

Part eighteen of serial: Alaska Native claims are settled by an Act of Congress

(Ed. Note: This is the eighteenth 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.)

House bill

On August 3, the subcommittee reported its recommendations to the full committee. It provided for 40 million acres of land, with 18 million acres available for immediate village selection and 22 million acres to be selected after the State completed its selection authorized under the Statehood Act; \$425 million in compensation to be paid from the federal treasury over a period of 10 years, and \$500 million to be paid toward the settlement from the State's mineral revenues. It also incorporated the concept of regional corporations sought by the AFN. The subcommittee package was a tribute to Begich's role as an architect of the House compromise. One veteran lobbyist observed, "It is the best individual achievement I have ever heard for a freshman congressman."

When the subcommittee bill cleared the full committee and was brought to the floor of the House in October, it faced a strong challenge from congressmen favorable to environmental interests. Representatives John Saylor of Pennsylvania and Morris Udall of Arizona proposed an amendment to the bill which would have extended the land freeze for another five years and provided for strict controls over the uses of lands. The Udall Amendment was opposed by the AFN, the State, the Administration, oil interests, and the House leadership. Although conservationists waged a fierce campaign, the amendment was defeated after two days of debate. On October 20, by an overwhelming vote of 334 to 63, the House of Representatives voted to accept the committee's land claims bill.

Senate bill

After it had become apparent that the House was going to pass a land bill, the Senate moved swiftly to act upon its own version of the claims settlement. In dealing with the House the AFN was also developing its strategy for Senate legislative action. The Senate considered itself to be more generous in dealing with Native affairs than the House, and Native leaders relied on competition between the two bodies of Congress to produce a favorable Senate bill.

The Senate Interior Committee, reporting its recommendations after a short meeting on September 15, performed as the Native leaders had expected it would. Its bill provided for \$500 million to come from mineral revenue sharing and \$500 million from the federal treasury — \$75 million more than the House bill. Under one land option of the bill, Natives could obtain 50 million acres, but 20 million acres would be only for subsistence use, not owned outright.

The Senate bill provided for only seven regional corporations, but also one for urban Natives, another for Natives living away from Alaska, and two statewide corporations. It also provided for a land-use planning commission proposed by Senator Mike Gravel of Alaska.

In November the Senate bill reached the floor and, with but little opposition, was adopted by a vote of 76 to 5.

Since there were differences in the two bills, each house appointed senior members of its Interior committees and members of the Alaska delegation to a conference committee. Their task: to produce a bill acceptable to both the House and Senate.

Compromise bill

The conference committee began meeting in late November and concluded its work on December 3. Of the several dozen compromises reached in the 29-page bill, the key features were generally favorable to the AFN position. Title



AFN president Donald Wright.

to 40 million acres would be confirmed. The amount of compensation was set midway between the Senate and House versions at \$962.5 million. And there would be 12 regional corporations established to administer the settlement.

On December 14, the conference committee version of the bill was adopted by the House by a vote of 307 to 16 and by the Senate by unanimous consent. One step remained before it would become law: the President needed to sign the measure.

Before signing the bill into law, President Nixon wanted to know whether the settlement was acceptable to Alaska Natives. There were provisions in the legislation opposed by AFN, such as the tax provisions. And some things sought by AFN, such as mineral revenue sharing in perpetuity, had not become part of the legislation.

Final approval

On December 16, from all over Alaska and from other states more than 600 delegates assembled in Anchorage at a special convention to consider the settlement. AFN president Don Wright called upon them to study the bill and weigh its provisions. Claims of Natives to almost all of Alaska would be given up in exchange for title to about one-ninth of the state's land area plus compensation. Two days later, by a vote of 511 to 56, the Alaska Federation of Natives accepted the settlement. By special telephone arrangements, the President was advised of the acceptance. Then the delegates, standing motionless and silent, heard the President say, "I want you to be among the first to know that I have just signed the Alaska Native Claims Settlement Act."

The struggle by Alaska Natives for a claims settlement was at an end. Implementation of the act would now begin.

