

Part fifteen of serial: Native case strengthens with land freeze, government reports

(Ed. Note: This is the fifteenth 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.)

State of Alaska

The administration of Governor Hickel generally supported the AFN bill, but strongly urged the lifting of the land freeze. Because the freeze prevented the issuance of oil leases on federal lands, and because the State was to receive 90 percent of federal revenues from such lands, the State's income was declining. The Governor's representative said the freeze had already cost the State more than \$400,000 and unless it were lifted, the State would soon face an economic crisis.

The subject of the land freeze was also taken up by a second critic of the proposed legislation, the Alaska Sportsmen's Council. In a letter to the committee, the Council complained of the bill and the freeze, but observed that the bill could not have gotten even the qualified support of the Hickel administration were it not for the freeze. This observation was perhaps the only point of the Council's testimony with which many Native leaders might agree.

A Strengthened Case

Chapter 18

While continuation of the land freeze was not threatened by the Congress, the election of Richard M. Nixon in 1968 did pose a possible threat to it. Once in office, the new president would replace Interior Secretary Udall, who had imposed the land freeze, with a person of his own choosing.

Just before the election, Udall had commented on the importance of the freeze. "Frankly," he said, "I do not believe we would have made any significant progress on the Native claims issue if we had not held everyone's feet to the fire (or perhaps I should say to the ice) with the freeze."

Then, before giving up his office he changed the informal freeze into one having the force of law: he signed an executive order continuing the freeze in effect.

Hickel nomination

The man the new president nominated to replace Udall — Alaska Governor Walter Hickel — had spent the last two years trying to have the freeze lifted. Now, having been nominated to the Interior post, he said, "What Udall can do by executive order I can undo."

Cabinet nominees, however, require confirmation by the Senate. Because of the growing importance of the Alaska Federation of Natives, its endorsement was one which Hickel sought. But just as the Federation was important to Hickel, the freeze was important to Natives.

The AFN decided to withhold any formal announcement of support or opposition to Hickel until he could explain how he would protect Native land rights. To seek that explanation, a small delegation, headed by Federation president Emil Notti, set out for Washington, D.C. Federation vice-president John Borbridge, Jr. summed up the delegation's views: "... the most effective way to safeguard the Native land claims was to secure from Governor Hickel reliable assurance that, as Secretary of the Interior, he would protect the Native-claimed lands from further disposition until Congress had a chance to settle the entire Native land claims question."

The confirmation hearings were very difficult for Hickel.



Emil Notti, president of Alaska Federation of Natives and John Borbridge, Jr., vice-president, in television interview in Philadelphia.



AFN Board of Directors meeting, 1968. (Left to right) Donald Wright, Frank Degnan, Willie Hensley, Emil Notti, Flore Lekanof, Al Ketzler, and Charles Franz.

Powerful conservationist groups testified in opposition to his appointment. The Native delegation had obtained support from key senators on the committee, and they sternly questioned the nominee.

AFN victory

Although there was much pressure to endorse, the Native delegation refused to act. Realizing that his nomination was at stake, Hickel finally gave in and promised to extend the land freeze until December of 1970. Based on that commitment, Notti and others of his delegation endorsed his nomination.

Winning Hickel's promise was an important victory for Native leaders. At the same time that the freeze protected the land rights of Natives, the freeze made a settlement a matter of concern to the State and to many persons and interests within the state. The victory was important, too, for what it told about the leadership of the AFN: it was independent, increasingly strong, and growing in its ability to influence the processes of government.

A government study

Although new bills had been introduced during 1968 and hearings had been held, none had been acted upon by committees of either house. The chairman of the Senate committee on Interior and Insular Affairs, Henry Jackson of Washington, had, however, requested that a program of comprehensive research be carried out as a basis for appropriate legislation. He asked that the study be performed by the Federal Field Committee for Development Planning in Alaska. This was a small federal agency headed by Joseph H. Fitzgerald, which had been established following the 1964 earthquake to bring about coordinated planning among federal and state agencies.

The document produced in response to the request, *Alaska Natives and the Land*, was made public in early 1969. Its 565 double-size pages told of present social and economic status of Natives, portrayed historic patterns of settlement and land use, and examined the many elements of land ownership and land claims.

Villagers

Summarizing their findings about the economic and social circumstances of villagers, the authors said:

- About three-fourths of Alaska's 53,000 Eskimos, Indians, and Aleuts live in 178 predominantly Native communities, most of which are at locations remote from the road system of the state. The median size of these places is 155 persons.
- In these villages, a few permanent, full-time jobs at the highest rates of pay are typically held by non-Natives. State public assistance programs provide income to almost one of four households in villages; temporary relief programs provide income to about the same proportion, but usually for three months or less.
- Low cash incomes and high prices, even though supplemented by free health and educational services and food-gathering activities, have resulted in exceedingly low standards of living for villagers: dilapidated housing, absence of sewer and water facilities and electric power.
- Most village adults have less than elementary school education, and large numbers have no formal education at all; for village adults speaking English, it is a second language. Nearly all Native communities have schools, but educational opportunity ends at the eighth grade in most places.



Toksook Bay.



AFN Board of Directors in 1970 meeting with Interior Secretary Walter Hickel (at left). Clockwise.

- Owing largely to socioeconomic conditions and the difficulty of providing health services to remote villages, the health status of Alaska Natives is inferior to that of the other Alaskans.

Urban Natives

Speaking of the Natives who live in the large cities, the authors said:

Because adult Natives are often less well educated than other adults and lack marketable skills, their rate of joblessness in these communities is higher than among other groups, and those who are jobholders are typically in lower-paying positions. Migrants from villages to urban areas are frequently ill-equipped, by cultural as well as educational background, to make an easy transition to new patterns of life and work, but few communities have begun to provide assistance to them; and the consequences for too many are severe stresses resulting in alcohol problems and other personality disorders.

Land ownership

The research group found Natives to own little land outright:

Alaska Natives who claim two-thirds of the state own in fee simple less than 500 acres and hold in restricted title only an additional 15,000 acres. Some 900 Native families share the use of 4 million acres of land in 23 reserves established for their use and administered by the Bureau of Indian Affairs. All other rural Native families live on the public



North Slope oil rig.

domain. And reindeer reserves account for one and a quarter million out of the four million acres of reserved lands. Without government permit, these reindeer lands may only be used for reindeer husbandry and subsistence purposes.

Specific land legislation passed for Alaska Natives — the Alaska Native Allotment Act of 1906 and the Townsite Act of 1926 — has failed to meet the land needs of the Native people.

Valid claims

Of greatest importance, the researchers supported the claims of Natives to having used and occupied most of Alaska:

Aboriginal Alaska Natives made use of all the biological resources of the land, interior and contiguous waters in general balance with its sustained human carrying capacity. This use was only limited in scope and amount by technology.

And further, such claims are "valid," the researchers said, and could properly become subject to compensation.

While the report supported Native claims to most of Alaska, and suggested that 60 million acres would be required for subsistence, its accompanying recommendations for settlement included only seven to ten million acres of land that would be owned by Natives. Other lands would be available for use by Natives, however.

Next week:

\$900 million lease sale

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