

**Volume I
Pages 2-103
Transcript of Proceedings
Alaska Native Review Commission
Overview Roundtable Discussions
The Spirit of ANCSA
February 27, 1984
Anchorage, Alaska
Session 1**

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VOLUME I

PAGES 2 - 103

TRANSCRIPT OF PROCEEDINGS

ALASKA NATIVE REVIEW COMMISSION

OVERVIEW ROUNDTABLE DISCUSSIONS

THE SPIRIT OF ANCSA

FEBRUARY 27, 1984

ANCHORAGE, ALASKA

SESSION 1



ACKNOWLEDGEMENT

The Overview Roundtables and this transcript were made possible through grants from the Alaska Humanities Forum and the National Endowment for the Humanities. This support is most gratefully acknowledged.

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Anchorage, February 27, 28, 29, 1984
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- 15 Alfred Starr (Nenana)
16 An Athabaskan elder who was involved as an early
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17 preserve Native rights.
- 18 Joseph Upicksoun (Barrow)
19 President of Arctic Slope Native Association during
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Congress from Alaska Federation of Natives. Now with
20 ASRC in leadership role.
- 21 William van Ness (Washington, D.C.)
22 Was staff assistant to Senator Henry Jackson during
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23 legislation; now an attorney in private practice.
- 24
25



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(TAPE 1, SIDE A)

MR. BERGER: Ladies and gentlemen, my name is Tom Berger. I think we've all met. I would like to welcome you here today and to thank the members of the roundtable for coming and to thank others who have been able to come this morning as well. We do appreciate your attendance. We know that the people that we've invited are busy. We expect some will be coming in to participate from time to time and then having to leave, so we think we can manage in that way.

I was asked last summer by the Inuit Circumpolar Conference to act as chairman of the Alaska Native Review Commission. The commission is holding village meetings throughout Alaska in connection with its review of the Alaska Native Claims Settlement Act of 1971 and its investigation of related issues. The World Council on Indigenous People is acting as cosponsor of the commission and this overview hearing, which is to take three weeks, will, I hope, provide a kind of intellectual framework for the work that we intend to do.

So could I begin by inviting Hans-Pavia Rosing, who is the president of the Inuit Circumpolar Conference to speak to us this morning. Hans-Pavia Rosing is from Greenland, which is the headquarters of the Inuit Circumpolar Conference, which represents Eskimos in Alaska, Canada and Greenland and is responsible for setting up this commission.

MR. ROSING: Thank you, Mr. Chairman. Ladies and gentlemen, as the president of the Inuit Circumpolar Conference, it is with a sense of great pride that I am present here today at the opening of the Alaska Native Review Commission's hearings. I think it is safe to say that the ICC has taken the initiative to begin a project which ultimately will be of importance, not only to the Alaskan Natives, but to aboriginal peoples all over the world.

The preservation of Inuit culture and heritage is the



1 primary goal and objective of my organization, and Inuit culture
2 and heritage are intimately related to the land which we have
3 occupied since time immemorial. To illustrate how we feel about
4 the land, allow me to cite a poem written by a close friend of
mine, Mr. Arqaluk Lynge, one of the Greenlandic Executive Council
members of the ICC.

5 "Centuries of the white man's colonization and power
6 are nothing when compared with ten thousand years of wisdom and
7 vitality. Our land is our life. The lakes, the rivers, the
8 ocean and the ice, the caribou, the fish, the seal, the whale,
9 yes, nature is part of our knowledge inside into which is our
own."

10 It is my experience that all aboriginal peoples, wherever
11 we live and whatever our conditions share a feeling that our
12 connection to the land is essential to our well-being, that the
13 land is our life, as put in the poem. The right of the Alaskan
14 Inuit to live on and make use of the barren tundra which they
15 call home basically went unchallenged until 1968, when thousands
16 of feet beneath the surface of Prudhoe Bay one of the largest
17 oil deposits in North America was discovered. Only three years
18 later, in 1971, the United States Congress passed the Alaska
19 Native Claims Settlement Act, which was to respond to, in the
settlement act's own words, "an immediate need for fair and
just settlement of all claims by Natives and Native groups in
Alaska based on aboriginal land claims."

20 A fair and just settlement was the ambition. Was
21 that what the indigenous population got? Only the people who are
22 affected by this remarkable piece of legislation called the Alaska
23 Native Claims Settlement Act, or ANCSA for short, are able to
24 provide the answer. This is why the Inuit Circumpolar Conference
25 has taken the initiative to establish the Alaska Native Review
Commission which, under the competent leadership of Honorable
Thomas Berger, begins its work here today.



1 In about two years I hope the commission will have
2 produced a report which may be a principal tool for the Natives
3 of Alaska to press their case for change in the years up to 1991.
4 I can assure you that the work of the commission will be of
5 importance and interest, not only to the Alaskan Natives, but
6 also to indigenous peoples elsewhere. As I have already mentioned,
7 the feeling of attachment to the land is shared by aboriginal
8 peoples all over the world. Elsewhere, in our Arctic homeland,
9 in the tropical rain forests of South America, the deserts of
10 Australia, and the tundras of northern Scandanavia, aboriginal
11 peoples are confronting the government of their sovereign states
12 to resolve their rights.

13 In 1981, the United Nations formed a working group of
14 indigenous populations which has set up a list of priorities for
15 its work. At the very top of that list is the issue of indigenous
16 rights to the land. When the working group meets this August in
17 the old League of Nations Building in Geneva, indigenous land
18 rights will be the most important item on the agenda. The ICC
19 expects to be present in our capacity as a non-governmental
20 organization in consultative status with UN's Economic and Social
21 Council, presenting our views as well as listening and learning
22 from the experience of other indigenous groups.

23 As when Captain Berger and his crew have finished their
24 voyage to the villages and settlements of rural Alaska, it is
25 our intention to make their findings available to the United
Nations and, consequently, to aboriginal peoples all over the
world. Already, the World Council of Indigenous Peoples, the
International Working Group on Indigenous Affairs, and the
home rule government of Greenland have announced their support
of the work that is about to begin.

 On December 13, 1983, the World Council of Indigenous
Peoples unanimously endorsed a motion by George Manuel of Canada
to join the ICC in sponsoring the commission. Mr. Alsak Nils Sara



1 from Norway seconded the motion by Mr. Manuel to place the full
2 weight of the WCIP behind the ICC and Justice Berger.

3 A major reason why the international interest in the
4 settlement act is so great is that it has become a model. It
5 clearly inspired the James Bay Agreement in Quebec, and your
6 Canadian neighbors will probably also be considering adopting at
7 least some of the principles of ANCSA in future land claim settle-
8 ments. In Greenland, where I come from, we are also expecting
9 to benefit from the review as it may offer some guidance about
10 where we are heading and identify problems that are present in
11 our society as well. Our lives are, to a great extent, guided
12 by the Home Rule Act, which was passed by the Danish Parliament
13 in 1979 following a referendum in Greenland. The act is, to
14 some extent, a compromise between Greenland and Denmark as it
15 did not settle the question of ownership to the subsurface and
16 its resources.

17 ANCSA has been effective since 1971 and the Home Rule
18 Act was passed in '79. In a way, these two pieces of legislation
19 are supplementary. ANCSA settled the question of ownership to
20 the land but left the question of political self-determination
21 unresolved. The Home Rule Act settled the question of political
22 self-determination but did not address the issue of ownership
23 to the land.

24 In order for the final report of the commission to be
25 perceived as being significant, in Alaska and elsewhere, it is
important that Honorable Thomas Berger is allowed to carry out
his work without the possibility of him being pressured by anyone,
including, of course, the Inuit Circumpolar Conference. I want
to take this opportunity to emphasize that the Alaska Native
Review Commission is completely independent of the ICC. The
funds that we raised for the commission's work, as well as the
chairman's salary, are deposited in the commission's and
Honorable Thomas Berger's own accounts beforehand to eliminate



1 any doubts about their integrity. There will be no interference
2 by the ICC on the work of the commission, which will be responsible
3 for its own procedures and may take whatever steps it considers
4 necessary to carry out its mandate. The chairman and his staff
5 must be able to carry on without fear of the consequences if or
6 when the commission comes under fire. As Honorable Thomas Berger
7 has stated, the success of the commission will depend on its
8 perceived integrity.

9 The review of ANCSA is the biggest task ever undertaken
10 by the Inuit Circumpolar Conference. The budget for the Alaska
11 Native Review Commission's work is about two million dollars, a
12 large amount indeed. In some quarters, it has been considered
13 wasteful to spend that kind of money on a project like this, but
14 think for a minute about what is at stake. I need only mention
15 a few words, 1991, stock alienation, corporate bankruptcies,
16 massive land transfers, corporate takeovers, loss of local
17 control and title to traditional lands. The two million dollars
18 constitute about one-fourth of one percent of the about one
19 billion dollars that were given as compensation for lost lands.
20 Is that too much for maybe saving what we've received in exchange
21 for our rights and, as an extra bonus, offer some guidance on
22 land claims settlements to indigenous peoples elsewhere?

23 ANCSA has clearly changed the lives of aboriginal
24 Alaskans. It has taken people from a traditional society to one
25 based on cash economy. I urge you not to forget your past in the
process of this transformation or you will end up, as in this
poem by Arqaluk Lynge. If I may be allowed to cite this poem,
as well.

"We now sit and remember the life that has vanished.
We draw some lines, we sew some patches, we whittle in wood and
stone, we create our identity as when it was our own. Soon I'll
be used up, empty and scrapped. Yes, even my teeth will have
fallen out and no one will chew for me. My fingers will be stiff



1 and my strength diminished. What will be left when my picture
2 disappears?"

3 Mr. Chairman, it was with great deliberation that we
4 chose to ask you to lead the work that is now to begin. Your
5 experience with the Mackenzie Valley Pipeline Inquiry and your
6 international background are the best assurances we can get for
7 a thorough and unbiased result. I'm looking forward to reading
8 your report.

9 Let me finish by urging you all to support Honorable
10 Thomas Berger and his commission, for your own sake as well as
11 for the sake of indigenous peoples elsewhere.

12 MR. BERGER: Thank you. Thank
13 you very much, Mr. Rosing. I think I should add that, as you
14 have heard, the commission was established by the Inuit Circum-
15 polar Conference. It is now co-sponsored by the World Council
16 of Indigenous People. I should say that this overview gathering,
17 these overview discussions, which will last the next three weeks,
18 have only been made possible because the Humanities Forum of
19 Alaska, a statewide organization, has participated with us in
20 funding this discussion and in planning for it, and I want to
21 thank Chris Cook, the chairman of the Humanities Forum, and
22 Gary Holthaus, the executive director, for their cooperation and
23 assistance.

24 Might I be permitted to just say a few words before we
25 begin this morning's session? It may be useful to say that the
commission's task is to review ANCSA, but it goes farther than
that. The commission has been asked to consider the impact of
ANCSA in its broadest sense. The commission's terms of reference
are to examine the social and economic status of Alaska Natives,
the policies that the United States of America has historically
followed in settling claims by native Americans, the functions of
the Native corporations established by ANCSA, the social, cultural,
economic, political and environmental impact of ANCSA, and the

1 significance of ANCSA to indigenous people around the world. The
2 purpose, as Hans-Pavia Rosing has said, is to prepare a report
3 for Alaska Natives to make recommendations to protect and promote
Native interests.

4 Now, I said earlier that the core of the commission's
5 work will be the village meetings. Two of these meetings have
6 already been held at Emmonak and Tununak and these overview
7 discussions that will begin today are designed to provide an
8 intellectual framework for the village meetings. The commission's
9 mandate raises complicated and elusive questions. What were the
10 aspirations that Alaska Natives had when the act was formulated,
11 when the claims act was formulated? What expectations did they
12 have? Have those expectations been fulfilled? Have they changed?
13 What have been the effects of using the corporate model as the
14 institution of implementation? Is the claims act a significant
15 departure from traditional federal Indian law? How does what
16 has happened and is happening here in Alaska affect the condition
17 and the claims of aboriginal peoples around the world? What
18 lessons can Alaska offer? What lessons can we all learn?

19 Now, the most visible institutions, at least to someone
20 like myself, the most visible institutions under the claims act
21 are the regional profit corporation. Then there are the village
22 corporations, and these have been the means of holding and consoli-
23 dating Native lands conveyed under ANCSA and for disposing of
24 and making use of the funds provided under ANCSA. They have
25 undoubtedly given Alaska natives economic and political influence.

26 Then there is the question, have they provided employ-
27 ment to Native people? Have they stabilized and strengthened
28 Native communities? If they have, to what extent, and if they
29 haven't, was it fair to expect that they should have?

30 Of course, much has happened here in Alaska independently
31 of ANCSA. The federal government has made expanded contributions
32 to Native health services. Revenues from oil have enabled the



1 state to build new high schools in the villages, and in some ways,
2 these developments have had as dramatic an impact on life in
3 rural Alaska as ANCSA, itself.

4 At another level, as Hans-Pavia Rosing has said, there
5 are the 1991 issues, enrollment, dividends, share transfer ability,
6 taxation of land, the rights of native persons born after 1971
7 and so on. Behind the 1991 issues, however, is the palpable
8 concern of Alaska Natives about the land, a concern already
9 evident in the meetings held in Emmonak and Tununak. This is
10 why share transferability and taxation have great significance,
11 because they could lead to loss of Native control of the regional
12 profit corporations and the village profit corporations, and to
13 lose the corporations would mean losing the land. In the same
14 way, the fact that Alaska Natives born since 1971 do not hold
15 shares is important because it means that the coming generation
16 has no legal interest, direct or indirect, in their ancestral
17 lands. Or, is this all as it should be, as some people say?

18 Should the corporations be subject to non-Native
19 control after 20 years through share transfers and the land they
20 hold subject to taxation 20 years after conveyance? What
21 advantages will that confer on the Native shareholder? And
22 perhaps it will be of advantage to the Native shareholder. That
23 is something that should be considered. I know it's not a view
24 widely held, but I think it should not be lost in the discussion.

25 I think it will be helpful to know what goals and
aspirations Alaska Natives have in order to establish a foundation
for consideration of future amendments to ANCSA. Is it possible
to amend the act to deal with these questions? Can the land
bank provisions of ANILCA be used, or is it, as some say,
necessary to change the corporate vehicle to re-tribalize Native
lands in order to safeguard the lands? It may be that experience
in the Lower 48 and in other countries can help.

It will, I think, therefore be useful to know how well

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1 IRA Councils have served to protect Native land in the Lower 48.
2 To what extent have they, in fact, exercised governmental powers
3 over Native land in the Lower 48? We have asked Native leaders
4 and scholars from the Lower 48 to come to Alaska to discuss their
5 experience in this regard. Some of the people at Tununak said,
6 "Well, let's re-tribalize our Native land. Let's put it in the
7 control of the IRA Council," and I said to them, "Well, let's
8 find out how IRAs have worked in the Lower 48 before you make
9 up your minds about this." The people in the Lower 48 and Alaska
10 Natives have an interest in considering by what means relations
11 between tribal governments and the state and federal governments
12 can be rationalized.

13 I hope that these overview discussions will establish
14 the state, national and international context for the commission's
15 work. Without this broad perspective there is a danger that we
16 will become too restrictive in our assessment, that we will
17 forget that other people in other places have faced similar
18 challenges and have developed their own special solutions. They
19 have something to offer from their successes and failures, and
20 these people are coming to Alaska to share their experiences.

21 How can Native land be protected, if that is what
22 people want? And I can tell you that, on the basis of the first
23 two village meetings at Emmonak and Tununak, it came through
24 loud and clear, at least from those two villages, that is what
25 people want. They want their land to be protected and preserved.

How has this been done in other places? Is the cor-
porate model the best one, or is the IRA the best model, or
should we be looking beyond the corporations and the IRAs to
some new instrument combining the advantages of IRA government
and corporate control? I don't know whether any of these things
are possible. I don't know the answer to these questions, but
I hope that during the next three weeks all of us will be
enlightened on these questions.



1 Now, it seems to me that many of the questions that
2 Alaska Natives face, stock alienation, taxation, sovereignty,
3 are, on the face of it, legal and constitutional questions. These
4 are meat and drink for lawyers, but beneath them lie deeply held
5 convictions about relations between one race and another, between
6 Native peoples and a dominant society. This is why the village
7 meetings are vital, to enable people to express their most
8 profound convictions on these issues, and I hope these overview
9 discussions will provide a focus for discussion at the village
10 meetings to assist in finding a concensus about what has happened,
11 why it has happened and what is to be done to enable Alaska
12 Natives and Native people in other countries to secure for
13 themselves a distinct and contemporary place in the world.

14 Now, our overview discussions will take us three weeks.
15 During the first week, we want to discuss Ann Riordan's paper
16 on "The Spirit of ANCSA" and later in the week, we want to discuss
17 Walter Parker's paper on ANCSA institutions and legal regimes.
18 In the second week, next week, we want to discuss U.S. national
19 policy towards native Americans and their claims and Professor
20 Joe Jorgensen of the University of California has prepared a
21 paper that's been circulated and a number of Native leaders and
22 scholars from the Lower 48 will be coming to discuss these
23 questions, Tim Coulter, Ada Deer, Ralph Johnson, Ralph Lerner,
24 Browning Pipestem, John Stevens, Alma Upicksoun, Peterson Zah,
25 and others.

26 In the third week, Professor Douglas Sanders, from
27 Canada, who is legal counsel to the World Council of Indigenous
28 People, will present a paper on developments in other countries,
29 developments internationally, and we expect that during that third
30 week there will be representatives from Canada, from Greenland,
31 from Norway and from Australia. From Canada, leaders of the
32 Mackenzie Delta Eskimos, who are negotiating a settlement of
33 their land claims with the government of Canada, leaders of the

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1 Yukon Indians, who are on the verge of settling their claims with
2 the government of Canada, leaders of the Cree... leaders of the
3 Inuit of James Bay, who settled their claims back in 1975, and
4 leaders of the Inuit of the Eastern Arctic and the Dene
5 Nation of the Mackenzie Valley, who have the largest outstanding
6 claims in Canada, and we hope to hear from all of them.

6 From Greenland, we expect that Finn Lynge, who is the
7 Greenlandic representative to the European Common Market, Robert
8 Petersen, who is chairman of the Institute of Eskimology at Nuk,
9 will be coming. From Norway, from the Sami Institute, Alf
10 Isak Keskitalo, and from Australia, a number of representatives
11 of the Northern Land Council of Australia are coming, as well as
12 representatives from the Australian Aboriginal Council.

11 So we look forward to learning much from each other
12 during these next three weeks. During the discussions this
13 morning and this afternoon, I hope that you will all remember
14 to use a microphone so that the discussion can be recorded and
15 then typed, and there will be a transcript of this discussion, a
16 permanent record of what is said here today, available to native
17 organizations, universities and the public so that, if this
18 discussion over the next three weeks is as useful as I hope and
19 expect it will be, it will not vanish into thin air but will be
20 available in written form to all of us. So we will have to use
21 these microphones and pass them around amongst ourselves and,
22 forgive me for reminding you of that, but I hope we will proceed
23 in that way.

21 We will, this morning, be turning to our first session
22 and to Ann Riordan's paper. I think that we've all met each
23 other, but perhaps I just might review the list of those who've
24 been invited to the roundtable, all of whom I believe will be
25 joining us at one time or another during the next few days.
Emil Notti, from Ruby, is well-known to you all. He was, I
believe, the first chairman of the Alaska Federation of Natives



1 and, of course, is now commissioner of Community and Regional
2 Affairs. John Borbridge, Jr., of Juneau was president of the
3 Tlingit and Haida Central Council in the days that preceded and
4 lead to the enactment of ANCSA. He has served as president of
5 Sealaska and is well-known to you all. Francis Degnan of
6 Unalakleet was active in delegations that went to Washington, D.C.
7 Charlie Edwardsen, Jr., of Barrow, was involved in organizing
8 villages for Rural CAP at the time and, of course, active in
9 Washington, D.C., and is, I think, a person who needs no intro-
10 duction to any of you.

11 We understand that Byron Mallott, of Yakutat, will be
12 joining us. He was executive director of Rural CAP in the early
13 '70s, served as commissioner of Community and Regional Affairs,
14 and is now president of Sealaska.

15 Martha Demientieff is living now in Holy Cross but
16 comes from the Aleutians and she and members of her family were
17 active in their local communities at the time of ANCSA and her
18 activities illustrate the importance of actions by individuals
19 on the local level.

