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The statement that I file this year is not appreciably different from what it was last year. During the course of the year, I sold my home in Chevy Chase, Md., and purchased a home in the District of Columbia. There is a slight difference in the value of the two homes, which shows up on the statement, but everything else is much the same. I have practically no income beyond my Senate salary and my assets are so very modest that some Senators may wonder why I make this information public. I do so because I feel that all public officials owe it to their constituents to report to them at regular intervals their full income and assets.

Last year the Senate adopted a disclosure-of-assets rule but then provided that the "disclosure" not be made public. It is filed away in a sealed envelope. I then expressed my displeasure at a system that thwarted the very purpose for which it was supposedly installed. What can the constituents learn about the economic income and assets of a Senator if the facts and figures remain sealed in an envelope held by a Senate custodian? In the Senate, we require executive appointees to disclose their assets and income. I think that Members of the Senate and House owe it to their constituents to do this as a self-imposed regulation.

Because I believe in this course, I ask unanimous consent that my financial statement be printed in the RECORD. I should add that my wife has no income or earnings separate and apart from mine; therefore, the accounting applies to us both.

Financial statement, Nov. 26, 1969

ASSETS

Average checking accounts, Riggs	$1,000.00
Lot in Holladay, Utah	750.00
Lot in Salt Lake City, Utah	8,000.00
1965 Ford	600.00
Five shares stock—Standard Oil of California	250.00
One share stock—ATT	50.00
Savings account—Oriental	700.00
Equity—house in Washington	39,300.00
Equity—house in Salt Lake City	10,500.00
Total	61,150.00

LIABILITIES

Mortgage—house in Salt Lake City	20,500.00
Mortgage—house in Washington	6,700.00
Loans—insurance policies	4,400.00
Notes—personal	12,500.00
Total	44,100.00

AMERICAN LEGION SUPPORTS PRESIDENT

Mr. DOLE. Mr. President, I am pleased to note every day a growing number of Americans voicing their support of President Nixon's efforts to bring about an honorable and just peace in Vietnam. It has just come to my attention that the national executive committee of the American Legion has approved a resolution strengthening and updating the American Legion's position on the war in Vietnam, and pledging their support to our President. I ask unanimous consent that the text of this resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RESOLUTION NO. 2

(Support the position of the President of the United States for an honorable and just peace in Vietnam)

Whereas, A unified people is an absolute necessity for any nation to fight a war or to bring about a peace with honor; and

Whereas, There exists a vocal and militant minority in our land who oppose the Vietnam War and who create disunity in our nation, thereby endangering the lives of our fighting men, and prolonging this conflict; and

Whereas, The President of the United States in a TV broadcast on November 3, 1969, did outline his position for a peaceful solution of the Vietnam War and appealed to the silent majority for their support; and

Whereas, The American Legion is confident that a vast majority of the American people support any move for a just and honorable peace consistent with the security of our country; now, therefore, be it

Resolved, by the National Executive Committee of The American Legion assembled in Minneapolis, Minnesota, November 10 and 11, 1969, that we support the position of the President of the United States for an honorable and just peace of the Vietnam War consistent with the continued maintenance of the security of our country; and be it further.

Resolved, that Departments and Posts of The American Legion in cooperation with its American Legion Auxiliary proclaim their support and initiate programs which will reassure our fighting men of public support, and which will indicate to the enemy and to the militants and revolutionaries our resolve for a peace with honor; and be it further

Resolved, that each Post and each Unit be urged to circulate pledges of support for the President's position in Vietnam consistent with our nation's security; that signed pledges be forwarded to The American Legion's Washington Office on a definite date (to be determined by the National Commander) for delivery to the President and to the Congress.

THE ALASKA NATIVE LAND ISSUE

Mr. MONDALE. Mr. President, an extremely significant issue that will soon come before the Senate involves the efforts of the natives of Alaska to secure a final and just settlement of their rights to their ancestral lands. A series of articles published recently in the Anchorage Daily News covers in considerable detail the complex aspects of the Alaska native land issue. I found the series to be highly informative. I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From Anchorage Daily News, Nov. 9, 1969]

THOSE NATIVE LAND CLAIMS HEAD FOR A CLIMAX

This is a crucial month in the history of Alaska.

