

Mr. ILIODOR MERCULIEFF. That is the way it is.

Senator BARTLETT. We will ask the witness for the Bureau of Commercial Fisheries to testify about that.

In the report to which we have referred, I think the suggestion has been made that a tourist trade might be built up here. What do you all think of that? Would you welcome tourists?

Mr. ILIODOR MERCULIEFF. Yes. I think in fact we had asked the Commission that we would like to provide facilities and services to the tourist there. Before I go further, I just glanced at the Commission's report about half an hour ago, or maybe an hour ago now. It was handed to me by Mr. Bowman. It is one of the initial copies. They are now making copies to distribute around.

As I glanced through it, that is what I saw in there that was recommended to the Bureau.

Senator BARTLETT. Are many of the women here gainfully employed now?

Mr. ILIODOR MERCULIEFF. No. There are very few, very few.

Senator BARTLETT. What if they had a chance to work around a tourist hotel or motel, or call it what you will, do you think they would be willing to?

Mr. ILIODOR MERCULIEFF. That is what we are trying to progress toward.

Senator BARTLETT. How about the women?

Mr. ILIODOR MERCULIEFF. I am pretty sure they all want to. We have had several women come in, young girls come in. We couldn't provide all of them jobs this last summer.

Senator BARTLETT. You would like to have a situation created whereby you could own your own homes, is that right?

Mr. ILIODOR MERCULIEFF. That is provided in your bill. I assume it will be, subject for us to pay for them. In the long run, I think it will be much better for us to pay for the homes.

Senator BARTLETT. Most Americans agree with you. Because they feel at least with monthly payments they are getting an equity in their homes, and eventually will own them.

How about the wages here; from your understanding, do they compare favorably with those on the mainland?

Mr. ILIODOR MERCULIEFF. I can't compare our wages against the mainland wages because I have never seen what the wages are. But I understood that our wage board here is based on the civilians that are working for the Navy in the Kodiak area.

We have always thought—and I pointed this out to the Commission—that one of these days, if we are incorporated, and if we have to pay for all the services, that is, commercial services, for transportation of goods to the island here, we feel our wages wouldn't be sufficient.

Senator BARTLETT. Aren't you paying for those now in respect to food?

Mr. ILIODOR MERCULIEFF. There is a little charge there. But if we were all on our own and had to pay commercial prices, like any other city, if we charter a ship and have them bring in a supply of merchandise to us, if the boat laid around here for 2 or 3 weeks with no landing, that would be charged to us and our wages wouldn't be able to meet that.

Senator BARTLETT. You are talking about things now that would be brought on a ship that might go into the store?

Mr. ILIODOR MERCULIEFF. Yes. Plus the fact that everything else we order for the house, like furniture or so forth.

Senator BARTLETT. I surely don't know, because I am not an economist.

Mr. ILIODOR MERCULIEFF. What I am trying to point out is that Kodiak has docks where the boat just ties up along side the dock. They don't have to pay what they call "demurrage" when the boat is laying around.

Senator BARTLETT. You are probably paying for that now in that 35 percent. Maybe that is the reason it is applied across the board.

Mr. ILIODOR MERCULIEFF. That isn't my understanding.

Senator BARTLETT. What is your understanding?

Mr. ILIODOR MERCULIEFF. My understanding is the handling of the said purchased groceries and the wage that you are paying for the employees in the regional office, plus the wages of the collection here at the store, plus the unloading, what you might call stevedoring.

Senator BARTLETT. The committee understands, on the basis of maintaining a fairly close association with the State group, that there is a considerable feeling of depression over the fact that so relatively few people are employed the year round, and the committee sympathy lies with this, of course. I as one Alaskan feel compelled to remind

that, unhappily, this is a situation that more frequently than not is true throughout Alaska; it is a seasonal industry country. To leave aside the pulpmills in southeast Alaska, the people don't work very much throughout the year. That is one of our difficulties economically.

You have been very, very helpful. I want to thank you for appearing and making such an excellent presentation as our first witness.

Now, I will ask Mr. Foster if he has any questions.

Mr. FOSTER. Yes, Mr. Chairman. Just a few.

I wonder if you would look at section 209 of the bill, in that section the legislation deals with the question of prior service before 1950 in terms of civil service retirement.

Do you know whether there is any expression in favor of that type of a provision which would recognize prior service in terms of retirement or not here?

Mr. ILIODOR MERCULIEFF. Yes. I am sure everyone in the community at the retiring age, especially now, is in favor of that. They hope and pray it will be adopted.

Mr. FOSTER. In other words, as you understand it this would permit work done before 1950 to also be included in computing the retirement benefits under the program?

Mr. ILIODOR MERCULIEFF. Yes, sir.

Mr. FOSTER. In section 208, they define the term "Pribilof Islands." Does that definition meet with your understanding of the term?

Mr. ILIODOR MERCULIEFF. Yes. The council as a whole was kind of stunned because the term "Pribilof Islands" there, naming all the islands, included all of the Pribilof group there. We were under the assumption that they may be thinking of another island popping out of the water here or something.

Senator BARTLETT. Is that because the words "but not limited to" appear?

Mr. ILIODOR MERCULIEFF. Yes, sir.

Mr. FOSTER. That question in your mind would be resolved by striking those words and clarifying the definition; is that true?

Mr. ILIODOR MERCULIEFF. That is true. I think it will be to our benefit if there is an island that shows up. We will own it then. [Laughter.]

Mr. FOSTER. On page 12 of the bill, the bill provides that any deed—and this is a deed, of course, of title to the property, to the house—"Any deed issued by the trustee"—who is the person appointed by the Secretary to administer the allocation of the sale of the lots and the homes—

Any deed issued by the trustee shall provide, in addition to such terms and conditions relating to the use of said lots or tracts as the Secretary deems necessary, that the title conveyed is inalienable—

that is, it can't be transferred or can't be sold—

except upon approval of the Secretary of the Interior.

What that would mean, of course, is that if you did obtain title to your home and your next-door neighbor or someone else wanted to buy it, you would have no authority to sell it to him unless the Secretary approved of the sale.

Do you see that to be of benefit to you, or do you think that you should be able to sell your home without checking with the Secretary of the Interior?

Mr. ILIODOR MERCULIEFF. No. I think our understanding there is that we will have to approach the Secretary or his representatives in any case if a person wants to sell their lot or their home. That was our understanding.

Mr. FOSTER. This is acceptable to you?

Mr. ILIODOR MERCULIEFF. Yes.

Mr. FOSTER. Section 206 gives to the Secretary authority to convey property or land inside the township or the townsite. You would have a townsite or city and he could convey land inside that townsite.

Do you think there would be any interest at any time in giving him authority to convey land or some interest in the land outside the townsite?

Mr. ILIODOR MERCULIEFF. Yes. I am glad you brought that up there. We were thinking, when we had the meeting with the council, that our townsite here at present is not sufficient for expanding. I do realize there are plans for another townsite alongside the graveyard there, but what we were going to propose was to have land available to us that is out in the country, not anywhere near to the rookeries.

We feel that all that land should be made available for us for recreational purposes. We have one Southwest Point, as we call it. We are planning to make picnic grounds there.

You can never tell, somebody here might then decide to raise cattle or a chicken farm, or a sheep ranch, that is, providing the biologists will let us. Biologists get in and say everything bothers the seals. I don't know. [Laughter.]

At one time they suggested we couldn't buy any parakeets and bring them up here. That hasn't been stopped. We are still buying parakeets.

Senator BARTLETT. They were going to bother the seals?

Mr. ILIODOR MERCULIEFF. Yes. The parakeet has some kind of disease that is contagious for the seal, I think. That is the biologists' opinion.

But I do hope there will be land made available to us outside of the present townsite, and the plan of the townsite that would have to be outside the country, not near the rookeries, where it would not interfere with the seals.

Mr. FOSTER. At the present time, as I understand it, the receipts from the sale of the fur seal are divided 70 percent going to the State and 30 percent going to the Federal Government. As I understand your interest would be in obtaining 15 percent of the U.S. share?

Mr. ILIODOR MERCULIEFF. Negative on that; no. [Laughter.] We were under the understanding that 15 percent is shared to Japan, another 15 percent to Canada, and the remaining 70 percent, after all the so-called bills that are paid for the islands, the balance of that goes to the State of Alaska.

I think the State of Alaska should be lenient enough that they can give us at least 15 percent of their net proceeds.

Senator BARTLETT. But you wouldn't mind if we could contrive, after a great effort in the U.S. Congress, an arrangement whereby this came out of Uncle Sam instead of the State.

Mr. FOSTER. In other words, you are not too concerned with whether it does come out of the State's allocation of the Federal Government's allocation of the sealskins, are you?

Mr. ILIODOR MERCULIEFF. I don't know.

Yes, in answer to your last question; we would prefer the 70 percent—the 15 percent to come out of the 70 percent. We ask for 15 percent or \$50,000 per year because we feel that we are all paying State income taxes and school taxes, and the State of Alaska provides little in the way of support for either St. Paul or St. George.

We feel that it would only be fair for the State to agree to the amendment we have asked for, which is, like I say again, 15 percent or \$50,000.

Mr. FOSTER. As I understand it, you would prefer an amendment to, say, page 18, section 308, which now provides:

Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds * * *

You would prefer that to read—

pay to the State of Alaska 65 percent and to the Pribilof Islands 15 percent of the proceeds.

Mr. ILIODOR MERCULIEFF. Yes. That is exactly what I have asked for there.

Mr. FOSTER. Thank you.

Senator BARTLETT. You have opened up a very interesting subject. The States do bear a responsibility, I think we all agree to that, but you stated at the last that you would be content with 15 percent or \$50,000.

Is that a declaration from the community? You said before, I believe, you wanted a little time—

Mr. ILIODOR MERCULIEFF. That has been discussed here in our previous meetings, when we had meetings with Mr. Bowman, I believe.

Did we mention the 15 percent then?

Mr. BOWMAN. I don't remember that.

Mr. ILIODOR MERCULIEFF. It must have been after you left there, then. I did mention it, and I think there are several here on the floor who will agree that it was discussed at our community meetings.

Senator BARTLETT. If you were to get 15 percent this year from the State of Alaska, you would, as I previously indicated, receive nothing. Because that is the amount that the State will receive—zero, or virtually zero. And you know that there was some question about the renewal of the fur seal contract, do you not?

Mr. ILIODOR MERCULIEFF. Yes, I do know that.

Senator BARTLETT. As that went on, I reprimanded myself many, many times for not having persisted in making an effort which might not have been successful, but might have been, too, when the statehood bill was under consideration, in insisting that all of this be turned over to the State of Alaska for administration, and the Interior Department be divorced from any participation. Because unnecessarily the granting of a new contract for the processing of sealskins was delayed, delayed, and delayed. It went on for years. As a consequence, the treasury of the State of Alaska has been and is being denied very substantial sums of money.

That isn't all the story, but it is all I will relate for the public record.

Thank you very much—unless you have something more to add?

Mr. ILIODOR MERCULIEFF. I would like to add a few words more.

I would like for you, as a Senator, to pass this on to the Congress, especially the second amendment, because if we do incorporate one of these days, which the community is looking forward to incorporate, we would have to have some means of funds to operate as any other city in the United States. That is all I have.

Senator BARTLETT. You may be sure that consideration will be given to your suggestion. At the same time I think you would agree with me that it will be necessary for us to solicit the views of the State government, because they have a stake in this.

Thank you very much.

Mr. ILIODOR MERCULIEFF. You are welcome.

Senator BARTLETT. Who is going to be the next witness?

Mr. ILIODOR MERCULIEFF. Is there anyone who wants to be a witness at the present time? Does anybody have any ideas to talk about, other than the bill?

Senator BARTLETT. That is well said. You don't have to talk about the bill itself. We want all the information we can gain upon the bill or anything allied with your life on this island or on St. George.

Mr. ILIODOR MERCULIEFF. There are some people here who want us to speak on their behalf. This is going to be informal, now. Maybe they will want to say something for themselves.

One of our disabled men, who has been trying to get some kind of welfare, and our community services center has written to all the various State agencies here and had no success.

Senator BARTLETT. Won't you please have him come forward.

Mr. ILIODOR MERCULIEFF. John Tetoff, is he here?

Will you come forward and tell the Senator what your wishes are?

Senator BARTLETT. Let's take a 5-minute recess first.

(Recess.)

Senator BARTLETT. John will testify directly, but Mr. Iliodor Merculieff will interpret for him.

STATEMENT OF JOHN TETOFF—INTERPRETER, ILIODOR MERCULIEFF

Mr. ILIODOR MERCULIEFF. My name is John Tetoff. I was born in 1904.

He has been working since 1920, up to about 2 years ago.

He got disabled and is blind in one eye. He is not getting any compensation from the State welfare, which we have applied for several times.

The State agency wrote back and said if he was a Caucasian, he would be considered. But since he is an Aleut, he will not be considered. So the State agencies said for us to apply for welfare from the BIA, which we have, the community services officer did apply and we haven't got any results from the application there thus far.

We feel there must be some means of help to get some kind of compensation for Mr. Tetoff. At present the Bureau of Commercial

Fisheries is allowing him \$15 a week for food and anything that he may need from our own canteen here—the community canteen. We have allowed him so much credit; that is, for tobacco and other essential needs.

Therefore we ask you, Senator, to help us find some kind of welfare assistance for the said man, John Tetoff.

Senator BARTLETT. Let me ask a few questions, not many. We are sorry to hear this, of course.

How did Mr. Tetoff become disabled?

Mr. ILIODOR MERCULIEFF. That is not within my jurisdiction to answer that.

Senator BARTLETT. Will you answer, please?

Mr. TETOFF. I was sick and they sent me down to Anchorage. He worked on me a couple of times.

Senator BARTLETT. You didn't become disabled as a result of an injury while you were working?

Mr. TETOFF. I always worked until I couldn't work no more.

Senator BARTLETT. You were sick, you weren't hurt?

Mr. TETOFF. No, I wasn't hurt.

Senator BARTLETT. Do you have, or does anyone have, the letter from the State absolutely refusing welfare on the grounds Mr. Tetoff was an Aleut and not a Caucasian?

Mr. ILIODOR MERCULIEFF. Yes; there is a copy of the letter in the possession of the community services officer.

Senator BARTLETT. You spoke about applications having been made to the BIA—the Bureau of Indian Affairs—but there were no results. Has the BIA answered yet?

Mr. ILIODOR MERCULIEFF. I think you will have to have another witness.

Senator BARTLETT. Ask John, and see if he knows.

Mr. ILIODOR MERCULIEFF. No; he hasn't been in direct correspondence, only the community services officer.

Senator BARTLETT. Is anyone here able to answer that question?

Mr. ILIODOR MERCULIEFF. There has been no answer from the BIA.

Senator BARTLETT. Does anyone know how long ago the application to the BIA was mailed?

Mr. WOLFE. I am John Wolfe, community services officer for BCF. The first letter was written to them, I believe, dated July 21 of this year. The second letter, I believe, was written approximately 2, perhaps 3 weeks ago.

Senator BARTLETT. Two or three weeks ago?

Mr. WOLFE. The second letter.

Senator BARTLETT. Was the first letter acknowledged?

Mr. WOLFE. Negative.

Senator BARTLETT. There are a lot of negatives around here. Where was it sent?

Mr. WOLFE. To Anchorage, to the area field office, Anchorage.

Senator BARTLETT. And you are telling the committee that a letter relating to a man who hasn't any money to care for himself, asking for assistance, written on July 8—

Mr. WOLFE. The original letter was July 2.

Senator BARTLETT (continuing). Has not been acknowledged?

Mr. WOLFE. No, sir.

Senator BARTLETT. I think that someone should be reprimanded and reprimanded very severely, and I intend to see that that is done. I think it is unforgivable that a letter of any kind to a government official should go so long without an answer. It is very provoking.

We don't need ask any more questions of John. We will do what we can, although a congressional committee is not the body that would ordinarily be expected to have the responsibility in a situation like this.

I do want to ask John a little bit about languages here. Is there one Aleut language?

Mr. ILIODOR MERCULIEFF. There is one Aleut language here at the island. There are different dialects throughout the chain.

Senator BARTLETT. How many, do you know?

Mr. ILIODOR MERCULIEFF. There must be at least two other dialects, one around the Prince William Sound, from Kodiak on through Prince William Sound. That is a different dialect altogether. And the furthestmost part of the Aleutian chain that is another, different dialect. Although we can understand parts of it, we wouldn't understand the rest.

Senator BARTLETT. All Aleuts can understand one another?

Mr. ILIODOR MERCULIEFF. They cannot. Here in St. George and Unalaska they will understand us.

Senator BARTLETT. Do many people on the island speak Russian?

Mr. ILIODOR MERCULIEFF. There is only one that I know, our Reverend Deacon, can speak Russian. There may be a few others that will understand it, but they cannot speak it.

You might add to all the Aleuts that can understand each other, there is Nikolski, and Akutan.

Senator BARTLETT. John had worked for the Federal Government 31 years before he became ill and unable to work longer?

Mr. ILIODOR MERCULIEFF. From 1920 to 1963.

Senator BARTLETT. Forty-three years?

Mr. ILIODOR MERCULIEFF. Forty-three years.

Senator BARTLETT. Any civil service?

Mr. ILIODOR MERCULIEFF. He has civil service—he has paid retirement toward civil service, but he is not eligible since he is not 62 years old.

Senator BARTLETT. Next year?

Mr. ILIODOR MERCULIEFF. Until next year.

Senator BARTLETT. If this bill were to be enacted, all his service prior to 1950 would be credited and he would receive far more money than he otherwise would by way of retirement.

Mr. ILIODOR MERCULIEFF. That is very true. And there are several retirees which are hoping and praying that your provisions in your bill would be adopted because at present the lowest retirement that is being paid now is \$30 per month. If I am wrong, somebody will correct me on that.

Ted, are you getting only \$30 a month?

Mr. TARENTY PHILEMONOFF. \$36.

Senator BARTLETT. Let the record show that there are 145 people in attendance at the hearing room.

Again, will you give your name, please, to the reporter.

STATEMENT OF GABRIEL STEPETIN

Mr. STEPETIN. Gabriel Stepetin. Born in St. Paul Island 1911—April 8.

Senator BARTLETT. What we would like to have you do is this: Relate conditions on the island from the time perhaps when you went to work, how they were during the years, how they are now, compare the lot of the working man here with his lot in the old days, and tell us something about the general community life in comparison with older times. Just go ahead in your own way and tell us something about all these things. We want to learn.

Mr. STEPETIN. I will start with organizing the community council. We functioned without any authorizing from Federal or State Government. Just the community. So that we would have some kind of order within the community.

In 1932 Mr. Benson, the agent here, presented us with a form to govern ourselves. That was, I believe, presented by Washington through Mr. Benson so we could educate ourselves for the future.

Then in 1936 the Secretary of the Interior presented us with a constitution for the community and bylaws, so that we could establish business—do business with other people, with the Federal Government, with the State with some authority. We are still governing ourselves through that constitution. I believe it is the Wheeler Act.

Senator BARTLETT. The Wheeler-Howard Act?

Mr. STEPETIN. Yes.

I understand since 1962, I have an understanding that we were governing ourselves illegally according to the State law, that we couldn't arrest people or tell people what to do unless we incorporated.

From what the Constitution says, we can function as we are because it was made law by the Congress and by the Secretary of the Interior.

That is the way we have been functioning.

For the history, as far as conditions on the island, I was away from the island for 10 years and I came back. I was a seaman, when I was away, fisherman and trapper. The year after I came back I was elected chairman, and I have been the chairman for the community here for the last 20 years, on and off.

Back in the thirties, up to 1950, the conditions on the island were very, very poor compared to other people of the United States. We weren't allowed to speak for ourselves. Everything we did we had to get authority through the manager of the island. Like Mr. Merculieff said, if we wanted to take a vacation, if we stayed more than 3 months, we either were dropped one class from your sealing, or you lost your house.

On food—it had been said that the Government has provided us free food. I can say this, the Government has provided us with shelter and medical care, but the food I don't consider, I never considered, free. I considered that compensation for the labor we did for the Federal Government.

Like a family of two, back in the thirties, up to the forties, I myself, my weekly groceries, the amount used to be as high as \$6; and down as low as \$2. We used to receive two cans of corned beef for a week; 2 pounds of sugar for 1 week. We had no fresh meat of any kind. And during sealing season they used to eliminate all these canned foods—salt fish, salt beef. We lived only on seal meat.

Some of the sealers, due to this inadequate food, didn't have sometimes strength enough. They used to get tired, and when they made a complaint they were threatened that they would be expelled from the island.

Then in 1950 there was a commission that came up here to study the islands. From that time on the conditions in the island have been improving, and it has improved considerably since 1960, after Mr. Baltzo and Mr. Euneau came here, and it is still improving.

There is one question on your bill I would like to ask, on land, and owning the houses. You say that we are going to pay for the houses and the land. Most of the people here, the Government had provided the home furnished. I don't know what that means, "furnished." They never were furnished. Probably they gave you a bed, a dresser or something like that. The residents of the islands themselves have painted, have kept the houses, the inside of the houses, that I know of. Like myself, I spent over \$3,000 to make what my house is today. Not counting my labor.

When those houses are sold to us, would it be possible if the Federal Government would give us a credit that we have spent to improve the interior of the house, the labor we spent on it. Would that be possible? That is a question to you, Senator.

Senator BARTLETT. I would say that that is answered very directly in the bill. Let us turn to page 12, subsection (b) of section 206. The language is as follows, and I quote:

In determining the amount to be paid for the purchase of lots or tracts under subsection (a) of this section, the Secretary shall consider the economic status of the natives of the Pribilof Islands, including the factor of isolation, the restrictive nature of the title to be conveyed, the improvements, if any, placed on the property by the purchaser and such other factors as he deems pertinent.

I would say that no better language could be devised for the protection of the people here when they buy this land and these houses.

First, the Secretary will be privileged under the bill to take a long, hard look at the state of your pocketbook and the pocketbook of every other potential purchaser before he sets a price. Then he is enjoined to take into consideration likewise the fact that all of you live way out here in the middle of the Bering Sea. You are not next door to New York City. You have this isolation.

Then he takes into consideration also the fact that after you have acquired this property, you cannot, as Mr. Foster previously developed, sell it without the approval of the Secretary of the Interior.

Of course this makes the property less valuable to you, in a sense.

Then he takes into account the improvements that you have placed on the property. So that is specifically answered.

And then in addition, he can bring into play any other factor that seems pertinent to him.

Just for a moment I would like to go a bit further into the restricted title. I am not so sure the Department of the Interior is too eager to have this as part of the legislation. At the same time the Department of the Interior has a moral and legal obligation to protect people who are under its general jurisdiction. I suggest that the reason that language is to be found there is to protect you, all the people here, so that some sharpshooter from the other States, for example, couldn't come in and buy up all of this property for a song and do wrong and hurt to the people of the island. There is always that

danger and there is a protective feature in this, little as we like that kind of restriction. But sometimes it is necessary for a while at least.

So the answer to your question directly is affirmative: The Secretary can and must take into consideration the improvements you have placed on the property.

Mr. STEPETIN. Thank you.

Senator BARTLETT. Go ahead. I interrupted you.

Mr. STEPETIN. I have some more questions to ask on this bill. Section 102(b), on page 3.

Senator BARTLETT. What is your question?

Mr. STEPETIN. Where it says here:

The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by persons engaged in the taking of fur seals.

My question is, the Aleuts or Indians that are employed by the agency in taking fur seals are not allowed to kill them for their use?

Senator BARTLETT. That is correct. I am not in a position at this moment to elaborate on the reasons why we find that language there. Before the hearings are over here, before we leave town, we will go into that and seek to discover an answer to your question.

Mr. STEPETIN. Another one is section 202.

Senator BARTLETT. That is on page 8?

Mr. STEPETIN. Yes. That gives us protection. My question is, if a native, an Aleut or native, is unemployed and is destitute, does that give the Secretary of the Interior authority to provide shelter and housing and so forth?

Senator BARTLETT. I didn't get the question.

Mr. STEPETIN. The question is here, and I will start from line 13:

* * * Government-owned real or personal property located on the Pribilof Islands, for the furnishing of accommodations for tourists and other visitors, for educational, recreational, residential, or commercial purposes, for the operation, maintenance, and repair of Government-owned facilities and utilities, for the transportation and storage of food and other supplies, and for such other purposes as the Secretary deems desirable.

My question, after we have bought our land, home, does that mean that the Government can say we need that for housing tourists or for educational purposes, and take it away from us?

Senator BARTLETT. No, absolutely not. This is a section making it possible for the Government to help in the establishment of a tourist industry by making available equipment, facilities, and buildings, for that matter. This would absolutely not apply to any privately-owned property.

You need have no worries on that score whatsoever.

Mr. STEPETIN. Section 204(a) applies the same as the other?

Senator BARTLETT. What page?

Mr. STEPETIN. Page 10.

Senator BARTLETT. You are talking about 204(a), about education?

Mr. STEPETIN. Yes.

Senator BARTLETT. It says:

The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands, including the costs thereof. The Secretary is also authorized to enter into agreements

with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, medical and dental care, and such other facilities, services, and equipment as the Secretary deems necessary.

I want to ask some questions about that myself. I would assume that the State government might have a word or two to say about assuming all the costs of education without reimbursement from the Federal Government, because in such situations as this generally there is reimbursement for a State-operated educational facility.

I understand, and I hope you will correct me if I am wrong, that the people here are pleased with the State school; is that right?

Mr. STEPETIN. Yes, sir.

Senator BARTLETT. This language that I have just read, to which you called our attention, seems a bit murky to me. It seems to me to be in need of some elaboration and explanation. This evening, when we resume these hearings, we expect to have testimony from State educators and we will go into this particular point then.

In any case, the people of the islands couldn't possibly be damaged in any way whatsoever by any of the provisions of that section.

Mr. STEPETIN. May I ask again, Senator: It has been said that we have been threatened that they could get other people to come here and harvest the seals; if I am right, I believe we are protected already by the Congress that we, the natives of the Pribilofs only, can harvest seals?

Senator BARTLETT. When was that threat made?

Mr. STEPETIN. Back in 1948, 1949, and 1950, after the Commission was here. I don't know who was the Under Secretary of the United States then. He was here. He even suggested that we be moved out of the Islands.

Senator BARTLETT. Which year?

Mr. STEPETIN. About 1949. Was that 1949 that the Commission was here?

Mr. ILIODOR MERCULIEFF. Yes. It went into 1950, I believe. It was in the latter part of 1949 that the Commission was here.

Senator BARTLETT. It was the Under Secretary of Interior who was here?

Mr. STEPETIN. Yes.

Senator BARTLETT. I think that any fears you might have had on any such score have been removed by the testimony you yourself have offered, to the effect that the conditions have been improving and improving very greatly, and are continuing to do so. I think we can state categorically, and quite positively, that there is no danger whatsoever, and never will be again, of any such threat, because public attention has been, through the establishment of the Governor's commission, through interest expressed and action taken by the Department of the Interior, by the introduction of this bill, the hearings we are now holding upon it, directed to reveal that times have changed and these evil things cannot be done to the people of the islands any more because this would be such a loud public outcry that it wouldn't be tolerated. As a matter of fact no one—no one, to my certain knowledge—would ever propose any action that would be hurtful to the residents here.

Thank you Mr. Foster, we are now able to give you an answer concerning the question you asked about subsection (b), of section 102 which reads, and I quote:

The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by persons engaged in the taking of fur seals.

Mr. Foster has handed me a copy of the protocol amending the Convention on Conservation of the North Pacific Fur Seals. This language in similar or identical form is found in the treaty and has always been in the treaty. This is nothing new. The point being of course that those who are not employed will be given a continuing right to take seals, but not to be employed to take them for their use at the same time or for sale. This is nothing new.

Mr. STEPETIN. Am I right that we have unemployed people now in the islands, about 70 percent of them unemployed, and will be unemployed by the end of this month. When they are unemployed can they go out and get themselves seals? That is my question.

Senator BARTLETT. Yes; if they are not employed. Let's read article 7, which will provide the best answer, I think, to your question:

The provisions of this convention shall not apply to Indians, Ainos, Aleuts, or Eskimos dwelling on the coast of the waters mentioned in article 3, who carry on pelagic sealing in canoes not transported or used in connection with other vessels and propelled entirely by oars, paddles, or sails and manned by not more than five persons each in the way hitherto practiced and without the use of firearms, provided that such hunters are not in the employment of other persons or under contract to deliver the skins to any person.

This has always been in the treaty and applies, as you will note, to some of the Japanese as well as to Aleuts, Indians and Eskimos.

So I would say, "Yes," if a man were unemployed and he wanted to go out and get himself a seal, he would have to do so in a canoe, and he would have to have it propelled exclusively by oars or paddles or sails, and if he puts himself and five people in the canoe he would be out of order legally. Four would be all right. And he would have to do it in the way hitherto practiced. He couldn't have any innovations. And he couldn't use a gun. I guess they won't go out sealing.

Mr. STEPETIN. No; I guess not.

Senator BARTLETT. The answer is, "Yes," to your question.

I won't question you at length. From what you said, a person might infer that in those days you do consider that there was a state—and I will use this word, though not too often—of servitude.

Mr. STEPETIN. Yes.

Senator BARTLETT. Do you think that has disappeared?

Mr. STEPETIN. Yes.

Senator BARTLETT. There has been great improvement?

Mr. STEPETIN. There has been tremendous improvement.

Senator BARTLETT. Are the people of the island, generally speaking, happy, far happier with conditions now than they were before?

Mr. STEPETIN. Yes, only on one condition: When we approved this last pay plan we thought that we were going to be employed all year round. But now since it has gone into effect, 70 percent of the workmen are employed only 4 or 5 months out of the year. Seven or eight months out of the year they have no kind of employment. And there is no way of establishing business here that could employ those people.

Senator BARTLETT. Would the tourist business in the summer months be very helpful or not? Do you think it could be built up?

Mr. STEPETIN. It would be very helpful if they could stay here more than 1 or 2 days. If they could stay here a week, if the captain would stop on the islands, it would help employment.

Senator BARTLETT. Have the people here ever made anything that could be sold to tourists, like the Eskimos make ivory articles and sell them?

Mr. STEPETIN. Yes. Through the efforts of the Bureau of Commercial Fisheries and the Secretary of the Interior, I believe, they have started making different things from fur sealskins.

Senator BARTLETT. What do they make?

Mr. STEPETIN. They make dolls, pouches, gloves, hats.

Senator BARTLETT. Do the women do this?

Mr. STEPETIN. Yes.

Senator BARTLETT. Do you have many tourists come in now?

Mr. STEPETIN. This has been a poor summer for tourists.

Senator BARTLETT. Those that do come in, do you find they will buy some of these things?

Mr. STEPETIN. I believe the canteen manager can answer that question better than I.

Senator BARTLETT. Can we have an answer to that right now?

Mr. TEREYNTY PHILEMONOFF. They do buy.

Senator BARTLETT. You thought when the wage plan went into effect it would provide year-round employment for all people, all men?

Mr. STEPETIN. All men.

Another thing, we were asked if we had any objection to having the St. George people transferred to St. Paul, and we put in the question: When they are transferred, will everybody be employed? The answer was, "Yes," so there was no objection. If we knew at that time that as the transfers from the St. George people would put some of our local residents out of work, we would have objected.

Senator BARTLETT. You wouldn't have been for it.

Mr. STEPETIN. We would have objected to it.

Senator BARTLETT. I don't want to be cynical, and I don't want to be facetious, but if you were all employed here the year round you would be about the only people so favored in all Alaska.

Mr. STEPETIN. I realize that. But we didn't think it was going to be this bad, that 70 percent of the working men would be unemployed.

Senator BARTLETT. And 30 percent are employed the year round?

Mr. STEPETIN. The year round.

Senator BARTLETT. What would be the average income of one of the men constituting the 70 percent? How much do they make a year?

Mr. STEPETIN. Anywhere from \$2,000 to \$3,000. A little over \$3,000.

Senator BARTLETT. That is the average?

Mr. STEPETIN. That is an average.

Senator BARTLETT. We will call upon the Bureau to amplify on this, to see where we stand.

Thank you very much.

Mr. STEPETIN. May I say one more thing?

Senator BARTLETT. Anything you want to, as long as you want.

Mr. STEPETIN. I notice on this bill it is mostly St. Paul. If this bill passes, will the St. George people be able to buy their plot of land as we will be doing in St. Paul?

Senator BARTLETT. Apparently they will not. There is no provision made here for St. George. We will inquire very closely into this.

Mr. STEPETIN. That means they will be transferred over to St. Paul Island?

Senator BARTLETT. I shouldn't be answering that, because I am not in the executive part of the Government. I am in the legislative part of the Government. My understanding is that when he was here with Secretary Wade's group, Mr. Rettie, speaking for the Department of the Interior, categorically informed the people of St. George that there would be no requirement imposed upon them to move or come over here. At least that is what I read in the newspapers at the time. I took this as being a clear-cut definitive answer from the Department of the Interior related to this matter.

We will find out more about that before these hearings close.

Mr. STEPETIN. I don't think I have anything more.

Senator BARTLETT. That is a very good point which you brought up and one which we will surely want to explore rather deeply.

Thank you very, very much.

Mr. STEPETIN. Thank you very much.

Senator BARTLETT. The committee will stand in recess, the hour of 5:30 Pribilof time having arrived, we shall reconvene again at 7 o'clock.

Thank you.

(Whereupon, at 5:30 p.m., the subcommittee was recessed, to reconvene at 7 p.m., this same day.)

EVENING SESSION

Senator BARTLETT. The committee will be in order.

Who would like to testify next?

STATEMENT OF ELARY GROMOFF, ST. PAUL, ALASKA

Senator BARTLETT. We will be glad to hear from you, Mr. Gromoff; anything you care to say.

Mr. ELARY GROMOFF. About this bill, S. 2102, how soon will this pass?

Senator BARTLETT. No man can make a statement that would have any meaning as to when a bill will pass Congress. I would think sometime next year a bill will be passed. Not this year.

Mr. ELARY GROMOFF. Not even this year?

Senator BARTLETT. No chance this year. Congress is too near adjournment now.

Mr. ELARY GROMOFF. Maybe we have to make changes on that bill, Senator.

Senator BARTLETT. What changes would you recommend?

Mr. ELARY GROMOFF. Some, not all. I recommend, the people on the island have been with the Government for so many years, they were talking about incorporating, but that shouldn't happen right away, Senator. It takes time. Maybe 5 or 6 years, 7 years. It shouldn't be right away, because the people are not ready for that yet.

I shouldn't say about the silver platter. The silver platter has been given. The Government has been furnishing, giving for so many years on a silver platter. They don't know. I don't know how many families on this island would make their living; how they would make their living. I doubt it. They have to learn.

Now they are trying to learn how to make a living. For instance, this unemployment matter. People are laid off. We don't know how many people are saving their money for the winter. I don't know how they will be by February. Don't you think, Senator, that if they are in need by that time, short of money, would the Government help, giving fuel, food, rent? Otherwise how would they? That is a big question in my mind.

Maybe you can ask several. They will tell you. I wouldn't say that they are having a hard time. But this new way of living, years ago they didn't know that. They were given free coal, free food, shelter. I call that a silver platter. Now they are getting away from that, getting away from that platter.

So many of them will tell you they had a hard time last winter. Senator BARTLETT. They had a hard time last winter?

Mr. ELARY GROMOFF. Yes.

Mr. STEPETIN. Senator, may I interrupt?

Senator BARTLETT. Would you please wait until he has finished and we will keep it in better sequence. We will be glad to hear from you again.

Mr. ELARY GROMOFF. Budgeting; how many of these families know about budgeting? It is not my business that they throw their money away on foolishness. They should save. I might do the same thing. Later on they will find out that they were wrong. They all have to learn, to make the dollar last.

About the budgeting, if the subject is on budgeting, does someone have to be here and have like a school on budgeting, like they do state-side? Can they do that, Mr. Senator?

Senator BARTLETT. If they do that, I want to come and attend the school to learn something about the subject, too. Now, I am about the world's worst. But I am comforted because I think the majority of American men are no better equipped than I.

Mr. ELARY GROMOFF. I haven't much to say. But we must learn how to make our dollars last, to save them. It is too bad there isn't a bank on the island, a savings account, so people could save their money, put it in the bank for the winter. That would help.

The Bureau of Commercial Fisheries on St. Paul Island is trying to help put money away for them for the winter. That is a very good idea, so they will save, instead of spending on something that is really not worth buying.

I am very glad that the Fisheries is doing that right now. Is that right, that they have to put money away for these people for the winter?

Mr. EUNEAU. We encourage people to put money away for the winter.

Mr. ELARY GROMOFF. They should have done that last year, but they didn't. This year it has been a great help.

I don't know anything else to say, outside of that.

Senator BARTLETT. Thank you very much.

Gabe, do you want to come back now?

