

Land claims hopes change over years

By Bill Hess
Tundra Times

The woman's parents, brother and first husband were buried in Beechy Point. Her children had been born there. She had lived there for many years and still wanted to think of Beechy Point as home.

"On my last visit two years ago, I found I no longer could call it my home," Lucy Ahvakana said in an emotional testimony. "The white man had trespassed and taken over my land and home. The land around my home was torn. Also, the graves of my loved ones were trampled with machinery. I did not like what I saw and I went to see a lawyer in Anchorage."

The lawyer, one Ted Stevens who at the time represented Mobil Oil, questioned Ahvakana as to whether or not she had title to the lands.

"I don't think I need title to my own land and home," Ahvakana recalled her reply. "This was the homeland of my parents and their ancestors before them."

The lawyer told the woman that the white men working in the area had not known that Eskimos lived in Beechy Point. He offered her \$2,500 to pay for damages.

"Even though I was not rich, I could not accept this offer because it left me with nothing," Ahvakana testified. She also recounted how she had learned of the agreement made by the United States when it purchased Alaska from Russia that "the land where the Eskimos and Indians lived on should not be molested." The promise had been broken many times, Ahvakana said.

"I told the lawyer I was an uneducated Eskimo but I fully respect the white man's law, and that I have learned what is right and what is wrong because it is the teaching of our ancestors!"

Ahvakana delivered her testimony some 14 years ago, during public hearings held before the passage of the Alaska Native Claims Settlement Act of 1971. Her account, recalled in a paper presented during the recent overview hearings of the Alaska Native Review Commission hearings by cultural anthropologist Ann Fienup-Riordan, vividly portrays the situation the aboriginal people of this state found themselves in at the time.

John Borbridge, who had been serving as the president of the Tlingit and Haida Central Council at the time, and who lobbied for the passage of ANCSA in the U.S. Congress, recalled the time period as one loaded with unprecedented threats toward the lands and rights of the Native people of Alaska.

Without consulting the local Inupiat population, the U.S. Atomic Energy Commission had not long before drawn up plans to blast out an Arctic Ocean harbor near Point Hope with a nuclear bomb, Borbridge recalled.

The State of Alaska had made its own plans to build a



Canadian judge Thomas Berger presides over the international session of the ANRC overview hearings. Also pictured is Peter Ittinuar of Canada, Alf Isak Keskitalo of Norway, and Robert Peterson of Greenland. PHOTO BY BILL HESS

road into Minto, crossing property the local Athabascans considered their own, and bringing hordes of "recreationists" into subsistence grounds.

The federal government, again without consulting the local Native population, had withdrawn nine million acres of prime subsistence land along the Yukon River. Plans had been drawn up to build a dam which would generate power for masses of people not yet even living in Alaska, but which would flood lands so vital to the survival of those whose ancestors had lived along the river for untold centuries.

And of course there was Prudhoe Bay with the richest known oil reserves in America. One way or another, this resource was going to be taken from the ground.

Canadian Judge Thomas Berger, commissioner of the ANRC, heard such testimony of the individual and community predicaments which Alaska Natives had faced before ANCSA.

Berger was seeking to learn of the hopes and expectations that Alaska Natives and others had for ANCSA. Later, he would hear testimony contemplating the national and international effects of the act.

Fienup-Riordan, who had researched thousands of pages of pre-ANCSA testimony, had concluded that the Alaska Native people had had five major concerns they hoped ANCSA would settle.

They included continuing use and occupancy of the land, cash compensation for lost lands which would assist Natives in their economic development, the resolution of past social ills suffered by Alaska Natives, along with full participation in

future events, the achievement of self-sufficiency and self-determination, and a long-lasting cultural integrity.

As anyone familiar with Alaska is well aware, ANCSA left Alaska Natives with 44 million acres of land and just under \$1 billion for lands lost. Both the lands and the money were funneled into 12 regional and more than 200 village corporations.

To survive, the corporations would have to become competitive in the western, mainstream economy of America. Today, many Alaska Natives are questioning the settlement act, particularly the provisions which allow Native shares and lands to be passed into non-Native hands after 1991, and which prevented Native children born after 1971 from becoming shareholders, except through inheritance or purchase of shares from someone else after 1991.

Fienup-Riordan said that reservations about the corporate structure did not show up in the text of the testimonies. "It was positive, pro-economic development, pro-self-sufficiency," she said.

Don Wright, the AFN president at the time ANCSA was signed, is an outspoken critic of the way ANCSA is turning out. Wright, a participant in the first week's round-table discussions, had the opportunity to respond to his own testimony given a decade and a half before.

Wright had called for more participation by Alaska Natives in the harvest of the state's resources.

"I assure you that (active participation in development) was the basic reason for . . . incorporating each village and incorporating the areawide asso-

ciations and incorporating one statewide association," Wright said in February of 1968.

"And believe me, if this bill passes, and if we do get some money to work with, and some land, we will be competitive in every field in a very short period of time."

During the overview hearings, Wright, who is a strong advocate of having corporation land turned over to tribal governments to ensure continued Native ownership and control, argued that in the days before ANCSA, Native leaders had not always been allowed to say what they truly felt.

