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ALASKA NATIVE ENROLLMENT

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HEARING

BEFORE THE

COMMITTEE ON INTERIOR AND INSULAR AFFAIRS UNITED STATES SENATE

NINETY-THIRD CONGRESS

SECOND SESSION

ON

S. 3530

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENROLL CERTAIN ALASKAN NATIVES FOR BENEFITS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

Amdt. No. 1535

A BILL TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENROLL CERTAIN ALASKAN NATIVES FOR BENEFITS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT

JULY 17, 1974

Printed for the use of the
Committee on Interior and Insular Affairs

U.S. GOVERNMENT PRINTING OFFICE
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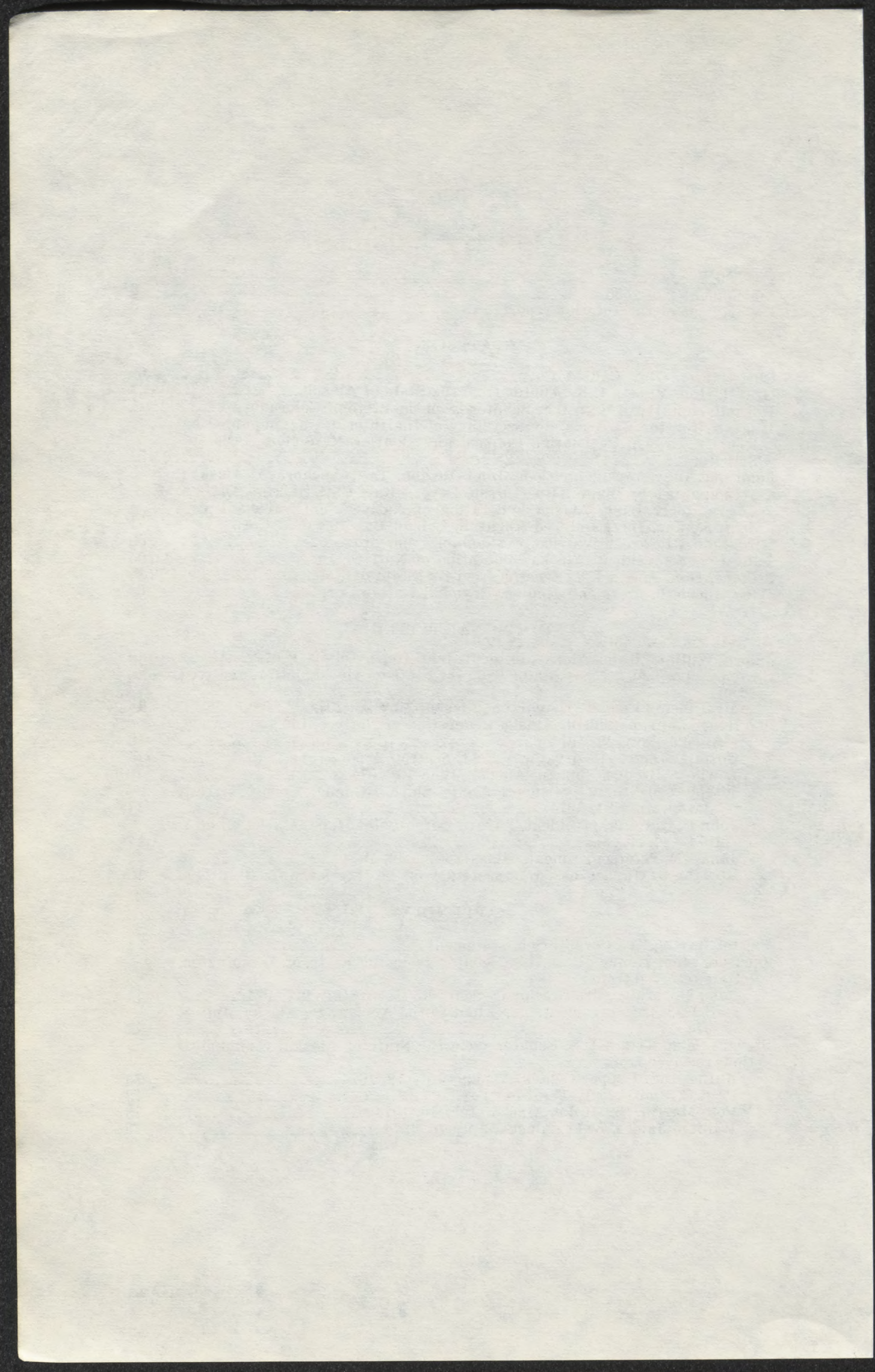

ALASKA NATIVE ENROLLMENT

WEDNESDAY, JULY 17, 1974

U.S. Senate,
Committee on Interior and Insular Affairs,
Washington, D.C.

The committee met, pursuant to notice, at 9:30 a.m., Hon. Floyd K. Haskell presiding.

Present: Senators Haskell, Abourezk, Fannin, McClure, and Bartlett.

Also present: Jerry T. Verkler, staff director; William J. Van Ness, chief counsel; Steven P. Quarles, special counsel; and Harrison Loesch, minority counsel.

OPENING STATEMENT OF HON. FLOYD K. HASKELL, A U.S. SENATOR FROM THE STATE OF COLORADO

Senator Haskell. Today's hearing is a hearing of the full Interior Committee on S. 3530 to extend enrollment of Alaska Natives under the Alaska Native Claims Settlement Act and Amendment No. 1535 to provide for a study of changing Native life styles and Federal programs which benefit Natives.

I would like to place in the record at this point the text of S. 3530, Amendment No. 1535, and department communication.

[The information follows:]

93D CONGRESS
2D SESSION

S. 3530

IN THE SENATE OF THE UNITED STATES

MAY 22, 1974

Mr. STEVENS introduced the following bill; which was read twice and referred to the Committee on Interior and Insular Affairs

A BILL

To authorize the Secretary of the Interior to enroll certain Alaskan Natives for benefits under the Alaska Native Claims Settlement Act.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*
3 That the Secretary of the Interior is authorized to review
4 those applications submitted on or before June 30, 1974,
5 by applicants who failed to meet the March 30, 1973, dead-
6 line for enrollment established by section 5(a) of Public
7 Law 92–203, the Alaska Native Claims Settlement Act,
8 and to enroll those Natives under the provision of said Act
9 who would have been qualified if the March 30, 1973, dead-
10 line had been met.

II

93d CONGRESS
2d Session

S. 3530

IN THE SENATE OF THE UNITED STATES

June 27, 1974

Referred to the Committee on Interior and Insular Affairs and ordered to be printed

AMENDMENT

Intended to be proposed by Mr. Stevens (for himself, Mr. Gravel, and Mr. Jackson) to S. 3530, a bill to authorize the Secretary of the Interior to enroll certain Alaskan Natives for benefits under the Alaska Native Claims Settlement Act, viz: On page 1, after line 10, add the following new section:

1 Sec. 2. (a) Upon completion of the study required
2 pursuant to section 2 (c) of the Alaska Native Claims Set-
3 tlement Act (85 Stat. 688) (hereinafter referred to as the
4 "Settlement Act"), the Secretary of the Interior (herein-
5 after referred to as the "Secretary") shall submit such study
6 to each of the Alaska Native Regional Corporations estab-
7 lished under that Act and to the State of Alaska. Each such

Amdt. No. 1535

1 Corporation and the State of Alaska may review such study
2 and submit its comments to the Secretary prior to June 30,
3 1975. The study, together with the comments and any re-
4 sponse the Secretary may wish to make to such comments,
5 shall be submitted anew to the Congress on or before July 30,
6 1976.

7 (b) The Secretary is authorized and directed to make a
8 study of (i) any changes in Alaska Native life style, health
9 status and needs, income distribution and holdings, economic
10 pursuits, housing, means and patterns of transportation,
11 modes of communication, and social and cultural patterns
12 which may result from the implementation of the Settlement
13 Act, and (ii) all Federal programs designed to benefit
14 Alaska Native people. The study shall include recommenda-
15 tions of the Secretary for the future management and opera-
16 tion of these Federal programs and any other Federal pro-
17 grams which may be required to serve the Alaska Native
18 community during the remaining period of, and after, the
19 implementation of the Settlement Act.

20 (c) In making the study required by subsection (b), the
21 Secretary shall give full consideration to the study made pur-
22 suant to section 2(c) of the Settlement Act and to the com-
23 ments thereon by Alaska Native Regional Corporations and
24 the State of Alaska pursuant to subsection (a) of this
25 section.

1 (d) The Secretary shall provide the opportunity for
2 participation of Alaska Natives and the State of Alaska in
3 the conduct of the study required by subsection (b).
4 (e) The study required by subsection (b) shall be sub-
5 mitted to the Congress on June 30, 1977.
6 (f) There are hereby authorized to be appropriated to
7 the Secretary such sums as are necessary to conduct the
8 study required by subsection (b).

42-594 O - 75 - 2

United States Department of the Interior

OFFICE OF THE SECRETARY
WASHINGTON, D.C. 20240

JUL 1 6 1974

Dear Mr. Chairman:

This responds to your request for the views of this Department on S. 3530 a bill, "To authorize the Secretary of the Interior to enroll certain Alaskan Natives for benefits under the Alaska Native Claims Settlement Act", as amended.

We recommend enactment of this bill, if amended as suggested herein.

S. 3530 would authorize the Secretary of the Interior to review applications of persons who missed the March 30, 1973, deadline for filing applications for enrollment established by regulation pursuant to the Alaska Native Claims Settlement Act, 85 Stat. 688, (ANCSA) but who filed their applications on or before June 30, 1974. The Secretary would enroll such of those persons who would have been qualified but for the lateness of their applications.

The amendment to the bill would provide that upon completion of the 2(c) study required by ANCSA (a three-year study of Federal programs primarily benefiting Alaska Natives, with a view toward future managment and operation of these programs), the Secretary would submit the study to each of the Regional Corporations established pursuant to ANCSA and to the state for their review. The study and comments would be submitted to the Congress on or before July 30, 1976. The amendment would also authorize and direct the Secretary to study such matters as the changes in Native life-style and economic status occasioned by the implementation of ANCSA, as well as the future management of all Federal programs designed to benefit Alaska Native people, and to report to the Congress on these matters on June 30, 1977. This study would use as a basis the previously completed 2(c) study plus the comments provided for in S. 3530 and would provide full opportunity for participation by Natives themselves and by the State.

We are in accord with the intent of the bill to allow otherwise eligible Alaska Natives who missed the enrollment deadline to enroll. Although we make no apology for the manner in which we handled in a very brief period of time one of the largest enrollment campaigns ever conducted, we recognize that not every eligible Alaska Native learned about the benefits of ANCSA in time to meet the filing deadline of March 30, 1973. Our estimate is that as many as 2,000 otherwise eligible persons had not applied for enrollment by that date. Some of these cases involve substantial equities. For example, some are minors whose guardians neglected to enroll them; others did not understand the enrollment forms or were under misapprehensions concerning their heredity.

It can also be argued that the December 17, 1973, deadline set by the Act for completion of the roll has served its purpose of establishing the proportionate regional shares in land and monies to be distributed by the Act. (Indeed, we strongly urge that the roll as of that date be considered final and binding as to the monies and land apportioned to each region by ANCSA and as to the amount of land each village could select. In practice, changes in enrollment figures resulting from enactment of S. 3530 would at most cause a shift of not more than one or two percent in regional enrollments and thus should not work a hardship on any region. Under our recommendation, benefits accruing to late enrollees would be prospective only: they would not participate in distributions of the Alaska Native Fund made prior to the date of their actual enrollment; their stockholdership in regional and village corporations would not be retroactive; and they would not be given a vote on whether or not there should be a thirteenth regional corporation for non-resident Natives.) However, the overall intent of ANCSA was to deal fairly and equally with all Alaska Natives. To allow otherwise eligible natives to be enrolled despite their missing the deadline would not enlarge the class of persons meant to be benefited by the Act; rather it would insure that those meant to be benefited in fact receive their shares of the settlement.

On the other hand, we see no reason to open enrollment only to Natives who missed the March 30, 1973, deadline but made the bill's June 30, 1974, cut-off point. Many Natives were told that the March 30, 1973, deadline was final and to this day have not filed applications. If in fact that deadline was not final, these persons, too, should be considered for eligibility. We recommend that a period of one year after the date of enactment of S. 3530 be allowed for all persons who have not previously file for enrollment. Accordingly we would amend section 1

of S. 3530 by (1) striking line 4 and substituting therefor the following: "those applications submitted within one year from the date of enactment of this Act"; and (2) adding the following proviso at the end of the section: "Provided, however, That persons so enrolled shall be eligible for the benefits of the Act prospectively only, from the date on which their application was filed, and their enrollment shall not affect determinations as to the proportionate shares of regions or village corporations established pursuant to the Act in the benefits of the Act."

With regard to the amendment to the bill, we have no objection to the requirement of section (a) that the Department submit its 2(c) study to Native and State review and transmit all views to Congress by July 30, 1976. However, we oppose the remainder of the amendment--subsections (b) through (f). We consider these provisions both premature and duplicative. Subsection (b)(i), which calls for a study of ANCSA's impact on Native life-style by June 30, 1977, is premature. By that date, in our opinion, implementation of the Act will not have progressed sufficiently far to produce solid evidence of its impact. The requirement of subsection (b)(ii) for a study of all Federal programs designed to benefit Natives is virtually identical to that contained in section 2(c) of ANCSA. It may be that when our 2(c) study is submitted at the end of this year, the Congress will find that additional or different information and analysis are required. If the Congress so directs, we will of course carry out such further study. However, we see no useful purpose in being called upon to conduct a second study--in virtually the same language as that which called for the first--before the first has been completed.

The Office of Management and Budget has advised that there is no objection to the presentation of this report from the standpoint of the Administration's program.

Sincerely yours,

Royston C. Hughes

Assistant Secretary of the Interior

Honorable Henry M. Jackson
Chairman, Committee on Interior
and Insular Affairs
United States Senate
Washington, D. C. 20500

Senator HASKELL. It gives me great pleasure to welcome, as our first witness this morning, the senior Senator from Alaska, Hon. Ted Stevens.

STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator STEVENS. Thank you, Mr. Chairman.

I have statements prepared on each of these bills that I have either sponsored or cosponsored.

Just off the record, do you intend to print them in separate records?

Senator HASKELL. I think we should print the full committee hearing in a separate record from the Public Lands Subcommittee. You are just testifying on amendment 1535 to S. 3530.

Senator STEVENS. Yes.

That is why I wanted to ask which one you are taking first.

Senator HASKELL. We are taking S. 3530 first.

Senator STEVENS. Let me address myself to S. 3530 and the amendment we have introduced in regard to the extension of the 2(c) study.

If you do not mind, I will highlight this statement.

Senator HASKELL. Certainly.

It will be included in the record in full.

Mr. Chairman, I am pleased to have the opportunity to appear before this committee to discuss the extension of the deadline for enrollment under the Alaska Native Claims Settlement Act and the amendment to that bill, which would provide for a comprehensive study of Federal programs designed to benefit Alaskan Natives.

The Land Claims Settlement Act provided 2 years for the completion of the Native roll and 3 years for completion of the 2(c) study.

In the first instance, 13 months of the 2 years were spent in preparatory work. In the case of the 2(c) study, a full 30 months from the date of enactment had passed before a contract was awarded, thus leaving only 6 months to complete the study.

The future of all Alaskan Natives will be greatly affected by these two deadlines.

Over 300 people have been denied benefits under the Land Claims Act because their applications were received by the Department of the Interior after the March 30, 1973 deadline. The Department's position was that it would be inequitable to those who met the enrollment deadline to allow late filers to claim benefits.

The total amount of land and money is not affected by the number of people claiming benefits so the only impact on the Federal budget would be the costs of processing some additional applications.

As to any inequity to those who filed on time, I cannot believe that there is one Alaskan Native who would deny benefits to another because a deadline was missed.

Mr. Chairman, when we drafted this bill, a June 30, 1974 extension was provided for in the hopes that the legislation could be added on the floor as an amendment to another bill.

At this time, I would suggest that your committee amend my Bill to provide for an extension of 30 days from the date of enactment. Some Natives were informed that the deadline had passed and did not file an application.

I believe that the intent of the Congress in specifying a 2 year period for enrollment was to provide for expeditious conveyance of the benefits of the act. This is important, but it is equally important that every eligible Alaskan Native be entered in the Alaska Native roll.

I would like to turn now to the amendment to S. 3530 which provides for a comprehensive study of the impact of the Land Claims Settlement Act and all Federal programs designed to benefit Alaskan Natives with recommendations for the future management of these programs.

The contract recently awarded by the Department of the Interior for completion of the 2(c) study requires only that a maximum of 20 Federal programs be reviewed. The steering Group working on the 2(c) study identified some 480 programs affecting Alaskan Natives.

While all 480 may not have a significant impact on the Native population, theer are more than 20 programs which should be scrutinized before final recommendations are made.

One most important consideration was overlooked when the 2(c) deadline was estabilshed; that is the land benefits authorized by the act.

As the transfer of the 40 million acres will not be completed until December of this year, it seems somewhat futile to attempt to assess the impact of the act before we have some idea of the long term benefits accruing from the land settlement.

The 2(c) study now underway would be used as the basis for the final study mandated by this amendment.

Mr. Chairman, the Alaska Native Claims Settlement Act made history as the first legislated aboriginal claims settlement in the nation. As such, I feel that the Congress has a clear responsibility to follow through with the implementation of the act and take action to remedy potentially discriminatory or detrimental situations which cannot be resolved administratively.

In both the enrollment question and the 2(c) study, we did attempt to work this out with the Department of the Interior.

As those efforts were unsuccessful, I now urge the committee to take prompt action on this bill and the amendment I have offered to ensure fair and equitable implementation of the Land Claims Act.

Mr. Chairman, I have several letters of support for this bill which I would like to submit for the record.

Mr. Chairman, there is one other matter I would like to bring to the attention of the committee. The Native corporations established in Kodiak, Kenai, Juneau, and Sitka receive no funds under the act.

They are entitled only to the surface estate in up to 23,040 acres of land.

I would like to include, in the record, a letter from James F. Petersen which describes the difficulties faced by these corporations. I am also including a letter from Assistant Secretary of the Interior Hughes which was received in response to my inquiry on behalf of these corporations.

I would appreciate this committee's reviewing this matter to determine whether this, too, may be corrected by an additional amendment to authorize a grant of $200,000 to each of these village corporations—Kodiak, Kenai, Juneau, and Sitka—to carry out the duties imposed upon them by ANCSA.

They do have funds but I think the corporations need some assistance.

Mr. Chairman, if you have any questions regarding any of these, I would be happy to answer them to the best of my ability.

Senator HASKELL. No, Senator, I have no questions.

Senator STEVENS. Mr. Chairman, I would urge that Chair keep in mind with S. 3530 the tremendous pressure of the deadlines which were proposed on this massive settlement and the procedures outlined in that Act which brought about the settlement.

I have been critical of the Department's time frame in regard to the handling of the 2(c) study, however, I can understand the problems that led to that delay in terms of the Steering Committee to define the study in the very beginning.

I do not see how we can really assess what the relationship of these Federal programs should be to the Alaska Natives until we see how the settlement works and the settlement, to me, will not work and we cannot give any indication of whether or not it is working until there is a sufficient land base and capital base to generate a totally new economic reference for the Alaskan Natives within that framework.

I, personally, believe we ought to have the extra 3 years as contemplated by this amendment that Senator Gravel and the Chairman of the committee have supported also and we invite your support in that regard also but it does seem to me that it makes a great deal of sense to proceed with the 2(c) study and get the track record on the type of review that has to go into these Federal programs and the type that needs to be had with the Alaskan groups, both in and outside of Alaska, and use that for a springboard of a complete study of the complete ramifications of the Federal relationship to the Alaskan Native.

That study should not be completed until we have had sufficient time to see how the total provisions of the Land Claims Settlement Act are working so I would urge that extension, in particular.

Senator HASKELL. Thank you very much, Senator Stevens.

