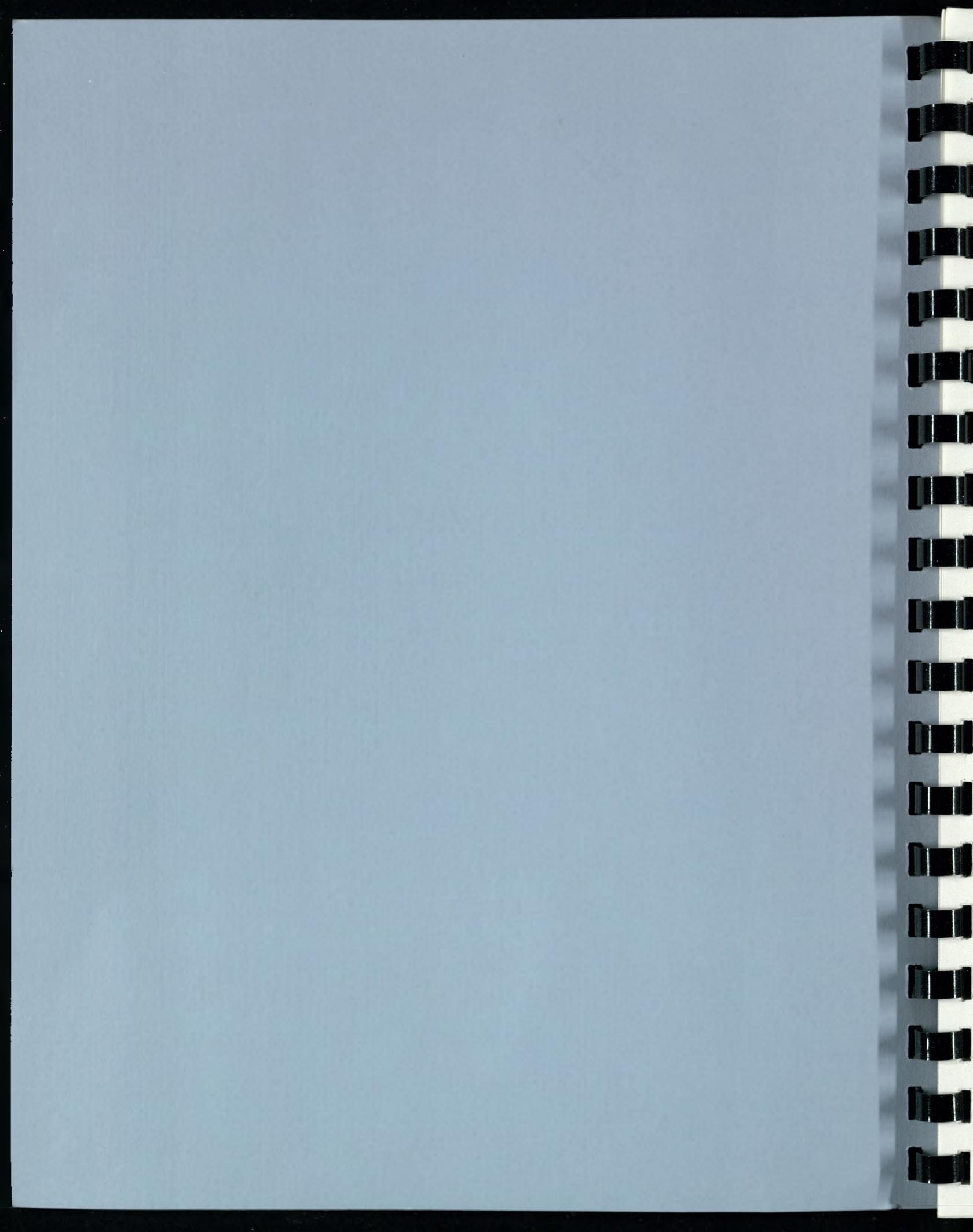


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3 Anchorage, February 27, 28, 29, 1984  
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(FEBRUARY 28, 1984)

(TAPE 4, SIDE A)

MR. BERGER: Well, welcome again, ladies and gentlemen. We expected that there would be some comings and goings on the panel and I want to welcome Francis Degnan, who is joining us this morning, and I hope that she will feel as free as the rest of you have done to participate in the discussions as we go along.

I asked some of you to speak yesterday and maybe we could just start off this morning with any of you who might wish to speak. Then we might consider some of the questions that Rosita Worl and Chuck Smythe and I had typed up yesterday after the meeting just to see if it would be worthwhile to pursue these questions for a little longer this morning. That's why we had them distributed, so you could take a look at them.

Maybe we could start off this morning by asking Lily McGarvey to offer us her views on some of the matters we've been reviewing yesterday and today.

MRS. MCGARVEY: Good morning. It's an honor to be sitting here with such an esteemed gathering.

Going back to before the land claims became an act of Congress, in the Aleutians there was not much communication. Some of our biggest problems were transportation and communication in that area at that time so we did not hear too much about the forming of a group like AFN. The grass roots people in the villages certainly didn't hear anything. A few prominent people did... were able, economically, to make their way into Anchorage to attend some of the meetings but they had to have spoken for themselves. There was no communication to the most remote villages and, as I said, the grass roots people did not have their say, I do not feel.

One of the things that I guess the Aleuts were concerned about, because throughout history the Aleuts have had



1 many happenings or events that impacted on their personal, family  
2 and community lifestyles and changed their way of living, changed  
3 their outlook. It's really been a tragic history and the land  
claims was another big impact.

4 One of the things that started out was enrollment. The  
5 Aleuts, through certain events, closest to the land claims was  
6 World War II where they were disrupted, resettled... A lot of  
7 them did not come back to the islands and enrollment was a big  
8 problem. Those that were living in other areas of Alaska, like  
9 Southeast, Anchorage, were enrolled by those people living in  
10 those areas and were told, "Well, you're living here now so you  
11 should or must enroll to this area." So we have many Aleuts  
12 enrolled to other regions and, also, we have a lot of Aleuts  
scattered throughout the Lower 48. So a lot of those who did  
not really know what they were doing, so they say, enrolled to  
the 13th Region.

13 I think if we could redo the enrollment and give  
14 those Aleuts their choice, a lot of them would come back to our  
15 region. They did not realize at the time that, I guess, they  
16 were disrupting a tribe, so to speak, by enrolling to become  
17 Tlingits or Cook Inlet Natives. They're separating themselves  
from the Aleuts forever, unless the enrollment is redone.

18 Congress said that we must be corporations, both  
19 regional and village. So all of a sudden, people... Some of  
20 us could hardly spell corporation... were all of a sudden manag-  
21 ing corporations. We became boards of directors, we became  
22 presidents, secretaries, vice presidents, treasurers of million  
23 dollar corporations. It's just as if somebody went down on the  
24 street of Anchorage, picked anybody coming up the street and  
25 say, "Hey, you're a corporation president" or "You're a corpora-  
tion secretary." There was no provision for any type of training  
to really show us what a corporation was, how it should be run.  
So we have struggled.

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1           Some of us are failing. Some of us are succeeding. I'm  
2 not sure the Alaska Native Claims Settlement Act was not set for  
3 failure. But, in spite of them, some of us are succeeding and  
4 I think in the end we all will if we work together.

5           I am president of the Alaska Native Women's statewide  
6 organization and we are concerned with strengthening our families  
7 and our communities, and preserving our language and heritage.  
8 The land claims act had a very big impact on families. The new  
9 movement towards developing corporations took a lot of people  
10 away from their families and their communities. A lot of men  
11 spent weeks and months away from their families out of necessity  
12 trying to get the act passed in the first place, and then,  
13 afterwards, trying to iron out their corporations and set a  
14 path for themselves to follow. There are a lot of families  
15 that broke up because of this big disruption. Some families  
16 just could not withstand that new separation. In the past,  
17 families have been separated by subsistence hunting, men going  
18 away from villages for weeks and months at a time. They were  
19 separated by the boarding school program, being away for some-  
20 times years at a time before they finished school and came back  
21 to their families and their villages. They were separated during  
22 the big TB epidemic when families were sent miles away to  
23 hospitals for years to recuperate or to die.

24           Under the land claims act, people were separated again  
25 and, as I said, some families could not withstand that. And in  
the villages, people had to elect boards of directors. In a  
small village you have the village corporations, we have the IRAs,  
you have the village councils, you have the school boards, you  
have the community school committees, you have the health  
committees, and sometimes just a small group of people are doing  
all these things and it becomes almost too much and they feel  
overwhelmed. Maybe it's not their fault, but sometimes they  
can't do a good job at all of them. And sometimes they don't



1 quite understand what it is they're supposed to do because nobody  
2 has really explained it to them and drawn it out, drawn a picture  
3 for them.

4 One other thing that affects families is the provision  
5 that nobody who was born after the passage of the act could  
6 become enrolled. So we have families with one child enrolled  
7 and the rest of the children not, or maybe two or three enrolled  
8 and three or four not, and it's hard to explain to those poor  
9 little guys why they can't say they're enrolled to the Aleut  
10 Region or some other region, and that they can't ever be. It's  
11 really a hard thing to explain to children and it's really hard  
12 to explain to the families sometimes, too.

13 In reference to land, the families in the villages  
14 sometimes can't understand why they can't call their land their  
15 own any more. They've used that land since time immemorial. If  
16 they did not select it under the allotment act, then it's taken  
17 over by the village corporation or somebody else and the allot-  
18 ment act was not advertised to Alaska Natives. We in the Aleutian-  
19 did not hear of it until just before the land claims was passed,  
20 when they suddenly warned us, "If you don't get your allotment  
21 registered, then you lose it because the act cancels that" and I,  
22 for one, had never heard of it and I was gone from the village  
23 at the time they warned us to get into it, as well as a lot of  
24 other Aleuts. So there are very few Native allotments that  
25 were selected in the Aleutians. Through no fault of their own,  
they just didn't know about it. BIA kept away from the Aleutians.  
We never heard of them. Maybe that's a blessing, but... But  
we did not know about the allotment act. And those few who  
luckily did get in under the wire and did select some land are  
now being told that, yes, they can have the land but it's not  
really theirs. They can't really do much about it because it  
has to be surveyed before they can do much in the way of  
development or anything. If they hire a private surveyor of their

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1 own, it doesn't count. It has to be a government surveyor and  
2 they say it will be five to ten years before they can get out  
3 there.

4 (PAUSE) I think that's all I will say right now. I  
5 see some questions here that I might answer later.

6 MR. BERGER: Well, thank you  
7 very much, Mrs. McGarvey. Before we turn to the questions and  
8 to further discussion, would anybody else like to speak? Mr.  
9 Tiulana? Mr. Ewan? Mr. Purdue?

10 MR. PURDUE: Thank you, Your  
11 Honor. Thank you for the opportunity and the invitation to  
12 appear before the hearings.

13 I'm like most of the Natives who were here from the  
14 beginning, I'm not here to talk about myself or what I've done,  
15 although my ancestors go way back to where my great, great  
16 grandfather owned the land on Koyukuk River. My grandfather...  
17 So I kind of feel the right to be here representing the people  
18 that can't be here.

19 In the beginning, I think one of my aspirations was  
20 that this land belonged to my grandfather and my people back to  
21 1851 and before that. He roamed that land with his people all  
22 the way up the Koyukuk River. So when it came to this, I looked  
23 from one side of the mountain to the other and I had the Bureau  
24 of Indian Affairs claim that land because it's sacred land. We  
25 had no graveyards. The land belonged to the people, sooner or  
later.

I stayed awake most of the night and woke up thinking  
about it this morning, things that I wanted to say. So I've  
been mulling it over since 4:30 this morning.

Besides the land of that nature, I spent a lot of time  
in the village of Koyukuk, NuLato. I wanted at that time to  
see them have a better living, better education, but I think  
the main... Some of the problems that are being imposed on the

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1 people in the village is there doesn't seem to be any communica-  
2 tion between the people that sharehold in the village and the  
3 large corporation. People out there that own shares want to have  
4 a one-room house built and they have to go to the bank and borrow  
5 the money, when they have all that money and they say they  
6 can't even see the people that are in the corporation. And I'm  
7 kind of disappointed that some of these members in this white  
8 tower of theirs are not here representing the people and speaking  
9 out the problems of the Native lands claims that it has imposed.