Unit Five The Alaska Native Claims Settlement Act: An Introduction

"The Settlement Act is a complex settlement of a complex situation. Some of its provisions are susceptible to differing interpretations, the more so because there are three parties-at-interest: The Natives, the State of Alaska, and the Federal government, which still has vast riches and vast responsibilities in Alaska. Many problems have arisen already and many more will arise in the implementation of the law."

Enactment required goodwill and broad statesmanship. Fulfillment of the spirit and letter of this historic legislation will require the same great qualities."

The Alaska Native Claims Settlement Act is monumental legislation of which all Americans,

Below, delegates attending the 1971 convention discuss provisions of the land claims legislation.



Robert Koweluk



Native and non-Native, can be proud."

—Stewart French, "Alaska Native Claims Settlement Act," The Arctic Institute of North America, August 1972

When the Alaska Native Claims Settlement Act was signed into law on December 18, 1971, it was hailed by the *Tundra Times* as "the beginning of a great era for the Native people of Alaska."

That the Congress held a similar view is suggested by a statement of policy which was made a part of the act. In adopting the act, the Congress had declared, in part, that the settlement should be accomplished:

- in conformity with the real economic and social needs of Natives . . . ;
- with maximum participation by Natives in decisions affecting their rights and property;
- without establishing any permanent racially defined institutions, rights, privileges, or obligations; and
- without creating a reservation system or lengthy wardship or trusteeship . . .

Under the act, Alaska Natives would receive fee simple title to 40 million acres of land. Native claims based on aboriginal title to any additional lands in Alaska were extinguished. Existing reservations, except for Annette Island, were revoked. The Native Allotment Act, which had also allowed trust status, was revoked. Compensation for claims extinguished was set at \$962.5 million, which would be paid over a number of years.

All United States citizens with one-fourth or more Alaska Indian, Eskimo, or Aleut blood who were living when the settlement bill was enacted were qualified to participate,

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unless they were members of the Annette Island Reserve community of Metlakatla. (As noted earlier, Tsimshian Indians of this community had been granted a reserve by Congress in 1891, following their emigration from Canada.)

Benefits under the settlement act would accrue to Natives not through clans, families, or other traditional groupings, but, instead, through the modern form of business organization called a corporation. All eligible Natives were to become stockholders — part owners — of such corporations.

The first step for a Native to take to become a stockholder would be to enroll — to register his name, his community and region of permanent residence, and to prove that he was an Eskimo, Indian, or Aleut as defined in the act. Based upon the region which he considered his permanent home, he would be enrolled and become a holder of 100 shares of stock in one of the 12 (or perhaps 13) regional corporations to be created under the act.

The act provided that no rights or obligations of Natives as citizens, nor rights or obligations of the government towards Natives as citizens, would be replaced or diminished. It called, however, for a study of federal programs affecting Natives to see whether changes of any kind should be considered. Within three years the Secretary of the Interior was to deliver his recommendations to Congress regarding the future operation and management of these programs.

The act also authorized the Secretary of the Interior to withdraw up to 80 million acres of land in Alaska for study to determine if these lands should be added to existing national parks or forests, wildlife refuges, or wild and scenic river systems. Following the study, the Secretary would make recommendations regarding the lands to Congress.