Mr. STEPETIN. Mr. Gromoff just mentioned that the Bureau of Fisheries was in jurisdiction of the island, and after that the Fish and Wildlife Service and Commercial Fisheries. He said that we got free coal, free food. When anyone says that it makes me angry. I want this to go in the record. The so-called free was compensation for our labor. It wasn't given to us free. That is the only thing I want to put in. Thank you.

Senator BARTLETT. Thank you very much.

Reverend Gromoff, would you care to testify now?

STATEMENT OF REV. SMILE GROMOFF

Rev. SMILE GROMOFF. I am Smile Gromoff. I work for the Federal Government as a warehouseman, and on my own time I am a deacon at the Russian Orthodox Church.

Senator BARTLETT. Any statement you want to make we will be glad to receive.

Rev. SMILE GROMOFF. If you asked me some questions, perhaps.

Senator BARTLETT. All right, we will try to get you started.

Have you read this bill that the committee is considering?

Rev. SMILE GROMOFF. Yes, I have.

Senator BARTLETT. Do you have an opinion on the bill?

Rev. SMILE GROMOFF. There is one section that I wanted to ask about, these free facilities, food and so on. Who would be in the category to get this?

Senator BARTLETT. Would you please point that out to us in the bill?

Rev. SMILE GROMOFF. It is section 203, page 8.

Senator BARTLETT. It says—

The Secretary is also authorized:

and I am quoting:

(1) to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, education, and nonemergency medical and dental care.

Mr. Baker, may I ask you if you are prepared at this time to give some background on that particular subsection?

Mr. RALPH C. BAKER. Yes, sir; Mr. Chairman. This continues in effect, as I understand it, pretty much the same type of authorization we have in our 1944 act. You will notice that line 23 says "to provide, with or without reimbursement." And under our current pay plan those who are employed, and perhaps even those who might be seasonally unemployed, could be provided under this authorization, as I read it, with virtually all the necessities of life on a reimbursable basis. This would be housing, quarters charges, food supplies at going prices, and so forth.

However, we have always had situations on the islands where there were indigent people without means of support. This phrase "without reimbursement" could be applied to take care of such cases.

In other words, this is substantially, although perhaps in somewhat different words, the authorization that exists in the 1944 act.

Senator BARTLETT. Thank you.

Then we can say, in further elaboration, I should judge, of Mr. Baker's statement, this provides a sort of a backstop authority so that if disaster befell, economically, if for some reason that couldn't be anticipated the people couldn't earn money, or a substantial percentage of them couldn't earn money, if they are without means of any kind, the Secretary would have a continuing authority, an authority which he already possesses, to provide these essentials of life to the people.

Rev. SMILE GROMOFF. I think that answers my question. That means if a man received unemployment, he is entitled to pay as if self-employed?

Senator BARTLETT. I should say not. That wouldn't be my interpretation. As Mr. Baker has explained, this is in substantially the same language as is incorporated in the 1944 law, and the authority vested in the Secretary is discretionary. The Secretary is also authorized, within his discretion, his judgment, to make provision, as cited here, should the need arise, and he can charge, as Mr. Baker explained, for food, services, or he can make these provisions without charge. There is no clear-cut guarantee that a person, unemployed, can receive all these things.

Otherwise what is your opinion of the bill?

Rev. SMILE GROMOFF. The part I liked very much was the one which states that we will get our credits for the years we worked before 1950.

Senator BARTLETT. That appeals to you personally. Are you personally affected by that? Did you work before 1950?

Rev. SMILE GROMOFF. Yes. I started to work when I was 16.

Senator BARTLETT. I don't want to search out your age, but how many years did you work before 1950?

Rev. SMILE GROMOFF. 1939.

Senator BARTLETT. You would get 11 years' benefit.

Rev. SMILE GROMOFF. Yes, sir.

Senator BARTLETT. Can I make the assumption that you, in general terms, approve of the bill?

Rev. SMILE GROMOFF. Part of the bill could be amended, like the chairman suggested.

Senator BARTLETT. You approve the amendments he suggested?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. Do you like the provisions relating to the right which it gives the residents of St. Paul to own their own land and their own homes?

Rev. SMILE GROMOFF. Yes. I think that is the time I will really feel free, when I can own my own home and land.

Senator BARTLETT. You don't feel free now?

Rev. SMILE GROMOFF. Not exactly.

Senator BARTLETT. Tell us some more about that. Why don't you feel free?

Rev. SMILE GROMOFF. If I left my home and went out to visit, and if I came back or didn't pay for my rent, I would lose my house. If it was my own home I would go out and come back and it would still be there, or I could rent it to somebody.

Senator BARTLETT. I don't understand exactly how this relates to freedom.

Rev. SMILE GROMOFF. In the past we didn't actually own anything, outside of what we had in the house, like what we wear. If we owned the land I think it would mean you are a landowner.

Senator BARTLETT. It would give you a feeling of security?

Rev. SMILE GROMOFF. Yes, that is what I am trying to say.

Senator BARTLETT. Do you consider that the people of St. Paul are now slaves, or that they live in a condition of servitude?

Rev. SMILE GROMOFF. No. It was years back, when I was a little boy. That is when it was practiced.

Senator BARTLETT. When did the change occur for the better, do you remember?

Rev. SMILE GROMOFF. I should think after we started this wage plan in 1950, when they started paying us a little better wages.

Senator BARTLETT. That helped?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. Other witnesses have said that improvements are going along all the time. Do you agree with this?

Rev. SMILE GROMOFF. Yes, there are improvements.

Senator BARTLETT. Aside from whatever aids and benefits might be found in this bill, what other things in your opinion should the Government do to bring true democracy, a true American form of government, to these islands?

Rev. SMILE GROMOFF. The Government is planning to phase out in 5 years—5 or 2 years—and give all the responsibility to the people of the island.

Senator BARTLETT. What responsibility?

Rev. SMILE GROMOFF. Of taking care of the whole island, like the store, running everything for ourselves. The municipalities, like any other city.

Senator BARTLETT. That would be conditioned upon the passage of this bill or something like it?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. What if the bill didn't pass; then would the people be required to do these things?

Rev. SMILE GROMOFF. I don't know. I can't answer that.

Senator BARTLETT. From what you understand, people would be given these added responsibilities and added rights, too, by the way, if legislation based upon these lines is enacted into law; is that correct?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. Do you approve of this? Do you think the people ought to have their own city government, operate it themselves?

Rev. SMILE GROMOFF. In order to do that, I think we should get help from outside, in order to put the people on their own two feet.

Senator BARTLETT. You condition your reply by saying "Yes," provided these amendments were adopted?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. Do you have anything else you would like to tell the committee?

Rev. SMILE GROMOFF. The thing I would like to have the Bureau do before they leave is to give us the black and white, when are they leaving, what they will be doing in that period of 5 years.

Senator BARTLETT. I haven't heard the 5-year figure before you mentioned it. We will inquire of the Government witnesses later on about that. You want them to do what?

Rev. SMILE GROMOFF. To give us something in black and white, what are their real plans of phasing out of here and giving us the responsibility to take over the islands.

Senator BARTLETT. I suppose it would be kind of hard for them to give you anything definite on that unless there is a law. That would be speculation.

You are not discontented, or you are discontented, with the treatment being given you personally, and other people on the Island?

Rev. SMILE GROMOFF. No.

Senator BARTLETT. You are not discontented?

Rev. SMILE GROMOFF. Not now.

Senator BARTLETT. It is far better, you believe?

Rev. SMILE GROMOFF. Yes.

Senator BARTLETT. Have you been on the mainland much?

Rev. SMILE GROMOFF. Yes. I was there in 1948. Went to school in Pennsylvania and St. Paul, and was in the Army.

Senator BARTLETT. Based upon your experiences living in other places, are there any great differences between St. Paul and those places you were in with respect to individual freedoms, opportunity to find work, type of housing and living in general?

Rev. SMILE GROMOFF. It is about the same.

In the future—like they are laying off men now—maybe someday it will have to be like some other places like in the "Chain," if a man is laid off he has to leave the islands to work until the sealing season and come back here to work again. That is the only way he can get yearly employment.

Senator BARTLETT. I don't relate what I have to say to the Pribilofs, but on the mainland we have seen some terrific changes in the ways of the lives of the native people, more especially the Eskimo people, who are leaving their ancient villages, communities, and who are going to the larger metropolitan centers to discover and find employment on a more permanent basis, because a generation ago, I suspect, only a tiny fraction of them lived in a wage economy, that is to say, very few of them worked for others and received wages for doing so. They lived from the sea and from the land. It was a subsistence economy. All that changed since the war. Whether it is good or bad, that is what has happened there. I don't say it ought to happen here or needs to happen here. There are terrific migrations of people taking place not only in Alaska but all over the country. Some are going into California every day, thousands, I guess, attracted by better opportunities. The Americans are a shifting race. They move about more than any other people anywhere else in the world.

It would seem to me that here you perhaps have an opportunity to avoid this, if you desire to avoid it, if the recommendations made in the report which Mr. Bowman brought with him can be translated into effective action or at least partially effective action, to bring tourists in, to sell them homemade products, to develop possibly a fishery, to do other things to diversify your employment. You have now only sealing upon which to depend, either directly or indirectly. I think it is the purpose of all concerned, the State and the Federal Govern-

ment, to try to help you and bring about these changes, these changes for the better insofar as duration of employment and enjoyment of life, insofar as that enjoyment is made possible by the possession of more dollars.

Do you have any questions, Mr. Foster?

Mr. FOSTER. Just one, Mr. Chairman. I wonder if you would try to clarify the question you raised about the possible future of the Bureau of Commercial Fisheries here on the island. You asked what their long-range plan might be. I want to make certain that you understand section 201 of the bill, the first section in this title, it is very clearly stated that the Pribilof Islands shall continue to be administered as a special reservation by the Secretary of the Interior for conserving and protecting the fur seal.

In other words, the Secretary's responsibility here on the island basically, in terms of conserving and protecting the fur seal, remains unchanged. He would have no authority to transfer that basic responsibility to anyone. They would stay here and retain that responsibility insofar as the protection and conservation of the fur seal are concerned.

What the bill does change in terms of something in the future is the administration of the village, the ownership of property in the village, but nothing in terms of the Bureau of Commercial Fisheries leaving here, or pulling out, or going anywhere, only to that extent. That, of course, is when you say what are their plans in the future, I presume you mean within the context of the proposal that those special responsibilities in terms of managing the community, and the ownership of the property in the community, in the future might be turned over to the community itself, but not in terms of the Bureau of Commercial Fisheries leaving or going anywhere, because under his bill those responsibilities are very clearly retained.

Rev. SMILE GROMOFF. They said they would be moving out in 5 years. I think what they mean by that is the administrative part; that they will be here to conduct the sealing. In that time I guess is the only time we will be employed during those 3 months.

Mr. FOSTER. Your understanding is if something like this is passed, they might leave the island, then come back, be here, have people here, employees here only during the sealing season?

Rev. SMILE GROMOFF. That's right.

Mr. FOSTER. And after that they might pull out the Pribilof vessel, and everybody would leave?

Rev. SMILE GROMOFF. Yes.

Mr. FOSTER. I wanted to be sure what your question was. You understand that if this bill is passed that might occur, and you were wondering what their long-term plans are. Is that the context of what you understand what they might do?

Rev. SMILE GROMOFF. Right. Yes.

Mr. FOSTER. Thank you, Mr. Chairman.

Rev. SMILE GROMOFF. That is all that I have to say, Mr. Chairman.

Senator BARTLETT. I think we can state emphatically that any such report that has reached you is erroneously based. The Bureau of Fisheries couldn't operate that way. If they could, they might have tried it long since. They have to be here the year round for the management of this resource, as pointed out by Mr. Foster in the beginning of the paragraph in section 201. I get the intent of your

question now. I didn't before. I thought you were referring only to the municipal functions. Any report you heard about 5 years, I am confident is rumor, not fact.

Rev. SMILE GROMOFF. Thank you.

Senator BARTLETT. Is there anyone else from St. Paul, before we hear from St. George?

Mr. LIODOR MERCULIEFF. Is there anybody else from St. Paul? If not we will go to St. George. Father?

Senator BARTLETT. Be seated, Father.

STATEMENT OF FATHER LESTENKOF, RECTOR, ST. PAUL ISLAND

Father LESTENKOF. I am Father Lestenkof, the rector in St. Paul now since I resigned from the Government in 1963.

It might be interesting to know how I resigned.

Senator BARTLETT. Yes, indeed. Won't you be seated and be comfortable.

Father LESTENKOF. As you can see, some new plans now which they have, they offer free education from Government for somebody to use either for the islands or for the outside. My way was, as when I tried to do, I didn't know for sure whether I would become a priest or not, I asked for some kind of a leave to go down to Sitka where I got my seminary training.

Mr. Williams, Ray Williams, who is now at the Seattle office, he asked—he had a law office—if he could grant me an annual leave without pay to get this education for my priesthood. Finally he, in return in his letter said such education cannot be granted for anyone if it couldn't be used for the Government use, as I would have to study for my priesthood. So I got my resignation papers already made, and all I had to do was sign it.

My wife was kind of worried, knowing that I had been working for the Government 33 years steady, year round jobs, since 1929, when I started to work at 15 years of age, until 1963.

Finally I was thinking and thinking, and thought why didn't they question a guy if he wanted to resign or make up his mind that he is going to leave from Government. I thought I might as well resign and with God's help I might become a priest when I finished my education at Sitka.

So I did resign. Right at the minute, when I resigned, I felt much more freedom, for some reason I don't know.

Like when you asked the Father Deacon if he feels free now. The best way I could answer it, I feel much freer now where I am now than when I was in Government employ for 33 years. Where I am now I don't see much of the oppressions we used to get in those days, as the charges used to be, for your misconduct which you made not at work time but will be charged for you at the time when you are working.

It used to be you would find you wouldn't be chosen because you were misconducting in drinking, even if it is not on your work time, like mine was, true. I was on leave without pay for 2 weeks for misconducting in drinking at the weekend, not at the working hours. The Government used to put it out in those days, 2 weeks without pay will be for a guy why is drinking at the time of working.

I tried to get squared away with the office, and he said no, it is just the same, you have been drinking, and we will give you 2 weeks without pay.

When the time comes, this guy asks me back again; he said, "Mike, how have you been feeling after 2 weeks without pay?" I told him "I am happy to spend that, because it is my first honeymoon since I got married." [Laughter.]

I didn't lose anything on that. I did enjoy it, and I got back to my job again.

I did almost lose all my interest on being a Government employee when I got that resignation, when I was at Sitka. I have the papers here in answer to Mr. Williams who wrote to the Seattle office, and in answer to his letter, and my copy of the resignation papers, it caused me to almost lose all my interest in the islands which I have been serving for 34 years.

As I can see it now, some of this education I grant you is very good. If I would be working for the Government, I would be very glad to take one of them and train him myself, whether I used him here on the islands or outside. Mine was just like that. I couldn't even wait for at least 6 months to hold me, just like the letter stated. The letter said we can't grant a leave without pay when others are waiting to replace your job—to replace you where you are. But I come back and found out my place was not filled. It never was filled. That is where I get all the discouragements. Otherwise I didn't have any feelings toward anybody for becoming what I am now.

While I was at St. George, before I came here, I kind of lost interest in what the Government was doing, and what the Government employees were doing; because as here, it is different. When somebody comes up they can invite me and they can call me. Mr. Bowman came around last winter to invite me to come up to the meeting, and the Secretary of the Interior came up here and asked me to attend the meeting here. It is all very interesting.

I lose some part of my time in not making a move, beside being a priest and taking care of the church. My job is to see to the church properties and other things I am taking care of. I felt like I left it behind, coming back here to St. Paul. I felt like I was coming back on my feet again.

It is very interesting to stay here because I am coming to see more of the people. When I was at St. George a lot of times I used to find out there would be a guy coming down from Washington or some other place and I never did see the face, or know his name, and he went away before I had a chance to see him. All the time they would be unloading the *Penguin* of the cargo.

Right here I am happy to see that I am not left behind. I am glad to see what I can do in both religion and the living of the people for both islands. I am glad I am not forgotten now again, like I thought I was when I resigned from the Government.

Other than that, I am not much of a good reader in some of the English which you are using in the bill, and don't come along with the Council about it yet, and what it is all about. I don't know much of it yet at the present, because I was not educated that high. I was only a fifth-grader and part of sixth grader in school. I was forced to go out from school because I was 16 years old. In those days is how

it used to be, when you were 16 you are getting too old to be in school; you must go out and work. That is where I lost my education.

I don't know if I would be much of a help for you on some of the questions which you would like to ask me, about how things could be, but I would be glad if there is anything that you think would be interesting for me, being a priest here, to answer.

There is one which I would answer. If ever somebody wants to buy land here or at St. George, would it make any difference where he stays, if he wants to buy land here or at St. George? Would he have to buy land just where he is or at the other place?

Senator BARTLETT. As a matter of fact, Father, the provision for land ownership under the terms of this bill applies only now to St. Paul and not St. George.

Father LESTENKOF. Not St. George?

Senator BARTLETT. No. I will inquire into that a bit more as time goes on.

Father LESTENKOF. Is there any reason for that?

Senator BARTLETT. I think there is. You didn't need to apologize for not mastering all the language in this bill at a first reading. This is "highfalutin" legal phraseology, and I don't pretend to understand all of it myself. That is why we are sitting here; that is why we are talking over these sections; that is why we are all trying to learn more about it.

The bill bears my name, it is true. I offered it, as I said at the outset of the hearing, only as a proposal to get it in front of all of us in printed form.

Now, to come back to your question, I would say, speculatively, without any sure knowledge, that perhaps it applies only to St. Paul because it is just possible that the Interior Department—and I don't think this will be any great surprise to you—foresees the time when the people of St. George will say St. George is where we used to live, and St. Paul is where we live now.

In conversations I have had already with some people from St. George, I inferred that they would rather stay right where they are. If that is the fact, instead of a fancy on my part, as it might be, then I think we will have to take a long, hard look at this.

May I ask you, Father, if you were working here on the island or on the islands during all your period of Government service?

Father LESTENKOF. Yes. I would say most all of it, besides the evacuation as you know during the wartime. We were still working under the Government. I spent 5 months in Seattle in 1949-50, in the winter, and I was still working for the Bureau of Commercial Fisheries.

Senator BARTLETT. You worked continuously for the Bureau of Commercial Fisheries for 33 years?

Father LESTENKOF. The Bureau of Fisheries first, I guess it was.

Senator BARTLETT. Yes. Did you finally become a civil service employee?

Father LESTENKOF. Not exactly. It was in what was called your personal actions, when I filled up the forms.

Senator BARTLETT. When you reach the proper age, which I hope will be a long time from now, will you get any retirement benefits?

Father LESTENKOF. According to what I heard about it, it is from 1950 on.

Senator BARTLETT. From 1950 on. And if this bill is passed, from 1950 back, too. Where were you born, Father?

Father LESTENKOF. St. George Island.

Senator BARTLETT. How long did you live there?

Father LESTENKOF. Until last year.

Senator BARTLETT. That was home until them?

Father LESTENKOF. Yes.

Senator BARTLETT. You have been a priest for 2 years?

Father LESTENKOF. Two years now.

Senator BARTLETT. How long, do you know, has there been a church on this island?

Father LESTENKOF. This one?

Senator BARTLETT. Yes.

Father LESTENKOF. I don't know, but this one, the one we have now, was built in 1907.

Senator BARTLETT. Was there a church here before then?

Father LESTENKOF. Yes.

Senator BARTLETT. Would the church records show when the first church was established here?

Father LESTENKOF. I don't have any books that would show when the first church was established, or how long they had it before this one.

Senator BARTLETT. You serve both St. Paul and St. George?

Father LESTENKOF. Now, yes.

Senator BARTLETT. Is there a church over there, too?

Father LESTENKOF. There is. The one thing which I have in mind about that, at the time when we discussed evacuating the people from St. George to here, at the meeting I asked Mr. Baltzo about the property we have over there in the church, the land and the property, and settle a need for the Government to think about it, for people to leave the island. In answer to it, he said that is your headache.

Senator BARTLETT. Your what?

Father LESTENKOF. Your headache.

Senator BARTLETT. I wonder what he meant?

Father LESTENKOF. I don't know. But I did write to you about the property we have, and how the people live over there in the winter-time. In answer to your letter here, which I got from you, it didn't fully answer the letter I wrote to you.

Senator BARTLETT. You heard from me after this letter dated July 27, 1962?

Father LESTENKOF. No.

Senator BARTLETT. May I borrow this for a few days and send it back to you?

Father LESTENKOF. That is all right.

Senator BARTLETT. How do you get over to St. George to conduct services there?

Father LESTENKOF. We have the ship *Pribilof* that comes around here. On this trip I missed it because of an epidemic over there, a mumps epidemic.

Senator BARTLETT. How about in the winter months?

Father LESTENKOF. Not until the boat comes around, like one will be coming up maybe before Christmas, which I am looking forward to go over there and serve other there.

Senator BARTLETT. You stay there only while the boat is in port?

Father LESTENKOF. Yes.

Senator BARTLETT. Is this Government land that the church here is situated upon?

Father LESTENKOF. Pardon?

Senator BARTLETT. Does the Government own the land where the church is located here?

Father LESTENKOF. No. We are fixing up our church land. Here is an answer which I got from Mr. Baltzo, which shows you what happens to our church land.

Senator BARTLETT. It will be well to read part of this into the record. It is a letter dated August 18, 1965, signed by C. Howard Baltzo, Program Director, Mammal Resources, Fish and Wildlife Service, Bureau of Commercial Fisheries, U.S. Department of the Interior, Pacific Northwest Region, Region 1.

DEAR FATHER: I am happy to pass on to you the good news that title to church lands on St. Paul and St. George Islands will be conveyed officially to your church in a few days.

State Director Silcock of the Bureau of Land Management informs me that patent will issue on August 23.

Have you received that patent yet?

Father LESTENKOF. Not yet.

Senator BARTLETT. But it will be here soon and the land will then be owned by the church?

Father LESTENKOF. Yes, we hope.

Senator BARTLETT. I am sure it will be.

Will this be true of St. George, too?

Father LESTENKOF. Yes, it will.

Senator BARTLETT. What do you think, Father, about moving the people from St. George over here?

Father LESTENKOF. In a short way I can tell you the most meaning of the people, trying to make a move from St. George to here, that is their own place, their birthplace. Everybody else all over the world has their own birthplace, which they always feel like to go back or to return to when they retire, no matter where it is, if it is on top of the world or down in the South Pole or anywhere.

These people here in St. Paul, now and maybe in the future, will have the right to say "this is my homeland; this is my birthplace." What about St. George?

If they move them to here and just forget about St. George, how could they have rights to say "this is my birthplace"? When they get old, just like anybody else, they feel like retiring and going home, where will their home be? There will be no home. You can take it that way.

It is the only reason why, I think, most people at St. George, whoever is left there, tightly is hanging on to the place where people could call it their homeland or birthplace. A lot of times, I have been told, look at me, I am from Minnesota, or I am from Missouri, and here I am staying with you, and why can't you do it.

This question came up to me not long ago and I tell them I might be 40 miles away from my home, but it doesn't make any difference whether I am 2,000 or 3,000 miles, I am just as bad as you, I am not in my home now. I told them, if they move the people from St. George to here, and if they move all the people from Minnesota or Missouri or St. Louis, and that is your home, if everybody is moved from Minnesota or some one State, if you are going to retire or want to go home, where could you go? You have no home because your place was long forgotten.

That is the same, I think, for the people of St. George.

Senator BARTLETT. Do you think they feel this way, that they want to stay there? They have talked to you, I know.

Father LESTENKOF. Yes, that is the way I look at it.

Senator BARTLETT. You have talked with them about this?

Father LESTENKOF. Yes.

Senator BARTLETT. Have you talked with any who want to come over here?

Father LESTENKOF. Not that I know of, who want to come over here.

Senator BARTLETT. Father, you have made a very interesting and constructive statement. We thank you.

If you have anything more, we would be glad to hear it. I have no further questions.

Father LESTENKOF. Not that I know of now. If there is any way I could contact you after you leave, I will be always glad to do so when questions come up.

Senator BARTLETT. In response to that, Father, I will write down my address for you right now, and I hope you will.

Unless someone stands up to come forward from St. Paul, I will assume, for the time being at least, that all St. Paul witnesses have been heard.

Is there anyone else from St. Paul now?

FURTHER STATEMENT OF ILIODOR MERCULIEF

Mr. ILIODOR MERCULIEF. Gentlemen, I would like to come up once more, please.

Senator BARTLETT. Come on.

Mr. ILIODOR MERCULIEF. Senator, I have heard a few witnesses here who asked you various questions. You mentioned that they are trying to negotiate more jobs to be made available, such as fishing and tourism. It is true that we have had tourists this past season, and it is the first time in the history of the islands we sold them curios that are made on the island. That is very limited, as you may know. Our sealing season is very short. It may be only 6 weeks, I believe, 7 at the most. During that time I don't think we will have enough business in tourists, so whatever we get from the tourism will be just a drop in the bucket.

I think I have seen, from what I glanced at the Governor's commission's report, there also was some recommendations made by the commission to have a small boat harbor built here, and it went on to say that there were Army Engineers that were here and surveyed the possibilities of establishing one. It would be nice if that could be established. There is a big problem of where the funds will come from.

Inasmuch as I have stated to you, and here again I speak about the State, they haven't been helping us as much as they should in any manner.

We have been paying taxes and we haven't had any help from the State. We have been paying school taxes, and yet the State hasn't provided material for the school.

Therefore I still maintain that you should make a rigid effort to try to put that No. 2 amendment that we had presented to you into effect.

Speaking of fishing again, if we do start a fishing business here, we would have to get vessels, and that will cost money. That is where the No. 2 amendment would come in very handy. We would get our fishing fleet then. And we would have to train our boys in commercial fishing, which they have never had any experience in, although there are a very few that have had such experience.

That is a possibility where we can get more than we can get from tourism. Tourism and the arts and crafts are connected together. I still maintain that we wouldn't get sufficient funds out of that to operate an incorporated city. Therefore again I stress that we appreciate very much all the efforts you can put in to try to get our No. 2 amendment passed in your bill.

That is all I have.

Senator BARTLETT. I am beginning to believe that you favor amendment No. 2. [Laughter.]

Mr. ILIODOR MERCULIEFF. Yes; I do.

Senator BARTLETT. I would want to suggest, if I may, in addition to telling me, and especially so since it will be some little while before this report will be printed, that you might, as the village council, want to draw up a letter directed to the appropriate authorities in Juneau, the State capital, and tell them what you have told the committee today, with the same emphasis that you have given to the committee, so that word will be passed on down to Juneau even before it is considered in Washington, because we won't be taking the bill up until next winter.

Mr. ILIODOR MERCULIEFF. I will be happy to do that. I was going to ask you if I can have the copies of your reporter's minutes here, if they can be made available to us, and if so how soon will I be able to get the copies so I can use the exact words that I am telling you here. [Laughter.]

Senator BARTLETT. That is the trouble. It is going to be a while. Mr. Monick has to take all this tape back to Washington, then it is typed out. And I guess before it is put into print we can arrange to have a typewritten copy made available to you. We should do that anyway so that you and the other witnesses who have testified may have an opportunity to correct your testimony, look it over, and make any changes you desire before it appears in printed form.

I might as well say right now that the record will remain open for 1 month from today; namely, October 9, so that anyone who desires may submit additional statements for the record.

Mr. ILIODOR MERCULIEFF. By corresponding, you mean?

Senator BARTLETT. Right. And the correspondence should be directed to Mr. William C. Foster, Senate Commerce Committee, Washington 25, D.C.

Mr. ILIODOR MERCULIEF. In addition to that I have copies of the letter concerning Mr. John Tetoff that were referred to here. Here is a copy of it and an original copy of what we got from the district representative of the Department of Health, Education, and Welfare. And I have a copy for Mr. Bowman.

Senator BARTLETT. We won't incorporate these in the record. We will maintain them in our personal possession and act upon them as speedily as possible.

Thank you.

Mr. ILIODOR MERCULIEF. That is all I have to say. Thank you.

Senator BARTLETT. We will get the transcript back to you as soon as possible, so that you can write to Juneau, and I hope Juneau will write to you promptly.

Mr. ILIODOR MERCULIEF. As long as it is on paper, I don't think they will be close enough to holler at me.

Senator BARTLETT. Thank you.

Who will be first at bat for St. George?

I would like to announce now, after the St. George witnesses have concluded, the following witness will be Mr. Bowman. I mention that because many of you will want to hear him, and I don't want to depart without giving him an opportunity to do so, since Mr. Bowman has been here so frequently and is so particularly interested in your problems and has been, as I understand, so helpful to you.

Susie, are you going to be the only witness?

**STATEMENT OF MRS. SUSIE MERCULIEF, ST. GEORGE COUNCIL;
ACCOMPANIED BY PETER LEKANOF, ALVIN LESTENKOF,
MERCULIEF, ALEXEY MERCULIEF, NICOLAI S. MERCULIEF, AND
ILARION PHILEMONOF**

Mrs. SUSIE MERCULIEF. I will answer some questions.

Senator BARTLETT. Will you furnish all the testimony?

Mrs. SUSIE MERCULIEF. If you need dates, some of the oldtimers can give the dates. May I call on Father Michael for some dates?

Senator BARTLETT. Surely. Will you give the reporter your full name.

Mrs. SUSIE MERCULIEF. Susie Merculief.

Senator BARTLETT. Susie, do you have a statement you desire to make to the committee?

Mrs. SUSIE MERCULIEF. As you know, we weren't prepared. You were supposed to come over to St. George.

Senator BARTLETT. I know.

Mrs. SUSIE MERCULIEF. We had to come over on short notice.

Senator BARTLETT. I want you to know, and the others from St. George, and everyone who is here, that this isn't the way we wanted it. We were tremendously anxious to get over, and had it not been for the weather we would have been there. But we are happy that even on short notice you and the others came.

Have you had a chance to look at the bill at all since you arrived here around noon today?

Mrs. SUSIE MERCULIEF. Yes, I did.

Senator BARTLETT. In general, do you and those who came over with you, have any opinions about the bill?

Mrs. SUSIE MERCULIEF. I think they feel the same as people do here about the bill.

Senator BARTLETT. We have referred constantly to the omission of St. George from the arrangements that are provided for in the bill for land and residential ownership. How does this strike you?

Mrs. SUSIE MERCULIEF. I can't very well answer that for the people in St. George.

Senator BARTLETT. Let me approach it another way and ask your personal opinion. First, do you think the people of St. George will want, gradually, family by family, individual by individual, perhaps, to move over to St. Paul?

Mrs. SUSIE MERCULIEF. I don't think so. As a matter of fact they told us this morning we were leaving to tell you that they will stay in St. George.

Senator BARTLETT. Is this because as the father said, it is the homeland?

Mrs. SUSIE MERCULIEF. That, too. Another big problem is people are being laid off here after the sealing season. Other than your plumbers, carpenters, and those they have to have, mechanics, year round, for maintenance.

Senator BARTLETT. They feel if they came over there would be no opportunity for employment.

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. How many people are there on St. George?

Mrs. SUSIE MERCULIEF. About 250.

Senator BARTLETT. What does the Bureau of Commercial Fisheries do on St. George?

Mrs. SUSIE MERCULIEF. Workwise?

Senator BARTLETT. Yes?

Mrs. SUSIE MERCULIEF. The same thing as the staff is doing here.

Senator BARTLETT. How many Bureau employees are there?

Mrs. SUSIE MERCULIEF. Three, over there.

Senator BARTLETT. How many people in the village have year-round work with the Bureau, about?

Mrs. SUSIE MERCULIEF. I don't know.

Mr. EUNEAU. Senator Bartlett, I think there are 24 permanent positions year round on St. George.

Senator BARTLETT. Thank you.

Susie, there will be four or five more laid off in September, is that right?

Mr. EUNEAU. I am not sure. I am just quoting a figure that I know exists today, as far as permits are concerned.

Senator BARTLETT. During the sealing season do the St. George people come to St. Paul for employment?

Mrs. SUSIE MERCULIEF. No. Not yet.

Senator BARTLETT. They haven't at all?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. Not even on a temporary basis?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. How many are employed over there? Everyone who wants to work?

Mrs. SUSIE MERCULIEF. No. Only those that they can use, that they can find jobs for.

Senator BARTLETT. How many was that this summer?

Mrs. SUSIE MERCULIEF. I don't have that figure.

Senator BARTLETT. I shouldn't ask you for exact figures.

Was just about everyone in the village who wanted to work able to find it?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. Not even during the sealing season?

Mrs. SUSIE MERCULIEF. No. None of the women were hired at all. The only women that work are those at the hospitals, the Public Health Service. All the employees are men, and schoolboys of 16.

Senator BARTLETT. Do the women want to work?

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. How many children are in school there?

Mrs. SUSIE MERCULIEF. About 65.

Senator BARTLETT. Through eight grades?

Mrs. SUSIE MERCULIEF. Yes. First through eighth.

Senator BARTLETT. Is it a pretty good school?

Mrs. SUSIE MERCULIEF. A very good school.

Senator BARTLETT. Are some of the youngsters going to college after having graduated from high school?

Mrs. SUSIE MERCULIEF. Yes; most of them go to college or trade training.

Senator BARTLETT. If this bill contained provisions, similar to those for St. Paul, in respect to St. George, do you think the people would like to have a municipal government?

Mrs. SUSIE MERCULIEF. I don't think so. I don't think they feel they are ready for anything like that. St. George is very unlike St. Paul. They don't get many outside people going in.

Senator BARTLETT. They are not quite ready yet.

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. You have no airstrip there?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. And you have access to the island only by water?

Mrs. SUSIE MERCULIEF. Yes. Or our mail drops from here.

Senator BARTLETT. Tell us about that.

Mrs. SUSIE MERCULIEF. The Coast Guard gives us the mail if the weather is nice.

Senator BARTLETT. By plane?

Mrs. SUSIE MERCULIEF. Yes. The largest number of bags we ever dropped was 32, I think. Eddie might correct me on that. Thirty-two bags of mail at one time. They accumulated here if there was no boat.

Senator BARTLETT. That must have been mail for quite a while?

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. What if this amendment No. 2 were to be put in the bill, and this \$50,000 or 15 percent, whichever the case might be, came to St. Paul; what do the people of St. George say about that? Would they feel that they were being left out?

Mrs. SUSIE MERCULIEF. Is he talking about only St. Paul or for both islands?

Senator BARTLETT. I have the feeling he was talking only for St. Paul, but I am not sure of that.

Mrs. SUSIE MERCULIEF. That pertains only to St. Paul?

Senator BARTLETT. Yes, that is the point he made, that they would need that money for that reason, is that correct? So St. George wouldn't necessarily feel too badly about that?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. Mr. Foster?

Mr. FOSTER. This bill is directed toward attempting to give to the Secretary of the Interior some authority to, at the appropriate time, not necessarily this year, not necessarily next year, but at the appropriate time, whenever he thinks and the community thinks that they are ready for it, to give them the possibility of owning their own land, owning their own home, not forcing it upon them but permitting this to happen whenever they would be ready for it, and the Secretary was in a position that he could do it. That is the only thing the bill does. It doesn't, in effect, complete anything. It just gives to the Secretary something that the Secretary of the Interior now does not have, and that is authority to give to the people here responsibilities and rights that they now don't have. It doesn't say do it in 5 years or 10 years. It just says when the time comes he could do it. So in a sense it would certainly be possible to have the Secretary under this legislation, if amended, to include St. George, to help the community here, first establish a city, a township, a community, and give to the people here land, and next year, 2 years later, 5 years later, whenever it might be appropriate, at a later time, do the same thing for St. George.

I think you should keep in mind, and particularly when you discuss this back at St. George, and realize that if this bill passes it will not mean automatically anything will happen, but it could mean something could happen in the future that can't happen in the future unless the bill does pass. So if it does pass, and if it passed with an amendment including St. George, it would mean that the Secretary next year could do something here and 5 years later could do something there. Without some amendment giving him authority to do the same thing in St. George, it might be that the effect would be to draw the two communities apart. It might be that then St. Paul would have an opportunity and would be growing even more rapidly, and more rapidly away from St. George, and St. George would not have the ability to keep up and grow also if you did want to have two communities.

I wanted to make that point because I thought that you had the understanding that if the bill is passed and St. George is in there, that somehow this might be forcing something upon you.

I think if you correctly understand the bill, it would not do that.

Am I correct in thinking that that was a part of your fear?

Mrs. SUSIE MERCULIEF. Yes.

Mr. FOSTER. You have a council in St. George; is that right?

Mrs. SUSIE MERCULIEF. Yes, we have.

Mr. FOSTER. How large is that?

Mrs. SUSIE MERCULIEF. Twelve, I think.

Mr. FOSTER. Twelve members?

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. Let's put in the record at this point the names of all of those who were good enough to come over to St. Paul today from St. George to be present at this hearing.