10 I have a position paper that was drawn up by some of  
11 the members that weren't invited, the Fairbanks Native Association,  
12 I'm going to read it and then I'll continue with my presentation.

13 Many other Alaska Natives who are not present today  
14 have much to give such an event as this. I hope they, too, can  
15 send their comments in writing. Twenty years ago or more,  
16 movements began happening in our behalf in regards to our land  
17 and future. We all know that, before then and perhaps today, we  
18 have been ruled by the federal government under the Department  
19 of Interior, Bureau of Indian Affairs. None of our people had  
20 any input or involvement except for the very few who were paid  
21 by the Bureau of Indian Affairs. Millions were spent by the  
22 Bureau without growth of our people economically, educationally  
23 or socially. A reservation was to be established about then  
24 and, thank God, that came to a sudden stop.

25 There has been a land settlement in the state of Alaska.  
It may not be as it should have been, but it is a settlement  
between the United States of America and the Native people of  
Alaska. It will only work with the involvement of our own people.  
It will only work... Education is a key solution to our concern  
and, again, that is why we formed an association in the early  
1960s, the Fairbanks Native Association. Yes, since the  
settlement, education is being sought by many more of our Native  
people but not early enough.

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1           What are some of the concerns, as always has  
2 been, concerns our Native people and will continue to be.  
3 Number one, involvement of Native people, including work in the  
4 corporations, on the boards, committees, et cetera.

5           Number two, changes in the rules of each corporation  
6 by amendments. Three, protection... And I think this is the  
7 most important part of what's wrong with the settlement... pro-  
8 tection for the corporation and shareholders by learning about  
9 the corporation and its importance. Involvement in the corpora-  
10 tions, restrictions from land cannot be sold or lost... Example,  
11 the land banks, trusts, protection from taxation.

12           The small village corporations are in need of technical  
13 assistance. They are too small and spread out too far apart to  
14 be able to function without too much cost. Technical assistance  
15 can be provided by grants for lands, activities, for audits,  
16 for financial advice, for shareholder communication, for  
17 assistance in policy-making. It is not an easy, simple situation.  
18 It is a very complex and difficult situation. The Native people  
19 must be involved and work at this. We have worked at past  
20 problems and have eventually come out solving them.

21           I mentioned education. We have a majority... Like,  
22 all the children of Alaska being educated in Oklahoma, Oregon.  
23 The children were away from their families nine months out of  
24 the year. I think that a handful of people, with the help of  
25 a lot of Bureau of Indian Affairs personnel, we brought those  
children back to being educated in Alaska with their families.

          In the beginning, there was only a hand... like Mrs.  
McGarvey said... a handful of people that were doing all the work.  
I think... Well, some of the problems lie, like I said before...  
before one of our conventions, there were a lot of Natives that  
are Natives today that wouldn't admit they were Natives until the  
land claims came along and they smelled money. Then they all  
became Indians or Eskimos. But now you can't even touch them.



1 They're sitting in their ivory tower, not protecting and fighting  
2 for the rights of the people that need protection. I don't know  
3 where they're even at. I understand that there were invitations  
sent out to them.

4 I haven't been involved the last few years as much as  
5 I have in the past because I have my own business to attend to.  
6 A lot of it, during the land claims, money came out of our pockets,  
7 like Mr. Ketzler mentioned and Mr. Frank. It was out of our  
8 own pockets. We don't regret doing it. We did the best we could  
9 with what we had to work with. Some of us, I know... Like I said,  
10 I go home sometimes in the summertime and spend the summer with  
11 my family, my Native people in the village. I fish with them  
12 and once in awhile I go up the Koyokuk River and roam the land  
13 that my father and I used to walk, hunt and fish, have muskrat  
14 nuts and kidneys for breakfast, fish guts.

15 The land belonged to my great, great grandfather. His  
16 name, Indian name which is Dal-ma-ga-ga (ph), translated in  
17 English it means "Big man from Dalby." Now it looks like in  
18 1991 Uncle Sam is going to repeat his history and take the land  
19 back because we don't have any money to pay the taxes. I don't  
20 exactly...

21 I think I'm running out of time. I think I've  
22 expressed the main problems that we were faced with and I hope  
23 that, in your deliberations, you would give those problems an  
24 honorable suggestion or recommendation in your findings.

25 Thank you, gentlemen.

MR. BERGER: Thank you, Mr.  
Purdue. Mr. Ewan?

MR. EWAN: Good morning. Can  
everybody hear me?

Thank you, Mr. Chairman. I'm glad you invited me. This  
gave me an opportunity to express, I think, a deep appreciation of  
our Native leadership, prominent Native leadership I mean. I mean

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1 by John Borbridge, Emil Notti, Don Wright, all these people  
2 sitting up there... Francis Degnan.

3 I think in the villages, a few times that I know of,  
4 it has been expressed that there is deep appreciation for the  
5 effort during the land claims. I realize that it was a monumental  
6 legislation for the Native people and I think that we are remiss  
7 in not expressing our appreciation for these prominent leaders.

8 I got involved in the land claims about 1968, largely  
9 just because I was available. I started working for Rural CAP  
10 statewide at that time and this gave me an opportunity to attend  
11 meetings, so I more or less became a delegate to the AFN. I  
12 represented our area during that time.

13 I just want to touch briefly on some of the things I  
14 heard expressed and what I saw at the time. The biggest problem  
15 that I saw at the time, when we first started, was money and  
16 lack of village leadership. Our area being small, we didn't...  
17 We couldn't express our... (MICROPHONE NOISE)... express our  
18 opinions very well. So we relied on the leaders, such as you  
19 see up there. This is where I appreciate the effort of our  
20 leaders.

21 I don't think all Natives were represented at all these  
22 meetings... couldn't be all the regions, all the villages, due  
23 to lack of funds, as has been mentioned before. There's  
24 certainly a lot of things that were left out or wasn't discussed  
25 because of the time pressure. I think Don Wright mentioned a  
very important thing during the land claims and that is we  
were under tremendous pressure to meet a deadline before the  
committee completed its hearings. All Native leaders throughout  
the states gathered across the large state, such as Alaska, which  
was difficult. Communications were not as good as today, that's  
for sure. Travelling was hard. Above all, I appreciate the  
sacrifices that the Native leaders made during those... during  
this effort. It was a tremendous personal sacrifice, I feel.



1 I've heard of divorces and a lot of other not-so-good things  
2 because of this great push that we put on during that time.

3 Our region being small, like I said, we relied on the  
4 understanding and empathy of the... that we knew these leaders  
5 had. I'm very thankful, again.

6 I mentioned time pressure. Don stressed that. We  
7 didn't have time to go back to the village and ask whether this  
8 was okay. It would take two days to explain, in some cases,  
9 anyway what this part of the legislation was concerned with.  
10 I remember some very heated discussions on the... at AFN board  
11 meetings concerning land loss basis. Whether it's money or land,  
12 I think the land won in most cases.

13 Being a small region with few people, we would benefit  
14 more by getting more land, I thought, than by getting money  
15 and I think I was right. We did well in that area during the  
16 land claims. I'm thankful that I had some support on that,  
17 board member being sort of a minority on that board.

18 Overall, I think the land claims had a positive effect  
19 here in the state. Our region, I know, is doing a lot of things  
20 it was not able to do prior to the land claims.

21 I'm sort of jumping around from my notes.

22 Some mention was made by John Borbridge and, I think,  
23 again by Ralph Purdue which I feel is very important in the  
24 future and that's... in the near future, right now, should have  
25 been going on, is the education of our shareholders. I think that  
26 we have to make a push to educate Natives way down at the village  
27 level about the issue of 1991. I know in our region, having  
28 become involved in the last few years, we are making that effort.  
29 We're trying to educate our Native villages on what, exactly,  
30 we're... where we're going, what we're going to do, our goals.

31 And, have the goals changed since 1971? I think it  
32 was one of the things I had written here. I think, basically,  
33 they're the same, but the way we're achieving them may have

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1 changed. I think we want better educated Natives, especially in  
2 my area I know that. I feel that, being small you have few  
3 people to choose from and either they all go to school and be  
4 trained by big jobs, that's a very important thing in many  
5 villages. It's still important today. Although we have a  
6 construction company and other means of employment, we still  
7 can't employ all our shareholders that are available for work.  
8 I think an effort is going to continue in that area.

9 I think I've just about run out of things to say.  
10 Thank you.

11 MR. BERGER: Thank you, Mr.  
12 Ewan.

13 I wonder, Mr. Starr, since you, perhaps, go back  
14 farther than anybody at the table, whether you wish to say  
15 something at this stage? Might you hand the... Yes.

16 MR. STARR: Thank you. First  
17 I want to talk about a long time ago when there were no white  
18 people here. There are some Natives here that I want to talk  
19 to, too, you know.

20 Natives that I see, always they talk about their land  
21 before the white man came. The tribes, at different times, with  
22 their big population here in Alaska... very big, a big population  
23 like that would have to have a certain amount of land to live on  
24 and to hunt in this country. They didn't farm like they did  
25 in some parts of the United States where you raise corn. This  
is where they pick up plants, meat and fish, and so, when they  
talk about their land, they say that a certain amount of Natives  
and different tribes in different places have a certain amount  
of land to hunt on. As far as I know, they never had any trouble  
about their hunting grounds and they didn't say, "We own this,"  
and, "We're going to sell that." They didn't say that. But  
they were trying to raise their children, generation after  
another.



1           So the Indians, always they talk about... I'm going  
2 to remind you of this, that this is not the first time on the  
3 land claim thing. In 1947... I'll tell you a little bit about  
4 the land claim. In 1947 I was living over here at Lake Minchumina.  
5 I moved over there in 1945 from Tanana. Old Luther John, he  
6 was about the last Indian from that part of the country and, at  
7 one time, there was quite a lot of them.

8           I went down to Lake Minchumina sometime... I had land  
9 one time... I think it was 1950, but 1947, anyway. I'm telling  
10 you about this. I went down to get some food. I tried to buy  
11 food from the trappers because they had an airfield there and  
12 they ordered food. This is while I was supplying my family.  
13 Here I had a bunch of materials from the Congress of American  
14 Indians, Alaska Native Brotherhood, and there's another big  
15 organization in New York, I've forgotten the name of it, that  
16 was run by rich people and they wanted the Indian to have rights,  
17 quite a lot of rights that each should have. So they put  
18 money into this... I keep getting it until the 1950s.

19           So, finally, around 1950 I (INDISCERNIBLE) whenever  
20 I come to Nenana. I put a sign up down at the post office,  
21 never signed my name. I said to the Natives, "You've got to  
22 lock up your land sooner or later, the government wants to talk  
23 about your land." All they did was talk about our land. So,  
24 maybe every winter I came once or twice to Nenana and I put up  
25 a meeting.

          About the third winter there began to be a few coming  
there. Some of them were white people, too. Finally, I guess they  
found out that I was talking about land at the university  
through Charlie (INDISCERNIBLE). Well, I talked to a couple of  
ladies there, one was (INDISCERNIBLE), one was a professor of  
English. Al was there every time, do you remember the name?

MR. KETZLER: I can't recall.

MR. STARR: One was named Jensen

1 and she was teaching school there, too.

2           So we started work (INDISCERNIBLE) 1951, 1952 until  
3 1961. In 1961, it was a cold winter. I was working for the  
4 railroad then and they must have known, me talking around the  
5 railroad. So any place I go I'm talking about the Natives so  
6 they'll have to talk about their land. The railroad officials  
7 must have known that I gotta be near a town, so they got me  
8 from all over, quite a few places of the railroad, you know.  
9 They sent me up to the North Pole. God, it was a cold winter.

10           I remember the railroad... I went down to Nenana  
11 and when I came back the wheels froze around the university.  
12 Another time, I went down and I came back on the bus and the  
13 wheel was froze around the university. It was so cold that  
14 winter. Just think about it, me living way up there, and with  
15 all my travels... I traveled mostly in the United States and  
16 Canada and I never did drive a car. In a cold winter like that,  
17 it was awful, anyway. Me making my way down there to Fairbanks.