By its end the United States Ninth Circuit Court of Appeals will have heard the land freeze case.

And for the first time in 102 years a Senate Interior Committee will seriously address itself to the still unresolved question of compensation for Native land rights.

On November 13 the Interior Committee will begin a series of "mark-up" sessions designed to produce a bill acceptable to the state, the Native people, the federal government, and Congress. The House Interior Committee, following its historic October visit to Alaska, is expected to wait for the Senate before considering legislation.

Because the present and future welfare of the Native people is at stake, because Alaska land is involved, and because efforts for a generous settlement test our social and moral sensibilities, it is important that all Alaskans have a clear understanding of the issues.

For our part, we are creating a team of reporters in Washington and Alaska to cover this story. We believe concentrated team reporting is required because it now appears that an "information gap" exists between what the facts are and what Alaskans are being led to believe.

This information gap has been fed by exaggerated, hysterical, racist reactions to some of the proposals advanced by the Native leadership. That there should be such a gap at all is passing strange, for the facts speak for themselves, and Alaskans should and can know them. It is therefore preposterous to suggest that there is some sort of conspiracy afloat to keep the Native proposals . . . or any proposals . . . from the people of Alaska. Anyone wishing relevant material can get it for the asking.

We hope informed Alaskans will want to avail themselves of this prime source material, including:

The Legislation: bills and amendments reflecting the Federal Field Committee's recommendations, the Interior Department's amendments, and the AFN proposals. (Write Senators Stevens and Gravel or Congressman Pollock or buy the October 10 edition of the Tundra Times which most land claims "experts" and its 6000 Alaskan subscribers know reprinted the AFN bill in full.)

Alaska Natives and the Land: the monumental study of the Natives' plight (Available at the Federal Field Committee, Hill Building, Anchorage.)

The House Interior and Insular Affairs August–September 1969 Hearings: this indispensible volume contains legal briefs and in-depth statements of all positions. (Write Congressman Pollock).

The Senate Interior and Insular Affairs Hearings Part I. (April 1969) and Part 2 (August 1969): same as the House hearings, very useful studies. (Write Senators Stevens and Gravel).

Legal Memorandum Supporting the Native Proposal: the case for legal rights and the overriding royalty as presented by some of America's most distinguished lawyers. (Write AFN, 1689 C Street, Anchorage).

Legal Memorandum Supporting the State's Position: the case against legal rights and the override as analyzed by G. Kent Edwards and W. C. Arnold. (The former's position is included in the House hearings, the latter's appears sporadically in the Anchorage Times).

Native Alaska: Deadline for Justice: AFN brochure receiving national distribution. (Write AFN, as above).

The Tundra Times: the Native newspaper which deserves a greater circulation among non-Native Alaskans. (Box 1287, Fairbanks, Alaska, 99701).

Not every Alaskan can be conversant with all the above material. But reviewing a few or even one of these sources (The House hearings are as good a start as any) provides a useful framework by which to interpret for oneself the legislative effort. Moreover consideration of these materials can only serve to elevate discussion of the land claims to the level of rational, informed dialogue. And that's where the discussion belongs.

Informed debate is true to the Alaskan spirit. And it can only help all of us join together in reaching a satisfactory understanding and resolution of the most crucial question in the State.

[From the Anchorage Daily News, Nov. 10, 1969]

THE MORAL CASE FOR THE NATIVE CLAIM

Few will argue that the United States government does not have a moral obligation to

reach an equitable settlement with Alaska's Native people.

While most thinking Alaskans will acknowledge this self-evident fact, there are some Alaskans who seriously question the legal basis for the Natives' case. There is little hesitation to accept the moral argument, on grounds that if it is a moral obligation, and not legal, there need be only a modest, even token, settlement.

