



1991 retreat addresses 'New Natives,' land, stock

By Linda Lord-Jenkins
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Six resolutions reflecting statewide concern about loss of Native land, loss of Native Regional Corporate stock, concern about Elders and about those Natives born after 1971 will be presented at the 1983 Annual convention of the Alaska Federation of Natives.

The resolutions were drawn up after a two-day retreat of representatives of most of the profit and non-profit Regional Corporations last week. The retreat was held in Valdez and was the second held by AFN in the past nine months addressing the 1991 issue.

The first was held in Kodiak and was used to narrow the

vast array of concerns about what will happen in 1991 when many protections afforded Native regional and village corporations are removed.

Those protections include assurances that the corporation-owned land transferred under ANCSA is not taxed for 20 years following conveyance; and that stock in the corporations cannot be sold or transferred.

When ANCSA protections are removed the primary fear of many in the Native community is that the land which was so hard fought to retain will be sold off or involuntarily transferred to non-Native hands.

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Morris Thompson of Doyon Ltd, (center) makes a point in discussion of stock alienation while Maxine Richart, a Sealaska representative (right), Willie Hensley (NANA), Keith Gordioff (Chugach), Sam Diementieff (Doyon), and AFN President Janie Leask (far left) listen.

Patty Ginsburg/AFN photo

Stock, land separation discussed for 1991

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A secondary fear is that controlling stock in the corporations will be sold off by individual shareholders to non-Native corporations or even to other Native corporations.

On Sept. 1, the AFN board of directors adopted a set of 1991 policy options designed to bring the 1991 debate into focus and start the public discussion about 1991 concerns.

That policy stresses the importance of adopting some broad policy guidance as soon as possible and seeking the broadest possible input.

The options were discussed at the Valdez retreat and distilled into the six resolutions which are being publicized and distributed to stimulate thought in the Native community.

The resolutions were designed to allow the villages and regional corporations the broadest choices in directing their future while drawing from a consistent list of options.

The options stress the importance of not forcing any

corporation, village or regional, to adopt any new restrictions on disposition of land and/or stock; and the importance of preserving Native land as Native land and protecting it from leaving Native hands.

They also reflect the concern about those born after Dec. 18, 1971, and therefore not granted corporation stock under ANCSA.

Called "afterborns" before the conference, the post-1971 group is now called "New Natives" for the purpose of discussion. The proposed resolution on New Natives states that the arbitrary date chosen by Congress to determine who would be entitled to participate in the settlement was not acceptable because it created different classes of Natives. The resolution directs AFN to study the practical and legal implications of making sure that those born after Dec. 18, 1971 share in ANCSA as a birthright.

That study will include a review of options such as the de-

finition of Native, the possibility of receiving stock as a birthright but not immediately upon birth; different classes of stock; and mechanisms for dealing with those whose ancestral roots go back to two or more regions or villages.

Concern about the Elders -- recognized as instrumental in the enactment of the ANCSA -- prompted a resolution that Congress authorize the corporations to provide social benefits to their Elders and to further exempt such benefits from consideration by federal and state agencies for eligibility for social program benefits.

Currently, if an Elder were to receive monetary benefits from his or her corporation, the value of those benefits would be considered in deciding how much social security or food stamps or other social program benefits that person can receive.

The program participants also discussed options for preserving the land such as transferring it into IRA ownership.

But one problem with that option which was mentioned is that the land would then be under the control of the U.S. Secretary of the Interior.

One option that would insure Native-owned land is not sold or transferred out of Native control calls for the land and corporations to be split into two different holding structures. The land could be placed in a land bank or a trust which would protect it from being taken to pay off -- for example -- bad debts while the corporation could be maintained as a corporate entity. In such a manner the land could still be used by the corporation for its businesses but couldn't be lost.

The participants were asked to publicize their deliberations and resolutions so that AFN convention delegates will be familiar with them and prepared to discuss them at the convention.

The participants seemed pleased with the outcome of the retreat. Sam Demientieff of

Doyon, Ltd., said his priorities were included in the resolutions.

Sam Kito, chairman of the AFN, said the retreat was "a good third step," toward solving the 1991 dilemma. The next step will be the AFN convention discussion then the studies resulting from that discussion.

Although 1991 is more than seven years away, much concern was voiced about quick action on these proposals because much education will have to be done in Congress to acquaint Congressmen with the ANCSA, the Alaska National Interest Land Conservation Act which also effects ANCSA, and the 1991 issue.

Alaska Natives lost a good friend and an informed supporter with the recent death of Henry "Scoop" Jackson of Washington. It has been said that those congressmen who understand the Act are few and far between in the hall of Congress.