18           We had meetings in a lot of different places, different  
19 houses. We didn't have any money. We didn't have any money  
20 for postage, we didn't have any way of getting... What we were  
21 trying to do is try to get the villages, the Natives, interested.  
22 I wrote to different villages in Alaska. I asked who were the  
23 chief, the council, in the different villages, and do you know  
24 I never got a letter from any villages at all, including North  
25 Slope. Eben Hopson was living there and I wrote him a good  
letter and told him that we've got to talk about our land. He  
never did answer.

          So in 1961, the (INDISCERNIBLE) was meeting. They told  
me, "You might... We're not sure, the government might give you  
a little money for taking your land. They might give you a  
little land. How would you like, if they give you a little  
money... What would you like the Natives to do with it?" So I  
said... I'd been in Klamath Falls, Oregon, and they had good



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(TAPE 4, SIDE B)

MR. STARR: (continued) timber in Klamath Falls and they sold a certain part of their timber. They got about 40 thousand dollars, children and every one of them. They went to town and they bought good cars. That happens among the white people, too. That always happens among us poor people, you know. Whenever we get a little money, we like to get something good for our home or things like that, so that's nothing new. Pretty soon, they've got no more money.

Then they sold some more timber. With that, they started a corporation, they started a business with that and they did well. So I said about the money, I said, "Including me, I don't know how to handle money." I never did have money outside of... I've been a laborer all my life. I've never had money. If I got a lot of money, I wouldn't know what to do with it, and including a lot of Natives that hang around and do nothing but drinking. They would kill themselves. Not many Natives would be left with that kind of money, the money that they'd get if it was divided.

So I was thinking at that time... Since 1915, my father at that meeting, that first land claim meeting at Fairbanks He didn't turn down the reservations. The only thing they said was that, "Us Natives live on a big tract of land. We've got to have quite a lot of land to live on if we're going to trap and hunt and gather game and fish, and if every village got a little small reservation, you couldn't make a living on that."

About the land, they told me about the land that they might give you a little land, Congress might, and, again, the Secretary of the Interior might say you don't own the land. He's the boss. He owns all the land, the United States owns all the land. It's supposed to be. So I said... With the help of the lawyers, we got lawyers that got interested in it, Barry Jackson, Tom... Tom somebody... Do you remember that?



1 UNIDENTIFIED: Fenton, Tom Fenton.

2 MR. STARR: Fenton, Tom Fenton.

3 Well, Tom was a pretty good... He knew the Indian land, laws for  
4 Indian land. So I said if they get land, they can't pay no tax  
5 on it unless they're going to sell timber, start a mine or something  
6 and it wouldn't be on... for all the land. It would have to be  
7 just little, wherever they start some business, like cutting  
8 timber and things like that.

9 We did talk about it. All our work, it was all put  
10 down. I really don't know whether that went to Congress or not.  
11 Maybe Mr. Wright could tell you about that, or Al. I don't know  
12 where he's at. I never worked on it. I've never been to  
13 Washington or anyplace in my life, you know, outside of I've  
14 been to some towns. I don't know whether that was ever... That  
15 should be included, the working of that should be included.

16 That's all I have to say. I want to thank Mr. Berger  
17 for taking so much interest in Indian land. I really think,  
18 myself, that the governments of the United States and Canada  
19 and the rest of the world should remember who they took the land  
20 from and that should be, from now on, a certain amount of things  
21 that us Natives don't get... I've been talking about employment,  
22 and I still do, for the Natives... They write to the legislators  
23 and they write you back that a certain percentage of the state  
24 money, the spending money that the state spends of the federal,  
25 a certain percentage should have some Native hiring. That's  
26 our biggest problem today, is the young people without work.

27 So I thank you for talking to you, and I was wishing  
28 this place would have quite a lot of Natives, and I don't see  
29 too many of them. That's all I have to say.

30 MR. BERGER: Thank you, sir.

31 Thank you very much.

32 There are some people standing at the back. I think  
33 you can find some seats here, if you wish. Please feel free to



1 take any that are vacant.

2 I wonder, Mr. Tiulana, if you want to add anything at  
3 this point?

4 MR. TIULANA: I'm going to say  
5 a little bit about the impact to our Native people. Because  
6 the... Soon after we had a meeting in Barrow in November of  
7 1962, when we got into Fairbanks we were afraid of what the urban  
8 people were going to say to us. When I went home to Nome, the  
9 first impact I felt from my own Native people, they said, "Why  
10 don't they send me? I'm smarter than you are," and I couldn't  
11 say anything because I don't have that kind of experience, in  
12 1962, about the policy of that going to affect us by the Alaska  
13 land claims settlement.

14 Those are the impacts that... the first experience I  
15 had, three days after we had the first meeting in Barrow. Soon  
16 the problems popped out after 1971 to me. Some of them were  
17 real sad to me.

18 What I also wanted to say, about the impact on our Native  
19 people, has been well said by Lily McGarvey. Because the first  
20 year, I would say, we could feel the impact with AFN. There  
21 were a lot of differences among our Native people. I think they  
22 are doing a tremendous job for us because we should learn, also,  
23 from our differences. We could look back at what our arguments  
24 are all about.

25 I think the land claims settlement act works and does  
strange things for us also because right after the land claims  
settlement, there were a lot of Native pop out from everywhere  
because, "I am Native, too," which we didn't know before. The  
money, I think, influenced our Native people.

I think we should also address more on village sovereignty,  
the power exercised in their own village because the written  
policy from Washington, D.C., never works for us. Also, when I  
was born, we didn't have a jail, we didn't have a State Trooper,

1 we didn't have divorces, we didn't have child abuse, we didn't  
2 have an alcohol problem. That means we have something to cure  
3 our problem today, within the power of village sovereignty.  
4 Because we have those policies from our ancestors which still  
5 apply for us today.

6 Also I had a very bad experience because of our land  
7 claims settlement. I was in Seward one time and a non-Native told  
8 me that he was going to lose his mining claim because of this  
9 land claims settlement. What he said is not very good. He said  
10 that when they have a land claims settlement, they should send  
11 all the Natives to Russia because they don't belong here. And  
12 I was so mad and I asked him, "Who was here first, my ancestors  
13 or your ancestors? According to your court of law, you're not  
14 supposed to buy anybody's land. It doesn't belong to you,"  
15 then I left him.

16 Also, we could feel the impact in our village corpora-  
17 tion. They tried to do things that they didn't understand, the  
18 policy, the money-making policy, our young people. I couldn't  
19 help them because, in my village, I don't have that kind of  
20 experience to lead them in the corporation procedures. But, also,  
21 we said to ourselves a lot of time, "We should keep our culture  
22 values." Like I said, we didn't have those problems before  
23 because our culture told us not to do things.

24 I think what I learned from AFN applied itself when  
25 I tried to keep our culture values because when somebody kills  
an animal, we sacrifice that animal to unify our village people.  
They boost our spirit up and work is better among our Native  
people. Those are the things we are beginning to forget. We  
should add that to our corporate procedures. To me, our culture  
values are more valuable than anything in the world because, if  
we lose them, we're not going to buy it back with all the  
money in the world, because those culture values still apply to  
our business.



1                   That's all. Thank you.

2   MR. BERGER: Thank you, Mr.  
3 Tiulana. Francis Degnan, would you like to...?

4   MRS. DEGNAN: Thank you. I'm  
5 happy to be here and seeing old friends. I'm glad that this  
6 discussion has begun because I think in a lot of people's minds  
7 we're all wondering just where we're going, although, individually,  
8 each one of us knows what we want and what we're going to do.  
9 But as far as what Alaska, the ANCSA has done, is forced us to  
10 stay in a mode where we have to work together in order to  
11 succeed, and if we pull at different angles and never come to  
12 an agreement, we're bound to fail.

13   But failure is something that the Alaska Natives have  
14 not had in terms of getting along together, because we've  
15 survived throughout the centuries, according to what my ancestors  
16 have passed down to me. We didn't have written histories.  
17 Everything was passed down verbally. My father would be very  
18 proud to be here and see what's transpired but he passed away  
19 three years ago. And from being his child, I've understood what  
20 he's... his philosophy and what he intended to do as far as  
21 the Native claims settlement act is. So I, just briefly for the  
22 record, would like to state how the Unalakleet area's involvement,  
23 as far as ANCSA is concerned.

24   In speaking with the elders, for my own perspective,  
25 I found out that we, as Eskimos, have always had councils. They  
weren't formalized in our village until 1927 and, in 1934,  
Unalakleet became a Native council, the Native village of  
Unalakleet, and since 1939 has pursued to improve the conditions  
in the Native village. So, in the meantime, during the councils  
the people looked toward their leadership. They elected their  
council people and they looked toward them to do the guidance  
in the community and to protect what was rightfully theirs.

Our Native people respected one another. They respected



1 boundaries. Our next door neighbor is an Athabascan village,  
2 the Kaltag. The people traversed freely. Our other villages  
3 of Stebbins, St. Michael, Shaktoolik and Unalakleet and Koyokuk  
4 banded together and, in 1951, filed a nine million acre claim  
5 through the Indian claims commission to their lands, what they  
6 considered was theirs. They followed the traditional boundaries,  
7 respecting the surrounding communities, and I have a feeling by  
8 my living in the village, that the feeling is still there of  
9 respect.

8 Now we have definite boundaries. They're lines drawn  
9 by surveyors. We have patent to our land. Now, we have always  
10 understood that was our land. Now we have propaganda about 1991.  
11 It's built into ANCSA. I think that frightens our people. It  
12 frightens me because, like one elder told me, he said, "You know,  
13 we're being treated like tom cods." Well, as an Eskimo, I'm  
14 familiar with tom cods. They come in with the tide, they go  
15 out with the tide. He said, "That's how I feel, as an elder,  
16 we're being treated by our state government and also by our  
17 federal government because 1991 is being talked about. Does  
18 that mean that we don't really own the land we say we have and  
19 we have patent to?"

17 In our area, we've had 100 years now where the government  
18 has issued patent to non-Natives. Has anyone tried to take  
19 that patent away or erode those rights? Certainly not the Natives.  
20 But that is the basic intent... Or, had been the basic intent of  
21 the people in our area, was to preserve their right, their right  
22 to pass onto their children, their great grandchildren. Because  
23 their ancestry had preserved and stayed there, it was their  
24 land. It is still recognized as being the Inuit land in our  
25 area. You're free to come and you're free to go through. You're  
never molested. It has always been the Eskimo tradition and  
I believe the Native tradition is that we welcome people through  
but, at the same time, there is a respect. And I certainly feel

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1 that we need to define in our own minds as to how best we can  
2 make our corporations work, or if that is the vehicle that  
3 probably needs to be changed. It's like anything, we can go  
4 for those changes.

5 But as I see it as a shareholder, I have a certain  
6 number of shares and I only have a certain say-so. But yet,  
7 we have our annual meetings and the people decide what they  
8 want. So we work together to best shape our destiny.

9 Mr. Tiulana spoke about 1962 up in Barrow. Unalakleet  
10 and the surrounding areas were involved with that and did  
11 establish the beginning for our area's involvement as far as  
12 land claims.

13 I'll probably add more later, but this is what I'd  
14 like to put in. Thank you.

15 MR. BERGER: Thank you very  
16 much.

17 Well, we've been around the table. Might I suggest  
18 now that we perhaps go around again and, Mr. Borbridge, that  
19 brings us back to you. Perhaps you might address some of the  
20 questions that we wrote out, or some of the comments that  
21 others made, or anything else you think should be raised.

22 MR. BORBRIDGE: Thank you, Mr.  
23 Chairman.

24 It might be appropriate to look at the suggested  
25 questions for discussion because I think, basic to the discussions  
26 we've had and comments that we've heard are the proposed five  
27 main goals by Mrs. Riordan as she had extracted them in her  
28 perusal of the 1968 and '69 hearings.

29 I note that question "E" is in bold print, "Has Ann  
30 left anything out?" I'll leave that for the last.

31 I think in terms of continuity in use and occupancy  
32 of the land, I think a lot of us considered ANCSA as the start-  
33 ing point. It was an opportunity. We were faced with a series

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1 of crises and the primary one was selections by the state of  
2 Alaska which cost the Natives millions of acres of valuable  
3 lands that, actually, should never have been selected and never  
4 have been taken from the Native people. It was a failure of  
5 the Congress to live up to the promise first enunciated in the  
6 act of 1884 and later repeated in the Statehood Act that caused  
7 those losses.