20 Mr. Richard Frank, of Minto, was active in protecting
21 native lands in Minto in the '60s before the land claims move-
22 ment statewide got underway and is well-known as one of the
23 village leaders who protested encroachment on village lands,
24 and his work was a spur to the land claims movement.

25 Don Wright, of Fairbanks, was president of the Alaska
Federation of Natives at the time of the enactment of ANCSA and,
of course, was very active in working on behalf of Alaska Natives
in Washington, D.C., at the time.

Lily McGarvey, who is from the Aleutians, has been
active in promoting health services for Native people in Alaska
and active in establishing the Native women's movement.

Harry Carter, of Kodiak, was one of the founders of
the Kodiak Area Native Association and executive director of the

1 Alaska Federation of Natives at the time of ANCSA.

2 And Al Ketzler, Sr., of Nenana, was chairman of the
3 organization known as Our Land Speaks, organized in 1962, and was
4 one of the first to propose congressional action to preserve
land rights.

5 Joe Upicksoun, of Barrow, was head of Arctic Slope
6 Native Association and later served as president of Arctic Slope
Regional Corporation.

7 Flore Lekanoff, of St. George, served as president of
8 the Aleut League and was very active in the land claims movement
and influential in Washington, D.C.

9 John Hope, of Sitka, served as president of the Alaska
10 Native Brotherhood and is president of the Tlingit and Haida
11 Central Council.

12 Alfred Starr, of Nenana, was one of those who were
13 the originators of the land claims movement and saw it through
to its conclusion.

14 Fred Paul, of Wrangell, followed his father, William
15 Paul, in serving the cause of land claims on behalf of Alaskan
16 Natives and was, at the time of ANCSA, attorney for Arctic Slope
Native Association.

17 Frank Peterson, of Kodiak, has had a long involvement
18 in the land claims movement. Ralph Purdue, of Fairbanks, was a
19 proponent of equal opportunity for Natives in business and has
20 been a long-time advocate of economic development for Alaska
Natives.

21 Ruby John spoke for her village of Cantwell at the
22 time that we're looking back to and was a most effective spokes-
23 man at the time and one of the few Native people at the time, I'm
told, who held a university degree.

24 We also hope that we'll be joined by Paul Tiulana, of
25 King Island. The people sitting where Paul Tiulana's name card is
are Rosita Worl and Chuck Smythe, who are working with our



1 commission and will be participating in the roundtable.

2 We've all managed to congregate ourselves in certain
3 congested sections of these tables except for John Borbridge,
4 but I'm sure he can manage out there in left field on his own.

5 Perhaps we could ask Ann Fienup-Riordan to begin. Ann
6 is an anthropologist who spent many years working with the Yup'ik
7 people of Nelson Island and has written a book about them and
8 about their laws and customs and their society, and we asked
9 Ann to go back to the congressional hearings that were held in
10 the years leading up to ANCSA to tell us what Alaska Natives
11 wanted then to achieve through their settlement, through the
12 land claims legislation. Ann, if you would proceed and just take
13 your time. We have lots of time and after Ann has spoken,
14 perhaps I might ask John Borbridge to follow and, perhaps, then
15 Don Wright, and then we can carry on from there.

16 Ann, would you go ahead?

17 MS. RIORDAN: Okay. What I'm
18 going to do here now is to summarize some of the statements I've
19 made in the paper that was prepared for these overview hearings,
20 entitled "The Spirit of ANCSA: Native Aspirations and the Alaskan
21 Native Claims Settlement Act".

22 The goal of that paper was to summarize the aspirations
23 and expectations... of Alaska Natives concerning ANCSA. What
24 did Alaska Natives want as recorded in the testimony that they
25 made before a federal hearing prior to the passage of ANCSA?

The source of the information that I worked with for
purposes of putting together this paper was several thousand
pages of testimony made by Alaska Natives before federal hearings
from 1968 through 1969 after the first land claims bills were
introduced into Congress. Prior to that, other material was
available that reflects Native views, native aspirations, includ-
ing "Tundra Times" reportage, advisory committee hearings, AFN
board meetings, but prior to 1966, the concerns of Alaska Natives

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1 were relatively unfocused. There were all sorts of concerns
2 expressed. On the other hand, after 1966 there was increased
3 unity of Alaska... the Alaska Native community, focusing explicitly
4 on land rights and education, health and economic concerns.

5 The richest source of material that I considered in
6 the end was the testimony that was given in February of 1968
7 here in Anchorage. This was particularly useful for a number
8 of reasons. First of all, it was the first formal testimony
9 that was given after the land claims bill was introduced into
10 Congress and it was concerned with the expectations tied to
11 the settlement as a whole, as opposed to the mechanics of a
12 particular bill. Lots of the testimony that occurred after this
13 first set of hearings... this was three days of hearings just
14 like the three days of hearings, or, three weeks that we're going
15 to hold here today or over the next couple of weeks. Also,
16 these hearings were held before the publication of the Federal
17 Field Committee report, Alaska Natives and the Land. This...
18 In testimony that I read after the publication of the Federal
19 Field Committee report, Natives and non-Natives alike would
20 refer to that report so that it seemed to color what was being
21 said. Again, this testimony preceded that report.

22 The most important feature of the February 1968 testimony,
23 however, was the fact that there was, to a large degree, partici-
24 pation by village representatives and unaffiliated individual
25 Natives as well as Native leaders. Again, because the hearings
were held in Anchorage, and then the hearings that I also will
refer to that were done in 1969 were held one day in Anchorage
and then one day up in Fairbanks, people from around Alaska were
able to attend. Other hearings, there's, again, thousands of
pages of testimony that were considered, but when the testimony
took place in Washington, D.C., that limited who was there to
testify, although the testimony reflects a broader constituency,
not as many people were able to testify. So this was particularly



1 good in that respect.

2 But let me start off by saying that the conclusions that
3 I reached in the paper and that I'll be talking about today are
4 constrained, I think, by the limitations of the source, the fact
5 that, really, the testimony was the only thing that I was looking
6 at in detail. Many individuals, Alaska Natives in the late '60s,
7 weren't able to attend these hearings and to make a prepared or
8 unprepared statement because of time constraints, because of the
9 money it would take to get to Anchorage. Many people also didn't
10 know that the hearings were taking place. So that does constrain
11 what my conclusions are based on the material that I considered.

12 Although I think in the end, however, that this
13 constraint affects the weight given to different issues but not
14 the depth or the breadth, rather, of the discussion. After
15 preparing this paper based on the testimony that I considered,
16 I went back and looked at "Tundra Times" reportage from '62 on
17 through the late '60s and was... it reinforced the conclusions
18 that I came to here. Other issues came up but I think the main
19 issues are covered in the paper as we've got it here.

20 All of the Native leaders that were speaking, that
21 testified in the hearing, spoke to the issue of land claims, but
22 land meant very... These are a few preparatory comments before
23 I dive into the testimony here. Land meant, for them, very
24 different things, depending on who was testifying.

25 For some, traditional use and occupancy of the land
was the main concern. For others, the economic potential of the
land was an important concern. For yet others, cultural integrity
and the maintenance of traditional values was a primary concern.
For others, education of the younger generation was a primary
concern. Yet for all natives testifying, the issue of preserving
a meaningful relationship to the land provided unity and undercut
potential diversity.

But I would note here that unity, as impressive as it

1 is in the testimony, was not, in itself, a goal. Rather, it
2 provided the... It provided regional dif... I'm sorry... Rather,
3 it was a means to accomplishing the goal of protecting land
rights.

4 In the paper as it was given here and in the presenta-
5 tion that I'll be giving this morning, I am going to try to let
6 the testimony speak for itself. I tried to do that in the paper
7 through splicing my opinions in with innumerable quotes of the
8 natives that spoke. The testimony that I considered here I
9 consider eloquent, extremely articulate, and often extremely
10 moving. There was, in the course... particularly in the testimony
11 given in 1968, in February of '68, that three days of testimony,
12 there was an impressive build-up during the course of the hearing
13 where people were speaking less and less... Everyone had
14 prepared statements that were published along with their oral
15 presentations, and their oral presentations stuck less and less
16 strictly to their prepared statements as the testimony got going
17 and they began, in their testimony, to respond to what other
18 people had said before them. It's an impressive document. I
19 have the one... Again, I would recommend that for everybody's
20 reading. It's dramatic. It's not dry material, to say the
21 least.

22 I identified five major concerns in the testimony and
23 all of these we will consider separately as we go forth today.
24 These were analytically separable, although they were not
25 separate in individual people's testimony.

26 These concerns include: continuity of use and occupancy
27 of the land, the importance of cash compensation for economic
28 development, the resolution of past social ills and full partici-
29 pation in the future, the achievement of self-sufficiency and
30 self-determination, and continuity in cultural integrity. These
31 five concerns permeated the testimony and we'll go into the
32 detail now.



(TAPE 1, SIDE B)

1 The first concern was continuity in use and occupancy,
2 the value of the land. This is interesting. Even though the
3 validity of the claims was established by the fact that the
4 land claims act had been brought before Congress, still a great
5 deal of testimony of a great many individuals testified to their
6 right to use and occupancy of the land.

7 I'll just give one example from the testimony here.
8 John Klashnioff, of Cordova, testified, "When I was a boy, my
9 people lived by trapping, fishing and hunting. There was plenty
10 for all. We had a good living from the land. Alaska is my
11 home, my land. This is where I was born. This is where my
12 people before me lived and their folks before them. They lived
13 here, survived and were happy. There is no room any longer.
14 We can no longer trap for furs. We can no longer fish or hunt
15 for a living. Now there is no land we can call our own. There
16 are no jobs for us. My people are unhappy."

17 We could read many statements that reflect this point
18 of view, the right to, the desire to maintain use and occupancy
19 of the land. I find this particularly important because of the
20 terms in which the testimony was given. In the testimony, Natives,
21 Native Alaskans, continually spoke to their kinship with the
22 land and their desire to preserve their relationship to the land.
23 In so doing, they reflected a relational concept of ownership
24 that's very different from the possessive concept of ownership
25 typical of Western society. By a relational concept of ownership,
what I mean by that is that, instead of saying, for instance,
that an individual had a right to use a particular place because
he owned that particular site, in the testimony native leaders
said that they had a right to use land because their grandparents
had used the land before them.

 To the Yup'ik Eskimo, I know, a person is often, or, a
young man, may be named for his grandfather and in being named
for his grandfather, he is basically, his grandfather, is born



1 again in him. His right to use a particular site are partly
2 in the fact that he is his grandfather. His grandfather hunted
3 species at that particular site, harvested fish and game.
4 Because he took proper care of those species that he harvested,
5 those species will come back to his grandson, who is him born
again.

6 So, again, you don't use the site because you own
7 that particular piece of property, but because of the relationship
8 you hold to your ancestors and to your descendents that will
9 come after you. Thus, I think the testimony basically tried to
10 translate this basic cultural tenet. The point was not... This
11 is a comment that was made during the overview hearings that
12 were held in January when we were first discussing these papers...
13 The point was not that the land belonged to the Natives, but that
14 the Natives belonged to the land. For both elders and young
15 leaders testifying, this was the primary, I think, yet often
16 unstated issue of the claims act, that the claims act was asked
17 to resolve and this is still an issue today.

18 Let me read, on page ten of the paper, Fred Paul
19 testified, "A native culture demands that he teach his children
20 that which his forefathers taught him, to preserve the gifts of
21 nature for his children and grandchildren, and that selling his
22 birthright is utterly abhorrent. Selling or releasing is a
23 thought which is not within the understanding or comprehension
24 of the native. It is anathema. In a stateside lawsuit, an
25 Indian chief was asked if he had authorized anyone to sell his
fishing rights. His majestic reply expresses the present thought.
'No, my fishing rights are like my body. I cannot sell them.'
I cannot overemphasize the emotional attachment that the
respective Indian families and leaders feel for their home
country. Perhaps another way of putting it is, if one sells
his family's inheritance, he will surely go to the Native's hell.
He will be accursed throughout his lifetime and in the life



1 hereafter.

2 Al Ketzler, going on on page 11, testified, "We never
3 have and cannot yet think of ourselves as a people being separate
4 from the land, itself. Our identity is based on the land we
5 come from, the place where our ancestors have always lived before
6 us. The families had their own fishing sites established by
7 tradition, handed down from generation to generation, but what is
8 probably one of the most important things to us is that we have
9 a deep instinctive feeling of helplessness as a people as long as
10 we are cut off from the land. We are essentially a people to
11 whom our land comes first. We are its children. We have
12 emotional ties to it that we can never forget, even down to
13 generations that no longer live in the old way. It is a basic
14 part of our identity. It makes us feel who we are and without
15 it, we have been cut off and bewildered."

16 Again, there is a multitude of testimony that makes
17 these same points again and again. So, again, I state that this
18 concern with continuity and the relationship with the land was
19 a primary, again, but often unstated issue that the claims act
20 was asked to resolve.

21 Now, under the issue of use and occupancy, there are
22 several other identifiable concerns, and I'll go through these
23 briefly here. The first would be testimony to the effect of the
24 present and past frustration of land rights, and I think one of
25 the most moving examples, and I'll only read briefly from it,
would be that of Lucy Ahvacana, from Beechy Point, on page 12
of the paper. She says, "I have a home in Beechy Point and it
still stands. My parents, a brother and my first husband are
buried there. My children were born there. It was our home
for many years. On my last visit two years ago, I found I no
longer could call it my home because the white man had trespassed
and taken over my land and home. The land around my home was
torn. Also, the graves of my loved ones were trampled with

1 machinery. I did not like what I saw and I went to see a lawyer
2 in Anchorage." She concludes at the end, "The land that the
3 Eskimos and Indians lived on should not be molested. This promise
4 has already been broken many times already. I told the lawyer
5 I was an uneducated Eskimo, but I fully respect the white man's
6 law and that I have learned what is right and what is wrong
7 because it is the teaching of our ancestors."

8 Another primary concern was the fear in the decline of
9 the resource base. I think Peter John, of Minto, gave...

10 Yeah?

11 MR. BERGER: Mr. Paul Tiulana
12 has arrived. Thank you, sir, for coming and I apologize that we
13 started without you, but we're glad you're here and I hope you
14 have a copy of Ann Riordan's paper. Rosita can give you a copy,
15 if necessary. I understand that Mr. Roy Ewan is here and, sir,
16 we're glad you came. Through some mix-up we don't have a place
17 card for you but please come and join the roundtable and take
18 one of these seats over here by John Borbridge, if you wish, or
19 next to Fred Paul, and if the... Charlie Edwardsen or Frank
20 Peterson, whose seats I've invited you to take, object, well
21 I'll deal with them when they turn up.

22 (PAUSE)

23 MS. RIORDAN: Shall I forge
24 ahead here or wait for... Okay.

25 MR. BERGER: By the way, I
think we'll... If you want coffee, just go and get one, and I
think it's better that we just carry on without a coffee break
because sometimes when we break for coffee it's hard to get
everybody back together again. We'll just see how it goes.

MS. RIORDAN: Okay, I have
given, then, Lucy Ahvakana's testimony to the frustration of use
of land... of traditional use and occupancy of the land. Then
a second concern expressed in the testimony was the fear in the



1 decline of the resource base.

2 Peter John, of Minto... I'll quote his testimony to
3 give one example of that. Peter John testified, "All these lakes
4 that were good for hunting and trapping have been filled up with
5 sand so that's the reason why there is no fur now in the Minto
6 Flat area. There is hardly any fur to make a living on. That's
7 the reason why we want this land so badly, because if we haven't
8 got this land we won't have anything to depend on."

9 I'll be running through these quickly now. That's not
10 to not give them weight. These were major concerns and for each
11 of these concerns, innumerable quotes could be given to make
12 these points we've mentioned came up again and again and again.

13 Next we had the need to hunt and fish over extended
14 areas. That was talked about a lot and example of that would
15 be Ernest Kig nak, who testified, "The fact that he is now in
16 his later years, getting kind of old to be hunting like he used
17 to, but he does have grandchildren and children and he feels that
18 if the land is given to the Eskimos in a small package, you
19 might say, he can see the problem of not being able to go out
20 further to follow the migration of animals out there that is
21 available for hunting, and he has this feeling of not having
22 enough land for his children and grandchildren to hunt in."

23 I'll go on... Well, Willie Hensley also testified, "We
24 feel the continued use and occupancy of large areas of land is
25 necessary. Indeed, there are many groups throughout the state
who would rather be assured of continued use and occupancy of
their traditional lands rather than accept a penny from the
federal government."

Interestingly enough, also, the fear of losing the
use of extended areas of land was also said to have kept people
from testifying. Peter John testified again, "A lot of my people
are really worried about land claims. They are confused and
don't understand. Many of them think that they will make the

1 government mad by claiming the land. They think that, if they
2 lose, they would also lose a lot of their freedom to hunt, fish
3 and trap on their land now. That is why it is hard for me to
get anybody to go with me to these land claims meetings."

4 Okey-dokey... Another concern, again, would be that
5 broad tracts would be maintained for economic development and
6 financial security, as well as use and occupancy in the traditional
7 manner. This view was expressed especially by prominent Native
8 leaders. In other words, that timber would be developed on the
9 land by Native groups, that the oil, if it be developed, were to
10 be devel... some of the benefit of that that would come back to
11 Native groups. I'll give an example there of Don Wright, on
12 page 15 of the paper. Don Wright testified, "It seems like the
13 least that could be done is give them part of that land so that
14 they can join the boom in the Kenai area, and the same thing
15 is true of Southeastern. I think those villages are entitled
16 to some of that prime forestland. When these sawmills and
17 these industrialists move in from Japan, there is no reason
18 that the Natives can't do this, his own logging and sell his
19 own timber. I think that they should be given an opportunity
20 to get into some of the economically valuable land right away.
21 I mean, not after it's all done."

22 Thus you see that land... Or, land is given... It's
23 talked about in the testimony, was here seen as the key to a
24 brighter economic future. It was necessary in order to enable
25 the Natives to make a transition, according to Emil Notti, to
make the transition from subsistence economy to a wage economy,
to make possible optive participation in development.

26 Finally, there was the issue of encroachment that comes
27 up in discussions of the land, of use and occupancy of the land,
28 and there is an ambiguity, or a tension, here between the
29 desire on the part of the Native community to fully participate
30 in the wider society and to maintain self-sufficiency in issues



1 of economic development, as well as in issues of land use.

2 This desire for exclusive use and occupancy of the land
3 is a special case of broader issues of independence and control
4 that we'll be talking about as we get going here.

5 The second major concern that I identified in the
6 testimony is the importance, or was the importance of cash
7 compensation in order to facilitate economic development. So here
8 we see the aspirations as having a twofold objective. First,
9 land title was necessary to maintain subsistence land use patterns
10 and the cultural values that they supported, and second, land
11 and cash were necessary so that the Natives could move into the
12 contemporary mainstream. Cash compensation was important for
13 resource development. A combination of land and revenue was seen
14 to be critical, a combination of the two. Yet in this, cash is
15 seen as a means to economic development, not as an end in itself.
16 Land is always primary and compensation secondary, as stated in
17 the testimony, or as given in the testimony.

18 The third concern expressed in the testimony was that
19 the resolution of... the natives expressed a desire for the
20 resolution of social... past social ills and full participation
21 in the future. The land claims settlement must provide, or was
22 asked to provide, a vehicle for participation by the Natives in
23 the life of society as a whole. The land claims settlement wasn't
24 going to be a cash-out, but a means of transition out of past
25 poverty, ill health, unemployment and lack of education. And
I'm going to quote here John Sackett, from Huslia, who stated,
"Let me stress further that the bill before you is not just a
question of land. It is a grasp, a handlehold, for the develop-
ment of our future."

The goal then, land claims was seen as the key to full
participation in the future. The Natives wanted to be part of
progress.

Here, I quote Ruby Tansy, who testified, "The future

1 of Cantwell and other native villages is very dim. Cantwell is
2 already almost absorbed in the white world. The people do not
3 want to stop progress, but want to be part of progress and benefit
4 from it because we can't benefit from it if we don't have title
to our land."

5 The mean to... means, then, to accomplishing this
6 full participation in society as a whole was seen as the
7 destruction... to be the means of doing that was through the
8 destruction of health and educational barriers. The Natives
9 viewed themselves as... and they were viewed by non-Natives, as
10 well, as being locked in an invisible reservation. They were
second class citizens and they wanted out of that particular
situation.