(The names referred to follow:)

ST. GEORGE DELEGATION

Peter Lekanof, vice president
Alvin Lestenkof, secretary
Peter Merculief
Susie Merculief

Alexey Merculief
Nicolai S. Merculief
Ilarion Philemonof

Senator BARTLETT. If you will, before the evening is over, Susie, will you draw up a list of the members of the village council so we can place those names in the record also?

Mrs. SUSIE MERCULIEF. All right.

The list is as follows:

Alexander Galanin, president
Benjamin Merculief, Jr., treasurer
Laurence Galanin
Feona Merculief
Vera Chercasen
Anfesa Galanin

Innokenty D. Lestenkof
William Merculief
Victor Malavansky
Daniel Malavansky
Peter Kashavarof

Mr. FOSTER. One of the reasons that the members of the council are not here tonight is because you had an epidemic of the mumps over there, is that right?

Mrs. SUSIE MERCULIEF. Yes, sir.

Mr. FOSTER. But they are very much interested in this legislation and what this might mean for them in the future, but they just weren't able to come over because of that, and we weren't able to get over there, which we very much wanted to do.

Mrs. SUSIE MERCULIEF. Yes.

Mr. FOSTER. What does the council think about the possibility of moving to St. Paul in the future? Is there just the fear that if you come over here that there will not be a sufficient number of jobs, that everyone here doesn't have employment, and if you come over from St. George to St. Paul it is quite likely that you wouldn't be employed either? Is that the real fear?

Mrs. SUSIE MERCULIEF. Yes, that is true. It think there are three or four families that moved here, that were supposed to have been promised to have year-round jobs. One is a plumber, a carpenter, and electrician. They moved over here. The carpenter had been, I understand, laid off last winter.

Mr. EUNEAU. None of the three you mentioned have been laid off.

Mrs. SUSIE MERCULIEF. Peter Prokolief was our carpenter over there; he was laid off. He came over with the assumption that he would have a year-round job. That is the reason he moved over here.

Mr. FOSTER. Did he have a year-round job over there?

Mrs. SUSIE MERCULIEF. No, he didn't. He had been laid off one winter before he came over here.

Mr. FOSTER. He came over here thinking he would be able to work—

Mrs. SUSIE MERCULIEF. Have a year-round job.

Mr. FOSTER. And he wasn't able to?

Mrs. SUSIE MERCULIEF. No.

Mr. FOSTER. What is the difference in the housing here and the housing over there?

Mrs. SUSIE MERCULIEF. I think every married couple is living in the houses over there, but those families have moved over here, the the houses demolished.

Senator BARTLETT. You mean the houses over there have been demolished?

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. Were they in good condition?

Mrs. SUSIE MERCULIEF. Yes. Most of them were. Only two of them were pretty old that had to be destroyed—

Mrs. SUSIE MERCULIEF. Soon after they left.

Mr. FOSTER. Do you have adequate housing over there?

Mrs. SUSIE MERCULIEF. Oh, yes.

Mr. FOSTER. To the point that—

Mrs. SUSIE MERCULIEF. I could have moved to one of those houses that were destroyed, from the one I am living in now because it is very old.

Mr. FOSTER. So the effort is made that when someone does move over here, they will destroy the house over there. Who else—

Mrs. SUSIE MERCULIEF. Excuse me, that is another reason, too, they don't like this moving over here. If they want to return to St. George they don't have a house to return to, to live in. It is destroyed as soon as the person leaves. He doesn't come over and try to make up—you know, to find out whether he would like to stay here or go back to St. George again and be hired in the summertime over there.

Mr. FOSTER. This is kind of like the situation was before, when they left and went away for a couple of months and they came back they might not have a house any more.

Mrs. SUSIE MERCULIEF. Yes.

Mr. FOSTER. If they move over here they had better be prepared to stay, because they are not going to be able to go back home because there will not be a home?

Mrs. SUSIE MERCULIEF. Yes.

Mr. FOSTER. Is that policy, as you understand it, to destroy every house of anyone who moves from St. George?

Mrs. SUSIE MERCULIEF. I understand they were supposed to destroy two houses every year and two built over here every year, so two families would be moving over, two families each year.

Senator BARTLETT. Let me interrupt you right there. Let's ask the Bureau of Commercial Fisheries if that is the fact.

Who wants to answer that?

Mr. BAKER. That has been the policy in recent years, Mr. Chairman.

Senator BARTLETT. Why were the houses destroyed there?

Mr. BAKER. There are a number of houses on St. George, if memory serves, that are exceedingly old; quite a large number of them. I was rather surprised to hear the witness say that she might have, as I understand it, might have moved into a better house at the time one was destroyed. This is difficult to understand. The thought was, however, to hold constant the total number of housing units on the Pribilof Islands, feeling that from the standpoint of the fur seal industry this was adequate or more than adequate to provide housing for the industry people.

That has been the policy, Mr. Chairman.

Senator BARTLETT. The committee doesn't quite understand yet why it is necessary to tear down a house, old as it may be, but still serviceable and usable. Why was that done? Your answer hasn't explained this to me at all. Was it a move to force the people over here and to make them stay here?

Mr. BAKER. No, sir; it was not intended that way at all.

Senator BARTLETT. Who ordered the houses destroyed and why were they destroyed?

Mr. BAKER. Any home that is left on St. George at the time the family moves to St. Paul obviously must be maintained. It cannot just sit idle without deterioration.

If it is maintained—and these are the oldest houses on St. George—there is an added expense to the Government.

Senator BARTLETT. What form would this maintenance take? Why would it be so expensive?

Mr. BAKER. My understanding is that the buildings have to be kept heated in order to prevent deterioration through dampness and cold. If this is to be done, it must be done by the Bureau.

To the best of my knowledge there are presently enough houses on St. George to house all the families there.

Senator BARTLETT. You say there are practically enough?

Mr. BAKER. There are enough on St. George, yes.

Senator BARTLETT. As a matter of public policy, since this is Government property, let's say dampness got into the house and it deteriorated a bit, it could still be there standing and it could be utilized with a little refurbishing if a need arose. If it is destroyed, that can't be done.

If a house is destroyed that is newer than the one the witness is living in, for example, it is rather hard to understand that policy.

Mr. BAKER. It is hard to understand that, Mr. Chairman. I do not understand it myself. This doesn't seem at all logical or to serve any good purpose. I am not aware of the reason for this, if this is the case.

Senator BARTLETT. Thank you.

Pardon me for interrupting.

Mr. FOSTER. The point I think that the witness made was, if I can get back on that, that not only do we have a matter involving the welfare of the houses, but we have also got the welfare of the people, and that there is a psychological reason, there is a feeling that one has when they would move from one island to the other, to see their home destroyed back on the other island, that they had pretty much been committed into that move. It may be to the welfare of the Government to reduce expenses so they don't need to keep up the houses on the island, but in addition to reducing Government costs, this also places a certain psychological burden on the person who just moved; that is, he is trapped in a sense if he wishes to return.

Do you feel that this has had an adverse effect on the people on St. George in terms of their feeling about moving from there to come over here?

Mrs. SUSIE MERCULIEF. Yes, because they may decide they don't want to stay there and might as well go back to St. George again and be laid off for the winter and work 3 months out of the year as he would here.

Mr. FOSTER. Would the situation be different if you had employment possibilities here, if they knew that if they came over here they had year-round employment, whereas staying there on St. George actually this just wasn't going to be possible, but you did have employment possibilities over here; would they then be more interested in moving and coming over?

Mrs. SUSIE MERCULIEF. I think they would.

Mr. FOSTER. In other words it was partly sentimental because that is where they were born.

Mrs. SUSIE MERCULIEF. It is not——

Mr. FOSTER. It is more than that?

Mrs. SUSIE MERCULIEF. It is no offense, but what Father Michael said before, that is one of the things, too, but the main reason is the jobs they were promised which they won't get the year round. If they would stay at St. George and work 3 months out of the year and don't want to leave, it would be the same here, too. You can stay there and work 3 months out of the year as they can here on St. Paul, and still have their home.

Mr. FOSTER. If they had new opportunities, if they had new possibilities of employment, this might change their attitude?

Mrs. SUSIE MERCULIEF. I am sure it would. So many people had very little education and most of them have never been "outside," so they don't know the "outside," and they haven't had any training of any kind, so they are reluctant to move and look for other jobs somewhere else. They have been out of school since they have been in the fourth and fifth grade and feel they can't go back to school at the age of 30 or 40 for training of some kind. By the time they are finished with their training they may work for 10 years or less and be ready to retire.

Mr. FOSTER. I think in the Governor's report they indicated that an estimate had been made that there could be a savings to the Government of something like \$200,000 or \$250,000 if they is a transfer of everyone from St. George to St. Paul. That is quite a bit of money if it could be obtained.

We heard this afternoon a witness state that the average income for a working man here was something between \$2,000 and \$3,000 a year. Would you know is that about what the average would be on St. George.

Mrs. SUSIE MERCULIEF. That could be for the summer.

Mr. FOSTER. For the summer?

Mrs. SUSIE MERCULIEF. Yes.

Mr. FOSTER. If he is employed all year round it might be \$5,000?

Mrs. SUSIE MERCULIEF. That is right.

Mr. FOSTER. So it might be that if they wanted to accomplish that saving, that——

Mrs. SUSIE MERCULIEF. You mean the Government?

Mr. FOSTER. Yes. That it might be worth quite a bit to have some economic activity over here, economic activity stimulated by the Government over here, if the overall cost of the service to the community would be reduced by a quarter of a million a year. They could do quite a bit here to encourage and give employment and still save money.

Mrs. SUSIE MERCULIEF. The savings they talk about, suppose everyone decided to move to St. Paul from St. George, and they wouldn't

have to make trips to St. George with the supplies, grocery supplies, and oil and whatever. They would have to buy that much more for St. Paul, if they should all move over, more houses, buy more supplies, groceries, more trucks, maybe. People over there mentioned this, the Commission over there, I think. They would still be spending more if they moved over here.

They would have to buy a larger ship to haul the stuff.

Father LESTENKOF. May I interrupt about destroying the houses?

Senator BARTLETT. Will you come forward so we can hear you, please, Father.

Father LESTENKOF. In talking about destroying the houses at St. George and the shortage of houses at St. Paul, last year, not too long ago, sometime in October, I had some problems on my side in trying to see if I could save a family which was talking about separating or divorce because of family troubles, and they have a baby, and for this baby I thought maybe I would come down to the office and talk this thing over to save the family, because losing a family is quite a bit of a loss for the St. Paul community and the village.

I came down and talked this over with Mr. Heime, acting agent here, and he started to tell me all about why they saved the houses here, when people here at St. Paul can't get houses, why should everybody get houses here from St. George. I told him it is a shame to know they are just destroying the houses at St. George when a lot of them are not employed during the wintertime; why can't they go over there and rent those houses which are destroyed and spend a winter and pay for their rents, pay the Government, and come over for the sealing season and do their employment again. I was told they have no houses. I said why can't some of these guys go out where they can get some houses.

They were talking about everybody coming over and have their houses here. I couldn't just figure it out myself.

A man and his wife, maybe to save his future life, if he knows that he can pay for the rent, it doesn't make any difference whether the Government can worry about whether we have the money or not, as long as he had to pay for that rent, when he says he will have to pay for it, they have to believe his word and that he will pay for it, and the Government would gain on that. This way, a lot of them here are living together and have family troubles and the Government is just losing both ways. It is not gaining anything here by building extra quarters for those who need it. Still as now, a lot of them can know and understand and say now they are building a new house for St. George. We just don't know where we are.

To go back to destroying the houses, the word which I get, when Mr. Hurd and his wife—Rose Hurd—are now at St. George—when they went over there this is the word I get from his wife, it is a shame, this was Rose's hometown, now they send him over here to destroy St. George, which I couldn't understand. What is the meaning to it.

Finally I started to find out, they have been asking individually certain people, "Are you going to go over to St. Paul?" When the answer is, "No," then they answer back to them, "You just think so."

It seems like it is forcing them to move over this way.

I am not going against anybody for this, but my problems were to see if I could save a man and his wife, and a baby. It is quite a loss

when you lose them just for not having a home or house of their own, and throwing their future life away. We wouldn't want it to happen. When we see it happen to one, it can happen to another because of not having a home.

That is all I have at present. Thank you for calling me.

Senator BARTLETT. Thank you, Father.

Senator BARTLETT. Susie, do you have anything else you want to present?

Mrs. SUSIE MERCULIEF. No.

Senator BARTLETT. Thank you very much.

Anyone else?

STATEMENT OF NIKANDER MERCULIEF, ST. GEORGE ISLAND

Mr. NIKANDER MERCULIEF. I am Nikander Merculief. The people of St. George Island feel they would like to stay at St. George as they feel. What I feel about these people at home on St. George, if they do move over here, they will be just as bad here. They will be just drawing unemployment. If there were some kind of processing starting up here, I am sure the people of St. George would move over here.

On the housing deal, like Father just mentioned about these two houses built here, and seeing that the people—and having the people from St. George move over here and take the two houses, from what I hear nobody from St. George will move over here unless there is a volunteer from St. George.

From what I know of the community of St. Paul, the thought, if these new houses are built they would like to have them themselves before we move over here. I am sure the majority of the St. Paul have the same feeling, don't they?

Senator BARTLETT. Have any new houses been built on St. George recently?

Mr. NIKANDER MERCULIEF. The last was about 1957, I believe, or 1956, brick houses with radiant heat.

Mrs. SUSIE MERCULIEF. He is talking about a garage, with a carpenter shop.

Mr. NIKANDER MERCULIEF. No, not recently.

Senator BARTLETT. Are many of the homes built of brick?

Mr. NIKANDER MERCULIEF. Only five, I know, that belong to people over there.

Senator BARTLETT. That are brick?

Mr. NIKANDER MERCULIEF. Brick houses, yes.

Senator BARTLETT. How do they stand up under this climate?

Mr. NIKANDER MERCULIEF. They stand pretty good.

Mrs. SUSIE MERCULIEF. They are radiant-heated homes.

Mr. NIKANDER MERCULIEF. In the floors.

Senator BARTLETT. Are those the newest houses there?

Mr. NIKANDER MERCULIEF. Yes.

Mrs. SUSIE MERCULIEF. The new school is also radiant heated.

Mr. NIKANDER MERCULIEF. And a new hospital.

Senator BARTLETT. Do you have a doctor over there?

Mr. NIKANDER MERCULIEF. Not now. We just got a nurse over there.

Senator BARTLETT. What other kinds of houses do you have? Concrete, you said?

Mr. NIKANDER MERCULIEF. Most are wooden houses.

Mrs. SUSIE MERCULIEF. The one we live in now.

Mr. NIKANDER MERCULIEF. She mentioned about demolishing the buildings over there, which she could have had. It was at least in better shape than the one she lives in right now.

Senator BARTLETT. When was the last house demolished?

Mr. NIKANDER MERCULIEF. Last year. There are six houses, I believe, were demolished.

Senator BARTLETT. Any houses vacant now?

Mr. NIKANDER MERCULIEF. No.

Mrs. SUSIE MERCULIEF. Just one. We are living in a duplex. The one I live in is a duplex. The people in the other side who lived next to us moved to another one that was vacated.

Senator BARTLETT. There is only one-half of one duplex vacant at this time?

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. So there wouldn't be any chance to demolish any more homes unless more people come over here, or until fate otherwise moves?

Mrs. SUSIE MERCULIEF. Yes, sir.

Senator BARTLETT. Mr. Foster?

Mr. FOSTER. I would like, Mr. Chairman, if I may, to get one point emphasized again, and the point is that you made—the feeling in St. George is if someone wants to move to St. Paul, that is all right; but they are not interested in just coming over here and drawing unemployment. But if they could come over here and work, the only thing they want is something to do, some work, and if they could come over and get work, get employment, make more money, could better improve themselves, have a better economic opportunity, then that is another story.

Mrs. SUSIE MERCULIEF. Yes.

Senator BARTLETT. You don't think people would insist on staying there because they were born there, because they like it so well that they just want to stay, come heck or high water. They would be moving here if there was a better chance for work?

Mr. NIKANDER MERCULIEF. That is right.

Senator BARTLETT. Is that what you say?

Mrs. SUSIE MERCULIEF. That is not for the majority of people. The majority of the older people, the people, the older people want to stay because they would retire in the next 5 or 6 years and would rather stay home.

Mr. NIKANDER MERCULIEF. Just like my folks, if there were some kind of processing going here at St. Paul, like they are figuring on some kind of harbor here, there would be a chance of saying you could stay back at St. George after the sealing operation, and if there is some kind of processing here, people from St. George, if they are willing to come here and work on the processing, to extend their time to put in, to make a little more money, they would work 4 to 5 or 5 to 6 months—normally it is 5—if there is some kind of processing here they can come over here and work until the processing is over and go back to St. George and stay until the sealing operation comes back, and so forth.

Senator BARTLETT. What do you do for a living?

MR. NIKANDER MERCULIEF. What do I do for a living? I will tell you. This is the first time—I started work in 1949, all the way through. Last year was my first time I got unemployed. I was on the motor vessel *Pribilof* in 1963. In June I went down to Seattle and picked up the *Pribilof* from Camden, N.J., and spent about a month down there. We sailed close to the east coast through the Panama Canal to the west coast and came back to Seattle to bring some cargo down this way, and on the return trip, of course, when we sailed on the motor vessel, they have rolling chalks. I thought I was going to be a dead duck in the gulf. She rolled so much, I thought my life was over. That is the reason why I quit the motor vessel *Pribilof*. Now I am working on the motor vessel *Pribilof*. I was a member of the council back home. I figure, the skipper on the motor vessel asked me if I would be on the council here. I said I would be glad to come here and see what I could do for the island.

SENATOR BARTLETT. Does she still roll?

MR. NIKANDER MERCULIEF. No; not much any more. [Laughter.]

This is about the only way I can get a year-round job, I suppose, so I took that job back again.

SENATOR BARTLETT. You have to take a few rolls?

MR. NIKANDER MERCULIEF. That doesn't bother me now.

SENATOR BARTLETT. We are grateful to you for appearing.

Is there anyone else from St. George who would like to testify?

(No response.)

Thank you both.

MR. BOWMAN, representing the State of Alaska.

MR. BOWMAN, as the acknowledged expert on the Pribilofs, we who are from points distant from the Pribilofs, we especially welcome you, Mr. Bowman.

**STATEMENT OF WILLARD L. BOWMAN, EXECUTIVE DIRECTOR,
STATE COMMISSION FOR HUMAN RIGHTS, STATE OF ALASKA**

MR. BOWMAN. Thank you.

SENATOR BARTLETT. I may be wrong. Maybe you are a legal resident of the islands.

MR. BOWMAN. I am beginning to feel like one. [Laughter.]

SENATOR Bartlett, members of the U.S. Commerce Committee, residents of St. Paul, and St. George: It is indeed a great pleasure and a great honor for me to be able to appear here again today to bear testimony before this body in support of Senate bill 2102.

I have been instructed by the Honorable William A. Egan, Governor of Alaska, to convey to this committee that the State and he have long recognized the need for the adoption of more liberalized laws which would give the Alaskan citizens of the Pribilof Islands the same voice and responsibility in their destiny as is enjoyed by all the other residents of Alaska.

Because these hearings were by necessity moved ahead of the planned schedule, and because many of the State agencies which will be affected by Senate bill 2102 have not completed their studies of the bill, the State is unable to testify in detail at this time.

However, Governor Egan asked that I assure you the State does endorse S. 2102 in principle and as soon as possible the committee will receive the full effect of its testimony.

To further emphasize the concern of Governor Egan and the people of Alaska, I submit to the committee copies of two studies made this year at the request of the Governor into the economic and social conditions on the Pribilof Islands. These studies were made because of published reports in the news media intimating the residents of St. Paul and of St. George were living under virtual servitude conditions.

In February Governor Egan asked that I, as director of the Alaska State Commission for Human Rights, come to the islands to make an investigation and report my findings and recommendations to him. This investigation was completed on March 16, 1965, and my report was given to the Governor.

Though I have submitted copies of this report for the committee's review, I would like to at this time read into the hearing record my recommendations to the Governor:

A careful analysis of the testimony spoken by the St. Paul population revealed that in general their primary fears and concerns fall into the following categories: (1) Employment; (2) Housing; (3) Retirement rights for the years worked without pay; (4) Movement of the people from St. George to St. Paul; (5) Dissolution of the BCF control of the people; (6) who will help them in the future; (7) The lack of proper training and higher education for so many of the adults.

Whether all of these apprehensions are based on real or imaginary facts was beyond the scope of this study at this time. The expressing of the innermost fears by the Pribilovians, the great concern shown by the rest of Alaska's citizens, coupled with the demonstrated desire of the BCF to solve this dilemma are good indications why the cloud of half-truths and fantasy should be lifted from the islands.

Further, the urgency for closer channels of communications between the State of Alaska, the BCF, and the Pribilovians, and the necessity for timely consideration of the various problem areas cited above, clearly points up the need for further review; therefore:

It is hereby recommended that a further and more complete review be made of conditions which exist in the Pribilof Islands and that this study be made by a committee whose composition would reflect the interests of the State of Alaska, the U.S. Department of the Interior, and the general public.

Because of the possible need for future State and Federal legislative action, and because the general public should be aware of the study committee's efforts, objectives and possible recommendations, this group should also include members of the Alaska State Legislature, Alaska congressional delegation, if possible, and members of the news media (press, radio, and television).

It is further recommended that members be chosen from Alaska's Eskimo, Indian, or Aleut ethnic groups also, and that this review be made no later than the first week in May 1965.

Senator BARTLETT. May I interrupt you, Mr. Bowman?

Mr. BOWMAN. Yes, sir.

Senator BARTLETT. If you have no objection, I would like to have placed in the record the complete text of this report you made to the Governor.

Mr. BOWMAN. I have no objection.

Following my recommendations, Governor Egan asked the following to make a full review: Mr. Hugh Wade, secretary of state, as chairman; Mr. Howard Rock, editor of the Tundra Times; Mr. Roy Peratrovich, tribal officer of the Bureau of Indian Affairs of Alaska; Mr. James Rettie, economist in the U.S. Secretary of the Interior's office; and I, William Bowman.

Named as a board of advisers to the committee were Mr. Harold Hansen, senator; Lucile Pinkerton, State house of representatives;

Mr. C. Doyle Innis, Bureau of Commercial Fisheries personnel officer; Mr. Burke Riley, Department of Interior; Prof. James Matthews, University of Alaska; and Mr. Howard Baltzo, Bureau of Commercial Fisheries.

This full committee went to the island on June 9 through 15, 1965, and on September 3, 1965, submitted its findings to Governor Egan. This report which the Governor released Tuesday, September 6, is the second study I am submitting to this hearing committee.

Because of the numerous recommendations and the length of the report, I will not attempt to take up time reading it, but trust your interest in the matter to give the report thorough study and evaluation. This is a copy of it that I submit herewith.

I would like to call attention to the fact that on page 12, 14, 22, 23, 25, and 26 of our report, the Pribilof committee recognizes the advantages to the residents of the islands offered by Senator Bartlett's bill, S. 2102, and publicly endorses it for the many changes it will bring about if enacted.

There is no question but what the changes proposed by this bill are long overdue, and I would like at this time to add my voice to those urging passage of this measure.

At a time when America leads the world in the search for peace and understanding, the recognition of the individual and the equality of all men, we must make every attempt to wipe out all vestiges of paternalism here at home.

Senator Bartlett, I want to thank you and your committee again for allowing me the time to appear before you. I will be glad to answer any questions you or the other committee members may wish to ask me.

Senator BARTLETT. Thank you, Mr. Bowman. We are particularly grateful for your presence here. You have been a most welcome member of this expedition, which took longer than expected to reach St. Paul. Because of that, we can't go to St. George at all.

I am not going to ask you any questions, Mr. Bowman. I am completely satisfied with the general statement you have made in behalf of the State, I don't think it would be appropriate at this time to make more specific inquiries of you, especially in light of the fact that you have informed us that all the State agencies have not yet had an opportunity to formulate and submit their views.

And you have further said that this is to be done later and the committee will have the benefit of an expression, an official expression from the State, regarding not only the general principles of the bill that we have under consideration, but with comments on specific details.

Since that is the case, I am not going to put a series of questions to you. Most particularly, I am not going to ask you about amendment No. 1, and most especially amendment No. 2, or even amendment No. 3, because I suspect that these are policy determinations which will necessarily have to be made by Governor Egan.

I have no doubt that he will call upon you for suggestions, advice, and guidance. But it would not be fair for us to press you on these points now.

I do want, however, to incorporate as part of the record, because of its distinct usefulness and appropriateness, the report you and your fellow members submitted to Governor Egan, the report which was

adopted as you say on September 3. The complete text of that report is now a part of our official record.

(The reports referred to follow:)

A STUDY OF THE PRIBILOF MANAGEMENT PRACTICES

(A report submitted to the Honorable William A. Egan, Governor of the State of Alaska by William L. Bowman, executive director, State Commission for Human Rights, March 16, 1965)

STATE OF ALASKA,
Anchorage, Alaska, March 16, 1966.

HON. WILLIAM A. EGAN,
*Governor of Alaska,
Juneau, Alaska.*

DEAR GOVERNOR EGAN: Pursuant to your instructions, I prescribed to the island of St. Paul in the Pribilofs. During the 12 days there, my time was devoted to discussions with individuals and groups as to all aspects of activities and problems of the American citizens residing on the Pribilof Islands.

It is an honor for me to submit my report covering the activities, conditions, and related problems I found to exist on the island of St. Paul, and their relationship to charges which have been made alleging denial of certain civil rights to the American citizens of the Pribilof Islands.

While I feel I was successful in assessing the truth of these conditions, I also feel it prudent to stress the difficulty attendant to any evaluation of the facts so gathered by any one person spending such a short period of time studying all of the facets which are relative to a question of such magnitude.

As you may note, this report makes no attempt to affirm or reject the many allegations publicized in print except for the charge of servitude, but it attempts to confine itself to the detailing of the evidence and testimony uncovered.

Because of a lack of interisland transportation, I was unable to speak with the people of St. George Island; consequently, this report is confined to the community of St. Paul and does not purport to tell of conditions on St. George. I did, however, enter into discussions with citizens who formerly resided on St. George Island.

I would like to thank the citizens of St. Paul; their community council; the island manager, Mr. Howard Euneau; and the U.S. Bureau of Commercial Fisheries staff for their wonderful and complete cooperation which certainly made my task much easier.

Respectfully submitted.

WILLARD BOWMAN,
Executive Director.

SUMMARY

The question around which the furor over the Pribilof Islands revolves is whether or not the Pribilofians of Aleut descent are being held in servitude by the Bureau of Commercial Fisheries (BCF), the governing agency for the U.S. Department of the Interior.

Any endeavor to find the answer to this question should, of course, include the following processes:

1. Analyzation of problems, past, present, and anticipated through meetings with the elected Aleut community council.
2. Detailed and thorough discussions with present island manager, including staff personnel where needed.
3. Airing of complaints by citizens at called mass meetings.
4. Personal interviews along with visits in various homes to ascertain homelife in general on the islands.
5. Evaluation of community health, sanitation, education, and recreation facilities.

While these basic points were covered, in this case the question of servitude is not one to be answered with a simple yes or no answer. In attempts to discover the truth, this question was asked. The results show:

Every council member and all members of the community agreed quite emphatically that the people were held in utter bondage, given only food, clothing, and shelter for their labor from the 1800's until 1950, when the first wage plan went into effect. Since that year all also agree there have been many changes

for the good, especially within the past 3 or 4 years when the new director, Mr. Hower Baltzo, and island manager, Mr. Hower Euneau, took office.

Whether the gains have been enough within this timespan is the area where differences of opinion arise.

Answers to the question, "In your opinion, is the BCF still keeping the people in servitude," ranged from "There have been many changes for the good; but servitude and discrimination still exist," to "We have had many good changes lately, and I don't think we are in servitude. I know I'm not."

The truth seems to be the BCF is not guilty of the allegations of servitude in 1965 in the strict sense of the word; but because of the many years of archaic regulations, neglect, and seeming disregard of the rights of the Aleut people, the Department finds itself now faced with the task of giving the people these self-governing rights. Yet, they have neither the time nor a public plan for this orderly transition.

While actively and earnestly seeking to undo the wrongs that have been committed in the past, the Bureau finds it is irrevocably tied to this history. Because of this past, 1965 discovers the Aleut community is unfamiliar with the processes involved in basic rules of self-government, self-improvement, and, in too many cases, the ability to mount social, financial, and self-reliance programs on a personal level, along with a deep-seated distrust of the Bureau and its aims.

A careful analysis of the testimony spoken by the St. Paul population revealed that in general their primary fears and concerns fall into the following categories:

1. Employment.
2. Housing.
3. Retirement rights for the years worked without pay.
4. Movement of the people from St. George to St. Paul.
5. Dissolution of the BCF control of the people.
6. Who will help them in the future.
7. The lack of proper training and higher education for so many of the adults.

Whether all of these apprehensions are based on real or imaginary facts was beyond the scope of this study at this time. The expressing of the innermost fears by the Pribilovians, the great concern shown by the rest of Alaska's citizens, coupled with the demonstrated desire of the BCF to solve this dilemma are good indications why the cloud of half truths and fantasy should be lifted from the islands.

Further, the urgency for closer channels of communications between the State of Alaska, the BCF and the Pribilovians, and the necessity for timely consideration of the various problem areas cited above, clearly points up the need for further review, therefore:

It is hereby recommended that a further and more complete review be made of the conditions which exist in the Pribilof Islands and that this study be made by a committee whose composition would reflect the interests of the State of Alaska, the U.S. Department of the Interior, and the general public.

Because of the possible need for future State and Federal legislative action, and because the general public should be aware of the study committee's efforts, objectives, and possible recommendations, this group should also include members of the Alaska State Legislature, Alaska congressional delegation, if possible, and members of the news media (press, radio, and television).

It is further recommended that members be chosen from Alaska's Eskimo, Indian, or Aleut ethnic groups also, and that this review be made no later than the first week in May 1965.

ANALYSIS

The Pribilof Islands are situated in the Bering Sea, North of the Aleutian Chain. Because they have the distinction of being the mating grounds or rookeries of the fur seal and because of the near extinction of the seal herds, a treaty was entered into by the Governments of Canada, Russia, Japan, and the United States for the conservation and controlled taking of these fur seals. This agreement, which has been in effect since the 1890's with periodic revisions, declares the Pribilof Islands a reservation for Government purposes.

Under the terms of this treaty, formally called the "Fur Seal Act of 1944" (Public Law 237, 78th Cong.), sections 6, 7, and 8 give the Secretary of the Interior broad powers including complete authority over the Pribilovian inhabitants.

Over the years, the administration of these powers has not always kept the best interests of the Aleut people in mind, which is admitted by personnel within the administrating agency for the Department of the Interior.

In short, this record or past administration now causes unrest and dissatisfaction within the Aleut communities, culminating in the public attacks of servitude that are being hurled. These sections read as follows:

"SEC. 6. The Pribilof Islands, including the islands of Saint Paul and Saint George, Walrus and Otter Islands, and Sea Lion Rock, in Alasaka, are declared a special reservation for Government purposes. It shall be unlawful for any person other than natives of the said islands and officers and employees of the Fish and Wildlife Service to land or remain on any of these islands, except through stress of weather or like unavoidable cause or by the authority of the Secretary, and any person found on any of those islands contrary to the provisions of this section shall be summarily removed and shall be deemed guilty of a misdemeanor, punishable by a fine not exceeding \$500 or by imprisonment not exceeding six months, or by both fine and imprisonment.

"SEC. 7. Whenever seals are killed and sealskins taken on any of the Pribilof Islands, the native inhabitants of the Island shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit.

"SEC. 8. The Secretary shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection."

To gain some insight into what life is actually like for the people of the Pribilof Islands, this report will undertake a synopsis of the facts gathered and testimony taken from the people presently living on the island.

The community of St. Paul is located on St. Paul Island, and has a population of approximately 400 people of Aleut descent. Life on St. Paul cannot be said to be easy by present-day standards; however, the Aleut people, of obvious hearty stock, are thriving under the vigors imposed by a perpetually adverse climate, and the almost total isolation experienced during long stretches of the year.

Though thriving, the Pribilovian has been a complete ward of the Federal Government all of his life and was not paid wages for his labor until the first wage plan went into effect in 1950. This history does more to rankle in the breast of the people than anything else.

The Aleut on St. Paul in 1965 finds himself the central theme around which swirls a great controversy. On the one hand he wants all traces of wardship eliminated; yet, he is unable to forget his years of working without pay. Because of a lack of adequate training and educational programs in the past, he realizes he is, at this time, ill prepared to cope with the task of complete self-government; yet, he distrusts and fears the assistance of the BCF, though he admits he needs help.

Admitting errors were committed in the past, the BCF in their stead, has for some time been seeking ways to help the Aleut people to overcome these imposed handicaps. It is stated by the BCF that present plans call for a program of gradual withdrawal of their supervision, and the assumption of self-government by the Aleut communities.

However, the details of this plan have not been made public at this time, and this unknown factor only serves to heighten the apprehensions of the people, who seem to know only that the "Bureau is going to pull out in 5 years, leaving us alone."

EMPLOYMENT

The employment problem can be said to be very critical as it affects every person on the island.

Since the BCF is the sole employer, and it is tied to an economy based upon one industry, Sealing, over 60 percent of the men and all of the women find they are unemployed 7 to 8 months out of a year.

With the sealing season opening up in May and closing in September, most of the men are employed 4 to 4½ months each year.

There are presently two types of employees: Temporary workers, who number about 60 and work only during the sealing season, and permanent workers, who maintain utilities and services, effect repairs, and number 36.

The average income for the 50 to 60 temporary workers is about \$2,900, year, based upon the laborers wage scale of \$3.28 per hour and 40 hours a week. This creates a hardship for the temporary employee, for even if he draws employment security for 26 weeks, it still leaves him with a gap when there is no income for his family.

To fill this gap, the BCF extends the families credit at the store. Since the bill is paid when the men return to work, there are those who find it increasingly harder to get out of debt each year. Most admit this as the fault of the people concerned; yet, all agree the problem is there with no solution to date.

All men over 40 stressed the need for recognition by the Federal Government for the years they worked for food, clothing, and shelter. These years to be credited toward their retirement funds.

Another complaint, often cited, was the hiring of men as laborers or helpers, asking them to do journeyman craftsman's work, but not paying them for the days or in some cases months' work at the higher pay scale. They feel if they are called upon to do carpenters, operators, electricians, etc., work, they should receive the pay. Regardless, whether it was 1 day, 1 week, or 1 hour.

HOUSING

The shortage of adequate housing is, in the opinion of many persons, the second major problem facing the St. Paul islanders. This shortage has existed for a number of years, but it was not until recently that the BCF instituted a homebuilding program. Simply stated, the program called for 4 homes to be constructed each year for 10 years making a total of 40 homes. This program was designed to give as much employment as possible to the local people.

While the plan might conceivably be good, the St. Paul islanders do not approve of it in general, as the homes are being built for the people moving over from St. George. They feel the St. George people are getting homes which the Aleut residents of St. Paul have long needed and too, that they are being threatened by the St. George people taking over the few permanent jobs available.

Of the 79 housing accommodations available on the island, 64 are designated for the Aleut people, and 15 for the staff personnel. Some local Aleuts are among the staff personnel, which allows them staff quarters. This breaks down to five 1-bedroom, eighteen 2-bedroom, twenty-three 3-bedroom, and sixteen 4-bedroom accommodations available.

The survey shows there is a housing shortage with as many as two, or sometimes three families, or generations of families living with relatives or friends, while other home were crowded with large families.

Though this shortage exists, the houses show evidence of a good maintenance program. Visits to homes revealed some were neat, spotless, and well-cared for while others reflected excessive use; however, the general appearance of the community is one of neat, clean, and maintained homes.

HEALTH

Health standards are as high as any community of a comparable size in America, and no doubt higher than quite a few communities found in the outlying sectors of Alaska.

The island has a small hospital, and a nurse or doctor are provided by the U.S. Public Health Service. Beginning in July 1965, doctors will be stationed there for 2-year tours. A visit to the small hospital found Dr. Paul Lunas attending a patient whom he had performed an appendectomy on the day before.

He stated they were prepared for most minor emergencies and were equipped with X-ray and other routine machines which make for better medical care of the people. In his evaluation, Dr. Lunas felt there were less recorded instances of tuberculosis, and eye, ear, and throat infections than in many other native communities throughout the State. He attributes this to the high standard of health of the people, the medical assistance readily available to them, and the good sanitation facilities of the community.

Generally, it can be stated and observed that the population appears in good health and shows little if any outward signs of illnesses.

EDUCATION

The school has been operated by the State since 1962, with BCF reimbursing it for money expended. The grades were cutback from 10 years to 8 years, giving the high school students a chance to study with other children throughout the State at Mount Edgecumbe, Cooper Valley, or Wrangell Institute. In the teacher-pupil ratio, St. Paul enjoys a marked advantage. The ratio being 1 teacher to 1 pupils.