8 So in terms, again, of continuity in use and occupancy  
9 of the lands, I think the pressures are always going to continue  
10 but I think that ANCSA met the big crisis and managed to pass on  
11 to those that came after, as the way we look at it from our  
12 cultural viewpoint, the opportunity to continue to refine the  
13 methods that we had developed in the claims settlement act to  
14 protect the use and occupancy.

15 My comment on the import of cash compensation for  
16 economic development is this. For those of us who were concerned  
17 about the development of the fullest legal and historic dignity  
18 as the basis for our land claims, we saw our claims in the light  
19 of a very complete and historic array of Supreme Court decisions  
20 and an overlay of statutes and legislative acts and treaties  
21 in which the full development of the concept of aboriginal or  
22 Indian title had developed. So many of us saw the cash compen-  
23 sation as a right that we had. It was an expression, an  
24 acknowledgement by the federal government that there was a  
25 fully legal, strong claim that we translated into land rights  
which, as it occurred in ANCSA, the two-edged sword did two things.  
The rights of the Alaska Natives to 44 million acres was  
recognized and confirmed. Again, I stress no land was given to  
the Natives. Secondly, the claims we had asserted to the remain-  
ing acreage in the state of Alaska was extinguished by the  
claims settlement act, and for this we were compensated. Thus,  
I think, here the main point has been missed. The importance  
of the cash compensation was its acknowledgement of our Indian

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1 or aboriginal title, for which we had a right of compensation.

2 In terms of resolution of past social ills and full  
3 participation in the future, again, I think ANCSA was an impor-  
4 tant milestone and helped to give us the tools to become more  
5 effectively and fully involved in shaping our participation in  
6 the future. I don't think any of us ever anticipated ANCSA would  
7 be the complete answer. No complete answer is possible in any  
8 one piece of legislation or even in several collective pieces  
9 of legislation.

10 In terms of the achievement of self-sufficiency and  
11 self-determination, again, I felt that ANCSA has provided the  
12 tools through title to the land and through compensation and  
13 other opportunities incident to that transfer of title to lands  
14 and reception of the funds. I think there's no question, and  
15 no one has ever doubted this whether they worked inside of the  
16 corporations or outside of the corporations, and that is the  
17 corporations must continue to improve their methodology. They  
18 must continue to improve the way in which they relate to share-  
19 holders and, above all, there must not be a feeling that we want  
20 to avoid open, vigorous debate. I cannot recall any greater,  
21 more involved, lively, tough, all-out debates than we had  
22 when we worked together as a group and shaped the Alaska Native  
23 Claims Settlement Act. Now, if that's what it took to bring  
24 about a settlement act, then that is what it is also going to  
25 take, from this perspective in 1984, to make the settlement act  
work.

21 In terms of continuity in cultural integrity, as I  
22 mentioned, I feel that the opportunity to maintain cultural  
23 integrity has improved a great deal. That's a very general  
24 comment because I want to address the last, "Has anything been  
25 left out?"

I think perhaps the perspective in how we look at  
what was being said caused something to be left out, in my opinion.

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1 I think paramount, when you look at the '84... I mean, sorry,  
2 look at the '68 and '69 hearings, and those of us here recall  
3 talking to many of the people in the villages, because, remember,  
4 although aboriginal or Indian title is a legal concept with a  
5 fully developed, dignified history which came up through the  
6 dealings of the federal government of the Indian tribes all the  
7 way up to Alaska, and which history, incidentally, antedated  
8 the formation of the United States as a nation, there is one  
9 overpowering consideration. Paramount in our considerations, as  
10 expressed during those hearings, was the overpowering and the  
11 basic sense of our existence as Alaskan Indians, Eskimos and  
12 Aleuts.

13 I think if you were to ask us here, getting away from  
14 all of the technical language and if you were to dig right  
15 down into us as individuals and ask us what is the one thing we  
16 would like to have for ourselves, for our people, what do we  
17 hear them saying now, what did we hear them saying then... We  
18 want to continue to have the right and to enjoy the right to  
19 continue to be Alaska Natives, to be Alaska Indians, Alaska  
20 Eskimos, to be Aleuts. We want to now, as we did then, to  
21 continue to maintain our tribal identity. More than cultural  
22 identity, we were concerned about tribal identity.

23 AFN was the milestone in which we, instead of submerging  
24 tribal identities as Indians, Eskimos and Aleuts, we raised them  
25 to a higher plateau and we expressed our love toward one another  
and said, "We will act as Alaskan Natives." Sovereignty, I  
firmly believe, is an outgrowth of this powerful aspiration, a  
retention of tribal identity. In my opinion, too much, technically,  
has been made of "what does sovereignty mean?" I heard Paul and  
others go to the heart of it. It is the power to act as a tribe,  
the power that comes from being a tribe.

I think all of these things together add that one item  
that I feel has been left out and I feel can be better expressed



1 that cultural identity and the desire to maintain cultural  
2 integrity is another way of saying we want, always, to enjoy  
3 the right, that ageless, ancient right, to be Alaskan Indians,  
4 Eskimos and Aleuts. And if we look at ANCSA in its broadest  
5 sense, this is what I see ANCSA as having tried to accomplish,  
6 this one objective.

6 In order to achieve the objective, we became involved,  
7 those of us here and others, including some wonderful people  
8 who have passed on, we became involved in some very technical,  
9 detailed discussions. Well, let me assure you the technicalities  
10 and the complications were a reflection of the fact that Congress  
11 didn't fully understand us as a people and so they tried to deal  
12 through these institutions with what they perceived to be the  
13 kind of a settlement that we needed. And this is what I heard  
14 the elders say then in 1968 and '69 and it's what I hear them  
15 saying today very loudly and very clearly, and I'll say no more  
16 about sovereignty until a later time. But, again, sovereignty is  
17 an outgrowth of that aspiration.

18 Thank you, Mr. Chairman.

15 MR. BERGER: Thank you. Mr.  
16 Wright, would you like to make a further contribution at this  
17 stage?

18 MR. WRIGHT: Yes. As a matter  
19 of fact, listening to the testimony and remembering that I  
20 participated in most of the hearings that were held by the  
21 Congress as well as most of the hearings and meetings that were  
22 held by the Native people during this time, kind of a condensed  
23 version of what the people on the Native side wanted was contained  
24 in a statement that I made at the White House press conference  
25 to President Nixon on an occasion that I met with him when he  
overtaken his Secretary of Interior's position on land claims  
and was the first to come out with a bill anywhere near the  
requested bill of the Alaska Native people.

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(TAPE 5, SIDE A)

1 I'd like to read it and put it into the record because  
2 I'm not sure that it's been distributed widely. This was on  
3 April the sixth in 1971.

4 "For the past several months, I and other representa-  
5 tives of the Alaska Federation of Natives have been working  
6 closely with the administration to assist them in formulating  
7 their position on the Alaska Native land claims. I have met  
8 today with the president to discuss the progress of these  
9 negotiations and to give him my views with respect to the adminis-  
10 tration's position on this important national issue. I told  
11 the president that the historical dimension of this legislation  
12 is immense. Either it will go down in history as the most  
13 enlightened and equitable act of the United States government  
14 toward the native American, or it will be recorded as merely  
15 the last chapter of a tragic record of expropriation of native  
16 American land and property rights. The president and the Congress  
17 must decide whether this last chapter is to be written in dignity  
18 or dishonor. I also told the president that a just and equitable  
19 settlement of our land rights in Alaska is by far the most  
20 important and difficult Indian issue to be dealt with under his  
21 presidency. There are many powerful, vested interests which are  
22 actively opposing our land rights in Alaska, both within and  
23 outside of his administration. A just settlement cannot be  
24 achieved without the president's strong and continuing support  
25 and leadership. Because of our use and occupancies of the land  
in Alaska for literally thousands of years, the Alaskan Natives  
have valid Indian title to roughly 375 million acres of land in  
Alaska. This title has never been extinguished by the United  
States since it negotiated with Russia and signed the Treaty  
of Session in 1867. To secure these land rights, the Alaska  
Federation of Natives, after extensive and careful deliberation,  
proposed a settlement which would confirm our title to 60  
million acres of land and as compensation for relinquishing our

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1 title to over 300 million acres, we have proposed a federal cash  
2 appropriation of 500 million dollars, payable with interest  
3 over a nine year period, and a perpetual royalty of two percent  
4 in all minerals taken from lands in the state. Our proposal  
5 has been introduced in the Senate as S-835, sponsored by 13  
6 distinguished senators, and as HR-7039 in the house with 25  
7 distinguished House sponsors. The AFN most emphatically re-  
8 confirms its commitment to the position embodied in these bills  
9 and its intention to continue to seek a settlement on this  
10 basis. The administration is today sending to the Hill a  
11 proposal which would confirm our title to 40 million acres of  
12 land. This title would be a full and complete grant of all  
13 rights, surface as well as mineral. As compensation for extinguish-  
14 ing our title to those remaining lands in Alaska and the minerals  
15 beneath those lands, the administration proposes that it would  
16 authorize payment of 500 million dollars from the federal treasury  
17 over the next 20 years and an additional 500 million from the  
18 state of Alaska's share of mineral royalties from lands throughout  
19 the state. I told the president that the administration's  
20 position constitutes a positive and constructive contribution  
21 towards achieving a just settlement of our land right. It is  
22 the most responsive position yet taken by any national adminis-  
23 tration on this issue. We commend the president for his attention  
24 to the awareness of our property rights and his sympathetic  
25 hearing of our case. The president's invitation to confer with  
him today demonstrates not only the good faith of the administra-  
tion but the truly national importance of this issue. The  
Alaska Federation of Natives regards the administration's position  
as a foundation upon which a truly just settlement can be built.  
We do not, however, regard this as President Nixon's final  
position and we will continue to press for his support for the  
full AFN position. I want to make it perfectly clear that we  
do not, in any way, regard the administration's bills as substitute

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1 bills, S-835 and HR-7039, which are presently under consideration  
2 in the House and the Senate. I'm especially gratified that the  
3 administration's position clearly indicates that it recognizes  
4 the validity of our property rights in Alaska land and it is  
5 not based on some concept of gift or welfare. To 60,000  
6 Eskimo, Indian and Aleut people in Alaska, our land, is the very  
7 basis of our lives. The real issue is not how much land we will  
8 be given, but how much of our land we will be permitted to retain  
9 and how much will be released to the United States and on what  
10 terms. Because the land is the basis of our culture, the heart  
11 of our way of life and the very means of our survival, our  
12 slogan for this effort has been, "Take our land, take our life."  
13 In reaching its position, the administration is coming far  
14 closer to our position than has either body of the Congress to  
15 this day. The administration has vindicated its policy of  
16 Indian self-determination and has shown that it spoke honestly  
17 when it announced last summer a new policy of dealing fairly  
18 with Native people. The administration has not acted in a  
19 unilateral fashion. In response for our request for consultation  
20 and involvement, they listened to us and they responded. For  
21 this, the Native people of Alaska are, indeed, grateful. Finally,  
22 let me emphasize how much today means to all of our Native people  
23 scattered across the face of Alaska in 200 villages, the people  
24 who are the true owners and stewards of our Alaskan lands. Our  
25 people have sent me and my fellow officers and directors of  
the Alaska Federation of Natives to Washington to negotiate a  
fair and equitable settlement with the United States. They are  
eager, if not at times a bit fearfully, watching and waiting to  
see what we accomplish. It is their future and that of their  
children which is at stake and we will not fail them. We have  
put our trust in our government which, alone, can translate  
hope into justice. The Alaska Federation of Natives now calls  
upon Congress to act promptly to settle Alaska land claims and

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1 to bring justice to our people and peace to our lands. We ask  
2 all Americans to join us in our fight for justice."

3 Now, this paper summarized, in my view, the direction  
4 that we were given by the elders like Alfred Starr, by the  
5 elders like Frank Degnan, by the elders like Al Hopson, Eben  
6 Hopson's father, Roy Ewan's family, Carter's family, Richard  
7 Frank's family, Mrs. McGarvey's family. This summarizes it but  
8 I want to reemphasize that, no matter how hard we fight and no  
9 matter what our real legal rights are, and no matter how  
10 sympathetic a president like Mr. Nixon wants to be, he is  
11 still overpowered by the influence of the major oil companies,  
12 the major economic forces, to take from the Native people because  
13 they're lesser in number and weaker in education and money to  
14 fight with, and even a president, he probably would have gladly,  
15 in a straight-out negotiation, one-on-one, gladly conceded to  
16 our wishes honorably in a true negotiation. But under the  
17 mandate of Congress he couldn't do that and under the mandate of  
18 Congress, those special interests continually eroded away even  
19 the position of the highest officer in the United States at  
20 our expense.

