

Honorable James A. Haley  
May 10, 1971  
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and equitable Native land retention rights than have been proposed previously by any administration. I appreciate the new thinking -- at their levels in the Administration -- that I believe H.R. 7432 manifests.

I feel, however, that the objectives of the President and the Secretary were compromised by the draftsmen of the bill.

H.R. 7432, as submitted, discriminates against the Tlingit & Haida Indians in ways that cannot be justified and that makes it unacceptable to us.

Under its provisions, the average amount of land that each village, other than a Tlingit & Haida village, ostensibly would be entitled to retain is in excess of 200,000 acres. Secs. 10(a) and 12(a) and Secs. 10(b) and 12(d). Each of the ten Tlingit & Haida villages in Southeast Alaska ostensibly would be entitled to retain up to a maximum of 23,040 acres, or about one-tenth as much land as the other Native villages. Secs. 14(a) and 12(b). (AFN witnesses developed the point at the hearings on May 5 and 6, 1971, that the selection and retention rights ostensibly accorded by the bill could not be implemented in many cases for a variety of reasons.)

As the only lands that would be withdrawn to satisfy the selection and retention rights of Tlingit and Haida villages would be those in the single townships enclosing particular villages, and as many of these townships are composed almost entirely of water, the amount of land our villages would be eligible to retain under this bill would in fact be very substantially less than 23,040 acres each.

While the Tlingit and Haida recognize that we have already been compensated for some, but by no means all, of our aboriginal rights, we do not regard as equitable a settlement that allows us to retain less than one-tenth of the quantity of land permitted all other Native groups.

We have the best aboriginal title that exists in Alaska to 2.6 million acres of land mainly in the northern part of the panhandle. It is the best aboriginal title because it is the only aboriginal title that has been judicially established in Alaska to date. Tlingit and Haida Indians v. United States, 182 Ct. Cl. 130, 134-135, 313 (fdgs. 281 and 282), 389 F.2d 778, 782 (1968). Enclosed is a map which shows the location of the 2.6 million acres.

We also have presently justiciable claims to the fisheries and submerged lands adjacent to Southeast Alaska. These claims