

Part seventeen of serial: Settlement effort enters final campaign period

(Ed. Note: This is the seventeenth in a series of excerpts from the Alaska Native Land Claims book. It is the hope of the Tundra Times and Alaska Native Foundation that the publication of the series will further the understanding and implementation of all parties involved and affected by the claims Settlement Act. The book was released by the ANF in 1976 and was also made possible by a Ford Foundation grant. Robert D. Arnold edited the text. Authors include: Janet Archibald; Margie Bauman; Nancy Yaw Davis; Robert A. Frederick; Paul Gaskin; John Havelock; Gary Holthaus; Chris McNeil; Thomas Richards, Jr.; Howard Rock and Rosita Worl.)

Changes to AFN proposal

The upsetting withdrawal of the Arctic Slope Native Association that took place during the October meeting was also to be resolved before the year ended. The break had come about because of Arctic Slope leadership opposition to the AFN plan of distributing benefits. Distribution on the basis of a region's population as urged by a majority of AFN members, was characterized by Arctic Slope executive director Charles Edwardsen, Jr. as "welfare legislation," not a land claims settlement. Edwardsen insisted that the settlement be divided on the basis of a region's historic land area, explaining that the AFN's position would "not provide for a fair exchange between what is being taken from us and what we would receive in exchange."

Return of the Arctic Slope Native Association to AFN was achieved through a compromise in December at a board of directors meeting. This meeting was presided over by Donald Wright, who had been elected to the presidency in October following Emil Notti's decision not to seek a fourth term.

The new AFN proposal developed at the meeting kept the concept of 12 regions, initial compensation of \$500 million, and the two-percent share in future revenues from public lands, but raised the land provision to 60 million acres. The proposal also accepted the Arctic Slope argument that the regions with the largest land area should receive the most land and money, not the regions with the largest population.

The president of the Arctic Slope Native Association, Joseph Upicksoun, had added to the justification given earlier by Edwardsen for his group's position. He told leaders of other regions:

We realize each of you has pride in his own land. By an accident of nature, right now the eyes of the nation and the world are centered on the North Slope . . .

Without intending to belittle your land, the real reason for the entire settlement is the oil, which by accident is on our land, not yours.

Under the proposal, apart from an initial \$8 million payment to each region, the \$500 million and whatever land was obtained in the settlement would be distributed on the basis of lands lost. Money from mineral developments, however, would be shared among the regions. Arctic Slope, for instance, would retain half of the revenues it received from mineral development and distribute the remainder to other regions on a population basis.



New AFN president Donald Wright (center) with Philip Guy, vice-president, and Frances Degnan, secretary.



John Sackett, Huslia, member of the Alaska House of Representatives, with Tim Wallis, Fairbanks, president of DNH Development Corporation, a contracting firm founded in 1969 by the Tanana Chiefs.

These two provisions, the "land loss" formula and the revenue-sharing proposal, were the foundation for a settlement acceptable to Native regions having mineral potential and those without, and those having large populations and those only lightly populated. In modified form, these two provisions would later be reflected in the legislation adopted.

Alternative solutions

Chapter 20

New bills

Soon after the 92nd Congress convened in 1971, the AFN bill was introduced in the Senate by Senators Fred Harris (Oklahoma) and Ted Kennedy (Massachusetts) and in the House of Representatives by Congressman Lloyd Meeds (Washington). Key features of this bill were full title to 60 million acres of land, an initial payment of \$500 million, perpetual sharing in minerals from lands given up, and establishment of regional corporations.

A second bill introduced in the Senate was the bill which had passed in the Senate in 1970, Senator Henry Jackson's bill.

A third bill was introduced by the chairman of the House Committee on Interior and Insular Affairs, Wayne Aspinall of Colorado. Aspinall's bill provided for the smallest amount of land of the three — about 100,000 acres. Additional lands would be available for subsistence use on a permit basis.

It also provided that the settlement would be administered through an agency largely controlled by the Governor of Alaska. Although the agency would include four Natives, they would be appointed by the governor, not chosen by other Natives. Aspinall's opposition to Native owned and controlled corporations was reflected in an internal memorandum of his committee. This memorandum warned about the "lack of democratic controls in a large corporation, particularly with unsophisticated people."

The Aspinall bill was clearly the least acceptable to the Alaska Federation of Natives.

Final campaign

Against a backdrop of continuing intensive publicity efforts by AFN leaders, the Association on American Indian Affairs and others, the AFN launched what was to be its final campaign in the legislative halls for a claims settlement.

Since efforts to amend Senator Jackson's bill before its passage in 1970 had been unsuccessful, the AFN focused its

energies upon winning favorable action in the House of Representatives. Even though Aspinall headed the key committee, Alaska's new congressman, Nick Begich, had won appointment to a seat on it. In addition, several other members were sympathetic to AFN's position.

Winning favorable House action was, nonetheless, expected to be difficult. While the AFN had exceptionally capable attorneys, president Don Wright was urged to hire lobbyists — persons who were engaged professionally in persuading congressmen to pass legislation favorable to his clients. The urging had come from Alaskans on the Potomac, an organization of Natives living in Washington, D. C., and others. Based upon his assessment of the difficulties ahead, Wright did employ lobbyists to assist the AFN board of directors and the AAIA representatives in their lobbying effort.