21 And I submit that, once again, I consider it an  
22 arbitrary mandate of the Congress of the United States and I  
23 don't believe the door is closed and I think we've got a long  
24 way to go and I think it's important that the international  
25 aspects are now being considered and that, at some point, there  
will be a reconsideration and justice will truly have been done.

(APPLAUSE)

MR. BERGER: I'm trying to  
remember the order in which we went yesterday. Was it Mr.  
Allen or Mr. Paul who... Yes, Mr. Allen... or, Mr. Carter,  
forgive me.

MR. CARTER: Thank you, Mr.  
Chairman.

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1           Just a couple of brief comments. I wish Mr. Upicksoun  
2 were here or Etok, because they could more eloquently describe  
3 a problem that I don't think has been touched on at all here.  
4 When the Native claims settlement act came to a vote of the  
5 Native people at the AFN here in 1971, the North Slope did not  
6 agree to the settlement act, although it has been subsequently  
7 forced upon them by passage of Congress.

8           One of their major considerations, and it has been even  
9 until recently when their appeal has been denied by a court of  
10 law... And I remember very clearly when I first met Mr. Degnan  
11 in Unalakleet it was one of his concerns also and, in fact, was  
12 a part of the claim that Francis mentioned that those people  
13 made over there in that area, and it included the subsistence  
14 areas of those people. Seaward for a considerable distance.

15           When we were arguing over provisions of the settlement  
16 act at the AFN level, it was mentioned numerous times but  
17 discarded. The Koniag people and the Aleut people also live  
18 off the sea substantially and it is part of their cultural and  
19 traditional and heritage background, their subsistence. The  
20 ocean and the waters are extremely important.

21           So when we talk about lands for a settlement, it's  
22 not only lands, it's the waters around us. It's where the  
23 animals live. It's where we get our living from and the air  
24 about us. We don't want it polluted like Los Angeles and we  
25 don't want the acid rains like they're experiencing on the East  
Coast. So when you consider a settlement of other peoples, I  
hope you take into consideration the entire area of their  
livelihood and involvement and their cultural heritage.

          Another problem that has not been mentioned here that  
we addressed at the AFN level and tried to get assurances from  
the national administration and the people in Congress was the  
continued obligation of the government to assist all people, and  
especially those people who did not have advantages to gain



1 livelihood in the cash world. There was a provision in the act  
2 that provided that the Interior Department would do an assessment  
3 of programs aimed at Alaska Natives on health, education,  
4 welfare, housing and so forth, and that we were fearful that  
5 the settlement would be viewed in such a fashion that these  
6 programs would be terminated for Alaska Natives.

6 I had some small part to play in developing a report  
7 as co-chairman here in Alaska with Bert Hall, who was assigned  
8 from the federal agencies to co-chair a committee to develop  
9 that report, and it was an eye-opener, to say the least. If  
10 I recall correctly, the estimated round dollar figure amount  
11 that was being spent in Alaska for Alaskan Natives on health,  
12 education, welfare and other programs amounted somewhere in the  
13 neighborhood of 300 million dollars per year and if we, through  
14 our corporations, had to substitute those services, it would  
15 have been absolutely impossible. We would have been broke the  
16 first year of our operations.

14 Since the settlement act passed, there have been  
15 some terminations. There have been reductions in budgets for  
16 these types of services and our people are feeling the effects  
17 of those now and our shareholders are looking upon the corpora-  
18 tions to try to substitute, in some way, the benefits that have  
19 been lost. I'll tell you, it's impossible. So that is a very  
20 serious problem that must be considered, the retention or  
21 provision, as you would anybody in need, of benefits in those  
22 areas.

21 Another problem, I think, is the jurisdictional problem.  
22 Our corporations were established... under the act they were  
23 established under the laws of the state of Alaska. We knew  
24 very early in the game that, in order for the village corporation  
25 to survive, that they would have to form consolidated units  
because they could not afford the expertise of lawyers, each one  
of them small villages, some with less than 100 people, couldn't

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1 have lawyers and pay for an accountant and other consultants in  
2 order to survive as a business entity, and there would have to  
3 be consolidations and mergers. We didn't provide in the first  
4 place in the ranks exemptions under the Federal Securities and  
5 Exchange Commission rules, and not until 1976, I believe, when  
6 we secured an amendment to ANCSA that allowed us a federal  
7 exemption of SEC requirements in consolidation or mergers of  
8 business corporations. What we failed to do, however, was to  
insure that those same exemptions would be granted under state  
law.

9 My corporation has been going under legal problems  
because of state SEC regulations and it has literally cost us  
10 millions and millions of dollars. Some of our shareholders, and  
11 I'm sure you will find this when a settlement is made elsewhere,  
become interested in the power structures that are created by  
12 these institutions and will try to use the white man's law for  
13 their own purposes, whether it be power purpose or greed purpose.  
14 I hope that you will consider a tribal jurisdictional resolution  
to shareholders' interests in their own corporations and try to  
15 stay away from white man's law.

16 Thank you.

17 MR. BERGER: Mr. Paul, would  
18 you like to pick up the discussion at this point?

19 MR. PAUL: Thank you, Mr.  
Chairman.

20 A couple of important but... important background,  
21 backdrop to the settlement act. One of the frustrations that I  
22 did not mention which plagued the people through the decades  
was allotments. We've had quite a bit of discussion this  
23 morning about allotments.

24 The Federal Field Committee report has the facts and  
25 figures about the number of acres allotted under the Indian  
Allotment Act of 1906. As of 1962, there were 15,000 some odd

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1 acres allotted to the Alaskan Natives. That's 56 years of  
2 administration of authority to have allotments. My friend here,  
3 my neighbor here, Mr. Starr, was frustrated by these allotments  
4 and I'm sure that it plagued the rest of the Natives of Alaska.

5 In comparison, the homestead laws... there were roughly  
6 half a million acres patented to the white people through the  
7 homestead laws. So you have a conclusion to be drawn that the  
8 general land office, what we used to call it, it's now the Bureau  
9 of Land Management, was bitterly opposed to the processing of  
10 applications for allotments. And it lead to great frustration  
11 among the people.

12 Now, another fact should be mentioned and that is what  
13 I called... we from the North Slope called... Senator Jackson  
14 was determined to bring the Alaskan Natives, yelling and scream-  
15 ing, into the 20th century in one fell swoop. His great motto  
16 was, "We're not going to have any racial enclaves." In part,  
17 that was a product of his experience in the state of Washington.  
18 This product was the Boldt Decision, but even by 1971 --

19 MR. BERGER: Boldt, B-O-L-D-T.

20 MR. PAUL: B-O-L-D-T --

21 MR. BERGER: I'm just saying  
22 for the record.

23 MR. PAUL: Right, B-O-L-D-T,  
24 Judge Boldt. But even as of 1971, there were several major  
25 decisions interpreting the fishing rights of the state of  
26 Washington. Indians under their respective treaty. There was a  
27 huge conflict about criminal jurisdiction on Indian reservations,  
28 a huge conflict about civil jurisdiction. For example, if an  
29 Indian had a car wreck on an Indian reservation, injuring some  
30 white person, was there a court which could give redress to the  
31 injured party.

32 So his great motto was, he was going to... I don't  
33 think he ever used these words but this is what we used in

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1 against their culture.

2 Incidentally, maybe the Indian culture is the better  
3 system, but that's not the political process.

4 Now, one of the problems we had is a certain number  
5 of givens, axioms, rules that our advisors imposed upon us.  
6 Take the issue of sovereignty. They... The Goldberg firm of  
7 lawyers believed that there would be no possibility of persuading  
8 Senator Jackson to have in the bill any protection for the  
9 sovereignty of the Indian tribes, Native tribes, up here. It  
10 was a verboten subject. We could not talk about it.

11 Well, fortunately, the Arctic Slope Eskimos had some  
12 understanding of the political process that I've described and  
13 they were angry. They could see the oil wells being dug. You  
14 know, it's almost a figurative rape. And I can remember at the  
15 1969 hearings I threatened to bring a lawsuit to enjoin the  
16 September 1969 sale. That is, the hearings were after the sale  
17 but we were going to tie up the money. We were going to sue  
18 the Bank of America who was the custodian of the money so that  
19 the state couldn't spend the 900 million dollars, and we  
20 issued a press release.

21 Well, Peter A. A. Burley, one of the Goldberg team  
22 of lawyers, made fun of me. More than that, he ridiculed me,  
23 that, "You are being counterproductive. You are hurting the  
24 Native cause." Even such a saint as Howard Rock, and I don't  
25 imagine there's a person in my lifetime that I respect more than  
Howard Rock... He did not not print my threat to sue the state  
of Alaska on that 900 million dollars because he didn't approve.  
He had some of this cultural trait which I say I, personally,  
admire but it is not a part of the Western society's political  
process.

26 So we really made no real headway in trying to get into  
27 the bill any protection of sovereignty. I've already recounted  
28 the Arctic Slope's efforts at utilizing the IRAs as a vehicle for

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1 the settlement and, aside from Don, I've already said that no  
2 Native leader supported such... the utility of utilizing an  
3 IRA. That was one of our givens. We couldn't talk about  
4 sovereignty. We couldn't talk about utilizing a different  
5 system than corporations. How many times did we talk about  
6 corporations? We had ghost corporations, we had sister corpora-  
7 tions, we had charitable corporations, we had statewide corpora-  
8 tions, we had village corporations, but it was always corporations.

9 I enjoyed Harry Carter's reference to the Arctic Slope  
10 Native Association opposing the settlement. I really enjoyed  
11 your remark, Harry. I wrote Joe's speech. That was the way  
12 I felt. My father believed that, when the settlement gave us  
13 roughly ten percent of our land, we didn't preserve ten percent  
14 of our land. No, Western society stole 90 percent and he was  
15 bitterly opposed to the settlement and telegraphed the president  
16 to veto it, as did the Arctic Slope.

17 Some of the... On one of these questions that Ann's  
18 written out here, she was characterizing Richard Frank's desire  
19 for perpetual membership. Of course, that is the concept of an  
20 IRA. The IRA... the tribe owns it and when a member of the  
21 tribe dies, he leaves no personal estate. It still belongs to  
22 the tribe. That is, his membership in the tribal property is  
23 there for the other members, including the man's children.  
24 But it's not a probate piece of property where you go to court  
25 and your children inherit, by means of a piece of paper, a  
property interest in the tribal asset. The tribal asset is there  
for your children to utilize so, in a sense, they do inherit,  
but not the way a white man inherits.

The central council of Tlingit and Haida Indians is an  
example of perpetual membership. When a member of the central  
council dies, we don't list in the probate papers an asset by  
reason of his membership in the central council. Likewise,  
when a child is born, he automatically, by means of his birth,



1 becomes a member of the central council. He's got to be  
2 registered and enrolled but that's easily accomplished.

3 When an IRA has an asset and the person's born within  
4 the area of his particular IRA, he becomes, automatically, a  
5 member of that IRA. The IRA is a vehicle for having perpetual  
6 membership.

7 Now, the last question on Ann's list relates to subsis-  
8 tence. I want to reiterate what I said earlier about limited  
9 entry. Part of subsistence is also, in Western society's terms,  
10 the right to catch a few fish for the cash economy, as well as  
11 catching a few fish to eat for subsistence so that, when we talk  
12 about subsistence, in a sense it excludes the commercial aspects  
13 of fishing off of your old hunting grounds and your old fishing  
14 grounds. But the...

15 I remember being in Tanana a year or so ago and I asked  
16 the people there, "How many fish wheels have you got permits  
17 for here in Tanana?" They said, "Six." "Tell me, 50 years ago  
18 how many fish wheels did you have there?" "Forty, 50, maybe  
19 100 up and down the river." So that I prefer to utilize a  
20 broader term than subsistence. Subsistence implies that you're  
21 going to eat it but in Western society's environment, you've got  
22 to buy some things. You know, we don't have the sled dogs  
23 anymore, we've got snowmobiles. You've got to buy a snowmobile  
24 so you can go out and hunt and go to your fish camp. So the  
25 term should not be merely subsistence, but it should be the  
right to live off the land for money, yes, and for food.

