

EMIL NOTTI'S SPEECH AT TACOMA

Before Small Tribes of Western Washington

Delivered February 7, 1970

Mr. Chairman, distinguished guests, ladies and gentlemen, friends, brothers all, I am happy to be here to tell you of some of the events of the struggle for our land, what has happened, where we are today and what it looks like in the near future.

I know of and appreciate the concern of the Small Tribes that are represented here today. You will play a major role by giving us your support. Realistically speaking, how much impact can 55,000 Alaska natives, when I say native I mean Eskimo, Indian and Aleut, how much impact can 55,000 natives have on national political settlements all by ourselves when we are a minority in a state with 3 electoral votes—very little—that is why our concern of supporting our struggles to get a fair settlement is vital.

I have heard arguments that if Congress treated us fairly that other Indian tribes would get mad—I don't believe that—I urge you to write your Senators and Congressmen and tell them of your support.

Most of Alaska has no defined tribal groups or government. Therefore, in 1962, there started to appear native associations patterned after the old Alaska Native Brotherhood of southeastern Alaska. These associations were concerned with the low health standards, the neglect by state government of rural educational needs, and the high unemployment rate and a multitude of social ills.

Then came a major concern directly affecting the villages and their way of life. The state started to select land around villages without regard to use and occupancy by individuals and by villages.

Regional associations consisting of from 14 to 44 villages started to file claim. In effect saying we have rights in this land before you carve it up and grant title to the state or individuals you had better consider and define what our rights are.

In October of 1966 we held a statewide meeting of native people in Anchorage with 300 people attending. We agreed at that meeting to form a statewide organization. As a result of that meeting, the AFN was formed six months later. At the meeting in 1966 we took our first position on land and adopted our first bill which was to become in April of 1967, S-2020. That bill would have put us into the court of claims, would have given the court the right to declare free title ownership to all lands we could prove use and occupancy on.

I am convinced that if that bill had been passed we would have been the full owners of 95 per cent of Alaska. Of course, the bill did not get serious consideration, but it got the ball rolling by our own initiative for a settlement.

The Attorney General of Alaska said in January 1967 that we had no legal claim to Alaska and he would dispense with the whole problem within six months.

Because we have never sold our land, never negotiated a treaty ceding any land, and have never been conquered in war we still own the land. Congress knows that. The Congress agreed in the treaty of cession with Russia that when they bought the Russian trading post, and the right to rule Alaska, that they would not interfere with the use of the land by its owners, and Congress has always held that it would determine our title would be conferred on its owners. That principle was reiterated in the Organic Act of 1884, and again in the Statehood Act of 1958, where the state and its people forever disclaimed any right or title to the land used and occupied or claimed by Indians.

After our initial bill, S-2020, was found unacceptable to anybody, we started working with state government to find a mutually acceptable solution. Forty-four members of a land claims task force, appointed by then Governor Hickel, met with state attorney general and a representative of Secretary Udall to work out a compromised bill. We started at 80 million acres, we came down to 40 million acres, on the promise that the state would support us at congressional hearings. Our aim was to present a unified front, arm-in-arm with the state. We only got qualified support from Governor Hickel before the House Interior committee in 1968.

The present state administration claims that they are not bound by what other administrations did and the Governor has therefore not supported any part of our bill except \$500 million, and of course, that is a federal appropriation, anyway. The state has cared very little about claims by Indian villages. The most flagrant case of bulldozing the rights of Indians is what is happening at Tanacross now. The state selected lands, including burial grounds, and tried to sell wilderness estates at the New York World's Fair. They quit after the village protested. In spite of their public utter-

ances that they will work with us to protect Indian land, nothing in their action gives us any real hope of that happening.

On the North Slope the state gave an oil company a use permit on land that was the traditional home of a lady I know. On this site are eight graves, some of the lady's own children. The state has shown no interest or concern for her rights. In fact the state has shown no concern for land used and occupied by native people.

The state administration has shown little concern with the fact that we are dealing with the birthright of 55,000 people, that the decisions made will divest people of their ownership of land. To me, that is a profound responsibility that will affect many generations. Our state administration, as appears the policy of many states, would extinguish Indian rights by expropriation without concern for the people of a minority of its citizens.

Fortunately, the state legislature in Alaska has a more enlightened and humane view. The trouble with the state administration is that it is composed only of outsiders who have moved to Alaska. They bring with them the popular television mentality of pushing the Indian off his land.