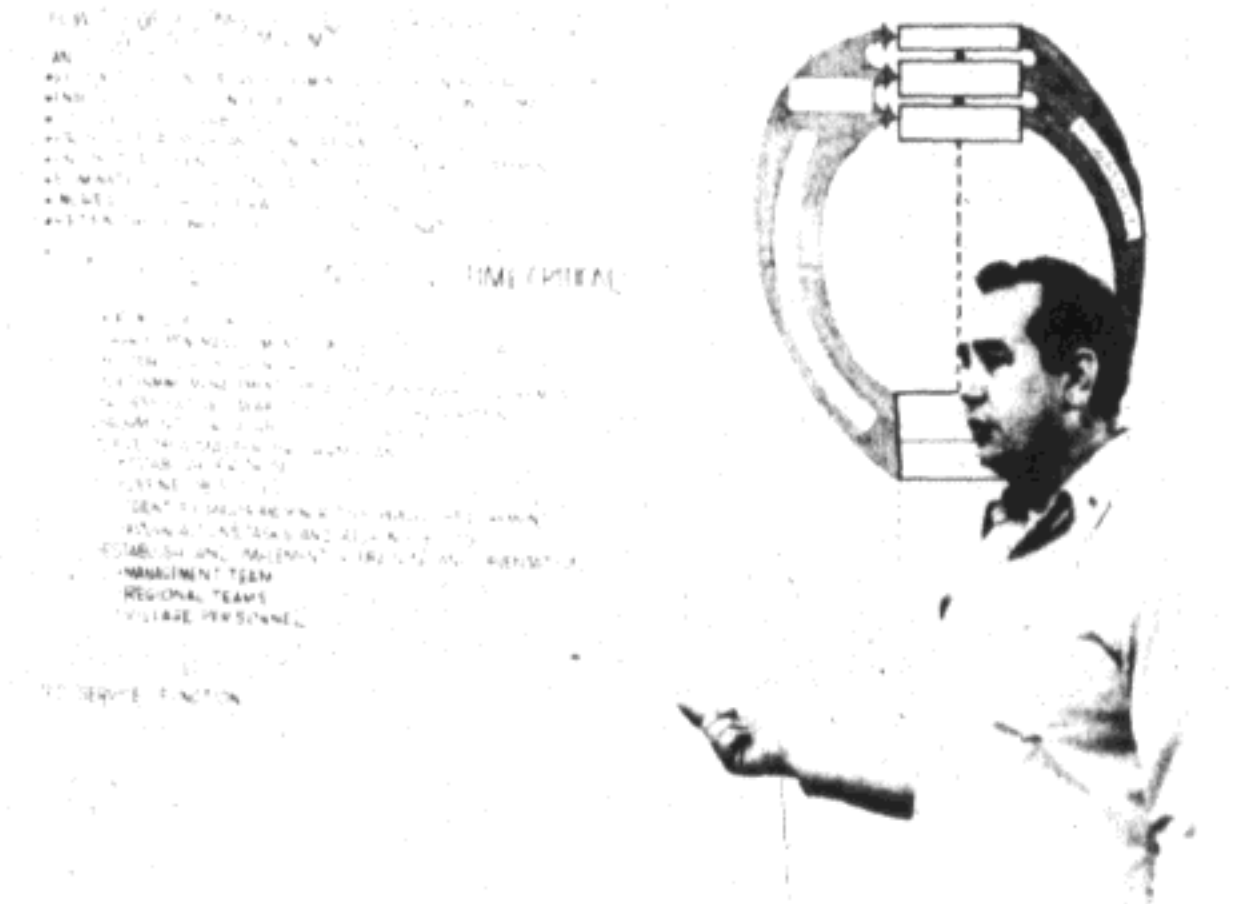
A 10-member Joint Federal-State Land Use Planning Commission was to be established to make recommendations concerning use or disposition of lands in Alaska. Broadly told, the Commission's role would be one of developing recommendations that would take into account the interests of various groups of people, such as Natives and other residents of Alaska, and the interests of the people of the nation as a whole.



Tundra Times

Delegates and others hear President Nixon announce his signing of the settlement act.

UNIFIED ACTION PLAN
IDENTIFY GOALS AND OBJECTIVES
DETERMINE TASKS TO BE ACCOMPLISHED
ESTABLISH PRIORITIES
ASSIGN TASKS



AFN executive director Harry Carter identifying some of the tasks and decisions that lie ahead.

Chapter 21 Land and Money

In terms of the land and money settlement, the Alaska Native Claims Settlement Act was clearly an historic event. With extinguishment of their aboriginal claims, Alaska Natives were to obtain fee simple title to more land than was held in trust for all other American Indians. And compensation for lands given up was nearly four times the amount all Indian tribes had won from the Indian Claims Commission over its 25-year lifetime.

Next week: the land settlement and the corporation as a vehicle

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