

# **ANCSA was for Feds and for the State**

**By WALLY OLSON**

With the recent battles over "d-2" lands and State selections, it is apparent that the Alaska Native Land Claims Settlement Act of 1971 was mis-named. It was not an act to give land to the Natives, but it was an act whereby Natives gave land to the State and Federal governments.

At the time that the United States "purchased" Alaska from Russia, some Natives complained that the Russians had nothing to sell. The Indians of Southeastern had allowed the Russians to build a settlement at Sitka, but the rest of the region was under Indian domination. Later on, prospectors were allowed to go through the mountain passes to the interior. In the north, there were huge areas the Russians had never seen. The Organic Act of 1884 implied that the land did belong to the Natives, especially those areas they "used and occupied." The long battle for a settlement was a fight to get public recognition of the Native rights. The passing of the Settlement Act of 1971 admitted that the Natives did have a right to the land, and so the principle was established.

The second thing the Act did was to give clear title to the State of Alaska to withdraw the 103 million acres allotted to it when it became a State. Included in the bill was the "d-2" section which allowed the federal government to set aside up to 80 million acres for wildlife, recreation and public use. Out of the

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# ANCSA was for Feds

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375 million acres in Alaska, the Natives gave up their claim to all but 40 million. The Act then gave twice as much to "d-2" lands and cleared the way for the State to select their 103 million acres.

The point is that the Natives were *giving up land, not getting land!*

In the years ahead, and even at the present time, there are some battles between village and regional corporations over land selections. This is to be expected since there is now a limited amount of land to choose from. But all the debate over "d-2" and State lands cannot be blamed on the Natives; they pulled out of the hassle back in 1971. The village and regional corporations are busy trying to make the best choices they can out what is left without having a lot of easements and other limitations placed on the small amount they decided to keep. Now that five years have passed since the signing of the act, it might be good to go back and re-name it so that everyone can see what really happened. My recommendation would be a good 19th century title like:

"The land Claims Act of 1971: or, How the Natives of Alaska Gave Up Most of Their Land So That State and Federal Agencies Could Fight Over the Rest."