By seeking any peg on which to hang a cheap settlement—or avoid one altogether—these Alaskans seek to perpetuate an ill-conceived, inequitable arrangement which has reduced a once proud, land oriented people to second class citizenship. It is at once astonishing and saddening to see the moral underpinning of the Native's case perverted to such an end.

We suspect that many Alaskans are weary of reading how bad things are in the villages; how depressing is the Natives' plight. But like it or not, this is a crucial consideration against which Congress and all concerned Americans will weigh the Native claims.

Bear in mind that this is the last major Indian land settlement Congress will act upon; that Alaska's Natives comprise a substantial percentage of the American Indian population; and that many citizens are finally realizing that our treatment of the first Americans is a shameful blot on our nation's history.

The Alaskan Native story had its beginning thousands of years ago with the settlement and use of the great land by Eskimos, Indians and Aleuts. It records a flourshing culture, an exciting history, and an incredible ability to persevere. It proceeds through colonization by Russia and the purchase of that Russian colony by a young America in the name of manifest destiny.

And the story embraces an acknowledgement by the U.S. Congress in 1884 of the Natives' right to his lands, but postponing to some future date the conveying of title to those lands.

As the Federal Field Committee report again and again shows, it was the white man who brought disease to the Native community; it was the white man who introduced ideas alien to the Native culture; it was the white man who invaded and destroyed age-old hunting and fishing resources. The Native family was subjected to stresses, strains and discontinuities beyond bearing.

At the same time, because it was believed "best," efforts were made to deny the Native his culture, extinguish his language, and sever him from his past. Why? In the confident assumption that the Native was inferior and that this was the only way he could move forward.

Well-motivated or not, this policy imposed by the federal government and sanctioned by Alaskan citizens, has led to the deplorable conditions so apparent today . . . no land holdings, poor education, bad health, malnutrition, limited expectations—and hopelessness.

We know now through science and medicine that what has happened to the Native could have happened to any of us. The Native has problems today not because he is Native, but because he is human.

The extraordinary thing is that the Natives have been able to organize and press for the redemption of Congress' old pledge. They seek some part of their now taken lands, and through the land they seek the dignity and the self-respect which their heritage demands, and our constitution guarantees.

They present their treatment as a test of America's conscience at a time when many in this state will share in an unprecedented economic boom brought on by the discovery of vast wealth in traditional Native lands.

They seek justice.

And we believe that justice for the Native lies not merely in the vindication of his legal rights. More than that, justice is the recognition that the moral claims are real, that for too long Congress, Americans and Alaskans have denied the Natives a chance to share as Americans in the progress of our state and nation.

THE LEGAL BASIS FOR THE NATIVE CLAIMS

The difficulty in understanding the legal issues behind the Native land claims controversy lies in the appearance of complexity.

Quite properly in presenting their case to Congress and the courts, the Natives have buttressed their position with case law, statutes, and legislative history. Unfortunately for most Alaskans this has obscured the fact that Native claims involve fundamental principles and an argument which, when stripped of its legal jargon, proceeds in simple logical fashion.

As understood by most lawyers the legal framework by which to judge the issue is as follows:

The Natives have used and occupied much of the lands of Alaska since time immemorial. This creates what's known as aboriginal title.

Aboriginal title exists even if the land claimed is not the site of a permanent camp, is only used on a seasonal basis for a subsistence, is used for traveling to subsistence, is claimed jointly with another Native group, or by a village, or supports a small Native population. Moreover even if there is no productive purpose to the land if it lies within a larger area controlled by Natives, then it too, is held under aboriginal title.

And with aboriginal title goes all surface, mineral and water rights.

Historically, it has been the policy of Congress and the courts to respect and protect the Indian's use and occupancy of the land over which he exercises dominion. On the other hand it has also been recognized that Congress has the right to extinguish aboriginal title.

Unless Congress acknowledges the aboriginal title by statute and provides some mechanism for compensation, extinguishment does not give rise to any compensable rights. This was the holding of the Tee-Hit-Ton case where in 1955 the Supreme Court said that Congress had not yet recognized aboriginal title as a Fifth Amendment property right protected against government taking or extinguishment.