Senator McClure.

Senator MCCLURE. I have only one question.

I thank my colleague for his very comprehensive statement.

I have worked on this question of the settlement and the arrangements that were arrived at prior to the introduction and passage of the legislation under which we are now working.

I know of his long work in this field and the very complex nature of the problems so, again, I want to commend you for this statement, as well as for the prior work that has gone into the settlements achieved.

I have only this question.

With respect to the enrollments and the extension of time for enrollments, certainly sometime there has to be a cut off date.

Certainly, regardless of what the cut off date is, there are going to be some people who, for one reason or another, did not get properly registered, enrolled, filed their claims, et cetera.

Is there a better way in which we can fix responsibility? Are the Federal agencies and are the Tribal agencies actively seeking to make this list exclusive? Are they out seeking people?

For instance, I see, in the correspondence you attach, the acknowledgment on the part of some organized groups that they know of some people who are not properly enrolled. Are they doing anything to see that they are properly enrolled?

Senator STEVENS. I think, Senator, more has been done to try to locate these people in this period of time. I do believe they have had radio programs, TV programs; they have direct mail programs and I think the enrollment people did a tremendous job.

There is still a serious question about a person's even knowing of his eligibility with regard to this settlement, in view of the fact it is a blood quantum test as to whether or not you are eligible for benefits under the act.

In regard to your first question, I thought about this and I should think we could do two things; not only the amendment that is before you, in terms of opening the act for full benefits until a specified date which, I would say, ought to be a fairly short period—we suggested June 30. I have now suggested 30 days after the act passes but, in any case, there ought to be an extension.

But, I think anytime a person establishes his eligibility and can satisfactorily provide the Secretary with the information as to why he did not come forward, then the individual should be entitled to the benefits that were distributed subsequent to his application.

In other words, during this period of time, which we think will take some 13 to 15 years, and if, next year, sometime, a person presents himself and makes the Department aware that he is personally aware that he is eligible for benefits and has a reason as to why he did not come forward previously, he could participate in the distribution of the financial benefits and be assigned.

It is an undefined interest in land that is owned by the village regional corporation to which he belongs so there is no distribution of those benefits but the cash problem, I think, would be difficult if that enrollment were extended too long because part of the cash has already been distributed.

I think a beneficiary who comes in after this time could well be told, you are eligible for future distributions of cash but, because the distributions of money that have been paid into the funds in the past have already been distributed, we are not going to go back and take money from people who have already received those distributions in order to give you a share of that.

I believe that would be fair and would be constitutional because there are some latches involved in that. It may not be negligence but it certainly is tardy presentation of the claim.

I would suggest that to the committee for its consideration but the immediate problem is the 800 people who were informed and, for some reason or another, they did not get their application in on time.

Senator MCCLURE. There are always people who are aware of the procedures required but who fail to act in the time period required and I suspect the 30-day period; I would imagine, I would guess this is true, that there are some people who have failed in the initial period.

They were told they could not now that the period has passed and they have not attempted to and they will not get the word in a 30-day period that it is opened up again.

So, there will be some people, I suspect, at the end of the 30-day period who remain on file for reasons not always their own fault,

as some of these letters you have appended to your statement indicate because of the lack of communication within their own family or lack of understanding of what their rights were.

Certainly, there ought to be some way in which we could recognize inequities that do not result from a massive dereliction on their part and I appreciate the approach you have taken and recognize, also, the necessity that you have of getting on to another committee.

I will not hold you any longer but I am troubled as to how we can achieve equity and I would appreciate your continuing advice.

Senator STEVENS. Well, Senator Gravel wants to comment on that, too. I merely mentioned to the Senator that I had met personally with a person in Alaska in the last 3 weeks who told me she had just discovered she was eligible and had not known because of a split family; had not known the total circumstances of the parent background of one of her parents.

She was disturbed over the fact that she thought she was ineligible now because she had not known that before.

Those are the kind of problems I would deal with with opening the roll in the future, for future distribution.

Right now, we are concerned with the people who did know and, because of the type of proof or type of circumstances they were in, did not get these applications in on time.

Mr. Chairman, I thank you for your consideration.

The attachments to the statement I mentioned in connection with S. 3530 are submitted for the record.

Senator HASKELL. They will all be included.

Senator STEVENS. Thank you.

[The prepared statement of Senator Stevens and letters follow:]

PREPARED STATEMENT OF HON. TED STEVENS, A U.S. SENATOR FROM THE STATE OF ALASKA

Mr. Chairman, I am pleased to have the opportunity to appear before this Committee to discuss the extension of the deadline for enrollment under the Alaska Native Claims Settlement Act and the amendment to that bill, which would provide for a comprehensive study of federal programs designed to benefit Alaskan Natives.

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I believe that the intent of the Congress in specifying a two year period for enrollment was to provide for expeditious conveyance of the benefits of the Act. This is important, but it is equally important that every eligible Alaskan Native be entered in the Alaska Native roll.

I would like to turn now to the amendment to S. 3530 which provides for a comprehensive study of the impact of the Land Claims Settlement Act and all federal programs designed to benefit Alaskan Natives with recommendations for the future management of these programs.

The contract recently awarded by the Department of the Interior for completion of the 2(c) study requires only that a maximum of 20 federal programs be reviewed. The Steering Group working on the 2(c) study identified some 400 programs affecting Alaskan Natives. While all 480 may not have a significant impact on the Native population, there are more than 20 programs which should be scrutinized before final recommendations are made.

One most important consideration was overlooked when the 2(c) deadline was established, that is the land benefits authorized by the Act. As the transfer of the 40 million acres will not be completed until December of this year, it seems somewhat futile to attempt to assess the impact of the Act before we have some idea of the long term benefits accruing from the land settlement. The 2(c) study now underway would be used as the basis for the final study mandated by this amendment.

Mr. Chairman, the Alaska Native Claims Settlement Act made history as the first legislated aboriginal claims settlement in the nation. As such, I feel that the Congress has a clear responsibility to follow through with the implementation of the Act and take action to remedy potentially discriminatory or detrimental situations which cannot be resolved administratively. In both the enrollment question and the 2(c) study, we did attempt to work this out with the Department of the Interior. As those efforts were unsuccessful, I now urge the Committee to take prompt action on this bill and the amendment I have offered to ensure fair and equitable implementation of the Land Claims Act.

Mr. Chairman, I have several letters of support for this bill which I would like to submit for the record.

Mr. Chairman, there is one other matter I would like to bring to the attention of the Committee. The Native corporations established in Kodiak, Kenai, Juneau and Sitka receive no funds under the act. They are entitled only to the surface estate in up to 23,040 acres of land. I would like to include in the record a letter from James F. Petersen which describes the difficulties faced by these corporations. I am also including a letter from Assistant Secretary of the Interior Hughes which was received in response to my inquiry on behalf of these corporations. I would appreciate the committee's reviewing this matter to determine whether this, too, may be corrected by an additional amendment to authorize a grant of $200,000 to each of these village corporations (Kodiak, Kenai, Juneau and Sitka) to carry out the duties imposed upon them by ANCSA.

KETCHIKAN, ALASKA,
May 25, 1974.

SENATOR STEVENS: Reading about the legislation concerning the Bill you introduced for those filing too late for the Native Claims Settlement was good news to us, as one of our ten children was not included in the claims settlement, although he is very well qualified to receive it. Since coming back from service in the Air Force overseas, he made his home and work in San Francisco. His name is Lawrence G. Edenso, Tlingit and part Haida born in Klawock, Alaska, in 1938.

It is only right those who missed the deadline should be included, as they included some Canadian born Natives, also Tsimpshians.

Most of our energetic people who went South to school and work, Armed Services made their homes in the States and never came back home again for years. This includes even some from all over Alaska.

We are pleading with you to intervene for them, and have that legislation passed. I would like to have you express this to the other Representatives of ours in Washington to help you with this bill.

Thank you for taking your time.

Respectfully,

MRS. VICTOR EDENSO.

ALASKA FEDERATION OF NATIVES, INC.,
Anchorage, Alaska, May 29, 1974.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: I wish to express the appreciation of the Alaska Federation of Natives, Inc., and the twelve regional corporations for your attempts to help those Natives who filed after the March 30, 1973, deadline for enrollment set by the Secretary of Interior. We would appreciate receiving a copy of this amendment as soon as possible.

We will continue to work to try to get the Secretary of Interior to change his mind. We still believe he has the administrative flexibility to add all the individuals who missed the filing deadline to enroll. This is particularly true because the Secretary of Interior has not yet completed the Alaska Native Roll although he was supposed to have done so by December 18, 1973. Any help you can give us in trying to persuade the Secretary would certainly be appreciated. This would certainly be much simpler of a solution than the sometimes complex legislative process.

Sincerely yours,

ROGER LANG, *President.*

THE ALEUT CORP.,
Anchorage, Alaska.

The Aleut Corporation supports action by Congress to authorize the Secretary of the Interior to enroll those Alaskan Natives who filed late or did not file enrollment applications for benefits under the "Alaska Native Claims Settlement Act," Public Law 92–203.

We are aware of a number of instances where individuals filed for enrollment after the deadline and know of some cases in which potential enrollees never filed at all. Which ever the case may be we've encouraged everyone we've corresponded with to write to the enrollment office, ask for an application, and enroll just as a matter of record. Our hope being the Interior Department or Congress would feel the responsibility to those individuals and their entitlement.

Our concern is not only with those who filed an enrollment application after the March 30, 1973, deadline, but extends to those who, for some reason, have not filed one yet. Perhaps many potential enrollees feel that since the deadline is long passed it would not do any good to submit an application.

The solution we would recommend is a period of time, perhaps 90 days after congressional authorization, for the Secretary of the Interior to enroll those eligible Alaska Natives for benefits under the "Act". Ninety days would allow enough time to reach potential enrollees who have not filed an application with the enrollment office. If a new deadline is set for enrollment without first giving notice to those individuals who don't have an application on file, the problem would not be solved.

JUNE 2, 1974.

Senator TED STEVENS,
U.S. Senate, Committee on Government Operations,
Washington, D.C.

Dear SENATOR: On May 31, 1974, I found out that I am ineligible for the Alaska Land Claim Settlement because I filed late.

Long before the President of the United States signed the Bill I had been to see you. Please help and put me on the mainstream to be eligible.

Sincerely,

BENJAMIN OKSOKTARAK.

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218 BROADWAY EAST,
SEATTLE, WASH., *June 7, 1974.*

Hon. TED STEVENS,
Senate Offices,
Washington, D.C.

DEAR SENATOR STEVENS: Would you kindly provide me with a copy of the bill which you introduced to allow for the enrollment of those Alaska Natives who did not file their papers by the March 30, 1973 deadline.

As an attorney and an enrolled Alaska Native, I have been working on various enrollment problems for the past three years. Currently I have a potential class action lawsuit pending in the Western District of Washington on behalf of those Natives who filed after March 30, but before December 18, 1973. This involves 839 potential enrollees. Additionally, I have kept in close contact with AFN of Anchorage and, in fact, intend to meet with them on this problem in Anchorage either Wednesday or Thursday of next week. Therefore, I would appreciate it if you could send one copy to my Seattle address and another to me c/o Cook Inlet Region, Inc., 1211 West 27th Street, Anchorage, Alaska 99503 as I will be there attending a board meeting.

I would also appreciate receiving your appraisal of the changes of such legislation and being placed upon your list to be provided periodic reports on its progress, because of the direct bearing that it has on my suit. I would be happy to help in the passage of the legislation in any way possible, including appearances before committees and/or the submission of written materials based upon the knowledge I have gained by working closely with the enrollment office.

Thank you for your cooperation in this matter.

Sincerely,

GOSTA E. DAGG.

JUNEAU, ALASKA,
June 10, 1974.

Hon. TED STEVENS,
U.S. Senate, Washington, D.C.

DEAR SENATOR STEVENS: I am a native born and raised Alaskan of one quarter degree Eskimo blood. Unfortunate circumstances and events resulted in my failure to get enrolled under the Alaska Native Claims Settlement Act prior to the March 30, 1973 enrollment deadline. When I was advised that the Secretary of Interior would not include the names of those enrolling late on the final roll, I just gave up hope. Now, I have heard that a new enrollment deadline of June 30, 1974 may be established and I am most anxious to be included in accordance with my actual native eligibility.

The reason that I failed to enroll in a timely manner was that my mother said that she would enroll me. However, when she found that she could not complete my enrollment, she asked that the forms be sent to me at the University of Alaska. They did not arrive, at least prior to my leaving school in the spring of 1972. I spent the late summer and fall of 1972 in Europe and when I returned home, I still had not managed to get enrolled. At this point, my mother wrote for enrollment forms (see copy of her letter attached). When she finally got the forms and mailed them to me at the University in the spring of 1973, the deadline was past. Even though my mother listed me on her own enrollment forms, I evidently could not be enrolled without submitting my own forms.

At this time, I am submitting my enrollment forms directly to the Secretary of the Interior in hopes that I may ultimately be enrolled. A copy of this is furnished to you here to verify that I have applied for enrollment prior to June 30, 1974.

Sincerely,

LEWIS P. BROOKS.

KAKE, ALASKA,
July 2, 1974.

JOHN HOPE,
Alaska Native Enrollment,
Anchorage, Alaska

DEAR MR. HOPE: I am 65 years old and a full-blooded Tlingit Indian living in Kake. I didn't enroll when the enumerators were enrolling in Kake; I thought I was already enrolled when I signed up under the Tlingit and Haida enrollment. I recently enrolled for benefits under the Alaska Native Claims Settlement Act and was told by your office that I am not eligible because I enrolled too late.

I don't think I should miss out on land claims belonging to me just because I didn't enroll by a certain date set by the BIA. I am just as much Indian as anyone else in this village, and I think it would be unfair if I didn't receive the same benefits.

WILLIAM JAMES.

ARCTIC SLOPE REGIONAL CORP.,
Barrow, Alaska, July 3, 1974.

Re Land Claims Enrollment Extension Bill. Most simply, a matter of justice involved.

Hon. TED STEVENS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STEVENS: Persons who fully qualify, as participants and recipients of the Alaska Native Claims Settlement Act, have not been able to do so. Not due to anyone's fault but due to sheer pressure of time and events.

The Secretary of the Department of Interior was assigned an unprecedented task to enroll upwards of 70,000 Native people in the short period of two years. Tremendous energy and effort ensued. The vast majority of enrollees were contacted and properly enrolled.

A few were missed.

Those few are most important and significant to us. Some missed because they are unable to read or write English. Some missed because they were ill, or were otherwise indisposed. Some missed believing they were fully enrolled.

To place fault is foolhardy and useless.

To modify the filing procedure to allow those otherwise qualified is the American way.

We appreciate and support the bill proposed in Congress.

Sincerely,

JOSEPH UPICKSOUN, *President.*

TAGARA CORP.,
Point Hope, Alaska, June 7, 1974.

TED STEVENS,
U.S. Senator, Committee on Commerce,
Washington, D.C.

DEAR HONORABLE SENATOR: Your Bill referring to late filers before June 30, 1974 in the Native Enrollment is a very commendable action toward implementation of the provisions in the Act as intended.

A significant example is an elderly resident of Point Hope between the age of 80 and 90 years, seldom leaves Pt. Hope still his name does not appear in the roll. People that age begin to count the remaining days and consider all benefits to maintain his existency.

The Tigara Corporation endorses your S-3530, a Bill authorizing the Secretary of Interior to enroll certain Alaskan Natives for benefits under the Alaska Native Claim Settlement Act, which is rightfully theirs.

Respectfully,

JOHN C. OKTOLLIK, *President.*

GREGG, FRATIES, PETERSEN & PAGE,
Juneau, Alaska, June 14, 1974.

Re Alaska Native Claims Settlement Act, Title 43 USC, section 1601 et seq., Gold Belt, Inc. (Juneau Native Corporation), Shee Atika, Inc. (Sitka Native Corporation).

Hon. TED STEVENS,
U.S. Senate, 411 Russell Building, Washington, D.C.

DEAR SIR: Please be advised that we represent the Juneau Native Corporation and the Sitka Native Corporation, which were incorporated pursuant to the terms of the Alaska Native Claims Settlement Act and under the laws of the State of Alaska. There are approximately 2,500 stockholders in the Juneau Native Corporation and approximately 1,700 stockholders in the Sitka Native Corporation. The purpose of this letter is to point out to you an item which we consider to be a major deficiency in the Alaska Native Claims Settlement Act and one which is working an undue hardship on these two native corporations.

As you undoubtedly are aware, the native corporations formed for the native residents of Juneau and Sitka are not defined, classified or identified as village

corporations under the act and they therefore receive no funds under 43 USC Sec. 1605. As you can well imagine this lack of funds has severely handicapped them in establishing their corporations, defraying corporate expenses, retaining the necessary experts to aid and assist them in their land selection, and many other areas of corporate concern which require financing, even such items as mailing notices to stockholders and the like.

Both of these corporations have received offers of assistance in their financing; but necessarily, all these offers have strings attached to them which would seriously hamper and hinder the proper and adequate development of the resources that these two corporations will control.

Due to the uncertainties and unknown obstacles regarding land selections, it is very difficult to estimate the length of time required for these two corporations to realize any revenues to be derived from their land selections. It would therefore seem only just and proper that Congress make a supplemental appropriation of some type to provide these two corporations with the funds necessary to sustain them until they are able to become self-sufficient from the revenues derived from their resources on the land that they will select within the next year and a half. It is estimated that $250,000 for each corporation would be adequate. Without some type of funding, without strings attached, these corporate entities created at the direction of Congress are being placed somewhat in the same position as their stockholders' forefathers.

I can assure you that any aid and assistance which you can render to these two corporations will be most gratefully appreciated by their stockholders. (Obviously, time is of the essence.) We will be most happy to aid and assist in whatever way we can to see that some action is taken to provide these two corporations with funds. I trust that the information contained herein is sufficient; however, should you require any additional information or details, please do not hesitate to contact me. May I take this opportunity on behalf of my two corporate clients and their stockholders to thank you in advance for your efforts on their behalf.

Yours very truly,

JAMES F. PETERSEN.

U.S. DEPARTMENT OF THE INTERIOR,
OFFICE OF THE SECRETARY,
Washington, D.C., July 10, 1974.

DEAR SENATOR STEVENS: This responds to your letter of June 18, 1974, which forwarded for our consideration a letter dated June 14, 1974, from Mr. James F. Petersen of Juneau. Mr. Petersen is attorney for the corporations established by the Natives residing in Juneau and Sitka, as contemplated by Section 14(h)(3) of the Alaska Native Claims Settlement Act, and is seeking interim but unrestricted financial assistance to enable those corporations to carry out their responsibilities to their stockholders.

As Mr. Petersen points out, the Section 14(h)(3) corporations (which also include those established by the Natives residing in Kenai and Kodiak) are not within the definition of "Village Corporation" in Section 3(j) of the Settlement Act and do not qualify for benefits as village corporations. They do not participate in distributions of the Alaska Native Fund nor in the village land selection program, but instead are to receive only the surface estate in up to 23,040 acres of land.

Since such corporations do not participate in the monetary benefits of the Settlement Act, there would be no legal basis for an advance of monies from the Alaska Native Fund, such as was done to finance organizational and selection expenses of the regional corporations. Because such corporations are organized under Alaska law to do business for profit, they are not eligible for loans or financial assistance from the Bureau of Indian Affairs or other agencies of this Department. Although we would not foreclose the possibility, we are not aware of any Federal loan or grant program for which such corporations might qualify for the purposes described by Mr. Petersen. The Congress could, of course, appropriate funds for the express purpose of financing such activities on a loan or grant basis, but substantive authority for such a program would need to be enacted to support such an appropriation.

Although we are sympathetic to the needs of these corporations, we regret that we are unable to provide the assistance requested by Mr. Peterson.

Sincerely yours,

ROYSTON C. HUGHES,
Assistant Secretary of the Interior.

Senator HASKELL. It is our pleasure, now, to hear from Hon. Mike Gravel.

STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

Senator GRAVEL. Thank you, Mr. Chairman.