Any bill faced major problems without presidential support. President Richard M. Nixon had delivered a policy statement the preceding year that implied a favorable stance toward Alaska Native claims. But now, in 1971, there was a new militancy among interests opposing the claims, and Natives feared that his administration would introduce a bill like the earlier ones providing only a modest land settlement.

Wright sought the attention of the White House through the National Council on Indian Opportunity, a panel of presidentially appointed American Indians and Alaska Natives designed to provide Native advice on federal policies at the highest level of government. In a letter to its chairman, Vice-President Spiro T. Agnew, Wright said:

The Native people of this country fear that your administration is about to commit the greatest betrayal of the Native people in the history of this nation. I refer to the likely proposal, by the administration for a settlement of the . . . claims.

Wright's request for a meeting was supported by Laura Bergt, an Eskimo from Fairbanks, and other Indian members of the Council. The meeting was arranged.

Joining Wright and Mrs. Bergt in the meeting with Vice-President Agnew were Al Ketzler of the Tanana Chiefs and State Senator Ray Christiansen of Bethel. Wright's

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Arctic Slope President, Joe Upicksoun and Executive Director, Charles "Etok" Edwardsen, Jr.



Tundra Times

Oil pipeline

The most important new factor in moving the White House and the Congress toward a settlement was the continuing delay in construction of a pipeline to carry oil from the North Slope to Valdez. Until the claims of Natives to land were settled, it was clear that no permit for the pipeline construction could be issued by the Department of Interior. Many national oil companies and many contractors had made enormous investments in anticipation of pipeline construction and were impatient to move ahead to recover their investments.

How support from the Nixon Administration was won was later summed up by Guy Martin, legislative assistant to Congressman Begich. Martin wrote:

The Natives had a good cause. It was an election year. The Indian rights movement was gaining strength and acceptance. Still, none of these factors could have been a controlling influence at the White House, or even made it possible for Native leaders to see the White House staff without other assistance. This assistance came largely from the oil industry and related business interests, and from the only Republican in Alaska's delegation, Senator Ted Stevens. This was the first of many times that the shared fates of the land claims and the trans-Alaska pipeline would produce a strange coalition of support for the Native cause.

Nixon proposal

The new Administration proposal was presented to the Congress in a special message from President Nixon in early April. It provided for 40 million acres of land in fee simple title, \$500 million in compensation from the federal treasury,

Figure 1
POPULATION OF ALASKA
1880-1970

Year of Census	Eskimos, Indians, and Aleuts	Non-Natives	Total
1880	32,996	430	33,426
1890	25,354	6,698	32,052
1900	29,536	34,056	63,592
1909	25,331	39,025	64,356
1920	26,558	28,478	55,036
1929	29,983	29,295	59,278
1939	32,458	40,066	72,524
1950	33,863	94,780	128,643
1960	43,081	183,086	226,167
1970	51,712	250,461	302,173

Source: Rogers, George W., "Alaska Native Population Trends and Vital Statistics, 1950-1985," Institute of Social, Economic, and Government Research, University of Alaska, Fairbanks, Alaska, November 1971.

and an additional \$500 million to come from mineral revenues from lands given up. On the same day the Administration's bill was introduced, Wright met with President Nixon. Wright reported that the President showed a willingness to veto any bill providing land which Natives believed inadequate to meet their needs.

The White House commitment dramatically improved the chances of winning a favorable resolution of Alaska Native land rights. No longer did the Jackson bill seem to be the "generous" proposal in which the Senate had taken so much pride one year earlier. The Administration position also changed the picture in the House. Before the announcement of White House support, the AFN had to place its hopes for favorable House action on the endorsement of key Democratic congressmen. Because of President Nixon's personal intervention, Natives could now expect aid from Republican congressmen as well. This meant that the chances for persuading Chairman Aspinall to retreat from his conservative position, which had been poor before, had now become a distinct possibility.

The prospects for favorable House action were also improved when Aspinall's committee heard the testimony of Governor William A. Egan. Except for the AFN proposal that mineral revenue sharing be in perpetuity, Egan largely supported the AFN position, stating that a 60-million-acre settlement would be acceptable. Unlike his predecessor, the governor agreed to a two-percent share of state mineral revenues with Alaska Natives.

Congressman Begich played a key role during the summer of 1971 in keeping the legislative process going. Aspinall threatened, almost weekly during that summer, to call off the subcommittee sessions which would have the effect of closing the door to a settlement. Each time the threat was made, Begich convinced Aspinall to allow the process to continue. He pleaded with congressmen of widely differing opinions to find areas of agreement so that prompt action could be taken. Begich agreed with the provisions sought by Alaska Natives, but he rarely argued for them openly within the subcommittee. Although he was frequently criticized by AFN leaders for not taking an advocacy role, Begich maintained that his most important job was to keep the subcommittee moving, and that the AFN had votes for 40 million acres in the subcommittee anyway.

With pressure upon Congressmen growing from the Native lobby, oil interests, and the Nixon administration, there was increasing agreement that a settlement had to be achieved. Begich called together AFN president Don Wright, Aspinall's staff assistant, and Alaska Attorney General John Havelock, and agreement was reached on the specific terms of settlement.

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