11 Frank Degnan testified, "The next point I attempted to
12 make was that there was certain health and welfare needs in
13 which title to Alaskan lands may make possible future development
14 on the part of native communities. I also pointed out that, in
15 my village and in others, better and more healthful water systems
16 were needed. Along with this is a terrible need for more adequate
17 housing for my people. Our housing can only be described as
18 primitive by modern American standards. Reliance upon BIA to
19 achieve something better in the housing field has, thus far,
20 proved futile. We desperately need an adequate housing program
21 for the villages.

22 The next point I wished to make was the need for
23 hospitals and better transportation to and from my village. At
24 the present time, the nearest hospital is in Nome, which is
25 approximately 300 miles away."

So, transportation, housing, health care, education,
all of these needs were expressed and the desire that these needs
be addressed, that the land claims settlement address these needs.

Education was another major concern, and, here, it's
interesting. I'll read some examples of the discussion of



1 education and the desire for increased educational opportunities.
2 The issue in education was equal access to the educational system,
3 not assimilation, and the dangers of integration were, if
4 perceived, not articulated in the testimony. The question was
5 equal access. They wanted to be allowed to have education in
6 nonsegregated schools, as opposed to the segregated BIA system.

7 Quoting Charlie Franz, on page 20... Actually, let's
8 start quoting Lucy Brenwick, testifying from Cooper Center.

9 "When I was seven years old, the Bureau of Indian Affairs..."

10 What was that? Page 20, here.

11 "When I was seven years old, the Bureau of Indian
12 Affairs sent me to Chemawa in Salem, Oregon. I did not see my
13 family again until I was 14 years old. While I attended high
14 school, part of my duties were to do housework and much of the
15 cooking. In return, I received fifteen dollars a month and my
16 room and board. When I was a girl, the education for an Indian
17 was very mediocre. I firmly believe that education is the key
18 to a great part of our problem. If we should receive a settle-
19 ment on this land problem, we intend to use a great part of it
20 to further the education of our people and improve the living
21 conditions in general."

22 Further down, on page 20, Charlie Franz testified. "I
23 believe that there should be a youth center for every bar in
24 Alaska and a health center for every liquor store."

25 UNIDENTIFIED: (INDISCERNIBLE)

MS. RIORDAN: Further down.

It could still be set here.

Further down, Larry Peterson testified, "It is our
duty to learn to live in the changed homeland. We can no longer
use the bow and arrow to obtain our necessities. Our new tools
must be ambition and education. We cannot stand tall and proud
if we refrain from the pursuit of progress. We cannot be free
if we do not try to break the binding chains of poverty and

1 ignorance.

2 Again, in reading this testimony, it sometimes appears
3 this... the... when... the wording when Alaska Natives were saying
4 they wanted to be part of mainstream America, they wanted to join
5 the wider society, this did not initially ring true to me. It
6 was like a people seeking to escape their past, and my impression
7 at the end of the testimony was, yes, that was true of their
8 immediate past of powerlessness and poverty. Yes, they wanted
9 out of that. Their traditional past, that's another story.

10 Job training was also... To continue with this, job
11 training was another expressed and felt need. On page 21, AFN's
12 Flore Lekanoff testified, "Education for education's sake is not
13 enough. Economic and industrial development must go hand in hand
14 with the education process." Further down the page, "There must
15 be not only the formal and informal education, but the means through
16 economic and industrial development in the native country for a
17 new, meaningful livelihood."

18 So, again, job training was desired to meet the practical
19 goals of alleviating poverty and so that the Natives could fully
20 participate in the future, so that they would gain control of
21 their destiny. The land claims was then felt as an opportunity
22 for them to help themselves and to make this point, I would quote
23 Don Wright, on page 23 of the paper.

24 Don Wright testified, "I assure you that active
25 participation in development was the basic reason for setting
26 these, incorporating each village and incorporating the area-
27 wide association, and incorporating one statewide association,
28 and believe me, if this bill passes and if we do get some money
29 to work with and some land, we will be competitive in every
30 field in a very short period of time. They will be in control."

31 This leads directly into the fourth identifiable concern
32 in the testimony, and that concern is the achievement of self-
33 sufficiency and self-determination. Different Natives testified



1 to different means to achieve this goal, but I would say they
2 were pretty much unanimous in the desire to achieve independence
3 and self-sufficiency. There was definitely expressed in the
4 testimony an anti-wardship feeling, anti-reservationist and
5 anti-BIA attitude. This issue surfaced at all levels of discussion
6 from specific requests for the control of the development of
7 local resources onto general anti-... more general and far-reaching
8 anti-BIA diatribes. Natives expressed a desire for a new liveli-
9 hood that they would control for their own purposes, not a
10 livelihood that would control them.

11 In the land claims settlement, they were asking for
12 the tools to develop their own birthright in their own fashion.
13 As Hugh Nichols put it, "They wanted the tools. He wanted the
14 tools to be a free man in a free society." As Emil Notti stated,
15 "If there are going to be mistakes, we want to make them."

16 And I would read a number of quotes to make this point
17 because I think this is one of the most important concerns
18 expressed in the testimony.

19 Eben Hopson, on page 24, testified, "Who, if you please,
20 is the better manager, the state or the natives? And so, there
21 you have it, Mr. Chairman. This is our land. If you want it,
22 pay fair value for it. While we deny that our need or our
23 competence are relevant factors to judge the amount of land
24 and money or both, our need is great and our competence is amply
25 adequate for a reasonable, soon full control of our own compensa-
tion."

Further down the page, Byron Mallott testified, "I
sincerely believe, and I submit, that Alaska Natives have arrived
to the point where we are ready to become the leaders in
achievement of our own destiny. Over the years, there have
developed a nucleus of leadership which I feel that the Native
people have arrived at the point where we can pick up the reins."

Continuing on page 25, Hugh Nichols testified, "Give

1 the Eskimo title to his own land and he will never, never again
2 go to Congress as a supplicant to beg for the funds he so
3 deservedly needs, desperately needs, to build his own future for
4 he shall then have the tools to move forward on his own initiative,
5 a free man in a free society. One thing I thought as I sat in
6 the audience here for the last two days though, we are on the
7 wrong side of the table. You should be over here asking for the
8 land from us and we should be over there, giving it to you."

9 Further down the page, Al Ketzler, "In the corporation,
10 we want to be able to operate our own businesses. That is what
11 it boils down to, and to have the say."

12 And then, finally, Emil Notti testifies at the bottom
13 of the page, there, "I point these things out because there is a
14 strong feeling among the Native people in Alaska that they want
15 to have control of their own destiny." Again, "and if there are
16 going to be mistakes made, we want to make them, not let the
17 bad decisions be made in Juneau, or even farther away in Washing-
18 ton, D.C. I stand here before you to state in the strongest
19 terms possible that the representatives here today of 50,000
20 Native people in Alaska, do not want paternal guidance from
21 Washington, D.C."

22 And then, finally, John Sackett, from Huslia, testified,
23 "Our guardian for the past years, the Bureau of Indian Affairs,
24 was supposed to keep us from the ill influences of Western
25 society. Instead, the Bureau has kept us 50 years behind the
times. While the whole concept of the Bureau of Indian Affairs
is to assimilate us into the mainstream of life, in each case
the attitude has been, 'You aren't ready for it yet and we will
make the decision.' We are ready to decide what we, as Native
Alaskans, want, and we are capable of handling our problems."

These are strong statements and they're... These are
only a few of the places where these statements were made in the
testimony.



1 The final issue... The final concern that was expressed
2 in the testimony, and after this I'll stop talking, was continuity
3 in cultural integrity, and as I see it, as the desire for
4 independence and self-determination was implicit in the goal of
5 full participation in the future, this desire to retain cultural
6 integrity and cultural sovereignty was implicit in the desire for
7 self-determination.

8 The idea, as expressed in the testimony, was that
9 Western material advantages would be used to support rather than
10 to supplant the maintenance of traditional Native values. The
11 maintenance of cultural integrity was a conscious goal in the
12 testimony but it had relatively low profile. It didn't get talked
13 about explicitly a lot. However, it was clearly underlying the
14 discussions of the inherent value of the land and the way of
15 life that living off the land made possible. Thus, it was an
16 implicit goal while the testimony was dominated by the mechanics
17 of the settlement. So it wasn't talked about implicitly that
18 often.

19 Again, the Natives, in the testimony, expressed a
20 desire to escape their immediate past of powerlessness and poverty
21 but not their past values. They wanted... were willing to
22 conform with Western standards but they did not want total inte-
23 gration.

24 Now, it's interesting that formal statements about
25 cultural integrity and the desire to retain cultural integrity
26 give culture, in some cases, as separable, as one among a number
27 of things that were desired to be accomplished. But informal
28 statements through the testimony expressed culture as cultural
29 integrity to be an all-incompassing system of values and an
30 underlying system of belief that permeated choices and activities
31 in the realm of social and economic activities.

32 And I think one of the best examples of that would be
33 the statement by Charlie Edwardsen, on page 28 of the testimony.



1 Charlie Edwardson testified, "I am never surprised but always
2 dismayed when well-meaning but poorly informed people ask, 'Why
3 do not the Indians integrate themselves more effectively into
4 the general society?' This question, so frequently asked, is
5 disarming because to answer it appropriately requires a
6 considerably longer explanation than most inquirers have the
7 patience to hear. To reply simply that probably they'd rather
8 not, or contra-wise, that they do not have the opportunity to
9 integrate, would not either way properly answer the question,
10 nor would it be very informative to reply that, for the most
11 part, they do not have the opportunity and that, in any case,
12 they have strong attachment to their own cultural heritage and
13 are understandably ambivalent in their reactions to the alien
14 society which has invoked them. This is, it seems to me, a
15 reasonable statement of the case but it is quite meaningless to
16 anyone who is unfamiliar with the values on the one side of
17 the equation, namely, the character and equality of the cultural
18 heritage to which Indians are attached."

15 Again, in this statement it seems to me that cultural
16 values are not one spiritual aspect of life but the integrity of
17 the whole, including economic acts of hunting, the social acts
18 of sharing and political acts of self-determination.

18 As read in the testimony, in 19... In the '60s and in
19 the late '60s, when this testimony was given, ANCSA was asked to
20 move Natives from impoverished dependence to social, political
21 and economic independence with the emphasis being on the elimina-
22 tion of economic and political barriers to full participation in
23 society. Today, with health, education, housing and employment
24 improvements made and the corporations increasingly successful,
25 you can see the emphasis, the explicit emphasis, again returning
to an emphasis on maintaining cultural integrity.

25 In concluding, I'd like to make three points, three
things that hit me over the head in reading the testimony.



1 The first would be how many of the goals that Alaska Natives were
2 asking of ANCSA have been met? The statistics, if you read
3 "Alaska Natives and the Land", the Federal Field Committee report
4 that was written in 1968, the statistics that they give about
5 the condition of Alaska Natives are dated, thank goodness.
6 They're no longer... The housing conditions, the health conditions,
7 the unemployment statistics have a dated ring. Strides have
8 been made in housing, health care... especially in health care...
9 and education, yet social pathology still is severe among Alaska
10 Natives. This, however, is not to be seen or cannot be seen as
11 a fault of the Alaska Native Claims Settlement Act, which, again,
12 is only one part of the broader context of social change.
13 Native society has been changing and, therefore, society and it
14 is a society under stress. But this does say that the Alaska
15 Native Claims Settlement Act was no barrier to this stress. It
16 was felt to be... It was hoped that it would provide a solution
17 to all of these problems. It has not been a barrier to the
18 pathology that still exists in the native community.

15 The second major point, it seems to me, was that, in
16 the testimony at any rate, the emphasis was on economic self-
17 sufficiency and development. This emphasis was both pronounced
18 and explicit and it... of what was asked of ANCSA. If the
19 native community has reservations about the issue of the
20 corporate vehicle, for instance, these reservations were not in
21 the testimony. It was a positive pro-economic development,
22 pro-self-sufficiency. That's the way the testimony read.

21 Finally, and I think probably the most important point
22 to be made, is that the major concerns expressed in the testimony
23 persist to this day. The issues of dependence versus independence,
24 of cultural amalgamation versus cultural integrity. Those issues,
25 those same issues, are with us today. It's interesting that
the catch phrase... people talked about the subsistence way of
life and their desire to maintain the subsistence way of life...



1 that phrase was there in the testimony in 1968. It was given,
2 it seems to me, with the full belief that it was understood that
3 everything that they... that was implied by that statement was
4 understood by the people listening. It wasn't understood,
5 because Natives are still trying to make those points today, are
6 still needing to make those points today to the non-Native
community.

And those are... That's all I have to say here.

(APPLAUSE)

8 MR. BERGER: Well, thank you
9 very much, Ann. We had the benefit of your paper in advance and
10 you've certainly helped us by highlighting the points that were
made in it.

11 Well, we can discuss the paper now. I thought I would
12 ask John Borbridge to begin the discussion and then Don Wright
13 and we can carry on from there, and in due course, I hope we will
14 feel free to interrupt each other, ask questions, make comments
and proceed in that way.

15 But perhaps you would offer your observations, John,
16 now, please?

17 MR. BORBRIDGE: Thank you,
18 Mr. Chairman. I initially want to express my pleasure at hearing
19 quite early in the presentation the reference to the land claims
20 of the Alaska Natives as an assertion of land rights. It's
21 something that's marked a very significant beginning in the
22 phraseology that we Natives were using at the time. We did, in
our very earliest meetings, speak about land claims. It took a
very short while for us to reach the point of speaking of land
rights.

23 Before launching into a formal response and commentary,
24 I also want to express my appreciation to the chairman, whose
25 clear manifestation of regard for cultural integrity included a
regard for Native time. In accord with the highest traditions of



1 AFN throughout the years, we did not start exactly on the button.
2 You are to be complimented, Mr. Chairman. I think we would have
3 considered something wrong if we had started right off at 9:00
4 o'clock.

5 Secondly, I want to make it clear that I don't speak
6 for the left, and thirdly, the non-appearance of some of my
7 friends, I am told, has nothing to do with me.

(LAUGHTER)

8 MR. BORBRIDGE: Mr. Chairman,
9 the formation of the Alaska Federation of Natives in October
10 1966 was a pivotal event in the lives of the Alaska Indians,
11 Eskimos and Aleuts who had previously responded to threats to
12 their land, their cultures and their lifestyles and individual
13 Native associations and villages, and in many instances, as
14 Native individuals. They had used and occupied their lands
15 since time immeorial. In their exercise of dominion over it,
16 they had defended it against all others. They lived on it as
17 a tribe, they defended it as a tribe. That was how it had been.
18 That was how it was when the state of Alaska began to take Native
19 lands with papers that the federal government honored and the
20 bureaucracy that resisted native pleas to intercede.

21 It required a series of crises of severe proportion to
22 persuade the Alaska Native groups, whose ancestors had spilled
23 one another's blood over boundary disputes and trading routes,
24 to lay aside their differences and honor the concept of statewide
25 unity and an organization, a statwide federation, that were alien
to their cultures.

The United States Atomic Energy Commission initiated
plans in 1958 to set off a nuclear device to blast out a harbor
at Cape Thompson near Point Hope. Nearby Eskimo villages, not
having been consulted and fearing radioactive contamination of
their historic hunting and fishing areas, opposed the project.
In the early '60s, the state of Alaska, which planned to build

1 a road into the recreation area, filed land selection applications
2 for land in the Minto Lakes region of Interior Alaska. In response
3 to the request of villagers who feared added pressures on their
4 subsistence areas, the BIA filed protests for almost six million
acres for four area villages.

5 How well I recall, in reading about the hearings at
6 which representatives of Minto and the sportsmen from Interior
7 Alaska were present. One question was posed to them by Richard
8 Frank, representing his people then. Is recreation worth the
life of a village?

9 In 1965 the federal government withdrew nine million
10 acres that included lands used for hunting, fishing and trapping
11 by Stevens Village, Beaver and Birch Creek for the construction
12 of a proposed Rampart Dam Power Project on the Yukon River. The
project that would have... The project would have flooded
13 traditional Native lands... was defeated.

14 The villagers of Tanacross filed a land claim with the
15 Bureau of Land Management in the early '50s that was finally
16 rejected in 1961, despite a BIA protest filed on their behalf in
17 1962. The state of Alaska selected land around the village in
18 1964. Villagers were later outraged to discover the state's
plan to sell lots around their George Lake fishing grounds at
its New York World's Fair booth in 1965.

19 Millions of acres of valuable Native lands were lost
20 to state land selections despite the very specific promise
21 contained in the disclaimer clause in the Alaska State Constitution
22 to maintain the status quo until the United States Congress could
23 determine the extent of the Native land rights.

24 The enjoyment of Native subsistence hunting and fish-
25 ing was threatened by state land selection and the increasing
restrictions being imposed by state and federal bureaucracy. The
education of young Natives, many of whom had to leave home to
obtain a high school education, seemed to be less relevant to how



1 they lived and less cognizant and appreciative of Native values
2 and the Native culture. Natives began to recognize the value of
3 having input in the planning, evaluation and delivery of health
4 services, initially in a negative sense by realizing that it was
no longer enough just to complain.

5 The concern about a culture that was slowly slipping
6 away became a major, though largely unstructured, concern across
7 the state of Alaska. Housing and a safe water supply also became
8 priority issues. These and other events and crises precipitated
9 the historic Native developments that culminated in AFN and the
Alaska Native Claims Settlement Act.

10 If AFN can be said to commemorate the foresight the
11 Natives displayed in achieving a statewide unity, then ANCSA is
12 a monument to the adaptability of a people who mastered, almost
13 overnight, sophisticated new skills and weapons and our govern-
14 ment's response to our petitions for justice and equity to our
15 ancient land rights. The victory was flawed, commonly the case
16 in the face of such a complex situation, by unanswered questions
17 and by inconsistencies and ambiguities in the settlement act,
18 itself.

19 The early ANCSA congressional hearings were lightning
20 rods that attracted Native testimony about a broad spectrum of
21 concerns that ranged from land subsistence hunting and fishing
22 and a changing culture, to health, education, housing and
23 employment opportunities, and self-determination. The Native
24 people were not only addressing concerns about Native-claimed
25 lands that were being selected by the state of Alaska, but they
were expressing their frustrations about things they didn't
understand, about the immensity of the changes that were buffeting
them and about governments, state and federal, that didn't seem
to be responding to them. The hearings were one time the govern-
ment was prepared to listen. Government was translated simply
into flesh and blood men who sat before them to whom questions



1 could be addressed.

2 The Native leadership encouraged testimony on a broad
3 spectrum of topics, although land use was intended to be the
4 primary focus. The congressmen, after all, were being introduced
5 to the users of the land, and, more importantly, the users of
6 the land were being introduced to the members of the congress.
7 The congressional committees were also receiving a demonstration,
8 as was intended, that the Native leadership had the full support
9 of the elders, the grass roots people, the actual users of the
10 land, those who lived on, used and occupied the land on a daily
11 basis. It was intended that the congress should be made aware
12 that when we, as we planned at later hearings, discussed the
13 concept of Indian or aboriginal title, behind that concept were
14 flesh and blood people.

15 Also lending substance to the diversity of testimony
16 was the determination of the elders to speak from the heart. We
17 in the leadership positions at the time, could inform the elders,
18 sometimes through interpreters, what we wanted them to address
19 or hoped they would discuss, knowing full well that they would
20 say what they would say. In the Native culture it has always
21 been so, and it was thus during those early hearings in 1968 and
22 '69. Not only did Native people testify about matters that were
23 on their hearts, but the Native leadership undertook the task
24 of translating those desires into concepts that would lead into
25 the development of legislative provisions. It is clear at the
outset that matters not falling into the jurisdiction of a
settlement act would be addressed by AFN. What AFN would or could
not do directly, it would persuade others to do. Thus, it was
important that there be no inhibitions placed on the testimony
that the congressmen were to hear.

 Matters relating to the tribal status of the Alaska
Natives and the sovereignty incident to that status were matters
that fell outside the ambit of the proposed claims legislation.



1 Still, it was true that many things that were presented at those
2 hearings were matters that related directly to sovereignty and
3 to tribal status, but it was not intended to be so.

4 One effort to terminate the Alaska Natives was headed
5 off at a later time by the Native leadership. So the fact was
6 that termination was addressed as an issue. It was discarded as
7 quickly as it arose by the leadership of the Alaska Natives.

8 ANCSA was not intended to be, nor was it in actuality,
9 termination legislation. The federal government's relationship
10 with the Native Americans, of whom the Alaska Natives are an
11 integral part, is of the highest legal standing. Established
12 through solemn treaties and a series of judicial decisions and
13 legislative actions, it remains intact, though admittedly undefined,
14 in Alaska.

