

Calendar of Events of Native Land Problems

CALENDAR OF EVENTS - ALASKA NATIVE LAND PROBLEM

1867—Alaska acquired from Russia. Article 3 of the treaty extended U.S. citizenship to Russians remaining in the area, but withheld this status from "the uncivilized native tribes" who were to be subject to such laws and regulations as the United States may, from time to time, adopt in regard to the aboriginal tribes of that country.

1884—Alaska Organic Act. Congress declared that "the In-

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dians. . . shall not be disturbed in the possession of lands actually in their use or occupation or now claimed by them, but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress."

1906—Alaska Native Allotment Act (34 Stat. 197) Secretary of the Interior authorized to allot up to 160 acres of non-mineral lands to Indian and Eskimo family heads (In the first 50 years following passage of this Act, fewer than 100 grants of title were made pursuant thereto.)

1926—Alaska Native Townsite Act (44 Stat. 629). Provided individual Indians and Eskimos and opportunity to gain trust title to lands within villages upon which their homes were located. This authority has also been little used partially because of confusion covering its intent and implementation.

1935—Tlingit-Haida Act (49 Stat. 388) passed by Congress. Authorized Tlingit and Haida Tribes of Southeast Alaska to sue in Court of Claims for payment for lands taken from them by the Federal Government.

1936—Act providing authority for creating Indian reservations in Alaska (49 Stat. 1250). (Only six reservations were validly created pursuant to this authority).

1946—Indian Claims Commission created by Act of Congress. Provided for compensation to Indian and Eskimo bands and tribes not paid or not paid adequately for lands taken from them. Alaskan groups not affected to any great degree since most are still occupying land held prior to U.S. purchase of area.

1958—Alaska Statehood Act. Provided that the State must disclaim right and title to lands or other property, the right or title to which is held by Natives or by the United States in trust for them. (Alaska Constitution provides that the Natives' right or title to land would be defined in the Statehood Act, but Congress did not do so, except as above.) Act permitted the State to select approximately 103 million acres from the public domain. Most of the lands selected thus far by the State are claimed by the Natives.

1962—Department, because of conflicts between State selections and Native protests, placed a "freeze" on the processing of additional State land selections. By that time the State had received patent or management authority over approximately 13 million acres.

Secretary's Alaska Native Affairs Task Force recommended that additional lands around the Native villages be withdrawn for their benefit, and also that a tribunal be set up to adjudicate the Native Claims.

1967—June—Interior submitted proposed legislation (S. 1964) to settle the Natives' land claims. Bill authorized the Secretary to grant in trust to the Natives title to the village sites they occupy and such additional lands around the village as would significantly contribute to the Natives' livelihood. No group would receive more than 50,000 acres. To obtain compensation for additional lands claimed the State of Alaska would initiate an action on behalf of the Natives in the Court of Claims, recovery to be based on the value of the lands on March 30, 1867, the date Alaska was purchased by U.S.

At the request of the Alaska Federation of Natives S.2690 was introduced to give the U.S. Court of Claims jurisdiction to adjudicate any claims of the Natives against the United States and to render judgment in the form of either land or money.

November—At news conference in Anchorage Secretary Udall suggested possibility that provision for the Natives to share in revenues from the Outer Continental Shelf off of Alaska might be included in a settlement of Native claims. Governor Walter J. Hickel of Alaska then established a Land Claims Task Force consisting of representatives of the Alaska Federation of Natives to develop a legislative proposal in cooperation with the State. Secretary Udall sent a personal representative to work with the Governor's Land Claims Task Force.

1968—January—Court of Claims awarded Tlingit and Haida Indians \$7.5 million under the 1935 Act for lands taken from them in Southeastern Alaska. The Task Force bill was introduced as S.2906. It provided that Natives would receive 10 percent of Alaskan OCS revenues and 40 million acres of public land.

February 8-10—Hearings held in Anchorage by Senate Committee on Interior and Insular Affairs.

March 6—In Message to the Congress on the Forgotten American President Johnson urged Congress to take prompt action on legislation to:

- (1) "—Give the native people of Alaska title to the lands they occupy and need to sustain their villages.
- (2) "—Give them rights to use additional lands and water for hunting, trapping and fishing to maintain their traditional way of life, if they so choose.
- (3) "—Award them compensation commensurate with the value of any lands taken from them."

April 30—Secretary Udall transmitted to the Congress a revised Administration proposal which generally adhered to the land provisions of the previous Interior bill, but in lieu of the Court of Claims' provision substituted a payment of \$3,000 per person up to a maximum of \$180 million. (There are an estimated 54,000 Alaska Natives.)

April—The State of Alaska enacted legislation requested by the Governor which provided for payment of the Natives annually of 5 percent of the revenues derived by the State from lands to be selected by the State under the Statehood Act, up to a maximum of \$50 million. (This legislation, however, is no longer effective because payment was made contingent upon a lifting of the "freeze" by the Secretary in early October.)

July 11-12—Hearings were held by Senate and House Committees on Interior and Insular Affairs at which the Natives, with the endorsement of the State, modified their position by substituting a \$500 million cash payment for the OCS revenue provision.

September—U.S. District Court for Alaska entered summary judgement in favor of State in its suit to force Secretary to lift "land freeze."

November—United States entered notice of appeal to the Circuit Court of District Court decision.