But the Court in Tee-Hit-Ton did describe the right of aboriginal occupancy as "a right of occupancy which the sovereign grants and protects against intrusion by third parties."

By so doing the Supreme Court once again acknowledged another long line of Indian law precedent. Against third parties aboriginal title is still good unless extingushed by the United States even when applied to the grant of public lands to a state. And this right had been held judicially enforceable.

In any case, if Congress extinguishes title, it's necessary to arrive at some measure of compensation. In the Tlingit and Haida case of last year, the ninth circuit said that the measure was to be the time of taking; the standard to be fair market value; and the value to be the same as if the land was held in fee simple and not the value to its primitive occupants relying upon it for subsistence.

With this in mind consider the two legal aspects of the Native land claims issue:

The Natives claim much of the state under aboriginal title. The prestigious Federal Field Committee for Development Planning in Alaska, in its authoritative study, Alaska Natives and the Land, has said that "the aboriginal Alaska Native completely used the biological resources of the land, interior and contiguous water in general balance with their sustained human carrying capacity . . ."

And in the key sentence in its study of Native land rights, the Federal Field Committee concluded that "Alaska Natives have a substantial claim upon all the lands of Alaska by virtue of their aboriginal occupancy . . ." (Emphasis in original.)

To be sure the Field Committee report was not designed to be tested as a legal document. But it reflects thousands of hours of careful work and study and comports with those few cases concerning use and occupancy of Alaska Natives.

The natives, however, are not seeking at this time to assert their rights to aboriginal title against the United States. Since, apparently no legislation has acknowledged Native rights to compensation (legislation has noted aboriginal title), Tee-Hit-Ton, unless overruled, would seem to bar a direct suit.

Instead the Natives are seeking a traditional legislative settlement which would in effect transfer their aboriginal title into fee simple for some lands, and compensate them for renouncing justifiable claims to other lands. Such an approach is consistent with the Congressional policy of extinguishment through negotiation.

The Natives argue that a legislative settlement is in everyone's interest, since their aboriginal rights are still good against the state and can block its efforts to select public lands. (Remember, unextinguished aboriginal rights are protected against third parties.)

This, finally, gets around to the second aspect of the claims—the land freeze. There are procedural issues in the land freeze case, any one of which could support a decision. But the heart of the matter is land rights.

The case asks: did Congress in the Statehood Act give the State the power to extinguish aboriginal title subject to subsequent legislation? Or is the State a third party against which the Native land rights are good in every respect?

All this goes back to two provisions in the Statehood Act. In one the State disclaims all right and title to land which may be held by the Natives. In another the State is allowed to select lands for itself.

The question is whether Congress knew the State would select lands claimed by the Natives and thereby meant for the State to extinguish title, or whether Congress meant that any State selection of Native land would not extinguish title until Congress got around to doing so.

The government and the Natives say Congress did not extinguish title; the State says it did. And the land freeze rests on the outcome.

This then is the legal background of legislation and litigation against which the Native claims are proceeding. We think there is merit in the Natives' claim of aboriginal title to much of the State. And we suspect, though it is a close question, that the Ninth Circuit Court of Appeals will maintain the land freeze.

But our principle purpose in presenting all this is not to take sides. We want to see spelled out clearly and simply exactly what's happening. As we have said time and time again this is too vital an issue to be discussed irrationally and by the uninformed.

HOW THE LAND CLAIMS BILLS COMPARE

There are three pieces of Native land claims legislation before the Congress of the United States. And for the first time in 102 years injustices that have been visited upon the First Alaskans seems headed for resolution.

The Alaska Natives call it a "deadline for justice." And that's what it is, because the land freeze—which offers the Natives muscular leverage—runs out at the end of 1970, unless it is extended.

The freeze was first imposed by former Secretary Stewart Udall over the violent objections of the then Governor of Alaska, Walter J. Hickel. As the price for his own

confirmation as Secretary of the Interior in the Nixon Cabinet, Mr. Hickel agreed to an extension of the freeze through 1970.