The present principal, Mr. Joseph Widman, states he is quite pleased with the relationship between the BCF and the school. He credits Mr. Baltzo and Mr. Euneau with assisting in every way possible on each occasion they have sought help for their school program.

Presently there are 88 children enrolled, and approximately 50 away at other schools.

Mr. Widman feels the need always is for teachers who have enthusiastic personalities; and who genuinely accept the children as they would their own. They (the children) need this type to whom they can look to for guidance. Geographically isolated communities such as St. Paul must seek ways to instill competitive and social requirements. One way the teachers of St. Paul are using, is by building within the school academic, artistic, and athletic competition.

Present staff of eight teachers are good examples of what is needed in teachers. Evenings find teachers involved in teaching adult and children's classes in sports, arts and crafts, folk dancing, and other activities. Visits to classrooms showed bright-eyed, eager students with intense interest in the world about them. It can be said they would be on a par with children in other urban areas, all things being equal.

SOCIAL ACTIVITIES

Most social activities center around the large recreation center, where the simultaneous playing of pool, bingo, ping-pong, cards, basketball, or volleyball, folk dancing or other activities can be found.

Occasionally, dances are held where local people will play their own instruments.

Church services are held in the Russian Orthodox Church by Father Lester D. Lestenkof, priest for St. Paul, St. George, and other Aleutian villages.

COMMUNITY FACILITIES

St. Paul, unlike some outlying communities, enjoys the marked advantages of most modern utilities. Amongst these, the city can boast of running water in each home, a complete sewage system, a five diesel generator powerplant, street lights, a garbage collection system, and a BCF grocery store. These utilities are maintained and administered by the BCF.

Along with the above facilities, the community itself through its community council maintains and administers a canteen where clothing, confections, and sundries are sold, plus it pays and instructs the community's three-man local patrol force.

ECONOMIC AND SOCIAL CONDITIONS ON THE PRIBILOF ISLANDS

(Report by special commission appointed by the Governor of Alaska, Juneau, Alaska, September 3, 1965)

INTRODUCTION

One of the roles of the U.S. Government in Alaska for half a century has been the conservation and management of the northern fur seal herd, under terms of a treaty originally signed and ratified in 1911 with czarist Russia, Japan, Canada, and the United States as signatory nations.

In 1964, public interest was aroused by published reports charging that inhabitants of the Pribilof Islands (site of the fur seal rookeries managed by the United States) were being denied rights and privileges which are theirs as citizens of the United States and of the State of Alaska, and were being held in condition of "servitude."

Early in 1965—as a result of concern by the Alaska State government—Willard Bowman, executive director of the Human Rights Commission, reviewed conditions on the islands. His report and recommendations led to appointment of a special commission by Gov. William A. Egan to study the problems of Pribilof residents.

The commission made a visit to the islands during the period June 9-15, of 1965. In the course of that visit, it conferred with the village councils, held two public meetings, inspected facilities, and prepared first rough drafts of various sections of this report.

Location and description of the islands

The Pribilofs are located in the eastern Bering Sea some 250 miles north of Dutch Harbor. Their total land surface is about 90 square miles. There is no harbor of any kind. All freight and passengers going to, or coming from, the islands by sea must be lightered between ship and shore.

St. Paul Island and St. George Island—largest of the five and the only ones that have any settlement—are separated by 40 miles of open sea. Each has a small village, named St. Paul and St. George, respectively. St. Paul Island has a 5,000-foot airstrip. A scheduled airline has a flight in and out once a week, with additional flights when there is sufficient demand.

St. Paul village has a resident population of about 425; St. George has about 225. Each is a compact group of buildings that include detached dwellings, church, school, community recreation hall, hospital, general store, warehouse, administration buildings, and buildings used in connection with the fur seal operations. Electric power is supplied by diesel-electric generators. All dwellings in both villages have electricity, water, and sewer connections.

The fur seal enterprise

Responsibility for the management of the islands and seal herd rests in the Bureau of Commercial Fisheries, U.S. Department of the Interior. The seal herd has increased from the depleted condition of about 220,000 animals in 1912 to a current level of about 1,500,000. As many as 95,000 skins per season have been taken. The Pribilof Islands herd, when first discovered some 200 years ago, is believed to have contained between 3 and 4 million animals.

Japan and Canada each receive 15 percent of the sealskins harvested on the Pribilof Islands. Under the terms of the Alaska Statehood Act, 70 percent of the net proceeds from the sale of the U.S. share of sealskins goes to the State treasury, and the other 30 percent to the Federal Treasury. Total receipts have been averaging about \$1.3 million per year. In 45 years since the Government began restoration of the fur seal herd, net receipts to the Treasury have amounted to more than \$25 million—with Alaska sharing since statehood.

Responsibilities of Secretary of the Interior

Sections 7 and 8 of the Fur Seal Act of 1944 define responsibilities and authority of the Secretary of the Interior in connection with Pribilof residents as follows:

“SEC. 7. Whenever seals are killed and sealskins taken on any of the Pribilof Islands the native inhabitants of the islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit.

“SEC. 8. The Secretary shall have the authority to establish and maintain depots for provisions and supplies on the Pribilof Islands and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter or private vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection.”

Prior to 1950, compensation for labor included necessities of life and small monetary payments. Since 1950, many changes for the better have taken place. Since 1962, payment for labor has been based on the Alaska Far Western Civil Service wage rates scale. All services received by the residents, except education and medical care, are now being paid for by the individual recipient.

The change has been from payment-in-kind to a modified employer-employee relationship. The announced policy of the Bureau of Commercial Fisheries is to go still further in that direction—as rapidly as possible.

COMMISSION'S FINDINGS AND RECOMMENDATIONS

Regarding the reports of servitude

The commission was established largely in response to public concern generated by published reports that Pribilof Island residents are living under conditions of "servitude" and being denied their rights as citizens of the United States and of the State of Alaska.

The condition of "servitude," according to standard definitions, involves a relationship between owner and slave, master and servant, or employer and employee that cannot be terminated at will by the subordinate party in that relationship.

No resident of the Pribilof Islands is under obligation, in law or in fact, to remain on those islands or to continue to be an employee of the Bureau of Commercial Fisheries. Every employee is free to quit his job at any time he may choose to do so—and no pressure would be, or could be, imposed to make him change his mind.

These being the facts of the case, the commission finds that "servitude," as defined above, is not to be found on the Pribilof Islands. The dissatisfaction and grievances that do exist are partly carryover from conditions that did prevail prior to 1962—and even in more extreme form prior to 1950—and partly the result of conditions that now require further positive remedial actions. It was with these existing problems that the commission was concerned.

Principal cause of dissatisfaction

The main cause of dissatisfaction and of rising bitterness, in the judgment of the commission, is the fact that only half of the able-bodied male labor force of Pribilof residents has yearlong employment. About one man out of two of that labor force faces a continuing annual prospect of 5 months of employment and 7 months of total unemployment.

While prolonged unemployment of the outdoor labor force is all too common in Alaska, that explanation brings no solace to those who are unemployed and still less to unemployed people of these two villages who have lived in close-knit kinship for 2 centuries.

For certain persons of these communities to be on the year-round "permanent" payroll while about half of their kinsmen are on a 5-months "temporary" labor payroll and then on unemployment compensation is a disruptive influence for which economically feasible remedies must be found. The sense of community which has existed for so long has been rent asunder by the painful separation into "permanent" employees and "temporary" employees.

The U.S. Government and the State of Alaska both need a resident labor force on the Pribilofs. It is, therefore, urgent that the disruptive pattern of existing employment be given the attention it deserves. The principal requirement is to find ways and means to develop soundly based off-season employment for resident men and more opportunity for gainful employment of resident women. If this isn't done, the prospects for good morale among the Pribilof residents are exceedingly dim.

Possibilities for development of off-season employment

What the possibilities for soundly based off-season employment are requires careful investigation. The more promising appear to be—

Construction of a harbor on St. Paul Island capable of handling oceangoing vessels and of providing facilities for a modest island-based fishing fleet.

Systemative development of a crafts enterprise utilizing materials and skills characteristic of the Pribilofs.

Development of tourism based on the unique attractions of these islands.

The harbor

A Corps of Engineers, Department of the Army, reconnaissance survey team arrived at St. Paul while the commission was there, to make a preliminary reconnaissance of possible harbor sites. Accordingly, that investigation has been initiated.

Although costs of such a harbor may prove to be unusually high, benefits therefrom would also be of unusual importance. A harbor that could accommodate oceangoing vessels would reduce the costs of transportation of cargo to and from the Pribilofs; an island-based fishing fleet, of only a few vessels, would provide more adequate employment opportunity for Pribilof residents; a port would help

in the development of tourism to the islands and provide the means for better interisland communication and transport; finally, a Pribilof-based fishery would greatly strengthen U.S. claims to major interests in the Bering Sea fishery resources.

With no existing high seas fishery operating in the eastern Bering Sea, the U.S. claim to traditional fishing rights in those waters will be more and more difficult to sustain.

The national interest and other considerations lead the commission to believe that costs of a Pribilof harbor should not be charged against receipts from sale of sealskins. The \$25 million net contribution to the U.S. Treasury made during the past 45 years is ample reason for not charging Pribilof harbor costs against current fur-seal receipts.

In addition to survey and investigation of the possibilities for development of a Pribilof harbor, the commission recommends that the Bureau of Commercial Fisheries prepare an updated report on the commercial fishery resources that might be exploited by a small Pribilof-based fishing fleet.

If further exploratory fishing appears to be needed, that should be done as soon as practicable. The economic justification for construction of a port will rest, in part, on the fishing industry potential of the Pribilof Islands area of the Bering Sea.

Dependable shipping service at reasonable rates by private common-carrier vessels making the Pribilofs a regular point of call is hardly conceivable until an adequate harbor is constructed. Pending that event, the Government will, in all probability, have to maintain and operate its own vessel to provide that service.

Annual operating and maintenance costs of the vessel (*MV Pribilof*) now being used for that purpose amount to about \$300,000. What the cost of common carrier transportation would be, if harbor facilities were available, can't be estimated with much reliability, but they should be substantially less than the cost of operating and maintaining a vessel exclusively to serve the Pribilof Islands.

Crafts project

The crafts project initiated at St. Paul last year illustrates another important economic potentiality. Articles made of northern sealskin are unique and, without any doubt, would command a premium price—if properly marketed. Heretofore, no tanned sealskins have been available for crafts use.

The Commission recommends that a way be found to provide Pribilof residents with tanned skins for use in a substantial crafts project. One possibility is the purchase of "reject" skins by the Pribilof residents through a crafts cooperative which might be organized to purchase skins and to market the articles produced. If such an enterprise is established, it should not rely on donation of skins by the Government, but should stand firmly on its own financial feet.

A study of the steps required to organize and operate a Pribilof crafts enterprise should jointly be made by the University of Alaska, the Bureau of Indian Affairs, the Indian Arts and Crafts Board, and any other agencies or organizations that are willing to participate. The study should give special attention to financing and marketing, to the procurement of suitable workshop space at St. Paul and St. George, and to training of people to work in this enterprise—including men as well as women.

Tourism

Although almost every American schoolchild learns about the northern fur seals on the Pribilof Islands, only a handful of people have actually visited the islands and seen those seals. The attractions that could be utilized in establishment of tourism are ready made:

The seal rookeries with their thousands of animals.

The tundra which characterizes the land surface of both islands, with brilliant wild flowers in July and early August.

A herd of wild reindeer that can readily be seen on St. Paul Island.

Some of the largest sea bird rookeries of the Bering Sea area.

A lingering flavor of the old Russian culture in the two churches and elsewhere.

All that is required are the necessary accommodations and facilities for catering to tourist visitors.

Two conditions that put limits on tourism are: necessity for insuring that visitors do not disturb the seals on their rookery grounds; and the fact that

a tourist season would largely coincide with the season of sealing operations in which all able-bodied men of the islands are fully employed.

It would be practicable, however, to establish barrier fencing at proper locations where tourists could see the seal rookeries without disturbing those animals. Since none of the women of the Pribilofs are gainfully employed in sealing operations, many would certainly be glad to accept employment in connection with services required by tourist establishments.

The commission recommends that a careful assessment of tourism possibilities be made jointly by the Bureau of Outdoor Recreation, the Bureau of Indian Affairs, the Bureau of Commercial Fisheries, the Alaska State Division of Tourism, the University of Alaska and any other agencies or organizations that may desire to participate.

Recent experience in establishment and operation of a resort by the Warm Springs Indians in Oregon and in the building and operation of a tourist motel by the Cherokee Band of Indians at the eastern entrance of Great Smoky Mountains National Park would be pertinent in considering how to develop tourism facilities on the Pribilofs.

Complaints related to employment

Retirement credit for service prior to 1950

There is general complaint about the fact that employment of Pribilof residents prior to 1950 is not creditable so far as Federal civil service retirement is concerned.

The commission recommends that legislation to remove this inequity be enacted by the Congress. One section of Senator Bartlett's bill (S. 2102, 89th Cong., 1st sess.) would provide a suitable remedy.

Classification of jobs

A number of individual complaints regarding classification of jobs were heard by the commission during its visit to the islands. As to whether or not such complaints are justifiable, the commission can offer no judgment. It was informed that no audit of classification has so far been made by the U.S. Civil Service Commission.

The commission recommends that such an audit be made by the U.S. Civil Service Commission as soon as possible. Until that is done, this issue will not be resolved. No employment of residents by Coast Guard or Weather Bureau.

The Coast Guard, U.S. Department of the Treasury, and the Weather Bureau, U.S. Department of Commerce, each maintains a small installation on St. Paul Island. The commission was informed that no Pribilof residents are employed at either of these installations.

The commission recommends that the Coast Guard and the Weather Bureau review their employee requirements on St. Paul Island with a view to possibilities of employing some Pribilof residents. If inadequate training and experience on the part of resident candidates proves to be a barrier, on-the-job training should be considered.

Overcrowded housing at St. Paul

The housing problem at St. Paul is a cause of intense dissatisfaction on the part of many people in that village. It stems from the fact that there are not enough dwelling units to provide each family with a house or apartment.

Of the 70 dwelling units available, as of June 15, 1965, to Pribilof residents in St. Paul village, 10 were occupied by 2 families, and 11 were occupied by a family and 1 or more persons other than husband, wife, or children.

It thus appears that 21 out of 68 households (31 percent) may have had reason to feel they needed more living space. Some—very definitely—feel badly crowded; the legitimate basis for their complaint cannot be glossed over. The situation is far more frustrating than in normal circumstances, because no family is legally able to build its own new house or even to enlarge a house it now occupies.

Adequate space for construction of additional single-family dwellings is not available within the present confines of St. Paul village, but plans for development of a new subdivision on the northern edge of the village have been made. The next step will be installation of the necessary water and sewer lines.

Pending the time when construction of the new subdivision can begin—preferably as part of the normalized townsite proposed in Senator Bartlett's bill (S. 2102, 89th Congress, 1st session) with normal housing-program financ-

ing—the commission recommends that any vacant dwelling units at St. Paul and those presently under construction be made available for occupancy as soon as possible.

It also recommends that the Bureau of Commercial Fisheries explore the possibilities of off-season use of existing dormitory space in way that would provide interim relief from overcrowded housing.

Use of the dormitory to accommodate off-season visitors now quartered in "Company House" and installation of a few apartments in that structure would by one possible expedient for temporary relief of "doubleup" occupancy of existing houses.

Demolition of dwellings at St. George

Bureau of Commercial Fisheries officials informed the commission that it has been the policy to demolish a dwelling at St. George every time there is a net reduction in the number of families requiring housing space there. The objective is a gradual shift of almost all of the inhabitants of St. George to St. Paul.

But whatever the objective may be, the Pribilof residents look upon this as coercion. Their resentment is quite understandable.

The commission recommends that the Bureau refrain from demolition of any more dwelling units at St. George—at least until the unduly crowded situation at St. Paul has been fully eliminated, and families moving to that village will not face hostility—now being generated by the fact that each new arrival from St. George must move into housing space to which St. Paul residents feel they have prior claim.

Part of the present reluctance of people to move from St. George to St. Paul is the knowledge that such hostility exists. Adequate housing space at St. Paul for present residents first, and then for families moving from St. George, is the obvious remedy.

Educational services

Elementary education facilities and instruction at St. Paul and St. George are generally better than can be found in similarly isolated small Aleut, Eskimo, and Indian villages in Alaska. The fundamental problem on the Pribilofs is about the same as elsewhere—how to equip children, intellectually, to take their rightful place in society, whether that be in urbanized communities of Alaska or other States, in the professions, or in the village where they were reared.

Simultaneously, to satisfy all of these requirements in any school system is among the most difficult tasks assigned to educators.

In 1962, the Bureau of Commercial Fisheries arranged for the Alaska State Department of Education to take over operation of the schools at St. Paul and St. George. Since that time, substantial progress has been made in curriculum improvement and in the elimination of academic retardation of pupils in these schools.

According to all indications that could be sensed by the commission during its visit to the islands, the people encourage their children to finish elementary school and to go on to high school—even though high school attendance involves a 9-months' absence from home with virtually no chance of a visit home in the middle of the year, or a visit to the high school by parents. The courage and fortitude exhibited by parents and young people is truly remarkable and commendable.

The local census taken in December 1964, shows that 49 residents of St. Paul and 29 of St. George—78 in all—were away attending school. The resident population actually on the islands, as of December 31, 1964, numbered 583. The indication is that practically all young persons of high school age were away in schools.

The commission recommends—

That operation of the Pribilof schools by the Alaska State Department of Education be continued;

That high school and vocational education for residents of the islands continue to be furnished under the rural educational plan that has jointly been developed by the State of Alaska and the Bureau of Indian Affairs;

That the Pribilof school system expand its adult vocational education and training program on the islands—a cooperative arrangement involving the

State department of education. University of Alaska, Bureau of Indian Affairs, and the Bureau of Commercial Fisheries would be desirable;

That authorities responsible for educational services on the Pribilofs anticipate the training requirements of adults (and youth) that may soon be expected to take over management of St. Paul Village, of the general store, of rental and sale of housing, and of the village utilities—without trained personnel to assume such responsibilities, growth of local self-government will be delayed or subject to failures that foresight can avoid. In addition to formal instruction in the various aspects of village management, a number of on-the-job internships for Pribilof trainees at other Alaska towns should be arranged.

Medical and health services

Medical and health services and facilities on the Pribilofs are more adequate than can be found in similar Alaska villages—or in small towns anywhere else in the United States, for that matter. No serious complaints in this area were heard by the commission.

The commission recommends continuation of the present arrangement whereby these services are provided by the U.S. Public Health Service on a reimbursable basis. Whether the existing hospital and dispensary buildings at St. Paul should be, or could be, modernized by interior reconstruction is a question that should be investigated—keeping in mind the long-term needs of a community which can now depend upon quick air transportation of patients to hospitals in Anchorage.

Inadequate communication

A considerable amount of the dissatisfactions voiced by Pribilof residents is apparently due to inadequate communication between themselves and Bureau of Commercial Fisheries managerial personnel. The situation can readily be explained by the normal hesitancy of any person to quiz his employer too closely. Communication between residents and Bureau, and between residents and other agencies of the State and Federal Government could greatly be facilitated by a community counselor assigned chiefly to that job.

The commission recommends that the Governor of Alaska (or an appropriate agency of the State which he might designate) assign a trained and competent person to occupy the role of community counselor for St. Paul and St. George.

Conversion of St. George to a seasonal operation

One of the principal causes of dissatisfaction—and even of deep resentment on the part of Pribilof residents—against the Bureau of Commercial Fisheries is the Bureau's announced intention to make St. George a strictly seasonal operation with gradual shift of most of the residents of that village to St. Paul.

The commission is of the opinion that such a move should be deferred until employment, housing, and other opportunities at St. Paul are sufficiently attractive to provide real inducement for St. George residents to move. With present crowded housing at St. Paul and no visible expansion of employment opportunity, the attitude of St. George residents is readily understandable.

The commission recommends that the Bureau defer its plans and efforts to promote this move, and concentrate immediate effort on the problem of finding solutions to the housing and employment problems of St. Paul.

SUPPLEMENTARY DISCUSSION

Current employment situation

At this time, the only significant employment on the Pribilof Islands is provided by the Bureau of Commercial Fisheries in harvesting and curing fur seal-skins and in administration of the two island communities. Harvesting and curing of skins and related maintenance work are strictly seasonal operations. These do provide employment, from May through September, for all able-bodied men who are residents of the islands. It is necessary to recruit approximately 55 additional nonresident workers to meet peak seasonal demand for labor.

Permanent employees to operate the services in the two villages and to maintain the skin-processing installations and other facilities, as of 1964, totaled 79 for both islands (50 on St. Paul and 29 on St. George). There was no employment for approximately 70 available men residents (this number does not include about 30 high school or college students who worked during the sealing season and then left the islands to return to schools) during the period from October to May and virtually no paid employment for women residents at any time.

The buyers' market for labor which exists throughout 7 months of the year gives rise to strong—and even bitter—competition for available permanent positions. It is a situation that could make the work force potentially vulnerable to inequities in the classification of jobs and compensation for work.

Several permanently employed residents expressed the belief that they were not being adequately compensated for the type of work being performed. An audit of job classifications by the U.S. Civil Service Commission is the obvious way to resolve this issue.

There is, of course, real merit in permitting unskilled employees to perform work requiring more skill than would ordinarily be expected and thus gain skills and experience that qualify them for higher level jobs. The only problem is to be sure that on-the-job training is of real benefit to the trainee and not a device to obtain service of a higher order than is being paid for.

There is considerable dissatisfaction on the part of those who are employed on a temporary seasonal basis by the fact that such employment comes under the Social Security Act rather than the Federal Retirement Act. Only those seasonal employees who eventually obtain permanent positions will be able to credit their temporary service toward Federal retirement. But, these same conditions apply generally to all temporary employees of the Federal Government throughout the country.

A major change in the retirement law would be required to bring seasonal employees under the Retirement Act. So far, in the country as a whole, there has been no strong demand for such change—probably because the benefits of the two systems, so far as the retiree is concerned, are generally comparable.

There is also dissatisfaction with the fact that Government service performed by resident Aleuts prior to 1950 is not creditable for retirement purposes. Senator Bartlett's bill (S. 2102, 89th Cong. 1st sess.) would, if enacted, provide retirement credit for such service.

The current policies of the Bureau of Commercial Fisheries governing the employment and compensation of residents of the Pribilof Islands are set forth in a written statement "Compensation Plan for Employees of the Pribilof Islands Fur Seal Program" (reproduced as app. A of this report). That plan went into effect July 1, 1962, following consultation with the village councils of St. Paul and St. George, the Governor of Alaska, and the Alaska congressional delegation.

The statement is clear in its provisions that compensation for all work, including fringe benefits, shall be determined in accordance with the pay structure of the Federal Civil Service and the Department of the Interior. The policy further provides that—

"* * * the Pribilof Islands fur seal program shall be staffed with the primary objective of improving the quality, efficiency, and economy of * * * operation. The Bureau will not create positions solely for the purpose of providing employment opportunities to the inhabitants of the Pribilof Islands."

It is specifically stated that Aleut inhabitants of the Pribilof Islands shall be given preference, ahead of all other applicants, for appointment to positions for which they are qualified; and that others will be appointed only when resident applicants of acceptable qualifications are not available.

One Pribilof resident is employed as postmaster at St. Paul by the Post Office Department. Installations of the Coast Guard and Weather Bureau on St. Paul Island have, so far, provided no employment for local residents.

The private company that purchases seal carcasses and processes the meat for mink food does offer seasonal employment opportunities for local residents. However, such employment exists only during the height of the Bureau's sealing operations and is not as remunerative as the Bureau's concurrent employment.

A number of very small business enterprises operated by local residents provide supplemental income to the proprietors but do not provide jobs for others.

Eventual transfer of dwellings and community facilities (such as streets, powerplant, and other utilities) to municipal or private ownership and operation—as will become possible if the Bartlett bill (S. 2102, 89th Cong., 1st sess.) is enacted—would reduce the number of permanent Government employees on the islands. But, a comparable number of municipal or private positions would be created by the transfer. The work of maintaining homes and operating community facilities would become community responsibilities, independent of Government supervision. Charges now made for these facilities and services by the Government would be made by the community.

The commission assumes that operations by the community of its own facilities would require approximately the same number of positions and provide approximately the same opportunities for employment as presently exist under Government administration.

If that transfer occurs, the Bureau of Commercial Fisheries would offer chiefly summer employment in the taking and curing of sealskins. Some permanent Bureau personnel would be required to maintain the industrial plant required for sealing operations. It is contemplated that the Government would purchase power and other utilities needed for its operations from the community. That would provide a source of revenue in addition to local taxes.

Family income in 1964

Of the 97 Aleut resident employees who, as of 1964, were heads of families or households (husband or other person responsible for support of family group) 65, or two-thirds received cash income of more than \$6,000. About half received incomes of more than \$7,000.

At the other end of the scale, 3 heads of families received incomes in the \$2,000 to \$3,000 bracket; 12 were in the \$3,000 to \$4,000 bracket; and 17 were in the \$4,000 to \$6,000 bracket.

In addition to these earnings by heads of families, 30 high school or college students who were members of resident families earned \$32,600 or an average of \$1,087 in summer-vacation employment on the Islands. Most, if not all of these students, were members of families whose father was also employed. For such families, total cash income was about \$1,000 (or more) above the amount received directly by the father.

Distribution of income, as of 1964, by income classes, for heads of families, student, and for other persons not head of family or student is shown in table 1. Further detail on employment and earnings is contained in appendix B.

(Table 1 follows:)

TABLE 1.—*Estimated distribution of Aleut resident labor force by family status and by income class, calendar year 1964*

[Number of persons]

| Income class | Head of family or household | High school or college student | Other person not head of family or student | All employees |
|-------------------------|-----------------------------|--------------------------------|--|---------------|
| Less than \$2,000..... | | 30 | 4 | 34 |
| \$2,000 to \$2,999..... | 3 | | 6 | 9 |
| \$3,000 to \$3,999..... | 12 | | 20 | 32 |
| \$4,000 to \$5,999..... | 17 | | 7 | 24 |
| \$6,000 to \$7,999..... | 36 | | 16 | 52 |
| \$8,000 or more..... | 29 | | 2 | 31 |
| Total..... | 97 | 30 | 55 | 182 |

NOTE.—Further detail on employment and earnings for the calendar years 1950 and 1964 is contained in appendix B.

Source: Bureau of Commercial Fisheries.

Housing

By comparison with other Aleut, Indian, and Eskimo villages in Alaska, the inhabitants of St. Paul and St. George are much better housed. A listing of the detached houses (there are no more than a half dozen apartments) in both villages, as of March 1962, classified these dwellings by condition as follows:

| Condition | St. Paul | St. George | Both villages |
|------------|----------|------------|---------------|
| Good..... | 15 | 22 | 37 |
| Fair..... | 55 | 24 | 79 |
| Poor..... | 2 | | 2 |
| Total..... | 72 | 46 | 118 |

Since the 1962 inventory was made, some six or eight new houses have been built at St. Paul, and several of the poorer houses at St. George have been vacated and torn down.

Monthly rental paid by the occupants of these houses ranges from a minimum of \$30 to a maximum of \$62, depending on size and condition of the house. The majority of the houses have two or three bedrooms, a few have four, and a few have but one.

Conversion of all housing from coal heat to oil heat is well along. All housing has electricity, water, and sewer connections. A rather large percentage of the houses are in need of exterior repainting. Aside from that, each village is neat and clean. Each occupant family provides its own furnishings and furniture.

Private ownership of homes would be permitted and encouraged under the bill introduced by Senator Bartlett (S. 2102, 89th Cong., 1st sess.).

Education

The two elementary schools (one at St. Paul and one at St. George) are operated by the Alaska State Department of Education. Pupils can complete the eighth grade in each school. Buildings are reasonably adequate, but the St. Paul school building is rapidly approaching the condition when replacement will be necessary. Senator Bartlett's bill (S. 2102, 89th Cong., 1st sess.) would open the way for normalized financing of improvements in Pribilof school facilities.

Currently, the Department of Education is reimbursed for expenses by the Bureau of Commercial Fisheries out of the gross receipts from sales of fur seal skins. That arrangement has, apparently, worked satisfactorily, and is acknowledged to have been an improvement over the former situation in which the Bureau operated the schools.

The teacher-pupil ratio at St. Paul—1 to 16—exceeds that of St. George, but both schools compare very favorably with other schools operated by the State department of education.

School facilities at St. Paul are utilized for adult educational activities in addition to elementary instruction. A special summer educational and recreational program, initiated 2 years ago, constitutes a good beginning to bring enriched educational experience to youth in the two villages.

Young persons of high school age, for the most part, go to schools operated by the Bureau of Indian Affairs. While in school, students receive free board and tuition, and expenses for travel home and return during the summer vacation. Some students are attending public high schools elsewhere in Alaska and in other States.

Few college-age sons and daughters of Pribilof residents are in colleges—or making arrangements to enter in the forthcoming academic year. This is a somewhat surprising contrast to the impressive incidence of high school attendance.

Health and medical programs

A small hospital with requisite equipment is available both at St. Paul and at St. George. These are operated by the U.S. Public Health Service under reimbursement contract with the Bureau of Commercial Fisheries. A resident doctor has been stationed at St. Paul and a registered nurse at St. George. Patients with critical ailments are normally transferred to an Anchorage hospital by air. Immunizations and treatment of ordinary ailments are adequately done at the villages.

Health of the Pribilof residents is generally better than that of the Aleut, Indian, and Eskimo population as a whole. This may be due in part to their isolation from exposure to some of the communicable diseases. But it is also due in part to the quality of medical service that has been available.

A U.S. Public Health Service dentist makes periodic weeklong visits to the villages.

Neither hospital had an occupied bed at the time of the commission's visit.

Other social services

For some time, the Bureau of Commercial Fisheries has sensed the need for a community counselor who is fully informed about various State and Federal services that are available to any Pribilof resident who may need social service help. These include assistance to blind or visually handicapped persons, aid to dependent children, old-age assistance, aid to crippled children, retraining of physically handicapped adults, and various other benefits of similar nature.

Proposal to make St. George seasonal operation

A proposal to make St. George a strictly seasonal operation with a gradual shift of most of the residents of that village to St. Paul has been under active consideration for some time. The Bureau of Commercial Fisheries has estimated that this change would reduce operating expenses by some \$250,000 per year.

With changes that have been in progress during the past 10 to 15 years, Pribilof residents have been moving from a status of complete dependency upon the U.S. Government to a new and improved status more in keeping with their fundamental rights and responsibilities as American citizens.

But a major problem in the attainment of that objective is to secure employment necessary to sustain rising standards of living. That cannot be assured if basic employment continues to be limited to the sealing operations season (about 5 months, at best) and the remainder of the year (about 7 months) involves continuous unemployment for more than half of the resident labor force.

Possibilities for solution, or at least partial solution, of the problem of long-term seasonal unemployment—through development of economic activities to occupy the off-season period—appear to be more favorable on St. Paul Island than on St. George. These more favorable factors are as follows:

St. Paul has better transportation connections, by sea and by air, with mainland Alaska and with the Aleutian Islands and Peninsula;

There are more promising possibilities for the construction of a harbor, usable by oceangoing vessels and by a potential island-based fishing fleet—utilizing known fishery resources of the Bering Sea—including but not limited to halibut, king crab, and shrimp;

There are more promising possibilities for constructing an improved airfield, with runways that would permit landing and takeoff regardless of wind direction—the present single-strip runway on St. Paul is occasionally hazardous when crosswinds prevail, consequently, there are times when aircraft cannot land or take off;

About four-fifths of the entire fur seal herd breeds on the rookeries of St. Paul Island, and the homing instinct of these animals assures this proportionate distribution will persist—it can, therefore, be expected that the bulk of sealing operations will continue to be the larger settlement with more complete and diversified public facilities and services;

The isolation that characterizes the Pribilof Islands is less severe in the case of St. Paul, and this will continue to be true in the foreseeable future;

It is apparent that important financial savings could be realized if nearly all Pribilof residents, and the various facilities they require, were in one village instead of at two.

Granting that all the arguments favoring St. Paul set forth above have validity, the fact remains that there is not yet visible evidence of a solution to the Pribilof's basic problems of long-term seasonal unemployment. Until improved employment opportunities are being developed, there is slight probability that the majority of St. George people will voluntarily move to St. Paul. So far as completely voluntary moves are concerned, the situation is already approaching bitter stalemate.

So far as can be seen at present, St. George Island rookeries will continue to be the breeding ground of one-fifth of the total seal herd. To continue annual harvests of St. George Island seals will require continued maintenance of substantial installations on that island—skin-curing plant, power generating facility, warehouse and oil storage tanks, dormitory for the seasonal work force, trucks, and some other heavy equipment.

Caretaker personnel will have to be on St. George throughout the year, not only to maintain the installations, but also to protect the Government's property from looting and vandalism. Complete "phasing out" of that community is therefore not contemplated. What would be done, in any event, would be to phase it down to much less than is there today.

The isolation of St. George Island in this age of air transportation may not be as formidable as it has been. Vertical-lift aircraft are now commonplace elsewhere, and new types of fixed-wing aircraft, operable from very short runways, are becoming available. An updated assessment of the possibilities for interisland air transportation—under Bureau of Commercial Fisheries operation, if not by private air carrier—is needed. Such air transportation linkage of the two islands would be highly desirable, regardless of whether the village remains as it is or is converted to a base for seasonal sealing operations.

Such conversion of St. George—without concurrent expansion of St. Paul employment in the 7 months not occupied by sealing operations—will result in reduction of total Pribilof employment. In fact, the principal justification for considering shifts of the labor force is economy through greater efficiency.

If that be the result, savings in expenditures from the fur seal program fund will be offset, in part, by increased public expenditures for unemployment compensation, public assistance, and other forms of relief—unless, of course, a substantial number of Pribilof residents permanently move away from the islands.

If it is the Government's policy, deliberately to reduce number of people residing on the Pribilof Islands, that policy should be explicitly stated and then considered on the basis of whatever merits it may have.

The economic and financial information that apparently would justify conversion of St. George to a seasonal operations base has not been available in sufficient detail for study by the people most concerned. Until it is made available in clear and understandable form, many persons will remain unconvinced that any such change should be made.

And even after that is done, there will still be some who will not want to leave the community that has been their ancestral home for almost 200 years. Such an attitude is readily understandable and must be regarded with due respect. The problems involved in getting people voluntarily to move from St. George are more difficult and delicate than the Bureau of Commercial Fisheries may have realized.

APPENDIX A

"COMPENSATION PLAN FOR EMPLOYEES OF THE PRIBILOF FUR SEAL PROGRAM," BUREAU OF COMMERCIAL FISHERIES, JUNE 1962

PREFACE

On December 23, 1949, the Department approved the first compensation plan for Pribilof Islands natives. The purpose of the plan was to provide cash wage payments and incentive bonuses which, when coupled with allowances in kind (Government-furnished housing, food, clothing, etc.), would constitute fair compensation for the services rendered by the resident Aleut workmen. The plan was designed to pave the way for the transition from partial payment in cash to straight cash compensation. It was anticipated that over a period of from 5 to 10 years cash payments would be increased as allowances in kind were reduced.

On April 21, 1954, a revision of the basic plan was approved by the Director of the Fish and Wildlife Service. Under this revision certain increases were made in cash payments and some reductions in payment in kind were made. The plan was also keyed to a Bureau of Labor Statistics price index for Seattle, Wash. It provided for increases in Pribilof Islands resident Aleut wage rates for every increase of 2.6 or more in the base price index at Seattle.

At the present time, resident Aleut workmen are still being compensated in accordance with the special plan approved April 21, 1954.

Other persons employed in the Pribilof Islands fur seal program are compensated on the same basis as other Federal employees (i.e. Classification Act, wage board, etc.). The legal authority for the special compensation plan now in effect for resident Aleuts is based on the following provisions of the Fur Seal Act of February 26, 1944 (58 Stat. 104) :

"SEC. 7. Whenever seals are killed and seal skins taken on any of the Pribilof Islands, the native inhabitants of the islands shall be employed in such killing and in curing the skins taken, and shall receive for their labor fair compensation to be fixed from time to time by the Secretary, who shall have the authority to prescribe the manner in which such compensation shall be paid to the natives or expended or otherwise used on their behalf and for their benefit.

"SEC. 8. The Secretary shall have authority to establish and maintain depots for provisions and supplies on the Pribilof Islands, and to provide for the transportation of such provisions and supplies from the mainland of the United States to the islands by the charter of private vessels or by the use of public vessels of the United States which may be under his control or which may be placed at his disposal by the President; and he likewise shall have authority to furnish food, shelter, fuel, clothing, and other necessities of life to the native inhabitants

of the Pribilof Islands and to provide for their comfort, maintenance, education, and protection."