"We were all under tremendous threat and stress during the time of these hearings," Wright said. "There was no money to go into the villages and get the real testimony from the real people; the grass roots people."

While Wright said the leaders wanted to represent their people as best as possible, he claimed they had been "under the threat of possibly going to jail, of possibly being punished economically, socially, and we testified in many instances under instructions from attorneys . . . church leaders . . . BIA personnel . . . state personnel, the attorney general's office of the state, the governor's office."

Wright said they had been told that if they really said what they thought, the entire land claims process would be stopped.

John Hope, the current president of the Tlingit and Haida Central Council and a man long active in Native affairs, said Fienup-Riordan's assessment of the time was accurate.

"I think you have painted a pretty clear picture of what

the Native community expected," Hope said. "Perhaps of what Congress shared in their expectations. But the things that have happened since that time have not happened as the authors may have expected."

While a desire for economic participation may have been strong, much of the testimony spoke strongly of the relationship to the land. Willie Hensley, now widely recognized as one of the most powerful figures in the ANCSA corporations and the state, argued in 1968 that despite what anybody thought, Alaska Natives felt that the lands they occupied still belonged to them.

"Under Indian title, we feel that compensation would not be the answer to the problems we are facing today," Hensley, who was a representative in the Alaska Legislature, had testified.

"There are many groups throughout the state who would rather be assured of continued use and occupancy of their traditional land than accept a penny from the federal government," he added.

Hensley, who now serves as president of the Native-owned United Bank of Alaska and as a leader of the NANA corporation, was invited to participate in the overview hearings but chose not to. In the past, Hensley has joined other leaders in AFN in expressing concern that the ANRC was formed without any input from AFN.

They have also questioned whether a commission headed by a Canadian can have any true impact in solving problems they feel must ultimately be dealt with by Alaska Natives. Hensley did meet with Berger

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before the overview hearings to share his observations on ANCSA.

"If I felt it would do any good, I would meet with him again at the hearings," Hensley said in a conversation during the first week of the overview.

Peter John, a traditional chief of Minto and spokesperson for the village during ANCSA, delivered testimony in 1968 which indicated that many of his people were frightened by the concept of land claims. As a result, some of the people who should have been heard, never were.

"They are confused and don't understand," John said. "Many of them think that they will make the government mad by claiming the land. They think that if they lose they would also lose a lot of their freedom to hunt, fish and trap on their land now."

Fienup-Riordan readily admitted that it was somewhat risky to assume that the testimony she researched truly represented the broad spectrum of Alaska Native people at the time. Transportation and communication problems prevented many who perhaps would have liked to testify from doing so. Many people in the villages didn't know any hearings were taking place.

Richard Frank, also of Minto, spoke during the overview hearings of a dream his people came up with decades before ANCSA; one which they had hoped the act could help bring to pass.

"This dream was that there should be land put aside for individuals and for the community as a whole," Frank said. This land would be perpetually owned by and protected for the

Native people, he added.

To Richard Frank, the dream was never lived up to.

"The land that Richard Frank was born and raised on as a Native person here in Alaska has not been deeded to this corporation (Minto) to this date since that bill passed," Frank voiced another complaint. He said because of pressure from the oil companies, ANCSA was thrown together too quickly.

"If a stranger came up and took an animal off that supposed land that's been set aside for that particular corporation and broke the law, the feds and the state are not going to take care of that problem like they take care of the problem of the corridor," Frank said.

Borbridge praised and criticized ANCSA.

"It confirmed, in title, over 44 million acres to the Alaska Natives," he said "... on that basis alone, I consider it an unparalleled success."

Borbridge said that the victory was flawed with unanswered questions and ambiguities. Calling the Act an opportunity rather than answer, Borbridge charged it would not reach full fruition as long as corporate leaders became "too engrossed with the annual necessity of reelection efforts."

Other feelings were mixed. Roy Ewan, a past director of the Ahtna Corporation, expressed "deep appreciation" which he said came from the villages for

the efforts of Native leaders during the land claims movement.

"I think it was a movement legislated for the people," Ewan said, "and I think that we are remiss in not expressing our appreciation for these prominent leaders. Overall, I think the land claims had a positive effect here in the state. Our region, I know, is doing a lot of things it was not able to do prior to land claims."

Others were more harsh, with one man calling ANCSA "a farce" which had served only to complicate the lives of Native people. Sheldon Katchatag, the vice-president of the United Tribes of Alaska, agreed with those proclaiming ANCSA a "model" piece of legislation in dealing with aboriginal rights. "It's a model of what not to do," Katchatag said.

Wright felt the act had served to harm the peoples' interest rather than benefit them. One provision which he and many others had hoped for which would have made things better, he said, was a clause which would have given Alaska Natives a two percent royalty from the exploitation of any resources in Alaska. This would have given Alaska Natives a perpetual interest in all the land, Wright said.

During the third week of testimony, Charles (Etok) Edwarsen, Jr., a lobbyist who was very active during the proceedings leading to ANCSA, decried the final product. He was critical that ANCSA ignored the disclaimer clause in the Alaska Constitution which would have prevented the state from taking lands north of the line formed by the Porcupine, Yukon and Kuskokwim Rivers.



Sheldon Katchatag, vice president of the United Tribes of Alaska and participant in the recent overview hearings.

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