What has happened here, in a short period of time, in 11 months—which is somewhat less than we had anticipated in developing the legislation for the amount of time we would have for enrollment. I am aware of the fact that it has been a short enrollment period and they have accomplished 99 percent of the enrollment.

This is certainly a credit to the individuals involved in this enrollment but the whole process of enrollment is a process of communications and, as long as this happens, there is going to be a certain injustice because of that imperfection.

It seems abundantly clear; why should we permit a certain human frailty to turn around and be the reason why certain people are deprived of rights?

In fact, I have had numerous people come to me. One was an example of a young man who was away at school, an educated person. You would have thought he would have been informed which was not the case.

He passed the inquiry period. He went off to school. He came back; the rolls were closed and he was denied his opportunity.

You take this for granted, that everybody is sitting on top of this, and that is not the case in a community like Alaska where it is so sparsely populated and farflung and a lot of people leave the centers and go outside to get an education.

So, it is clearly unfair to deny these people what they are entitled to and I think it is a credit to the Native community in Alaska that the inertia behind the legislation are the Native people, themselves.

They see the injustice to their brother and their colleagues who were not apart of the opportunities they want to open up so the legislation we have here, of course, is to take care of what is the immediate numerical needs.

However, I agree with Senator Stevens and I would hope the committee would in satisfying these particular needs of these people would expand it and leave authority, henceforth, in the hands of the Secretary so he could probably make adjudication if somebody is qualified and not be strapped with possibly flying in the fact of legislative intent.

So, I think something that is stated for the record or placed in the law that would clearly give that authority is appropriate.

We are not talking about a lot of people. Probably, in the next 10 years there might be 100 people who would come forward at one time or another to seek justice and they will be denied justice.

Certainly, it is not the intent of Congress to place barriers in the way of realization of what is their natural legacy so I would hope the committee, one, would approve this legislation which would permit these people to be included and, two, would develop language so the Secretary has the power and could adjudicate requests as they come up.

I think that addresses the point that he raises; how can you draw a line and say, time has expired? I agree with you. You cannot.

Somebody, for some exotic reason, 3 or 4 years down the road, is going to be denied justice and I would hope the Secretary could hear that case and then grant justice.

Senator McClure. Could we allow a discretion based on inadvertence or some standard written into the statute so the Secretary could permit them to come in and, second; is the 30-day period following the enactment of the bill long enough to get the word out and get reaction to it and get enrollment at this time, if we extend the period of time?

Senator Gravel. I think, if you extend it; yes. I would say those that come forward, certainly the numbers we are talking about, could be satisfied but, again, I would stress; if we had the other proviso so it would be discretionary to the Secretary and he could let anybody in at a later time, it would not disrupt, numerically, other parts of the act.

I would hope the committee would look very favorably upon that.

These people are just seeking justice for their brethren. The error is compounded if a person lives in that community is denied and his progeny are denied. It is clearly unfair.

Senator Haskell. Thank you very much, Senator Gravel.

Your full statement will be included in the record and will you proceed on.

Senator Gravel. I would like to go through the 2(c) study.

I was the one who authored that part of the Native Claims Act, myself, and it was discussed in committee and in conference. I know what I had in the back of my mind. We were always pushing for that study and I am very critical of the way the administration, the Department of the Interior, and the President are handling the situation starting out with the attitude that this was not a study that was initially to involve the Native community and by initiating the study force in Seattle, rather than in Alaska, which seemed to pander to the existing bureaucracy, rather than assist the Native involvement.

As a result of criticism from the Native community and the Alaska community, this was changed; the effort was moved to Alaska.

They have moved from one facet to a contractual facet so when Senator Stevens talks about the Land Claims up between the Federal Government and the State, if we are to look at it entirely from that point of view, you cannot make a study. You should wait 10 years until the claims are done and then make an assement 10 years hence.

That is really not what the intent of all this was.

What we are trying to get at, in the definition of this study, was what has been the Federal responsibility to the Natives of Alaska and how was this Federal responsibility realized in comparison with what the Federal responsibility is to other people in Alaska.

So, there is no reason why a study could not be handled to compare

what the educational opportunities were to the natives as compared to what the educational opportunities were to other citizens in Alaska.

I think, in that comparative sense, our efforts, we think, have been adequate to the Native community but they would not now look so adequate.

So, one, it is a comparison to create a benchmark as to what has been the effort towards—and this responsibility that the Federal Government; what has been that effort toward the Native community and lay that out in study form and look, perspectively, as to what the program and needs are in regards to the Native land claims.

Obviously, the Department of Interior was derelict in undertaking the study in a timely fashion. There was a clear-cut delay for whatever they want to use to account for it. I do not know if they were just slow in reading the act but they were derelict in getting the study initiated.

Now, the study has been initiated. It faltered in its beginnings. They did not have sufficient sums and I would hope that the delays in the structure we now pose would be considered by the committee, one that an extension of time be provided and; two, that there is a mandatory commentary required by the Native community so you do not get the Federal bureaucracy out writing a report which is merely a perpetuation of existing policies and so there is an automatic check and balance on the Alaskan Native community, itself, even though a good part of the Native community should share in the study itself.

I would hope that the committee would consider favorably the extension and, of course, any recommendations that we made in lobbying in that regard for the extension of monies for that study.

Obviously, the study cannot be done if we do not fund it.

Senator HASKELL. Thank you, Senator, very much indeed.

Senator McClure.

Senator MCCLURE. I have no further questions.

Thank you for both your prepared statements and your comments.

Senator GRAVEL. Thank you.

Let me add, Mr. Chairman; we have a distinguished group of gentlemen that will be testifying from the State of Alaska and I do want to commend them to your attention. They are headed up by Roger Lang, the head of the AFN.

These are people who are very knowledgeable in the Federal practices. They, as individuals, were parties to the lobbying effort of the Native Land Claims legislation and are as authoritative on the subject as you could find in this entire government or our society.

So, I certainly would commend them to your real attention.

Senator HASKELL. Thank you very much, Senator Gravel.

We appreciate their coming and the trip is not inconsiderable, as the Senator is aware.

Senator GRAVEL. Thank you.

[The prepared statement of Senator Gravel follows:]

PREPARED STATEMENT OF HON. MIKE GRAVEL, A U.S. SENATOR FROM THE STATE OF ALASKA

Mr. Chairman, in the two and one half years since the Alaska Native Land Claims Settlement Act was signed into law, we have seen—that although many complex problems were resolved through fine legislative invention—certain oversights were nonetheless made. When the final version of that important act was

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adopted by the Congress in 1971, we were fairly confident that all the major issues had been treated, but few of use believed that all obstacles had been overcome. So, in essence, that is what we are dealing with here today.

History will correctly conclude that the Alaskan Native Land Claims Settlement is one of the most successful Indian movements of our time. It was an instance when the Congress directly confronted an ancient grievance and dealt with it in a just and equitable manner. The settlement is an outstanding accomplishment which underlines the profound importance of individual dignity . . . and stands as a hallmark in an otherwise dismal and degrading history of Indian American relations.

S. 3530, a bill to enroll certain Alaskan natives for benefits under the Alaska Native Land Claims Settlement Act of 1971, seeks to certify after the deadline listed in the act, those eligible Alaskan Natives who for one reason or another were not able to make application by March 30, 1973. Some 800 persons find themselves in just such a position. Their potential eligibility has been denied by the Secretary of Interior whose delegated authority is final in the matter, according to Sec. 5(a) of Public Law 92–203.

This is a grievous decision . . . an exercise of authority totally out of keeping with congressional intent that all eligible Indians, Aleuts, and Eskimos, "born, on or before, and who [were] living on the date of enactment shall be enrolled."

The selection of the March 30 deadline was an arbitrary one, needed simply for the mechanical functioning of the enrollment process. There is nothing magic about March 30, 1973, and I think that we all recognize that fact.

Additionally, the decision against possible enttlement of the late-filers is particularly unfortunate in that considerable delay resulted before actual enrollment was undertaken by the Department. It was only through a super-human effort by officials of the Bureau of Indian Affairs Enrollment Office that 77,000 Alaskan Natives, scattered to every corner of our huge State, and in almost every other State as well, were signed up. And the entire procedure from start to finish—from opening of the enrollment office to the March 30, 1973 deadline—was a mere 11 months!

To this day, my office routinely receives inquiries from Alaskan Natives who have just recently heard of the settlement and want to apply. The view should be that these people, so long as they meet the provisions of the act in other respects, shall share in the benefits. It has been ventured by some individuals that perhaps a logical compromise revolve around extending monetary benefits to the late-filers, but no land benefits. I do not believe that this would be a fair action. Should the potentially eligible Alaska Natives qualify under the residency provisions, all those land entitlements which are about to be conveyed to other natives should in a like manner be afforded the late-filers.

Further, I am informed that there may be another significant number of potentially eligible natives who attempted to file an application, but upon being refused by officials, did not proceed. There is even another number who sought enrollment following the Dec. 18, 1973, final deadline noted in the act. All these individuals are denied benefits which Congress clearly intended them to receive. The total may grow to over one thousand persons.

I can see no justification in the Department's position on late-filers and am supporting relief for these many individuals through the legislation we have before us. I urge that distinguished members of the committee to look upon the matter with the equity demonstrated prior to the settlement. I recommend that the members favorably report S. 3530 and urge a quick resolution of this matter so that the other important work of the claims settlement may proceed.

With regard to the amendment, the procedure outlined in the language is the only course to adopt in view of the delay and mismanagement of the so-called 2-C study. As committee members may be aware, the study was not undertaken until late 1973. It has since been subject to a great many problems which have eventually resulted in a decision by the Department of Interior to conduct the in-depth examination on a contractural basis. But it is more than apparent at this late date, such a study cannot be complete—in the way Congress intended it to be.

Therefore, I urge that the amendment to S. 3530 be adopted by the committee. Thank you.

Senator HASKELL. Our next witness is Royston C. Hughes. Mr. Hughes, we are pleased to have you.

STATEMENT OF ROYSTON C. HUGHES, ASSISTANT SECRETARY OF THE INTERIOR; ACCOMPANIED BY KEN M. BROWN, LEGISLATIVE COUNSEL AND CHARLES M. SOLLER, ASSISTANT SOLICITOR

Mr. HUGHES. Mr. Chairman, I have a statement I would like to present.

Mr. Chairman, it is a pleasure to appear before the committee this morning to testify on S. 3530.

This bill would authorize the Secretary of the Interior to reopen the roll of Alaska Natives eligible for the benefits of the Alaska Native Claims Settlement Act to the following class of persons; Those who filed their applications for enrollment by June 30, 1974, and who would have been eligible for enrollment except for the fact that they missed the March 30, 1973 deadline.

This deadline was established by regulations promulgated pursuant to the Alaska Native Claims Settlement Act.

We are in accord with the intent of the bill to allow otherwise eligible natives who missed the deadline to file for enrollment.

Despite what we consider to have been a very successful enrollment campaign, we understand that, for one reason or another, as many as 2,000 eligible natives may not have met the filing deadline.

Senator HASKELL. Excuse me. I am going to have to interrupt you.

I was not here when the Native Claims Settlement Act was enacted so I have to have a little bit more than a read statement.

Was that enacted——

Mr. HUGHES. March 30, 1973.

Senator HASKELL. That was the cutoff date for their getting whatever their rights were under the act?

Mr. BROWN. That was the cutoff date for accepting their applications. We were mandated by the act to promulgate a roll by 1973 so our enrollment people, in determining how they could achieve that, had to back up a certain amount of time to establish a deadline date for receiving applications of March 30.

Senator HASKELL. And the deadline date was March 30, 1973, and the date you had to get out your enrollment of the people was December 18, 1973, and that was in the statute; correct?

Mr. BROWN. Yes.

Senator HASKELL. Now, what does 3530 have to do with it?

Mr. HUGHES. This bill would reopen the act.

Senator HASKELL. How long would it extend?

Mr. HUGHES. Senator Stevens mentioned this morning that they want to amend the bill to 30 days from the date of enactment.

Senator HASKELL. So, the bill we have before us asks that the roll be opened.

Now, my next question is: How long would the enrollment remain open under S. 3530?

Mr. HUGHES. Until June 30, 1974.

Senator Stevens indicated he would further amend that to say 30 days from date of enactment.

Senator HASKELL. Then, would there be a deadline at which it would be, speak now or forever hold your peace or is there a time when no one further can come in and make a claim?

Mr. HUGHES. I think, under Senator Stevens' proposal, that 30-day period would be the final period; speak now or forever hold your peace.

In my statement, I will address the Department's concern.

Senator HASKELL. When you read your statement, bear in mind it is very hard for me to follow. Senator McClure has a background in this but I do not.

I hope you will bear that in mind.

Mr. HUGHES. Thank you.

Along with our position on the enrollee question, we think there is merit in reopening the enrollment but one of the conditions we differ in that we think the new enrollee should only be entitled to prospective benefits; that they should not share in benefits already awarded.

There has already been a distribution of $130 million under the act and, to go back and try to refigure that initial distribution, we think, is not in order.

Senator HASKELL. Was that $130 or $135 million; was that a specified fund that had to be set up for people on the roll? Is it your problem that you have disbursed that and what are you going to do about new people coming in?

What is the retroactivity problem?

Mr. HUGHES. The Department would be in the position of going to some Natives saying, you did not deserve as much as you got, and there are more people on the roll now.

Senator HASKELL. Do you have to give it back?

Mr. BROWN. Senator, that is one factor.

Perhaps you could readjust in the future and the natives who had been receiving entitlements might receive lesser amounts in order to then make payments to those who had not been on the roll but who had been put on the roll, pursuant to the extension.

But, there is another factor, here, beyond that which concerns us perhaps even more. There are certain other entitlements that accrue under the act concerning villages and things of that sort that relate to land entitlement and the Department is rather concerned that, if we now took in a large new group of people over a period of time, this would shake up what we now construe to be the fixed situation with respect to land entitlement.

We conceive that this would be very difficult for the Department, to try to adjust all of this, if we had all these benefits on a retroactive basis.

Senator HASKELL. I understand your viewpoint.

Now, your statement will be reproduced in full, Mr. Hughes, but if you could kind of talk from it and bear in mind you are talking to a reasonably blank mind up here.

Mr. HUGHES. One other fact that might be pertinent here on the distribution of funds, there will be some $960 million distributed. $130 million, approximately, has been distributed so far.

So, while we feel our support of the bill ought to be with regard to prospective benefits, there is still considerable sums to be awarded under the act so it is not that all of the money has been handed out.

Since, in all likelihood, the persons who had missed the deadline are distributed among regions and villages, we think our restriction on prospective benefits is an evenhanded restriction and will not penalize one group and work for the benefit of another particular group.

In practice, changes in enrollment figures resulting from the enactment of S. 3530 would not cause more than a 1- or 2-percent shift in regional totals.

We consider the prospective approach to the enrollment necessary because the Alaska Native Claim Settlement Act contemplated early determinations of regional and village shares of its benefits.

The regional corporations and villages have acted in reliance on these determinations and, I might say, there are a whole series of deadlines on land selections that further complicate the problem of adding new people to the roll at this point.

The regional corporations and villages have acted in reliance on these determinations and some distributions from the Alaska Native Fund have already been made in accordance with proportions established by the Native roll.

To enroll additional natives with retrospective entitlement to the benefits of the act would call into question the previous distributions of the fund and unduly complicate the land selections to be made by villages at the end of 1974 and by the regions at the end of 1975.

I would like to mention, then, those benefits to which our rule of prospectiveness would not admit natives newly enrolled pursuant to S. 3530.

They would not participate in distributions made from the Alaska Native Fund prior to the date of their entitlement; the day on which they filed their applications.

Their enrollment and stockholdership in regional and village corporations would not be retroactive; hence their enrollment would enable no new villages to be established nor would it alter regional shares in the benefits of the act.

They would have not vote as to whether there should be a 13th regional corporation for nonresident natives.

We also suggest that the June 30, 1974 deadline set by S. 3530 is inappropriate. Many natives were told that the March 30, 1973 deadline was final.

Relying on this information, some of them have not filed applications to this date.

We believe that all such persons should be considered for eligibility. Therefore, we recommend that a 1-year period after enactment be provided for such persons to file for enrollment.

Those whose applications were approved would be entitled to the benefits of the act as of the date of their filling.

The amendment to S. 3530 would essentially do two things: One, direct the Secretary to circulate the 2(c) study——

Senator McClure. I wonder if I may interrupt at that point.

It should be noted that Senator Gravel, in his statement, gave the BIA some words so rare they ought to be noted in regard to the enrollment and the fact that, in an 11-month period, 77,000 people were located based on that list.

Second, he suggested the original act gives the Secretary administrative discretion in regard to the enrollment.

Could you comment with regard to the authority under the original act?

Mr. Hughes. I could defer to counsel from the Department who is much more familiar with the prerogatives but I do not think he has that.

Mr. SOLLER. There is no discretion in the Secretary to enroll qualified individuals. He must enroll them. He is mandated to enroll them.

Senator Gravel is suggesting that there be a single deadline for individuals who wish to take advantage of all of the benefits under the Settlement Act; a fixed deadline 30 days from the passage of the act.

We are suggesting, in our statement, that that be extended to 1 year.

The Senator went on, further, and suggested, for those people who did not meet that deadline, they should be allowed to file applications for enrollment in the discretion of the Secretary if they have some good excuse for not meeting the deadline.

Senator MCCLURE. I am not referring to where we go from here.

I am referring to where we are now with respect to statutory authority.

I understand the legislation mandated that the Secretary should enroll, that is, separate from the filing for claims under the Settlement Act.

Now, does the Secretary have any discretionary authority under existing statute to include late filers or to recognize equities in the filing of claims or benefits?

Mr. SOLLER. I believe there is no discretion as to those who have filed after the statutory deadline of completion of the rolls.

Senator MCCLURE. Is it the statutory deadline for the completion of the roll or is it a statutory requirement that the Secretary have a roll completed by a given date?

In other words, is it a limitation of the right of the individuals or a mandate to the Secretary?

Mr. SOLLER. It is couched in terms of a mandate to the Secretary. It says he shall prepare a roll.

Senator MCCLURE. Does that operate in precisely the same way as saying, if someone has not come to him prior to that date or, for some reason, there is inequity involved in the reason why their name was not on the roll at that time, including the possibility of secretarial error, that it is possible to adjust the roll after the date under which the Secretary is mandated to have the roll prepared?

I think there is a difference.

Mr. SOLLER. I agree with you. I think it is possible to adjust the roll to correct errors after the limited period of time but we have tried to adhere to the December 18 date as the one on which we will calculate those other factors.

Senator MCCLURE. The reason I ask the question; it is not necessarily pertinent as to whether we extend the date but it does have some bearing, in my mind, as to how the Secretary has applied the statute and whether or not there is a sensitive regard for the equities and a sensitive desire to achieve justice.

It seems to me that we have an arbitrary line that is not actually required by the statute but was a matter of convenience for the Secretary.

Mr. HUGHES. There are a group of natives who enrolled between the arbitrary March 30 deadline and December 18; some 800, and we have those individuals' applications on file.

However, the Secretary was concerned, if an action was taken to allow those people to be enrolled, other persons who knew the deadline

had passed and who had not applied would, in fact, receive an injustice because they would not have an opportunity to be added to the roll because the deadline had passed and they had missed the deadline and they made no effort to enroll anyway.

So, the Secretary has made a decision that those people whose applications were late would not be enrolled so he has exercised discretion in that sense.

Senator McClure. Perhaps we can relieve the Secretary of the dilemma by changing the law.

Mr. Hughes. Yes, sir.

If there are no more questions, I shall move on the 2(c) study section.

The amendment to S. 3530 would essentially do two things: One, direct the Secretary to circulate the 2(c) study of future directions for Federal programs benefiting Alaska Natives among the regional corporations and the State for review, prior to submitting the study to Congress on or before July 30, 1977; and, two, direct the Secretary to conduct a further study of the impact of the act on the natives' way of life with a view toward future management of Federal programs benefiting them. This study would be due June 30, 1977.