It will be noted that section 7 provides for giving resident natives preference in employment in harvesting the seal herd and for paying them a fair rate of compensation for performing this work. Section 8 contains a separate authorization which permits the Secretary to furnish the necessities of life for the native inhabitants of the islands and to provide for their comfort, maintenance, education, and protection. The two authorizations have, to a large extent, been combined and interwoven in the present compensation plan. For example, the cash compensation which the plan provides to workers is conditioned by the fact that a variety of benefits are furnished to the inhabitants in kind, such as housing, schooling, medical care, and recreational facilities. In this respect, it may be observed that the present compensation plan has represented an effective and essential step in the transition from the earlier economy of the islands when all payments to the inhabitants were made in kind, to the more typical American economy based on money. The present compensation plan has been so effective in making this transition that we are convinced that the need for a separate pay plan for the resident Aleut employees of the Department is no longer apparent. It is therefore concluded that resident Aleuts employed by this Bureau shall be compensated in the future on the same basis and pursuant to the same laws, rules, regulations, and policies as other Department employees; that public assistance or welfare payments to indigent inhabitants of the islands shall not be a factor in the compensation of Bureau employees, Aleut or otherwise, but shall be separately administered on the basis of individual needs.

SECTION 1. DETERMINATION OF PAY

The rate of compensation to be paid to each employee, irrespective of the individual's status as a resident of the islands, or race, shall be determined in accordance with the pay structure of the Federal civil service and the Department of the Interior by one of the following methods:

- (1) *Under the provisions of the Classification Act of 1949, as amended—In addition to their regular pay, Classification Act employees in Alaska receive a 25-percent cost-of-living allowance*

Coverage and basic provisions

Most of the administrative positions on the Pribilof Islands and the career professional, technical, administrative, and clerical employees throughout the Federal civil service are paid under this system. Generally, it applies to all positions except those which are specifically excepted from its provisions.

Pay scales under the Classification Act apply uniformly throughout the world, and can be revised only by Congress. The pay system is administered by grouping jobs by occupation and level of work. Each position is "classified" in this manner in accordance with standards published by the Civil Service Commission.

The classification of a position must be based on the duties and responsibilities assigned by competent authority and on the qualifications necessary to do the work. Classification decisions made by the Bureau are subject to review by the Civil Service Commission.

- (2) *Under the wage board procedures established by the Department (departmental manual pt. 375.3)*

Coverage and basic provisions

Wage board positions are those of blue-collar workers in labor, trades, and crafts occupations, which are specifically excluded from the Classification Act. Most Pribilof Islands positions will fall in this category. The pay of wage board positions is established on the basis of rates which are paid to people doing similar work in the locality, by wage boards appointed by the Bureau. Rates for the Pribilof Islands wage positions shall be recommended by the region 1 wage board, and approved by the regional director. Since no continuous private employment is provided on the islands, the wage board shall include in its survey other appropriate areas in Alaska. The board shall conduct a wage survey at least annually for the purpose of adjusting wage rates in accordance with rate changes which have taken place in the survey area.

- (3) *Under administrative procedures established by the Department*

Coverage and basic provisions

Positions which are excluded from the Classification Act and which are not susceptible to treatment under wage board procedure shall be paid rates

administratively determined to be appropriate. Normally, the pay of any such position will be established in accordance with the interior Alaska seasonal schedule, as established in part 375 DM 1.15.

(4) *Special provisions for compensation of members of sealing crews*

Rates of pay for work on sealing crews shall be established on the basis of the established wage board rate for laborer by application of the following percentage differentials in recognition of the levels of work involved:

| Labor category | Type of work | Differential |
|--------------------------|----------------------------|---|
| Sealer I..... | Pullers..... | 10 percent above laborer rate. |
| Sealer II..... | Stickers and rippers..... | 20 percent above laborer rate. |
| Sealer III..... | Calipher man, clubber..... | 25 percent above laborer rate. |
| Foreman III, sealer..... | | 17 to 22 percent above highest skill supervised (sealer III). |

Other persons performing general laboring duties in the sealing operation shall be paid at the laborer rate. It has been the practice in the past to utilize older boys in the sealing operation in order to train them in sealing methods and have them perform lightest duties such as herding, pod cutting, and serving as skin boys. When this practice is carried out the wage board may establish and appropriate rate for the labor classification of seal herder. This classification and rate shall be absolutely restricted to boys of school age.

The island manager shall have authority and discretion to classify members of the sealing crews into the above categories on the basis of the relative degree of skill required. Regular full-time employees of the Bureau who are detailed to work on sealing crews during the sealing season shall receive (a) the rate as established in accordance with the above provisions for the level of work performed; or (b) the rate of their regular full-time position, whichever rate may be the greater.

SECTION 2. PAY ADMINISTRATION

The laws, rules, and regulations governing pay administration throughout the Federal civil service, and the pay administration policies of the Interior Department as stated in the departmental manual shall constitute the basis for pay administration in the Pribilof Islands fur seal program, as in other Bureau programs. No exceptions to these provisions which include such matters as payment for overtime, holiday, night differential, hours of duty, establishment of initial salary rates, etc., is authorized for either the Pribilof Islands, or categories of employees on the Pribilof Islands. Charges and payroll deductions for quarters, food, fuel, etc., shall be made on the same basis for all employees.

SECTION 3. STAFFING POLICY

The Pribilof Islands fur seal program shall be staffed with the primary objective of improving the quality, efficiency, and economy of operations. Positive programs to assist surplus labor on the islands in obtaining suitable employment will be sponsored by the Bureau. The Bureau will not create positions solely for the purpose of providing employment opportunities to the inhabitants of the Pribilof Islands.

Employment in the Pribilof Islands fur seal program shall accordingly be confined to the number of employees required to efficiently carry out essential operations as determined by the responsible management officials.

SECTION 4. PREFERENCE IN EMPLOYMENT FOR ALEUT INHABITANTS OF THE PRIBILOF ISLANDS

Aleut inhabitants of the Pribilof Islands shall be given preference for appointment to excepted positions in the Pribilof Islands fur seal program for which they are qualified ahead of all other applicants. (Veteran Aleut inhabitants will have preference over nonveterans; however, nonveteran Aleut inhabitants will have preference over other veterans.) Although Aleut inhabitants of the islands will be required to meet the minimum qualification standards established

for any position to which they are assigned, they need not be reached for appointment in the competitive service. Appointments of Aleut inhabitants to any position may be made in the excepted service, under authority of schedule A, section 6.110(a) (7). (This does not restrict or preclude the appointment of Aleuts in the competitive service when eligible for competitive appointment.) Appointments of nonresident employees to positions on the Pribilof Islands shall be made only when resident applicants of acceptable qualifications and character are not available.

SECTION 5. DEVELOPMENT OF ALEUT INHABITANTS FOR BUREAU EMPLOYMENT

As a part of the overall policy of affording preference to Aleut inhabitants for employment under the Pribilof Islands fur seal program, special consideration shall be given to developing Aleut employees in order to qualify them for positions of higher level of skill and/or responsibility. The full authority of the Federal Employees' Training Act shall be utilized in meeting this objective. Aleuts shall also be encouraged to apply for adult vocational training and other educational opportunities available to them as Alaska natives through the programs of the Bureau of Indian Affairs.

SECTION 6. TERMINATION OF SPECIAL BENEFITS PREVIOUSLY PROVIDED ALEUT INHABITANTS

The compensation specified in section 1 of this issuance shall be in lieu of the following benefits previously provided to Aleut inhabitants of the Pribilof Islands:

1. Annual sealing bonus.

2. Free housing, clothing, and food issues. (Aleut employees will pay for housing, food, fuel, utilities, clothing, etc., on the same basis as non-Aleut employees on the islands.)

The former practice of partially or wholly subsidizing the cost of housing, food, fuel, and supplies will be discontinued. Rental rates shall be established at fair and equitable levels in accordance with Federal procedures. Food, fuel, and supplies will be priced so that the costs of purchasing, transporting, handling, and distributing will be recovered.

Aleut inhabitants of the Pribilof Islands employed by the Bureau shall be Federal employees in all respects and entitled to the same privileges, benefits, and rights; and subject to the same responsibilities, restrictions, and obligations of Federal employment, as other employees.

Employment by the Bureau will not affect the right of Aleut employees to receive such benefits as medical care, schooling, and other special benefits to which they are entitled by reason of their status as Alaska natives.

Aleut residents of the islands who are not gainfully employed and who do not otherwise have the means of providing themselves with the basic necessities of life will be provided with food, clothing, and shelter on the same basis as other Alaska natives on a showing of individual need.

SECTION 7. AUTHORITY FOR PERSONNEL ADMINISTRATION

The regional director may redelegate to the island managers authority to effect personnel actions for all nonsupervisory wage board positions and for classified positions at grade GS-4 and below, provided that an audit of personnel transactions is made at least annually by a representative of the regional office. Recommendations for personnel actions involving supervisory wage board positions (foreman I, II, III, and IV), and positions above the GS-4 level shall be forwarded through channels to the regional office for review and proceeding in accordance with current procedures for such actions.

SECTION 8. EFFECTIVE DATE

This plan shall be effective on and after July 1, 1962.

SECTION 9. CONVERSION PROCEDURE

All appointments to positions under the previous compensation plan for the resident Aleut workmen of the Pribilof Islands shall be automatically terminated at the time the new plan is put into effect. Those employees whose services will be required on a permanent basis for the efficient and economical operation

of the islands shall be reappointed to an appropriate position established in accordance with the provisions of this plan. Temporary appointments shall be given to those employees whose services will be required on a temporary basis as the need arises in accordance with the terms of this plan. To avoid undue hardship during the conversion and adjustment period, any Aleut resident in a pay status as of the date of the conversion who does not receive a permanent appointment shall be assured of temporary employment throughout the 1962 sealing season.

Recommended :

HAROLD E. CROWTHER,
Acting Director, Bureau of Commercial Fisheries.

MAY 28, 1962.

Approved :

D. OTIS BEASLEY,
Assistant Secretary of the Interior.

JUNE 14, 1962.

APPENDIX B

Income and housing data, supplied by Bureau of Commercial Fisheries :

Table 1.—Estimated personal income of Aleut residents of the Pribilof Islands, calendar years 1950 and 1964.

Table 2.—Estimated distribution of Aleut resident labor force by family status and by income class, calendar years 1950 and 1964.

Table 3.—Estimated gross money income of Aleut residents of the Pribilof Islands, calendar years 1950 and 1964—By income class.

Table 4.—Occupancy status of dwelling units available to Aleut residents of the Pribilof Islands, June 15, 1965.

Background information, income, and housing occupancy reports.

(Tables 1, 2, 3, and 4 follows :)

TABLE 1.—*Estimated personal income of Aleut residents of the Pribilof Islands, calendar years 1950 and 1964*

| Place and employment status | 1950 | | | | 1964 | | | |
|-----------------------------|----------------------------------|----------------------------------|----------------------------------|-------------------------|---------------------|----------------------------------|----------------------------------|-------------------------|
| | Em- ploy- ees ¹ | Wages and sealing bonus | All other income ² | Total | Em- ploy- ees | Wages and sealing bonus | All other income ³ | Total |
| St. Paul: | <i>Number</i> | <i>Thous- sands</i> | <i>Thous- sands</i> | <i>Thous- sands</i> | <i>Number</i> | <i>Thous- sands</i> | <i>Thous- sands</i> | <i>Thous- sands</i> |
| Permanent employees | 89 | \$99.2 | \$67.3 | \$166.5 | 50 | \$392.6 | ----- | \$292.6 |
| Temporary employees | 15 | 2.1 | .5 | 2.6 | 76 | 182.4 | \$55.5 | 237.9 |
| Total..... | 104 | 101.3 | 67.8 | 169.1 | 126 | 575.0 | 55.5 | 630.5 |
| St. George: | | | | | | | | |
| Permanent employees | 55 | 52.5 | 39.5 | 92.0 | 29 | 226.9 | ----- | 226.9 |
| Temporary employees | 7 | 1.7 | ----- | 1.7 | 27 | 71.5 | 15.9 | 87.4 |
| Total..... | 62 | 54.2 | 39.5 | 93.7 | 56 | 298.4 | 15.9 | 314.3 |
| Both villages: | | | | | | | | |
| Permanent employees | 144 | 151.7 | 106.8 | 258.5 | 79 | 619.5 | ----- | 619.5 |
| Temporary employees | 22 | 3.8 | .5 | 4.3 | 103 | 253.9 | 71.4 | 325.3 |
| Total..... | 166 | 155.5 | 107.3 | 262.8 | 182 | 873.4 | 71.4 | 944.8 |

¹ Persons who were at 1 village part of the year and at the other during the remainder have been credited to the village at which earnings were greatest.

² For sake of comparability with 1964, the 1950 estimate includes monetary equivalent of 1964 charges for housing rental, fuel, water, and electricity, all of which were provided free of charge to Aleut residents in 1950.

³ Includes unemployment compensation received by persons whose employment occurred entirely, or almost entirely, during the sealing season—May through September, and all other income receipts.

TABLE 2.—*Estimated distribution of Aleut resident labor force by family status and by income class, calendar years 1950 and 1964*
 [Number of persons]

| Income class ² | Residents of St. Paul ¹ | | | | | | Residents of St. George ¹ | | | | | |
|---------------------------|------------------------------------|------|----------------------------------|---|-------|----|--------------------------------------|------|----------------------------------|---|-------|-----|
| | Head of family or household | | High school and college students | Other person, not student or head of family | Total | | Head of family or household | | High school and college students | Other person, not student or head of family | Total | |
| | 1950 ³ | 1964 | 1950 | 1964 | 1950 | | 1964 | 1950 | 1964 | 1950 | 1964 | |
| | | | | | | | | | | | | |
| Less than \$2,000..... | 7 | 3 | 15 | 18 | 34 | 3 | 21 | 7 | 12 | 22 | 1 | 40 |
| \$2,000 to \$2,999..... | 46 | 3 | --- | --- | --- | 5 | 8 | --- | --- | --- | 1 | 20 |
| \$3,000 to \$3,999..... | 3 | 11 | --- | --- | --- | 17 | 28 | --- | --- | --- | 3 | 4 |
| \$4,000 to \$5,999..... | --- | 11 | --- | --- | --- | 6 | 17 | --- | --- | --- | --- | 2 |
| \$6,000 to \$7,999..... | --- | 24 | --- | --- | --- | 10 | 34 | --- | --- | --- | --- | --- |
| \$8,000 or more..... | --- | 17 | --- | --- | --- | 1 | 18 | --- | --- | --- | --- | --- |
| Total..... | 55 | 66 | 15 | 18 | 34 | 42 | 126 | 7 | 12 | 22 | 13 | 62 |

¹ Persons who were at one village part of the year and at the other during the remainder of the year during the sealing season, May through September, credited to that village at which their earnings were greatest.

² Includes unemployment compensation received by persons whose employment occurred entirely or almost entirely during sealing season. May through September.

³ Includes monetary equivalent of housing, fuel, water, and electricity provided free of charge to Aleut residents in 1950.

TABLE 3.—*Estimated gross money income of Aleut residents of the Pribilof Islands, calendar years 1950 and 1964—By income class*
 [In thousands of dollars]

| Income class ² | Residents of St. Paul ¹ | | | | | | Residents of St. George ¹ | | | | | | | | | |
|---------------------------|------------------------------------|-------|----------------------------------|------|---|-------|--------------------------------------|-------|-----------------------------|------|----------------------------------|------|---|------|-------|------|
| | Head of family or household | | High school and college students | | Other person, not student or head of family | | Total | | Head of family or household | | High school and college students | | Other person, not student or head of family | | Total | |
| | 1950 ³ | 1964 | 1950 | 1964 | 1950 | 1964 | 1950 | 1964 | 1950 ³ | 1964 | 1950 | 1964 | 1950 | 1964 | 1950 | 1964 |
| | | | | | | | | | | | | | | | | |
| Less than \$2,000..... | 10.7 | 7.9 | 2.6 | 17.0 | 34.0 | 2.0 | 19.0 | 47.3 | 18.5 | 1.8 | 15.6 | 20.0 | 1.9 | 40.3 | 17.5 | |
| \$2,000 to \$2,999..... | 112.1 | 7.9 | | | | 12.7 | 20.6 | 112.1 | 47.3 | | | 20.0 | 2.5 | 47.3 | 2.5 | |
| \$3,000 to \$3,999..... | 9.7 | 41.7 | | | | 61.3 | 103.0 | 9.7 | 6.1 | | | | 10.7 | 6.1 | 14.5 | |
| \$4,000 to \$5,999..... | | 60.0 | | | | 30.5 | 80.5 | | | | | | 4.9 | | 36.3 | |
| \$6,000 to \$7,999..... | | 173.4 | | | | 70.0 | 243.4 | | | | | | 42.6 | | 130.8 | |
| \$8,000 or more..... | | 155.3 | | | | 8.7 | 164.0 | | | | | | 8.5 | | 112.7 | |
| Total..... | 132.5 | 428.3 | 2.6 | 17.0 | 34.0 | 185.2 | 630.5 | 169.1 | 71.8 | 1.8 | 15.6 | 20.0 | 71.1 | 93.7 | 314.3 | |

¹ Persons who were at one village part of the year and at the other during the remainder credited to that village at which their earnings were greatest.

² Includes unemployment compensation received by persons whose employment occurred entirely or almost entirely during sealing season—May through September.

³ Includes monetary equivalent of housing, fuel, water, and electricity provided free of charge to Aleut residents in 1950.

TABLE 4.—Occupancy status of dwelling units available to Aleut residents of the Pribilof Islands, June 15, 1965

[Number of dwelling units]

| | St. Paul | St. George | Both villages |
|--|----------|------------|---------------|
| Occupied by— | | | |
| 1 family only..... | 41 | 24 | 65 |
| Family and 1 or more additional persons..... | 11 | 5 | 16 |
| 2 families..... | 10 | 2 | 12 |
| 1 or more persons not of same family..... | 6 | 4 | 10 |
| Vacant units..... | 2 | 1 | 3 |
| Total..... | 70 | 36 | 106 |

¹ Vacant units at St. Paul will be filled by St. George families.

² Of this total 70 are detached houses and none are apartments. ² are substandard converted sheds.

³ Of this total 36 are detached houses and none are apartments although 2 units are combined as duplex.

BACKGROUND INFORMATION

INCOME AND HOUSING OCCUPANCY REPORTS

Sources of data

1. Abstract of Native Earnings, St. Paul Island, Alaska, from April 1, 1950, to March 31, 1951. Abstract of Native Earnings, St. George Island, Alaska, from April 1, 1950, to March 31, 1951.
2. Forms W-2, withholding tax statement, 1964, for earnings of St. Paul Island residents.
3. Individual pay record cards for 1964 earnings of St. George Island residents.
4. Census reports for St. Paul and St. George Islands as of December 31, 1950, and December 31, 1964.

Explanation of terms

1. Permanent employees:

1950: Workers 18 years of age and older. Available records indicate all Pribilof employees except students were given permanent appointments when they were placed under civil service in January 1950.

1964: Persons who were employed full time during calendar year 1964, including those who were separated by reduction in force in December and one temporary employee who had been continuously employed for more than 12 months. Does not include postmaster, canteen manager, or priests who are also employed full time but are not on BCF payroll.

2. Temporary employees:

1950: Only boys 17 years of age or younger.

1964: Adults who worked less than 12 months during the year and students employed during summer vacation.

3. Wages and sealing bonus:

1950: Cash wages paid by Federal Government plus sealing and foxing bonuses.

1964: Actual gross earnings from employment with Bureau of Commercial Fisheries during year. Does not include wages from other sources as information is not available. No bonuses have been paid since 1961.

4. Other income:

1950: Purchase price of food, clothing, and fuel issued without cost to employees, plus monetary equivalent of housing and electricity furnished free. Other free services such as recreation facilities, transportation of supplies, and medical care were excluded as income. Housing value was estimated by applying rental rates established in 1962 to units existing in 1950. Electricity was estimated at \$100 per year per unit. Monetary equivalent of housing and electricity was added to 1950 incomes of only those identified as head of household and was divided equally among householders as records do not identify occupants with specific unit.

1964: Consists only of estimated unemployment compensation receipts. Amount computed by applying Alaska weekly benefit formula (including allowances for dependent children) to individual 1964 earnings of temporary employees. Not included here, or elsewhere, are sizable amounts received by several individuals who operate small businesses at St. Paul. Also excluded is other income from miscellaneous sources such as employ-

ment in the crab industry, retirement annuities, and aid to dependent children.

5. Head of family or household: Husband or other person responsible for support of family group.

6. Student:

1950: Employee under age 18 even though he may not have been in school.

1964: Self-explanatory.

Appendix C: Text of Senator Bartlett's bill (S. 2102, 89th Cong., 1st sess.).

Appendix D: Section-by-section explanation of title II of S. 2102.

Senator BARTLETT. Mr. Foster, do you have any questions?

Mr. FOSTER. If the chairman has no questions, the staff has no questions.

Senator BARTLETT. You got off easy, Willard.

Mr. BOWMAN. That is good policy. Thank you, Senator.

Senator BARTLETT. Thank you.

Now we want to talk a bit, if we may, about education. I believe we have—I hope we have—I expect we have two witnesses.

Is Mr. Gilbertson here?

(No response.)

Is Mr. Widman here?

(No response.)

Mr. EUNEAU. We can send for him, Senator.

Senator BARTLETT. No. They aren't hardy men, I can tell that. I assume that at another place, at another time, we can secure the desired information.

I must say, I will say, I wish they could have stayed. We had intended to call them and had so informed them. I think for the State of Alaska they could have been on hand for a congressional hearing, even if we kept them up 15 or 20 minutes later than they are accustomed to.

Are there any further witnesses? Do you have anything more, Ilidor?

Mr. ILIDOR MERCULIEFF. No, sir.

Senator BARTLETT. I am a bit perplexed as to how to proceed next, because, of course, there will be need for voluminous testimony from the Bureau of Commercial Fisheries. I don't know whether we should take it now or later; I don't know.

Mr. Baker, are you prepared to make a general statement at this time?

Mr. BAKER. I have no prepared statement, Mr. Chairman. But if time permits, I would like to say a few things.

Senator BARTLETT. Come on up.

STATEMENT OF RALPH C. BAKER, ASSISTANT DIRECTOR FOR RESOURCES DEVELOPMENT, BUREAU OF COMMERCIAL FISHERIES, U.S. DEPARTMENT OF THE INTERIOR

Mr. BAKER. Mr. Chairman, my name is Ralph C. Baker. I am Assistant Director for Resource Development, Bureau of Commercial Fisheries, U.S. Department of the Interior.

As yet, the Department has not prepared its formal report on S. 2102, so I have no prepared statement to present; and I am not in a position at all to commit the Department on the technical aspects of the legislation—of the proposed bill.

However, I would like at this time to say a few words about the move of the St. George people to St. Paul. This has been much discussed.

As someone mentioned earlier, the total cost to the Government presently of maintaining the village of St. George as a separate community is about \$250,000 a year. This is because it is necessary, with two communities, of course, to maintain duplicate village facilities—two powerplants, two medical units, two water systems, two of everything.

I think it has been made clear that we look forward, as I am sure you do here on the Pribilof Islands, to the time when you will assume complete responsibility for the maintenance and administration of your own community. It is not the intention of the Department or the Bureau that the Bureau pick up and leave you at a specific time. On the other hand, we are looking forward to a gradual transition in the administration of the Pribilof Islands to the point where you will exercise the same responsibility for your community as do other people in Alaska and elsewhere in our country, whether this be Unalakleet, Sitka, or Seattle, Wash.

It seems to us that it would be most unfortunate and unfair to pass on to you eventually this additional cost of maintaining two communities. It would be unfortunate if a group of 650 people should have to bear the cost eventually of maintaining two powerplants, maintaining two sets of stores, two water systems, two of everything, because obviously if it costs the Government a quarter of a million dollars to maintain two communities rather than one, at some time in the future when you take over responsibility for your own affairs, you would inherit this extra cost also.

Moreover, it seems to us that were there one Pribilof community, you would have one church building, one school system, one medical center, and that these could be made far more satisfactory for a larger group than if this effort has to be divided between two communities.

This is part of the thinking back of our hope that one day the two communities will be fully merged. We recognize, as you have pointed out, some of you, tonight, that you have a strong attachment for your homes on St. George Island, and this is certainly understood. I think we all have a strong attachment for our place of birth, although more and more the people of the United States have become movers, so to speak—they establish new homes, they leave the place of their birth, and they establish new homes. The loyalty and sentimental attachment which they held for their place of birth is transferred to their new place of residence.

I wonder, when Father Lestenkof mentioned the hope of each individual to return to his place of birth on retirement or in old age, whether this actually will continue to be the case. I wonder whether some of the younger people from St. George who are now going to school at Sitka or elsewhere on the mainland, having gone to school outside for a period of years, having perhaps obtained work elsewhere, having learned how the world moves outside of the Pribilofs, I wonder if they will be so anxious to return to their place of birth—except perhaps for visits to renew acquaintances. I suspect that they will develop new attachments and adopt new homes.

These are some of the thoughts in the back of our minds in looking forward to a consolidated Pribilof community. We in the Bureau

have experienced a great deal of difficulty at times in maintaining the St. George community. You will recall 2 or 3 years ago when your annual shipment of supplies was sent up on the vessel *North Star*, how the ship was unable to unload anything at St. George because of weather conditions, and finally discharged all of the cargo for St. George in Unalaska.

When someone has a misfortune on St. George during the winter, a serious accident which requires special medical attention, it has been necessary in the past on several occasions to have the Coast Guard fly out to St. Paul with a helicopter aboard, assemble the helicopter, fly this to St. George, take the injured person aboard, bring him back to St. Paul, dismantle the helicopter, and take the injured individual to the mainland for medical attention.

This, of course, is what the Coast Guard is supposed to do in cases of emergency, and I am sure that is their purpose in life. But to the maximum extent possible, it seems to me that we should look forward to an arrangement where this terrific expense is not so often incurred.

This is another reason I think why we would like to see more of the people from St. George moving to St. Paul: The opportunity for better education, for closer contact with the outside world, for a greater degree of communication with the way of life that most of us in the United States enjoy.

At the same time, all of these considerations aside, I would like to make it clear that the Bureau has never at any time to my knowledge, had a policy of insisting or of forcing individuals from St. George to move. We hope that as time goes on the people of St. George will see the benefits of joining the community of St. Paul. I suppose that there are many, in my case, at St. George, particularly the older people, who will not want to move, regardless of the incentives or the attractions that St. Paul has. And I am sure that no one would insist, in fact, that they move.

I merely want to point these matters out to you so that there may be a better understanding of the Bureau's position in this proposed consolidation of the two communities.

I think I have nothing further to say on this subject now, Mr. Chairman. I appreciate the opportunity to be here.

Senator BARTLETT. Let me ask you a few questions, Mr. Baker, about my bill, if that is agreeable to you.

Mr. BAKER. I will be very happy to do my best to answer the questions, Mr. Chairman, bearing in mind the inability to commit the Department on the technical aspects of the bill.

Senator BARTLETT. We understand that, and we will probe deeper into these and the other subjects I mentioned by and by in Washington, D.C.

Let's turn to page 9 of the bill, section 203, subsection (2), which authorizes the Secretary—

to provide the employees of the Department of the Interior and other Federal agencies and their dependents, and tourists and other persons, at reasonable rates to be determined by the Secretary, with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, education, and nonemergency medical and dental care.

Is this a restatement of existing law, Mr. Baker, do you know?

Mr. BAKER. I think, Mr. Chairman, that this perhaps is a more specific and more comprehensive statement covering many aspects of

the subject. Insofar as tourists go, we have at the present time no specific authorization in the legislation to provide accommodations or services for tourists. This would make it a matter of specific authorization, as I understand the language.

Senator BARTLETT. I think possibly that might be the case. But the whole thrust of the paragraph seems to be aimed at providing special services for Federal employees, and tourists and other persons are sort of thrown in as an afterthought.

What is going to be done for Federal employees here, what is contemplated may be done that isn't done now?

Mr. BAKER. I think that at the present time there is some doubt about the authority of the Department to provide nonemergency medical and dental care to Federal employees on the Pribilof Islands.

Senator BARTLETT. Do Federal employees elsewhere receive non-emergency medical care free of charge?

Mr. BAKER. Not certainly as a general proposition.

Senator BARTLETT. I am just curious. Why should it be so here and not elsewhere? Emergency care would be quite understandable.

Mr. BAKER. I think in part this is considered desirable here because of the isolation of Federal employees serving on the Pribilof Islands.

Senator BARTLETT. Federal employees here?

Mr. BAKER. Federal employees here.

Senator BARTLETT. Do they have the benefits of a health insurance program offered by the Federal Government?

Mr. BAKER. I really can't answer that, Mr. Chairman. It may be that some of our employees who are serving here could answer that.

Senator BARTLETT. Howard?

Mr. EUNEAU. Yes, Mr. Chairman. All of the Federal employees brought in from outside I think subscribe to one of the Federal health plans. The local residents did not subscribe to the Federal health plan.

Senator BARTLETT. Why not?

Mr. EUNEAU. Because of the full coverage by PHS.

Senator BARTLETT. You have full coverage now, without charge?

Mr. EUNEAU. For the local people; yes.

Senator BARTLETT. I mean Federal employees.

Mr. EUNEAU. No, sir; we have no facility ourselves. We would get emergency treatment here as of now. We would have to get into Anchorage, the nearest possible, for injury or illness to ourselves or our dependents.

Senator BARTLETT. The Public Health Service will not treat you now?

Mr. EUNEAU. On an emergency basis.

Senator BARTLETT. Only on an emergency?

Mr. EUNEAU. That is as I understand the policy.

Senator BARTLETT. You say the Federal employees here in town have taken out Federal health insurance?

Mr. EUNEAU. The local residents have not.

Senator BARTLETT. When you say "local residents," you mean the Aleuts?

Mr. EUNEAU. Yes, sir.

Senator BARTLETT. You say Federal employee, they have or have not?

Mr. EUNEAU. I have.

Senator BARTLETT. It would be foolish for them to do so because they get their treatment free?

Mr. EUNEAU. That is right. They had this choice and they don't pay premiums for the insurance.

Senator BARTLETT. Mr. Baker, if this is a device—and I don't mean that in an unkind way—to give the Secretary of the Interior authority that he does not now possess for promotion of tourist travel, I don't know why it seems to be aimed so specifically at benefits for Federal employees.

Mr. BAKER. I believe, Mr. Chairman, it is aimed at virtually all individuals who have occasion to be here on the Pribilof Islands.

Senator BARTLETT. Then it isn't something that is especially designed for promotion of tourist travel?

Mr. BAKER. No; not entirely.

Senator BARTLETT. Let me return to Howard again.

What if you have a toothache that wasn't one of those toothaches that drive you to distraction, just a continuing one, that bothers you, but it is not a great emergency. Can you have that tooth pulled here or would you have to go to Anchorage?

Mr. EUNEAU. It is a very difficult question, Mr. Chairman. Judgment on that would be made as to whether it is an emergency by the Public Health Service.

Senator BARTLETT. The Public Health Service operates the medical facility here and at St. George; is that right?

Mr. BAKER. That's right.

Senator BARTLETT. And there is a medical doctor at St. Paul and a nurse at St. George?

Mr. EUNEAU. That is correct. And a dentist at St. Paul.

Senator BARTLETT. These are Public Health Service personnel?

Mr. EUNEAU. Yes, sir.

Senator BARTLETT. Does the Public Health Service supply these services out of funds appropriated to the Public Health Service, or is Public Health Service reimbursed by the Department of the Interior?

Mr. EUNEAU. They are reimbursed by the Department of the Interior.

Senator BARTLETT. How long has Public Health Service had this obligation?

Mr. EUNEAU. Three or four years, Senator, is the best answer that I have. About 3 or 4 years that the agreement has been in effect.

Mr. BAKER. I would say longer than that. I would judge 10 or 12 years, Howard, although I can't say exactly.

Senator BARTLETT. How was it performed before then?

Mr. BAKER. The Bureau recruited medical personnel directly and employed them directly.

Senator BARTLETT. I would say amen, personally, to that provision, because it seems completely nonsensical to me to have a hospital here and to require a Federal employee to go to Anchorage or wherever at the possible risk of life, because that which didn't seem to be an emergency might turn out to be one before he arrived there.

I understand that the Public Health Service had given consideration to this very problem on a broader scale.

What is the next subsection, subsection (3) of section 203, Mr. Baker, which authorizes the Secretary of the Interior—

to furnish Federal employees and their dependents, and other persons on the Pribilof Islands without charge emergency medical services and supplies, including transportation for such services.

How does that differ from the preceding subsection?

MR. BAKER. This section deals with emergency medical care as distinguished from nonemergency medical care, and provides for transportation away from the islands for such personnel to receive such emergency attention.

Senator BARTLETT. Why do they have to have transportation if emergency care can be furnished here and now by the Public Health Service?

MR. BAKER. I think, Mr. Chairman, that the ability of the local Public Health Service people to handle emergency cases is rather limited, with all of the specialties now utilized in the medical profession. If an individual needs special attention, the only way he can get such attention is to go to the mainland.

This is authorization that is contained for agencies and other departments. I think that the Weather Bureau, for one, has this authorization already.

Senator BARTLETT. Limited to isolated points of service.

MR. BAKER. Yes, sir.

Senator BARTLETT. Thank you for those answers.

As a matter of construction, let me say that on page 10 I shall take pains to see to it that on line 6 reading, "to enter into agreements with said Governor pursuant to" the word "said" is removed and we repeat the words "the Governor of the State of Alaska."

Also on page 10, subsection (b) of section 204, Mr. Baker, having to do with the arrival of an agreement with the State to assume responsibility for education, isn't the State doing that now?

MR. BAKER. Yes, on a reimbursable basis.

Senator BARTLETT. Would it be contemplated under this bill that the State not be reimbursed?

MR. BAKER. I can't speak with certainty on that, Mr. Chairman, but that is my understanding.

Senator BARTLETT. Isn't it a fact that elsewhere where the State has taken over and has provided education for natives theretofore educated by the Bureau of Indian Affairs, the Federal Government has entered into reimbursement arrangements? I won't press you on that, but I wish you would make a note on this and furnish the committee information as to what the Department has in mind relating to that.

MR. BAKER. I will be glad to do that, Mr. Chairman.

(The information requested above follows:)

DEPARTMENT OF THE INTERIOR,
FISH AND WILDLIFE SERVICE,
BUREAU OF COMMERCIAL FISHERIES,
Washington, D.C., November 1, 1965.

Hon. E. L. BARTLETT,
U.S. Senate, Washington, D.C.

DEAR SENATOR BARTLETT: Since receiving a copy of the transcript of the hearing held at St. Paul on S. 2101, I have been looking into the question presented on page 221 regarding reimbursable arrangements for the operation of native schools in Alaska. This matter is also the subject of your letter of October 12.

As you know, for the past several years the State of Alaska has staffed and operated the schools on the Islands of St. George and St. Paul under an agreement with this Bureau which provides for reimbursement of the State's costs from the proceeds of sales of sealskins and other products of the Pribilof Islands.

According to our information, only 21 additional schools for natives are operated by the State with full reimbursement from Federal funds. Reimbursement to the State for these schools is made from funds appropriated annually to the Bureau of Indian Affairs. (See 1963 Annual Report, Bureau of Indian Affairs, p. 41.) We have been informed by representatives of the Bureau of Indian Affairs that in accordance with an "Agreement of Understanding on Educational Policies," dated March 1, 1962, steps are being taken to terminate the reimbursement arrangements for these 21 schools and to transfer the school plants and responsibility for providing funds for their operation to the State of Alaska. After these transfers have been completed the State will be entitled to receive financial assistance under the Johnson-O'Malley Act only on the basis of demonstrated need. The enclosed three copies of a memorandum dated October 28, from Mr. Glenn C. Lundeen, Assistant Chief, Branch of Education, Bureau of Indian Affairs, explains briefly the operation of the so-called Johnson-O'Malley financial assistance program. The memorandum also points out that under the agreement of March 1, 1962, a plan has been developed for the ultimate consolidation of the separate school systems operated by the Bureau and the State of Alaska.

I am also enclosing for your information three copies of a letter dated August 5, 1960, from Mr. B. Alden Lillywhite, associate director for federally affected areas, to the Alaska Department of Education. This letter indicates that section 8 of the Fur Seal Act of 1944 (58 Stat. 102, 16 U.S.C. 631(h)), and section 6(e) of the Alaska Statehood Act operate to preclude financial assistance for the Pribilof schools from the Federal aid program administered by the Department.

The copy of the hearing transcript which was furnished to me for review and correction is returned. You will note that I have made a number of minor editorial corrections in my testimony.

Sincerely yours,

RALPH C. BAKER,
Assistant Director for Resource Development.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE,
August 5, 1960.

Re Fish and Wildlife schools, Pribilof Islands.

