

on the date of enactment by Congress, August 13, 1946.

It will be necessary to extend the life of that Commission in order to complete claims which are filed before it. Bills to extend the life of the Indian Claims Commission have been passed by the Congress (S. 1746 in the Senate, providing for an extension to 1959; H. R. 5566 in the House, providing for an extension to 1962). It will be necessary for one of the Congressional bodies to act upon the other's bill before either bill can go to conference and become a law, but the Department of Justice is now trying to eliminate, by an amendment to that bill, any right of recovery based on aboriginal title. The proposed amendment of the Justice Department is now being considered by the Senate Interior and Insular Affairs Subcommittee and by the House Subcommittee of Interior and Insular Affairs.

Should the Justice Department be successful in getting this amendment adopted, it would destroy Indian claims which are based on aboriginal title.

The Department of Justice asserted before the Indian Claims Commission, the Court of Claims, and the United States Supreme Court that original Indian title, occupation, and possession was not sufficient to constitute grounds for recovery. These courts have now unanimously held against the Department of Justice's contention. The Department of Justice has had its day in court running from the trial of these cases before the Indian Claims Commission to a finality in the Supreme Court of the United States. Indian claimants have been put to the expense, time, and trouble to establish their right to recovery on aboriginal title and now that the Supreme Court has finally settled the issue in their favor, it is not fair and equitable for the lawyers on the losing side to ask Congress to penalize these tribes by removing the theory of recovery from the act.