We have no objection to the first provision. If the Congress desires native and State comment on the 2(c) study, we will be happy to cooperate.

But, we oppose the provisions directing an additional 2(c)-type study as premature and duplicative. We believe that it is too early to begin studying the impact of the act on the natives' lifestyle.

Certainly corporate ownership of land will have a profound effect on native life and land selections will not be completed soon enough before 1977 to enable their effect to be felt by the time this study would be due.

Once the first study has been assimilated, it may be that the Congress will find that additional information or analysis is required. If the Congress so directs, we will, of course, carry out such a further study.

However, at this point, we see no useful purpose in being called upon to conduct a second study, in virtually the same language as that which called for the first, before the first has been completed.

This concludes my prepared statement.

I will be happy to answer any questions you might have.

Senator Haskell. This question may stem from ignorance but you say it is duplicative.

Is the study going on right now?

Mr. Hughes. I think there is a difference of opinion as to whether or not the study the Department has contracted for will fulfill the mandate laid upon the Secretary by the 2(c) portion of the act.

We think it will and we think the contractor will provide the necessary information and that information will be what the Congress intended when it requested the study by December 18.

There are those who feel that we need an additional 3-year period to conduct that study. There is disagreement on that.

Senator Haskell. To conduct the same study or a different study?

Mr. Hughes. I think it would basically do the same thing. There is an additional requirement on the Department that they also, at the same time, determine the impact of the Native Claims Settlement Act which is a new requirement and not included under the initial 2(c) study.

Senator HASKELL. Mr. Hughes, I have some questions here that were prepared by the staff who have had an opportunity to review your testimony. They also have a background in this.

I am going to read these questions to you. I would like you to respond. I hope they are not duplicative of what we have already discussed.

The first one is; could you be more specific as to which benefits under the so-called Rule of Prospectiveness would not be available to Natives not enrolled under S. 3530?

We have discussed that but could you be more specific?

Mr. HUGHES. Basically, new enrollees would not participate in distributions already made from the Alaska Native Fund.

Senator HASKELL. That is the only thing that would be cut off?

Mr. HUGHES. Their enrollment and stockholdership in regional and village corporations would not be retroactive.

Senator McCLURE. Could I ask a question on this point because I had also noted that Senator Stevens raised somewhat the same point in his comments in regard to future enrollments.

Will there be distributions of any nature that would require a recomputation of benefits that occur within the next year?

Mr. HUGHES. I would have to defer but our proposal is if, in fact, this amendment passes and we have an additional year, they would be eligible for all benefits from the date of their application so they would not be denied future distributions.

Senator McCLURE. I understand that but will there be any distributions within the next year that would require recomputation if further enrollment or further filing is permitted? What are those distributions?

Mr. BROWN. Yes sir.

They are quarterly distributions made from the royalty revenues and then there are the appropriated revenues.

Senator McCLURE. Are they full distributions of benefits?

Mr. BROWN. They are of those funds available at the time. We anticipate about $70 million will be made.

Senator McCLURE. And those distributions are made to whom? Individuals?

Mr. BROWN. They are made to the regional corporations.

Senator McCLURE. Will the enrollment of additional persons change the distribution to the regional corporations?

Mr. BROWN. Yes. They will.

Senator McCLURE. In what way?

Mr. SOLLER. The distributions to the regions out of the Treasury are made on the basis of the relative populations or the relative number of enrollments in each region.

The figure was calculated as of the date of the roll but it was approved December 17.

If we add additional enrollees to the roll in one region, it will necessarily increase its proportionate share with respect to another one.

Senator McCLURE. If you are assuming that there are not additional enrollments in other regions.

Mr. SOLLER. That is correct.

In any event, it is bound to make some shift but that we could adjust with respect to future distributions. We can do that but the problem is: do we go back to the initial distribution and readjust that one?

We have made one large distribution and one small one. We have another one coming when the Department's appropriation bill is passed for $70 million.

Now, we distributed, out of the Treasury direct to the regional corporations; they, in turn, are obligated to distribute, of those funds, a fixed percentage to their stockholders.

Now, by increasing the number of stockholders at some time after the initial distribution of the fund had been made, there, necessarily, will be a disparity. It will reduce the equity of the stockholders who were on the roll originally and add those who are enrolled at some later date.

Now, if the ones who are enrolled at some later date are entitled to all of the benefits under the Settlement Act, the regions would have to go back and recalculate their initial distributions on the basis of the then population figure and, in making their new distributions, would have to give the new enrollees substantially more than the old enrollees in order to accommodate the fact that they did not get the first distribution.

Senator McClure. You make it sound very complicated but, actually, that amounts to less than 2 percent of the total.

Mr. Soller. That is correct.

Senator McClure. So the distribution would really not be greatly affected.

Mr. Soller. Moneywise, it probably would not. Mechanically, it is the same procedure that must be followed whether there is one added or 1,000 added.

Senator McClure. That is right.

All you have to do is punch a few keys on a calculator and you get the results.

Mr. Soller. Probably.

Senator McClure. Thank you.

Senator Haskell. The next question I have here—and it may have been answered—Is it possible to separate distribution of funds and lands with individual Natives from the allocation of land and funds to the village or regional corporations?

In other words, can we make the distinction between what goes to the individual, as opposed to what goes to the corporation?

Mr. Hughes. My associates indicate it is possible. I do not think it was contemplated.

We are not sure what the question is getting at.

Senator Haskell. I think the question is, as I read the question, in context with Senator McClure's pursuing this question, whether it is possible to apply your so-called Rule of Prospectiveness to only one of these two elements, the elements being the individual on the one hand and the corporate on the other.

Mr. Hughes. I think, basically, the concerns here, in land and entitlements, are regional and village in nature. They are based on the population of the region or village, although there are some isolated categories of individuals who would be eligible for smaller land awards but the basic unit is still a village that the land is tied to.

If they have a certain population, they are entitled to three townships. If they have a higher population, up to seven townships.

It is these changes that we are worried about.

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Senator HASKELL. That is more troublesome to you than the effect of the individual entitlements.

I am really asking: Are you more troubled by that than you are making the adjustments for people who never received benefits?

That is going along with Senator McClure's line, now.

Mr. HUGHES. To repeat what we have already said: the money problem can be handled. It is, in a sense, punching numbers into a calculator. We do have a concern.

We do not have to, in a sense, go back to the corporations and say, you got too much last time and now you are going to have to give some back. It could be handled through adjusting future awards but the land issue is a much more real issue of a much more lasting nature, of course.

We think here, in view of the fact that there is a deadline coming up this December 18 for village selections to be made; if, in fact, we open the roll and allow everything to be retroactive in terms of benefits, that we complicate, legally and in real terms, the ability of the villages to select lands by this deadline.

Senator MCCLURE. Do you anticipate that there will be a sufficient number of enrollments to shift the village enrollment—the village selection from one category to another?

Mr. HUGHES. We do not know the answer to that. It may have a minor impact or it may not. We anticipate upwards of 2,000 people may be eligible for enrollment in this opening of the roll.

Senator MCCLURE. You pointed out, in your statement, that is 1 or 2 percent shift. They are not all concentrated in one area.

If they are spread equally over a number of areas, that 1 or 2 percent shift is unlikely to affect the land rights of the village corporation; however, if it is on a marginal situation where there is a shift from one category to another, it might entitle a village to an additional quantity of land.

Mr. BROWN. But, it might qualify a village that was not ordinarily qualified.

A village has to have 25 persons to qualify as a village so there is that possibility that they are ineligible now but they might become eligible if you added more people.

Senator MCCLURE. I think those are the kind of details we need as we grope for an answer here.

Now, second, is it your suggestion, if we add the full period of a year and allow these people to come in, that we also additionally extend the other deadlines under the act; for instance, for village selection?

Mr. HUGHES. The Department is not requesting extension of those deadlines.

Senator MCCLURE. Do you think they would, for instance, if they do come in and do establish, as a matter of fact, that there is a village that would be eligible? Do you think it is equitable they be denied the right to make that selection?

Mr. HUGHES. We think so, at this time.

One of our conditions for opening the roll at this time is that there be no new villages created by this act.

Senator MCCLURE. What is the reason for that?

Mr. BROWN. I think the Department, as well as great number of the

Natives, are all rather apprehensive about the idea of amending the Native Claims Act because it is a very complicated act, as you know.

If we proceed to continue to make changes all the way through it, many of the benefits, many of the plans of the native corporations and village corporations have already made, their programs for future progress, economic and otherwise, are going to be interrupted and we are going to have to try to weigh the equities here and find out whether or not extending all of these deadlines and stretching this act out for, perhaps, a year or more would perhaps work more of a hardship on the people it was designed to help than if you left it where it is.

Senator McClure. Assume, for a moment, we extend the 1 year—and, I gather, the thrust of the comments is that you suggest we open it up for a year to allow individuals, but not the villages or regional corporations, to have any additional entitlements as a result.

Mr. Hughes. That is correct, sir.

We think that is equitable.

Senator McClure. In what way are regional or village plans interrupted by the addition of further people through this enrollment process?

Mr. Brown. The interruptions I referred to are primarily concerned with extending further deadlines; deadlines we have in the future.

For example, right now the villages must complete their land selections by December 18 of this year.

Senator McClure. Let me address that, specifically.

Assuming a village is ready to make that application, is there any reason they cannot make that application and amend it later, in light of the changed circumstances, if, indeed, they have a further entitlement because of it?

In other words, does it need to postpone the initiation of benefits for those who are already properly enrolled?

Mr. Hughes. It is a very complex situation, Senator, in that not only the natives and the villages interested in land selection, but the State and Federal Government are also involved in this very complex land selection problem and you say that the village might, at some future date, have a claim on the land which may work against them in that somebody else may already have selected that land that they would have selected, had they known they would have had future call on the land.

Our concern here is to meet the mandate of Congress in meeting the whole series of closely interrelated deadlines.

While we think there is merit in allowing those people who did not get on the roll to get on, we also think it is equitable to the whole settlement act to not disturb, in a major sense, any of the deadlines.

Senator McClure. Is there another deadline, other than that December deadline for village selection?

Mr. Hughes. The regional corporations have to complete their selections 1 year later. There is, in a sense, competition.

Senator McClure. That is the earliest one.

What would happen if we allowed Senator Stevens and Senator Gravel, as they have suggested, a 30-day extension of the enactment and then provide, in the 11 months you have suggested, that they be prospective only and not effect these others?

If there are 800 that would come in now, that would have whatever effect it would have on the various entitlements.

Mr. HUGHES. We think, in a sense, that is not fair to those who were told the deadline had passed and, therefore, did not file.

Senator MCCLURE. How many are there?

Mr. HUGHES. That we do not know. That is an unknown number.

Senator MCCLURE. It it unfair to those, to deny the rights of the 800 that we know of.

Mr. HUGHES. Yes, sir.

There is no question about that but they failed to meet a deadline. Also, the Department has no intent to deny people rights but we are trying to get into what the Congress has mandated us to do.

Senator MCCLURE. I am trying to get on with it, too, and I realize we have an awful lot of tough deadlines to meet and I think your point that village selection affects State selection is true. It affects all kinds of decisions.

But, I do not think we should concentrate on the possible injustice to some people who may have been misled and would not get in the 30 days and I am sensitive to that but I do not think we should look to that and say that possible unjustice ought to justify an injustice to 800 people we know about now.

Mr. HUGHES. Yes, sir. I understand your point.

The Secretary considered that when we decided not to open the rolls to admit those people.

Senator MCCLURE. Thank you.

I have no further questions.

Senator HASKELL. I do not know if you have discussed this with your counsel but how about the possible constitutional challenge of due process.

When we cut off certain people from certain benefits, as you are proposing; have you discussed that with your solicitor?

Mr. HUGHES. No.

Do you have any comment to offer?

Mr. SOLLER. No.

Senator HASKELL. I think it is something that ought to be considered. I do not have any immediate reaction to it but I think it is something that ought to be considered.

I do not know whether Senator McClure would agree with me but it might be helpful to have an opinion on that.

Mr. HUGHES. We will have the Department review that.

Senator HASKELL. There are two questions here that Senator Jackson would like to ask so I will ask them in his name.

The first one is as follows: I know the Rule of Prospectiveness would also prohibit any newly enrolled members from voting in the 11 regional corporations.

Again, would this not, this disenfranchisement, result in a suit that could open up the entire Settlement? Would not the immediate creation of 13 regional corporations, as is proposed in the Senate passed bill, be more appropriate than risking such suits?

Do you have a response to those questions?

Mr. HUGHES. I will defer to counsel but we are already being sued on the issue of the 13th corporation. We may have future suits.

Mr. SOLLER. There are two lawsuits against the Department on the establishment of a 13th region.

Senator HASKELL. The question is: Would the disenfranchisement, in a sense—if people come in in the future, you say, sorry, but you cannot have any benefits you would have had in the past.

This is, in effect, a disenfranchisement and also, if you do not let them vote on the creation of a 13th regional corporation.

Do you think this would add fuel to whatever litigation is going on and would it be a meritorious basis for lawsuits in the future that might void the entire Native Claims Settlement?

That is really the thrust of the question.

Mr. SOLLER. I am sure the matter would be raised in the present litigation. I cannot anticipate that it would be the basis of an additional suit.

There is just no way of knowing.

On the other hand, I do not think it raises a Constitutional question. This would not deprive anyone of a right. It would simply determine where he would be enrolled, in a particular region in Alaska or the 13th, and I do not think there is a serious Constitutional question involved in this particular limitation on the rights of an enrollee who filed late but who Congress had allowed to file at a later time.

Senator HASKELL. Again, this is Senator Jackson's question.

I note, in the next to last sentence of your statement, you say, the amendment to S. 3530 proposes a second study in virtually the same language that is called for in the 2(c) study of the original act.

He goes on, I must disagree with you. The language in the amendment delineates much more specifically the purpose and scope of the study of Native needs in relation to Federal programs.

I have, before me, the press release describing the 2(c) study for which you have contracted. If you truly regard the 2(c) language as similar to the language under the amendment, then I cannot help but note your contracted study does not meet the requirements of law.

Clearly the contracted study, as described in your press release, does not approximate the comprehensive study called for in the amendment. The contracted study is nothing more than a literature perusal and a sampling of Native opinion.

Do you believe your Department and the Congress can conduct informed and effective policymaking on the basis of the very limited study you have contracted out?

I now see, Mr. Hughes, where the difference of opinion lies.

Could you address yourself to Senator Jackson's question?

Mr. HUGHES. Yes, sir.

To reiterate, we think the contracted study will meet the requirements of the 2(c) study called for in the initial act. There may be a difference of opinion as to whether or not the amendment study would, in fact, be duplicative or not.

We think it is, possibly, a duplicate study on a much longer timeframe and we think we will be in compliance with the mandate of the Alaska Native Claims Settlement Act with our contracted study.

Senator HASKELL. I understand it took the Department 2½ years to contract out the study.

Is there any reason for that?

Mr. HUGHES. The Department certainly was not working in a timely fashion to get at the requirement of a 2(c) study in the act. We have to accept that.

Senator Haskell. The staff informs me that certain villages have been disallowed.

Now, will the Natives in the villages who have been disallowed; will they be enrolled in some allowed village for the purpose of getting benefits?

I guess that is the question that the staff has.

Suppose I wanted 10 people in a village. Senator McClure happens to be lucky enough to have 25 people in his village.

Does he have funding more than I do under the act?

Mr. Hughes. To answer the first part of your question, the people in those villages that did not meet the test of eligibility will be enrolled as members at large in a corporation.

I would prefer that Mr. Brown give a little more detailed information on that.

Mr. Brown. The act also provides that groups of natives of less than 25 may be entitled to certain land benefits also depends on the number of people and the situation here but, simply because the village becomes ineligible, does not mean those people would be landless.

The Secretary is concerned about that and we are hoping to assure a land base can be provided pursuant to that part of the act.

Senator McClure. They may elect to try to qualify as a village for village selection. That, then, is denied them.

They might, then, in the initial stages, have opted for joining with another village to enhance its opportunity to make a land selection.

We are willing to give them that chance after they are denied village status.

Mr. Brown. No, sir. They would not.

I believe it was our interpretation of the act that an individual was directed by the act to enroll in a place that he considered to be his residence but there could be only one consideration in making that decision; that is, what he considered to be his home.

He could not take an option.

Senator Haskell. Would you yield, Senator.

I think this is very important.

Let's go back to villages. I have 10 Natives in my village. Senator McClure has 25 in his, and the question was; does he get more than I do?

Your answer was that the Secretary is very anxious to assure that I do not go landless.

Do you have a statutory basis for that? Do you have authority for that?

Mr. Brown. Yes, sir.

The answer is you would probably get less and the village would be entitled to more lands than a group would so your group that did not qualify would not have as much land as you would have had if you had been eligible as a village but that does not mean you would go without any.

Senator Haskell. Does the Secretary have authority, under the original act, to see I do not go without anything?

Mr. Brown. Yes. He does.

Senator McClure. Are there situations under which there may have been people who tried to create the appearance of a village and then

did not succeed in doing that but they could have if they had made the other election and enhanced the status of another village which did qualify?

Mr. HUGHES. That may, in fact, be true, Senator.

It is hard to determine that but our basis of operating has been that place of residence is a fact. It is not a matter of choice; but, there may, in fact, have been some circumstances and there are also some specific categories of families that may be separated by regional corporation boundaries where it is possible to register with another village but they are specific categories.

Senator McCLURE. But your decision as to whether or not they have established the existence of a second village or whether they are peripheral to the first village does effect their ability to make the land claim.

Mr. HUGHES. That is correct, sir.

Senator McCLURE. They are stuck in a position not just simply a question of fact of what is their residence, but what is their affiliation? Is there a village there or not?

That is your decision; that is not theirs.

Mr. HUGHES. That is correct.

Senator McCLURE. That does effect their right to make land selections.

Mr. HUGHES. That is correct because the act so directed the Secretary to make awards based on eligible villages.

Senator McCLURE. The point I am getting at is that it is not just simply a question of fact in which they say, I reside here, and you take the determination and that determination is a judgmental process.

Mr. HUGHES. No, sir.

If, in fact, they cannot qualify as a village, based on a certain number—25 eligible people being assigned to that village—they do not qualify.

That is not a subjective judgment. There may be disagreement and there is an adjudicative process provided through the ad hoc board on these decisions.

It may effect their ultimate benefits; yes, sir.

Senator McCLURE. The question of whether or not they have a second village or are peripheral to the first village is a judgment which they are stuck with without, perhaps, a real understanding of the ultimate impact of that decision when they made it.

Mr. HUGHES. That may, in fact, be true, Senator.

Senator McCLURE. There is no process of which you are aware, then, to allow a second look at it after you have made your determination that there is, in fact, a village with which they are affiliated.

Mr. HUGHES. Not at this point, Senator.

I might say, in discussions this week—and you will hear from Mr. Lang later on—this issue has been raised with the Secretary personally as to whether or not there is some way that equity, in this sense, can be provided for those people who enroll in a village which was found to be ineligible and the Department is looking at the question.

There are several options that seem to be open. One of them might be that other villages would, in fact, enroll on their own hook, in a sense, these people who are now villageless in the eligible village sense.

I think there is also a request before the Department that the Secretary exercise some discretionary authority. In fact, he has it and that is what we are reviewing now; to assign these people to other villages.

Then you get into the question of, if you assign more people to the villages, you dilute the benefits to some extent.

Senator McClure. My concern is, some of these people are not necessarily fixed 12 months of the year in one location. They have an option that has an impact on their entitlement under the bill and, were they appraised of that impact? Do they make this selection knowing the impact that would have on their rights under the bill?

I would suggest, probably, the full import of their decision was unknown to many of them at the time they made the selection and they ought to have some opportunity to make a decision and a selection, based upon the full knowledge of their rights under the act.

Thank you.

Senator Haskell. Thank you, Mr. Hughes.

I wonder if one of you gentlemen would stay for the balance of the hearing?