Mr. ROBERT P. ISAAC,
*Assistant Commissioner, Administrative Services,
Department of Education, Juneau, Alaska.*

DEAR MR. ISAAC: Commissioner Derthick has asked me to acknowledge and reply to your letter of July 18, 1960, suggesting two alternatives for financing the schools now operated on St. Paul and St. George Islands in the Pribilof Islands group and asking whether these schools would be "Federal" or "non-Federal" if they should be transferred to the State as a part of the Alaska on-base school system. You express a preference for operating these schools as a part of that system if that is permissible.

It is our understanding from a perusal of Public Law 85-508 granting statehood to Alaska, section 6(e), that this law did not affect the right of the Secretary of the Interior to be responsible for and to pay for the education of the children in the Pribilof Islands as a part of the administration of those islands since this responsibility was given to him under section 8 of the act of February 26, 1944 (58 Stat. 102; 16 U.S.C., sec. 631(h)), which act is recognized in Public Law 85-508 are still valid. We were informed that the Secretary of the Interior, pursuant to that act, has had a "memorandum of agreement" with the territorial board of education for Alaska since 1948, whereby the latter determined the curriculum and otherwise supervised the instruction in these schools, and the Secretary of the Interior paid the entire cost of construction and operation through what is now the Bureau of Commercial Fisheries. It is our understanding, also, that this Bureau is willing to continue and revise this agreement with the Alaska State educational agency and will make satisfactory adjustments to meet the current needs for education in these islands.

Education was included as a part of the administration of the Pribilof Islands under the act of February 26, 1944, referred to above; and Public Law 85-508 makes a specific requirement in section 6(e) as to how the Secretary of the

Interior shall provide for the cost of this education. Under its provisions, after all costs to the United States of carrying out the provisions of the act of February 26, 1944, and all expenses incurred in the administration of the Pribilof Islands including education, have been deducted from the receipts from the sale of sealskins or sea otter skins by the Bureau of Commercial Fisheries, 70 percent of the net proceeds derived during any fiscal year shall be paid to the State of Alaska.

We have not attempted to determine whether the Department of the Interior could legally transfer authority for the operation of these schools to the State of Alaska. In conversation with us a member of that Department expressed the opinion that these two laws might require the Secretary of the Interior to keep his responsibility for the education of the children in the Pribilof Islands and to pay for the full cost of it according to the formula specified in Public Law 85-508. This is supported by the fact that the arrangement for this education in the Pribilof Islands is of long standing and the fact that the passage of the Alaska Statehood Act (Public Law 85-508) did not repeal the authority of the Secretary of the Interior in this respect but rather strengthened it by making it more specific. In the light of these facts we can find little justification for changing to Public Laws 815 and 874. We understand, also, that the school building on St. George is an almost new masonry structure and that the one on St. Paul Island is a frame building in good structural condition but needing paint on the outside.

Sincerely yours,

B. ALDEN LILLYWHITE,
Associate Director for Federally Affected Areas.

DEPARTMENT OF THE INTERIOR,
BUREAU OF INDIAN AFFAIRS,
Washington, D.C., October 28, 1965.

Memorandum to: Commissioner of Fish and Wildlife Service, Bureau of Commercial Fisheries (Attention: Mr. Rollins).

From: Glenn C. Lundeen, Assistant Chief, Branch of Education.

Subject: Educational program in Alaska.

Although the legal responsibility for the education of all children equally regardless of race, color, or creed rests within the respective States, the Federal Government also recognizes its responsibility for assisting States in this effort under justifiable circumstances.

The Johnson-O'Malley Act of April 16, 1934 (48 Stat. 596), as amended by the act of June 4, 1936 (49 Stat. 1548), provides (among other benefits) the legal authority for financial assistance to the States in implementing their responsibility of public school education for Indians. (This is interpreted to also include Eskimos and Aleuts).

Aid under the Johnson-O'Malley Act is administered on the basis of need. Most of the funds made available to the respective States under this act are based on separate plans negotiated for the express purpose of necessary supplemental assistance for educating eligible Indian children in public schools after all other Federal, State, and local sources of revenues have been exhausted. As examples, in the States of Washington and Idaho, Johnson-O'Malley funds are made available to those States to be allocated to eligible school districts in amounts needed to operate after Public Law 874 entitlement, and State and local aid and taxation efforts have been exhausted. A large segment of Indian students throughout the States get no Johnson-O'Malley assistance because there is no justifiable financial need remaining after the sources of revenues, including sale of forest timber and taxation have been applied.

For the Bureau of Indian Affairs to assume primary financial responsibility for schools on the Pribilofs that are operated as public schools of the State of Alaska would, we believe, be unjustifiable and certainly inconsistent because of the revenue realized from the sealing industry that should be used to support the local education program. In fact there is a progressive transitional plan to transfer Bureau of Indian Affairs operated schools to the State of Alaska or its burroughs.

This procedure is pursuant to the March 1, 1962, "Agreement of Understanding on Educational Policies" developed in Washington, D.C., at a meeting attended by officials of the State of Alaska, the Bureau of Indian Affairs, and the U.S.

Office of Education. Following this conference a State plan was agreed upon to serve as a working document for the ultimate consolidation of the school systems (Bureau of Indian Affairs and State) operating in Alaska. This long-range, gradual consolidation is being implemented on the basis of mutual readiness of the State or local school district to assume responsibility for educating the native children.

It is interesting to note that the latest student statistics readily available in this office showed 6,748 native students (Indian, Eskimo, and Aleut) in State-supported schools that receive no Federal support from Johnson-O'Malley Act funds. This number constitute approximately one-half of the total native children enrolled in the State of Alaska.

In this connection we wish to reiterate that the potential of revenue from the sealing industry should substantially support the education program for native children on the Pribilof Islands, and thus obviate any need for help from the Bureau of Indian Affairs.

GLENN C. LUNDEEN,
Assistant Chief, Branch of Education.

Senator BARTLETT. Mr. Foster wants to dwell on the educational feature a bit more.

Mr. FOSTER. Another question in that connection, if I may, Mr. Chairman. As I read that subsection, the Secretary, if this became law, would have no authority to enter into an agreement under which the State would assume the educational responsibilities here on the island unless the State government was willing at the same time to assume the obligations provided in the subsection; namely, that the State meet the educational needs of the natives in the same manner as the State meets the educational needs of all its citizens, including the furnishing of necessary facilities therefore, which I would interpret to mean not only taking upon itself the obligation of paying the teachers but providing for school facilities.

I gather this means if there is going to be a schoolhouse paying for that, or the upkeep or anything new in terms of the schoolhouse itself also.

Would that be your understanding?

Mr. BAKER. Yes; that is the way I would interpret this section, bearing in mind that there are available in the Federal Government sources funds for school construction and for providing the school facilities in certain areas, which would be available to the States if it had full authority for providing education in the Pribilof Islands.

In other words, if a new school was needed at St. Paul, there would be a means by which the State could obtain financial assistance.

Senator BARTLETT. Are you very positive about that?

Mr. BAKER. Quite positive, sir.

Senator BARTLETT. Where would it come from?

Mr. BAKER. I am not sure that this is the U.S. Office of Education, but there are Federal funds for construction of schools that are available in certain circumstances.

Senator BARTLETT. They are Federal impact funds. Whether they would be ruled to apply here, we would have to learn later. We took a quick tour through the schoolhouse today, and I have a suspicion that before long there is going to be need for a new building. It seemed to me it was a little bit old and almost decrepit. I think we are going to have to have a real look into that subsection.

As Mr. Foster pointed out, it seems to go a little bit far, if we interpret it correctly. We will look into that later.

Mr. BAKER. May I add one further word on that, Mr. Chairman? At one time since the State has taken over responsibility under a reimbursement agreement with the Department for providing or administering the education program here, the State, I believe, did approach the U.S. Office of Education with regard to obtaining funds for a new school. The reply by the U.S. Office of Education was that under the 1944 legislation the responsibility for education is vested in the Secretary of the Interior, and in those circumstances the agency was not able to provide financial assistance to the State for that purpose.

Senator BARTLETT. It might be that the Department of the Interior, before any agreement was entered into, would want to build a fine new school here, and then after it had been constructed the agreement could be signed.

Mr. BAKER. Mr. Chairman, that would be a charge against the total operating costs of the Pribilof Islands, and under the Alaska Statehood Act the State would in effect be required to indirectly pay 70 percent of the cost under such an arrangement.

Senator BARTLETT. I am fairly sure, Mr. Baker, that into this very subsection we can write language which would obviate that catastrophe.

Mr. BAKER. I merely point this out as a matter of my understanding of the way the mechanics of financing would work.

Senator BARTLETT. We will switch those mechanics around a little bit.

Let's go now to page 11, subsection (d), section 204, which says:

Any part of the authority of the Secretary under section 203(a) (1) of this title which is covered by any agreement entered into pursuant to this section shall terminate 6 months after the effective date of any such agreement.

What does that mean?

Mr. BAKER. As I understand it, Mr. Chairman, that section would provide a cutoff point wherein the authority of the Secretary exercised to transfer any prior responsibility of the Department to another agency would automatically terminate in 6 months. In other words, 6 months following the agreement to transfer responsibility of the Department to the State, the Federal responsibility would terminate.

I think there might be a reasonable question as to the desirability of this particular language.

Senator BARTLETT. Mr. Foster points out that the reference to the subsections of the section don't comport with what this subsection (d) proposes to do. We will have to work that over a bit.

Mr. FOSTER. Mr. Chairman, I would like to point out—the question, Mr. Baker, is this: The subsection to which we refer is “Any part of the authority of the Secretary under section 203(a) (1) of this title.” As I read back, on page 8 it doesn't deal with the question of transferring anything. It deals rather with the authority that the Secretary has—to provide, with or without reimbursement, the natives of the Pribilof Islands with such facilities, services, and equipment as he deems necessary, including, but not limited to, food, fuel, shelter, transportation, education, and nonemergency medical and dental care.

Mr. BAKER. I agree there appears to be some discrepancy in the reference there.

Senator BARTLETT. Something happened on the way to enactment.

Now, on section 206(a), page 11: “The Secretary is authorized to set apart so much of the land on St. Paul Island as he determines necessary to establish a townsite.”

I could ask you to comment, but I will say that perhaps, and just perhaps—I don't want to make a definite statement—this gives him too much discretionary authority. We want to look into that to make sure that the area set aside isn't too limited, and then also we will want to pursue in that section the possible need to the proposed municipality, or to individuals, for other tracts of land elsewhere, as long as adequate protection is supplied to the seal rookeries.

And I am not going to ask you about suggested amendments 1, 2 or 3, because I know that you will have them under constant consideration and evaluation, pending the time when we resume hearings on this bill, not on the shore of the Bering Sea, but by the banks of the Potomac River.

I am a little puzzled by section 207 on page 14. Maybe "puzzled" isn't the right word. It says:

Any person who violates or fails to comply with any regulation issued by the Secretary of the Interior under this title relating to the use and management of the Pribilof Islands or to the conservation and protection of the fur seals or wildlife or other natural resources located thereon shall be fined not more than \$500 or be imprisoned not more than 6 months, or both.

It says "Any regulation issued by the Secretary of the Interior." I will ask Mr. Foster this question, because he is an attorney.

Is that a more sweeping grant of authority than is generally conveyed, or is it typical?

Mr. FOSTER. Mr. Chairman, I think that the penalty provisions normally are drafted very carefully and very specifically and this in my opinion is an extremely broad criminal provision which by its own terms would apply to any violation of any regulation which in my opinion is exceedingly broad in scope for any criminal penalty.

Senator BARTLETT. You would suggest that we ought to tighten this a bit?

Mr. FOSTER. Yes, sir.

Senator BARTLETT. Let me ask you a further question, Mr. Baker, and/or Mr. Foster, in this connection.

Under the existing language in that section 207, what if a fellow went down to a seal rookery and killed 100 pups. Would this be the maximum penalty that could be inflicted upon him?

Mr. BAKER. If I might comment, though I am prepared to defer to Mr. Foster's legal background here, it seems to me that a \$500 fine and 6 months would be a pretty stiff penalty for killing 100 pups. Perhaps it would be more than adequate under that circumstance.

Senator BARTLETT. I would differ from your statement. I think it would be completely inadequate. I would make it stiffer than that.

Mr. Foster has comment or an answer.

Mr. FOSTER. I will attempt to.

Mr. Chairman, I believe that a violation of the type that you suggested there would come under title III, which deals with the enforcement of the entire act regarding conservation of the resources, not only the administration of the island but the conservation of the resources under titles I and III.

Section 302 provides that the enforcement of the provision of this act was the responsibility of the Secretary of the Interior and the Secretary of the Treasury, and the Coast Guard. I think a violation of the conservation regulations of the type you have in mind there would

fall under titles I and III, and under that the penalty provides, provided in section 304, which provides that any violation of that type shall be fined not more than \$2,000 or imprisonment of not more than 1 year or both, and the violation you referred to would probably be a violation of the Secretary's rules issued under section 303, which is rules to carry out the provisions of the act, or some other provision that he has granting general responsibility for the conservation of the region.

Senator BARTLETT. Referring to your judgment, that would almost of necessity have to be carried over to section 207?

Mr. FOSTER. Yes, sir.

Senator BARTLETT. Thank you, Mr. Foster.

Page 18, and we are rapidly approaching the end of this 19-page document, section 308(a) undertakes to repeal the act of February 26, 1944.

What are we repealing; the Fur Seal Act of that year?

Mr. BAKER. Yes, sir.

Senator BARTLETT. And replacing it with appropriate language in this bill?

Mr. BAKER. With appropriate language, except with respect to sea otters. This leaves the matter of protecting sea otters in limbo, I think, as the language now stands.

Senator BARTLETT. I believe you are right.

Are there any sea otters here?

Mr. BAKER. Not in this immediate vicinity, I think.

Senator BARTLETT. Then we will wrestle with that problem elsewhere, if that is all right.

Finally, or almost so, in subsection (b), section 308, in what manner are we seeking to alter or amend the Alaska Statehood Act?

Mr. BAKER. Mr. Chairman, you caught me a little short at this point.

Senator BARTLETT. We can inquire about that later. There is no reason why you should be especially familiar with that. You more appropriately ought to ask me, as I was more concerned with the Alaska Statehood Act than you. We will find out by-and-by, Mr. Baker. That is perfectly all right.

Thank you very much.

Are there any further witnesses? If not, we are almost ready to recess the hearings. Before doing so, I want to express my thanks to all of you for turning out and bearing with us over this extended period of time. I will frankly say that at no time have I been a participant in a congressional hearing—and I have been a participant in many congressional hearings—where I have found so many people in one room for so long, no matter whether the hearing was in Washington, D.C., or any other place.

It is a tribute to you, in my judgment, and demonstrates your compelling interest in the subject matter. You should be interested, of course, but people who should be not always are in the form of physical presence when their future is at stake, and I think this is a very great credit to all of you.

For all of us who made this journey, even if 2 days belatedly to the Pribilofs, for Mr. Bowman, for Mr. Foster, for Mr. Baker, who was good enough to come with us from Washington—yes, and for Mr. Monick, the reporter, who is a kind of an oldtime Alaskan, who has

been here on money hearings and even comes back sometimes on his own on hunting ventures—and for myself, I want to say that this has been for us a very, very constructive meeting.

We have been glad to listen to all of you who have testified. We feel we have learned much from you. For one, I will say that if we had merely held hearings back in Washington on this, and acted on this bill, without coming to you in a democratic manner, we would have lost something. We would have lost something that is very valuable.

In all this, for the record I want to express my appreciation and that of Chairman Warren G. Magnuson for having authorized this trip and having permitted us to come out here.

You know there are so many bills in Congress, so many very thousands of bills introduced in each Congress, that not very many times are field trips taken so that the people most concerned and most affected may be heard. This is one of the comparatively rare instances where that has been done. We are glad, we are happy as a committee, as Americans, that here this has been the case, that we have come out and that we have had the opportunity to listen to you and to learn from you.

I feel this particularly as not only a U.S. Senator, but a U.S. Senator from Alaska.

As I said, the record will be kept open for 1 month from this date. If you submit by written communication additional statements, direct them to Mr. Foster. They will be received and will be placed in the printed record.

This session of the special subcommittee of the U.S. Committee on Commerce will be recessed until the call of the chairman in Washington, D.C.

Good night.

(Whereupon, at 10:12 p.m., the subcommittee was recessed, subject to the call of the Chair.)

FUR SEALS—PRIBILOF ISLANDS

FRIDAY, FEBRUARY 18, 1966

U.S. SENATE,
COMMITTEE ON COMMERCE,
Washington, D.C.

The committee met at 10 a.m. in room 5110, New Senate Office Building, Hon. E. L. Bartlett presiding.

Senator BARTLETT. The committee will be in order.

The purpose of the hearing this morning is to continue receiving testimony on S. 2102, a bill to protect and conserve the North Pacific fur seals and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

I introduced this bill on June 8, 1965. Hearings were held by the subcommittee on September 9, on St. Paul Island, Pribilof Islands.

I regret that these hearings cannot be commenced in the same manner it was possible to do on St. Paul Island when Father Lestenkof, of the Russian Orthodox Church, was able to open the committee meetings with a prayer.

At the hearings on St. Paul the committee received testimony from the president of the St. Paul Council, Mr. Iliodor Merculieff and several other members of the St. Paul community. In addition, the committee heard from Mrs. Susie Merculief, of the St. George Council. Brief statements were also made by Mr. Willard L. Bowman, the executive director of the State Commission for Human Rights, State of Alaska; and Mr. Ralph C. Baker, Assistant Director for Resource Development, Bureau of Commercial Fisheries, Department of the Interior.

It is my hope that testimony on this legislation can be completed this morning. We are to hear today from witnesses for the Bureau of Commercial Fisheries, the State of Alaska, and representatives of the St. Paul Community Council.

The acting chairman is glad to observe that the testimony is being recorded by Mr. Monick, who did likewise on St. Paul Island on that glorious day last September.

The first witness today will be Mr. McKernan, Director of the Bureau of Commercial Fisheries.

STATEMENT OF DONALD L. MCKERNAN, DIRECTOR, BUREAU OF COMMERCIAL FISHERIES, FISH AND WILDLIFE SERVICE, DEPARTMENT OF THE INTERIOR; ACCOMPANIED BY DAVID FINNEGAN, SOLICITOR GENERAL'S OFFICE; JAMES STORER, STAFF ECONOMIST; AND RALPH BAKER, ASSISTANT DIRECTOR FOR RESOURCE DEVELOPMENT, DEPARTMENT OF THE INTERIOR, WASHINGTON, D.C.

Mr. MCKERNAN. Mr. Chairman, with your permission I should like to bring Mr. Finnegan of the Department of Interior Solicitor's Office to the table with me, and Dr. James Storer, Bureau staff economist, and Mr. Ralph Baker, Assistant Director for Resource Development, who testified in Alaska. I ask them to come forward to assist in answering specific questions that you may have in mind.

Senator BARTLETT. Very well.

Mr. MCKERNAN. Mr. Chairman and members of the committee, I appreciate the opportunity to appear before this committee today to testify in support of S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes.

We believe that this proposal is the next logical legislative step in a long history of national concern for the North Pacific fur seal resource and for the welfare of the Aleut inhabitants of the Pribilof Islands.

The Pribilof Islands, situated in the Bering Sea approximately 300 miles off the Alaska coast, are a special Government reservation set aside in 1869 for the protection and management of the Alaska fur seal herd.

Under the provisions of the Fur Seal Act of 1944, as amended (16 U.S.C. 631a, et seq.), the Secretary of the Interior, through the Bureau of Commercial Fisheries, administers these islands to conserve and manage the fur seal herd which annually migrates to the islands for breeding purposes. The Secretary also provides for the welfare of approximately 650 Aleut natives who permanently reside on the islands of St. Paul and St. George.

For the most part, these natives are descendants of Aleuts transported by the Russians from the Aleutian chain to provide a labor force to exploit the fur seal herd during the period of Russian ownership in Alaska.

S. 2102 is designed to give legal effect to the terms of the Interim Convention on Conservation of North Pacific Fur Seals signed on February 9, 1957, as amended by a protocol dated October 8, 1963.

Under the provisions of this convention and earlier conventions of a similar nature, the fur seal resources of the North Pacific have prospered.

The Pribilof Islands herd under United States jurisdiction has increased from about 120,000 animals in 1911 to approximately one and a half million animals at the present time. Smaller herds of the same species under the jurisdiction of the Soviet Union have doubled in size since 1957, reaching a current total of some 250,000 animals.

In return for abstaining from the commercial utilization of North Pacific fur seals on the high seas, the Governments of Canada and

Japan each share to the extent of 15 percent of the annual harvest of sealskins taken by the United States and by the Soviet Union on their respective fur seal rookeries. In 1965 the total sealskin harvest on the Pribilof Islands was 51,874, and the total harvest on the Soviet rookeries was about 18,000.

In addition, S. 2102 continues in effect many provisions of the existing law relating to the protection of fur seals and provides important new provisions consistent with the convention and protocol.

It authorizes Federal enforcement officers to board and search certain vessels of the party governments when there is evidence that a violation of the provisions of article III of the convention has occurred.

The bill provides that the Secretary of the Interior shall pay each year to the North Pacific Fur Seal Commission any proceeds from sales of sealskins taken illegally or that are forfeited to the United States.

Through these and other new provisions discussed in detail in the Department's report, S. 2102 would implement the provisions of the Fur Seal Convention of 1957 as amended.

Perhaps the most important provisions of S. 2102 are those embodied in title II which would provide essential new authority to the Department for assisting some 650 resident Aleuts of the Pribilof Islands in exercising their rights and responsibilities as citizens of the United States.

Under the provisions of section 8 of the Fur Seal Act of 1944 (16 U.S.C. 631h), and similar statutory provisions dating back to 1870, the Secretary has exercised broad authority to provide for the welfare of the Pribilof Aleuts in every respect, including "their comfort, maintenance, education, and protection."

As recently as 1949, the resident Aleuts were considered to be virtual wards of the Government. Prior to that time the resident Aleuts received relatively little cash compensation, on a piece rate basis, for harvesting sealskins. In addition they were furnished allowances in kind to meet most of their requirements, primarily on the basis of individual needs.

During the past 16 years progress has been made in placing the resident Aleuts on the same basis as other citizens and other Federal employees. They are now compensated on a wage rate basis comparable to that in other Alaskan communities.

They are charged reasonable rates for housing, household supplies, and community services provided by the Government.

A locally elected community council manages certain affairs of the community, including the implementation of local ordinances, such as those governing the use of liquor and the operation of privately owned motor vehicles.

The St. Paul Island Community Council operates a cooperative canteen-store facility, and members of the Aleut community serve as deputy magistrate, postmaster, and local law enforcement officers. A small number of home-operated restaurants and theater enterprises also have developed.

In the interests of encouraging the development of the Aleut community still further, and significantly reducing Federal expenditures for the fur seal industry operation, the Department presently has plans

for three gradual changes in its program for administration of the islands.

These involve the transfer to the Aleut community on St. Paul of greater responsibility for the administration and management of the village coupled with increased opportunities for development of new economic activity within the expanded community; the consolidation of the St. George Island community with that on St. Paul Island on a voluntary basis—as housing and other facilities on St. Paul increase; and transition from year-round to seasonal fur seal industry operations by the Bureau of Commercial Fisheries.

An important aspect of these changes involves the conveyance from the Government to the Aleut residents of title to real and personal property on St. Paul Island. This is provided for in section 206 of S. 2102 with certain amendments as proposed in the Department's report.

With these and other amendments proposed by the Department to S. 2102, it is our view that the development of the social, economic, and political life of the resident Aleuts can parallel that of other citizens of the United States who voluntarily choose to live within the confines of a Government reservation.

Finally, as pointed out in the Department's report, enactment of S. 2102 in its present form would remove the protection that presently is afforded to sea otters under the Fur Seal Act of 1944. Thus, the welfare of otters on the high seas—both the Alaskan and California populations—would be left in limbo.

It is our view that this would be unfortunate. While most of these marine mammals remain within the 3-mile limit where they are subject to State regulation, some do occur regularly outside that limit.

Our amendments to the bill would retain certain protective provisions of the 1944 act relating to sea otters on the high seas, thus complementing conservation regulations provided by the States of Alaska and California for otters within their territorial waters.

One such amendment continues a provision in the Alaska Statehood Act for payment to Alaska of 70 percent of net proceeds from the sale of sea otter skins taken off Alaska that are forfeited to the United States.

In addition, the amendment provides for the same such payment from sales of otter skins taken on the Aleutian Islands National Wildlife Refuge for scientific or management purposes.

This would be an exception to a general provision in existing law. The Refuge Revenue-sharing Act, as amended (16 U.S.C. 715s), provides for the payment of only 25 percent of net receipts from products of similar, reserved public lands in the national wildlife refuge system.

With the amendments proposed in the Department's report on S. 2102, we believe that enactment of this bill will assure the protection of the fur seal and sea otter resources of the North Pacific and serve to promote the economy of the Pribilof Islands and the welfare of the Aleut residents.

It would enable the Secretary to convey title to family dwellings as well as other village facilities to the resident Aleut inhabitants in a manner that is compatible with the purposes for which this area is managed by the Department, and at the same time develop the maximum degree of self-reliance and self-sufficiency among the inhabitants.

We are prepared to go through the bill and explain each section, with our amendments, if the committee wishes, or to answer questions, whatever you might wish, Mr. Chairman.

Senator BARTLETT. Has this report been cleared by the Bureau of the Budget?

Mr. MCKERNAN. Yes, with the provisions indicated at the end of the report, Mr. Chairman, which reads as follows:

The Budget Bureau believes that the provisions of section 206 of the bill should be enacted only after the economic viability of the native population has been adequately demonstrated. In addition, the Budget Bureau has also indicated its concurrence with the suggestions contained in the reports being transmitted to the committee by the Department of State and the Civil Service Commission.

Senator BARTLETT. What report?

Mr. MCKERNAN. You have before you my statement and also the letter dated February 17, 1966, signed by Assistant Secretary of the Interior Stanley Cain, which is the departmental report on the bill. You asked me about the report and I assumed you meant the latter statement.

Senator BARTLETT. Before I interrupted you you were saying—

Mr. MCKERNAN. The report has been approved by the Bureau of the Budget. That is, the report to Senator Magnuson from Assistant Secretary Cain, in its present form, has been approved by the Bureau of the Budget.

Senator BARTLETT. Let's go through your amendments one by one.

Mr. MCKERNAN. All right.

Senator BARTLETT. You will start on what page?

Mr. MCKERNAN. Of the bill do you mean?

Senator BARTLETT. No; what page of the formal report? The amendments are all listed there.

Mr. MCKERNAN. Mr. Chairman, if you have no objection, it might be better to do this with the bill.

Senator BARTLETT. All right, whatever you choose.

Mr. MCKERNAN. The title contains the first change. We suggest that the title be reworded as follows:

To protect and conserve the North Pacific fur seals, to provide for the administration of the Pribilof Islands, to conserve the fur seals and other wildlife on the Pribilof Islands, and to protect sea otters on the high seas.

Senator BARTLETT. Let's talk about that for a minute. The committee is going to find some difficulty in agreeing to that suggested amendment because sea otters constitute an entirely different subject. They have nothing to do with the fur seals at all. You don't have any sea otters in the Pribilofs, do you?

Mr. MCKERNAN. No, we do not.

Senator BARTLETT. This is unrelated. We know that the State of Alaska has very serious objections to the proposal made by the Department of the Interior relative to sea otters.

Whether those objections are well founded or not I am not only not prepared to say but I don't know. I see no specially useful purpose, or any useful purpose at all, to be served in trying to amend a bill upon which there is general agreement and moving into an area that is going to provoke such controversy that it might possibly stop action on this bill.

I am going to express a personal preference, speaking as one Senator. I would be perfectly willing to consider a bill relating to sea otters but I would like to do it as a separate vehicle.

Mr. McKERNAN. Mr. Chairman, I understand your concern about this. It is a little more difficult to understand Alaska's objections.

The 1944 Fur Seal Act includes language which provides for the protection of sea otters by prohibiting pelagic sea otter hunting.

The present bill takes away that protection in the opinion of our lawyers, leaving no protection for sea otters on the high seas. The bill and our report do not suggest that we interfere in any way whatsoever with Alaska's jurisdiction within territorial waters. Sea otters do occur on occasion beyond the 3-mile limit, and in certain areas scientists of the Bureau of Sport Fisheries and Wildlife have reported them in about 30 fathoms of water, which is well beyond the 3-mile limit in several areas along the Alaska Peninsula and in the Aleutian Islands. Without the protection afforded sea otters by our proposed amendment these animals could be harvested by American citizens, not residents of Alaska, and unless they came within territorial waters of Alaska they would be beyond the jurisdiction of the State.

Furthermore, we are aware that there are Soviet and Japanese fishermen not only fishing but also whaling in this area. In fact they are there in considerable numbers. It is our view that while our proposed amendments would not prevent them from taking sea otters beyond the territorial limits, it certainly would give the Government of the United States a basis for objecting to them taking them if it were in fact illegal for Americans to take them.

But if there is no protection which makes it illegal for U.S. citizens to take sea otters beyond the 3-mile limit, it seems to me that our Government would not be in a very good position to object if foreign vessels harvested them.

Senator BARTLETT. Let me ask you two questions in connection with what you just said. Is it illegal for American fishermen to take salmon on the high seas?

Mr. McKERNAN. Yes; and that is a Federal law, of course.

Senator BARTLETT. The Japanese take salmon on the high seas.

Mr. McKERNAN. Yes.

Senator BARTLETT. We objected.

Mr. McKERNAN. Yes.

Senator BARTLETT. Can they refrain from taking them?

Mr. McKERNAN. They have in the eastern north Pacific, of course. They have refrained from taking salmon east of 175° W. longitude, as the Senator well knows.

Senator BARTLETT. Yes; they do, so far as we are aware, except occasionally they come across the line, when we first discover them there. But they don't refrain because of our law barring American citizens from doing this. They refrain because of the treaty arrangements; is that right?

Mr. McKERNAN. That is perfectly true. I don't wish to make a big point of this, Mr. Chairman. But I think the chairman will agree that if we do prohibit our own citizens from taking sea otters beyond the territorial limits, we would have a much better basis for a complaint to any foreign government whose nationals took sea otters. Without this protection it seems to me that we would

not have as good a reason for objecting, although I think this perhaps is a matter of judgment.

But the other point that I make is that American citizens, for example, halibut fishermen who do not stop in Alaskan ports, also fish in these waters. It would be legal for them to harvest sea otters on the high seas if some provision were not provided by Federal law.

Essentially what we are trying to do is to protect sea otters through Federal legislation consistent with Alaskan law. To fail to do that in some form or another in this bill would leave this whole question open and allow the harvest of sea otters beyond the territorial sea.

Senator BARTLETT. You want to protect sea otters?

Mr. McKERNAN. I want to protect sea otters.

Senator BARTLETT. I want to protect sea otters. No one wants to see sea otters taken until there are enough to permit this being done. My only point—and parenthetically I will say that you make out a case—is that you know and I know, for reasons that they will have to explain later, the officials of the State of Alaska have made in the past objections—maybe their opinions have been altered—to incorporate one with the other.

The Secretary of Alaska, Mr. Hugh Wade, will follow you as a witness. I don't know whether he would be prepared to declare on this point or not. We will ask him. And then, after he has spoken, maybe you could come back to the stand.

As far as I am concerned, if this will give you any assurance, I am willing to introduce a bill on this separate subject today in the Senate and call for prompt hearings. I don't want to leave an area of doubt here. But I don't want to endanger this bill, either.

Let's go on to the next amendment.

Mr. McKERNAN. Mr. Chairman, if it would help at all, I can state unequivocally that the Secretary of the Interior has no intention of interfering with the Alaska regulation of the sea otter, its conservation or management in Alaskan waters. In fact, the Secretary of the Interior simply wishes to in a sense supplement the current Alaskan regulations and make them effective wherever sea otters are found.

The only other point I want to mention is that Alaska is not the only State that is involved. Sea otters do occur beyond the 3-mile limit off California occasionally. Here again the Government wishes to insure the conservation of these animals wherever they are found beyond the territorial limits of States. If it were possible for the States to regulate these areas, we would not be making such a suggestion. We do not believe there is any effective way to insure the conservation of these resources without this provision.

Senator BARTLETT. One final question, for the time being on this. You gave assurance to the committee, the State of Alaska, that there would be no intention on the part of the Secretary to interfere with State management within the 3-mile limit. Under the terms of the amendment you suggested, could he interfere?

Mr. McKERNAN. No; he could not.

Senator BARTLETT. Let's go on to the next amendment.

Mr. McKERNAN. Mr. Chairman, many of these are detailed and technical. With your permission, perhaps Mr. Finnegan can facilitate this discussion.

Senator BARTLETT. Very well.

Mr. FINNEGAN. The next amendment is in section 102(b) of the bill, on page 3 of the bill, the sentence with the Department's amendment now reads—

The authority contained in this section shall not apply to Indians, Aleuts, and Eskimos who are employed by any person engaged in the taking of fur seals, or under contract to deliver the skins to any person.

This change makes the provisions identical to the present act, and also to the convention.

The next amendments are technical. In section 104 the word "convention" is capitalized. A minor change.

On page 4, line 10, after the words "deposit into" insert the words, in section 104, "the Pribilof Islands' fund." This is to identify the fund.

Again a technical amendment.

In section 105(a), page 5, the sentence is changed beginning on line 1:

Such person shall carry a special certificate of identification issued by the Secretary of the Interior or the Secretary of the Treasury, which shall be in English, Japanese, and Russian, and which shall be exhibited to the master of the vessel upon request.

That is in lieu of the words "Secretary of State," and is designed to meet some objections of the Department of State.

Again in section 105(b), on page 5, line 12, after the word "delivery" add, "or cause to deliver." This change is to indicate that the Department of the Interior would do this, not State.

On the same page, line 16, after the word "State" we insert a comma and the words "through the Secretary of the Interior or the Secretary of the Treasury,".

We strike the last sentence in that subsection on page 5 because it is unnecessary and is not really consistent with the convention.

Senator BARTLETT. What do you mean?

Mr. FINNEGAN. The sentence reads "Fur seals or parts thereof discovered on seized vessels shall be subject to confiscation on the decision of the court or other authorities of the party under whose jurisdiction the trail of the offense takes place."

This would be a normal procedure anyway. You couldn't forfeit fur seals unless you went through a court procedure. The bill doesn't provide for automatic forfeiture.

Senator BARTLETT. Mr. Foster?

Mr. FOSTER. Mr. Chairman, if I may, one question: I think that that sentence might be interpreted to be giving to the court that authority to confiscate.

Mr. FINNEGAN. You mean jurisdiction?

Mr. FOSTER. Whether the court has jurisdiction is another question. Once it has jurisdiction, it has certain powers. One might be or might not be the power to confiscate.

The question is, Are we taking away from the court the power to confiscate the fur seals by the deletion of that sentence. The court does not, just by being a court, of course, have power to confiscate.

Mr. FINNEGAN. Let us look into it a little more on that one point.

Again on page 5, line 22, strike the word "State" and insert the words "the Interior or the Secretary of the Treasury." Again technical.

Changes again in section 107, again the word "convention" is capitalized.

In section 109, page 7 of the bill, line 9, strike the last clause beginning "and any other amendment, treaty, convention, or agreement hereafter entered into by the United States for the protection of fur seals." The reason for this, is that we feel that the Congress ought to have an opportunity to review by implementing legislation such treaties. It shouldn't come into automatic effect.

Let me skip to page 11.

On page 11, section 205 of the bill, we change section 205 of the bill to include an amendment which would provide that—

The Surgeon General of the Public Health Service shall provide medical and dental care to the natives of the Pribilof Islands. With or without reimbursement, as provided by other law. He is authorized to provide such care to Federal employees and their dependents and tourists, and other persons in the Pribilof Islands at reasonable rates to be determined by him, and for such purpose he may purchase, lease, construct, operate, and maintain such facilities, supplies, and equipment as he deems necessary. Nothing in this Act shall be construed as superceding or limiting the authority and responsibility of the Surgeon General of the Public Health Service under the Act of August 5, 1954 (42 U.S.C. 2001 et seq.), as amended, or any other law with respect to medical and dental care of natives or other persons in the Pribilof Islands.

This is an amendment which was suggested by the Department of Health, Education, and Welfare, by which they would continue to provide medical and dental care. This could be with or without reimbursement as far as the natives are concerned.

Senator BARTLETT. A splendid amendment. It will be accepted, of course, without question.

Mr. FINNEGAN. To conform the rest of the bill with that amendment, section 203(a) (1), page 9, line 2, put a period after the word "education" and strike the last five words, and put the word "and" after the word "transportation" in line 1.

Similarly on line 9, the same amendment, the "and" before the word "education" and strike the last six words.

Subsection (3) is deleted. This is to conform it, paragraph (3) of the same section. That is 203(a).