There is a growing feeling of desperation and anger in the villages as it becomes clear that they will lose their land. Their way of life will be lost, the development will come, and further, that they will not participate in that development.

Since we took the initiative in 1966, and have been working towards a legislative settlement, we have worked quietly without making a fuss. We have testified many times before Congress. We have sought and acquired the services of one of America's outstanding lawyers, former Supreme Court Justice Arthur Goldberg. We have met with Interior Department people and state people to keep them informed, and to try to reach agreement on a settlement before getting in front of congressional committees with conflicting points of view. We have considered carefully the impact on Alaska of our bill, and have been careful not to interfere with any existing rights in land.

Our position has been a moderate one. We have compromised with the state and have been influenced by government agencies to reach our position. Yet, everytime we get into a meeting, we are asked to come down on our demands. We did that and found ourselves bargaining from our compromised position. Now we are being intractable, uncompromising and inflexible, but that is a matter of a person's perspective. The governor has recently reaffirmed his position several times. His position has followed the position of the Department of the Interior, where his former boss is, and he has not been willing to budge from there.

Recently on a statewide television interview in Alaska Secretary Hickel said, he thought if our demands exceeded the national administrations position, he thought we would hurt our chances of getting a bill.

What would a settlement mean? I'll tell you what it won't mean. It will not create a group of rich Indians because it is not that generous. It will mean that our native people in Alaska will have an opportunity to become full citizens in Alaska sharing in the wealth and development of Alaska. We will have the opportunity to correct the miserable housing conditions that exist in the harsh environment in the remote areas of Alaska. We can increase the average age of death from 34 years to something more acceptable. We can get better education and training to do more about the 80 per cent unemployment rate. We can prevent our children from having to go 3,000 miles to get an education. It will mean that we will become equal citizens for giving up our birthright to 375 million acres of land, and that seems to me to be a reasonable demand.

Like in all things, time runs out. Time is running against us to get a fair settlement. Secretary Udall imposes a land freeze to prevent the acquiring of Indian lands until Congress has had a chance to deal with the problem. But that land freeze will end December 31 of this year. Our concern is that we know that the the state has its selections already mapped and will file from that areas as soon as the freeze is lifted; and we know how they deal with Indians. They isolate villages and sell land around them.

Since the land freeze was imposed, we have been nice guys concerned with the overall picture of what is happening in Alaska, and we have not objected to exception to the land freeze. But we have waited for 86 years for Congress to solve this problem and now think that whatever development is pending in Alaska can wait one more year. I therefore demand that no more exceptions be granted to the land freeze for any reason. We either have a freeze to protect Indian lands, or we have a pretense of a freeze where anyone who requests an exception gets it. I therefore say it is time to hold the line to protect Indian land.

We have worked since 1966 for a fair settlement. We have worked out a bill that is a balance between what we consider a minimum amount of land and money and a continuing interest in in the yield of the land. We have been modest and fair in our demands. Now as it looks like we are near a settlement, we are told more frequently that we will not get our bill through in its present form. I don't doubt that at all, but our bill contains several elements in balance. If any of these elements are adjusted downward, then something else will have to be adjusted upward to compensate for the loss. When the committees put out their bill, shortly we hope, we will have some decisions to make whether we will be satisfied with the bill. We will face that when the time comes.

If Congress cannot pass a bill that we think is fair, then I will recommend a course of action to our statewide board of directors that we petition Congress and the United States to set up a separate Indian Nation in the western half of Alaska. That area is 90 per cent native anyway, and will not get any non-native settlers until there is something discovered that can be exploited. A justification for setting up an independent Indian nation in Alaska could be the central theme for an hour long talk by itself. I will only say here that it happened in Israel for a persecuted people; why not here

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for a people who have lost a whole continent.

So that this does not appear to be a litany of sins against us, there are some bright spots. The National Council of Churches, representing 46 million people unanimously endorsed our position. Walter Reuther's UAW has endorsed our bill. Churches, particularly in the state of Washington have contributed funds for us to carry on our fight. I think by and large, fair-minded Americans would support us if they heard our story. Both the Senate and the House committees have strong support for our position. In particular, Senator Jackson is concerned with time running out on the land freeze and he is determined to get a fair bill out of his committee. We appreciate that, but if it is to happen this year, it must immediately become a priority piece of legislation.

Let me just finish by saying that a fair settlement will reflect well on all Americans. It will help build a better society in Alaska, and will benefit us all, including those living in Washington state. From a national point of view, it is a chance for Congress to write a happy last chapter as we close the book on the acquiring of Indian lands for American expansion.