The freeze will be lifted, of course, when the claims controversy is settled by the Congress. And that's why—after 102 years—it's described as a "deadline for justice."

Here are the three bills:

S. 1830. The Federal Field Committee's thinking about a proposal as prepared at the request of Senator Jackson and introduced by Senators Jackson, Stevens and Gravel.

HR. 13142: The Department of the Interior's proposal introduced by Congressman Pollock.

HR. 14212: The Natives' proposal introduced by Congressman Pollock and introduced in the Senate as an amendment to S. 1830 by Senators Stevens and Gravel.

The State has not formally produced a bill, although Governor Miller has commented on some aspects of these proposals.

As we pointed out in an editorial Sunday, any Alaskan can get a copy of these bills by writing the state's Congressman or Senator. Since then, the Federal Field Committee has published a Comparative Analysis, prepared by its very able staff counsel Esther Wunnicke. Add it to the list of recommended reading we published Sunday.

A careful review of Mrs. Wunnicke's analysis and the legislation leads to one surprising conclusion.

A broad consensus on the framework for a legislative settlement has already been reached. The similarities between the proposals far outweigh the dissimilarities.

THE LAND

For example, all proposals recognize the right of the Natives to certain lands in Alaska. The question is how much and with what type of title.

Interior's bill calls for restricted title in the Native villages of 12 million acres (no gas or oil rights) selected at the same time the state picks its 103 million acres. The Field Committee would grant fee simple title with full mineral rights as well as hunting and fishing protection, to 5 million acres. The Natives seek 40 million acres of fee simple title with mineral rights in the proposed regional development corporations.

THE CASH

All bills recognize that justice calls for compensating the Native in cash for lands taken and claims renounced. Again the issue is how much.

The Interior proposal says $500 million over 20 years without interest. (Alternatively this could be considered a dollar for each acre claimed, or $340 million with interest over 20 years). The Field Committee would guarantee a federal payment of $100 million with a ceiling of $1 billion, contingent on Federal oil and gas royalties and the opening up of Naval Petroleum Reserve Number 4 on the North Slope, all paid out over 10 years without interest.

The Natives ask $500 million ($1.50 an acre) paid over 9 years at 4 per cent interest, and a 2 per cent residual royalty on gross revenues from Federal lands to which Native title is extinguished.

SUPERVISION

All bills acknowledge the failure of previous Indian settlements which more often than not squandered the economic benefits of a cash-land settlement through individual payouts. The proposals contemplated Native development corporations. The questions revolve around composition duration, and federal supervision.

All three bills call for as a beginning procedure, a commission which will oversee land selection and enroll Native Alaskans.

The Interior bill projects an Alaska Native Development Corporation governed by nine directors, five of them Presidential appointees and four elected by the Native stockholders to manage and invest funds for 20 years. The Field Committee proposes a statewide Native Development corporation governed by an 11-man board, four of them Presidential appointees, four Native representatives, and a three-man enrolling commission. Staggered terms result in a Native majority in three years.

The Native bill proposes a three-tiered corporate structure. A statewide 12 man group would distribute 95 per cent of its funds to 12 regional corporations, proportionate to regional population. Each regional corporation, in turn, would distribute 80 per cent of its funds to the village corporations, proportionate to village population. Mineral proceeds to which regional corporations acquire patent go 50 per cent to the acquiring corporation and 50 per cent proportionally to all regional corporations.

The state at different times has supported revenue sharing, a fair distribution of lands and money to the Natives, and the regional corporation concept. Recently, however, Governor Miller expressed the view that the issue should go to the Court of Claims (where it could be brought up for years). He also suggested state selection of lands around and for Native villages, and a cash contribution to the Native corporations to be appropriated by the legislature.

The differences in these settlement proposals . . . the Governor's statement excepted . . . are differences of degree. Of course, there are a lot of degrees between 5 million and 40 million acres. But apparently a floor has been set.

