

Part sixteen of serial: prospects improve for a congressional settlement

(Ed. Note: This is the sixteenth 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.)

Mineral revenues

Recommendations of the Federal Field Committee helped to revive the idea of looking to future revenues from minerals as a means of compensating Natives for lands claimed, but not transferred to them. The AFN had proposed sharing in mineral revenues in its second bill, but because of opposition to its specific proposal, had discarded it in favor of a \$500 million appropriation as compensation.

The Field Committee's recommendations, which became the basis of a bill introduced by Senator Jackson, also raised the possible compensation to one billion dollars, the highest of any proposal to date. Of this amount only \$100 million would be appropriated. The remainder was to come from a limited share of revenues derived from minerals and other resources of federal lands.

Support of the concept of revenue-sharing by Jackson brought back unlimited revenue sharing as a feature in the AFN proposal for settlement adopted in May of 1969. The AFN board reaffirmed its position that the land settlement should be 40 million acres, the appropriation \$500 million, and that Native corporations be the instruments of settlement at the village, regional and state levels. In addition, the board called for a two-percent perpetual share of the revenues produced from lands given up by Natives to the State in the settlement.

AFN president Emil Notti defended the principle of revenue-sharing by pointing out that a fair settlement of Native claims was surely related to the fair value of lands being given up. And the value of such lands was yet to be determined. With an eye on the State's upcoming North Slope oil lease sale, Notti said if the State were to get one to two billion dollars from oil companies for leases to several hundred thousand acres, too small a cash settlement for Natives would be like the sale of Manhattan Island by the Indians.

Oil lease sale

Later in the year, the value of oil to the State of Alaska — and perhaps to Native land claimants — was made clear by the State's oil lease sale. For the right to oil acreage in the Prudhoe Bay region, oil companies paid over \$900 million to the State of Alaska.

One who attended the sale, *Tundra Times* staff writer Thomas Richards, Jr., described the event:

Inside the Sidney Laurence Auditorium, the governor of the State of Alaska, said, 'Let us manage our birthright.'

Meanwhile [outside the auditorium], a handful of young Natives picketed and distributed leaflets under the watchful eyes of police.

Organized by Native land rights advocate Charlie Edwardsen, the young Eskimo and Indian protestors quietly proclaimed, 'We are once again being cheated and robbed of our lands.'

What the oil sale showed was that, if the State could sell leases on small tracts of land for so much money, Natives



Bruce Bedard

Pickets at oil lease sale in Anchorage, 1969.

were not asking for too much in seeking a similar amount of money for the surrender of millions of acres. As AFN first vice-president John Borbridge, Jr. observed: The sale "will clearly demonstrate that the demands of the Natives are not out of line."

The sale also showed Congress that the State could afford to share some of its mineral revenues with Native people by way of compensating them for land claims surrendered.

Improved Prospects

Chapter 19

Congressional hearings on proposed claims legislation had been held in 1969, but no bill had emerged from either committee. Natives, however, had won a continuation of the land freeze, and the oil lease sale had raised the stakes of the settlement effort. Publicity efforts of the AFN and the Association on American Indian Affairs had resulted in support from major national newspapers and publications for Native proposals for congressional settlement.

In addition, the AFN was now represented by a former Justice of the U. S. Supreme Court, Arthur J. Goldberg. His association with the AFN enhanced its national image; his distinguished reputation and prestige was to emphasize the rightness of the Native cause. Before the year ended he was joined by other counsel of national stature, including Ramsey Clark, a former U. S. Attorney General.

By early 1970 the Senate seemed prepared to move quickly on the land claims legislation. But the AFN began to worry that Senator Henry Jackson's bill with its meager land provisions would pass. And Natives were angry at opposition to the AFN land bill from Governor Keith Miller, who had succeeded to that office upon Hickel's departure for the cabinet post. Despite rising protests from Native leaders over the State's abandonment of the Task Force recommendations, Miller continued to oppose a 40 million-acre settlement and the mineral revenue-sharing provision.