Paragraphs (4) and (5) are renumbered as paragraphs (3) and (4).

On page 10 of the bill, strike the words "including the costs thereof" in section 204(a) line 5. We also strike the words "medical and dental care" on line 8. I will explain these changes in a moment.

Sections 204(c) and 204(d) are also deleted from the bill. The reason for this is that this section authorizes the Department to enter into agreements with the State of Alaska where the State would assume the function of providing educational services and other type services to the natives of the Pribilof Islands. Instead of including a requirement that they pay for the these educational services, the bill would now provide that this cost would come out of the Pribilof Islands fund, the fur seals receipts.

Senator BARTLETT. Wait a minute. Let's study this a little more closely. Let's read the language as it is now constituted and then read it as you propose to amend it.

Mr. FINNEGAN. Section 204(a) provides:

The Secretary is authorized to enter into an agreement with the Governor of the State of Alaska pursuant to which the State shall assume full responsibility for furnishing education to the natives of the Pribilof Islands, including the

costs thereof. The Secretary is also authorized to enter into agreements with said Governor pursuant to which the State shall furnish to such natives adequate food, shelter, transportation, medical, and dental care, and such other facilities, services, and equipment as the Secretary deems necessary.

In that subsection we strike the words "including the costs thereof" and "medical and dental care," and put a period after the words "Pribilof Islands".

Subsection (b) which remains the same reads:

(b) Any agreement entered into pursuant to this section for the transfer to the State of the responsibility for furnishing education to the natives of the Pribilof Islands shall provide, in addition to such terms and conditions as the Secretary deems desirable, that the State of Alaska, in assuming such responsibility, shall meet the educational needs of the said natives in the same manner as the State meets the educational needs of all of its citizens, including the furnishing of necessary facilities therefor.

Subsection (c) as presently constituted reads:

(c) The Secretary is authorized to transfer to the State of Alaska, without reimbursement, the title to or use of such real and personal property located on the Pribilof Islands as he determines may be necessary to enable the State to assume the responsibility for carrying out any agreement entered into pursuant to this section, by lease, conveyance, exchange, or cooperative agreement upon such terms and conditions as he deems desirable.

We strike that subsection.

Senator BARTLETT. Why?

Mr. FINNEGAN. To make it consistent with the above subsection. We are not providing that the State would assume the costs of furnishing educational services. There would be no need for transferring the facilities that we might now have upon the islands.

Senator BARTLETT. Where is the money coming from for education?

Mr. FINNEGAN. From the Pribilof Islands fund, the way the bill is constituted now.

Mr. MCKERNAN. If I may comment briefly. The Department is attempting, by means of these amendments, to defray the costs essentially as they are now. That is, there would be no transfer of costs of medical aid or educational aid to other State or Federal funds. Those costs would still be defrayed from the receipts from sales of the Pribilof Islands fur seal harvest.

Senator BARTLETT. Let's take this year, a very pertinent year to take. How would the educational costs be met?

Mr. MCKERNAN. They would be met from the income, from the gross income from the sale of the fur sealskins.

Senator BARTLETT. What has that gross income been?

Mr. MCKERNAN. We have had one sale this fiscal year, Mr. Chairman, and the income thus far has been somewhat lower than normal, but adequate to take care of these expenses.

Senator BARTLETT. When was that sale made?

Mr. MCKERNAN. I beg your pardon?

Senator BARTLETT. When was that sale made?

Mr. MCKERNAN. In October.

Senator BARTLETT. What was the sale last made before that?

Mr. MCKERNAN. April of 1965.

Senator BARTLETT. How much money came in then from the sale?

Mr. MCKERNAN. The net receipts in fiscal 1965, Mr. Chairman, including both sales, in fact, were \$2.5 million. Incidentally, I now have

before me the figures for October 1965, for which receipts were \$1,007,000.

Senator BARTLETT. Why do you want to switch the language?

Mr. MCKERNAN. The Department feels that the costs of education and health, and other services to the natives, should still be paid from receipts from sales of sealskins.

Senator BARTLETT. Why does the Department so feel?

Mr. MCKERNAN. Essentially, Mr. Chairman, the Department and the administration believe that to do otherwise would increase the Federal costs.

Senator BARTLETT. Why?

Mr. MCKERNAN. Because of certain Federal aid funds provided to the State through other legislation. If the costs of education and health were to be assumed by these particular programs, then, of course, there would be additional funds remaining as net proceeds, and these funds would be allocated 70 percent to the State of Alaska and 30 percent to the Federal Government.

Senator BARTLETT. You are speaking for the Department administration, I understand. You are not speaking as an individual.

Mr. MCKERNAN. I do not mean to hide this in any way, Mr. Chairman.

Senator BARTLETT. No, I know. There is no effort to hide it. I sensed from the beginning of the reading of this amendment that there was something behind this. And I discover that there is.

Mr. MCKERNAN. These amendments are designed to assign the costs essentially as they are at the present time, to the receipts from sales of sealskins.

Senator BARTLETT. Let's go to the next one.

Mr. FINNEGAN. Now, subsection (d) of that section reads as follows:

(d) Any part of the authority of the Secretary under section 203(a) (1) of this title which is covered by any agreement entered into pursuant to this section shall terminate 6 months after the effective date of any such agreement.

The agreement itself can provide for such termination. We don't need to put it in to the statute.

The next change is in 206(a). I have already read section 205. On line 22 the sentence beginning:

The Secretary shall survey the townsite into lots, blocks, streets, and alleys, and issue a patent therefor to a trustee appointed by the Secretary.

That is deleted and we substitute therefor:

The Secretary shall survey the townsite into lots, blocks, streets, and alleys and he may issue a patent therefor to a trustee appointed by him, when he is satisfied that a viable self-governing community which is capable, financially, and otherwise, to provide adequate municipal services to persons inhabiting these islands is established or will be established prior to the conveyance by the trustee of title to any property to the natives of the Pribilof Islands.

Senator BARTLETT. Is that language duplicated anywhere else in the land laws insofar as you know?

Mr. FINNEGAN. No, sir, it is not.

Senator BARTLETT. Why is it sought to be inserted here, then?

Mr. MCKERNAN. Mr. Chairman, the Department feels, in fairness to the inhabitants of the Pribilof Islands that it would be unwise to make this transfer, including certain costs to the individuals until there is reasonable assurance that the community and individuals making up

the community can handle their financial problems, problems of operating the community.

Senator BARTLETT. Of course, in September, on St. Paul Island, the president of the village council, Mr. Merculieff, made a suggestion to the committee intended to make the community viable from the moment of its inception. We will go into that later.

Mr. MCKERNAN. Even so, Mr. Chairman, I think that you would agree that some study by competent economists of this problem would certainly be a safeguard for the inhabitants and would insure that a viable community was formed, rather than a community which had little opportunity and which in fact would put undue burdens and hardships on the inhabitants.

Senator BARTLETT. I would agree with that.

I would also add, after having heard these witnesses on the island, that they are mighty well equipped to take care of themselves, too, from this point on.

Mr. MCKERNAN. I would agree, Mr. Chairman. I am confident, though I am not an economist, that such a study would vindicate our belief in the people and their ability to take care of the community in a very viable fashion.

Mr. FINNEGAN. Section 206 (a), continuing through to page 12, we would change the last sentence beginning:

Any lot or tract conveyed by the trustee to said natives shall not, except as provided in the Act of March 29, 1956 (70 Stat. 62; 25 U.S.C. 483a), be subject to levy and sale in satisfaction of the debts, contracts or liabilities of the purchaser or to any claims of adverse possession or to claims of prescription, except that such lot or tract shall be subject to taxation and to levy and sale in satisfaction thereof under the laws of the State of Alaska.

The first part of the change is to enable the native owner to mortgage his property if need be. The way the language had been set up before it would be very difficult, if not impossible, to mortgage because most lending institutions would not give him a mortgage since they could not enforce it.

The second change is to enable the municipality to raise revenue through taxation, if necessary, on the native inhabitants under State law.

The next change is in section 206(c). The new language will read as follows: "The net proceeds from the sale * * *" that is the sale of any lands or tracts of lands conveyed to the inhabitants, the native inhabitants.

The net proceeds from the sale, pursuant to this section, of improved or unimproved lots or tracts shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to persons inhabiting the islands.

Senator BARTLETT. We applaud that. This was suggested by Mr. Merculieff at the St. Paul hearings, and I think it is a splendid amendment.

Mr. FINNEGAN. Subsection (d), page 13, section 206, is also amended on line 14 by striking the words "at the time of" and inserting the words "five years after." The reason for this is that the trustee can sell or convey lands to the individuals for a period of time. There should be a cutoff time. We pick 5 years. At that point in time any lands still remaining unsold will go to the municipality, the incorporated municipality.

Subsection (e), page 13, is amended to read as follows:

(e) The trustee shall convey to the municipality at the time of incorporation all surveyed streets and alleys of the townsite. All deeds issued by the trustee shall contain a reservation to the trustee of rights-of-way for streets and alleys to be surveyed and established upon and across land conveyed to the natives of the Pribilof Islands whenever he determines that it would be in the interest of the native owner to establish such streets and alleys. Such reservation shall be for a term not to exceed ten years.

Again we reserve the right to establish additional streets and alleys in addition to the ones that are first surveyed at the time of setting up the townsite. We want to put a reservation in the deed.

The way the bill had been drafted before, it would imply that the Government had a right to do this without any consent upon the owner of the land. We put it in the deed, that he had consented at the time he enters into the conveyance.

Senator BARTLETT. That is good.

Mr. FINNEGAN. There is a new section 206 which reads: "The provisions of this section shall not affect any valid existing rights." Anybody has any rights on the island they should be protected this is a disclaimer.

Section 208 of the bill is deleted and this definition is carried later in the bill.

Senator BARTLETT. The Pribilof people may object to that because they had expressed at this hearing that the words "but not limited to" should be added because of the possible emergence of a new island which should join this group.

Mr. FINNEGAN. We would add this to a new subsection d, renumbered section 406.

Senator BARTLETT. So if a new island appears, it will be in the Pribilofs?

Mr. FINNEGAN. What was that?

Senator BARTLETT. They said if a new island appears in the sea, they want to be sure it is included.

Mr. FINNEGAN. The term "Pribilof Islands" as used in this title includes, but is not limited to, the islands of St. Paul and St. George, Walrus, and Otter Islands, and Sea Lion Rock.

Senator BARTLETT. But you will "not include the words not limited to." We will have to take under consideration.

Mr. FINNEGAN. Section 209 is renumbered as section 208. Purely technical.

We insert now a new title III, which would be the title relating to the protection of sea otters. Shall I read it?

Senator BARTLETT. No, don't bother.

Mr. FINNEGAN. Title IV is the renumbering of the sections 301 to the end of the bill, 308, as 401 through 408.

The first amendment in section 401(a), line 10, after the words "fur seals" we strike the comma and insert the words "or sea otters." That is purely technical to conform to the rest of the title III.

On page 16, section 402(a), the sentence beginning on line 2 reads:

In addition, the Secretary of the Interior may designate officers and employees of the States of the United States to enforce the provisions of this Act which relate to persons or vessels subject to the jurisdiction of the United States.

I must confess at the moment I am at a loss as to the reason for this amendment. It is a technical one, and I believe it was wanted by the Treasury Department. I can't remember now what it was.

Senator BARTLETT. The Treasury Department may not have anything to do with this any longer, if what we hear by way of rumor in the papers is true concerning the Coast Guard.

Mr. FINNEGAN. On page 17, line 7, section 402(e), after the word "vessel" we would put in "subject to the jurisdiction of the United States." Obviously in this act we can only enforce against vessels that are subject to the jurisdiction of the United States—persons subject to the jurisdiction of the United States.

Section 402(f), line 14, page 17, after the words "fur seals" we would include "or sea otters."

At the end of that subsection (f), page 17, we insert another sentence which reads:

Any sea otters so seized or forfeited to the United States pursuant to this Act shall be disposed of in accordance with the provisions of section 302 of this Act.

Senator BARTLETT. You wouldn't propose to give them to the State of Alaska then?

Mr. FINNEGAN. Section 302 I don't believe provides for that.

Senator BARTLETT. I thought not.

Mr. FINNEGAN. I might say, though, that section 302 provides for the sale of the sea otters, and the proceeds of that sale would be put into the Pribilof Islands fund.

Senator BARTLETT. Of which 70 percent net proceeds go to the State of Alaska.

Mr. FINNEGAN. That's right, sir.

Senator BARTLETT. When and if there are any net proceeds.

Mr. FINNEGAN. The next amendment is on page 18, and section 307 renumbered as 407 is amended to read as follows:

There is established a Pribilof Island fund and there is authorized to be appropriated such sums as may be necessary from the fund and from other funds in the Treasury to carry out the provisions of this act and the provisions of section 6(e) of the Alaska Statehood Act which provides for the payment to the State of Alaska of certain specified proceeds deposited into said funds.

Senator BARTLETT. What is this all about?

Mr. FINNEGAN. This is purely technical, an accounting problem of getting a provision in the law that permits us to use appropriated funds and the proceeds from the gross sales of the fur seals for administration.

Senator BARTLETT. There is a substantial difference, is there not, from existing language?

Mr. FINNEGAN. No. I think it is consistent with existing language.

Senator BARTLETT. Existing language says, as I read it, "There are authorized to be appropriated such sums as may be necessary."

Mr. FINNEGAN. When I said that I meant the existing language of the present Fur Seal Act. I don't mean this bill.

Senator BARTLETT. But your amendment would give another opportunity to load charges upon the Pribilof fund, would it not?

Mr. McKERNAN. No, Mr. Chairman, that is not the purpose. The Congress has seen fit to use some of the receipts from sales of sealskins that have gone into the Federal Treasury for purposes other than administration of the Pribilof Islands. This would allow us, when the

Pribilof receipts were insufficient to carry out the purposes and designs in these acts to use appropriated funds. We could come to Congress to request appropriated funds for those purposes.

For example, right at the present time we do not have any accumulation in the Treasury because funds are being used for other purposes. But this amendment will allow us to come to Congress and to get appropriated funds for use if the Pribilof fund itself runs short. That is the purpose of this.

Senator BARTLETT. I understand.

Mr. FINNEGAN. The last amendment on page 19 after the word "sealskins," line 1, and we would put in the words "or sea otter skins."

Senator BARTLETT. That is the last one?

Mr. FINNEGAN. Yes, sir.

Senator BARTLETT. Mr. McKernan, this is a sort of aside. What is the status of the investigation being made by the Senate Government Operations Committee of the entire Pribilof Islands fur seal operation?

Mr. McKERNAN. I can't tell you, Mr. Chairman. There was a hearing by this committee in September 1965. We were informed at that time that there would be later hearings. I do not know the present status of that hearing.

Senator BARTLETT. What is that hearing all about? I wasn't able to be there. I read about it in the newspapers.

Mr. McKERNAN. This subcommittee was questioning the contracting arrangements for the processing of fur seals by various fur companies. They were questioning the Federal Government's interest in encouraging some other fur processing companies in the United States to develop the skill necessary to successfully compete for the processing contract.

Senator BARTLETT. Are you able, you or your associates, to give the committee at this time, year-by-year since statehood, the amounts of money which have been transferred to the State of Alaska from the 70-percent net proceed arrangement in the Statehood Act?

Mr. McKERNAN. Yes, Mr. Chairman. Would you like to have me read that?

Senator BARTLETT. Please.

Mr. McKERNAN. In 1959, the net proceeds were \$1.2 million. Alaska's share was \$0.8 million.

Senator BARTLETT. \$800,000?

Mr. McKERNAN. Yes. If the chairman will permit, I will round these off.

Senator BARTLETT. Yes.

Mr. McKERNAN. In 1960 the net proceeds were \$1.5 million, and the Alaska share was \$1.1 million.

In 1961 the net proceeds were \$800,000, and Alaska's share was \$500,000.

In 1962 the net proceeds were \$1 million, and Alaska's share was \$700,000.

In 1963 the net proceeds were \$800,000, and Alaska's share was \$600,000.

In 1964 the net proceeds were \$1,400,000, and Alaska's share was \$1 million.

In 1965 we lost money, and Alaska's share was zero.

Senator BARTLETT. What is the projection for the year to come?

Mr. McKERNAN. The projection for the year to come is \$200,000.

Senator BARTLETT. Net proceeds?

Mr. McKERNAN. No. Payment to Alaska.

Senator BARTLETT. What happened in that year when there were no receipts? Did the fur market go to pieces?

Mr. McKERNAN. No, the fur market held up. The cause of this was the cancellation of the contract with the Fouke Fur Co. in 1962—effective December 31, 1962. Subsequently an invitation was issued for proposals for the processing contract, extensive tests were conducted on sample sealskins submitted to the Department by various processors, and negotiations were conducted with several firms. Fouke Fur Co. was left with a fewer than normal number of skins to process and to sell.

In the interim, the sealskins have accumulated, Mr. Chairman, and it is anticipated that we will have more normal sales starting this spring and we expect pretty much normal sales from now on.

But essentially the amount in 1965 was reduced because of fewer numbers of fur seals being sold in the April 1965 sale and reduced prices at the October 1964 sale. Too, there have been some increases in cost brought about by the fact that prior to 1962 we were able to transport a good many of our goods to the island, especially oil, via Navy transport. We have been obliged since then to obtain a larger vessel of our own and to operate it ourselves in order to get materials to the islands. This has increased our costs to some extent. But the major problem was that we did not sell as many skins.

Senator BARTLETT. Thank you. We won't inquire into this further, mainly for lack of time.

In testifying at St. Paul, Mr. Mercurieff ask the committee to amend the bill to provide for a payment by the State to the community of 15 percent, an amount equivalent to 15 percent of the net proceeds, or \$50,00 a year. Of course, since his recommendation related rather specifically to the request that this come from the State, I assume that Secretary Wade will be prepared to give the State's position on this. In the meantime, do you have any views?

Before you answer that I will say that Mr. Mercurieff made the point that the community had to have some money if they are to be, as you say, a viable community. And this was the way he proposed to secure it.

Mr. McKERNAN. Mr. Chairman, as you know, I have great respect for Mr. Mercurieff and the village community council. I believe that they are a very potent and positive force on the islands. I can certainly see his point.

The Department did not consider this because it was not part of the bill.

It is true that the community needs to find operating funds either through increased individual incomes, for example, through off-island employment during the winter, or by some means. This is obviously one means of doing so.

I would wonder whether or not we could bind the State to pay \$50,000. I presume whether or not this amount were provided directly to the community would depend upon how the language of the bill were written.

In the meantime I think it is a rather ingenious idea, but it is one that State officials essentially should answer.

Senator BARTLETT. Yes; we will hear from Mr. Wade on that.

Susie Merculief testified on behalf of the people from St. George, who came over to St. Paul the day we were there. She made the complaint, as Mr. Baker will recall, that the Bureau is anxious to get the people to move from one island to the other—from St. George to St. Paul. And that they had even gone to the extreme of destroying habitable residences when the people have vacated them, perhaps with the intention of doing so only temporarily. Is this true?

Mr. MCKERNAN. Part of it is true. But part of it I believe needs additional explanation.

It is true that the Department believes that the natives of the Pribilofs could form a viable community easier and quicker and with more certainty if that community were located on St. Paul Island, rather than attempting to form two communities, one on St. Paul and one on St. George.

We believe the natives on St. George have many handicaps and we have not been able to come up with any ideas of how to overcome these handicaps.

There are no good moorages for vessels transporting goods to St. George due to the exposed waters at that location. The health programs are very difficult to administer. The educational problems are most difficult. We believe in the long run a healthy, economically sound community could be formed on St. Paul. We doubt very much—in fact we don't think this could be done on St. George. Therefore we have encouraged these people, without forcing them—I want to stress that, Mr. Chairman—without forcing anyone, to move where we felt that there were much greater, economic, social, and cultural opportunities, were better.

When families have moved to St. Paul, we have moved people out of the worst houses on St. George into better houses. Rather than attempt to spend funds to keep up these poor residences, we have torn them down as one does elsewhere. We believe it is unwise to spend large sums of money in repairs and upkeep of sometimes very old and substandard housing facilities.

Senator BARTLETT. Her point was in two cases, I recall: the houses were substandard, they weren't decrepit with age, they were very suitable homes, and nonetheless they were torn down. I won't go into that any further except to say that the committee would be very pleased to have the assurance of the Bureau for the record that houses that are habitable, that are in good shape, won't be torn down.

Mr. MCKERNAN. I will be glad to give that consideration, Mr. Chairman.

Senator BARTLETT. I had asked Mr. Baker a series of questions, and I guess I won't have to pursue that question because one of your amendments states the Department's position.

What are the penalties in the bill now for violation of the regulations that the Secretary promulgates?

Mr. MCKERNAN. I beg your pardon? I didn't hear that last question.

Senator BARTLETT. I guess I need not ask it. It is here in the bill. We don't need to go into that.

Mr. MCKERNAN. Mr. Chairman, I am reminded by Mr. Finnegan that the Department has prepared a brief section-by-section analysis

of the bill. I wonder if that might help the committee in its deliberations. Would you like to have that inserted in the record?

Senator BARTLETT. I surely would. We appreciate that.
(Section-by-section analysis follows:)

BRIEF SECTION-BY-SECTION ANALYSIS OF S. 2102 WITH THE AMENDMENTS OF
THE DEPARTMENT OF THE INTERIOR

TITLE I—FUR SEALS

Section 101

It contains in effect the longstanding prohibition against the taking of fur seals except as authorized by this act or by the Secretary of the Interior. It is similar to section 2 of the 1944 act. It provides an additional feature, not present in the 1944 act, which makes it unlawful for a person subject to the jurisdiction of the United States to refuse to permit officials of Canada, Japan, or the U.S.S.R. to board and search on the high seas any fishing vessel subject to the jurisdiction of the United States to determine whether the vessel is engaged in unlawful sealing. This new feature is in furtherance of article VI of the convention which provides for joint enforcement of the prohibition against pelagic sealing.

Section 102

Section 102 permits the Indians, Aleuts, and Eskimos to continue to take fur seals at sea. The section continues to limit the privilege of pelagic sealing to natives who "are not in the employment of other persons or under contract to deliver the skins to any person."

Section 103

This section directs the Secretary to permit otherwise prohibited activities related to the fur seal resources as contemplated by the convention for educational, scientific, or exhibition purposes. In addition, he is directed to conduct investigations and research on this resource to carry out the obligations of the United States under the 1957 convention. The Secretary now has broad research and investigation authority under the present Fish and Wildlife Act of 1956 to carry out the fish and wildlife programs of this Department, including the fur seal program.

Section 104

Subsection (a) of this section directs the Secretary to take fur seals on the Pribilof Islands and on other U.S. land for convention purposes and to manage the herd, to cure the fur seal skins so taken, to hire natives of the Pribilof Islands, and, in his discretion, other persons to take and cure fur seal skins, to deliver to the parties to the convention the fur seal skins to which they are entitled, to use fur-seal skins for product development and market promotion, to provide for the disposal or destruction of fur seal skins that have no value or use as luxury furs, to provide for the processing of fur seal skins, to provide for the sale of fur seal skins and the products of fur seals not used or disposed of under this title, and to deposit into the Treasury the proceeds of the sales. Seventy percent of the proceeds, after deducting costs to the United States of administering the program, are now paid to Alaska pursuant to the Alaska Statehood Act. This arrangement is continued by S. 2102.

This subsection also directs the Secretary to pay annually to the North Pacific Fur Seal Commission any proceeds from sales of fur seal skins taken contrary to this act or regulations or that are forfeited to the United States.

Subsection (b) authorizes the Secretary to enter into contracts or other agreements to carry out the provisions of this act, except for the purpose of taking fur seals. Such contracts could be by negotiation.

Section 105

This section authorizes Federal enforcement officers to board and search some types of vessels of any of the parties to the convention. The officers must carry a certificate of identification and, after boarding and searching the vessel, the officers may seize the vessel or arrest any person on board, or both. This section is designed primarily to implement article VI of the 1957 convention which provides for joint enforcement by the party governments of the prohibition against pelagic sealing. Section 13 of the 1944 act has a similar purpose.

Section 106

This section provides for the appointment of a U.S. Commissioner and Deputy Commissioner to the Commission.

Section 107

This section authorizes the Secretary of State, with the concurrence of the Department of the Interior, to accept or reject recommendations of the Commission.

Section 108

This section provides for consultation with other Federal agencies.

Section 109

This section defines the various terms used in the bill.

TITLE II—ADMINISTRATION OF THE PRIBILOF ISLANDS

Section 201

This section provides that the islands will continue to be a special Federal reservation primarily for the conservation of the natural resources thereon.

Section 202

This section authorizes the Secretary of the Interior, in administering the islands, to enter into agreements or leases with, and to issue permits to, various public and private groups or persons for the use of federally owned property for various purposes, including tourist accommodations. Similar authority is now found in the 1944 act.

Section 203

The authority of subsection (a) is not new. It is found in more general terms in the 1944 act.

This subsection authorizes the Department of the Interior to provide certain needed services to the natives and to Federal employees. The Secretary will establish charges for services to Federal employees. Similar services to the natives of the islands may be free.

Subsection (b) provides for the crediting of receipts from such services. This authority is new, but other agencies now have similar authority, such as the National Park Service.

Section 204

This section, with the Department's amendments, authorizes the Secretary of the Interior to enter into agreements with the State pursuant to which the State will assume the entire function of educating the natives of the Pribilof Islands. Similarly, the State could assume other responsibilities in relation to the natives, such as the furnishing of food and shelter. In the case of education, the bill specifically provides that the State shall meet the educational needs of the natives in the same manner as the State is required to meet the educational needs of its other citizens.

For the past several years, the State of Alaska has staffed and operated the schools on the islands of St. George and St. Paul under an agreement with the Bureau of Commercial Fisheries which calls for reimbursement of the State's costs from the proceeds of sales of sealskins and other products of the Pribilof Islands. There is some indication that the State may wish to assume direct responsibility for operating the schools on the islands. This function, however, will continue to be financed from the Pribilof Islands fund.

Section 205

This section with the Department's amendment provides that the Surgeon General of the Public Health Service will provide all medical and dental care in the islands. Such care may be free for the natives. The administration of that program will continue to be financed by the Pribilof Islands fund.

Section 206

Subsection (a) with the Department's amendments authorizes Interior to set apart some land only on St. Paul Island to establish a townsite. The Secretary must then survey the townsite and issue a patent to a trustee appointed by him. The patent cannot, however, be issued to the trustee until such time as the Secretary is satisfied, based on studies etc., that a viable self-governing community is established or is about to be established which will provide the

normal municipal services to those people. The trustee can then convey title to the individual natives of the Pribilof Islands of the improved or unimproved lots or tracts within the townsite, if this community is actually in existence. These lots can be used for any purpose not inconsistent with the purpose for which these islands are reserved.

The deed to the conveyed land will contain whatever conditions the Secretary deems necessary to carry out the conservation needs of the islands. It will also provide that the conveyed land cannot be alienated except upon approval of the Secretary. The lands will, however, be subject to taxation and to levy and sale in satisfaction thereof.

Upon the death of the native owner, his estate will be probated by the Secretary of the Interior pursuant to sections 1 and 2 of the act of June 25, 1910 (36 Stat. 855), as amended (25 U.S.C. 372 and 373).

In addition, this subsection provides that the conveyed land "shall not be subject to levy and sale in satisfaction of the debts, contracts, or liabilities of the purchaser." An exception is made to allow the purchaser to obtain financing for home or business loan purposes.

The 1956 act permits Indian owners of any land which is either held in trust by the United States, or is subject to a restriction against alienation imposed by the United States to execute a mortgage or deed of trust to the land upon approval of the Secretary of the Interior. Thus, the land would be subject to foreclosure or sale pursuant to the mortgage or deed of trust under State law.

Subsection (b) authorizes the Secretary to determine the amount to be paid for the lands taking into consideration certain specific factors, such as the economic status of the natives and the restrictive nature of the title to be conveyed.

Section 206 (c) provides that the net proceeds collected from the sale of these lands shall be made available to the established local governing body to be used with other proceeds available to such body for the purpose of providing adequate municipal services to persons inhabiting the islands. The proceeds, along with other available funds, such as tax revenues, should be available to that community to enable them to provide needed services.

Subsection (d) with our suggested amendments directs the trustee, upon approval of the Secretary, to convey to the incorporated municipality any property within the townsite which is unsold 5 years after incorporation and not needed for Federal purposes. The conveyance will be subject to such conditions as the Secretary deems necessary. The municipality may use or dispose of this property, subject to whatever conditions the Secretary may impose, in carrying out its responsibilities.

Subsection (e) directs the trustee to convey to the incorporated municipality all surveyed streets and alleys of the townsite. The trustee may also survey and convey additional streets and alleys on land purchased by the natives when it is in the interest of the native owner of the land as determined by the Secretary. The deed issued to the purchaser will reserve to the incorporated municipality the property covered by the extended streets and alleys.

Subsection (f) will protect whatever rights the natives or other persons may have in the property to be conveyed.

Section 207

Section 207 establishes penalties for violating regulations of the Secretary.

Section 208

Section 208 provides additional retirement credits to certain native inhabitants of the islands who, as determined by the Secretary, were engaged in sealing activities prior to January 1, 1950. The provision stems from a ruling by the Civil Service Commission in April of 1951 on retirement benefits for these people.

In 1951, the Commission advised this Department that the resident Aleuts of the Pribilof Islands performing services for the Government "will be considered as Government employees for retirement purposes only from January 1, 1950. Prior thereto the relationship of employer and employee did not exist, they being virtual wards of the Government, and any compensation received was on a fee basis. Such period will not be credited in determining retirement benefits."

Under this administrative ruling the older Aleuts now of retirement age do not have creditable service for retirement before 1950.

This section of the bill changes the administrative ruling of the Commission.

TITLE III—SEA OTTER PROTECTION

Section 301

This section prohibits persons under the jurisdiction of the United States from taking, etc., sea otters on the high seas beyond U.S. territorial waters.

Section 302

This section authorizes the Secretary to sell or dispose of sea otter skins and their products that are forfeited to the United States, or seized by, the United States. This authority also extends to sea otters taken directly by the Secretary on the high seas or within the Aleutian Islands National Wildlife Refuge for conservation, scientific, or management purposes. All proceeds go to the Pribilof Islands fund.

TITLE IV—GENERAL

The provisions of this title relate to the enforcement of the act.

Section 401

Section 401 (a) is similar to section 11 of the 1944 act insofar as it provides for a mandatory forfeiture of fur seals or sea otters, or parts thereof, which have been taken contrary to the act.

A new feature not found in the 1944 act is contained in section 401 (b). This section would make existing provisions of law governing the remission or mitigation of vessel forfeitures apply to vessels seized under this act. The language employed in the section is identical to that found in section 2(c) of Public Law 88-308.

Section 402

The provisions of section 402 are similar to those contained in section 10 of the 1944 act. They authorize searches and arrests, the issuance and execution of warrants, the seizure of offending vessels, and the seizure and disposition of fur seals or sea otters taken or retained in violation of the act or regulations issued thereunder.

Section 403

Section 403 authorizes the Secretary to issue regulations to carry out the provisions of the act.

Section 404

Section 404 prescribes a maximum fine of \$2,000 or imprisonment for a maximum of 1 year, or both, for violations of title I or title III.

Section 405

Section 405 authorizes the Secretary to enter into contracts for research with any person or public or private agency to carry out the provisions of S. 2102. This provision will enable the Department to exercise the authority contained in the act of September 6, 1958 (72 Stat. 1793, 42 U.S.C. 1891-1893) to make grants for the support of basic scientific research for this program.

Section 406

Section 406 defines certain terms.

Section 407

This section authorizes the appropriation of moneys in the Pribilof Islands fund, as well as general appropriations, to carry out the provisions of this amended bill, including those relating to the administration of the Pribilof Islands. Under section 5 of the 1944 act as amended by the act of September 27, 1950 (64 Stat. 1071), the proceeds of the sale of fur sealskins, sea otter skins and other products of the wildlife resources of the Pribilof Islands are deposited in the Treasury. Annual appropriations for the purposes of the 1944 act and for the development of the fur seal and other wildlife resources of the islands are authorized to be made but limited to an amount not exceeding the total proceeds of sales covered into the Treasury during the preceding fiscal year. Section 407, with the Department's amendment, removes this limitation and also authorizes appropriations from other funds in the Treasury, in addition to the Pribilof Islands fund.

Section 408

Section 408 is technical. It makes no substantive change in section 6(e) of the Alaska Statehood Act.

Senator BARTLETT. Now one final question.

Let's look at section 308, page 18 of the bill, which seeks to alter the last three sentences of section 6(e) of the Alaska Statehood Act. Mr. Finnegan, have you examined that?

Mr. FINNEGAN. Yes, sir.

Senator BARTLETT. What is the meaning of the language in the bill, if you have it?

Mr. FINNEGAN. The language, the present language in the bill provides for payment to the State of Alaska of 70 percent of the net proceeds as determined by the the Secretary of the Interior, deriving from the sale of sealskins or sea otter skins as we have amended it, made in accordance with this Fur Seal Act of 1965. I previously had said in accordance with the Fur Seal Act of 1944. The amendment here is to change this to conform it to this bill.

Senator BARTLETT. This is technical only?

Mr. FINNEGAN. That is right.

Senator BARTLETT. I have no further questions. Mr. Foster?

Mr. FOSTER. Yes, Mr. Chairman, just one or two, if I may.

The committee did receive certain suggested amendments to the legislation, and I would like to bring these forward for comment.

One amendment related to the interest that the St. Paul community had in being able to obtain not only land in the townsite, usually thought of as being one whole area surrounding the immediate community, but certainly additional area on the island that they could use for recreational and other purposes. This they proposed as an amendment to section 206(a) of the original bill. Has the Department given any thought to extending the authority of the Secretary to be included in any grant to the community lands outside the direct community area?

Mr. MCKERNAN. Yes, we have. We knew of this suggestion. We interpret the language of the bill as it now reads to allow the Secretary to provide for such eventuality. That is, setting aside as part of the property certain sections of land outside of the village area. This could be done under the present wording. It is our belief it could be done.

Mr. FOSTER. Under what section?

Mr. MCKERNAN. Section 206(a).

We would consider that these special areas could be included as part of the townsite. That is, the townsite doesn't necessarily have to be in one location. And incidentally, we have no objection to making that clear, to incorporating language which specifically stated that if it is the wish of the committee.

Mr. FOSTER. The committee would find it helpful to have something submitted which would be clarifying on that one point.

Mr. MCKERNAN. We would be glad to do that.

(The information requested above follows:)

DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., March 25, 1966.

HON. E. L. BARTLETT,
U.S. Senate,
Washington, D.C.

DEAR SENATOR BARTLETT: Your letter of March 10 requests a statement clarifying the question raised by the Department of Justice, relative to the applicability of the Administrative Procedure Act in the case of regulations issued

by the Secretary of the Interior pursuant to section 101 and renumbered section 403 of S. 2102, a bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes, as amended by the Department's recent report thereon.

While it is true that section 4 of the Administrative Procedure Act (5 U.S.C. 1003) excepts from rulemaking foreign affairs functions of the United States, it is the general policy of this Department to follow the procedures of the APA in issuing regulations. We would expect to follow this policy in administering S. 2102. We would not, however, object to an amendment to renumber section 403 of the bill which would specifically make the APA applicable to such rulemaking. We suggest that there be inserted after the word "regulations" in page 17, line 20, the following "in accordance with the Administrative Procedure Act."

During the recent hearing on S. 2102, we promised to furnish your committee with language in section 206 of the bill, as amended by the Department's report of February 17, 1966, to authorize the conveyance by the Secretary to the municipality of some areas for recreation and other public purposes that are not necessarily contiguous to the major portion of the townsite. In order to accomplish this objective, we suggest that subsection 206(e), as amended by the Department's report (see p. 9 thereof), be amended by adding the following sentence at the end thereof:

"The Secretary shall also convey without reimbursement to the municipality at the time of incorporation such lands or interests therein outside the townsite boundaries for recreation and other public purposes subject to such conditions as the Secretary deems desirable to carry out the purposes of this Act."

It should be pointed out, that section 202 of the bill would also permit the Secretary to lease or issue permits to lands on the islands for recreational purposes.

Your letter of March 10 indicates that Southwest Point would most likely be set aside as a recreation area. While we would probably agree, we believe it is premature now to designate that area in the legislation.

You also requested that specific language be included in the bill to include Marunich and Tsamma in the townsite. We believe that such language is unnecessary. The bill, with our amendments, gives the Secretary adequate authority to include whatever lands he deems necessary to provide an adequate townsite, including the areas referred to as Marunich and Tsamma. We also believe that it is undesirable to designate such areas in the bill, since circumstances may change. The flexibility provided in the bill in this regard is desirable.

Sincerely yours,

MAX N. EDWARDS,

Assistant to the Secretary and Legislative Counsel.