We have a great many people from Alaska and they may bring up some matters that will suggest questions of the Department so, if one of you gentlemen will stay, I will appreciate it.

Mr. Hughes. Mr. Chairman, we will ask Mr. Soller, who is the Assistant Solicitor for the BIA in the Department and he is very knowledgeable in the history and so forth.

He will be glad to answer any questions that may come up.

Senator Haskell. That will be fine. We appreciate his staying and we appreciate your testifying.

[The prepared statement of Mr. Hughes follows:]

STATEMENT OF ROYSTON HUGHES, ASSISTANT SECRETARY OF THE INTERIOR FOR PROGRAM DEVELOPMENT AND BUDGET, ON S. 3530 A BILL, "TO AUTHORIZE THE SECRETARY OF THE INTERIOR TO ENROLL CERTAIN ALASKAN NATIVES FOR BENEFITS UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT", AND AN AMENDMENT TO THE BILL, BEFORE THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS, UNITED STATES SENATE.

Mr. Chairman, it is a pleasure to appear before the Committee this morning to testify on S. 3530. This bill would authorize the Secretary of the Interior to reopen the roll of Alaska Natives eligible for the benefits of the Alaska Native Claims Settlement Act (ANCSA) to the following class of persons: those who filed their applications for enrollment by June 30, 1974, and who would have been eligible for enrollment except for the fact that they missed the March 30, 1973, deadline. (This deadline was established by regulations promulgated pursuant to ANCSA.)

We are in accord with the intent of the bill to allow otherwise eligible natives who missed the deadline to file for enrollment. Despite what we consider to have been a very successful enrollment campaign, we understand that for one reason or another as many as 2,000 eligible natives may not have met the filing deadline. So long as new enrollees are entitled to prospective benefits only, we endorse the concept of reopening enrollment. This restriction will avoid upsetting determinations that have already been made

as to the monies and lands apportioned to each region by the Act and the amount of land each village can select. Since in all likelihood the number of persons who missed the deadline is distributed relatively evenly among the regions and villages, this is an even-handed restriction. In practice, changes in enrollment figures resulting from enactment of S. 3530 should not cause more than a one or two percent shift in regional totals. We consider this prospective approach to enrollment necessary because ANCSA contemplated early determinations of regional and village shares of its benefits. The regional corporations and villages have acted in reliance on these determinations, and some distributions from the Alaska Native Fund have already been made in accordance with proportions established by the Native roll. To enroll additional natives with retrospective entitlement to the benefits of ANCSA would call into question the previous distributions of the fund and unduly complicate the land selections to be made by villages at the end of 1974 and by the regions at the end of 1975. I would like to mention, then, those benefits to which our rule of prospectiveness would not admit natives newly enrolled pursuant to S. 3530:

--they would not participate in distributions made from the Alaska Native Fund prior to the date of their entitlement (the day on which they filed their applications)

--their enrollment and stockholdership in regional and village corporations would not be retroactive (hence their enrollment would enable no new villages to be established, nor would it alter regional shares in the benefits of ANCSA)

--they would have no vote as to whether there should be a thirteenth regional corporation for non-resident natives.

We also suggest that the June 30, 1974, deadline set by S. 3530 is inappropriate. Many natives were told that the March 30, 1973 deadline was final. Relying on this information, some of them have not filed applications to this date. We believe that all such persons should be considered for eligibility. Therefore, we recommend that a one-year period after enactment be provided for such persons to file for enrollment. Those whose applications were approved would be entitled to the benefits of ANCSA as of the date of their filing.

The amendment to S. 3530 would essentially do two things: (1) direct the Secretary to circulate the 2(c) study of future directions for Federal programs benefiting Alaska Natives among the regional corporations and the state for review prior to submitting the study to Congress on or before July 30, 1976; and (2) direct the Secretary to conduct a further study of the impact of ANCSA on the natives' way of life, with a view toward future managment of Federal programs benefiting them: this study would be due June 30, 1977. We have no objection to the first provision: if the Congress desires native and state comment on the 2(c) study, we will be happy to cooperate. But we oppose the provisions directing an additional

2(c)-type study as premature and duplicative. We believe that it is too early to begin studying the impact of ANCSA on the natives' life-style. Certainly corporate ownership of land will have a profound effect on native life, and land selections will not be completed soon enough before 1977 to enable their effect to be felt by the time this study would be due. Once the first study has been assimilated, it may be that the Congress will find that additional information or analysis is required. If the Congress so directs, we will of course carry out such a further study. However, at this point we see no useful purpose in being called upon to conduct a second study--in virtually the same language as that which called for the first--before the first has been completed.

This concludes my prepared statement. I will be happy to answer any questions you might have.

Senator HASKELL. Our next witness will be Mr. Andy Johnson, president, Cook Inlet Region, Inc., Anchorage, Alaska.

STATEMENT OF ANDY JOHNSON, PRESIDENT, COOK INLET REGION, INC., ANCHORAGE, ALASKA; ACCOMPANIED BY SAM KITO, DOYON CORP.; RAY CHRISTIANSEN, CALISTA CORP.; ROGER LANG, ALASKA FEDERATION OF NATIVES; JACK WICK, PRESIDENT, KONIAG, INC.; AND TED ANGASAN, BRISTOL BAY REGIONAL CORP.

Senator HASKELL. Mr. Johnson would you, for the record, introduce your colleagues.

Mr. JOHNSON. Starting on my right is Mr. Sam Kito from the Doyon Corp.; Mr. Ray Christiansen from the Calista Corp.; I am Andy Johnson. This is Roger Lang of the AFN; Jack Wick, president of Koniag, Inc.; and Ted Angasan, representing Bristol Bay Regional Corp.

Senator HASKELL. I notice, Mr. Lang, you are on the witness list later on. You will testify later on?

Mr. LANG. Mr. Chairman, I have a written statement. Mr. Johnson has a written statement. But, yes; we will play it anyway you want.

Senator HASKELL. Why don't we go ahead with Mr. Johnson.

I think this; if you will, you may summarize your written statement submit it in full for the record. I think it is much easier if you try to educate us.

Just talk to us, rather than read something that is a little hard to follow.

Will you go ahead, then.

Mr. JOHNSON. Mr. Chairman, to be more conservative with your time, we are going to let Mr. Lang, if we could, make his statement and we would be perfectly willing, instead of us each making a statement, duplicating that, we would like to make one statement for the group and then answer questions.

Senator HASKELL. That will be fine.

Mr. JOHNSON. And Mr. Christiansen wants to make a statement, too.

Senator HASKELL. Mr. Lang, would you proceed, sir.

STATEMENT OF ROGER LANG, PRESIDENT, ALASKA FEDERATION OF NATIVES, INC.

Mr. LANG. Mr. Chairman, thank you for allowing us time to appear before your committee and I would like to start by saying that we endorse both the concepts found in the extension of the enrollment and in the extension of the 2(c) study.

General, the problem of late filers as we began enrollment in the enrollment proceedings was thought to be one that we could handle by the promulgation of regulations. The problem was the speedy enrollment, the time frames showed the one area in which we forgot to address ourselves; those who filed later than March 30.

Mr. Chairman, the reason there was a March 30 date was to allow adjudication of appeal procedures before December 18. The problem with those who missed that date was they were denied enrollment at the presentation of their application because of the late date.

They were denied an appeal by automatic rejection of the appeal date. There was no action a late filer could take in any process of enrollment to justify it and there are many and varied causes for late enrollment.

To our knowledge, there are 800, as of today, who qualify for all benefits of Alaska Native Claims Settlement Act. There are 400 which are in some area, unfiled; either duplicative, not eligible, or incomplete filed.

So, we are speaking, generally, of between 800 and 1,200 eligible Alaska Natives.

It is our contention, an Alaska Native, whether it is 1 percent or 5 percent of the total enrollment, is eligible in any case and to deny him any right because of a procedure or regulation set up and because of the hurry and the great, massive effort of enrollment; that there is a chance for some inequity for these people.

Our stand is that we feel the bill, as introduced, which had a June 30 deadline, would be in effect as of this date.

There are two areas that we find, in the enrollment process, which have cost regional corporations thousands of dollars.

One is the fact that the December 18 roll presented last year was incomplete and unworkable. I also serve as a member of the board of directors of one of the regional corporations, Mr. Chairman.

In our instance, it cost us in excess of $26,000 to clean up our share of the roll that had been given to us on December 18, last year. This is because, in its work, Congress set up a corporation which mandated the issuance of stock and we could not work with the roll that was given to us on December 18.

That was the case for everyone sitting at this table.

In our case, it cost over $26,000. I think, in almost every case, you find the excess of cleaning up what was presented to us on December 18 will exceed $20,000 so we are talking about vast amounts of money that we have used just to clean up what was given to us on December 18.

We disagree with Interior on prospective benefits. The mechanics of adjustment for finances are very simple.

There are enough moneys distributed every year from the Alaskan Settlement Fund—We are talking an amount between 1 and 2 percent and I am sure, in order for me to share with my brother a penny of the dollar I have coming next year, that is fine with me and all 12 regional corporations endorse some method for opening the roll.

We have discussed, with Interior, the mechanics and the timing necessary. My original position, as you will find in my written testimony, was for a December 31 deadline of this year.

Interior says, in order to complete a hard roll advertised through the community again, they will need more time.

Mr. Chairman, I would like to personally amend my testimony to have a 9-month period for enrollment and a 1-year extension for completion.

The first one that was given to us cost us thousands of dollars. We would like the last one to be final and certain.

Senator McClure. Mr. Chairman, could I interrupt to ask a question at this point?

Mr. Lang, what about the delay in the selection process that is trig-

gered by the delay in the completion of the roll? Is there merit in a two-stage opening of the rolls?

Mr. LANG. Are you speaking about lands?

Senator MCCLURE. Yes.

I think we can adjust the moneys.

Mr. LANG. Yes.

Senator MCCLURE. That does not concern me as much. Surely, it poses some difficulty on the bookkeepers but bookkeepers are paid by the hour. They are not paid by the job and I guess if they take more hours, they get paid more.

Mr. LANG. Senator McClure, our information—and it is limited—of the 800 on file, which is what we are talking about—the 1 percent or 2 percent—probably 80 to 90 percent of those are enrolled from out of State. The large benefit to those people who enroll from out of State would be to enroll at their regional corporations because they live in Washington, California, Idaho and they would get a larger cash benefit by enrolling, at large, as opposed to a village enrollment.

I think this, then, makes this 1 percent of 1 percent in the village selection process which Interior is making such a large issue of.

Senator MCCLURE. What I am getting at is, do we need to postpone the selection process by the villages? Will this have an impact on their selection rights?

Mr. LANG. Senator, there are mechanics within the bill to handle this. There is a protective withdrawals three times the selective right of that village.

Every village in Alaska that is eligible is covered and that right, that protective right could be saved without amending the bill.

The Secretary withdraws that protective right and if, administratively, he did not withdraw it, you could make all the adjustments you wanted.

Mr. KITO. There is nothing to preclude the administrative action by the Department of the Interior to allow, in those identified cases, in those increased enrollments in the village selection process, should that township go into another category for selection.

If that is the case, once that has been certified, then the land would transfer but, I might add to the testimony that has been given here today, that we, in fact, are still operating, in the State of Alaska, the regional corporations on a temporary roll because there are a number of people who have filed their applications by June 30, or whatever the date was, and are still presently in the appeals process so a final roll of the number of people who are going to be affected by the Land Claims Settlement Act has not been completed and we do not have it and, for that matter, I do not see that this is ever going to come to a completion process over a number of years so the adjustments have to be made kind of moving train, as it moves and, administratively, we feel there is some discretion that the Department of the Interior can assert.

It seems, consistently, that we end up suing them on issues we feel are our prerogative to sue; however, the shoe goes the other way.

They make their decisions based on whether or not they feel we are going to sue.

There are cases where they could be making these decisions in the area where we will not sue but maybe somebody else would but the fear

of somebody else suing seems to bother them a little more than us suing them.

Senator HASKELL. If I may, I would like to address this question.

Is there a difference between letting prospective enrollees get cash benefits and letting prospective enrollees become part of the corporation? Are there, in your mind—we were talking to Mr. Hughes, if I remember correctly, and he said if there was a difference it might be more——

Mr. LANG. There is a difference but to deny it to an eligible native, to me, is more serious than an administrative problem that Interior might have.

Senator HASKELL. In other words, in your opinion, Mr. Lang, it could be done. There are certain things where you have to have a deadline. You have a plan you cannot alter it without upsetting the whole applecart but you do not feel that this is one of those situations.

Mr. LANG. No.

Mr. KITO. Mr. Chairman, I might say that there are two other statements and, with the dialogue, if it is permissible, I will submit my statement for part of the record and we will highlight it as we go through the discussion stages.

Mr. HASKELL. The discussions coming up will answer that question. Is that right?

Mr. LANG. Yes.

Mr. WICK. I would like to add; these prospective benefits in our region, to give you a little bit of an idea of a history of Koniag Region—out of 3,500 enrollees, we have had to file 1,600 appeals.

Senator MCCLURE. How many?

Mr. WICK. Approximately 50 percent because of the Creole problem and that problem is not, at this time, solved so, as time goes on, our roll is increasing.

There are approximately 450 people in the Creole category. Not all of them are being determined eligible but, as they are determined eligible, our roll is slowly increasing so to include the late filers would not make any difference to us at all.

Senator MCCLURE. What would happen if we open the rolls for a period of time but state that it is our intention that it is not going to affect the village selections except for the statements that are reflected in the rolls prior to the time that such selection is made?

In other words, it is not our intention to delay the selection by the villages; that they can go right ahead on the same type of timetable that is in the statute at the present time.

Mr. WICK. I think the villages could meet that.

Mr. KITO. It can be done either way without any delay.

Senator MCCLURE. We do not want to disrupt this timetable if we can avoid it and my personal reaction is that we need not. I think we can accommodate.

Senator HASKELL. I think Mr. Christiansen wanted to say something.

Mr. CHRISTIANSEN. Mr. Chairman, if I may, there are two other people in here that are sitting back here that may be able to help us.

One of them is Robert Schenker who is the Manager for Calista Corp. and the reason I brought him along; if I happened to get stuck on something, he is our manager.

Senator HASKELL. Ask him to come up and sit at the table. There is room at the end, there.

Mr. Shively.

Mr. SHIVELY. Mr. Lang is really making a statement for the Federation and I will assist him if necessary.

Senator HASKELL. All right.

Mr. LANG. I was answering the village selection question.

There has been a very studious studied attempt to talk about dates in the future, Senator McClure.

There was one date, December 18 of this year, by which interior was called on by the act to certify every village eligible to select land.

That has not been completed. They are slipping that, Senator McClure, and the results are that we have been able to negotiate out of Interior a selection right for noncertified villages simply because they slipped that in.

I do not think Interior will allow us to slip any dates as far as land selection process goes. We are not hopeful. We are going to make darned sure that our identification and selection dates are followed.

Senator McCLURE. I suspect the State of Alaska is pushing for maintenance of selection dates, also, because their rights are directly effected by those selection dates.

Mr. JOHNSON. You made a statement, though. You said monetary value is the difference between land selection and dollars.

We were asked, at another meeting, to give a typical village and I made a statement that every village in Alaska was atypical.

This is what we have as far as land. In my region, land is 30 times more valuable as the money we are going to get. Some other place, it may not be as valuable as the money. So, we cannot make a broad, categorical statement that is going to cover every one of the villages in Alaska because Alaska is one-fifth the area of the entire continental United States.

Each one of us has a problem that is different than the other region.

Senator McCLURE. If I made a statement that indicated I was not sensitive to that, I would hope to correct the record. My statement was inhibited to reflect I see no problem in adjusting the military payments, but my question is, is there a problem in adjusting the land selection rights as a result of opening the roles.

Mr. JOHNSON. We feel, like Mr. Lang said, like 1 percent or whatever we are speaking of is not going to affect it, and we are willing to live with whatever solution comes up to that.

Again, most of us feel—I know in my region, the feeling is this. We are usually overprotected by the Department. They know what we want and we don't.

They are giving us things, but we shouldn't do what we want with it. We should do what they want with it.

Senator McCLURE. I have heard that before.

Mr. JOHNSON. We are not capable of taking care of our own business, evidently.

You talked, in other words, of allowing discretion. This is a real fine thing. There are all kinds of discretion where it is something they want to do. The signing of the roll, there is four categories in the act that tells you what you can do, where you have lived for 10 years,

where your parents have lived and, finally, No. 4, wherever the Secretary wants to put you. He can do that.

These are some things, again, and I, particularly in my case, I was born in one place, I lived 30 years in another area. I lived 20 years in another place.

I fulfilled three categories. I could have signed up in any of three places, and that is my choice, not his, and that is the point you brought up and I think this is again what we all feel. We should have some choice. But, as long as that choice agrees with theirs, fine, no problem. But, the minute it disagrees—I am willing to bring the statement of an engineer I have worked with. He says, "My mind is already made up. Let us not confuse the issue of facts."

This is the problem we have.

Senator HASKELL. Please bear in mind, Mr. Johnson, that I am a newcomer to this problem. Now, would you go over again where the Secretary says—which of these three places. This is for the purpose of qualifying one of the villages for incorporation. Is that what it is about?

Mr. JOHNSON. For qualifying the village?

Senator HASKELL. Yes. Is that what you are talking about?

Mr. JOHNSON. I am talking of enrollment where the person must enroll.

Senator HASKELL. And you say they specified where you should enroll. Is that right? Is that what you said; that the Department of the Interior specifies that? I just want to understand this. I don't think I do.

Mr. JOHNSON. Let me read what it says here in the Act. Section Five, entitled "Enrollment", and I will read paragraph C–1, 2, 3, and 4. "A native elegible for enrollment who is not, when the roll is prepared, a permanent resident of one of the 12 regions established pursuant to Section 7(a) shall be enrolled by the Secretary in one of the 12 regions."

Now, here are the priorities, and the way it is written down:

> The region where the native resided in 1970 census date. If he had resided there without substantial interruption for two or more years.
>
> Two, the region where the native previously resided for an aggregate of ten or more years.
>
> Three, the region where the native was born; and
>
> Four, the region from which an ancestor of the native came. The Secretary may enroll a native in a different region where necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

Senator HASKELL. This looks pretty clear to me. There are statutory priorities for enrollment, and you are saying the Department says this is discretionary to them as to where you should enroll. Is that what you are saying?

Mr. JOHNSON. We are talking village enrollment, and I opted—I was enrolled in a village which was a listed village of 125 people or set up to this village. It was protested by another Department, another bureau of the Department of Interior and it was now not certified. They opted not to certify the village, and we are coming back to the problem——

Senator HASKELL. What is the name of the village?

Mr. JOHNSON. Salamatof.

Senator HASKELL. Let me ask the Department, do you have any comment on that?

Mr. SOLLER. Senator, Salamatof was a village whose eligibility was contested. The Area Director made an initial determination that the village was eligible. His determination was contested, and the matter was taken before an ad hoc appeals board.

Senator HASKELL. Who was the moving party?

Mr. SOLLER. I think it was the Bureau of Sport Fisheries and Wildlife. There are some 30 or 40 villages whose eligibility has been contested by one individual or one agency or another. I cann't identify them all.

Anyway, the ad hoc appeals board has rendered a decision approved by the Secretary which I have not seen, so I cannot discuss it intelligently, but determined the Village of Salamatof was not eligible for benefits under the Settlement Act.

Senator HASKELL. I don't understand this. It has—A village is a village. It has 125 folks who live in the village. How in the world could it not be eligible?

Mr. SOLLER. As I have said, Senator, I have not read the decision on Salamatof. I am not certain of the grounds for the decision.

Senator HASKELL. I think you ought to supply the Department's position for the record on that.

Mr. WICK. I would like to address this issue—I will defer to Mr. Johnson.

Mr. JOHNSON. The decision in Salamatof was not a question of the residency. It said we did not have a physical location.

Senator HASKELL. You had 125 people.

Mr. JOHNSON. We had 125 people, but they were spread out over an area. Under Section 3, Definition of a Village, it says for the purpose of the act, a village means any tribe, band, clan, village, community or association in Alaska.