Thank you.

MR. BERGER: Thank you, Mr.  
Paul. By the way, I've obtained a copy of Mr. Langdon's paper  
on limited entry and I'm grateful to you for mentioning that.

MR. PAUL: Mr. Kosloff's paper  
is excellent.

MR. BERGER: I'll have to locate



1 that one then.

2 MR. PAUL: It's a study of  
3 four villages in Bristol Bay and an emotional man would cry in  
4 reading it... of the failure of those four villages to have  
5 limited entry permits. They didn't apply for them. The  
6 statistics, the data, about young men in the 20s and 30s who  
7 are on the beach and, of course, it's a one-economy area.  
8 Fish, that's all there is. So they're on welfare and I don't  
9 know why the people of Alaska don't rebel at the enlargement  
10 of the welfare rolls because of the failure of the indigenous  
11 people to go out, as they have done through the centuries, to  
12 earn a living by fishing. But they haven't awakened yet, so  
13 they have welfare.

11 MR. BERGER: Mr. Frank, would  
12 you like to add something at this point?

13 MR. FRANK: Thank you, Mr.  
14 Chairman.

14 The statement I made was interpreted very thoroughly  
15 by Mr. Paul. The land claims act, itself, I'd like to speak on  
16 that a little more.

16 The land, itself, was the most important to the Native  
17 people in Alaska. It was (INDISCERNIBLE) educated among the  
18 non-Native people to get ahold of the land and keep it and this  
19 was one of the first strong issues that unified the Native people  
20 of Alaska. The present land claims act, itself, involved some  
21 monies with the land claims, itself.

21 In the early days, it wasn't really anticipated that  
22 there would be money involved. The main thing was getting ahold  
23 of the land. When money becomes involved, it is general practice  
24 that there is a deadline that has to be met by the Western factor.  
25 Land among Native people, there was no deadline, and those two  
issues for future settlement... I'm pretty sure that there will  
be another settlement regarding the Native people after the birth



1 of December 1971 that will have more leverage and more assets to  
2 look at to go to Congress and use these.

3 In the last AFN meeting, these are things that they  
4 discussed. There were two separate issues. With other people  
5 that are looking for settlements, I think these are things that  
6 should be addressed very thoroughly.

7 The cultural integrity... One of the strong points that  
8 was exercised was Native religion. These are things that should  
9 be inserted. We have to fight the state, we have to fight the  
10 other agencies for these recognitions. A prime example, Frank's  
11 potlatch case of Minto versus the state. One of the saddest  
12 things among the Native people here in Alaska, and I'm sure with  
13 the other countries looking for settlement and, generally, world-  
14 wide, is losing our Native tongue. It... Like Mr. Borbridge was  
15 saying, tribal identity. These are things that were exercised  
16 in the past.

17 Thank you.

18 MR. PAUL: Mr. Chairman?

19 MR. BERGER: Yes.

20 MR. PAUL: May I have a further  
21 word about limited entry? The fondest statistics on the trans-  
22 fer of the permit is the annual report of the Commercial  
23 Fisheries Entry Commission and I think the last time I saw them  
24 was about 1981. As of then, I'm depending on my memory but  
25 to give the commission a flavor of what's available, I think about  
65 percent of the permits, statewide, had been transferred.  
Steve Langdon's report is, I think, out of date, but it started  
a trend. You know, there's bound to be a lot of Natives who  
have transferred their permits when 65 percent of them have  
been transferred.

MR. BERGER: I didn't quite  
follow that. Were you implying that 65 percent of Native people  
holding permits had transferred them?

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1 MR. PAUL: No, 65 percent of  
2 those who got a free permit back in '74 have been transferred.  
3 That would be Native and non-Native.

(PAUSE)

4 MR. BERGER: Well, perhaps,  
5 Mr. Lekanoff, we could turn to you now?

6 MR. LEKANOFF: Thank you, Mr.  
7 Chairman. Thank you, John. Thank you, Mr. Chairman.

8 I have a story to tell, then I have one of the questions  
9 down here that are very pertinent that was touched upon by Mr.  
10 Carter, among other things.

11 Back in 1968, Mr. Wright, as you will recall, Jim  
12 Thomas and I helped you, as president of AFN, and collected food  
13 from all over Alaska. We got muktuk from Nome and dried fish  
14 from Unalakleet, king crab from Kodiak, we even got some oog-ruk (ph)  
15 from up Nome area, caribou from the Interior, moose... Name it,  
16 and we got just about every Alaska Native food, seafood, by the  
17 way, much of it came from Angoon, the village of Angoon... seaweed,  
18 and put on this big feed in Washington.

19 We invited all the congressmen and their wives, the  
20 hierarchy of the Whitehouse and everyone influential that we  
21 could think of that we might influence to that Alaskan feed.  
22 And it was quite timely. It was in January, I think, the latter  
23 part of January and the very strong chairman of the House  
24 Interior Insular Affairs Committee, Wayne Aspinall, had just  
25 returned from Europe, visiting his son. He was very proud.  
His son was in the service and he was in good spirits and so  
forth. And so I think if one thing was accomplished as a means  
of getting to important people, that feed culminated in a visit  
at a table between myself and president Don Wright with Wayne  
Aspinall.

I mention that because I think that Don Wright turned  
Aspinall around at that meeting. He was very arrogantly opposed

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1 to many of the suggestions that had been made to him in his office  
2 and in the committee in testimonies, many of them before him.  
3 And he was adamant and very stern on his stands until that time.

4 I want to mention that because I think there's another  
5 little story connected to that feed that I'd like to tell you  
6 just for your little easement here. One of congressman Pollock's  
7 aides helped me put the muktuk into dices and we had to keep the  
8 muktuk refrigerated, you know, so it wouldn't melt away. And  
9 we diced them up into a little larger than a sugar cube, you  
10 know, and put a toothpick in them and set them up in the  
11 refrigerator and so forth. This lady got very curious. She  
12 never had tasted muktuk before, and she said... We were going  
13 to serve these as hors d'oeuvres. She said, "Well, I'd like  
14 to taste one of those. May I have permission to take one of  
15 these and taste it? But, please, tell me first what it's going  
16 to taste like." I said, "Well, you know, you chew on it for  
17 awhile and it begins to taste like coconut." With that she  
18 took one of these pieces and she stuck it in her mouth and she  
19 started chewing. Two minutes later she came back to me and she  
20 said, "Where's the coconut taste? I haven't gotten it yet."

21 (TAPE 5, SIDE B)

22 MR. LEKANOFF: (continued)

23 "Please, you wouldn't be offended if I spit this out?" I said,  
24 "Well, do whatever you want." But you know, along with that,  
25 the dried salmon from Unalakleet and the muktuk from Nome were  
served as hors d'oeuvres and we ran out. It was the first  
hors d'oeuvre that was so popular that it was consumed. People  
came begging for some more and we ran out. We just couldn't,  
you know, give them any more.

Aside from that Washington, D.C., such that it was,  
you know, it's number one alcohol-consuming community in the  
United States, it was at that time... the second community I won't  
mention... but the Washington, D.C... a lot of alcohol was

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1 consumed and, by gosh, I think we spent more money serving  
2 cocktails that evening, Don, than we spent on food, itself, and  
3 more people came for the cocktails than they did for the meal,  
4 although we did have well over 400 people there. So that was  
5 quite a fete and a feed, and I think it did... And we did a  
6 lot of things like that to promote our ideas and to exchange  
7 thoughts with people in high places to make the ANCSA legislation  
8 the success that it was.

9 Other comments that I have here, I think someone  
10 mentioned, and it's true, we are established under the laws of  
11 the state as corporations and for a lot of things, we must look  
12 to the state for assistance. I think we forget oftentimes that  
13 there are state agencies that are available to us to approach  
14 for assistance in helping the villages.

15 Recently, in a case of my village of St. George, we  
16 were a traditional village council for a long time until we  
17 found that we were only getting 100 thousand dollars a year or  
18 so for making improvements on this and that in the village, and  
19 we discovered, also, that if we became a second class city, we  
20 were eligible for other things and for grants and other monies.  
21 So the village, last year, became a second class city and is  
22 now existing as such as an instrument of the state. They can  
23 go to any state agency, including the governor on down, and the  
24 legislature and demand a lot of the things that we do need now  
25 for survival. And survival is the name of the game out on the  
Pribilofs. As I mentioned yesterday, we're going to take the  
state to task for help, not just the federal government. We  
have taken the federal government to task and I think we'll  
probably go back again for the filling of the basket because I  
think the amount of money that was received there, as was  
mentioned earlier, for support of the islands under the Interna-  
tional Fur Seal Treaty has been withdrawn to the tune of 6.3  
million dollars a year. You know, that's a lot of money.

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1 Twenty million dollars isn't going to cover all of that and we  
2 know that.

3 So survival being the name of the game, we're going to  
4 have to look to the federal government and the state government,  
5 which we are citizens of, for assistance other than trying to  
6 help ourselves with what we have left. I'm saying that because  
7 we are depending on the sea for livelihood and we must deal with  
8 international seasing in this area, Mr. Carter. We have to deal  
9 with the International Halibut Commission to raise our halibut  
10 quotas in order to survive up there, and we have done that. We  
11 have to deal with the International Fur Seal Commission for  
12 subsistence use of a fur seal, which I don't think we should  
13 have to do but we must. And we're going to have to pay our own  
14 way to Moscow this year to approach the international scientists  
15 to increase the use of the fur seal, for Pete sakes. Excuse  
16 me, Saint Peter, I didn't mean to use your name in vain.

17 But we have to do these things and it costs money to...  
18 just to try to exist on our culture that we're used to. We have  
19 to deal with international bodies. In 1982, just to cite an  
20 example... Incidentally, the foreigners caught 6.2 million  
21 pounds of halibut in the Bering Sea, alone. And the International  
22 Halibut Commission was going to give us, in our new area, 200,000  
23 pounds of halibut to catch in a three month period. And I said,  
24 "Well, that's not enough. One village, alone, can catch 800,000  
25 pounds, easy," and we can. I said, "You're just giving us  
pittance. As a result over the argument that the foreigners  
had been allowed to take 6.2 million pounds of halibut and they  
were only giving us 200,000 pounds, they doubled that to 400,000  
pounds and we went back this year to try to get that increased  
and we only succeeded in getting an additional 250,000 pounds.

But, you know, these are the kinds of things that we  
must forever be dealing with in order to survive, survival of  
the community. And this is for the people who live in the village

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1 to survive, and they depend on that.

2 One of the things, you know, under the self-sufficiency  
3 and self-determination aspects here, the community of St. George,  
4 the people, themselves, there have stated so many times in  
5 so many words that they want to work and support themselves and  
6 their families. They do not want welfare, and they make it loud  
7 and clear when they go to Juneau to lobby. And their lobbying  
8 costs money and we are fighting for our harbor, as you know, a  
9 breakwater that's going to cost in the neighborhood of 19 million  
10 dollars. We must finish it from the start because it's a one-  
11 phase thing. We can't phase it in number one, phase it in number  
12 two, like the other island is able to do. So we must have that  
13 harbor. We must have a protective harbor to survive from the sea,  
14 if we're going to do it on a commercial basis. It's very  
15 important to us.

16 Then that brings me down to the subject that Mr.  
17 Carter raised, and I think we handled very well, I think, to  
18 the best of our abilities the problems of land claims, and it  
19 was a land claim. The land was ours. We took care of that  
20 pretty well but we missed one important item, water rights.  
21 I think that, if nothing else comes out of this meeting, I hope  
22 we will address that to some extent and see just what we are  
23 talking about.

24 There are 25,000 miles of waterfront in Alaska, enough  
25 to go clear around the world. Look at the amount of water we  
control, and the 200 mile limit is the law. And there is such  
a thing as the law of the sea. Who is best fit to interpret  
that law to us today? I think we need to look at these things.  
I think we really need to examine what our rights are under the  
law of the sea, and for subsistence use among the water surrounding  
us because we very much, for survival, depend on the water in  
my country that I speak for.

Thank you, Mr. Chairman.

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1 MR. BERGER: Thank you, Mr.  
2 Lekanoff. Mr. Hope, would you like to contribute something at  
3 this stage?

