



UNITED STATES  
DEPARTMENT OF THE INTERIOR  
OFFICE OF THE SECRETARY  
WASHINGTON, D.C. 20240

JUN 15 1967

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Re 5 1964

Dear Mr. Speaker:

Enclosed herewith is a draft of a proposed bill "To settle the land claims of Alaska Natives, and for other purposes."

We recommend that the proposed bill be referred to the appropriate committee for consideration, and we recommend that it be enacted.

The problem of Native land claims in Alaska has been a troublesome one for many decades.

(1) The Act of May 17, 1884 (23 Stat. 24), providing a civil government for the Territory of Alaska, declared that the Natives "shall not be disturbed in the possession of any lands actually in their use and occupation or now claimed by them, but the terms and conditions under which such persons may acquire title to such lands is reserved for future legislation by Congress." A similar provision is contained in the Act of June 6, 1900 (31 Stat. 321), which provided a civil government for Alaska.

(2) In the absence of congressional recognition of aboriginal Native title to particular land in Alaska, the Natives have no ownership interest in the land. They have a right of occupation and use which the United States will protect against intrusion by third parties, but the right of occupation may be terminated by the United States at any time without compensation. This is the same rule of law that has been applied consistently with respect to aboriginal Indian titles in the other States.

(3) When Congress recognizes an aboriginal title, the Natives acquire a compensable ownership interest in the land that is protected by the due-process clause of the Constitution.

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