(TAPE 2, SIDE A)

12 MR. BORBRIDGE: The Native
13 elders lacked the ability to articulate the use and occupancy
14 of their ancestral lands in the complex terminology of the white
15 man's law, but when they spoke of how they used their land, of how
16 they subsisted on its bounty, and of how they had fought others
17 to protect it, they were actually describing in layman's terms
18 the basis of aboriginal or Indian title. This is what gave
19 dignity and translated land claims into land rights.

20 Much of the Native testimony addressed the issue of
21 how the lands had been used since time immemorial to demonstrate
22 that these lands had always been theirs and were still theirs
23 at the time of the testimony. Congressmen were concerned as to
24 how assets received from settlement legislation would be used.
25 Some of them confided they had heard horror stories about Indian
spending sprees following per capita distributions. Testimony
about constructive plans for the use of settlement act monies
reassured them and they needed reassuring. They understood,
the congressmen did, economic development and they approved of it

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1 as an objective. This, after all, was a concept very common in
2 their world. So we spoke about plans for economic development
3 because it made sense and because it was reassuring to the
4 members of the congressional committee.

5 The Tlingit and Haidas had had considerable experience
6 in planning for the use of their judgment fund. They were
7 cognizant of the approval gained from congressmen who were made
8 privy to plans that were intended to benefit as large a number of
9 the tribe as possible in anticipation of a settlement fund or,
10 in this case, an ANCSA settlement fund. Native subsistence hunting
11 and fishing on state lands still faces political opposition by
12 people who do not or refuse to understand its place in the Native
13 culture or lifestyle. It's interesting to note that the federal
14 government has been more forthright in acting in the best
15 interest of the Natives in subsistence hunting and fishing than
16 has the state of Alaska.

17 While the loss of Native lands did not cease with the
18 passing of ANCSA... because ANCSA, curiously, was actually a two-
19 edged sword. The one edge of the sword accomplished what we
20 sought. It confirmed, in title, in excess of 40 million acres
21 to the Alaska Natives. We always object to any terminology
22 suggesting that ANCSA gave 40 million acres. We claimed
23 virtually all of the land. We agreed, in the face of a recog-
24 nition of what could be accomplished politically, to settle
25 for the 40 million plus acres. Thus, the legislation did confirm
that title. To that extent, it was a clear victory.

The economic power of the Native corporations and the
re-energized tribal governing bodies that are asking questions
about what their powers and rights may be, have helped the Natives
achieve a greater measure of self-determination. But it is
difficult to measure a process in which realized goals are
quickly replaced by unrealized ones. Perhaps our expanding
expectations is another indication that we continue to grow as a

1 people and very accurately, as was described earlier.

2 Self-determination, as we discussed it in those early
3 days, was also measured not only in a positive sense by posing
4 what we, as a people, hoped to accomplish, but it was also
5 presented as freedom from interference by the Department of
6 Interior and the BIA, who, much of the Native leadership felt,
7 had not been too successful in addressing, over many, many years,
8 the concerns that have been repeatedly expressed by the Native
9 people.

10 Cultural integrity seems almost impossible to maintain
11 in the midst of change, but if we translate it not as an effort
12 to prevent change but as one to control it and to influence it,
13 then it's clear that the increased economic muscle afforded the
14 Alaska Natives through their corporations and through the owner-
15 ship of their lands, does place in their hands a tool that will
16 give them a greater opportunity to shape the extent and nature of
17 the change that will take place with respect to their culture.

18 To ANCSA, to be made maximally effective, requires, I
19 think, a visionary, courageous leadership unafraid of looking
20 to the past, unafraid of admitting that the spirit which moved
21 the people to unite and to lobby ANCSA through the congress, is
22 as important in its successful administration today as it was
23 then. I'm firmly of the opinion that our success in shepherding
24 ANCSA through the congress and against a much better financed,
25 better organized, more experienced opposition is much more than
the totality of the individual effort or experiences that accom-
panied it.

I think there was a spiritual undergirding that firmly
united the people in those challenging and trying days. ANCSA
is not so much a final answer as it is an opportunity. It will
not reach fruition, full fruition, if its leadership becomes too
engrossed with the necessity of annual re-election efforts.
Corporate leadership is simply not up to the task by itself. It



1 should not be expected to reach those answers by itself. This
2 explains the one dismal failure of the ANCSA corporations. It
3 is not, in my opinion, a failure of ANCSA, itself, and that is
4 the education of its shareholders.

5 It is not enough that shareholders be told of corporate
6 activities, which is required as a matter of law anyway. Their
7 basic understanding of the functions of boards of directors
8 and management and corporations need energetic, objective
9 assistance from a well developed program approved by but indepen-
10 dent of the corporations, whose approach to dispensing informa-
11 tion tends to be self-serving. Maybe corporations are not the
12 final answer. As one of the prime movers of corporations as a
13 vehicle for the administration of ANCSA assets, I admit I've
14 certainly reached the point of questioning whether corporations
15 are up to the job. Somehow they seem to lack the closeness to
16 the people of tribal governing bodies and somehow, even though
17 they are perpetual in their existence, they do not seem to
18 possess the personal timeless quality that, in my opinion, tribal
19 governing bodies have.

20 But ANCSA achieved its main objective, the title to
21 40 plus million acres and the transmittal of that title to the
22 original owners, the Alaska Natives. On that basis alone, I
23 consider it an unparalleled success, but I think we need to
24 maintain a perspective about what ANCSA is. It is a tool, it is
25 a launching pad, it is above all else an opportunity. It is
also a landmark that we can use and that we can watch as we
steer our course into the future.

Thank you, Mr. Chairman.

MR. BERGER: Thank you, Mr.
Borbridge, for that most complete and eloquent statement.

Well, I think we might as well stay with our plan and
ask Don Wright to speak now, and then we'll carry on from there.

Mr. Wright?



1 MR. WRIGHT: Thank you, Mr.
2 Chairman.

3 I think it's important to emphasize the fact that the
4 paper drawn is excellent in retrospect in showing what happened.
5 Based on the written information that was contained in those
6 particular documents that were prepared by the congress of the
7 United States, I think that it's not reflective of the feeling
8 of the people. It's not reflective of the feeling of the
9 Congress. It's not reflective of the feeling of the administrators
10 or political leaders of the state of Alaska.

11 I think it's important to note that we were under
12 tremendous threat and stress during the time of these hearings.
13 There was no money to go into the villages and get the real
14 testimony from the real people, the grass roots people. The only
15 opportunity we had was to attempt to reflect the feelings of the
16 real people as leaders under the threat of possibly going to jail,
17 of possibly being punished economically, socially, and we
18 testified in many instances under instructions from attorneys,
19 under instructions from church leaders, under instructions from
20 Bureau of Indian Affairs personnel, the state personnel, the
21 attorney general's office of the state, the governor's office,
22 and... We were instructed that, to really say what we thought,
23 would probably stop everthing and that, if you're going to deal
24 with intelligent people such as those that represent the
25 Congress and those that represent the state and the major
industrial, economic factions, that you had to do it sort of
through an interpreter and sort of through a lobbyist and so on
and so forth.

26 So I feel as we moved forward with the Native Land
27 Claims Settlement Act, we knew of sovereignty. We knew of
28 integrity and of tradition and of Native religion, not Christianity.
29 We knew of all these things. We worked with people from all
30 realms involving these things but we were motivated mostly by



1 attempting to defend ourselves to the best of our ability and
2 not lose everything.

3 So as a result of that, we attempted to satisfy the
4 tribal organizations, the sovereign individual organizations,
5 which, at the time of the land claims, amounted to something near
6 39 or 40 individual organizations that felt the real sovereign
7 meaning of land and the control and ownership, and some of those
8 claims were overlapping one another. So we had to attempt to
9 resolve those disputes without focusing attention on that attempt,
10 and the evolution of the village corporation and the regional
11 corporation and, at one point, a statewide corporation was a
12 unified attempt to defend against the intruder, the trespasser.

13 We asked, on many occasions, the leaders in congress,
14 men like Senator Jackson and Congressman Aspinall, members of
15 the Whitehouse staff, like Brad Patterson and some of those
16 guys, "What are our chances?" Our chances were reflected in
17 the first bills that were introduced by Rogers C.B. Morton, for
18 example, representing the administration. After all of these
19 hearings, they introduced a bill for a million acres of land
20 and 100 million dollar settlement. We were put in a position
21 where we had to do something drastic to change that and we even,
22 in some instances, threatened war, bloodshed, feeling that it
23 would be the only way we could get them to focus on the real
24 issue of sovereignty, the real issue of the fact that the Native
25 people had their own law and they owned the land. And we were
advised by Indian tribes from the Lower 48 on many occasions
to reject totally the corporate concept and maintain strictly a
tribal concept.

But from the other side of the aisle, Mr. Jackson and
Mr. Aspinall and the likes said that they would do nothing, and
that we could die with nothing if we didn't straighten up. We
were told that by major oil company representatives, by major
timber representatives, major mining companies, even people from



1 the chambers of commerce on tourism and things like that. They
2 said, "You will take what you get and be thankful for it."

3 So we would withdraw from time to time and try and
4 reevaluate and decide what... what really should we do. I can
5 recall in one instance, when Emil Notti was the president of the
6 federation, we suggested that they divide the state, perhaps
7 divide it on the basis of the PYK line. We all know that, when
8 congress authorized statehood, they put the disclaimer clause
9 protecting Native rights in that act, as they put it in the
10 constitution of the state of Alaska, and as a matter of fact,
11 the congress, in its wisdom, did divide the state on the PYK line,
12 the Porcupine-Yukon-Kuskokwim, and would only allow the state
13 to take... to make selections south of the PYK line unless they
14 could get permission from the president of the United States to
15 select north, which would have been, and was, Prudhoe Bay, as a
16 matter of fact.

17 I remember when I was working with the state legisla-
18 tors, I, personally, along with Francis Degnan and Brenda Itta
19 from Point Barrow, personally hand carried a petition to every
20 senator and every House of Representative member in the state
21 legislature, to the governor and all of his cabinet, asking them
22 to sign the petition in support of the then-AFN position, which
23 clearly stated our intent to go for a billion dollars, 60 million
24 acres of land, and a two percent overriding royalty in perpetuity.

25 The two percent overriding royalty in perpetuity
would have been the true evidence of Native sovereignty because
it would have allowed us to share in two percent of the wealth
of this state, our land, forever. It may sound strange, but I
managed, with the assistance of Francis Degnan and Brenda Itta,
to obtain the signatures of a majority of the Alaska State
Senate and a signature of the majority of the Alaska State House
of Representatives, and when I took it to Governor Egan, he
called in his attorney general and others and asked them to lobby



1 and ask for senators and representatives to retract their signa-
2 ture of that petition. It got pretty tough. One man was, in
3 my opinion, gutsy enough to withdraw his signature. He was a
4 banker in town here, a state senator, and the headlines in the
Anchorage "Daily Times" was that "Wright Hoodwinks the Legislature."

5 Well, needless to say, there was no hoodwinking. They
6 all knew what they signed. They were all men and women, honorable.
7 I found that very distasteful, but in the spirit of the fight, we
8 made a thousand copies and we made 2,000 copies of that petition
9 along with the pictures and the biography of each of these
10 representatives and senators, and we sent copies of that to every
11 United States senator and every United States house member, and
12 all the king's men, the cabinet of the president of the United
13 States, and so on and so forth, asking them to support us.
Well, after all of that effort, they came down with this bill,
14 a million acres and 100 million dollars, and we had to do some-
15 thing else.

16 So I, personally, went to the Russian embassy and asked
17 them to give me an interpretation of the treaty assession wherein
18 it says that the United States congress shall have the authority
19 to deal with the uncivilized Natives in a similar manner to which
20 it has dealt with the Indians in America in the past. My
21 question to the Russian embassy was this, did the Russians, at
22 the time of the treaty assession, consider the Natives of Alaska
23 civilized or uncivilized? They said that was a very delicate
24 question, that they didn't know how to respond to that and it
25 would have tremendous implications internationally. So they
chose not to answer that question. I submit to you and to this
oversite... this overview group, that we should get an answer
from the Soviet Union. Are we civilized or are we not? If we
were civilized, we're certainly entitled to equal rights, the
defense of our property, the right to hold it forever unless
public necessity clearly requires that it be taken from us for a



1 reasonable public purpose, and then only on the basis of compen-
2 sation.

3 So I feel that the true meaning of ANCSA was just exactly
4 what's happened. It was a smokescreen designed by big corporate
5 influence over the Congress of the United States to expropriate
6 merely private property from Alaska Native people.

7 I represent, at this time, a small tribe of Indians
8 north of the Yukon, the Venetie. They, in my view, are a
9 sovereign nation and we've been under fire from the state govern-
10 ment and the federal government ever since they've been... ever
11 since they chose, under the terms of ANCSA, to retain the land
12 and take no money. But it's interesting to note that there are
13 only 303 people there and the United States government saw fit
14 to confirm title in fee simply to 1.8 million acres of land.
15 If you extended that 1.8 million acres of land on a per capita
16 basis, it would have nearly given every native in Alaska the
17 same amount of land that the Natives in Venetie hold title to per
18 capita and it would have encompassed the entire state.

19 It's inconceivable to me that the Congress of the
20 United States and the president and all of his men and all the
21 powerful lawyers and corporations in the country... It's incon-
22 ceivable to me that they could have permitted this disparagence,
23 this difference, between peoples and, knowingly in violation of
24 the constitution, enacted ANCSA on the basis of race, alone.
25 It is a racial act. I don't know where we would go from here
or what recourse might be taken as the next step in proving
Indian title, in proving just benefits.

In retrospect, you look at the wanton waste of our
state government, the wanton waste of our mineral resource and
the revenues from it, and still the state fights us over simple
things, like culture, like Native identity, like subsistence. In
the case of Venetie, there's a case pending before the state
court that's been appealed twice wherein the trial hunting party



1 killed several caribou, subsistence, and distributed the caribou
2 to the villagers in May, out of season. The Fish and Game came
3 in there with an aircraft and confiscated the meat and charged
4 an old man with possession and he didn't even kill the animal.
5 It was merely hanging in a tribal cache, on tribal property and
6 it's a private, closed airport and the state had no authority
7 to come in there to do anything. The judge in... The magistrate
8 in Fort Yukon was afraid to handle the case because of the
9 pressures, so they moved it to Fairbanks and Judge Cline ruled,
10 ordered it dismissed on the basis that the Fish and Game had
11 no regulations promulgated on subsistence use of meats, and the
12 state had dismissed several other cases previous to this. The
13 state, I don't know how much money it spent so far, but, for
14 example, I think it probably spent a half a million dollars on
15 this little case.

16 They appealed Judge Cline's ruling and the next judge
17 ruled him... I mean, remanded it back to trial. Well, it's been
18 going on for pretty near two years and I suspect, intellectually,
19 it will probably go on for 20 or 30 years and cost the people
20 in the government several million dollars. We will not give up.
21 We will not give up and the state will not give up, and who pays
22 for it? The Indian, Eskimo and Aleut people pay for it. Every
23 citizen in America pays for it.

24 So I think that there's a time and I think that the time
25 is now to take a fresh look and identify and clarify sovereignty.
That's what it's all about. The right to govern yourself. The
smallest increment of government we have under our system is a
city, first or second class city. You don't see the borough
moving into a city and trying to change their law. You don't
see the state moving into a borough and trying to change their
law. You don't see the federal government moving into a state
and trying to change their law. Why does everyone pick on the
Indian, Eskimo and Aleut people? Why can't we have our law, and



1 why can't they, when they come to visit us, abide by our law? We
2 have to abide by theirs when we're here.

3 So I think this commission, and particularly in view of
4 the light that we know, it's international, and that we, at this
5 time, have an opportunity to take it before the United Nations,
6 that we should do that and we should encourage the state to get
7 involved in this discussion and we should hear from them. We
8 should not maintain it to a narrow level of a set of hearing
9 documents or of a set rule. I think we ought to bring in some
10 of those congressmen that held those hearings and hear what they
11 really have to say 12 years afterwards, like Congressman Meeds
12 and some of those that actually went into the bush and held
13 hearings on education and other things.

14 I feel that, if we all could continue to work, recogni-
15 tion of each other's integrity, heritage and culture, and each
16 other's modern trend towards economic development and towards
17 government in total, not just local or state or national, but
18 I mean international, I think the world would be a heck of a
19 lot better place to live in and I hope that, as we proceed with
20 these discussions, that we address pointedly the definition and
21 the question of civilized, uncivilized and of sovereignty.

22 Thank you.

23 MR. BERGER: Thank you, Mr.
24 Wright. It is remarkable to be sitting here in 1984 and to hear
25 from the man who was president of the Alaska Federation of
Natives at the time of the passage of ANCSA. Thank you for your
contribution.

I was going to suggest that we might now, perhaps, ask
Mr. Harry Carter, who was executive director under Mr. Wright
at the time, and after Mr. Carter, perhaps, Mr. Fred Paul, who as
an attorney was very much involved in these events, to discuss
Ann Riordan's paper and to comment on what Mr. Borbridge and
Mr. Wright have said.

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1 MR. CARTER: Thank you, Mr.
2 Chairman.

3 It's a surprise to me and I appreciate the opportunity
4 to sit on this panel. I was to be a participant, sitting in the
5 back listening and adding a few words, perhaps. There are so
6 many different items that come to my attention in listening to
7 the presentations that have been made that it would be almost
8 impossible to elaborate and comment on what I think has been done
9 or should be done.

10 I've worn many hats, like most of us have done over
11 the period of time the late '60s and early '70s, and it's an
12 abomination to me as to what happened to us because of the
13 institutionalizing of various programs, both on a national and a
14 state level, and the implementation of Indian self-determination
15 throughout the United States and the implementation of turning
16 over programs to American Indians and Alaska Natives and Eskimos.
17 We were institutionalized beyond our capability and ability in
18 leadership to fully handle the responsibilities thrust upon us.

19 I think it's a tremendous credit to Alaska Natives
20 throughout the state to have participated in the implementation
21 of ANCSA in a very timely fashion. The enrollment of our people,
22 the selection of our lands, the formation of over 200 corpora-
23 tions, doing all of the legal, necessary things that were
24 required when, in fact, the federal agencies responsible on
25 their side of the implementation many, many times failed. Natives
did not.

At the same time, however... And the abomination I
speak of is this, we were placed in a position under self-
determination to control a number of programs... in health,
for instance, where health councils were created throughout
the state, and education where education boards and districts
were established throughout the state, in the area of fisheries
where fishery boards were established in districts established



1 throughout the state, the establishment of housing authorities
2 throughout districts of the state. You can go on and on and on.
3 I can't even name all of the different federal and state govern-
4 mental entities that required participation of the people.
5 Myself, I think, at one time wore as many as 12 hats, and I
6 think many of our leadership today are in similar situations,
7 having to be responsible to make decisions covering their lives
8 and yet being concerned over the maintenance of their land
9 ownership and the continuation of a lifestyle that they love
10 so well.

11 It appears that... It would appear to an outsider
12 that somebody had their colored glasses on when we helped to
13 write the Native land claims bill, and that, as a matter of fact,
14 is probably true. I wish I could take the Fifth Amendment now
15 because, subsequent to the passage of ANCSA, not only myself
16 but many other capable, dedicated and loving leaders have been
17 deposed and publicly castigated for whatever reasons. With the
18 myriad of responsibilities that we accepted, it became more and
19 more impossible for us to consult on a daily basis with those
20 very people we were representing and the fact remains true today.

21 One of the biggest problems that face us and has been
22 mentioned is the limitation of protection that was given to us
23 by the Congress of the United States and the ownership of this
24 land that we retained. Under a stock corporate... stock ownership
25 corporate system that we were given, the land, if we could look
26 into our crystal ball and understand the demographic changes
27 that are taking place today and what's going to happen to us
28 as Native people ten, 20, 50 years down the road when that stock
29 becomes alienable, and it has a direct relationship between
30 stock and ownership of land, there is absolutely no question
31 that land will be disposed of.