No one really expects that the final result will be all that any party wants. The point is that the legislative process is now at work.

And key to that process in our pluralistic society is compromise. If there is going to be a settlement, then everyone is going to have to give.

To use a familiar metaphor: Both the Natives and the Governor recognize that their positions most likely outline the dimensions of the ball park. It is in that ball park that the settlement will be made.

The Natives are willing to play the game and stake their clear rights against a legislative settlement. We think that it's in the best interests of all Alaskans that their recourse to the legislative process continues to have everyone's support.

At the same time we think Alaskans should involve themselves in this process and we believe they can best involve themselves by first knowing the facts.

That's what this series of expository editorials is all about.

Another word about the Natives bill: whether some Alaskans realized it or not, it honors former Supreme Court Justice Arthur Goldberg to call H.R. 14212, "The Goldberg Bill." If enacted, the land claims settlement will be an historic achievement, a legislative benchmark.

But the fact is that the AFN proposal is the Natives bill. As most knowledgeable followers of the issue know, many of the substantive proposals, including the overriding royalty, were generated by the Native leadership and their local advisors.

And as anyone traveling in the bush lately knows, the bill's provisions have wide support.

Referring to the legislation as "Goldberg's Bill" disguises the fact that this is what the Natives want. And it is ridiculous for a disdainful few to imply that a distinguished American of broad public vision is craftily trying to foist the legislation upon the Natives or upon all Alaskans.

WHAT THE 2 PERCENT ROYALTY IS ALL ABOUT

There's more confusion about the natives' 2 percent override proposal than any other issue surrounding the land claim's problem.

Like many of the other issues, this one has been shrouded in legalisms and clouded by charges which exploit racial fears. While it seems complex, we think it is vital that Alaskans understand the override and weigh what the Alaskan Natives are going up against what they proopse in exchange.

The 2 percent royalty override really applies to the gross value of minerals developed from federal, and after selection, state oil and gas leases.

Presently under the Federal Mineral Leasing Act there is a 12½ per cent royalty on minerals (oil and gas) from federally leased public lands. This is split 90–10 in favor of the state. On state lands the state takes the full 12½ per cent.

The proposed override would increase the royalty cost to developers of federal and state mineral leases in Alaska by about 2 per cent. (The state could, of course, reduce its share to maintain royalty revenues at 12½ percent, but we doubt it would ever do this.)

Some argue that this higher royalty will make the cost of Alaskan federal and state oil and gas leases noncompetitive. It's hard to imagine this happening in view of the exploration and development costs the oil companies are already prepared to incur to tap the state's vast riches.

In any case, the petroleum industry generally is willing, when it scents oil, to lease outer continental shelf and American Indian lands at the higher 16½ precent figure. And most Alaska lands involve Indian claims.

Other Alaskans are concerned because they see "hundreds of billions of dollars" going into Native pockets.

To be sure it may be reasonable to question a 2 per cent grant in perpetuity. But we doubt if even Alaska's mineral resources are so great . . . measured by "forever" . . . that they could yield such extravagant sums.

And if they ever did, Alaska and every Alaskan would be so fantastically wealthy that it wouldn't make any difference. Most Alaskans, we suspect, would be grateful that the Natives had relinquished their legitimate claims for what would be, on that scale, a modest price.

But let's look at the figures: In order for the override to bring the Native $100 billion, lands to which the Natives have aboriginal title must produce $5 trillion worth of gross valued minerals. And while the Natives are getting their share, the state is taking in five to six times as much. That's $500 to $600 billion on royalties alone.

This figure does not include the state's share from the present severance tax which would add another 200 billion dollars or so. Any substantial raise in the severance tax could lift the Alaska return to a level which would make Kuwait look like Appalachia.

The state argues that the grant of such a royalty, on public land, would be unconstitutional. The state insists that such a grant would constitute an amendment to the Mineral Leasing Act, which was incorporated into the Statehood Act, which in turn was incorporated into the Alaska Constitution.