Now, five of those seven definitions have no physical location. A clan does not have a physical location. A tribe does not have a physical location. It is spread out over an area, but they say:

> Since the native lifestyle there had changed just because, in the area where Salamatof had originated, an oil refinery was built on that site; they built a road in there, the village moved, the people spread out, they homesteaded around and a legal opinion was passed by a judge recommending to the ad hoc board that they complied, but the ad hoc board says. "No, you don't know the law. You don't comply as to the definition of a village." But, this again, is what we are saying. We have a Department that is our champion and looking out for our interests. That is ruling against us in every case.

Senator HASKELL. Thank you, Mr. Johnson.

UNIDENTIFIED WITNESS. We have a case similar to Salamatof; the village of Nunivak and that is the village is listed, the people enrolled in that village, the village was certified for eligibility by the Bureau of Indian Affairs. The village was protected by the Bureau of Sport Fisheries and Wildlife and subsequently determined ineligible.

On one hand, the act states the village there, the people—maybe they are not sophisticated enough to know how the Interior Department can change its mind, but they enrolled; they are fully believing they were enrolling back to their village. Some of the people were out of State; some were from another village. That is similar to Andy's

case. They have lived there for 10 years or they have ties there, but what I would like to make a point of, the Secretary, we think he has the Administrative authority to enroll those people to a village and I think individual rights are being delineated. They are villagers. They are out there. They live 100 miles from any city.

But, the Secretary or the Department of the Interior states they are not a village, so those people will be placed right now at-large and they do not have the benefits the other villagers have, and there is another village across the way, 5 miles away. They do not share in the benefits of the corporation.

I think the corporate attitude of the natives belonging to corporations, the larger groups, the individuals are being ignored. They have individual rights. They have a right to invest their money in the corporation and we think the Secretary has the administrative authority to put people in a village, because it says the Secretary has authority to enroll them.

Mr. LANG. Part of the problem raised is the fact that Interior determines who is in the eligible list. The Department of Interior, Bureau of Sport, Game and Fisheries, has protested. A quasi-judiciary body of the Interior is determining that, and it is costing us thousands of lawyer dollars to talk to Interior and make sense with themselves.

Are these natives in the village corporation known or qualified?

Senator MCCLURE. And, I think part of the problem is they make one selection and that is ultimately determined; it prohibits them from making another selection.

Mr. JOHNSON. That is the point I wanted to bring up. In the area of Salamatof, we have 125 people registered in the village, over 100 of which live in the area and yet we are accused of forming phantom villages and incorporating things to get more land. It does not change the total number of the act anyway. There are 40 million acres going to be given out under the act anyway.

Now, the thing we are saying here, in the area I live, there are 40 people who live around a lake, 40 natives, the majority of which could have certified, if elected to be in a nonlisted village. We don't have that chance, if we are kicked out of Salamatof.

There are two areas exactly in this area where I live. We could have formed two villages had we known that Salamatof was not going to be a village. We all signed up to Salamatof. Salamatof was a village on the north Kenai Road, so our rights are being taken away from us as far as we are concerned.

Senator HASKELL. Let me ask one question while I am still thinking about it.

I don't know if any of you gentlemen have looked at the proposed legislation we are having a hearing on, but if you have, will anything in the proposed legislation take care of the type of situation Mr. Johnson is talking about?

Mr. JOHNSON. No.

Mr. CHRISTIANSEN. Now, I would like to make a few comments. First, they said December 31, 1974, but I think we will change that to the same position the AFN has taken. The reason we are asking for this extension is you know that our people back home, the really, the ones I really worry about are the children who are eligible whose father and mother have enrolled and yet, because when they enrolled,

they thought their children were enrolled, too, and these are the ones that were out when the date came up.

We cannot overlook these people. Of course, they cannot write, and we have a lot of people back home who cannot read and write.

And, another thing, there are people who enrolled for the native allotment. They thought this was when they enrolled for the native allotment or land claims bill. In fact, the educated ones, I have nieces and nephews who have gone to college, and it just happened I came home, and I said, "Did you enroll yet?" And, they said, "Oh, yes; we enrolled in such and such a place up at the lake" and I said, "Wait a minute. Aren't you thinking about the allotment?" "Yes, isn't that what I was doing when I enrolled?"

Luckily, I caught them and they enrolled, but we have people like this who are eligible, but did not quite understand that the law or the enactment and then another problem we have back home in our area—it is a pretty good sized area. It is about the size of Washington State. We have something like 3,350 to 4,000, a little more, but they are spread out. Communication there is bad. Sometimes, like Nunivak, they cannot get mail for maybe 2 to 3 weeks at a time, depending on the weather, so in a lot of these places; take, for instance, up at Lime Village, sometimes maybe, they do not get mail in there for a month. This is the problem we have had, as far as communications. It is very bad, so we would appreciate your extending or supporting this amendment that Senator Stevens got.

Thank you.

Senator McClure. Could I ask one question of the Department witnesses, because I do not think it was asked earlier. Will all of the appeals on enrollment be completed by December 18 of this year?

Mr. Soller. Of the ones now pending, I am convinced they will be. I am informed about 100 of the Creole appeals are yet to be decided. The rest of those, tentative decisions have been sent out.

Senator McClure. That is tentative decisions. Now, under the statute, do these people have the right to file further appeals of the decision?

Mr. Soller. Once the solicitor has made a decision on the final enrollment, that is the end of the administrative process.

Senator McClure. Is there access to the court for review of the administrative process?

Mr. Soller. The Settlement Act provides that the decision on eligibility is final. This does not keep anyone out of the courthouse door, but generally speaking, we regard this as final action by the Department.

Senator McClure. I am sure it is final action by the Department. I am asking whether it is your opinion that it is final action.

Mr. Soller. In my opinion, it is.

Senator McClure. It is. Then, they have no further rights to appeal.

Senator Haskell. They could go through the courts, could they not?

Mr. Soller. This is what the Senator is asking.

Senator McClure. It is his opinion that the bill says no and the courts will sustain. They have no right to appeal.

I see Mr. Lang doesn't agree with that.

Mr. LANG. No. We will enter, as part of our testimony, which will show there are mitigating circumstances.

Senator McCLURE. I think the reason I asked the question—I think it is quite obvious. Will there be adjustments in the rolls as the result of the appellant procedure following the selection date. I think that bears on the question of whether extending the enrollment procedure also would be disruptive.

Mr. JOHNSON. I would like to make a comment. The Department has recommended we do not get any rights, because it would cause too much work to go retroactive with any of the people who were enrolled, but let me show how this works in their favor in these areas.

Salamatof was deleted. The Cook Inlet region was given to Salamatof to help them organize, as we were told to do, practically $50,000; to set up an office. They have issued stock. They have formed a corporation. Now, they say, "You are no longer a village. You have no village benefits."

So, we have given $50,000 to a village corporation and it is no longer a village corporation as far as we are concerned. It is not a village any longer. It is just a corporation but not a village corporation.

We have to take the money, under the act, a person at large got money, and in our case it was $1,022.22. If he was enrolled to a village, he got a check for $182.22, $820 of which 45 percent of the disbursement went to the village to finance the village.

We now have a village that is no longer a village, so we have to take that $820 and issue it to 120 stockholders. Where do we get this money from? We have already given this money to the village.

Now, we have to take it from the village who has spent it and give it to these stockholders.

That is no problem. That is our problem as far as they are concerned. That is no problem at all, but if we make them do 5 minutes of extra work, they cannot change this. This is what we are talking about in some of the questions we have been talking about. This is too much work for them. They are saying not retroactive as far as money; it is the bookkeeping matter. It takes 2 seconds for the computer to tell you that.

Senator HASKELL. Excuse me, Mr. Johnson. I am going to do this. I am going to ask the staff, both the minority and majority staff to go over your testimony, all of it, the examples that you have given of this type of problem and direct questions for explanation to the Department of the Interior, because I think there definitely are problems here and we cannot get to the bottom of all of them in this limited period of time and I think this is the only limited way we can handle this procedure.

Senator McCLURE. May I suggest any witnesses who desire may have 10 days within which to submit specific examples which we could then incorporate with the testimony here.

Senator HASKELL. That is an excellent idea. There will be a 10-day period following today where any additional examples not shown in your written testimony of the type of thing we are discussing now can be presented in as much detail as possible, and I will direct staff to go over those as well and get a direct explanation from the Department of the Interior for these matters.

Mr. LANG. Mr. Chairman, our initial posture of the Alaska Native Community, when it began into the 2(c) study is that Alaskan Natives should conduct the study because the study for once is a study of Federal programs and their effects on Alaskan Natives and not a study of Alaskan Natives.

Our contention was they should not write it. They should contract it.

If you remember back in history, there was a BIA takeoff. There was a change in Commissionership. There were high policy disruptions in Interior right after the enactment of the Alaska Claims Settlement Act.

Following that, a year and a half later, they appointed a study person and located him in Seattle and after that, they appointed the Program Policy Board; two natives, two State representatives and two representatives of the Federal program located in the region in Seattle.

The result is, absolutely no study has been done to date. We are very fearful of a brief interim report which could lead to determination of Federal programs which directly affect our lives in Alaska.

We will not abide by the application of the Secretary. I know it is impolitic of the Secretary to come to us and say, "I cannot meet a mandated date." It is not impolitic for us to suggest he can do it and we are suggesting the study they are doing now is a beautiful way to start 2(c). It fits our suggestion, but much more time and dollars need to be spent in this area which is very important to us.

Senator HASKELL. Then, in addition, Mr. Lang, I gather your point is neither you nor the Department should make the study. Is that right?

Mr. LANG. I still feel that way. That is our original testimony.

Senator HASKELL. That sounds reasonable to me.

Mr. LANG. Since it is a study of Federal programs, I see very hard problems of the Secretary of the Interior making suggested change to the Secretary of HEW on labor or commerce. It is practically, almost impossible to do.

Mr. KITO. Mr. Chairman, I might say also we feel the study should be done by an independent agency and we also feel there should be an extension of time to complete the 2(c) study and the significant ramifications which may follow any completion of the Federal programs in the State of Alaska and they be looked at as subjectively as possible in the time limit in which it has to be done.

It cannot be done in the amount of time.

Mr. LANG. Specifically if we refuse to cooperate.

Senator HASKELL. Thank you, gentlemen, I very much indeed appreciate your being here. I think everybody has testified now. Mr. Wick, you are at the table and Mr. Lang, do you have anything further to say?

Mr. LANG. Mr. Chairman, there are several regional corporations that have asked that I request from you time for the submission of written testimony.

Senator HASKELL. Would 10 days be all right?

Mr. LANG. Ten days would be sufficient.

Senator HASKELL. The record will be open for 10 days.

Senator McClure. May I say, if you have written statements here today you have not submitted for the record, that you do so and they will appear as part of the record.

Mr. Christiansen. On behalf of the Calista Corp., I want to thank the committee for a chance to come down here and give our testimony.

Senator Haskell. We are delighted you did.

[The prepared statement of Messrs. Lang, Kito, Wick, and Christiansen follow:]

TESTIMONY BY ROGER LANG, PRESIDENT
ALASKA FEDERATION OF NATIVES, INC.
BEFORE SENATE INTERIOR COMMITTEE
WASHINGTON, D. C.
JULY 17, 1974

MR. CHAIRMAN, THANK YOU FOR ALLOWING TIME FOR OUR ORGANIZATION TO TESTIFY ON SENATE BILL 3530. WE ENDORSE BOTH THE CONCEPTS THAT ARE IN YOUR COMMITTEE FOR CONSIDERATION.

LATE FILERS: THIS IS AN AREA WHICH WAS NOT CONSIDERED IN PROMULATING THE RULES FOR ENROLLMENT. THERE WAS AN ACCEPTED CONCEPT OF APPEALS, WHICH WAS THOUGHT SUFFICIENT TO ADJUDICATE THOSE SITUATIONS WHICH WERE OUT OF THE ORDINARY. APPEALS DO HANDLE THE CASES IN WHICH INSUFFICIENT EVIDENCE OF BLOOD QUANTUM, FAMILY TREES, PLACE OF RESIDENCE, AND REGION OF ORIGIN. BUT THEY HAVE REJECTED ALL CASES OF LATE FILERS BOTH IN THE APPEAL AND IN THE ENROLLMENT OFFICES. THERE ARE MANY CASES IN WHICH MITIGATING CIRCUMSTANCES WERE THE REASON FOR LATE ENROLLMENT APPLICATIONS: ADOPTED CHILDREN; THOSE WHO HAD PROBLEMS WITH A SECOND LANGUAGE; MINORS AND OTHERS WHO WERE IN THE CUSTODY OF THE STATE OF ALASKA; THOSE WHO THOUGHT THAT THEY WERE ENROLLED; THOSE WHO HAD NOT HEARD OF THE ALASKA NATIVE CLAIMS SETTLEMENT ACT; STUDENTS WHO WERE NOT AT HOME DURING ENROLLMENT ORIGINALLY; AND WHO THOUGHT THAT THEY WOULD BE ENROLLED BY THEIR PARENTS. IN ANY CASE, IT APPEARED THAT THE DEPARTMENT OF THE INTERIOR COULD HAVE HANDLED THE SITUATION THROUGH THE ENROLLMENT APPEAL PROCESSES. THEY CHOSE NOT TO DO SO EVEN THOUGH WE MADE A SPECIAL

TO THOSE VESTED WITH THE ADMINISTRATION OF ENROLLMENT, BOTH IN ALASKA AND IN WASHINGTON, D. C. EARLY AFTER THE IDENTIFICATION OF THE PROBLEM, MY OFFICE WAS IN TOUCH WITH THE COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS; THE SOLICITOR OF THE BUREAU OF INDIAN AFFAIRS; AND THE THEN CHAIRMAN OF THE "ALASKA TASK FORCE," ASSISTANT SECRETARY, LARRY LYNN; AND WE POINTED OUT THE OPTIONS THAT THE DEPARTMENT OF THE INTERIOR HAD. WE ALSO POINTED OUT THAT IN THE CASE OF LATE FILERS, THEY WERE BEING DENIED BOTH PROPERTY AND THE RIGHT FOR INCLUSION OF THE BENEFITS OF THE ACT. AS SUCH, WE PLEADED FOR INCLUSION IN THE DECISIONS MADE, QUOTING SECTION 2 (B) OF THE ACT AS THE RATIONALE FOR DECISIONS MADE IN BEHALF OF ANYONE WITH PROPERTY RIGHTS. THE DEPARTMENT OF THE INTERIOR CHOSE TO DO NOTHING ABOUT THE MATTER, INFERRING THAT TO DO SO WOULD BE AT THE COST OF THOSE PRESENTLY ENROLLED, AND THAT THE NUMBERS WE WERE TALKING ABOUT WERE INSIGNIFICANT IN RELATION TO THE TOTAL ENROLLMENT. WE DO NOT BUY THE ARGUMENT THAT A POTENTIAL OF OVER 800 ELIGIBLE ENROLLEES IS INSIGNIFICANT--ONE WOULD BE SIGNIFICANT--SINCE, IN EFFECT, WE ARE TALKING ABOUT THOSE THAT ARE RELATED TO US.

THE MECHANICS OF ENROLLMENT ADJUSTMENT WILL BE A VERY, LONG-TERM MATTER. WE WILL NOT HAVE A "CLEAN ROLL" FOR QUITE A PERIOD OF TIME. WE MAY NEVER CEASE THE ENROLLMENT OF ALASKAN NATIVES UNTIL WE EXHAUST THOSE WHO ARE ELIGIBLE. THE MATTERS WHICH ARE TRIGGERED BY THE ENROLLMENT, VILLAGE LANDS, AND MONEY FROM THE ALASKA NATIVE FUND, ARE ALREADY IN MOTION. TENTATIVE SELECTION AND IDENTIFICATION OF VILLAGE LANDS ARE NOW LARGELY COMPLETED FOR THE 12 REGIONAL CORPORATIONS. THERE ARE SUFFICIENT

FUNDS SCHEDULED FOR PAYMENT FROM THE ALASKA NATIVE FUND TO MAKE THE NECESSARY ADJUSTMENTS FOR THOSE THAT WILL BE ENROLLED BY THIS LEGISLATION.

I DO NOT CONCEIVE OF THE ENROLLMENT PROCESSES AS A MATTER IN WHICH ALASKAN NATIVES WERE TO FIND THE SECRETARY OF THE INTERIOR IN ORDER TO BE INCLUDED. IT IS THE OTHER WAY AROUND, AND WHILE THE TIME SCHEDULES FOR ENROLLMENT DID PRODUCE A SPEEDY IDENTIFICATION OF AN EXCESS OF 70,000 ALASKAN NATIVES, IT ALSO PRODUCED SEVERAL PROBLEMS WHICH WERE NOT ANTICIPATED. SINCE CORPORATIONS WERE FORMED ON THE BASIS OF THE ENROLLMENT, THERE WERE THOUSANDS OF DOLLARS SPENT BY THE REGIONAL CORPORATIONS IN CLEANING UP THE ROLLS SO THAT PAYMENTS MANDATED BY THE ACT COULD BE MADE, BOTH TO INDIVIDUAL NATIVES AND TO THE VILLAGE CORPORATIONS. WE WOULD LIKE TO ADDRESS THIS PROBLEM WITH YOUR COMMITTEE STAFF AND COUNSEL AT ANOTHER TIME AND PROBE FOR SOLUTIONS TO A VERY VEXING PROBLEM.

WE SUPPORT SENATE BILL 3530 BUT SUGGEST AN AMENDMENT WHICH WOULD ALLOW LATE FILERS UNTIL DECEMBER 31, 1974, TO ENROLL. THERE HAVE BEEN PEOPLE WHO HAVE WISHED TO ENROLL BUT WERE TOLD THEY COULD NOT BECAUSE OF THE MARCH 30, 1973, CUT-OFF. EXTENDING THE DEADLINE UNTIL DECEMBER 31 OF THIS YEAR COULD ALLOW THESE INDIVIDUALS AN OPPORTUNITY TO CLAIM THEIR RIGHTFUL HERITAGE.

<u>2-(c) STUDY:</u> SECTION 2-(c) OF THE ACT IS VERY IMPORTANT TO THE ALASKAN NATIVES FOR TWO REASONS: 1) FOR ONCE IT IS A STUDY OF FEDERAL PROGRAMS WHICH AFFECT ALASKAN NATIVES AND NOT A STUDY OF THE NATIVES THEMSELVES--THIS IS IMPORTANT; AND 2) IT ALSO CALLS

FOR THE SECRETARY OF THE INTERIOR TO MAKE "SUGGESTED CHANGES" IN THE DELIVERY OF THE PROGRAMS. THIS IS ALSO VERY IMPORTANT TO US.

SECTION 2-(C) WAS A CALL FOR A THREE-YEAR STUDY. PRESUMABLY, WITH A SUFFICIENT BUDGET TO FINISH THE STUDY IN A FORM WHICH WOULD SATISFY BOTH THE DEPARTMENT OF THE INTERIOR AND THE ALASKAN NATIVES.

AT THE INITIAL MEETING WHICH KICKED OFF THE 2-(C) STUDY, WHICH STARTED A YEAR AND A HALF AFTER PASSAGE OF THE ACT, THE DEPARTMENT OF THE INTERIOR WAS NOT ADVERSE TO TALKING OF SPENDING AMOUNTS WHICH RANGED NEAR THREE MILLION DOLLARS. THE FIRST MEETING WAS HELD IN SEATTLE AT THE OFFICES OF THE REGIONAL COUNCIL. THE POSITION OF THE ALASKA FEDERATION OF NATIVES WAS: THE STUDY SHOULD BE CONTRACTED, WITH NEITHER THE DEPARTMENT OF THE INTERIOR NOR THE ALASKAN NATIVES BEING RESPONSIBLE FOR THE ACTUALITIES OF THE STUDY; AND THAT THE HEADQUARTERS OF THE STUDY BE EITHER IN WASHINGTON, D. C. OR IN ALASKA. WE LOST ON BOTH COUNTS! THE DEPARTMENT OF THE INTERIOR THEN APPOINTED A STUDY DIRECTOR ALONG WITH A POLICY ADVISORY COUNCIL COMPOSED OF TWO REGIONAL COUNCIL REPRESENTATIVES, TWO MEMBERS FROM THE STATE OF ALASKA, AND FOUR ALASKAN NATIVES.