32 We went through a serious upheaval last year in the
33 corporation down in Kodiak because of the very issue of land

1 retention or sale thereof. We tried, in our estimation, to
2 provide the best of two worlds and for four or five years, the
3 past four or five years, the Koniag leadership attempted to
4 secure legislation in Congress that would allow us to dispose
5 of, back to the government of the United States, the titles to
6 certain lands that we were forced to select in the Kodiak bear
7 refuge. It must be noted also the restrictions that were
8 imposed by Alaska Natives in their ability to select lands in
9 the vicinity of their villages. Where they were located in
10 previously designated refuge areas, the villages were allowed...
11 were mandated, as a matter of fact, to select a minimum of three...
12 or a maximum of three townships of land in those areas under the
13 same administrative restrictions as exists... as exists in those
14 refuges. So the Natives have no ability to utilize those lands
15 outside of the restrictions of the federal agencies for those
16 classifications.

13 Koniag, as I mentioned, for the past four or five
14 years, has attempted to seek legislation allowing the deed back
15 to the United States of those refuge lands in exchange for
16 something of value. In our case, we wanted to exchange them
17 back for certificates of val... for certificates that could be
18 used as bidding certificates in the Outer Continental Shelf
19 leases and thereby gain us an economic advantage, at the same
20 time allowing for the people in those villages the right in
21 perpetuity to subsistence hunting and fishing in the wildlife
22 refuge areas.

21 Some of our village people did not understand what we
22 were trying to do and launched a united effort, a major effort,
23 and threw us rascals all out of office. So I think we've lost
24 the opportunity to gain legislation that would give us the best
25 of two worlds.

25 I'm sure that other corporations, village corporations
and regional corporations, have looked into the crystal ball and



1 continue to do so in trying to foresee a method of retaining
2 their ownership and obtaining an economic advantage in the
3 future. One of the biggest problems I think we have has been
4 expressed more and more as the days go by, are the thousands
5 and thousands of Alaska Natives, most of whom are more Native
6 than I am because I'm only a quarter Native... the thousands
7 of Native people who have been born after ANCSA and have no
8 share, no voice, in their heritage and their ownership of land.
9 It's a terrible thing and it must be resolved very, very soon
10 or there will be war internally amongst us.

11 The other terrible thing that we did, I think, was not
12 to provide in the ANCSA legislation a special provision for the
13 care of our elderly people, a major oversight, terrible over-
14 sight. We tried to do it legitimately through the state and
15 federal laws that exist in the operations of corporations. We
16 could find no way to do that.

17 So I think, as has been stated, ANCSA was a launching
18 pad. We recognized that and at the time that we did it, a
19 launching pad only, Mr. Wright and others have stated numerous
20 times that we will be going back to Congress again and again and
21 again, and I think that's the truth.

22 I hope that, in the consideration for aboriginal title
23 and settlement in the other circumpolar countries, Canada,
24 Greenland, wherever, that they take into consideration the most
25 pressing problem that's causing bitterness among us now, and
that is the problem of sovereignty. Our people in the villages
believe that they have a sovereign right to govern themselves,
and I think that basic principle of self-determination and self-
government must be upheld in any settlements in order for people
to be satisfied throughout the countries, throughout the world.

Thank you very much, Mr. Chairman.

MR. BERGER: Thank you, Mr.

Carter. Mr. Paul?

1 MR. PAUL: Thank you, Mr.
2 Chairman.

3 First, I want to applaud the fact that this commission
4 has been organized. I want to applaud that the Inuit Circum-
5 polar Conference and the World Council of Indigenous People are
6 sponsoring it.

7 The preparation of a report is extremely important.
8 People act on reports. I was delighted to read in the "Alaska
9 Native News" a month or two ago of an article by Peter MacDonald
10 of the Navahos. The Navahos were blessed with a report which
11 had an infirmity in it, a foundation that cannot be applauded.
12 It was prepared to injure the Navaho people by concept. Its
13 sponsorship was governmental and, therefore, the government was
14 trying to... to justify its conduct.

15 We have here a commission which has, in my judgment,
16 some integrity because it is not designed to protect anybody.
17 It is designed to find out what the facts are and, without
18 restraint, to issue its findings. I believe that the approach
19 of the commission by going to the root of the people, that is to
20 say, the villages, is beyond... It's just beautiful.

21 Now, with respect to the more substantive remarks,
22 I'd like to go through some of the problems that lead to... that
23 we fought during the settlement. First and foremost was the
24 concept of legal rights. Basically, even the Natives, themselves,
25 didn't really, really comprehend that they had legal rights.
Yes, they had an attachment to the land, but there has to be
something that the lawyers in Congress, and Congress is 99 percent
lawyers, understand, and the amount of legal rights that the
Natives of Alaska had is awesome. Ultimately, the Federal Field
Committee report, issued in February of '69, endorsed those
legal rights so that when there was an extinguishment of those
legal rights, and that's what ANCSA tried to do, the yield of
the settlement was not by way of charity, it was not by way of



1 welfare, it was an exchange.

2 I remember Al Ketzler telling one of the committees,
3 "We're here in a real estate transaction. You want to buy
4 something that we own. Pay us, pay us fair value." That has an
5 enormous impact upon the attitude of the recipients of the yield,
6 that is to say, the Natives. We can say with dignity, "We did
7 not get whatever we've got by way of charity or welfare, we got
8 it because we owned something." It's the difference between
9 being on welfare and earning wages on a respectable job.

10 Another fight that we had during the settlement was,
11 everybody was in favor of paying us some money. Walter Hickel,
12 as governor of Alaska, came on early for 500 million dollars.
13 Money was never the important thing in the effort for our settle
14 ment, land was.

(TAPE 2, SIDE B)

15 MR. PAUL: Money was necessary.
16 It's great to have money, but whether the appropriate was 100
17 million or a billion wasn't that important to the people. They
18 wanted the land. Then, we had the fight of who was going to
19 get this land. That is, there had to be some mechanism to
20 receive the land.

21 Even as late as February of 1971, when Chairman
22 Aspinall and Chairman Haley introduced their version of what
23 the settlement should be, those two powerful men wanted to vest
24 title to land and money in municipal corporations, thereby, when
25 some white man moved into a city, village, municipal corporation,
he would share just as much as the Natives, the real owners of
the land.

Bear in mind that, during the settlement, this was
still at the time of powerful chairmanships. For decades, in
my judgment, legislation was written by two men, the chairman
of the House committee and the chairman of the corresponding
Senate committee. This was before the rebellion by the committee

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1 members. The rebellion was coming and eventually, through the
2 help of Congress and Lloyd Meeds and others, there was a rebel-
3 lion within the House committee. But it was unheard of and
4 Chairman Aspinall was a powerful, powerful man. He dominated
5 that committee.

6 Then another problem we had in fighting for settlement
7 was, people wanted to put strings on how we were going to spend
8 the money for the land. Wally Hickel gave... and Wally Hickel,
9 as governor of Alaska and, later, as Secretary of the Interior,
10 had tremendous influence. He wanted to tie the yield of the
11 settlement into capital improvements. Seventy-five percent of
12 it had to be spent for capital improvements, and I can remember
13 saying to myself, "Yes, every village in the state of Alaska
14 will have a city hall and the money will be gone and that's it."

15 Then we had a fight about what kind of land are we
16 going to get. We didn't have floating selection rights, for
17 example. We had a few acres around our villages and Chairman
18 Aspinall and Chairman Haley's bill of 1971 wanted to give us,
19 and I have to modestly correct Don Wright... Actually, all they
20 wanted to pay us was 100 million... 100 thousand acres total,
21 statewide, and even the 100 thousand acres, it was up to a
22 certain number of acres per village and some commission was
23 going to determine how much less than 100 thousand acres we
24 would get.

25 We had the problems of getting good acres. Then,
early on, the powers that be in Washington wanted to give us
surface rights, like hunting rights. I can remember Senator
Stevens and Senator Gravel holding an informal meeting with
almost the entire board of AFN in D.C. We went to a vacant
hearing room, non-recorded, unofficial hearing, and they
tried to sell us a bill of goods of giving us revocable hunting
rights over 40 million acres. It was good until some homesteader
wanted to come along and preempt his desireable acres out of the



1 so-called 40 million acres.

2 I can remember Eben Hopson at this meeting, when we
3 walked out of the meeting, or almost walked out. Anyway, we
4 expressed our disdain at the idea, and Senator Gravel chose
5 up Eben and Eben said, "What are you trying to tell us? We
6 already have hunting rights all over the whole state of Alaska,
7 all 375 million acres. We have revocable hunting rights there
8 now. Now you're going to pay us for our land by giving us
9 revocable hunting rights?"

(PAUSE)

10 I'm having trouble reading my own notes.

11 The reason why the Natives wanted land has been
12 expressed already many times this morning. It doesn't hurt to
13 sum it up, however.

14 Land was desired by the Natives for many reasons. It
15 was... It was a word that comprehended many ideas, but, primarily,
16 it was a method of preserving their culture. Their culture
17 consists of their ancestral lands where they were born and
18 reared. It is their subsistence. It is their... You know, the
19 Natives have, in their native language, names for every point,
20 for every creek. When a place is named by a culture, it means
21 it is an important place. So, in fighting for land, it was a
22 fight for the totality of the culture.

23 One of the things, another problem we had in our fight
24 in D.C., was, when you look at the history of Congress in
25 treating its indigenous people, the original Americans, since...
at least during the twentieth century... Congress has passed no
law which really respects land for the original Americans. The
only thing that Congress really can point to in recognizing
title to Indian lands is the Blue Lake project in Nevada or
Arizona, I've forgotten exactly where it is, and that only
comprehended 48 thousand acres. That's... During Chairman
Aspinall's sojourn in the Interior Committee, that's the only

1 thing he could boast about, that the Congress respected the
2 rights of the Native Americans to the land.

3 Now, we in the Native leadership we are aware of the
4 intensity of the feeling of the Alaska Natives towards the land.
5 The function of a lawyer is to provide a nonviolent method of
6 alleviating social discontent. So we have in the history of
7 Congress the... total neglect, so far as land is concerned,
8 through the decades. We recognized that there could be bloodshed
9 had not there been an adequate settlement. How do we impress
10 upon Congress that, "You'd better come up with something half-way
11 decent or there will be problems"?

12 Those of you who have read the this biography of
13 Charlie Edwardson, Jr., "Etok, the Story of Eskimo Power" will
14 remember... and those of you who know him, I guess everybody in
15 this room does, he speaks pretty violently. In my own manu-
16 script, I have characterized Etok and Don Wright as a perfect
17 point and counter-point. Don was just as intense. Charlie
18 gave, for the same motives, the impression of violence and I
19 think Charlie was right in giving that impression. Forty-four
20 million acres is, to the Alaska Natives, bear in mind, is the
21 only bloodless redistribution of wealth in the history of
22 mankind. The only thing that one can compare the settlement of
23 44 million acres to is the right of homesteads, and, of course,
24 homesteads are usually 160 acres, maybe 640. But this is the
25 only bloodless redistribution of wealth in the history of mankind.

Should we adjourn for lunch...

MR. BERGER: (INDISCERNIBLE)

MR. PAUL: I have a lot more
to say.

MR. BERGER: Well, I'm glad
you do, and I know others will have more to say. I think this
would be a good point to stop and perhaps we could come back at
1:15 and carry on to about, perhaps, 3:45 or 4:00 o'clock and then



1 come back tomorrow.

2 Let me thank you all again for coming. We invited 20
3 to this roundtable. Everyone has accepted. Some said they wouldn't
4 be here this first morning, but 15 of the 20 were able to come
5 this first morning and I hope we will have a chance to hear from,
6 perhaps not all of you this afternoon, but as we move along over
7 the next three days to contribute and then to contribute again.

8 So, thanks. We'll come back at 1:15.

9 (HEARING ADJOURNED)

10 (HEARING RESUMED)

11 MR. BERGER: Well, maybe we
12 should call the meeting to order again and I should say that I
13 made a mistake this morning. I said that Emil Notti was the
14 first chairman of the Alaska Federation of Natives. In fact,
15 Flore Lekanoff was the first chairman and was succeeded approxi-
16 mately six months later by Emil Notti, and I think that I should
17 hold responsible those who gave me that misinformation.

18 We will hear from Fred Paul this afternoon and then,
19 perhaps, we could turn to Al Ketzler and then to Richard Frank
20 and then to Flore Lekanoff and then, perhaps, to Mr. John Hope
21 and see how far that gets us along today, and tomorrow and the
22 next day we can hear from others and, perhaps, engage in some
23 more informal observations and questions and so on.

24 So, Mr. Paul, maybe you could carry on where you left
25 off before lunch?

MR. PAUL: Thank you, Mr.
Chairman.

Just a side note about Flore and Emil, Flore was the
first chairman, Emil was the first president. We changed the
name of the presiding officer a few months after the formation
of AFN at what we called the First Chief's Conference, and Emil
should be given credit for having issued the call for the First
Chief's Conference and he told me that he expected 15 or 20 to



1 show up and, with the help of Charlie Edwardson, Jr.'s OEO
2 travel request, good old federal money, and the BIA support,
3 also, 150 showed up. So it was a great October meeting in 1966.

4 As I... As we recessed, I was talking about the only
5 bloodless redistribution of wealth in the history of mankind, and
6 so it is. But one of the thoughts that we had during the
7 settlement struggle was Western society was moving in. Up on
8 the Slope the drilling rigs were being dug, and I'll never
9 forget Andrew Isaac's great speech when he went to his old trap-
10 lines and hunting grounds and every year there were more no
11 trespass signs. Western society was moving in and it was
12 necessary that the settlement provide enough white men's tools
13 to compete in a white man's world, and so that's, in part, the
14 acceptance by the Native leadership of the corporate concept.

15 Also, akin to having a mechanism to compete in the
16 white man's world, there was this desire to make money. Money,
17 the cash economy, was moving in on the Native people and it lead
18 to some excesses by the Native leadership which I think should
19 be... should be recorded. One of the real reasons for settlement
20 at all was oil, and, specifically, the pipeline for the oil.
21 Secretary Udall had imposed the... what we called the land freeze.
22 All land title documents in the Bureau of Land Management were
23 frozen. Nobody could get a patent for a homestead, the state
24 couldn't perfect its state selection rights under the settlement
25 act... under the Statehood Act, you couldn't file a mining
claim. Things stopped and there was a great opposition among
the business people of Alaska, the Alaska Chamber of Commerce,
because, with the discovery of the oil... And let's pinpoint that
date: The first strike was in February of '68 and the confirma-
tion well came in in... around the first of July, June 18th, 26th,
in that area of 1968. And then in the fall of 1969, the state,
without authority, sold 412,000 acres of oil rights on the North
Slope for 900 million dollars, so everybody in Alaska figured



1 they were going to be instant millionaires. All the merchants
2 overbought and they oversold on credit and they overbought on
3 credit, and there was great hardship because of the land freeze.

4 So the oil companies figured they were going to, in a
5 sense, hoodwink the Native leadership and they proposed to the
6 Native leadership and their lawyers that they release their
7 aboriginal rights along the pipeline corridor in return for jobs.
8 "Shortly we're going to have this great big pipeline built and
9 you're going to get jobs out of it," a very illusiory contract.
10 And, actually, some of the Native groups did sign up and did
11 waive their rights to the pipeline. Well, of course, had it
12 been a real contract where the Natives got some real rights out
13 of it, it would have been a violation of federal law, good old
14 section 25, U.S. Code 177, but it illustrates, too, that there
15 was a difference between some of the Native leaders and the
16 feeling of the people.

17 The Native people, like Ann Riordan's paper so
18 beautifully illustrates, couldn't release their land. It would
19 be against their moral fiber. But there it was, it was part of
20 the movement. Well, luckily, the Alaska Legal Services put an
21 end to that illusiory contract with Atlantic Richfield and the
22 other oil companies.

23 Along with this white man's world and tools in a
24 white man's world was the desire that the Native people had
25 inside themselves of being first class citizens. For decades,
the white people of the state considered Natives inferior. The
BIA pushed the Native people around. The school people wouldn't
admit children to the white schools, "You're inferior." So
there was a desire inside of the Native people that they be
first class citizens, would have a right to sit in a theater
anyplace he wanted to, or to go to a school that he wanted to go
to, or sit anyplace in a church that you please. They had Natives
on one side and the whites on the other, and they had these signs

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1 in the restaurants, "No dogs or Natives allowed." They desired
2 to be first class citizens.

3 Now, this desire to be first class citizens, to have
4 adequate tools, to compete in the white man's world, was the
5 management of the BIA of the IRAs. There are about 75 IRAs
6 up here and the BIA, in the actual organization of the IRAs
7 at the village level, or in the organization or the administration
8 of the IRAs, or whatever their business activity was, was
9 controlled by the BIA at Juneau and they, in turn, were controlled
10 by Washington, D.C. For example, we had quite a number of
11 canneries in Southeast, but the BIA ran those canneries even
12 though it was in the name of the village IRA. But unless the
13 villagers signed whatever the Indian Office put in front of them,
14 they had the threat of no more money for their canneries in
15 those days, and fishing boats.

16 The IRA is a wonderful vehicle, in my judgment. It is
17 the formalization of tribal... of the tribe in a white man's
18 kind of language. They've got a constitution much like articles
19 of incorporation. It's something that a bank can understand
20 or a congressman can understand. It is an entity. It is a legal
21 entity that has a structure to it. But as a product of the
22 administration of the IRA and the ability of the BIA to dominate
23 the village IRAs, there was built up inside of the Natives up
24 here a rather dislike, in some cases hatred, of the IRA form of
25 entity.

26 For example, in the fall of 1970, late summer and fall
27 of 1970, the North Slope Native Association developed what we
28 called a conceptual outline of what a bill should be. It wasn't
29 the actual drafting of a bill, it was the ideas that were to go
30 into the actual drafting, and one of the provisions we had in
31 this conceptual outline was that the vehicle of the settlement
32 should be in the IRA. I'm sad to report, aside from Don Wright,
33 I'm sad to report that not a single Native leader promoted the

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1 IRA concept as a vehicle for the settlement. It fell flat.

2 Along with this desire of first class citizens is, there
3 was this assault through the decades by the white, organized
4 white society, as manifested in schools and in our marriage laws.
5 You had to get a license, for an example, in marriage laws from
6 a U.S. Commissioner. Well, in those days there were only 40 U.S.
7 Commissioners in the whole state and the reason why the state
8 legislature put these restrictions on marriage is because too
9 many of the Natives had married, under common law marriage, miners
10 who had made a fortune and were they going to divvy up their
11 community assets with, what we termed in those days, a kloodch?
12 You see this manifested so that... so that inside the native,
13 by golly, he was going to be a first class citizen and be like
14 all white men.

15 One of the problems we had in framing the structure of
16 the settlement, I'm not talking about how much land or how much
17 money, but who was going to get it. There's been a... Throughout
18 the state there was a great belief in the villages. That is to
19 say, if the yield of the settlement goes to a village, then I,
20 a native, would have some authority on how it's going to be spent.
21 One of the problems in distributing the yield of the settlement
22 land and money to a village is that it fractures the amount of
23 power that the native settlement would vest in the Natives.

24 The politicians did not want a regional concept because
25 a region might have some financial support, financial power,
surely, but with financial support you have political power. It
was not until the summer of 1970, a year and a half before
settlement, that the North Slope Native Corporation was adopted
by the Senate version, Senate-passed version, that the other
Natives of Alaska realized that, if the Eskimos of the North
Slope were going to have a regional concept, a regional corpora-
tion, that they, because of their amassing of a lot of the land
and money in a regional concept, that perhaps they would dominate

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1 the rest of the Native movement and that's when the regional
2 concept bore fruit.

3 But, again, trying to have a viable, powerful corporation,
4 or whatever the mechanism would be, come out of the settlement,
5 you had to have the regional concept.

6 Now, another great movement that took place was there
7 was going to be a statewide corporation. Well, that was very
8 hurtful to the North Slope Eskimos because, in a statewide
9 corporation, they would own five percent of the stock. Western
10 society had moved into the North Slope just in the beginning of
11 the 1960s and their ability to protect themselves as against the
12 Natives, that is, more vigorous in the sense of Western society,
13 they would be lost, they would be swallowed up.

14 Another concept that was hurtful to the Native cause
15 in the statewide corporation was manifested in Chairman Aspinall
16 and Chairman Haley's version in the spring of 1971, just a few
17 months before settlement. He wanted the bulk of the settlement
18 to go to the statewide corporation, and who would appoint the
19 directors of the statewide corporation but the governor of
20 Alaska. So you have no self-determination at all, very hurtful.

21 Another task we in the Native movement had to combat
22 was the idea of pro bono counsel. Justice Goldberg and Ramsey
23 Clark, no doubt, are the most well motivated people in the world,
24 but unless, under the rules of capitalism, unless the client
25 pays the lawyer, the lawyer's doing it just to be a good citizen,
that file is always at the bottom of the heap. The pro bono
lawyer does not devote the attention or time or talent of which
he is capable to the cause of the client. The pro bono lawyers...