Moreover, the state does not recognize that the Congress is impowered to impose a royalty on state selected lands not subject to the Mineral Leasing Act.

The Department of the Interior says that the Mineral Leasing Act can be amended with respect to federal lands remaining in Alaska after state selection. But the department does not concede that the Natives' share can be imposed on any of the 103 million acres the state might select.

The Natives say that the Mineral Leasing Act can be amended, and argue that no compact exists between the United States and Alaska. Thus any lands selected by the state can also be covered by the overriding royalty if Congress so determines.

THE NATIVE CLAIMS ISSUE IS A TEST OF CONSCIENCE

The Daily News has undertaken this week's seven-part expository series of editorials to narrow the information gap which has led many Alaskans away from the central issues of the Native land claims problems down the dark trail of half truths and racial fears.

Our effort has been directed at elevating the discussion, by non-Natives and Natives alike, the high road of informed concern.

The legislative process is fundamentally one of compromise and accommodation. It requires time and patience. Yet we are distressed to discover that at an early stage in the proceedings some positions are regarded as absolute, when in fact there is ample opportunity for reasoned debate and modification of rigid attitudes.

The raising of the settlement floor from the Federal Field Committee's proposal to the Interior Department's bill attests to that.

The tragedy of the barrage launched at the Natives' proposals is their polarizing effect. This works not only on those reacting to a proposal but on its proponents as well. The final price is the loss of a climate of accommodation.

This bleak process can be stopped if we all try to make a serious effort to understand what's happening. A starting point is the legal and moral issue.

Most Alaskans can see the moral case for settlement with their own eyes, without ever visiting the bush. They can compare Native life to our affluence and growing promise of wealth. The extent to which this is persuasive depends on the prodding of an active conscience. It should penetrate the federal government's problem.

Like it or not, Alaskans have accepted, participated in, and benefited from a system which has destroyed a peoples' culture and heritage. Had Alaskans or our fellow Americans refused to go along with the government's treatment of the Natives or had the white man actively pressed for an earlier settlement, there would be no confrontation today.

But we didn't.

The legal case requires some time and study. To us the Natives' claim of aboriginal title to much of Alaska, confirmed by the findings of the Federal Field Committee, seems valid. Lawyers say that while Congress could extinguish aboriginal title and leave the Natives uncompensated, this procedure is generally not followed. And unextinguished aboriginal title has always been considered good against third parties.

The Natives argue that the state is a third party here, and that Native claims are good against it. The state says the Statehood Act allowing state land selection extinguished their title.

These arguments figure in the land freeze case which was argued Friday before the Ninth Circuit Court of Appeals. And they will necessarily be weighed by Congress in reviewing the scale of compensation asked, and the royalty override.

Without reiterating these points (see Installments 3, 5 and 6) we think the legal and moral case comes out on the side of the Native claims.

Accordingly we support a fair and generous settlement not only because we're persuaded by the Natives' case but also because we think it will be good for Alaska. Because:

Settlement allows the Native to face the future as the master of his own destiny, with the dignity and respect his heritage and our Constitution demands.

It will lift the land freeze and let Alaska get on with its development.

It demonstrates that Alaska and America are willing to do the moral and honorable thing for the forgotten American.

Finally, through education, better health, job training and economic developing, a settlement will significantly improve the Native's lot. Lifting a quarter of the state up from poverty levels will benefit all Alaskans enormously.

In the end, the real question here has to be one of degree: How much land, money, override and supervision can make a viable legislative package which will equitably resolve the problem once and for all?

That is why we think the Natives are right in seeking an override, or revenue sharing. It's not enough for a people to renounce valid and extraordinarily rich claims, only for their children to see undreamed of wealth taken from their lands.

(Among other contributions the Federal Field Committee has made to the resolution of this issue, was the vision to see the importance of giving the Native people a continuing share in the wealth of their renounced lands.)

As for land and money, we believe it should be sufficient to meet the above criteria, as well as to provide an adequate base for future self-development. We're glad that the floor between government and Natives is narrowing here.

