

## Assessing the corporate structure —

## Five years later — reflections

By  
Geoff Kennedy

Five Native leaders said recently they think the corporate setup resulting from the Alaska Native Land Claims Act of 1971 has worked fairly well so far.

Interviewed for the KUAC : Radio's "Potlatch" program in Fairbanks Al Ketzler, Roger Lang, Tom Richards, Jr., Fred Bigim and Jerry Woods, talked about the land claims act and its impact on Native people.

Al Ketzler, President of the Tanana Chiefs Conference, said setting up corporations has enabled Native Alaska to "produce people who can live anywhere in society." He said if the federal government had held Native resources in trust, Native peoples would not have learned to manage their own affairs.

Roger Lang, past president of the Alaska Federation of Natives, said, "Indians have no problems getting land. Keeping it is the problem." He said Natives did not want any land transferred in any way except in fee simple title. That is, the land would belong to them outright; no one would hold it in trust for them, and they would have subsurface as well as surface rights to that land.

According to Lang, the corporation is simply a device for Native people to manage their own resources. But unlike other corporations, Native corporations allow a "life-style you won't find with other corporations."

Lang, now a Sitka businessman, pointed out that in Native corporations, everyone has 100 shares of stock. Therefore, a shareholder with six or eight children would have more control over the corporation than the president who has only one or two children.

This puts more pressure on the corporate officers to perform, Lang said. "Corporations really have to pay attention to the way their stockholders want to live." Lang contrasted such corporations with non-Native corporations where stockholders sell only small fraction of their stock in order to keep control of the company away from other stockholders.

Tom Richards, Jr., editor of the "Tundra Times," commented that Natives did very well by the land claims act considering what they had to choose from. "We could not get it passed today. We had a very short time, only a couple of months."

Richards said all the right conditions had to come together at the same time. "It was like a window for a space launch."

Alaska Natives gained leverage because the trans-Alaska oil pipeline would not be built until Native 1 claims were settled.

Richards also responded to a Fairbanks merchant who asked why Native profit-making corporations do not spend money solving problems like alcoholism. Richards said Native corporations, like other profit-making corporations, are in business to make money. "You don't expect Alyeska to sweep up the drunks on Second Ave. Why should Doyon?"

Ketzler added that if the Doyon corporation spent its stockholders' money in an alcoholism program, the non-drinking stockholders might sue the corporation for using their money for illegal purposes.

Lang said, "A guy running a store on Second Ave. in Fairbanks cannot run a social program out of his profits. Neither can Doyon, whose offices are also on Second Ave." Lang said the claims act has brought Natives more political power and self-confidence than they ever have enjoyed. He said Alaska Natives can now confidently question decisions from state and federal governments and more effectively control their children's education. He credits the claims act and the resulting economic power of Native corporations with the political power necessary to create 21 new rural school boards under Native control. And creation of a division of rural education in the University of Alaska.

Such steps forward have enabled more young Natives to participate more fully in the campaign for self-determination, Lang said. "I don't care what you educate a Native for, we need him."

The five Native leaders also answered objections that the claims act treated non-Natives unfairly. Lang conceded that the law was somewhat discriminatory in limiting the settlement to Alaskans of one-quarter Native ancestry. But, he said, the United States Congress made that decision and "It's their law, not ours." He cited several laws that recognize Native Americans special claim to territory in Alaska. This special claim, aboriginal title, was recognized in the United States Constitution, the Organic Act creating the Territory of Alaska and the Statehood Act, and finally as the Native Land Claims Settlement Act of 1971.

Former Alaska Methodist University professor Fred Bigim said Natives have a moral as well as a legal right to the land. He pointed out the Natives gained almost nothing from the turn-of-the-century gold rushes. Almost all the money went with the non-Alaskans who took it outside the territory.

The gold rush was not the first time non-Natives reaped the benefits of the land, according to Jerry Woods of the Fairbanks Native Association. He pointed out that the Russians exploited the furs and skins of Alaska mammals for their own country.

Lang put the land claims settlement into perspective. "We got only 40 million acres; the rest of the citizens get 103 million. They own land just as good, but they don't know what's on it, and they let others control it. I would like to teach the state how to own its 103 million acres."

Bigim added, "Actually, we got less than the conservationists. They get up to 83 million acres. Natives got the least amount of land in the claims act."

Richards commented, "When you consider easements allowed on our lands, the other citizens get access to our lands, too."

Richards commented that ironically, "Prior to 1971, the United States government held land in trust for after the claims settlement. Natives held land in trust for the United States government."

Lang concluded he was not completely satisfied with the claims act. He said he would have preferred a single economic development corporation to manage the fish, coal, timber and other resources belonging to all Alaska Natives. But he said, such a corporation was seen as a "monster," the largest economic entity in the state and one of the largest in the country. So it was "chooped up." Lang said he hopes to develop such a corporation in the future. "We hope to glue it back together. We hope our children are smarter than we are."



**Roger J. Lang**

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## About crime ...

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separate times on a lie detector and each time the individual came clean as a whistle. What he claimed that he had said to the Times was that he had been offered \$1500 a week on a pipeline job and had turned that down to stay as a trooper.

I do not wish to imply here that any reporter deliberately misquoted a police officer. The officer may have been misunderstood or, for that matter, maybe he got carried away being interviewed by a reporter from Los Angeles and exaggerated a great deal more than he meant to. The lie detector, as well as other evidence, convinces me that the officer wasn't offered a bribe, and the honestly believes he didn't tell anyone he was offered a bribe. But nonetheless, his words, rightfully or wrongfully understood, were used to buttress a claim which even the briefest investigation would have shown was ridiculous. And that's the there wasn't even an effort made toward such an investigation. On the basis of a single statement, which the officer denies even making, the Los Angeles Times painted a picture of the state that was closer to fantasy than fact and then sold it to the country.

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next week**

## DeLoria

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But he called the corporation an abstract Western concept that baffles many persons in white, middle-class America. He wondered how relevant corporations are to Native peoples.

De Loria said the act was probably an honest effort to allow Natives to manage their own resources. But he worried that the complexity of the act would leave Natives so confused that they may not be able to cope with persons trying to take their land from them.

Still, De Loria admitted he didn't have a magic sword to cut through what he called the "white tape" resulting from the act.

Besides, he said, critics should not look at what should have been done. Instead, they should now try to improve the act. De Loria suggested improvements could come from: 1) studying the act to eliminate needlessly complex sections and streamline the rest of it. 2) allowing Native peoples to experiment with different forms of social, political and economic organizations to find the forms they feel most comfortable with. 3) allowing Natives to make changes in the corporate structure or to do away with corporations altogether, if they wish.

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