

'Village Journey' reviewed yet again

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by Kitry Krause

Village Journey: The Report of the Alaska Native Review Commission. Thomas R. Berger. *Hill & Wang*. \$16.95.

In 1971, Congress passed the Alaska Native Claims Settlement Act (ANCSA), which has been called by many the best settlement ever of Native claims. It may, however, prove to be one of the subtlest tools ever used, even if unintentionally so, to dispossess American Natives.

Congress declared that the settlement of Native land claims was to be accomplished "without establishing any permanent racially defined institutions, rights, privileges, or obligations..." Assimilation was the intent. Congress didn't want another "reservation system" with its attendant privileges and dependencies; it wanted Natives, Berger says, "to become part of the commercial and corporate mainstream of America." Economic development of the land was to be the "principal means of improving social and economic conditions in Native Alaska."

But here the intentions of Congress clashed with traditional Native culture and values. While Congress wanted them to develop the land, many Natives preferred to continue to use it for subsistence living. While Congress wanted to give the land to individuals as shareholders, many Natives believed the land should be held only by the community — to be shared according to need and preserved for their children. It is the land that has allowed Alaska Natives who are already part of the mainstream of America, or who would like to be, who want to profit from the sale of their shares, or the development or sale of the land.

Faced with this conflict over the use of the land, Congress gave final priority to the individual's rights over the community's. That choice has increased discord among the Natives. "More than anything else," says Berger, "ANCSA has divided Alaska Natives... Village and subsistence against region and profit, village shareholders against at-large shareholders, urban shareholders against village shareholders, urban corporations against village corporations."

ANCSA gave Alaska Natives title to 44 million acres of land — approximately 10 percent of Alaska. In compensation for the remaining 90 percent, they were granted \$962.5 million. This doesn't sound like a bad settlement, especially when you consider that most of the 90 percent is still publicly held and therefore open, though with restrictions, to hunting and fishing. But the terms of the set-

tlement and the conflicts they have engendered or exacerbated may ultimately cost the Natives their land.

Title to the land is held by 12 regional and hundreds of village corporations set up under the act; Natives are exclusive shareholders in the corporations. But running the corporations under the terms of ANCSA is expensive. The costs of surveying and transferring ownership of the land, issuing stock, litigating disputes, and filing audits and reports have drained many corporations. Legal services for dividing revenues from underground natural resources among the corporations alone have cost them nearly \$35 million. The Alaska Native Foundation estimates that each village corporation must find \$70,000 every year to meet its requirements. In addition, few Natives are trained to manage a corporation and many new executives, says Berger, have found themselves "at the mercy of the lawyers, advisers, and consultants who flocked to the villages like scavengers." Congress hoped that the corporations could develop their lands, building a stable economic base for Alaska Natives. But while some corporations have done well, prices for the few resources they have, such as timber, oil and gas, have been falling. And much of the land held by other corporations is tundra, which offers little to profit from. Some corporations are already selling their land to meet expenses, and, says Berger, "more than one regional corporation and many village corporations are in danger of going bankrupt."

Each of nearly 80,000 Natives might have received \$12,000 had the \$962.5 million been divided equally. Instead, it was invested for them in the corporations. Poor corporate performance has kept the return on that investment low. At-large shareholders, who don't live in the villages, have received \$6,000; the average villager received \$375.

In 1991, some of the current restrictions of the settlement will be lifted. The land may then be taxed by state or local governments and shares in the corporations may then be sold to non-Natives. Many Natives fear they may lose their land to creditors, outsiders, or the government. Many are now bitterly angry about the choices Congress made when it settled their claims.

Although most Alaska Natives seem to want the terms of the settlement changed, they are not united as to how this should be done. But Berger's book makes it clear that resolving the conflict over the use of the land and deciding how far they become assimilated into Western culture are decisions that rightfully belong to the Alaska Natives, not Congress.