Specifically, we think the Native figures of $500 million and 40 million acres are not unreasonable. We recognize, however, that there is room to give. And the Natives recognize it, too.

The same bargaining stance applies to the mechanism for implementing a settlement. Regional corporations may be one answer, but at the price of the override or significant land grants, they may not.

The legislative process, involving such choices, will test the Natives' pride, cohesive spirit and judgment. Decisions of great future consequence will have to be made . . . now.

But the Native is not the only one being tested by the decision to seek a legislative settlement. The American system, the American code of ethics is being tested, too.

And after all this is over we'll have to share the same land, breathe the same air, walk the same earth. As Alaskans. As brothers.

TAX TREATMENT OF PENSION AND PROFIT SHARING PLANS

Mr. SMITH of Illinois. Mr. President, all of us are in favor of tax reform. None of us want it to come at the expense of smaller taxpayers.

Therefore, I want to indicate to the Senate my intention to offer next week an amendment to the tax reform bill to relieve the effort of section 515 of any qualified pension or profit-sharing plan that should be taxed as ordinary income at the time of receipt should a taxpayer elect to receive his benefits as a lump-sum distribution. The appreciated value of the taxpayers and employers contributions would continue to receive capital gains treatment.

Under present law the entire lump-sum distribution exclusive of the taxpayer's own contribution which is taxed each year receives capital gains treatment. If a taxpayer elects to receive his pension or profit-sharing benefits on an annuity basis the installments distributions are treated as ordinary income in the year received. The reason for my amendment is to protect the many thousands of small taxpayers who receive lump-sum distributions from pension and profit sharing and so-called thrift plans. They look to these plans as a method of providing a nest egg upon their retirement. It seems to me totally unfair to attack these retirement nest eggs of small income taxpayers with a rather substantial tax increase the first year of their retirement.

Furthermore, under the proposal of the Finance Committee, a 5-year forward-averaging system was adjusted. This 5-year forward averaging system is actually subject to the legal interpretation that larger taxpayers would actually have a tax reduction under several plans of employers in my State.

The Finance Committee version, in other words, very possibly provides tax reform in reverse. The House-passed version hits small taxpayers too hard. Therefore, I want to advise the Senate that I intend to offer an amendment to section 515 of the bill next week and I would certainly hope that my colleagues would support this amendment.

The Finance Committee has already removed sections of the House-passed bill dealing with deferred executive compensation. I believe very strongly that the many small taxpayers who are members of qualified pension and profit-sharing and thrift plans are entitled to similar consideration.

GERM WARFARE BAN RENEWS CALL FOR RATIFICATION OF 1925 GENEVA ACCORD

Mr. BAYH. Mr. President, yesterday, President Nixon took a decisive and important step when he announced that the United States will never engage in germ war and that it will destroy its bacteriological stockpile.

The significance of the President's position cannot be stressed too much. As the President said, the use of bacteriological weapons "has been repugnant to the conscience of mankind." And it is time, past time that the United States took a position in the control of such weapons of destruction. The President's announcement is, indeed, a step toward sanity in a world that has too often focused on ways of destroying itself.

The President's announcement also comes at a time when it is especially necessary that the United States set and maintain a climate for the arms control talks currently being held between the United States and the U.S.S.R. in Helsinki. Though the President's words do not directly affect these talks, they do say to the Russians and to the world that the United States is not merely paying rhetorical lipservice to peace but is willing to take decisive and immediate action to reduce tension.

In August of this year, I joined my distinguished colleague, the senior Senator from Indiana, VANCE HARTKE, in a Senate resolution asking the President to submit the Geneva protocol of 1925 to the Senate for ratification. Yesterday the President said that he intends to ask the Senate to ratify the 1925 Geneva accord.

Today I join with Senator HARTKE and the President in urging the U.S. Senate to ratify this Geneva protocol of 1925.

Although the United States introduced the CBW protocol at Geneva and has endorsed its purpose over the years, it has been the only major power not to ratify the protocol.