The impatience and frustration of Native leaders was dramatically emphasized in a speech AFN president Emil Notti delivered in Senator Jackson's home state of Washington in February of 1970. Notti declared that, if Congress passed a bill which did not provide a land settlement that was fair, Natives should petition for a separate nation in western Alaska. He said that an inadequate settlement bill would make the Alaska Native people as homeless as the Jewish people were before the nation of Israel was created for them. Notti said that a new nation in western Alaska could be open to American Indians as well as Alaska Natives. He said, "I will



U. S. Senator Mike Gravel, Governor William A. Egan, U. S. Senator Ted Stevens, and U. S. Representative Nick Begich.

only say that it happened in Israel for a persecuted people. Why not here for a people who have lost a whole continent?" His militant stance was promptly endorsed by other Native leaders.

Objections to bill

In April, Senator Jackson's committee confirmed the fears of Native leaders by recommending to the Senate the adoption of Jackson's claims settlement bill.

While the bill could appeal for the size of the total compensation awarded, one billion dollars, the revenue-sharing authorized was only for a limited number of years. But there were even more serious objections made by AFN.

The cause for strongest objection by Natives was the bill's land provisions. Land to which Natives would obtain formal title would be only slightly more than 10 million acres. One leader's reaction: "A real stunner!"

A second problem was that, instead of the 12 regional corporations sought by the AFN, only one — for the Arctic Slope — was authorized. Two statewide corporations, one for social services and another for investments, were also authorized.

Yet another major problem was what Natives called a "termination" clause. Within five years of enactment, the educational and social programs of the Bureau of Indian Affairs would cease and they would be assumed — maybe — by the State of Alaska.



One of many Washington, D. C. meetings.

Anchorage Daily News



Laura Bergt of Fairbanks.

Senator Ted Stevens, who had been appointed to his seat in 1968 upon the death of Senator E. L. Bartlett, urged acceptance of the Jackson bill. "I think this bill is a fair bill," he told the Tlingit-Haida Central Council. "It gives you more control and self-determination than any such bill in history."

While Stevens may have been right in his comparison, Alaska's Eskimos, Indians and Aleuts had declared they wanted land adequate to protect their ancient ways of life. Before the Senate Committee's bill was officially reported to the Senate, an AFN delegation was on its way to Washington.

When the Jackson bill reached the floor of the Senate for action in July, Senators sympathetic to the AFN position sought to amend it, but they were unsuccessful. The bill was adopted by a vote of 76-8.

It was now necessary for the AFN to look to the House of Representatives to adopt a bill more favorable to the interest of Alaska Natives.

Other gains

The setback suffered by AFN in the Senate was offset in some measure by other developments of 1970 which were favorable.

One was the decision of the U. S. Supreme Court which had the effect of supporting the position of Natives regarding the land freeze. By declining to review a lower court decision,



Justice Arthur J. Goldberg.

Tundra Times

the Supreme Court rejected the State's appeal that it should be free to proceed with land selections.

A second important development was AFN's success in obtaining a loan of \$225,000 from the Yakima Indian Nation of the state of Washington. Until this loan was obtained, AFN had been trying to stretch an earlier \$100,000 loan from Tyonek to cover its expenses as well as depending upon voluntary donations of AFN board members and church organizations.

In September of 1970, Natives won their first legislative battle of the year. The House Subcommittee on Indian Affairs agreed informally to a provision that would have granted Natives title to 40 million acres of land. Since the subcommittee would fail to report its recommendations in 1970, there was to be no further action in the House during the year. The subcommittee agreement, however, was the first taste of victory for Natives regarding the extent of land settlement.

The decision of the National Congress of American Indians (NCAI) to give unqualified support to the AFN and to assist in obtaining Congressional action provided a significant source of national political support. The NCAI was the largest, as well as the oldest, national organization of Indians.

Additionally, the prospects for a land settlement acceptable to AFN were improved as a result of the 1970 elections. Former governor William A. Egan, who had shown himself willing to work with the AFN, defeated the incumbent governor, Keith Miller. State Senator Nick Begich, who had said 10 million acres was an inadequate settlement, was elected as Alaska's congressman.

Next week —

new bills in a new congress

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