The background of Ramsey Clark was for many years he
was Assistant Attorney General in charge of lands and natural
resources, which, in turn, had charge of the Indian litigation,
which, in turn, meant that when an Indian nation sued the United
States in the court of claims, it was Ramsey Clark's duty to



1 oppose the merits of that case. He was fighting tooth and nail
2 to protect the treasury of the United States against the Natives,
3 and the idea that Natives had land rights, according to his
4 heritage of many years as Assistant Attorney General of the
5 United States, was, "of course Natives had no land rights" and
6 the... One of the problems we had was, speaking of these pro
7 bono lawyers, is that one of them had lately graduated as
8 solicitor for the Department of the Interior.

9 Now, eventually Ed Weinberg got to believe in Indian
10 rights through Don Wright's great leadership, but for two years
11 before he got education, Ed Weinberg didn't believe in land
12 rights, and yet he's general counsel, so to speak, for the Alaska
13 Federation of Natives. There has to be a belief in the integrity
14 of the rights of the client and the problem of educating the pro
15 bono lawyers was difficult.

16 Now, a word about the drafting of the settlement act.
17 Let me throw out a figure. It is a thoughtful figure, I have
18 made a study of it. I would like to tell the commission that
19 the lawyer's fees arising out of ANCSA must be at least 50
20 million dollars. Everybody's suing everybody else. They've
21 got boundary disputes, they've got internal squabbles, they've
22 got enrollment problems. Some dissident gets angry at management,
23 the 7(i)litigation... I don't know how much that cost, but
24 many, many millions of dollars. Now, who did the drafting of
25 the settlement act?

As I indicated, by and large the legislation was drafted
by two people, chairman of the House committee and chairman of
the Senate committee. Now, congressmen and senators don't do any
drafting personally. They have staff for that. Let me illustrate
what happened in December, November and December, of 1971. Now
we have a House version and we have a Senate version. They're
different. So the two houses of Congress have to get together
and iron out their differences.

1 Early on, we must remember that Senator Jackson was
2 running for president, so Aspinall dominated the Conference
3 Committee and, of course, it was a House bill which was used
4 for a mark-up for the ultimate bill that was passed. The House
5 bill, by and large, was written by Louis Ziegler. Louis Ziegler
6 was a graduate of the Department of the Interior for 25 years
7 and the Department of Interior never believed... the solicitor's
8 office, never believed... Well, that's pretty strong, but
9 usually they did not believe in Indian land claims. Felix Cohen's
10 an exception, Nathan R. Margo is an exception, but Ziegler never
11 believed in Indian land rights. He's the one that drafted
12 Aspinall and Haley's bill, introduced a little bit earlier.

13 So the Native leadership, whether it was the Artic
14 Slope's lawyers or the AFN's lawyers, all of us tried to work
15 with Ziegler. All of us tried to work with Bill van Ness, but
16 there was no way. They were doing their own drafting. Primarily,
17 Ziegler did the drafting and the... the mess that settlement has,
18 that settlement act has, in the internal mechanism of the statue,
19 never mind the yield, the 40 million acres and the billion
20 dollars, just the internal mechanism was a product, by and large,
21 of Louis Ziegler.

22 Race prejudice was a great deal involved in our
23 settlement and race prejudice has many manifestations. Now, I'm
24 going to mention limited entry for two reasons, the first is
25 a little harder to demonstrate. But society can, as I say,
implement race prejudice in lots of ways. In order to qualify
for a limited entry permit so that a man could go out and catch
a few fish for cash and catch a few fish for subsistence, it
depended upon what records you kept. If you fished during the
magic years, 1971 principally, and had records to prove of a
certain number of landings, you got a free permit. If you
couldn't produce those receipts, and by and large, Natives don't
preserve records for income tax purposes, you didn't get your



1 permit, which meant that you were on the beach. Throughout the
2 whole state, and including rivers, too, there are hundreds of
3 thousands of Alaskan Natives who cannot fish commercially. In
4 Bristol Bay and the Aleutian Islands, the forecast during the
5 magic year was a poor fish run, so the Natives went out and went
6 fire fighting. They got good wages for fire fighting. They
7 obeyed the estimates of the Fish and Game people that it was going
8 to be a poor year. "Well, if it's going to be a poor year, I've
9 got to make some money," so they went fire fighting, which, in
10 turn, meant they didn't get a permit.

11 There is a beautiful report out by the name of...
12 written by the name of Kosloff, K-O-S-L-O-F-F, from La Jolla,
13 California, who made a study of four villages in Bristol Bay,
14 and out of a potential hundred fishermen, there were about four
15 permits.

16 Now, limited entry is also important for the purpose of
17 this inquiry because these permits are very valuable, they're
18 transferable, they're alienable. It's like having money. You
19 can go into a store and buy. You can take your permit and get
20 some cash for it. Some of the permits... I don't suppose anybody
21 could get a Chignik permit today. Chignik permits must be
22 worth 400 thousand, 500 thousand dollars. The fishermen there
23 make 200 thousand dollars a year. Bristol Bay permits are 100,
24 150 thousand dollars. These permits are being sold, I'm talking
25 about the Natives now... The Natives who have permits are being
sold, they're being sold and they're being sold and they're
being sold. Take a little village like Angoon. I think it's
got two permits now. Hoonah has ten or 12 and you can go up and
down the coast. Dr. Steve Langdon has done a study on transfer
of permits, a beautiful study.

Now we've got 1991 coming. What's going to happen
to the stock? In the permit situation, you only got one permit.
But supposing you've got four sons and daughters, and daughters,

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1 by the way, are operating boats, who are you going to give it to
 2 when you die, or maybe you're going to sell it for your old age?
 3 Maybe... You know, I guess there's a few natives who get drunk
 4 once in awhile, so maybe you get drunk and you sell it. It is,
 5 in lots of ways, a blueprint of what's going to happen to the
 6 stock certificates out of the ANCSA corporations.

7 Now, again, I want to give my applause to the concept
 8 of the... of the Alaska Native Review Commission and I hope that
 9 the whole Native community supports it.

10 Thank you very much.

11 MR. BERGER: Thank you, Mr.
 12 Paul. Mr. Al Ketzler, could we call on you now?

13 MR. KETZLER: Well, thank you.
 14 It's a pleasure to be here, Mr. Chairman, and I notice in the
 15 papers you sent out, the agenda and procedures, you were using
 16 '68 and '69 as a basis of some of the, you know, the discussion
 17 here. I'd like to go back a little further.

18 I became in land claims, actively involved, in 1962
 19 in Nenana when I was a young man there. I had been chief at a
 20 time before, but in the early 1962 there was discussions among
 21 the Native council, the chiefs and the people there, that had
 22 a number of concerns about what the state was doing because in
 23 the Nenana area there was a lot of land selections that were
 24 taking a lot of the traditional use lands so there would be no
 25 way for a Native to ever become owner of those lands, and those
 were what they called the university lands or mental health lands
 they had there, specific purpose lands. But we were losing the
 use or the ownership of... So the chief at the time, Alphons Denientief
 sent out a letter to a number of the Interior villages, inviting
 them to come to Nenana in February, when there were dog races held
 there and a big celebration.

So ten villages showed up and we had a couple of days
 of meetings discussing the problems and, of course, the problems



1 we had then are still here, basically. We may have progressed
2 some on them but the discussion got around to what could we do
3 about it and was there a way to maybe do something statewide or
4 regionwide, and we got back to the Tanana Chiefs' Conference,
5 which was a meeting of the Tanana area chiefs which met in
6 Tanana, Alaska, where the rivers come together. They had a
7 celebration they called Noochugholoyit which when they
8 gathered there, they had their games and so on.

9 The last meeting we knew of that was held by the
10 chiefs was about 1915, so this was 1962. So we decided, the
11 group there decided, that they would revive the Tanana Chiefs'
12 meetings. We would come together and talk about all of our
13 problems and see if we could organize and do something about all
14 the issues we had discussed, which was land loss, loss of the
15 use of land, employment, education, the whole gamut of problems.

16 I was not, like I say, I was not the chief but I
17 attended all the meetings and, by a concensus of the group, I
18 was going to be the one to organize the Tanana chiefs' meeting
19 in Tanana. So, with the help of another organization where I
20 got some money from them, I was able to hire a part-time secretary
21 and... I'm going to do a little commercial here. The Association
22 of American Indian Affairs helped pay for a secretary and some
23 of the expenses that we incurred setting this meeting up.

24 We sent out letters to all of the villages in the
25 Interior and, in fact, I think I went far afield. I was sending
letters way down to the Bethel area and we organized it. The
village of Tanana got into it. They organized Noochugholoyit
which they set up in conjunction with their meeting and we put
it all together through a lot of letter writing, being on the
phone and so on, and we, in June of 1962, we held our first
meeting.

At that meeting, I was elected chairman of it for the
first year and we covered all of the years, hunting and fishing

1 rights. Of course, the big issue back then was Rampart Dam
 2 whether they were going to, you know... If they were going to
 3 build it, what would they do with all the people's... that
 4 lived in the area and, you know, about land and education,
 5 employment... You know, who got the jobs in the villages, and
 I think probably we still have basically the same problem.

6 During that time, of course, we didn't have any money,
 7 and, like I say, I financed most of my activities out of my home
 8 and out of my own pocket, the letter writing and so on. My
 9 niece was a good secretary so she helped me out in doing a lot
 of the letter writing.

(TAPE 3, SIDE A)

10 MR. KETZLER: So, during the
 11 course of that first year, after we held out meeting there, we
 12 sent out letters, we communicated with everybody. We sent out
 13 petitions. We tried to organize a petition drive to get the
 14 ... which we eventually sent to the president. It took us a little
 15 over a year to get all of the petitions out and get all the
 16 signatures that we could. You know, we felt we had all these
 17 problems, that we were the owners of the land and that we wanted
 18 some kind of settlement. During that first year of '62 to '63, I
 19 had the... Let's see, I was what, about 29 years old. I'd never
 20 been out of the state before in my life and, through the
 21 Association of American Indian Affairs, I went back to a meeting
 22 with the Secretary of the Interior, who, at the time, was Stuart
 23 Udall, and they had a yearly meeting where all of the Indian
 interest organizations came together and met with him and so I
 went back to attend that meeting. And I must say, I got my eyes
 opened about how the world operates, coming from a little village
 out in Alaska.

24 And all the groups came together and layed out their
 25 concerns and I spoke on mine. After that I went to New York City
 which was, again, an eye-opener for me, as I say, my first trip



1 out of the state.

2 Again, in 1963, we had the meeting in Tanana. We...
3 And those meetings, we had very little money and most of the
4 people that came to them had to supply their own transportation.
5 We did, with the help of a lot of people in Tanana, set up a
6 kind of a kitchen and when everybody came through we fed them.
7 We all chipped in to buy groceries and so on. We had a good
8 meeting and in 1963 I was again elected to be the chairman and,
9 basically, through those times we had the same schedule.

10 We kept writing to the villages, trying to get them to
11 send us maps of all the areas that we used. Later on... I'm not...
12 My memory may have some of the times mixed up, but we did send
13 out a lot of maps to the villages, trying to get them to mark,
14 put on them, the areas that they used and this would be all of
15 their trapping areas, their hunting areas and fishing areas, so
16 we could file them as a claim with the Bureau of Land Management
17 showing the scope of subsistence activities that the natives had,
18 the area they used around their villages.

19 I think my expectation of back then as what was going
20 to happen was that I thought it was going to take probably 20
21 if we were... 20 years if we were fortunate, probably a lot
22 longer. I thought I would be happy to see it during my lifetime
23 and after that 1963-64 term was up, I also held another job
24 full-time so I had to kind of drop out because my travels and
25 activities were just becoming too heavy and another person was
elected chairman. I kind of dropped out of the Native movement
actively, except for the local Native counsel and their works,
say, at home. I did not get back actively involved until the
hearings in '68 and '69, and I was again elected president of
Tanana chiefs in 1969 and '70 and '71, for the three years during
the time of the heavy land claims activity, and I worked out of
... I lived in Nenana. I built my home and I'd work... drive to
Fairbanks most every day. That's, of course, back when gasoline

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1 was a little more reasonable so I could do this.

2 My travel schedule then, of course, became very heavy
3 being involved with Tanana chiefs and being their spokesman and
4 attending meetings. Of course, being on the Alaska Federation
5 of Natives Board of Directors, I was selected as one of the
6 Negotiating Committee members so my time was pretty well taken
7 up. At that time I didn't have a job so the board met with
8 Tanana chiefs and told me they would give me a salary. Then I
9 had to go out and find money to pay myself, so that made it kind
of difficult. Happily, I did get some contracts with the Bureau
of Indian Affairs so we were able to... I was able to work full-
time.

10 We came... Like I said, AFN had been, like I said,
11 heavily involved. All the people there were very heavily involved.
12 Willie Hensley was the Acting Executive Director in... this was
13 1970, so it worked out that I came to Anchorage. Tanana chiefs
14 allowed me to stay on their payroll and come down to Anchorage
15 to be able to work with them and I was the Assistant Director to
16 Willie during that period and then, of course, Willie was in the
17 legislature so when that convened, he had to leave. I then took
18 over from the first of January until June, when Eben Hopson
19 was elected or selected as the Executive Director for AFN.
20 During that time, like I say, I have never been involved in any
kind of activities like this. I'd spent most of my life just
working. I was a mechanic for the Federal Aviation Agency, as
it was known back then.

21 I'm not really sure what my expectations were. Back
22 then I had more of the view that, if we could have our own things,
23 we could hire our own people and do our own... economic development.
24 We could, you know, create our own employment and make sure our
25 children were educated in the kinds of things they had to do.
Today I have a little... Well, I guess I'm much more cynical than
I was back then. We've kind of abandoned the cultural and things



1 like... After land claims passed, I was on the board of Doyon
2 for about four years and after I moved to Anchorage I had to
3 become... We have the division of urban and rural. I had to go
4 to the urban side and so I didn't get elected the next term and
5 I'd never ever run again for the board and it's because of, like
6 I say, what happened to the Native movement. I think it was
7 thrown too far over into the Western civilization, their type
8 of business and management. I think we've kind of lost the Indian
9 way of doing, what we are, and the more I think about it, the
10 more I think the IRAs or some other type of government would be
11 better. And if we take, as Fred was saying, how much we spent
12 on attorneys' fees, we combine that with all of the losses of
13 all of the regional and village corporations have managed to
14 lose, if we combined that all and paid it out on a per capita
basis, I think we'd all be pretty well off. At least we'd have
the pleasure of losing our own money and spending our own money.
But, happily, the land is still there and there is a big move
for preparing for 1991.

15 So... (PAUSE) I think I'm kind of jumping ahead.
16 I was thinking about what my aspirations were and I get carried
17 into what I'm thinking about as what's happened since then.

18 I think my main aspiration was that we could be a little
19 more a master of our own destiny and that we didn't have the
20 Bureau of Indian Affairs there telling us what to do or how to
21 do it, or as Senator Sackett has said, they held us back for
22 50 years. We haven't been able to participate and become full-
23 fledged members of society, regardless if it was going to stay
24 in the native subsistence society or join the Western civilization
25 as an eight to five wage earner or businessman or whatever.

So I think my expectation is that... were, basically,
that I was totally suprised and very happy that we didn't get the
land claims settlement and I think it was kind of a much different
settlement than any other Indian or Native group in the United

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1 States has ever gotten. But like I say, I am a little disappointed
2 at the direction it's taken.

3 I'll probably close on that. I think I respond better
4 to other kinds of questions or discussion, and would prefer that.

5 Thank you.

6 MR. BERGER: Thank you, Mr.
7 Ketzler.

8 I wonder if I could just go back, Mr. Paul, to what
9 you said about limited entry. You said that limited entry
10 offered some notion of what might happen in 1991 when shares
11 become transferable. Did you have any statistics on the loss...
12 apart from those you gave us, any statistics on the loss of
13 permits?

14 MR. PAUL: I don't have them
15 with me. I can get them and I'd be happy to file them with the
16 commission. There are a number of studies out. George Rogers
17 has written a beautiful report on the impact of limited entry
18 on a village, Kosloff's report, Steve Langdon has some patterns
19 of transferability of the limited entry permits. The material
20 is available and I'd be... and I have it and I'd be happy to
21 file it with the commission.

22 MR. BERGER: Thank you. Mr.
23 Frank?

24 MR. FRANK: Thank you, Mr.
25 Chairman.

26 I first heard of land for Native people in Alaska in
27 1938. At that time, a dream was put forth at a meeting held at
28 Minto, Alaska, a public meeting. This dream was that there should
29 be land put aside for individuals and as a community as a whole.
30 Perpetual ownership for individuals and perpetual ownership as
31 a whole would protect the Native people in the future. That was
32 the dream that was put forth at that meeting.

33 I'd like to talk about those dreams and then I'll talk



1 about the present claims as we see it, being a board member on
2 the village level.

3 It was always put forth by the older people that the
4 most important thing in life to relate with was land and the
5 mechanism to get it was a problem. They knew that and they always
6 did rely on the younger generation to work that mechanism for it
7 to be satisfactory with all concerned. Hopefully, some of these
8 days, to be recognized in the future, the ownership of perpetual
9 land is the way, and we do know that this is being contested
10 worldwide by different factors.

11 At one time in the history of Minto, we voted for
12 Indian reservation. When the final vote came to the floor, we
13 asked each other what is an Indian reservation? It was explained
14 by the local teacher but we weren't satisfied. We sent for
15 another Native leader that had a strong background in religion
16 faith. He came from Nenana and explained to us. That gentleman's
17 name was Arthur Wright and he told us what is a reservation, and
18 also the strong advice of retaining land ownership underneath
19 the IRA status.

20 They voted down the reservation at that time. In the
21 year of 1939 we became underneath the IRA status. As a young
22 man in those days, in 1938, I was 11 years old. I have always
23 been involved in the ownership of land for the Native people.

24 The anticipation that we dream of is better homes,
25 better living conditions, education, and, in the future, present,
exercise the strong cultures of the Native people of Alaska.
Once we lose that culture, we lose our identity. That's the
same thing that we relate with the land. Just a brief history
of our interests.

As a representative of the Fairbanks Native Association,
we held a hearing here in Anchorage in mid-1965. At that time
I threw up a figure of perpetual ownership for each native
person here in Alaska, 1,000 acres. That's newborn and all the

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1 people in the future, Native people. To this day, I don't know
2 what became of that figure.

3 We hold hearings upon hearings upon hearings and,
4 hopefully, we won't exhaust ourselves and say this is the last
5 hearing. The resources of the Native people are very important.
6 The resources of the younger people, which the bill exhausted...
7 One of the prime resources in the world is human beings. On
8 December 18th, 1971, relinquished... that bill relinquished the
9 Native people in the future. Any Native person born after that
10 date cannot participate with the present bill.

11 I'd like to pick the bill apart a little bit. When I
12 first heard of the bill being passed, I wasn't there. Like Mr.
13 Ketzler, we worked for a living during those years and we weren't
14 really involved in putting the bill together. I don't hold any
15 animosity against anyone except the people that put it together,
16 that's the Congress, senators, and the bill makers in D.C.

17 I think that we, as a Native nation here in Alaska,
18 should be recognized as a nation and be treated as a nation.
19 The things that I really anticipated when I heard the bill passed
20 was that, like I said, better homes, better living conditions,
21 health conditions and education and culture... a strong culture
22 involvement. When I saw the bill the first time, it was very,
23 very discouraging. With 200 corporations, there's no way some
24 of them will survive. There is absolutely no way that they can
25 survive. We have to help each other.

Also, the bill, itself, put Native people against each
other on the profit-making organizations and the nonprofit...
we called social services organization. They both try to do
certain things, but they have to work with each other. A
prime example, the top Native leaders of the organizations,
the regional corporations, are not here today to discuss what
is going wrong and what we should be looking forward to and what
we did wrong in the past. They should be here instead of me.

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1 Congress said, "Here's a bill that's new to you people,"
2 meaning the Native people, the people of Alaska, "and new to us."
3 In the bill, they inserted that there should be a commission
4 looking over the status and report of the status of the Native
5 organizations. To this day, nobody ever came to Minto and said,
6 "Gentlemen, you are doing wrong, right," or, "You are beautiful."
7 They have that. They haven't lived up to their bill.