THEIR SELECTIONS FOR THE STUDY DIRECTOR WAS A TACTICAL MISTAKE. HE LACKED BOTH AUTHORITY AND THE PERSONALITY TO MAKE THE STUDY FUNCTION. THE INTERIOR DEPARTMENT WAS ALSO GOING THROUGH THE THROES OF CONTINUAL STAFF DISRUPTIONS, PARTICULARLY AT THE POLICY LEVEL IN WASHINGTON, D. C. THE RESULT WAS THAT NOTHING HAPPENED UNTIL APRIL OF THIS YEAR. AT THAT TIME, THE

STUDY DIRECTOR WAS REMOVED, AND A NEW MAN WAS APPOINTED. IN THE MEANTIME, MONTHS OF THE TIME WERE SPENT, AND DOLLARS WERE ALLOCATED FOR STAFFING. WE ARE NOW WITHIN FIVE MONTHS FOR COMPLETION OF THE STUDY DATES.

THE DEPARTMENT OF THE INTERIOR HAS NOW DECIDED THAT THEY WILL CONTRACT FOR THE STUDY. WE SUGGESTED THIS IN THE BEGINNING. BUT, BECAUSE OF TIME LIMITATIONS, THEY HAVE RESTRICTED THE STUDY TO A THREE-PART CONTRACT, WHICH WOULD HAVE BEEN A BEAUTIFUL START FOR THE STUDY BUT CERTAINLY DOES NOT MEET THE NEEDS OF SITUATIONS AS SEEN BY THE ALASKAN NATIVES. OUR FINDINGS ARE IN THE REPORT OF THE STUDY GROUP, WHICH WAS FORWARDED TO YOUR OFFICES LESS THAN A MONTH AGO.

I CONCUR WITH THE RECOMMENDATIONS MADE BY THE STAFF OF THE ORIGINAL STUDY GROUP AND THE ADVISORY POLICY COUNCIL.

I DO NOT ARGUE WITH THE CONCEPT THAT THE DEPARTMENT OF THE INTERIOR IS NOW INTO; BUT IT SHOULD AND WILL, SIMPLY INDICATE THAT MORE TIME AND MONEY WILL HAVE TO BE SPENT TO FINISH THE STUDY THAT WAS CONCEIVED BY YOUR COMMITTEES AS THEY WROTE THE ACT.

I ALSO KNOW THAT IT IS IMPOLITIC FOR A MEMBER OF THE ADMINISTRATION TO INDICATE THAT THEY CANNOT MEET TIME AND STUDY DEADLINES MANDATED BY CONGRESS. IT IS NOT IMPOLITIC FOR US TO SUGGEST THIS. WE DO ADVOCATE FOR THE THREE-YEAR STUDY, AND WE FURTHER ADVOCATE FOR SUGGESTED CHANGES IN DELIVERY SYSTEMS.

WE DO NOT VIEW THE CURRENT CONTRACT SCOPE OF THE INTERIOR DEPARTMENT AS BEING THAT WHICH THE ACT CALLS FOR. THE CONTRACT NOW IN EXISTENCE IS ONLY A BEGINNING, AND ONE WHICH WILL ALLOW THE SECRETARY TO ADVISE YOU ON DECEMBER 18 OF THE NEED FOR ADDITION TIME TO COMPLETE THE STUDY.

ANYTHING LESS COULD RESULT IN TWO CONCEPTS, WHICH WE CANNOT ACCEPT. ONE, WHICH WOULD ADVOCATE THE TERMINATION OF PROGRAMS WITHOUT SUFFICIENT JUSTIFICATION; AND SECONDLY, IT MAY ALSO ALLOW THE SECRETARY TO ABROGATE HIS RESPONSIBILITY FOR A TOTAL STUDY BY PRESENTING TO YOU ON DECEMBER 18 THE SHORTENED VERSION OF THE NEW CONCEPT OF A 2-(c) STUDY.

THANK YOU, MR. CHAIRMAN.

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TESTIMONY OF SAM KITO, JR. BEFORE THE

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

JULY 17, 1974

MR. CHAIRMAN, MEMBERS OF THE COMMITTEE; MY NAME IS SAM KITO. I AM PRESENTLY EXECUTIVE VICE PRESIDENT OF DOYON, LIMITED. DOYON, LIMITED IS THE REGIONAL CORPORATION ESTABLISHED UNDER THE ALASKA NATIVE CLAIMS SETTLEMENT ACT FOR THE ATHABASCAN PEOPLES OF INTERIOR ALASKA. I AM HERE TODAY NOT ONLY AS A REPRESENTATIVE OF DOYON, LIMITED AND ITS SHAREHOLDERS, BUT ALSO AS AN ALASKAN NATIVE WHO SHARES THE CONCERNS OF THOUSANDS OF OTHER NATIVES ABOUT THE PRESSING MATTERS WHICH PRESENTLY FACE OUR PEOPLE.

MANY OF YOU WORKED HARD TO ASSURE THAT A FAIR AND JUST SETTLEMENT WAS REACHED IN 1971, AND NOW WE ARE CALLING UPON YOUR ASSISTANCE AGAIN TO INSURE THAT ALL ALASKAN NATIVES ARE ABLE TO PARTICIPATE IN THAT SETTLEMENT. UNDER THE ACT, THE SECRETARY WAS REQUIRED TO PREPARE BY DECEMBER 17, 1973, A ROLL OF ALL ALASKAN NATIVES WHO WERE LIVING ON DECEMBER 18TH, 1971. REGULATIONS FOR THE ENROLLMENT PROCESS WERE NOT PROMULGATED UNTIL MARCH 17TH, 1972. IT WAS SOMETIME LATER BEFORE ENUMERATORS WERE TRAINED, APPLICATION FORMS PREPARED, THE ENROLLMENT OFFICE ESTABLISHED AND BEFORE ANY ALASKAN NATIVE COULD ACTUALLY FILE AN APPLICATION FOR ENROLLMENT. UNFORTUNATELY SECTION 43 H.6(D) OF THE REGULATIONS REQUIRED THAT APPLICATIONS FOR ENROLLMENT HAD TO BE FILED NO LATER THAN MARCH 30, 1973.

THUS ALASKAN NATIVES HAD LESS THAN 11 MONTHS TO ENROLL IN ORDER TO PARTICIPATE IN THE SETTLEMENT THAT WAS BEFORE CONGRESS FOR A NUMBER OF YEARS AND THE RIGHTS TO WHICH HAD BEEN RECOGNIZED FOR OVER A CENTURY. AS I AM CERTAIN THE MEMBERS OF THIS COMMITTEE ARE AWARE, OTHER ENROLLMENT TASKS GIVEN TO INTERIOR FOR SMALLER GROUPS OF INDIAN PEOPLE SPANNED THREE OR FOUR TIMES THE AMOUNT OF TIME ALLOWED FOR THE ENROLLMENT OF ALASKAN NATIVES. IT IS A CREDIT TO THE SECRETARY AND TO THE ENROLLMENT OFFICE THAT IN SPITE OF DIFFICULTIES WITH COMMUNICATIONS, THE LANGUAGE PROBLEMS AND THE LARGE NUMBER OF NATIVE SETTLEMENTS IN ALASKA, THAT 77,000 ALASKAN NATIVES WERE ENROLLED.

BUT UNFORTUNATELY THERE IS A SIGNIFICANT NUMBER OF NATIVES WHO DID NOT HAVE THEIR APPLICATIONS FILED BY MARCH 30TH, 1973, AND THUS WERE DENIED THEIR RIGHT TO PARTICIPATE IN THE SETTLEMENT ACT. IT IS THESE PEOPLE ABOUT WHOM WE NEED YOUR ASSISTANCE TODAY. THE DEPARTMENT HAS INDICATED THAT THERE ARE OVER 800 APPLICATIONS THAT WERE FILED AFTER THE ADMINISTRATIVE DEADLINE AND BEFORE DECEMBER 18, 1973. WE HAVE NOT RECEIVED ANY FIGURE ON THE NUMBER WHO SOUGHT TO FILE BUT WERE REFUSED OR WHO FILED AFTER DECEMBER 18, 1973. BUT ALL OF THESE PEOPLE WILL BE DENIED ENROLLMENT.

THE DEPARTMENT SEEMS TO BELIEVE THAT SINCE THE NUMBER INVOLVED IS LESS THAN 1% OF THOSE ALREADY ENROLLED, IT ISN'T SIGNIFICANT ENOUGH OF A PROBLEM FOR THEM TO CHANGE THEIR REGULATIONS.

BUT LET ME TELL YOU ABOUT THE PEOPLE WHO ARE BEING DENIED ENROLLMENT.

THERE IS JENNY LUKE WHO IS 96 YEARS OLD, WHO SPEAKS AND UNDERSTANDS ONLY ATHABASCAN, DOESN'T READ OR WRITE ENGLISH, HAS A HEARING LOSS AND NEVER HEARD OF THE SETTLEMENT ACT OR ENROLLMENT UNTIL JUNE, 1973.

THERE IS LISA SHEETS WHOSE MOTHER WAS TOLD BY AN ENUMERATOR THAT LISA WASN'T ELIGIBLE TO BE ENROLLED. IT WASN'T UNTIL FEBRUARY OF THIS YEAR THAT HER MOTHER LEARNED OTHERWISE.

THERE IS A YOUNG LADY IN NORTH CAROLINA WHO WAS RAISED IN ORPHANAGES SINCE SHE WAS TWO YEARS OLD AND DIDN'T LEARN OF THE ACT UNTIL AFTER MARCH 30, 1973.

THERE IS JACK WHOLECHEESE WHO WAS SERVING IN THE ARMY IN VIETNAM DURING THE TIME ENROLLMENT WAS OPEN. WHEN HE RETURNED HOME, HE LEARNED THAT IT WAS TOO LATE FOR HIM TO ENROLL.

THERE ARE MANY MORE ELIGIBLE NATIVES THAN THE 800 WHO WE KNOW WHOSE APPLICATIONS WERE REJECTED, WHO BECAUSE OF THEIR OWN SITUATION WERE NOT ENROLLED BEFORE THE ADMINISTRATIVE DEADLINE. THESE NATIVES WERE TOLD BY ENROLLMENT THAT IT WAS TOO LATE TO ENROLL AND SO THEY DIDN'T FILE AN APPLICATION. THESE PEOPLE TOO SHOULD BE GIVEN AN OPPORTUNITY TO RECEIVE THE BENEFITS THAT YOU INTENDED THEM TO HAVE.

IT IS FOR THESE REASONS THAT WE ARE SUPPORTING SENATE BILL 3530, WITH THE EXCEPTION THAT WE URGE YOU TO AMEND THE

BILL AS IT IS PRESENTLY WRITTEN TO ALLOW FOR THE REVIEW OF PERSONS' APPLICATIONS SUBMITTED ON OR BEFORE DECEMBER 31, 1974, RATHER THAN JUNE 30TH. THIS AMENDMENT WOULD ALLOW THOSE PERSONS WHO DID NOT FILE AN APPLICATION AFTER BEING TOLD IT WAS TOO LATE, THE OPPORTUNITY TO ENROLL.

SENATE BILL 3530 AMENDED AS PROPOSED WOULD NOT PRESENT PROBLEMS FOR DOYON, LIMITED. WHILE SOME DISTRIBUTIONS FROM THE ALASKA NATIVE FUND HAVE ALREADY BEEN MADE, THERE WILL BE AMPLE OPPORTUNITY TO MAKE AN ADJUSTMENT IN FUTURE DISTRIBUTIONS FOR ANY CHANGE IN ENROLLMENT. LIKEWISE FOR LAND SELECTION PURPOSES, THOSE VILLAGES WHICH MIGHT RECEIVE ADDITIONAL LAND SELECTION RIGHTS BECAUSE OF AN INCREASED ENROLLMENT COULD OVER-SELECT. THUS IF BECAUSE OF THE EXTENSION OF THE ENROLLMENT PROCESS, A VILLAGE RECEIVED ADDITIONAL LANDS, THOSE LANDS WOULD BE ALREADY IDENTIFIED AND APPLIED FOR.

OUR SECOND CONCERN IS THAT OF THE PROGRESS BEING MADE BY THE DEPARTMENT ON THE SO-CALLED "2(C) STUDY". SECTION 2(C) OF THE ACT PROVIDED FOR THE SECRETARY TO MAKE A STUDY OF ALL FEDERAL PROGRAMS DESIGNED TO BENEFIT THE NATIVE PEOPLE AND TO REPORT BACK TO CONGRESS WITHIN 3 YEARS WITH HIS RECOMMENDATIONS FOR THE FUTURE MANAGEMENT AND OPERATION OF THESE PROGRAMS.

FOR THE PAST TWO AND A HALF YEARS, LITTLE PROGRESS HAS BEEN MADE ON THIS STUDY. NOW, WITH LESS THAN 6 MONTHS REMAINING, THE SECRETARY HAS CONTRACTED FOR THE STUDY TO

BE DONE BY A PRIVATE FIRM. IT IS VIRTUALLY IMPOSSIBLE FOR ANY STUDY OF THIS MAGNITUDE TO BE COMPLETED IN THE REMAINING TIME. THIS IS ESPECIALLY TRUE IF THE CONTRACTOR SEEKS TO RECEIVE THE MANDATED INPUT AND COMMENTS FROM THE NATIVE PEOPLE WHO WILL BE AFFECTED BY THEIR RECOMMENDATIONS.

WE, THEREFORE, URGE THE COMMITTEE TO OFFER A FURTHER AMENDMENT TO THE SETTLEMENT ACT TO ALLOW ADDITIONAL TIME FOR THE SECRETARY TO COMPLETE THE STUDY. WITHOUT THIS AMENDMENT, THE STUDY PERFORMED CANNOT HELP BUT BE INCOMPLETE AND INADEQUATE INSTEAD OF THE COMPREHENSIVE AND THOUGHTFUL REVIEW WHICH CONGRESS INTENDED IT TO BE.

AGAIN ON BEHALF OF DOYON, LIMITED AND THE PEOPLE OF ALASKA, I WOULD LIKE TO EXPRESS OUR APPRECIATION FOR THE ASSISTANCE WHICH YOU HAVE GIVEN US IN THE PAST AND FOR THE OPPORTUNITY TO APPEAR BEFORE YOU AND TO DISCUSS OUR CONCERNS WITH YOU TODAY.

STATEMENT BY JACOB S. WICK, PRESIDENT,
KONIAG, REGIONAL NATIVE CORPORATION ON S.3530

I appreciate the opportunity to submit this statement for inclusion in the record of these hearings.

Koniag, Inc. joins in fully supporting the testimony of AFN President Roger Lang on S.3530. I know of no enrolled Alaska Native who would take the position that enrollment of his brothers who missed the deadline imposed not by Congress but by the Secretary of the Interior is unfair to the enrolled Natives. Nor can we take seriously, in this age of computers, the suggestion of the Department of the Interior that adjustment in past computations cannot be made.

We believe, in short, that humanitarian considerations should prevail over bureaucratic excuses to do nothing.

I would like to take this opportunity also, Mr. Chairman and members of the committee to urge that the Department of the Interior address itself to another problem that it seems to have created but which it seems reluctant to resolve.

In the enrollment process, under Section 5 of ANCSA, the Secretary enrolled Natives according to their places of residence. In the village eligibility appeals process, the Ad Hoc Board, apparently with Departmental approval, took the position that it would review and reconsider the propriety of the residences determined under the enrollment process.

As a result, we have had the strange situation of 25 or more Natives being carried on the official roll as residents

of a given place and the Ad Hoc Appeal Board then holding that that place is not a village because it does not have 25 residents.

The Department has, at least up to now, refused to adjust the roll so that such Natives are carried as residents of the places the Department believes them properly to be residents.

This affects stock and dividend entitlements of the Natives involved, as well as possibly of other regions. Since a Native residing in Alaska cannot be a stockholder of a village or regional corporation unless he is enrolled to that village and region, it seems to me to be plain common sense for the Department, if its conclusion, in the case of a village eligibility appeal, that a Native was not a resident of the place at which he was enrolled as a resident is upheld, to correct the roll so that the Native can have the benefits of stock ownership which under the law he is entitled to.

Prepared Statement of Ray Christiansen, Calista Corp.

I am going to make some comments on the way the Alaska Native Claims Settlement Act is administered. But, before I do, I will make a statement as to who I am and what authority I have to speak here, then define some terms.

I am the son of an Indian, Russian and Scottish Mother, and a Scandinavian Father. I always thought that my mother was a half-breed, but research has revealed that the Russian was part Indian, therefore, I am three-eighths instead of one-quarter Indian.

Being raised on an Army post among the children of post World War I, I found out what it is like to be a "Siwash" kid. I learned that most whites, whether they could read and write or had to be caught when they were eighteen years old and fitted with a pair of shoes, thought they were better than any Indian or half-breed, even though the Indian might have had a college education.

My father taught me that I was just as good as, but no better than anyone else. I went to the same schools as the white children, and ended up being an advantaged Indian. In fact, most of my acquaintances did not know I was an Indian. What authority do I have to make the statements I am going to make? First—I am enough Indian to quality under ANSCA; Secondly—I was born in Alaska and have lived there all my life; and, Thirdly—(and most important) I am the elected President of the fifth largest Native Regional Corporation and have been directed to speak and fight in behalf of about 6,200 Native stockholders.

So there is no misunderstanding, I am going to define a few of the terms used in this statement:

ANCSA: The Alaska Native Claims Settlement Act.

Native: Anyone who qualified under ANCSA: One-quarter or more Indian, Aleut or Eskimo.

The Secretary: Secretary of the Department of the Interior.

The State: State of Alaska.

I am now going to quote some historical facts that some of you know, but might have forgotten and some of you have not heard of, or even cared about. Up to two hundred years ago there were few, if any people in Alaska other than Natives. With the coming of the Caucasians, whites, our people were introduced to gonorrhea, small pox, syphilis, and several other diseases that very quickly reduced the number of Natives in the population.

The Natives were peaceable people, did not have guns, and were more interested in the survival of the Tribe, Village or Clan, than of the individual. There was no individually owned real estate. In order to stay alive the Tribe, Clan Village, Family or you name the group, had to move from place to place. The fishing was good at one place during a certain part of the year, berrypicking was good in another place, duck hunting was good in one place, large game was plentiful in various areas, and small game might be abundant in still another area. The people were forced to move several times a year and might not get back to the same location for two or three years because all moving was done either by foot or by canoe.

As long as there was plenty of food the Native didn't have to worry about ownership of land and since he couldn't read or write, he didn't have a piece of paper saying he owned a certain area. As the Native population became smaller and the white population became larger, the Native would come back to a Village location and find someone else there with a house, and a piece of paper saying the land was his. Two sayings explain this situation far better than I can: "possession is nine-points of the law"; and, "the West was won with a gun".

The Natives were told soon after the so-called purchase of Alaska that they were not capable of taking care of themselves and were placed under the watchful eye of the Secretary, who at that time had a department that had almost a hundred years of experience in taking land from Natives. Another hundred years passed before a settlement was made and the Secretary's department has become more expert than it was, plus the fact that the Native is now a small minority group in a rapidly growing population. We Natives have found that actions speak so loud that we cannot hear a word the Secretary says. Since title to only 2.5 million acres out of 275 million had passed to the United States Government in 1868 there was a cloud in the title of 99.33 percent of all the land in the State. With the coming of Statehood and big business moving in, no one wanted to invest millions of dollars on land where the title was not clear, hence ANCSA was passed by Congress. Before ANCSA land ownership in Alaska was to have been as follows: 375,000,000 acres total; 270,000,000 acres Federal and 105,000,000 State.