4 MR. HOPE: I'd rather do it  
5 after lunch.

6 MR. BERGER: All right. Well,  
7 is that --

(LAUGHTER)

8 MR. BERGER: Well, I guess that  
9 this might be a good time, then, to stop for lunch and perhaps  
10 we could come back at 1:15. Would that be all right? And then  
11 Mr. Hope, suitably fortified, will be ready to impart wisdom  
12 to us all.

(LAUGHTER)

(HEARING RECESSED)

(HEARING RESUMED)

13 MR. BERGER: I think we'll  
14 come to order again, ladies and gentlemen, and we'll ask Mr.  
15 John Hope to resume the discussion for us now. Mr. Hope?

16 MR. HOPE: Thank you, Mr.  
17 Chairman.

18 Mr. Chairman, I knew the participants would be very  
19 restive and my presentation would be presumed to be very lengthy  
20 when we were all anxious to get out to eat. I think my strategy  
21 may backfire. I may put them all to sleep.

22 Mr. Chairman, it's very difficult to confine yourself  
23 in this testimony to Native aspirations as they were perceived  
24 back in 1971 and you're living with the act today. It's very  
25 difficult to confine your remarks to that period. You feel  
impelled to correct those things and comment on things as they  
are today. But I will make an attempt to confine myself to  
aspirations as I viewed them and respond to some of the questions.

As Mr. Ewan indicated, congratulations are due to the



1 leadership of that time for forging an act and influencing so that  
2 it became less harmful to us. I was remembering that the statute  
3 was an instrument of Congress and that they had probably most  
4 of the cards in their favor.

5 When you remember the pressures that were prevalent at  
6 the time, when you remember that there was a land freeze and that  
7 the discovery of oil brought some imperatives, we have to realize  
8 that the contributions made by our leaders were very, very worth-  
9 while. And when you look at Congress and how it dealt with  
10 Indians in the past and you put it in that context, you begin  
11 to realize that there wasn't that much wiggle room for the  
12 Natives in Alaska... when at the very outset, in Section 2B...  
13 when Congress said in their declaration of policy, "The settlement  
14 should be accomplished rapidly, with certainty, in conformity  
15 with the real economic and social needs of Natives, without  
16 litigation, with maximum participation by Natives in decisions  
17 affecting their rights and property, without establishing any  
18 permanent, racially-defined institutions, rights, privileges or  
19 obligations, without creating a reservation system or lengthy  
20 wardship or trusteeship, and without adding to the categories  
21 of property and institutions enjoying special tax privileges  
22 or the legislation establishing special relationships between  
23 the United States government and the state of Alaska.

24 So you can see that Congress pretty much said, "you  
25 would form profit-making corporations." However, as Mr. Borbridge  
indicated, we can view ANCSA as a beginning.

I think within the history of the United States,  
Congress has dealt with Indian tribes and changed the rules often.  
There were over 650 treaties, and treaties were the traditional  
way to settle land claims before the court of claims became the  
instrument used by the United States. There were over 650 treaties.  
I think, without exception, those treaties were abrogated by  
the United States government. Lands were given to Indian tribes,



1 sometimes in places they didn't want the land, because it was the  
2 kind of land that Congress could "give away", as they termed it,  
3 without public indignation.

4 As you recall, the Souix people were given the Black  
5 Hills as part of their religious domain and it was given to them  
6 by treaty. However, gold was discovered in the Black Hills and  
7 Congress changed its mind about giving that land and took the  
8 land back. The Souix people sued and were awarded 100 million  
9 dollars for that land. Some of the Souix people said, "We don't  
10 want your money, we want our land." Congress, having plenary  
11 power, is presumed to be a final authority.

12 Now, in that declaration of policy, some of the things  
13 that Congress said would happen have not happened. The settle-  
14 ment was not accomplished rapidly, with certainty, in conformity  
15 with the real economic and social needs of Natives. It was  
16 not formed without litigation. But those things that are harmful  
17 to us usually stay in place, and that is the history of the  
18 United States. Those things that are harmful to the Native  
19 peoples of the country are always implemented. Those things  
20 that are beneficial, sometimes we have to go into court to prove  
21 the language of the act is as we understood it.

22 So it becomes somewhat difficult for us in the present  
23 day to look back and find that these were the promises of Congress  
24 and they were not fulfilled, but those things that may be harmful  
25 to us will, in fact, be fulfilled.

26 But if we look at the act as a beginning and these  
27 hearings as an instrument to get our message across, perhaps we  
28 can rectify some of the things that we feel are harmful to us at  
29 the present time.

30 Usually in lands where the government says the Indians  
31 do have a right to the land, they must be compensated for that  
32 land, land is retained by the Indian people or the Native peoples.  
33 But there never is a caveat, like we have in this instance, where



1 title is only assured for a 20 year period. Usually it's in  
2 perpetuity, and perpetuity in the United States means until  
3 somebody with more power than you eventually takes it away from  
4 you. In Indian country, that has been the case. Usually, if  
5 your land has any value and you have it in perpetuity, they  
6 might build a dam over it or they might take it and have a race  
7 to see who gets to the biggest chunk that he wants first, and  
8 they'll open it up, generally, to the public. That is what  
9 perpetuity has meant in the past. It's a harsh thing to say  
10 against your government, but history is replete with broken  
11 promises.

12 I think we can have expectations, however, that we can  
13 look at this instrument as a begining and we can offer corrections  
14 as time goes on and proves a need. I think the Native leadership  
15 can grapple with this as they approach 1991 and I'm almost  
16 moving over now into the last three days of this session, and  
17 I'm trying to avoid that. But maybe I'd better get back to  
18 commenting on the points that were raised yesterday.

19 Fred Paul mentioned that... This is number three. Fred  
20 Paul mentioned that, at the time of ANCSA, Alaska Natives were  
21 opposed to IRAs as a vehicle for receiving the settlement land  
22 and money. He suggested that this was because Alaska Natives  
23 didn't want to increase the hold the BIA had over them. I think  
24 even if we agree or disagree, I think Congress already had  
25 declared in their policy that this would not happen. Now, I  
26 think the word probably was on the street that Congress already  
27 had made up its mind that there would be no relationship such  
28 as suggested by the IRA. I agree with Mr. Paul that the IRAs are  
29 a very good vehicle. If I had the choice today, that's the  
30 vehicle I would have selected over any known... other known  
31 vehicle. I think the IRAs have a great potential and I think  
32 the people that framed the Wheeler-Howard Act did it based on  
33 experience of reservations. There are some comments here that

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1 there was a hesitancy to go into a reservation system. I think,  
2 if we were to go to Metlakatla and we were to tell them, "Would  
3 you exchange what we have for what you have?" I think they would  
4 say, "No thank you."

5 A lot of us don't understand reservations and when we  
6 don't understand them, just like human nature, we have a little  
7 hesitancy to accept. I think I agree with Mr. Paul. I think,  
8 between the lines, he was saying it's a good vehicle.

9 Number four, have the goals of Alaska Natives changed  
10 since 1971? I don't think the goals have changed, I think times  
11 do change and society, as a whole, they view things a little  
12 bit differently. I think the expectation level of the shareholders  
13 ... We don't call them Natives when we talk about corporations,  
14 we talk about shareholders... The expectation levels of the share-  
15 holders are very, very high. I think most of us expected to go  
16 to Hawaii on an annual basis with the proceeds of the land claims  
17 act. I think that's no exaggeration. I think we all expected  
18 that our land was worth a lot of money and, because of that, we  
19 would have... almost could retire and live off the benefits of  
20 the act. So that is still very, very high. I think there are  
21 probably some of our shareholders becoming disillusioned now.

22 The village people, those people enrolled to villages,  
23 probably didn't receive more than 100 dollars each. The act  
24 tried to protect the older people and mandated that at least  
25 ten percent of the monies distributed to the village corpora-  
tions would be distributed to the shareholders. And that was  
a gesture towards the older people among our shareholders.

The second half of that question, are the things that  
were important to them in 1971 still important today... and I  
think they are. I think land is still a very, very important  
element of the land claims act and I think land... As was  
expressed this morning, if you were to weigh whether you want land  
or money, I think land clearly would be the choice of people even

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1 MRS. DEMIENTIEFF: I guess I'll  
2 go down the list like Mr. Hope did.

3 Regarding use and occupancy of the land, I did a small  
4 study on my own in our village and I found out that we have  
5 almost no more out-migration. More people have come back so  
6 we have more people using and needing the land, and also more  
7 need for the resources, especially subsistence resources, on our  
8 land. At the same time, no one in our area has title to their  
9 land.

10 We also were expecting that the cash settlement would  
11 be important. In our village, you cannot get a loan to build a  
12 home or start a business because you have nothing to put up for  
13 collateral. You can't buy fire insurance because you don't own  
14 your land, many things like that. So we really, really aren't  
15 seeing any economic development. We don't welcome people coming  
16 in to start things in our village. We would like to start them  
17 ourselves but we can't, we don't have the money.

18 Resolution of past social ills and full participation  
19 in the future... I think we have more social ills and I think  
20 that's caused from confusion and it's not just from ANCSA. It's  
21 from the pressure that comes from having to be a second class  
22 city, having to be on school boards, many of the things the other  
23 people have mentioned. Having to do that without knowing how  
24 has caused more problems and more social ills. We would like to  
25 solve our social ills ourselves, but we still keep getting people  
coming to tell us what our problems are and how to solve them.  
I think we should at least have the right to say what our  
problems are and suggest solutions.

26 We've always been self-sufficient and determined.  
27 Because people don't really... outside of our... people who don't  
28 belong to our area don't understand our culture, they keep  
29 saying we're losing it. From my point of view, it's there, it's  
30 alive and well, and we plan to keep it that way. But the one

1 thing that I think is going to be very important to understand is,  
2 in our culture, we identify ourselves by the place we come from.  
3 I notice other people, they'll say, "I'm So-and-so, I'm the head  
4 of this," or, "I work here," but we say, "I'm So-and-so, from  
5 this place, and my relatives are So-and-so and So-and-so" and  
6 when we're talking about our land, we're talking about our place  
and, therefore, we're talking about our identity.

7 I totally agree with Don Wright's statements, and this  
8 is the way I remember it. I think we had a very black picture.  
9 We didn't understand what reservations were. We were taught about  
10 these poor starving Indians on barren lands. We didn't see any  
11 successful IRAs so how could we choose or even talk about such  
12 a thing before land claims. At the same time when we were  
13 talking about fighting for our land, we could see our land. We  
14 knew our land was vast and rich but we couldn't understand all  
15 the millions of words that were said about how the people in the  
16 Lower 48 lost their land. After the land claims settlement, I  
17 flew over the continental United States and I was so amazed to  
18 see it look like some kind of a jigsaw puzzle. If we had seen  
19 a picture like that, it would have been worth many, many more  
20 words. We would have understood much more clearly what it is  
21 we were trying to avoid, what it was we were trying to hang  
22 onto.

23 I don't think our goals have changed at all and the  
24 things that were important in 1971 are still important. One  
25 thing that we expected in our village was control over our living  
resources, our fish and our game. There are people who come,  
even from other countries, to hunt in our areas and I agree with  
the man who said that subsis... He said something about we  
sacrifice an animal to strengthen ourselves. I think when we  
talk about subsistence, we're not just talking about feeding  
our body. We're talking about feeding our spirit, as well, and  
if the state, with all of their experts, cannot come up with a

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1 legal definition of subsistence, maybe they should come to us and  
2 we'll try to teach them for a change.

3           Subsistence is such a big thing. It is us. It is our  
4 body and soul.

5           The after-born.. You're not talking about my grand-  
6 children when you talk about the after-born. My children were  
7 born Native. They weren't made Native by an act of Congress.  
8 I'm going to be a teacher in about a year, and maybe for a few  
9 years my students will be stockholders. After that, they won't  
10 be. How will I teach them? What will I say to them? Let me  
11 tell you, I will try to make them so sharp that, no matter what  
12 the law says, they will take it over and they will say, "We  
13 belong," because right now we're educating them to be proud to  
14 be Natives.

15           There are so many things to say, really, but everybody  
16 has said a lot and I think that I'll stop there.

