

Questions, Answers on Land

QUESTION 14: Has the United States ever moved to clear land title to prevent our losing it to others?

While the United States has repeatedly reaffirmed the validity of aboriginal title against all third parties, and has declared that only Congress can make final disposal of it, the Natives' land has not been transferred to us, but has been held under the jurisdiction and control of the United States.

Alaska Natives have lived on and used the land without holding full title to it. Congress has continued to put off taking final action to settle the aboriginal title.

At the present time, except for land owned by Natives who have purchased it or inherited from non-Natives, the total amount owned in fee simple, shifted out of wardship status, is only a few thousand acres.

In 1906, Congress, wanting to place the people on land of their

own, passed the Alaska Native Allotment Act, which would provide title to 150 acres of non-mineral land to Native families after five years of occupancy. By May of 1968, according to the Federal Field Committee report (p. 451), only 175 allotments totally 15,216 acres had been taken out.

The allotments proved to be unsuitable for the hunting, fishing, trapping, and foraging life of Alaska Native people, since such allotments were originally based on farmland concepts.

Even for farming, such allotments would have been unsatisfactory, as the experience of the Matanuska Valley colonists on Alaska's richest farm soil was to prove. Even farmers could not have been self-sustaining on 160 acres in Alaska.

The Townsite Act of 1926; amended in 1958, provided for issuance of unrestricted deeds to heads of households living in Native townsites. Restricted and

unrestricted deeds had been issued in 32 Native townsites by mid-1968. On that date, 786 owners held restricted deeds to townsite lots, and about 1400 village residents held unrestricted deeds.

The Federal Field Committee (p. 452) says that less than 500 acres are included in Native townsite ownership.

Another effort to deal with the problem of Native property and lack of a secure land base was the extension of the Indian Reorganization Act to Alaska in May of 1936.

Its intention was to set aside all land used by Indians and Eskimos in reserves where tribes could function corporately. The idea was extremely popular in Alaska, carrying the taint of old-time reservations as places of confinement and segregation.

Seventy-five reserves were applied for, but only six were ever incorporated, FFC says (pp. 436-7).