Both figures include the small amount of land that is under private ownership. Now ownership has been changed to be about 230,000,000 Federal, 105,000,000 State and 40,000,000 Native.

ANCSA states that in payment for giving up all the rights a Native had as an aboriginal, and for clearing up the titles issued by the Government in the past, the Natives could have their choice from withdrawals to be made from vacant, unappropriated public land. Since the great majority of land in Alaska was owned by some branch of the Federal Government, public land was defined as "all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations, and (2) land selections of the State of Alaska which have been patented or tentatively approved under Section 6 (g) of the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223), or identified for selection by the state prior to January 17, 1969." How is this administered?

The smallest practicable tract actually used by any Federal installation means that when one department of the government says they have land surplus to their needs, any other department or agency can have a choice before the Natives.

I wrote a letter to the Secretary asking why some tentatively approved land had been given to the State in September 1971 and received a reply that no tentatively approved land has been given. However, in an out of court settlement of a law suit the Secretary permitted the State to select and gave title to over 100 townships of land. It was not tentatively approved, it was selected after the freeze. In any case, over fifty townships of land that is too valuable to give to Natives was removed from our selection withdrawal.

We have one Bureau of the Department of the Interior approving our Villages and another protesting their action because, if the Villages are approved that latter department will have to give up some good land and replace it with some of the mountain tops the BLM is trying to give to us. Then to top it all the case is being heard by a committee who are all employees of the Department. We end up by having the Department of the Interior as defense attorney, prosecuting attorney and judge. Even to the point of ruling against the findings of a judge who was examining the legal aspects of the case.

Time is running out for us because of the two deadline dates when our selections have to be made. December 19, 1974 for Villages and December 18, 1975 for Regions. If the Secretary can rule that all land actually used by any Federal department does not mean that we can also be fair and rule that, for example, since all there was in Anchorage prior to 1900 was three or four Native fishing camps: Campbell Creek, Fish Creek, Chester Creek and Ship Creek. "All claims" does not mean exactly what it says. Some land is too valuable to give up if we are going to have to revert to Native lifestyle of 100 years ago, we are no longer using land for. We have to get the fishing sites, the hunting sites and the traping sites or we are not going to be able to make it. I use this to show how we are treated because the Department ruled that Salamatoff was not a Village any longer because the residents spread out over a ten-mile area after a road was built and an industrial complex was built on part of the old Village site.

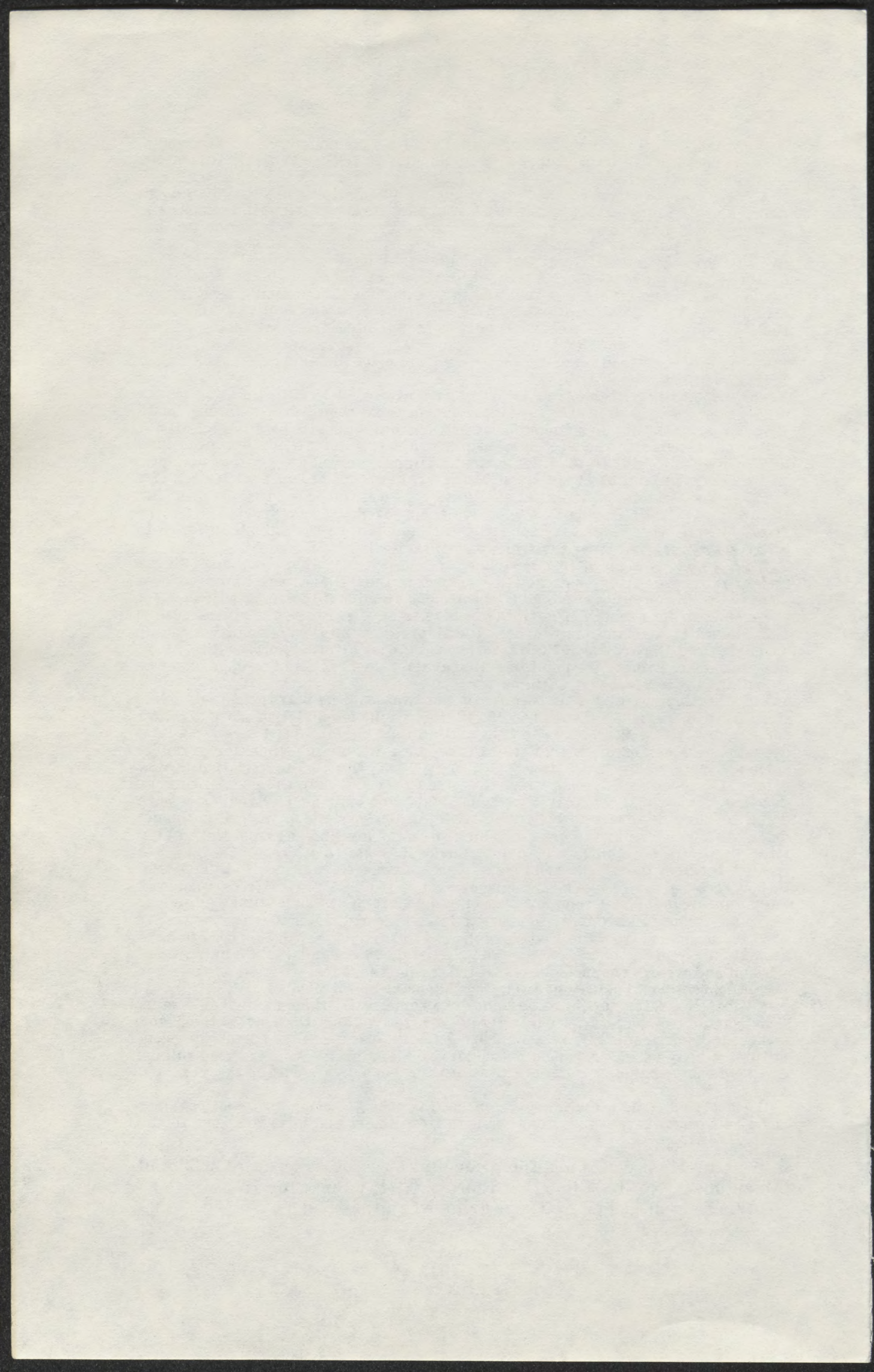
We are going to have to go to court to have legal rulings made because we are not getting justice from the Department. As an example, we are supposed to have a maximum representation on the Joint Federal-State Land Use Planning Commission and we are one member out of ten. I sometimes feel we have one member because no one could figure out a way for us to have half a member.

All we are asking for, is to be under the same restrictions as anyone else is. Why should we have different right-of-way restrictions than any other land owner or homesteader? Why should we have different rulings as to what constitutes a body of water that is not counted as land area? So far all the rulings are made on what any bureaucrat wants for his bureau within the next 100 years.

We are asking help and support on getting what is given to us as payment for a settlement because we don't want to go to Court and have to spend all the money we are going to get.

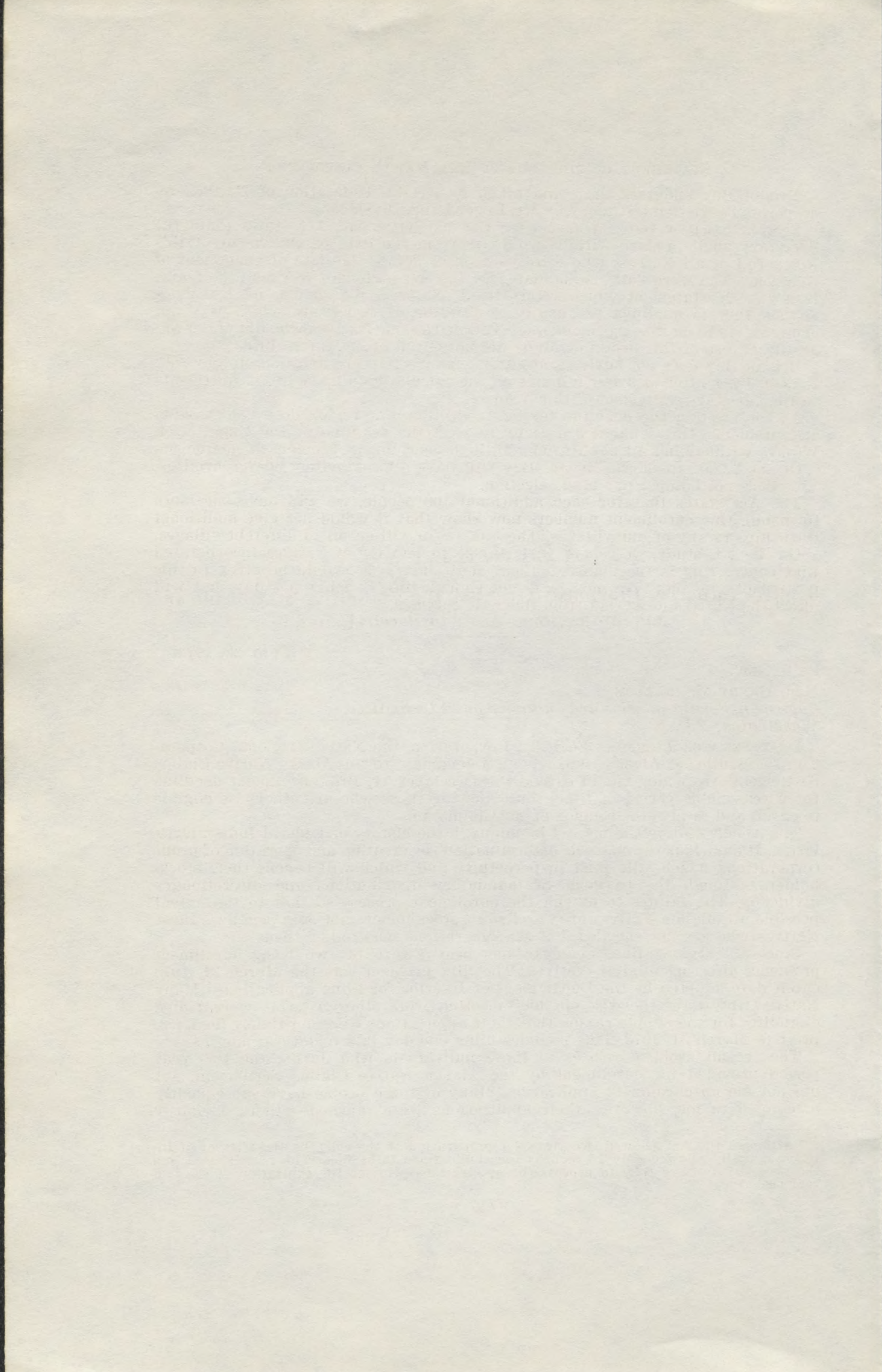
Senator HASKELL. This, then, concludes the hearing on S. 3530 and Amendment No. 1535 but the record will stay open for 10 days.

[Whereupon, at 11 a.m., the hearing was adjourned.]



APPENDIX

Under Authority Previously Granted, the Following Statements and Communications Were Ordered Printed



Statement of the Bristol Bay Native Corporation

Bristol Bay endorses the stand taken by Alaska Federation of Natives Incorporated's written testimony by Mr. Roger Lang, President.

Section 5(a) of the Alaska Native Claims Settlement Act states that "the Secretary shall prepare within two years from the date of enactment of this Act a roll of all Natives who were born on or before the date of enactment of this Act." The word "all" is mandated by the Act and the two year time frame is a generic statement which refers to all Natives. We should not leave out anyone that is qualified because of a deadline of two years which was not enough time to do this enormous task. There are some Natives who did not enroll at all because of this deadline. Many did not enroll after March, 1973.

Bristol Bay does not envision any problems if there are additions to our roll. It is just a matter of a few minutes on the calculator to make any adjustments on the monetary settlement of this Act.

As for meeting the deadline for land selection, our region does not envision any problems. Our villages are ready to meet the deadline of December, 1974. We are withholding all applications until the enrollment problem is cleared up.

Of the 1,200 late filers, Bristol Bay will have approximately 60–70 enrollees. This does not hamper our land selection.

The Act states that for each additional 100 people, we will have one more township. Our enrollment numbers now show that it would not give additional townships to any of our villages. These 60 or 70 will enroll to different villages.

On the 2–C study, we concur with Alaska Federation of Natives Incorporated that contracting is the answer but an additional year should be given to this portion of the Act. Five months is not enough time to make a study that will affect the Natives of Alaska from this date forward.

July 22, 1974.

Re S. 3530.

Hon. Henry M. Jackson,
Chairman, Senate Interior and Insular Affairs Committee,
Washington, D.C.

Dear Senator Jackson: Sealaska Corporation, the Native Regional Corporation for Southeast Alaska, supports an amendment to the Alaska Native Claims Settlement Act which would extend the December 17, 1973 enrollment deadline for a reasonable period of time, thus allowing those who are otherwise eligible to enroll and receive the benefits of the Claims Act.

The Alaska Native Claims Act is unique in the history of Federal Indian legislation. It envisions through self determination the creation and operation of profit corporations which will exist in perpetuity and which will benefit their stockholders through the payment of mandatory distributions and discretionary dividends. The failure to extend the enrollment process so that to the extent possible all eligible Natives are enrolled as stockholders not only penalizes those Natives who are not enrolled, but the generations who follow them.

Since its organization, Sealaska has been aware of two basic enrollment problems affecting eligible Natives. The first problem was the March 31, 1973 cutoff date adopted by the Department of Interior for filing applications.[1] Many Natives who were otherwise eligible—meeting every other criteria—were denied eligibility for the simple reason that their applications were not timely filed, i.e., prior to March 31, 1973. This includes filing one day late to several months.

The second problem relates to those individuals who during the two year period provided for enrollment by the Alaska Native Claims Settlement Act did not file an enrollment application. Many of these people have subsequently attempted to file, however, their applications were rejected—others obviously

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[1] Although the Act allowed two years for preparation of the roll, the Department of Interior actually allowed only 15 months for applications to be filed. The reason cited was the necessity to have time to process the applications prior to the expiration of the two year period.

were discouraged because untimely applications were rejected and have not filed an application although they are now aware of the Claims Act. A third category are those people who otherwise being eligible for enrollment, are not aware of the passage of the Alaska Native Claims Act.

Throughout the enrollment process, and especially since the certification of the roll, Sealaska Corporation has been cognizant of the many problems and hardships created by the short period of time allowed for enrollment under the Act. An analysis of individual cases establishes the fact that the fundamental reason people did not enroll was because of an honest mistake, either on their part or on someone else's. Several examples relating to actual cases can be cited to establish this fact.

For example, during the land claims enrollment, an enrollment to administer the previous judgment received by the Tlingit and Haida Indians of Alaska, was also ongoing. Many Natives, especially the older people, when they enrolled under the Tlingit and Haida judgment thought that they were in fact enrolling under the Alaska Native Claims Settlement Act. They were not aware of the legal distinction between the Tlingit and Haida judgment and the Claims Act and of the existence of two separate rolls. They assumed that when they had enrolled under the Tlingit and Haida judgment they were also enrolled under the Claims Act.

A second classification involves those people who thought that their parents or relatives had enrolled them and therefore took no action on their own behalf. This reaches the young people who because of broken homes or other reasons were of the opinion that one or the other of their parents or relatives had taken the necessary action. Their parents or relatives individually also assumed that someone else had taken the necessary enrollment steps.

The third category are those people who were not aware of the Act for various reasons. This again affects to a large extent the young people. An analysis of these cases establishes that during the long fight to obtain passage of the Claims Act, these people, because of age or location such as being hospitalized, in a foster home or in the Armed Services, were unaware of the existence of the Act and its possible passage. Thereafter, because of constant moving to seek employment or to view the sights of the world, they did not recognize (if they received word of it) the merits of the Claims Act nor were they cognizant of the enrollment deadlines.

For the foregoing reasons, Sealaska Corporation supports wholeheartedly an amendment to the Alaska Native Claims Settlement Act to extend the enrollment deadline of December 17, 1973.

Sincerely,

JOHN BORBRIDGE, Jr., *President.*

THE ALEUT CORP.,
Anchorage, Alaska, July 8, 1974.

SENATE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS,
U.S. Senate,
Washington, D.C.

DEAR SIRS: For your information, here are our comments concerning the legislation drawn up by Senator Stevens on the "late filers" enrollment questions.

We gave a number of individuals who fit that category and occasionally find eligible Natives who have not enrolled at all. Our advise has been to file an application regardless of the deadline.

As you will note from the enclosure, we want to see the bill include a provision, a period of time after authorization is given, for the Secretary to be able to give notice and try to reach those not yet enrolled.

We are hopeful such a bill make its way through Congress.

Sincerely,

CARL E. MOSES, *President.*

THE ALEUT CORP.,
Anchorage, Alaska.

The Aleut Corporation supports action by Congress to authorize the Secretary of the Interior to enroll those Alaskan Natives who filed late or did not file enrollment applications for benefits under the "Alaska Native Claims Settlement Act," Public Law 92-203.

We are aware of a number of instances where individuals filed for enrollment after the deadline and know of some cases in which potential enrollees never filed at all. Which ever the case may be we've encouraged everyone we've

corresponded with to write to the enrollment office, ask for an application, and enroll just as a matter of record. Our hope being the Interior Department or Congress would feel the responsibility to those individuals and their entitlement.

Our concern is not only with those who filed an enrollment application after the March 30, 1973, deadline, but extends to those who, for some reason, have not filed one yet. Perhaps many potential enrollees feel that since the deadline is long passed it would not do any good to submit an application.

The solution we would recommend is a period of time, perhaps 90 days after congressional authorization, for the Secretary of the Interior to enroll those eligible Alaska Natives for benefits under the "Act." Ninety days would allow enough time to reach potential enrollees who have not filed an application with the enrollment office. If a new deadline is set for enrollment without first giving notice to those individuals who don't have an application on file, the problem would not be solved.

AHTNA, INC.,
Copper Center, Alaska, July 18, 1974.

SENATOR TED STEVENS: Ahtna, Inc. supports action by Congress to authorize the Secretary of the Interior to enroll those Alaskan Natives who filed late or did not file enrollment applications for benefits under the "Alaska Native Claims Settlement Act," Public Law 92–203.

Our main concern is with those who have not filed an application for enrollment yet.

We would like to recommend an extension of 90 days after the congressional authorization for the Secretary of the Interior to enroll those eligible Alaskan Natives for benefits under the Alaskan Native Claims Settlement Act. This 90 Day extension would allow time to contact potential enrollees who have filed an application with the enrollment office late and for those who have not filed an application at all.

[Telegrams]

JULY 17, 1974.

U.S. SENATOR TED STEVENS OF ALASKA,
Capitol Hill, D.C.:

Thank you for S. 3530 on behalf of us late land claim filers. I did not understand the correct procedure for filing and feel a time limit should not be a basis for eligibility.

PAUL C. SMITH.

KAKE, ALASKA, *July 16, 1974.*

TED STEVENS,
U.S. Senator,
Capitol Hill, D.C.:

Please be advised of my appreciation of S. 3530 introduced by you on behalf of late filers. I am 74 years old and due to ill health was not enrolled before the deadline. I was in the hospital and was missed when the enumerators were enrolling. I know that I am eligible as an Alaskan Native to receive benefits under the Alaska Native Claims Settlement Act, but I am told that I am not because I did not enroll by a certain date set by the BIA. I appreciate your concern and anything you can do to settle this fairly. Thank you.

PETE MARTIN, Sr.

KAKE, ALASKA, *July 16, 1974.*

TED STEVENS,
U.S. Senator, Capitol Hill, D.C.

In appreciation of S. 3530 introduced by you on behalf of late filers to accept and process application for enrollment under the Alaska Native Claims Settlement Act. I am one of the Natives who unfortunately was left off the role because I filed too late. I feel most strongly that I am qualified as an eligible Native to share in the Alaska Native Claims Settlement Act. However due to my limited education I was not aware that this was different altogether from the Tlingit and Haida claims. I appreciate your efforts to settle this matter so that all Natives may have a fair share in the Alaska Native Claims Settlement Act. Thank you for your concern.

WILLIAM JAMES.

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