8 When we start alienating each other, the Native people,
9 trying to satisfy what we're supposed to do, we'll have to
10 become more unified. I think these hearings are very, very
11 crucial. We say that there's going to be some other people
12 involved from foreign countries. My advice to them is that
13 pay closer attention to what your future will look like and the
14 future of offsprings. It looked fine and beautiful when we
15 talked about 40 million acres and 900 million dollars, and it
16 looks disasterous right now.

17 At that time it was too hurriedly put together. Let
18 me give you a prime example as to why. Oil was discovered in
19 the North Slope in 1968. In 1971 the native land claims became
20 a bill, a law, hopefully to satisfy many, many people here in
21 Alaska economically. In that bill, there was a pipeline corridor
22 set aside to extract the natural resources out of the North
23 Slope and that's existing now, we all know. Here's the problem
24 here. Richard Frank cannot go there and take an animal in that
25 corridor. The federal and the state government support that
26 corridor and that land has already been set aside. It's recog-
27 nized by a lot of parties. The land that Richard Frank was born
28 and raised on as a native person here in Alaska has not been
29 deeded to his corporation to this date since that bill passed.

30 If a stranger came up and took an animal off that
31 supposed land that's been set aside for that particular corpora-
32 tion and broke the law, the federals and the state is not going
33 to take care of that problem like they take care of the problem of

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1 the corridor. These are examples of what is wrong with the bill,
2 itself.

3 When I say that we alienated ourselves from the future
4 generations, the bill says no one can be involved in the partici-
5 pation after December 17th, 1971. That was totally wrong.

6 I hope that in the future more hearings as to the
7 progress of the Native people here in Alaska will be held and I
8 think that it should be mandatory that one of the things that
9 the prime issues, the current existing bill, is all human beings,
10 fair and square, we maintain that the United States government
11 is fair and square, these things can be changed. It's just a
12 matter of bringing up the truth, which people are afraid of.

13 Thank you, Mr. Chairman.

14 MR. BERGER: Well, thank you,
15 Mr. Frank.

16 I think I should clarify something. Some of the heads
17 of the regional corporations have been invited to these sessions
18 but this particular session relates to a look back to the late
19 '60s and early '70s, what were people trying to achieve in the
20 land claims settlement, and I think it should be understood that
21 not all of the present leaders of the regional corporations were
22 active in the movement, at least, were not prominent figures
23 then, and so it... We felt we couldn't invite them, if you...

24 Byron Mallott is coming, however, and later in the
25 week when we reach Walter Parker's paper, Charlie Johnson and
Roy Huhndorf are both going to be here. So I think that those
people will be here later in the week. I sincerely hope so.

Well, Mr. John Hope, might we hear from you now, sir?
I'm sorry, I made a mistake. Mr. Flore Lekanoff. Forgive me.

MR. LEKANOFF: Thank you, Mr.
Chairman.

In the spirit of the Alaska Native Review Commission,
who I think are to be commended, all the personnel involved, for



1 getting a group of Native leadership that participated in the
2 birth of a great movement over a decade ago, and in reviewing
3 what occurred as we best remember it, in those days, in the early
4 days, when we were looked upon as young sprouts, young Native
5 leaders. Some of us are now looked upon as senior citizens and,
6 hopefully, respected elders by the upcoming young people. I
7 think some of us are eligible for that now. I hate to put our
8 hands up but if we have reached the age of 55 we certainly are
9 eligible to carry a senior citizens card and my colleagues and
10 I, I'm sure, have come pretty close to that or have passed it a
11 little bit.

12 That means we have become philosophers, having passed
13 the age of 45, so I guess we can philosophize some and look at
14 some of the aspirations of ourselves and the leadership with whom
15 we've worked in the past.

16 In the beginnings, as was rightfully corrected, the...
17 I think there has to be some sense of humor here and if I get out
18 of hand, Mr. Chairman, please raise your hand... I was, indeed,
19 selected as the first chairman of the AFN when they met here in
20 Anchorage in 1966. It was quite a delight. I think the reason
21 they did it was the Eskimos looked at the Indians, you know, and
22 the Indians looked at the Eskimos, and there were quite a large
23 number of them in the room, and then they looked at me and there
24 weren't very many Aleuts there and they said, "Well, one way to
25 take care of this dilemma in selecting a chairman is to pick on
an Aleut," and they all looked at me and there I was, elected
chairman of that group, much to my pleasure. I wanted to be
very much a part of the movement and that created it.

And after that, of course, we must give a lot of credit,
if we may mention, to a lot of people who were in the neighborhood
of Fairbanks and that vicinity. At that time we were involved
heavily in introducing anti-poverty programs in the Interior
Alaska, all the way from Fairbanks up to Barrow and Wainwright and

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1 Anaktuvik Pass and down the rivers and so on in 13 different
2 villages, and quite a few people were involved in this. Ruby
3 Tansy John was one of them, and Charlie Edwardsen and many
4 others. Among those who helped put the articles and bylaws
5 together, stationed in Fairbanks as I was then, I must give
6 credit to Barry Jackson, who is not here. He was an attorney
7 helping out in the Fairbanks area and Ralph Purdue, whose name
8 I see at the table here and he's sitting in the back there with
9 a yellow shirt... I must give Ralph Purdue a lot of credit
10 for the Fairbanks Native Association and the way the Fairbanks
11 Native Associations handled themselves in great dignity and
12 put things together and helped out in creating the articles and
13 bylaws, which was a lot of work, by the way. It took six months
14 to put that piece of document together, with many of the Native
15 leadership who are here participating in this thing. Just to
16 name a few, Ralph Purdue, Al Ketzler, Don Wright, Richard Frank,
17 Ruby Tansy John, Charlie Edwardsen and others, living in the
18 interior. It took a lot of concentrated effort on the part of
19 those people in the Fairbanks Native Association to help put
20 that document together.

21 Shortly thereafter, our offices were moved to Anchorage
22 and I ended up in Anchorage, here, and immediately stole Emil
23 Notti away from the Human Rights Commission. He was doing a
24 very good job in the Human Rights Commission office but I think
25 I enticed him in a little better way and gave him a job with
the ASCAP programs, in those days, and, of course, there's a
method in your madness at times, you know. We needed a president.
We needed to adopt the articles and bylaws and elect a president
and it wasn't as if, you know, you tell somebody, "Get thee behind
me and give me a push" type of thing, but I saw in Emil a very
dedicated type of person and the type of person who could do
real well in running AFN out of his own pocket. In those days,
AFN didn't have any money. Thanks to Don Wright and others who

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1 were going around scaring up funds... And we have to give a lot
2 of credit to Don Wright. He was able to get help from all over,
3 including Yakima tribe, which he did not mention, and I think
4 over 250 thousand dollars was borrowed from the Yakima tribe
5 by Don Wright, as president of AFN, and an additional 100
6 thousand dollars previous to that was loaned by the Tyonek village.
7 We have to give credit to these organizations for having helped
8 put the organization together, because without them, we would
9 never have survived, including a lot of the churches that
10 participated. A lot of individual sacrifices were made and, in
11 that, we must not forget the Native leadership at that time who
12 sacrificed a lot of their time... because they loved their
13 people and they wanted to see something substantial come of a
14 legislation of great immensity and importance in the history
15 of the Native movement in Alaska. These Native leaders, some
16 of them are here and some of them are not here, but they devoted
17 a lot of time and effort on their own time without pay when, in
18 fact, as Fred Paul indicated, many of the attorneys and consul-
19 tants got their pay, legislated, in fact. The Native leadership
20 dug into their pockets and got contributions to get the job done.

21 I thought it would be amiss on my part, as first
22 chairman of the AFN, if I did not give credit to all of the work
23 that was done by the Native leadership in getting the movement
24 to move forward.

25 I'd like to mention a couple of things other than
that and then I'll get to the meat of the statement I'd like to
make, Mr. Chairman. Back in the report, in the spirit of ANCSA
of the native aspirations, there's a little comment here.
Evidently a statement was made accredited to Charlie Edwardsen.
He mentions the "greater self-determination for the residents
of the Pribilof Islands." I have to say something about that
because that's where I was born, on St. George on the Pribilofs,
and I also, in connection with that, must give a lot of credit to

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1 Howard Rock, the past Howard Rock, the great editor of the
2 "Tundra Times" who was also in Fairbanks and was a member of
3 a commission that investigated the case of the treatment of
4 the Pribilof people for many, many years, over 50 years under
5 the United States government and, prior to that, under the
6 Russian regime years before that. When he came to me... There
7 was a commission of five people elected to investigate the
8 Pribilofs.

9 I just might speak hurriedly here and tell you a little
10 bit about that because I think it's of a great deal of interest.
11 They went out to... as funded by the governor, to the Pribilofs
12 and asked all the people, had meetings and hearings and all that
13 goes with it and colorful demonstration, and came back and made
14 a decision three to two. In fact, the Pribilof people were
15 never in servitude and many of you who have read the book,
16 "A Century of Servitude" written by Dorothy Jones, will be
17 rest assured that there was servitude on the Pribilof Islands
18 for 100 years or more... almost 200 years, in fact, and I was
19 a part of that, in fact, I was. And born under it and was in
20 child labor. I didn't bury a child, you understand, but I was
21 used for labor when I was 13 years of age and so on, and that
22 was the way it went. My father was put to work after he had
23 completed fourth grade. Whenever you became a sizeable person,
24 you know, workable as a horse might be, you were put to work
25 and that's the way the things were out there.

And getting that case to the "Tundra Times," Mr. Rock
called me and I was teaching school at Kotzebue at the time for
the Bureau of Indian Affairs and he told me about the results.
I said some words that I can't quote here, but I... we got an
interview and I said, "By all means, Howard, you must reconvene
that commission and get that out there and review it because a
three to two vote is pretty close and I'm sure as I live that
it's wrong." It is wrong.

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1 And hurriedly, of course, the headlines were in the
2 papers. My picture was shown there a long time ago. You know,
3 1964 is a long time ago. I looked much younger than I do now,
4 younger, you know. As a result of it, they reconvened the
5 commissioners. They went back out, took a look at it, came back
6 and said, "Indeed, there was servitude."

7 The reason I mention that is that, in the history of
8 the land claims settlement act, through the efforts of our attorney
9 at the time, Roger Conner, who is in the Supreme Court of the
10 state, and Bill van Ness and others in Congress, you know, we
11 had pursued, under the Fair and Honorable Dealings Act, ICC
12 claim, some award from the government for that treatment and it
13 was about to be wiped out with the passage, at the 11th hour, of
14 the ANCSA in 1971. And it was in the 11th hour, running up and
15 down the halls of the United States... Washington, D.C., our
16 capitol, within the domes there, we ran to and fro, reaching
17 every person we could reach, and practically ran Bill van Ness
18 into circles to hit this person and... Not physically... contact
19 this person and that person and so on, and finally we ended up
20 having the Fair and Honorable Dealings Act dealing with the
21 servitude of the Pribilofs pulled out of the ANCSA, and in 1980,
22 eight million dollars was awarded to the Pribilof people as a
23 result of that. They're yet to get all of the payment. They've
24 gotten a large sum of it but they're still waiting for partial
25 payment of those funds, which is great. I mean, I think there
are some good things that ought to be said and that's one of
them. That's a success story, thanks to Howard Rock, the "Tundra
Times", and the people who supported the "Tundra Times." I
think, without it, we would not have gotten where we did.

 There's another good one. I think this one has to
do, somewhat, if we may connect it to the Native aspirations and
the Alaska Native review, is what Charlie Edwardsen said,
exactly, self-determination of the residents of the Pribilof

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1 Islands, and that is, the people out there should govern
2 themselves instead of having the government do it for them.
3 You know, the ANCSA made that possible and without it, we wouldn't
4 be where we are today. What I'm saying is a recent history.

5 Last October, October the 14th, the president signed
6 a piece of document setting the people free. You know, in the
7 old book, the Great Book, "set my people free", you know, was a
8 great saying and it's been passed down, 4,000 years perhaps...
9 "set my people free." And President Reagan signed this document
10 and set my people free. In essence, that may sound great on the
11 surface. Yes, it really does, but there's a lot of responsibility
12 that goes with that, being free. Many of us have been working
13 on this for some time.

14 I want to mention hurriedly here that, along with the
15 document, I went back, in fact, I went back to the Pribilof
16 Islands of St. George and worked for one day and became eligible
17 for 13 years of retirement from the federal government. That
18 was just part of the goodies that I got out of doing something.

19 But we received, as sort of a going away present from
20 the federal government, 20 million dollars. Twenty million
21 dollars seed money was legislated into this pullout, and that
22 pullout became official November 28th of 1983.

23 So, you see, there are some blessings in disguise in
24 the ANCSA and the Native aspirations. Now we do have some seed
25 money, not to mention the bird cliffs that we sold back to the
26 government, that's another story in itself, Mr. Chairman. I
27 just have some nice stories to tell you.

28 The Pribilof Islands are the largest seabird nesting
29 grounds in the northern hemisphere. Ninety percent of those
30 birds nest on St. George. Unknownst to the government, they
31 gave us that land under the land claims settlement act, the
32 bird cliffs. So a few years ago these bird cliffs were, you
33 know, made attractive to the federal government. You know what?

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1 They gave us over seven million dollars for them.

2 If it hadn't been for these kinds of ideas and gimmicks,
3 if you will, opportunities, we wouldn't be where we are today in
4 the Pribilofs. It's a case where we have to be innovative and
5 do everything we can to help ourselves. Now that gets me to
6 the meat of what I wanted to say.

7 I thought I would just give you a few little tidbits of
8 interest, you know, before I give you what I think is a sum of
9 philosophical thoughts about the Alaska Native Review Commission,
10 here, and the things that you're doing, which is great.

11 Number one, before I get to this, it's great because
12 it's got some of us, who haven't seen each other for so long,
13 together. That's wonderful. We have worked together in the
14 past and this gives us an opportunity to renew acquaintences.

15 What I had said in my testimonies, as you have read in
16 the report so beautifully put together by Ann Riordan... Riordan,
17 excuse me if I mispronounce that. Two things, and these are
18 brief but very important. It's education and jobs.

19 I talked about that and it still is with me. In fact,
20 with my colleague to my left here, we have spent some time in the
21 field of education, hoping... You know, personally, I believe
22 it's great and I give a lot of credit to our young people today
23 who pursue higher education. The truth of the matter is, the
24 statistics tell us that 85 percent of our young people are not
25 going that direction. They're not going to get into college.
If they do, out of the 15 percent, half of them may succeed and
the other half, some of them go there to find a good mate. We
know it. That's a good idea, get a real fine wife or a husband
and so forth. You know, that's a good place to match-make, an
institution of higher learning. They learn better things.

(TAPE 3, SIDE B)

MR. LEKANOFF: But, education
and jobs. I think if nothing else has helped to speed up those

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1 two things in our state, it's the ANCSA. Speed up, not
2 particularly great improvements and all that, but to speed it
3 up so that our young Native people can pursue higher education,
4 if that's their wish, trades, vocational training, industrial
5 training and jobs, finally. Because you can have all the
6 education that you can get and not have jobs and not be able
7 to bring home bread and butter. You have nothing.

8 You know, that sounds like words out of a book that
9 I read. If you have all the education you need and have no job,
10 you have nothing. So we must, I think, work towards those
11 goals, working first of all for number one, ourselves, because
12 we make the population of the Native people, each one of us who
13 are one. I think the number two is that we must take care of
14 our immediate families. Some of us who are raising families
15 must take care of those families. That's important. The
16 other is we must look after our interests in the village corpora-
17 tions and the regional corporations. That's real important
18 because what we do, as was previously mentioned by John
19 Borbridge earlier, in education our shareholders, I think, is
20 real significant. We must do a better job of doing it.

21 I could speak on forever on the topic of education
22 because it's one of the things that is in my heart and I would
23 like to see everyone affluent in the Western culture as much
24 as possible because that's the world in which we're going to
25 compete for a long, long time, and better we are knowledgable in
the ways of the Western world, Western European culture, the
better off we're going to be regardless of where we were 100
years ago. It's here to stay. Just look at the way the
education is going in rural Alaska today. You don't have to
look very far and you will see the direction of that education
going into the urban-type life. The television, the media,
you know, the newspapers, the kinds of things... The textbooks,
we can't dictate the kinds of textbooks that are out there. The

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1 school boards do that and the school boards hire the superinten-
2 dent. The superintendent gets these things and hires a
3 curriculum director and all the rest of it which pushes what
4 for our young people? Let me tell you. From this person's
5 standpoint, they push the glory and the glamour of the urban
6 life. So where are most of Alaska Natives today living? Here
7 in Anchorage.

8 Look around you. Nearly 16,000 Alaska Native people
9 live here in Anchorage, give a few or take a few. That's a
10 lot of Alaska Native people living in one community. Why are
11 they here? That's because of the kind of education we've been
12 giving them in the past and because the jobs are here. The
13 opportunities are here. We'd better get busy with our regional
14 corporations and our village corporations and create some jobs
15 where these people live. If we don't, we're going to lose the
16 villages.

17 I could tell you what we're trying to do at St. George.
18 We're trying to establish a bottom fish industry, and I hope
19 we're successful, to keep our people there. But we must invest
20 elsewhere because not everyone is a seagoing person. There are
21 some landlubbers and we'll always have those kind of people,
22 too, and we must take care of them. Besides, more than half of
23 our shareholders don't live out there in the villages. They
24 live here on the mainland. So we have a responsibility, and
25 I'm a board member of the village corporation and that's why
I'm concerned.

I could be doing other things, but I think I'm doing
the kinds of things I love to do and which I really have been
involved with with you all, if I may use a Southern term here,
from the very beginning, and that is to help the rural people,
our native people. And I'm glad, to this day after all these
years, I am involved in a village corporation and I will, as long
as I can survive, if you know what I mean... Some of you know

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1 what I mean. If I can survive the political arena of the
2 village corporation and the board setup and the way these things
3 operate, I'll stay. But if not, fortunately for me, I do have
4 credentials that I can use elsewhere. But I am doing what I
5 most love to do and that's to help our Native people. We're
6 here to stay, so let's, again, remind ourselves in this great
7 effort of the Alaska Native Review Commission and the Native
8 aspirations, what is it we most want out of this whole thing?

9 I think it's self-respect, number one, for everybody.
10 Not just the Native person, non-Natives as well, self-respect...
11 but mainly for the Native person. Equality of treatment,
12 equality of treatment, I think that's very important to all of
13 us. Let's be treated equal, regardless of where we go.

14 I don't know whether I should mention this, but I
15 got a phone call the other day. I'd half forgotten three years
16 ago, John, that I had applied for a job with the state in the
17 state Department of Education. I was told on the phone the other
18 day, I won't tell you who told me... I do have spies in Juneau...
19 that I was the highest qualified person for that job that was
20 open... Had the best credentials, but I wasn't hired and the
21 people wanted to know why. Did I ever pursue it? Well, I
22 didn't know I was the highest qualified. You know, I thought
23 I'd like to live in Juneau, close to my colleague here, and,
24 you know, it's the capitol city of our state, and be close to
25 the governor and all this good stuff. My wife is from Juneau,
by the way. So I thought that would be a good idea. But, you
know, I think there's something wrong, I want to suggest, when
a Native person applies for a job. I think there are some
things that are wrong still today, even after... I don't know
how long ANB has been in existence... I think there are still
some things that are wrong with the way our people are treated
and I think we ought to do a lot to correct those.

We're far from arriving. We've got a long ways to go,

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1 and I'm running out of time, and I could go on, I suppose, but
2 I want to thank you for listening and commend very much those
3 people who are conducting this review commission.

4 Thank you very much.

5 MR. BERGER: Thank you, Mr.
6 Lekanoff. Mr. Hope, please?

7 MR. HOPE: Thank you, Mr.
8 Chairman.

9 I'd like to thank the commission for undertaking this
10 task. I think it is provident. I think that, sometimes in
11 the Indian or Native world, some things that we didn't plan
12 bear better results than those things that we plan for ourselves.

13 I think, as a result of these hearings, probably some
14 information will get out that may be helpful for our future
15 and I'd like to express my personal thanks for your efforts.

16 I had no direct role because I was government employee
17 during the formation of this, however, I was involved in the
18 first statewide movement of Alaska Natives, the group that
19 Al Ketzler mentioned. The Association of American Indian Affairs
20 sponsored a statewide gathering in 1964 in Fairbanks in which
21 all the Native organizations then in existence in the state
22 of Alaska were invited to a statewide conference. I was grand
23 president of the Alaska Native Brotherhood and, fortunately,
24 we had our own budget that allowed them to pay my way to that
25 conference. It was the forerunner of the AFN.