Mr. FOSTER. Another point raised by the community council was in regard to their interest to obtain copies of regulations written to implement the bill so they would have an opportunity to look at those, and not of course a veto over them but an opportunity to review those regulations. Would this be possible under the present bill?

Mr. MCKERNAN. It is contemplated, Mr. Chairman, and is standard procedure. We would most certainly consult with the people most affected. And State authorities as well.

Senator BARTLETT. You would even have a meeting, a hearing, right at St. Paul?

Mr. MCKERNAN. We certainly could if there seemed to be great interest in it.

Mr. FOSTER. There were some questions raised with respect to the civil service provisions of the bill, and this was not touched upon at least to any great length. I wonder if we could go back to that and discuss that.

Mr. MCKERNAN. Yes. Mr. Chairman, I believe there were 144 residents permanently employed on the Pribilof Islands in 1950. The

interpretation by the Civil Service Commission has been that before 1950 these people in a sense were wards of the Government rather than employees. I would point out that the Bureau of the Budget has a comment in its—

Senator BARTLETT. Relating to section 209(a), on page 14.

Mr. MCKERNAN. Yes. The Bureau of the Budget has a comment concerning this as set forth in the last sentence of the Department's report. The Bureau of the Budget indicates that it concurs—

with the suggestions contained in the reports being transmitted to the committee by the Department of State and the Civil Service Commission.

Senator BARTLETT. What does the Civil Service Commission say?

Mr. MCKERNAN. I understand—I am not personally familiar with their report—but I understand that they take the same view they had before, that these people are not eligible for retirement benefits accrued before 1950.

Senator BARTLETT. I want to say for the record, not to you, that I would hope, I would earnestly hope, that if the committee saw fit to maintain that section in the bill, that civil service, or the Bureau of the Budget, would interpose no serious objection. Because here you have a small group of people who were working for the Federal Government, who were, as some alleged, in those days virtually slaves, living in a state of servitude. Now an effort is made in 1966 to redress the wrongs of the past, to give these people better incomes. I would want to believe that my Government would not deny those who worked years ago, opportunity that all other Federal employees had.

Do you have any idea of what the annual cost of this provision would be?

Mr. MCKERNAN. Mr. Chairman, I don't have that exact amount, but I could supply it for the record for you.

The Department has not looked upon this as a particularly undesirable feature of the bill. Of course we have worked very closely with the Aleut people. One could expect us to be very sympathetic. On the other hand the Civil Service Commission did make this ruling before, and it apparently is still their point of view.

Senator BARTLETT. Instead of asking you to inquire into this, Mr. McKernan and—we understand the administrative maze through which you might have to wander—I am going to request counsel, Mr. Foster, to discover from the Civil Service Commission what the annual cost would be of including those who worked on the islands in the fur seal industry prior to 1950.

Mr. MCKERNAN. We will be glad to supply any basic information that you require, Mr. Chairman.

(Pursuant to the request made above, a letter dated April 28, 1966, was received from the Civil Service Commission:)

CIVIL SERVICE COMMISSION,
BUREAU OF RETIREMENT AND INSURANCE,
Washington, D.C., April 28, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U. S. Senate.

DEAR MR. CHAIRMAN: This is in response to a recent telephone request, by Mr. Foster of your committee staff, for a cost estimate on section 209 of S. 2102, a bill "To protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife, and for other purposes."

Section 209 proposes to grant civil service retirement credit for service performed by natives of the Pribilof Islands prior to January 1, 1950, in the taking and curing of fur sealskins and in other activities connected with administration of the islands, as determined by the Secretary of the Interior from records available to him.

The Bureau of Commercial Fisheries, Department of the Interior, has furnished us data on 54 Pribilof Aleuts currently subject to the Civil Service Retirement Act with recorded service prior to January 1, 1950. Their average age is 45.5 years; average annual wage, \$8,086; average service already credited (including pre-1950 military service), 16.7 years; and average other pre-1950 service, 6.2 years.

Our most recent actuarial valuation of the Civil Service Retirement System (as of June 30, 1963) shows, for active employees, a present value benefit cost of 15.7 cents per \$1 of salary per year of credited service at retirement. Additional service of 6.2 years for each of 54 employees with average salary of \$8,086 would thus have a benefit cost of \$425,000.

The Retirement Act provides that the annuity otherwise payable shall be reduced by 10 percentum of an unpaid optional deposit with respect to credited civilian service after July 31, 1920, for which no retirement deductions have been made. This deposit is calculated, with interest, on the basic salary and deduction percentage in force when the service was performed. We understand that, for the employees here concerned, compensation prior to 1950 was primarily in kind rather than in cash, and we thus have no basis for estimating any reduction in the \$425,000 cost because of this provision of the Retirement Act.

Sincerely yours,

ANDREW E. RUDDOCK, *Director.*

Senator BARTLETT. Thank you. Thank you, gentlemen.

Mr. McKERNAN. Thank you, Mr. Chairman.

Senator BARTLETT. Next we will have as a witness a gentleman who has been designated by the Alaskan constitution as the secretary of state. In other States I think he would be called the Lieutenant Governor, Hugu Wade, who is here to present the State's position on this proposed legislation.

Do you have copies of your statement, Mr. Wade?

**STATEMENT OF HON. HUGH J. WADE, SECRETARY OF THE STATE
OF ALASKA, JUNEAU, ALASKA**

Mr. WADE. Yes; I have some copies. I would prefer to read it. It is not my statement, but the statement of the Governor.

Senator BARTLETT. Governor Egan?

Mr. WADE. Yes.

Senator BARTLETT. If you have extra copies, we would like to follow them.

Mr. WADE. I want to say that I think we should bear in mind that this statement was made before the State was aware of any of these suggested amendments that have just been presented to the committee. In many respects, at least in one respect, the statement will bear upon and have some effect upon the proposal of the amendment dealing with education.

This is Governor Egan's statement.

**STATEMENT OF HON. WILLIAM A. EGAN, GOVERNOR OF ALASKA,
AS PRESENTED BY SECRETARY OF STATE HUGH J. WADE**

Mr. WADE. First of all, I wish to go on record as congratulating you, Senator Bartlett—

Senator BARTLETT. I didn't hear that. Would you repeat that?

Mr. WADE. First of all, I wish to go on record as congratulating you, Senator Bartlett, for recognizing the need to introduce S. 2102

entitled "Fur Seal Act of 1965." It is necessary legislation, and I am in favor of all of its provisions.

In fact, the proposed legislation is long overdue. The administration of the Pribilof Islands by the Federal Government is not a bright page in the history of our Government. Conditions in the islands that existed at the time of the purchase of what is now the State of Alaska were deplorable and did not materially improve under U.S. stewardship until 1950. Since that time the Bureau of Commercial Fisheries has worked diligently at improving the administration of the islands within the provisions of existing law. The Bureau, was, of course, saddled with such provisions of present law so as to be unable to avoid the unpleasantness of requiring permits to visit the islands for all persons wishing to go out there. It was unable, under existing law, to make any exceptions, and consequently even State officials, including the Governor, were required to apply for permits to visit the islands. I applaud the provision in the Bartlett bill removing this requirement for a permit.

Before statehood the territorial government paid little or no heed to the Pribilof Islands. The islanders received little or no benefit from legislation in early territorial days. It was only when such progressive legislation as the grant-in-aid social programs came along that any benefits flowed to the Pribilovians. After statehood they began to reap additional benefits of local State government. Their voices were heard, and such programs as extension of the airport brought them closer to the rest of the State. They are now sharing in all laws administered by the State government.

Last year, because of certain articles of a derogatory nature in the Alaska press, I was moved to appoint a task force to study conditions in the islands. As a result of this study, certain changes were recommended and the State is now more aware of the needs of the two villages of St. Paul and St. George. The task force report made a strong recommendation that S. 2102, the Bartlett bill, be enacted.

Senator BARTLETT. You were chairman of that group, were you not?

Mr. WADE. Yes, I was.

Senator BARTLETT. I think we ought to incorporate the report to which you have just referred, in the committee testimony.

Mr. WADE. I would urge it. I think it is a very good idea.

The State of Alaska was very grateful to the U.S. Congress when it was provided in the Statehood Act that the new State would share in the net proceeds of the sale of the Pribilof fur seal pelts. In fact, during the campaign for statehood, mention was often made of this natural resource, and the proponents of statehood argued that if Congress gave us statehood, we could expect it to do as it did and grant the new State a share in the profits of this program. I must say, however, that our anticipated revenue from this source was greater than what we have actually realized. The second year of statehood, our peak year, we received \$1,050,002, as our share of the amount received from the fur seal pelts, and the amount has fluctuated in the following years and finally dwindled to where in the current fiscal year, 1965-66, no revenue was received.

Senator BARTLETT. Secretary Wade, may I interrupt at that point to ask you if it is not a fact that State officials calculated that they might

reasonably expect from this source an average amount of three-quarters of a million dollars, and predicated the State's revenue positions upon that expectation?

Mr. WADE. Yes, we did, Senator. Our Governor in his financial report to the legislature, in reciting the anticipated revenues, carried this item as \$750,000. This past year we expected a leaner year and we reduced it to \$650,000. As the Governor said in his statement, the Bureau of Commercial Fisheries has estimated that in the next fiscal year of 1966-67 we will receive no more than \$200,000.

This decline in revenue, coming so early in statehood when we are losing our Federal transitional grants and when our revenue from other sources has not reached its full potential, has been indeed crippling. There are many reasons for the decline. I need not dwell upon them, but I do want to stress that built into this source of revenue is the increasing cost of administering the islands by the Bureau of Commercial Fisheries.

The Bureau of Commercial Fisheries has been most cooperative in working with the State since statehood, but even to this day the State has no detailed knowledge of what administrative costs of the islands are charged against the gross profits of the sales of the pelts. We are not consulted and have no voice in determining what new capital investments are to be made or when they are to be made by the Bureau even though such investments materially affect our revenues. I would appreciate your considering an amendment to this bill to require that the operating budget of the Bureau of Commercial Fisheries as it pertains to this program, together with reports of receipts and contemplated expenditures, be submitted to the State prior to its submission to the Bureau of the Budget.

Senator BARTLETT. Do you know why it is requested that it be submitted to the State prior?

Mr. WADE. We would like to get some idea before we make our budget up at the State government as to what our revenues are going to be. And if they are going to buy a new boat for the operation up there, or if they are going to make a large capital investment out of current revenues, then we ought to know about it so that we can reduce our estimates and reduce the expenditures of State funds in other sections of the State to meet this anticipaed loss of revenue.

Senator BARTLETT. If the committee should give consideration to this suggested amendment—and my personal opinion is it should so consider it—I should think that additionally there ought to be incorporated a provision providing for consultation between the Secretary of Interior and the Governor of Alaska on contract arrangements before any such contract arrangements are made. Would you be agreeable to that further proviso?

Mr. WADE. I certainly would, Senator, and the Governor in his statement mentions that as one factor later on that is disturbing.

When a State depends upon such a source of revenue from a natural resource, it comes as a hard blow to be notified suddenly that because of unfortunate circumstances your total receipts for the fiscal year will be zero. The State has no legal right to receive information on the sale of the pelts even after they have been processed. We don't get any report on how the sale goes.

The State of Alaska would have been much better off to receive a fixed percentage of the skins, such as Japan and Canada receive under the treaty, rather than a percentage of the profit.

Senator BARTLETT. Let me interrupt you once more to say that I think it is possible that at the time the statehood bill was under consideration, I could have made an arrangement whereby the State of Alaska would have been given authority in the Pribilof Islands—I didn't give serious consideration to this, because this is an international arrangement to a very great extent. It had been very successful. I certainly didn't want to do anything in trying to move the statehood bill along that would interfere. But, of course, neither I nor the State officials who came into office later on could have foreseen that which was going to occur.

Go ahead.

Mr. WADE. As it is now, we are dependent entirely upon the efficiency of the Bureau of Commercial Fisheries in administering the program and the ability of the Secretary of the Interior to see that the pelts are properly processed and marketed prudently.

In 1965, I learned through the press the details of a contract wherein the fur seal receipts were the basis of the Department underwriting a \$377,000 contract. A requirement in the law that the State receive in advance all plans of this nature would at least permit us to project more accurately the contemplated income from this important Alaskan resource. It might be more efficient, however, to amend the Statehood Act so that Alaska's share is arrived at through an annual percentage allotment of skins.

I would further urge that you consider an amendment to this bill requiring that the U.S. Bureau of Commercial Fisheries office responsible for administration of the islands be located in Alaska. It is now located in Seattle. I feel that if this office were located in our State, it would result in closer liaison between the State and the Bureau in this important program.

There is one provision of the Bartlett bill—section 204a—which provides that the State of Alaska is to assume the total cost of education of the residents of the two villages. I support this provision unqualifiedly. I have long thought that the schools on St. Paul and St. George Islands should be a part of the State school system and should be staffed and financed in the same manner as our other rural schools.

I am told by Senator Bartlett that at the public hearing held on this bill in the islands last September, the village council proposed four amendments to it. Three of the four I accept and endorse readily. I would like to address myself to the fourth proposed amendment. This was the amendment No. 2 transmitted to us by your counsel, Bill Foster:

Amendment No. 2: That 15 percent of the net proceeds of the U.S. share or \$100,000, before the money is split between the U.S. Government and the State of Alaska, shall be granted to the community government of St. Paul each year for the purposes of providing municipal services.

That is our information as to what the proposed amendment was to be.

It is understandable that the villagers feel the need of financial assistance, at least during the transitional period from a complete wardship status which has prevailed over many long years to a local self-government with high initial costs. I say this is understandable because they have suffered much and for long periods at the hands of the Federal Government. The Federal Government has been unjustly enriched at their expense, and at the expense of their labors, and, I might add, at the expense of the Alaska Government. You will recall that Alaska did not share in any fur seal profits until statehood. It was not until we became a State that we as a government received even 1 cent from this natural resource.

Now, as I have testified, we have been given our just due by a benevolent Congress, and I could not in good conscience agree to earmarking or dedicating any portion of this revenue to a special section of the State. Our State constitution prohibits any such dedication of funds. I would, therefore, suggest that if you feel this amendment is needed to assist the villages in this new venture of self-government, the amount needed be provided for out of the net profits that the U.S. Government makes from this operation.

Each year the U.S. Treasury is enriched by receipt of 30 percent of the net profits, which at times since statehood has amounted to as much as \$300,000 a year. Prior to statehood, millions of dollars undoubtedly flowed into the Treasury at the expense of the people who are now requesting some of it back to help in a self-government movement.

I submit that if such an amendment has merit, and I believe it has, then it is the responsibility of the Federal Government to finance it.

I certainly appreciate this opportunity to express the State of Alaska's views on this vital and necessary legislation, and I urge that it be given early and favorable consideration.

Thank you.

Senator BARTLETT. The committee thanks you, Mr. Secretary, for your appearance, and for the testimony that you have given.

Mr. Foster?

Mr. FOSTER. I have no questions, Senator.

Mr. WADE. Senator, I suppose the record will be held open so that we would be given further opportunity to comment on these new amendments that the Secretary of the Interior has submitted this morning.

Senator BARTLETT. I think this is what we had best do in that respect, Mr. Secretary.

Mr. WADE. And at that time, you mentioned earlier in the morning, you wanted the State's position on this sea otter matter. I am not in a position to give you the State's position on it at this time. We felt that there might be a change in the language of the bill so that the sea otter might be stricken. If it is not to be stricken, we would like to have an opportunity to have our commissioner of fisheries prepare a statement for the record.

Senator BARTLETT. That opportunity will be provided.

I think what we had best do, if this meets with your approval, is to make available to you as soon as it has been prepared, a copy of the transcript so that you may consult with Governor Egan and other interested State officials.

I would say that the record will be held open for 3 weeks. Will that be long enough? We want to move this without undue delay.

Mr. WADE. I am sure if the record is made available soon, we could do it.

Senator BARTLETT. It will be sent to you airmail. It will be ready tomorrow morning.

Mr. WADE. I have no copy of the record out there. Has that been printed?

Senator BARTLETT. It has not been printed. We will see that you get an extra copy. We hope to have the entire hearings printed. We were waiting until this hearing was held.

I am a bit puzzled, Mr. Wade, on one point. I am not altogether surprised, I might add, by the notion advanced by the village council of St. Paul that certain seal money go to the newly created municipality, if it is so created, or am I at all surprised that Governor Egan would prefer to have it come from the Federal money. The point which perplexes me is when you describe the amendment on page 5 of your statement: "That 15 percent of the proceeds of the U.S. share, or \$100,000," be given to the community government at St. Paul annually?

The record taken at St. Paul Island relating to this is in these words, to be found on page 19 of the Senate transcript:

Senator BARTLETT. The third amendment you suggested * * * and this was Mr. Mercurieff, who was on the witness stand—

* * * I should think could be incorporated in the bill without any great fuss or bother, and I would be sure that the Bureau of Commercial Fisheries would be entirely willing to hold hearings before promulgating any regulations affecting the life of the municipality. I see no problem there. I think it is a good suggestion.

But, I can see considerable controversy arising as a consequence of your second suggested amendment, relating to your request that 15 percent of the net proceeds be turned over to the municipality.

Parenthetically I would say it was a good prediction. Continuing the quotation:

You said, or meant, 15 percent of the net or gross?

Mr. ILIODOR MERCULIEFF. The net proceeds. I am pretty sure the community would settle for 15 percent or \$50,000 per year.

That is the end of the quotation.

I see no other figure in the transcript other than the one relating to \$50,000. Do you know where the \$100,000 figure came from?

Mr. WADE. I know where we got it. We got it from your counsel, Bill Foster.

Senator BARTLETT. Then I will ask Bill Foster.

Mr. FOSTER. Mr. Chairman, I got it out of a letter that I received from the community council dated October 5, 1965, which uses the amount of \$100,000. I gathered that after the hearing the council got together and there was a rethinking of the amount involved. The letter that we received officially on this, proposing these amendments dated October 5 carry the figure of \$100,000.

(The above-mentioned letter follows:)

THE ALEUT COMMUNITY COUNCIL,
St. Paul Island, Alaska, October 5, 1965.

MR. WILLIAM C. FOSTER,
Senate Commerce Committee,
Washington, D.C.

DEAR MR. FOSTER: I am sending you a copy of the amendments I offered before the subcommittee hearing held on St. Paul Island on S. 2102. For the official record I wish to state that the St. Paul community wants the wording of the amendments changed to the following wording:

Amendment I:

"All money from the sale of improved lots and unimproved lots under section 206 (c) shall be set aside for the community government. The Secretary shall turn over the money to the community government of St. Paul after incorporation and after the Secretary shall determine that the municipality is capable, financially and otherwise, to provide adequate municipal services to persons inhabiting these islands."

Amendment II:

"That 15 percent of the net proceeds of the United States share or \$100,000, before the money is split between the U.S. Government and the State of Alaska, shall be granted to the community government of St. Paul each year for the purposes of providing municipal services."

Amendment III:

"That the Bureau of Commercial Fisheries furnish the council with copies of the regulations written to implement S. 2102 before these regulations are adopted. The council would like to be able to review these regulations and offer suggestions for changes."

Would you see to it that the wording of the three amendments is changed in the official record?

I would also like to offer a fourth amendment to S. 2102. Would you enter this fourth amendment in the official record of the hearing on S. 2102?

Amendment IV to section 206 (a):

"In addition to the land set aside for the establishment of a townsite, the Secretary is also authorized to set aside sufficient land in the areas known as Marunich, Tsammana, and Southwest Point for purposes of recreation and cabin sites. The Secretary shall survey the land set aside at Marunich and Tsammana points into lots, blocks and streets, and issue a patent therefore to a trustee appointed by the Secretary. The trustee is authorized to convey to the community government titles to improved or unimproved lots for cabinsite or other purposes not inconsistent with the purpose for which the Secretary administers said islands, with or without reimbursement. The Secretary shall also survey the land set aside at Southwest Point and cause this area to be set aside for a recreation area not to be subdivided. The title to this area shall be conveyed to the community government."

We enjoyed visiting with you during your short stay on St. Paul. You were of great help to me during your stay. I hope to see you in Washington when further hearings are held on S. 2102.

ILIODOR MERCULIEFF, *President.*

Senator BARTLETT. I understand. I was in Alaska about that time and didn't see it. I will ask the St. Paul witnesses about that.

If I can find it, I would like to call your attention to something else relating to this, Mr. Secretary.

Mr. Foster asked this question on page 33, of Mr. Merculieff:

Mr. FOSTER. At the present time, as I understand it, the receipts from the sale of the fur seal are divided 70 percent going to the State and 30 percent going to the Federal Government. As I understand your interest would be in obtaining 15 percent of the United States' share?

Mr. MERCULIEFF. Negative on that, no. [Laughter.] We were under the understanding that 15 percent is shared to Japan, another 15 percent to Canada, and the remaining 70 percent, after all the so-called bills that are paid for the islands, the balance of that goes to the State of Alaska.

I think the State of Alaska should be lenient enough that they can give us at least 15 percent of their net proceeds.

Elsewhere we have pointed out that 15 percent of the net proceeds of that year would be zero.

So the people of St. Paul on that occasion at least, through the village council, has a positive view on where the money ought to come from.

Perhaps if it came to a pinch they would just as soon take it from the Federal Government. We will see.

Mr. WADE. I want to emphasize very much the government's strong feeling about this. We feel that the villages out there could well use some transitional funds at least, and I would like the record to show here how much the State got from the sale of these natural resources for the last 5 years. The record should also show how much the Federal Government was enriched because of this. And we feel that because of this long abuse that the native people out there have had at the hands of the Federal Government, that actually the Federal Government is morally obligated to see them over this transition.

Senator BARTLETT. Thank you. Mr. McKernan, can you furnish those figures?

Mr. MCKERNAN. Yes, sir.

(The information requested above follows:)

Pribilof Islands receipts, fiscal years 1961-65

| Year: | Net proceeds | Payment to State of Alaska (70 percent) | U.S. share |
|-----------|--------------|---|------------|
| 1961..... | \$766,870 | \$536,809 | \$230,061 |
| 1962..... | 1,004,074 | 702,852 | 301,222 |
| 1963..... | 841,857 | 589,300 | 252,557 |
| 1964..... | 1,376,621 | 963,635 | 412,986 |
| 1965..... | | | |

Senator BARTLETT. Thank you. The committee thanks you, Mr. Secretary.

Mr. WADE. Thank you, Senator Bartlett.

Senator BARTLETT. Now we are going to hear from those who are chiefly concerned about this, the principal parties in interest—Mr. Ilidor Mercurieff, who is president of the village council, and Mr. Terenty Philemonoff, vice president.

Gentlemen, will you come forward.

You, as Secretary Wade has just said, have heard a lot of suggestions that are new to you, and you likewise will be furnished by airmail a copy of the transcript of today's proceedings so that you can study it, so that you can report back to us within this 3-week period as to your recommendations concerning the amendments proposed by both the Federal and State Governments. Is that all right?

STATEMENT OF ILIODOR MERCULIEFF, PRESIDENT, ST. PAUL COMMUNITY COUNCIL, ST. PAUL ISLAND, ALASKA; ACCOMPANIED BY TEREPTY PHILEMONOFF, VICE PRESIDENT, ST. PAUL COMMUNITY COUNCIL

Mr. MERCULIEFF. Yes, sir. Thank you, Senator.

Mr. Chairman, this is the first time in the history of the Pribilof Islands, Alaska, that their communities have been given the opportunity to be represented at Senate Commerce Committee hearings in Washington, D.C., on S. 2102.

As you may know, it was September 9, 1965, that Senator E. L. Bartlett, accompanied by William C. Foster, assistant counsel to the Commerce Committee; Ralph C. Baker, Bureau of Commercial Fisheries, and Willard Bowman, Executive Director of the Commission on Human Rights from the Alaska Governor's office, held hearings on S. 2101 at the Community Hall at 4 p.m. and lasting until approximately 10 p.m. with 1½ hours recess at 5:30 p.m.

It was at this hearing that we had several witnesses that testified and gave their views of how the community existed throughout the years of near poverty, so to speak. We have read and studied this bill which has many provisions that will provide all the privileges for the island residents.

I feel that the community will benefit from it if and when it is enacted, as introduced, and possibly with various changes and recommendations after questions and answers that may arise at today's hearing, especially on amendments inserted at the island's hearing and then reworded later by letter to William C. Foster. At this time I will not go any further into details but I will make all efforts to answer all questions.

I believe that nowhere in the Nation are there Government employees who worked for more than 30 or 40 years who do not receive fair retirement annuities—outside of the Pribilofs. Therefore, I ask the Commerce Committee to give full consideration to services rendered by our elderly residents of these islands.

It was not their fault that they did not apply for retirement benefits prior to 1950. It was that they were not informed of these privileges.

And now they have their chance in view of this bill S. 2102.

As far as our amendment No. 2 considered here, for the past 100 years, beginning with our forefathers, we have lived and worked for the Federal Government on the islands. During this time it was the Aleuts who had always done the major portion of seal harvesting. Of course with the supervision of the Federal Government and the Fouke Fur Co. representatives, up until 2 years ago when the harvesting on the field was transferred solely to the Aleuts' responsibility to operate, and it was proven successful.

There are yet more responsibilities to be turned over to us, such as utilities, electricity, operating the market, and when we do incorporate as a city, we will operate and maintain the municipal services.

It is then we will need funds to build our own city to what it should have been years ago because the islands alone produced, in the years mentioned here, enough capital exceeding the purchase price of the State of Alaska to maybe 10 or 20 times.

I am not saying that the facilities on the islands are all together inadequate. There are good homes which could be improved to a better standard, community hall, which we could replace to make it the best little auditorium with better facilities, including a bowling alley and many other buildings.

All of these improvements should have been foreseen and efforts made so that the people on the islands could live more happily inasmuch as they were born and raised on these rich islands which produced for the past years, as I mentioned.

I pray it be resolved in the Congress of the United States of America, all these points I testified on, and be enacted into law if possible, so that our children and their children will live better lives in the future.

Thank you.

Senator BARTLETT. Thank you.

Terenty, do you have anything to add to Iliodor's statement in your capacity as vice president?

Mr. PHILEMONOFF. No, sir, Mr. Senator.

Senator BARTLETT. I don't think it would be fair for me to ask you gentlemen to comment at this time on all ow these amendments, because there are many of them. Some of them are of importance. You have to have the text of them in front of you. I think that it would be best to follow the procedure I suggested, that we send you the transcript and then you reply in 3 weeks in writing.

I would like to ask you, though, what is behind the decision to request \$100,000 instead of the \$50,000 suggested at the St. Paul hearing?

Mr. MERCULIEFF. Mr. Chairman, we haven't all together sat down and tried to determine just how much will be needed. But as far as it was seen from some of the spending on the islands on maintenance and providing for the wages as they are now, we found out that this \$50,000 would be inadequate. Therefore, we asked for \$100,000.

May I read a copy of a letter that I wrote to Mr. William C. Foster?

Senator BARTLETT. Yes.

Mr. MERCULIEFF (reading): I am sending you a copy of the amendments I offered before the subcommittee hearing held on St. Paul Island on S. 2102. For the official record I wish to state that the St. Paul community wants the wording of the amendments changed to the following wording:

Amendment No. 1: All money from the sale of improved lots and unimproved lots under section 206(c) shall be set aside for the community government. The Secretary shall turn over the money to the community government of St. Paul after incorporation and after the Secretary shall determine that the municipality is capable, financially and otherwise, to provide adequate municipal services to persons inhabiting these islands.

Amendment No. 2: That 15 percent of the net proceeds of the U.S. share, or \$100,000, before the money is split between the U.S. Government and the State of Alaska, shall be granted to the community government of St. Paul each year for the purposes of providing municipal services.

Amendment No. 3: That the Bureau of Commercial Fisheries furnish the council with copies of the regulations written to implement S. 2102 before these regulations are adopted. The council would like to be able to review these regulations and offer suggestions for changes.

Would you see to it that the wording of the three amendments is changed in the official record?

I would also like to offer a fourth amendment to S. 2102. Would you enter this fourth amendment in the official record of the hearing on S. 2102?

Amendment 4 to section 206(a): In addition to the land set aside for the establishment of a townsite, the Secretary is also authorized to set aside sufficient land in the areas known as Marunich, Tsammana, and Southwest Point for purposes of recreation and cabin sites. The Secretary shall survey the land set aside at Marunich and Tsammana points into lots, blocks and streets, and issue a patent therefor to a trustee appointed by the Secretary. The trustee is authorized to convey to the community government titles to improved or unimproved lots for cabin site or other purposes not inconsistent with the purpose for which the Secretary administers said islands, with or without reimbursement. The Secretary shall also survey the land set aside at Southwest Point and cause this area to be set aside for a recreation area not to be subdivided. The title to this area shall be conveyed to the community government. That was signed by Iliodor Merculieff, president of the council.

Senator BARTLETT. You said in opening, Mr. Merculieff, that this is the first time that Pribilovians have come to Washington to testify on the bill before us. As a matter of probability, you are the first resident from the islands to come to Washington to testify on any congressional legislation, are you not?

Mr. MERCULIEFF. Yes, Mr. Chairman. That is true. And I am proud to be here in behalf of the Aleut community. This is a wonderful opportunity to be heard at this point, while the spotlight is still on the islands.

Senator BARTLETT. You are ready, as we understand it, to form a municipality. But it is correct, is it not, that at the September meeting in your hometown, the people of St. George said they were not yet prepared to do so.

Mr. MERCULIEFF. That is correct, Mr. Chairman.

Senator BARTLETT. They want to wait a while?

Mr. MERCULIEFF. Yes. However, there is a trend for them to take this suggestion or recommendations from the Bureau of Commercial Fisheries to transfer over to St. Paul. We have had several requests to that effect. In fact, I think we have more requests than we can fulfill at the present time.

Senator BARTLETT. Why—because of the lack of housing?

Mr. MERCULIEFF. Yes, Mr. Chairman. That is true.

Senator BARTLETT. I hate to bring this up, because it relates to a tragedy, but you had a very bad fire over there the other day, did you not?

Mr. MERCULIEFF. Yes.

Senator BARTLETT. How many people died in that fire?

Mr. MERCULIEFF. There were nine lives lost in that fire—one adult and eight children.

Senator BARTLETT. How did this happen?

Mr. MERCULIEFF. This we could not determine at the time. But from all indications, we gathered it may have been spontaneous combustion. It was not detected until actually the flash fire occurred there.

Senator BARTLETT. Was it at night?

Mr. MERCULIEFF. It was at midnight.

Senator BARTLETT. Where were those who were burned to death sleeping?

Mr. MERCULIEFF. The seven children were in one bedroom, and the father and the youngest child were in the attic sleeping. They were the only two that were burned. The others, sleeping downstairs, the children, were not burned but they suffocated from the poisonous gas.

Senator BARTLETT. Seven were sleeping in one room?

Mr. MERCULIEFF. That's right.

Senator BARTLETT. Was there any way for them to get out of the attic?

Mr. MERCULIEFF. No, Mr. Chairman. There was only one stairway leading to the attic bedroom. This was built due to the lack of the housing shortage. They had to have a bedroom up there in order to have a little more room downstairs.

Senator BARTLETT. There were no windows?

Mr. MERCULIEFF. There were no windows.

Senator BARTLETT. Going back to the figure which is now \$100,000, do you still feel, especially following the testimony of Mr. Wade, that this should come from the State government?

Mr. MERCULIEFF. Mr. Chairman, we feel that it should come from any source, since we have been denied our privileges all these years. I think we, so to speak, should have some kind of an income there.

Inasmuch as the Bureau of Commercial Fisheries is not going to consider our prior services—prior to 1950—I think we are entitled to some kind of funds.

Senator BARTLETT. I think the Bureau of Commercial Fisheries, if I understand the testimony correctly, is very, should I say, friendly to that provision in the bill. It is other agencies in the Federal Government that express reluctance. That doesn't mean that the Congress has to be bound by any continuing interpretation of the Civil Service Commission, for example.

At the present time I infer you wouldn't be negative to the arrangements which might have the money coming from the Federal Government rather than the State government?

Mr. MERCULIEFF. No, Mr. Chairman.

Senator BARTLETT. I am concerned about that constitutional provision that Mr. Wade mentioned as precluding the State from supplying the money, although Governor Egan stated, as Mr. Wade told us, that he believes the community should have it.

In view of this, in view of the Constitution, and, of course, the Governor can't alter the Constitution, I would like to express a very sincere hope that the Department of the Interior, out of the richness of the values that have accrued to the Federal Government, would be willing to return some of it to the people of the community. We will inquire further into the attitude of the Interior Department relating to this.

I think that both of you, in testifying and appearing here and at St. Paul, have done splendid service for your community. I think it is very important that you came here. We appreciate your presence. Frankly, I for one would not have wanted to go further unless you had this opportunity to be in Washington, as we discussed up there in September, to present your further views, to hear the other witnesses, to make your own conclusions regarding their testimony, and then to have further opportunity—as you will have—to examine their testimony in written form and base your recommendations upon that.

Mr. Foster?

Mr. FOSTER. No questions, Mr. Chairman. Thank you.

Senator BARTLETT. Thank you, gentlemen.

Mr. MERCULIEFF. You are welcome, Mr. Chairman. And thank you for giving us the opportunity to appear here before your committee.

Senator BARTLETT. The committee will be in recess, subject to the call of the Chair.

(Whereupon, at 12:20 p.m., the committee was recessed, subject to the call of the Chair.)

The following letters were received to be made a part of the record:)

STATE OF ALASKA,
Juneau, April 6, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
U.S. Senate, Washington, D.C.

DEAR SENATOR MAGNUSON: It was not until after I had an opportunity to review the report of the proceedings of the hearings held before the Commerce Committee on S. 2102, a bill to protect and conserve the North Pacific fur seals, dated February 18, 1966, that I learned there was any objection to section 209 of this proposed legislation.

As you know, section 209 proposes to grant civil service retirement credit for services performed by natives of the Pribilof Islands prior to January 1, 1950, in the taking and curing of fur sealskins and in other activities connected with administration of the islands, as determined by the Secretary of the Interior from records available to him. Had I known that the Civil Service Commission was raising any objection to this section, I would have commented on this section in the statement which I presented at the February 18 meeting.

I want to vigorously object to the Civil Service's position on this section of this fine bill, S. 2102. Certainly the natives who have contributed so much to this natural resource of the Pribilof Islands should have their services recognized to this extent; particularly after the services recognized to this extent; particularly after the treatment they received by the agency of the Government that was administering the program.

I strongly urge that section 209 remain in the bill over any objection by the Civil Service Commission and that every native of the Pribilof Islands who contributed services prior to 1950 be given service retirement credit for such services.

Sincerely,

WILLIAM A. EGAN, *Governor.*

WILDLIFE MANAGEMENT INSTITUTE,
Washington, D.C., February 24, 1966.

HON. WARREN G. MAGNUSON,
Chairman, Committee on Commerce,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: Conservationists are concerned about the fact that S. 2102, if enacted without amendment, would terminate Federal protection of sea otters on the high seas. As recent testimony before the committee made clear, sea otters now have high seas protection under the 1944 Fur Seal Act which S. 2102 would repeal.

Although sea otters occur principally within the 3-mile limits of Alaska and California, there is mounting evidence that the animals are reestablishing colonies within their historic range in international waters. There is very reason to believe that the animals will continue to increase under extension of the current protection. S. 2102 challenges this outlook, however,

Certainly, the conservationists have no objection to taking necessary steps toward improving the well-being of natives of the Pribilof Islands. We see no logic, however, for ending Federal protection of sea otters on the high seas as a condition of this new legislation. It is hoped that the committee will amend S. 2102 so as to provide for continued protection of the sea otters in international waters.

I would appreciate having this letter made a part of the hearing record.

Sincerely,

C. R. GUTERMUTH, *Vice President.*

NATIONAL AUDUBON SOCIETY,
New York, N.Y., February 24, 1966.

Hon. WARREN MAGNUSON,
Chairman, Senate Commerce Committee,
Senate Office Building, Washington, D.C.

DEAR SENATOR MAGNUSON: The National Audubon Society wishes to be recorded as favoring enactment of S. 2102, the bill to protect and conserve the North Pacific fur seals, and to administer the Pribilof Islands for the conservation of fur seals and other wildlife and for other purposes. Will you please see that this letter is included in the printed transcript of hearings on this legislation.

We also favor and urge adoption of the amendments to S. 2102 as recommended by Assistant Secretary of the Interior Stanley A. Cain in his letter to you of February 17, 1966. It is especially important that the sea otter not be left without Federal protection in North American coastal waters beyond the 3-mile limit, within which this rare animal is safeguarded by State law and patrol. Therefore, we call the attention of the committee respectfully to the proposed "Title III: Protection of Sea Otters on the High Seas," as recommended in Secretary Cain's letter.

We hope that S. 2102, with the recommended amendments, will soon receive a favorable report by your committee.

Sincerely yours,

CHARLES H. CALLISON,
Assistant to the President.