During the AFN I missed the first meeting, the 1966
meeting, but I haven't missed a meeting since 1967 and I've
been a parliamentarian ever since that time. It was very
important that a divergent group of people, such as the Aleuts
that Mr. Lekanoff mentioned, and Athabascas, Tlingits and
Haidas, and Tsimshians, perceive that things are being conducted
in a fair and impartial manner and I try to do that. Mr.
Notti also prevailed upon me when he was president to look at the

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1 constitution. He said that there was some need to revise it and
2 he made me the chairman of that group and I participated exten-
3 sively then. Mr. Jackson, of course, was highly involved. Barry
4 Jackson was the attorney at that time.

5 I believe, Mr. Chairman, that the oversight that you're
6 having, and I consider this sort of an oversight hearing, would
7 have been very beneficial had Congress done the same thing, had
8 Congress, as part of ANCSA, mandated oversights of the results of
9 that act, perhaps on a three year period or a five year period,
10 a review of what transpired as a result of the act or what
11 didn't happen that was supposed to happen as a result of that
12 act. I think a lot of mischief, perhaps, would not have occurred
13 or mischief would have been reduced had Congress mandated a
14 review of the progress of the claims.

15 The secretary is supposed to give a report to Congress
16 on an annual basis. I have a feeling that he doesn't do what I
17 think is required. I think the secretary is required to report
18 on a progress and all those impediments that are inspired either
19 by agencies or by conservation groups, anything that might
20 impede the progress of the act, should be the responsibility of
21 the secretary. He is mandated to report and I don't know what
22 he reports on, if he does report, in fact, what is happening.
23 Maybe nobody reads it, but I don't see any benefits from the
24 annual report and now we're looking forward to the 1985 report,
25 which is the same section of the act requires that he give an
annual report. I think this was a substitute for that, although
we're quite far into the ball game and we can't make any mid-
course corrections at this stage. In some cases, maybe the
target is long past gone, but I think there will be some benefits
to us as a Native community.

I think that it's very good that you break these down
into the categories that you have, drawn the aspirations, and
we're very fortunate to have the people involved in formulating

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1 and trying to influence Congress. After all, it was a congressional
2 settlement, people who were trying to influence Congress. I
3 think, by and large, they were successful. I think that the
4 only standard they had to measure against was the reservation
5 system and there was a very strong feeling in the Native
6 community against that type of a settlement. So we ended up with
7 the settlement that Congress passed. It differs a great deal
8 from judicial settlements.

9 I think the Native people may have been influenced by
10 the Tlingit and Haida suit that was initiated by a statement made
11 by Pierre Simpson that's in this... Pierre Simpson was a Tsimshian
12 and he came from Old Metlakatla. He talked to Mr. William Paul,
13 Sr., Mr. Fred Paul's father, and he planted the seed of the suit
14 against the United States government in 1925. Mr. Paul thought
15 that perhaps the time was not the right time because we had just
16 attained citizenship and our greatest desire was to become very
17 good citizens and we thought it was not the right time to initiate
18 a suit. The ANB finally, in their 1929 convention in Haines,
19 passed a resolution directing its officers to pursue a settlement
20 of the lands that were taken.

21 That resulted in the Jurisdictional Act being passed in
22 1935 which allowed the Tlingit and Haida tribes to file a suit
23 in the court of claims against the United States government.
24 In 1940 there was a meeting in Wrangell. In 1941, Mr. Fred
25 Paul, Mr. William Paul, Jr., and Mr. Henry Roden were hired by
the Tlingit and Haida people to pursue that land claims effort.
In 1959, a judgment was awarded to the Tlingit and Haida. In 1968,
they got the money.

So I think, using that as their only measure, the Native
leadership thought that's a long time to wait between the time
you start a land claims effort in the court and the time you see
the results. The legislative thing was very, very new and, of
course, being legislative it is political and a settlement of

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1 nature must be an instrument of compromise. You don't get all
2 the things you want in a legislative settlement, but I think,
3 by and large, the settlement was a good settlement.

4 However, I think the shortcomings that finally developed,
5 where everyone thought because Congress passed an act everything
6 would happen in a very timely manner, in fact Congress said it
7 would do it in a timely fashion without any delays... I think
8 the success of the corporations, if they had received their money
9 and the land in a timely fashion, simultaneously, I think that
10 that probably would have enhanced the chance for success.
11 However, as some of the witnesses have indicated, some lands have
12 not been conveyed to this date. I'm not sure what percentage of
13 land has been conveyed, but from 1971 to 1984 is a long, long
14 time. Some of the monies that were appropriated by Congress have
15 long since gone. When you don't have these things happening in
16 a timely fashion, you can almost guarantee their failure will
17 result.

18 There are some people now, because of 1991, attaching
19 tribal sovereignty. Sealaska conducted a survey of its share-
20 holders quite some time back to get some reactions on various
21 aspects of the corporation, itself, and the act and there were
22 a lot of people who understand the act to have some relationship
23 to their heritage. They have a close affinity between being a
24 shareholder and their heritage and I believe, however, there is
25 no such attachment, that Congress created separate instruments.
They created private corporations on the village level, on the
regional level and on the group level, and there is no direct
attachment to the tribes as such. We share common constituents
in many cases, however, they are separate instruments and the
only attachment that I see is the possibility of a conveyance
of some of the land to the tribal counterpart. However, there
appear to be many, many legal impediments to such a proposal.
However, Congress having plenary authority, as we hear they have,



1 has the ability to do those kinds of things. They have complete
2 control over the affairs of the Indian peoples, and that includes
3 Alaska Natives of the United States, a very, very difficult and
4 complex thing.

5 However, reading in your report and reviewing what you
6 have done up to this point, I think that you have painted a
7 pretty clear picture of what the Native community expected,
8 perhaps what Congress shared in their expectations. But the
9 things that have happened since that time have not happened as
10 the authors may have expected. In reviewing the types of things,
11 I think we're all a lot smarter at this present stage than we
12 were way back then. Mr. Fred Paul and myself, I guess, predate
13 the efforts of the land claims and in those days you had only
14 a judicial settlement and Congress, at one point I think in 1945
15 or thereabouts, the National Congress of American Indians came
16 to Alaska and they asked the Alaska Native Brotherhood membership
17 to join with them and they became... our guide as to how land
18 claims were treated. Right about that time Congress had expressed
19 the fact that they would no longer pass jurisdictional acts.

20 As I understand judicial settlements, judicial settle-
21 ments usually just settle for the lands you lost and you have
22 to prove you owned the land, and then a value is placed on them
23 and you get a cash compensation. You don't ever receive land
24 as part of the settlement. You usually just receive cash.
25 So when you look at the land claims and see that there was a
land settlement as well as a cash settlement, I think the option
was a very good option for the framers of the legislation.

 Whether the other portions of the act should be changed
to reflect what actually happened I guess is something that
could or should be pursued, and that is things should not be
triggered until you get the land, until you get the total package.
The 20 year thing has been taken care of in ANILCA. The stock
alienation thing, of course, has been addressed. No one has the

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1 complete answer to that and I think within the Native community
2 we're still addressing that ourselves.

3 As far as some regions are concerned, 1991 is too far
4 away. Not very many regions, but some of them are expressing
5 that maybe they'd like to have that happen a lot sooner. The
6 majority, however, are a little bit apprehensive of 1991, not
7 knowing what effect that might have on them.

8 Again, Mr. Chairman, I'm pleased to be a participant
9 in the conference. I'll be looking forward to the next session
10 which, I think, addresses what's happening today with the
11 corporations and how can we do it better.

12 Thank you, Mr. Chairman.

13 MR. BERGER: Thank you, Mr.

14 Hope.

15 I wonder, Ann, if you would like to make any further
16 comments at this time in light of what has been said since you
17 presented your paper this morning?

18 MS. RIORDAN: (INDISCERNIBLE)

19 other than being notably struck by Don Wright's statement that
20 what I was reading in the testimony that, knowing the limitations.
21 I recognized the limitations of that document but I was,
22 basically, once I got into it, accepting that as reflective of
23 Native views, or of the views of those people. If I heard him
24 correctly, he was saying that often those did not always match
25 how people... people were constrained and weren't able to say
26 what they really wanted. That was an impressive statement to my
27 mind. I'd be interested if other people had more... I mean,
28 that's a very difficult subject to talk about, but that was
29 probably, in what's been said so far, one of the most important
30 things.

31 If part of what we're doing... Again, we're not trying
32 to dig up corpses, but part of what we're trying to do is see
33 what were the things that people really did want out of the act

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1 and often...

2 Again, I recognize that people... Some people couldn't
3 come, some people didn't know that the hearings were taking place.
4 But I kind of figured that those who came were free to say
5 their mind and on some level they... I mean, given they were
6 talking as a political... They weren't always free to say their
7 own mind and I think that's an important thing to have come out
8 of what's been said this morning.

9 MR. BERGER: Important to
10 explore?

11 MS. RIORDAN: Well, I'll leave
12 that to those... won't say that.

13 MR. BERGER: Is there anyone
14 else who would like to make a contribution at this stage?
15 (PAUSE) Martha Demientieff?

16 MRS. DEMIENTIEFF: I don't know
17 how I found myself among the leaders. I've never been a leader
18 but I was always with the people. I was following the leaders,
19 listening and trying to learn, and more than ten years later I'm
20 still listening and trying to learn.

21 A few of the things, one thing I wanted to say about
22 your report. It was very good I think. Many people testified
23 on different things and I'd like it to be understood that, when
24 our people talk, if they hear somebody mention something or
25 several people mention something, they don't mention it again.
They'll hit it from another angle. So I think that we must
understand that these five points that you brought up are all
connected, even though most of the people spoke from a different
angle.

I've heard people talking today about education and
that's my special interest. I think that there was something
being said about education before land claims, and the cry that
I heard was, "We don't know, we don't understand, what's going on,"

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1 and I think we were asking for time to be educated before all
2 this new change came about, as well as educating our people in
3 the future, and I don't think that part has been spoken about or
understood.

4 I've also heard self-determination mentioned. To
5 me, self-determination implies the freedom to seek your own
6 destiny, to be independent and responsible for oneself. In
7 the old Native culture, before there were anybody but Natives
8 in Alaska, we had an educational system that was completely
9 successful. Everyone had to learn to wrest a living from the
10 environment and to be responsible for themselves and their
11 family. I would say that Native people had more self-determination
12 before contact and had created a good, workable society. Since
13 contact, Natives have had a hard time participating in an
14 alien society and had almost no self-determination. All his
15 knowledge was scorned. His language, land, religion, educational
16 system and everything were slowly undermined. By 1971, hardly
17 anyone would have described Alaska Natives as having self-
18 determination.

19 By 1971, a few Natives had enough of the white man's
20 schooling to work through the invader's system to seek self-
21 determination for their people. The regional corporations have
22 money and land and resources. Theoretically, they can use these
23 resources for the good of their people. The people vote for
24 their leaders, then the leaders decide what is best for all
25 shareholders. If you happen to agree with the leaders about how
to invest money or develop land, use your vote or in any way
influence their decisions, you have self-determination. However,
one important thing is missing. Not everyone is sufficiently
educated in the white man's bureaucratic, political, economic
system to participate in his own behalf.

Because the system was foreign to most Natives and
education was lacking, we now have people with less

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1 self-determination than before contact, but just a little more
2 than before ANCSA.

3 Congress has delegated its powers. The nonprofit
4 corporations now run the social programs like health and welfare.
5 These programs have become more in tune with Native needs and
6 the problems, the needs of our people in my village, are handled
7 by Native people in a kindlier and better way than they used to be.

8 We do not have absolute cultural freedom. Our language
9 is not used. Compulsive schooling interferes with learning the
10 old culture, religion and subsistence activity. We are forced
11 by law to live in a corporate world or lose access to our own
12 resources or a share in them. We do not have community autonomy
13 because we must organize as second class cities or some form of
14 government not our own in order to share the wealth.

15 The land claims act was a compromise. We had to accept
16 that or nothing. It is better than nothing because we do own
17 land and money. If we define self-determination as having control
18 over land and money as a group and for the material wealth of
19 the group, then we do have more self-determination. I think we
20 really won't have complete self-determination ever, any more
21 than any other American has, so all I can talk about is degree
22 of self-determination.

23 I feel that we will have more self-determination if we
24 take control of our education. If our schools can teach our
25 people to participate in the new ways, like voting and so forth,
if we can understand federal and state politics and take
political action, if we can understand the economy, stocks, bonds,
corporations, subsistence laws and so forth, then... We need
the opportunity to do what we learned, start businesses, get
good career jobs, make a good living.

Finally, we have to have a choice. Since subsistence
is highly valued, we must preserve that way of life for those
who chose it. Many of us live outside of the law of the land

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1 because we're forced to. We get our fish and game when we need it,
2 despite the law. Many laws help us but we should decide what
3 is helpful.

4 A lot of the people thought that we would have the
5 fish and game at least that we needed. We never expected things
6 to happen like what happened in our village a couple of years
7 ago where an 86 year old grandmother was... got on a fishing
8 violation. Things like that are... they just can't happen. We
9 have to say, "We have to have access to the fish and game on our
10 land."

11 Looking at the big picture, I would say that, as a
12 group, we Natives have some self-determination in the white man's
13 world, but we had more in the old culture. Also, as individuals
14 we don't have much self-determination because we have not been
15 educated to participate in the new order of things. We need to
16 increase our degree of self-determination, and that will be a
17 continual effort.

18 We didn't... It wasn't our choice, the time limit.
19 We were forced to have this ANCSA so quickly. Somebody said they
20 wore 12 hats at one time, and that's true. We had to hurry up
21 and get it over with or get nothing, and that was for the benefit
22 of the state and the oil companies. It wasn't up to us to say
23 the time limit on it and I think that if anybody else is looking
24 for land claims settlement, there should be something... a time
25 to educate to that system before the new system comes into
effect.

I was sorry to hear a note of sadness in someone who
said that the village people do not understand the leaders.
That's true, but we have a lot of trust in our leaders and it was
sad for those of us who couldn't understand to push the young
people out there and make them work for us and it was opposite
of the old way where the elders would work for the young. I
hope that the young leaders of today don't feel that we didn't



1 appreciate what they did.

2 Another thing I heard today was something about, if
3 there wasn't a settlement there would have been bloodshed. I
4 feel that there is bloodshed. There is very seldom directed
5 towards the intruder, most often it's directed towards ourselves.

6 That's all.

7 MR. BERGER: Thank you, Mrs.
8 Demientieff.

9 Well, we have to give the hall up in about 20 or 25
10 minutes, so it may be that, unless someone else wants to make a
11 contribution now, we might discuss what we will do tomorrow.

12 Lily McGarvey told me she wanted to speak tomorrow
13 morning. She had to be away this afternoon but she will be back
14 then, and perhaps tomorrow morning I could call on Ralph Purdue
15 and Roy Ewan and Ruby John and Paul Tiulana and Mr. Alfred Starr
16 to make whatever contributions you think appropriate and maybe
17 we could... Maybe I could ask some questions tomorrow, and I'll
18 just mention some of the questions in my mind, and I'm not
19 suggesting anybody has to feel obliged to answer them. But
20 there are some questions that came up while I was listening to
21 what you all had to say.

22 My impression is that you all thought that Ann Riordan,
23 in her paper, had set out clearly the objectives that Alaska
24 Natives and their leaders were trying to achieve in ANCSA,
25 that is, what were their aspirations. And she set out five
main goals that they had. My impression is that most of you
agreed with her summary, but perhaps we might discuss that
tomorrow and you might consider whether Ann's paper was, in fact,
complete or not.

You might also let me know what you think of Don
Wright's suggestion that, to some extent, people did not discuss
certain things that they were lead to believe would injure their
case, would hurt their case. I would particularly like to know

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1 whether you think that... whether you agree with that point.

2 We're looking back to the late '60s and early '70s to
3 see what the goals of Native people were. Maybe you could tell
4 me tomorrow how you think Native people feel today. How do
5 Alaska Natives feel today? What are their expectations? That is,
6 are their goals and expectations different today from what they
7 were back in the late '60s and early '70s? Have their goals
8 changed in the 12 years that have gone by? Are the things they
9 discussed in the congressional hearings in the late '60s still
10 as important to them today?

11 I wonder also if you might think of answering this
12 question without... You know, we have the benefit of hindsight
13 and I think everybody has paid tribute to the work that was done
14 in achieving ANCSA, as more than one of you have said. It was
15 inevitably a compromise. As Mr. Hope said, it's a legislative
16 settlement, not a judicial settlement, and there have to be
17 compromises and it was the best that could be attained at the
18 time. That, I think, is the view that has been expressed.

19 Well, based on what we know now, with the advantage of
20 hindsight, what other measures, what other things might have
21 been sought? What other things might it have been wise to
22 pursue at the time that, for one reason or another, were not
23 pursued? I'm not talking about acreage. I'm not saying, "Well,
24 do you think you could have gotten 100 million acres instead of
25 44 million?" I'm not talking about that. I'm talking about
the structures.

There's one other thing that interests me about all
this. Coming to Alaska today, there is much talk about IRAs
and sovereignty. There was little talk of IRAs and sovereignty
back in 1971 and Mr. Hope said, I think others said, that
Alaska Natives rejected the whole idea of the reservation system
at the time. Would anybody care to reflect tomorrow, to talk
about why the reservation system was rejected out of hand, why

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1 the IRAs were not part of the discussion at the time, and why
2 do you think that they are now being discussed? Does that
3 reflect, does that indicate that the goals of Alaska Natives
4 have changed since 1971, or are they simply pursuing the same
goals through different means or different mechanisms?

5 I wonder, Rosita and Chuck, whether you have any
6 questions you'd like to raise now that we might address tomorrow?
7 There's a microphone there if you want to pass it down.

8 MS. WORL: Mr. Chairman, I
9 think that you have outlined at least the most specific questions
10 that I had noted from the testimony given by John Borbridge,
11 Don Wright, Fred Paul and John Hope and Harry Carter. And you
do suggest that, with hindsight, that we have a lot more going
for us.

12 Tomorrow I would hope that I could persuade and you
13 could persuade John Borbridge to perhaps expand on his statement
14 where he says that sovereignty was not an ANCSA issue. He does
15 suggest that there were laws and there were judicial decisions
16 that protected that concept. Don Wright, in his testimony,
17 suggests that, and as you had pointed out, that Native leaders
18 were instructed not to talk about sovereignty. And then, Fred
19 Paul points out that perhaps one of the reasons why IRAs were
20 rejected, and that was the problem that IRA corporations and
21 councils had experienced with the Bureau of Indian Affairs
22 primarily through the salmon cannery experience. And John Hope,
23 who, at the time, was with the Bureau, as I understand, suggests
24 that IRA... there was no direct relationship at all between...
25 or, no direct attachment with IRAs and corporations. I guess
I'd like to understand a little bit more about that from his
perspective, working as the tribal operations person for the
Bureau of Indian Affairs.

I think Harry Carter also points out maybe a part of
the problem was that, in the settlement, there was just really



1 no time, as I think he says, to consult with the people and
2 perhaps there was... You know, that mechanism wasn't in place.
3 I think tomorrow... I mean, that's something I would like to
4 pursue.

5 MR. BERGER: Well, thank you
6 for those observations. Maybe, then, we could reconvene at
7 9:00 o'clock tomorrow, or very soon after 9:00 o'clock, and
8 consider some of these questions and ask those of you who still
9 haven't spoken to feel free to speak. And we'll ask Lily McGarvey
10 to start off tomorrow.

11 David Case, who is the special counsel to the commission,
12 he is a lawyer who teaches at Fairbanks, he will be joining us.
13 And I think that's only fair. Fred Paul, you have your own
14 lawyer. It's only right the commission should have its own
15 lawyer. We'll open up the discussion a little more tomorrow.

16 I just want to thank you all. I learned a great deal
17 and I hope you did. I think that it's, perhaps, a good idea to
18 conclude this opening session now, while we're still fresh.

19 They'll be setting up the tables for bingo tonight
20 and I'm sure if you want to come in and buy a card, you're
21 welcome.

22 We'll adjourn, then, until 9:00 o'clock in the morning.

23 MR. BORBRIDGE: Mr. Chairman,
24 is that a rumor that ten percent of the winnings go to the
25 commission?

MR. BERGER: I wish it were
true.

(HEARING ADJOURNED)