17                           MR. BERGER: Thank you very  
18 much. Lily McGarvey?

19                           MRS. MCGARVEY: I spoke before  
20 about the rapid face of change that ANCSA put our Native people  
21 into. We were forced to take roles that we never dreamt we  
22 would hold. People in the villages had to run corporations.  
23 Some of them had never heard of a corporation before and yet  
24 they were running them all of a sudden.

25           And I mentioned the disruptions to the families. Thank  
26 goodness that we had some educated Natives, some giants, that  
27 went to Congress and spoke for us and were successful in getting  
28 the Alaska Native Claims Settlement Act passed. I hope they  
29 know that we appreciate that.

30           The Aleuts, as I say, had a very tragic history. When  
31 you talk about land, I think of all the land that we have lost.  
32 When the Russians came... (LAUGHTER)

33           All I had to do was mention the Russians...

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(LAUGHTER)

UNIDENTIFIED: (INDISCERNIBLE)

MRS. MCGARVEY: When the

Russians came, the Aleuts numbered... they say between 16 to 40 thousand people. In 50 years, that number had dwindled to 2,500. The Aleuts increased and numbered about six to seven thousand. Then came along World War II and then the Alaska Native Claims Settlement Act. We are one of the smallest regions, numbering in our enrollment just a little over 3,000 people. I think it's something like 3,030, something like that.

So it was to the detriment of the Aleuts to have the Alaska Native Claims Settlement Act passed on the basis of per capita. It would have been better for us if it had been based on land lost.

Flore and others have mentioned our marine subsistence. I agree that part of the land settlement should have included some of the marine areas that we have used traditionally since anyone can remember. The Aleuts have always subsisted from the sea, sea mammals and fish and all of the little goodies from the reefs that surround our shores.

When I mentioned allotments this morning, I forgot to mention an incident that happened. I was living in Anchorage and I had a daughter living out in the islands, and I told her about the allotment act, that it was going to be no more after the claims act passed so, if possible, we should get some land that we had been using. So she picked out a spot that she thought she would like to claim as an allotment and I went to BLM with her. At BLM we were told by Mr. Gustafson that, in the land claims settlement fight, Flore Lekanoff and Mike Lesnikoff had put in the name of St. George Island into the lands that we were fighting for, and that was all that was recorded at BLM. Thank goodness for guys like that, but wouldn't it have been sad if the Aleuts, at the settlement, only



1 got St. George Island?

2 So we went to our board and our lawyer and I made a  
3 motion at our next board of directors meeting that we should  
4 include all of Aleut territory in our fight for our land claims.

5 When I spoke about disruption to families this morning,  
6 one of the things I didn't mention was our elders. Some of the  
7 elders had written to us, called us, and said, "We won't be here  
8 when everybody really reaps the goodies from the act. Is there  
9 any way we can get a loan to fix our house or do this-and-that  
10 right now?" Well, I'm sad to say that some of those who wrote  
11 those letters have already passed on and they never really  
12 gained any economic enhancement from the act, which we all hoped  
13 for at the time the act was passed. And it's still that way to  
14 this day. Until we all do something to make sure that our  
15 elders will benefit while they're still here, no one else is  
16 going to do it. We have to do it. And when we think about 1991,  
17 that's still a long ways away. Our elders need that betterment  
18 today. I don't know how to do it, but I think we ought to think  
19 about it and act on it right now, not wait until 1991, because  
20 I think our elders are really the most eligible people for this  
21 settlement. They're the ones who gave up so much.

22 Resolution of past social ills and full participation  
23 in the future... I worked quite bit in health, spent a lot of  
24 time on health boards at the local level, state level and  
25 national level. I took a job with Congress on the Health Task  
Force of the American Indian Policy Review Commission, of which  
John Borbridge was a member. I went all over the Lower 48 and  
all over Alaska, holding hearings and talking to tribes and  
individuals about our health status, our needs.

I have to mention an incident that happend which kind  
of demonstrates some of the situations. I did a lot of travelling,  
was away from home. My poor husband finally learned how to cook.  
He couldn't boil water before that. But when the statewide Native

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1 health board invited the national health board to Anchorage for  
2 a meeting, we had a dinner at the Sheffield House, the Travelodge.  
3 During the dinner, I was sitting at the speaker's table and my  
4 husband, whom I had invited, was sitting farther down at another  
5 table. And as... During my speech I mentioned that I wanted to  
6 introduce my husband, who made my work possible through his  
7 support and understanding. He got up and he said, "Well, I have  
8 to say that it's nice to have dinner with my wife for a change,  
9 even though she's across the room," and that situation was  
10 prevalent in a lot of Native families. People were separated.  
11 I found out that you can be the lonliest person on earth in the  
12 midst of a crowd in Washington, D.C. I guess it's simply because  
13 you're not sharing it with loved ones.

14 And as I said, some marriages did not survive this  
15 new life, new lifestyle, and it didn't only affect two people,  
16 two partners. There were the children involved, there was the  
17 mother and father of the partners on both sides, there were  
18 cousins and aunts and uncles, and an extended family... It  
19 affects the whole family. And in a small community, it affects  
20 the whole community because families make up a larger part of  
21 a community, each family.

22 In our health situation... I agree with... I forgot  
23 who said it this morning, that if we had spent some more dollars  
24 on alleviating our health problems, our money would have been  
25 gone a long time ago. In the early 1950s, there was a study,  
the Parran Report on the health status of Alaska. In that time,  
they reported there were two Alaskas, Native Alaska and white  
Alaska. While the white segment's health was on a par with the  
rest of the nation, the health of the Alaska Natives was probably  
at the worst level in the nation, if not the world. There were  
many disparities in the Native health situation and, although  
Indian Health Service has done a lot to alleviate that, they  
continue to lack funds. Congress has never appropriated them



1 enough money to do their job. And although the self-determination  
2 act has passed and a lot of the responsibilities for health care  
3 are now being handled through Native health corporations, that  
4 situation has not changed. They're still under funded. They  
5 still don't have enough money and the health of the Alaska Natives  
is still way below the rest of Alaska and the nation.

(TAPE 6, SIDE A)

6  
7 MRS. MCGARVEY: As far as the  
8 talk of sovereignty, I'm not really familiar with that because, in  
9 the Aleutians, I don't think we ever dealt with it. We dealt  
10 with the Aleuts as a tribe and I think this is just an extension  
11 of that traditional way of life. We have the chief and councils,  
12 the higher chiefs and lesser chiefs, and they were the ones who  
13 decided everthing for the villages. And I think that's what  
14 sovereignty is all about, we want the continuation of that kind  
15 of life.

16  
17 And the children... I think the children being left  
18 out is one of the worst parts of the act. The children will  
19 carry on after we're gone. Our leaders won't last forever and  
20 we need to teach our young people to carry on and, hopefully,  
21 live in a better world of their own making. But before we  
22 can do that, we need to recognize them. In the rest of the world,  
23 inheritance goes on to whoever you will it to. If you will  
24 your Native shares to your children who are not shareholders,  
not stockholders, they have no vote as shareholders. They  
can inherit the shares but they cannot vote if they are not  
at least a quarter Native. Down the line, I can see a lot of  
our children who will not be a quarter Native and it's a shame  
that, even though they inherit from us, that that's who we want  
to talk for us after we're gone, they do not have that right at  
the present time.

25  
As far as whether I believe subsistence is as important  
today as it was at the time of ANCSA, I say yes. Subsistence is

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1 still a way of life in the Aleutians. There are villages who  
2 only just very recently got electricity. They could not keep  
3 their food more than a day or two, because all of their food came  
4 from the sea, without electricity and to this day they depend on  
5 sea mammals and fish for their subsistence. They live on fish,  
6 not only during the summer when they can get it from the sea,  
7 but during the winter when they have dried it to eat during the  
8 winter months. And the same with sea mammal meat, they dry that  
9 and eat that during the winter, too.

10 Thank you, Mr. Chairman.

11 MR. BERGER: Thank you very  
12 much. Are there others who wish to add something at this stage?  
13 Mr. Ewan?

14 MR. EWAN: I'd just like to  
15 mention one thing and that is about sovereignty. I think it's  
16 a big issue, statewide, at the present time. I feel, personally,  
17 myself, not being too involved in the last several years in the  
18 Native corporation in my area, that we have to educate the  
19 Natives throughout the state on sovereignty before we come to  
20 grips with that issue. But as far as being an issue during the  
21 land claims, I don't recall it being a very big issue. I think,  
22 in several papers that were submitted, probably there was mention  
23 of sovereignty. I don't recall, exactly, but I think it was in  
24 back of our minds. All these things, like sovereignty, I don't  
25 think were totally discussed, like I say, but they were in back  
of our minds and I think my thought at the time was, I think  
these things we'll deal with later. I think, because of the  
time frame, we were sort of pressured into settling right now,  
as best we could, and we'll deal with these issues as they come  
up. And I think right now we're at the stage where we have to  
deal with sovereignty. I think it's a very strong, political...  
Native political issue right now.

I want to mention also that, during the land claims, as



1 I understand, the overall overview is supposed to benefit someone  
2 and I think it maybe will benefit other Native groups from other  
3 countries. We hassled over the blood quantum and, probably, today  
4 it's an issue again when you come to shareholders, after-born.  
5 I think that will be an issue in the future when you decide where  
6 do you cut off the Native blood quantum. Where do you stop  
7 calling these people Natives?

8 As I said earlier this morning, our goals, I think, are  
9 the same as we set out. We want our people to be better off.  
10 We want to be Natives, recognized as Natives and be proud to be  
11 Native. Our ways of doing it, I said, were a little changed. We  
12 have money to go to Juneau. We have money to go to Washington,  
13 D.C. We have a little more political power throughout the state,  
14 influence. I think the ways of doing, changing, for the better-  
15 ment of our people sort of changes our... I mean, just how we  
16 accomplish our goal, not our main goal.

17 That's about all I say. Thank you.

18 MR. BERGER: Thank you, Mr.  
19 Ewan. Mr. Starr, did you wish to add anything, sir?

20 MR. STARR: About the land  
21 claim and about the lands... The groups, the people that live  
22 out away from the villages, they were allowed two million acres  
23 and only one group... I think there was one group, the Cook  
24 Inlet that will get their land, somewhere around Cook Inlet,  
25 somewhere around there. The rest, they said they were going to  
26 give that land out after it went through the land claims. So  
27 things like that, about the sovereignty, when I see, in my  
28 travels, is that some of the reservations are very good because  
29 they've got control of their land. And in Canada, I guess you  
30 people went through Canada quite a bit because of that highway.  
31 That's nice country around there. Across the river from there  
32 there's a little Indian village and they own quite a lot of land  
33 and there's not a thing, not a lot of buildings, on there beside

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1 that little village, but they own the land, they own the land.  
2 And any land that the Indians, Indian villages... should be  
3 in the control of themselves. They control it.

4 And about that two million acres I'm talking about,  
5 after it passed in Congress and the BIA said, "You can't get it,"  
6 and I'm supposed to go to court sometime, all my group. And  
7 always since I can remember, the Indians are always trying to...  
8 Well, the government told them around 1910, here in Alaska,  
9 that, "You control your village, and then we'll give you  
10 authority for anything like laws. You could handle that if  
11 it's small. You could handle that and things like that." So  
12 the Indians, the Natives, Indians, American Indians, like this  
13 lady was saying, they told the Indians, "We'll give you a piece  
14 of land." All right, well, the Indians wanted it. They said,  
15 "We've always lived there and that's our best hope to survive,  
16 to have that certain land."

17 Then the government or somebody, settlers or somebody,  
18 wanted it and they said, "No, you move on. You move on."  
19 Hopefully, I hope something like this, the investigation of  
20 things like that, will make things like that a little better  
21 for the Natives, American Indians, and for Canadians, too.

22 Some places, you know, you'll be way out someplace down  
23 on the Fraser River, no place, and there's an Indian. He says,  
24 "That's my allotment." He lives on that. The allotment of  
25 1915, they took that but they could live on it. Some died off  
and it was supposed to be turned over to their children and  
that never materialized. They say that it goes to the state.  
The government again says, "You can live on that," like they  
promised.

So it's up to you. Like old Chief Isaacs said, "I  
haven't got no education." But the Indians, always they try to  
protect their people, their children and the future generations.  
So you can carry on because you're younger and an old man like me



1 goes down in the fight. I thought when I was told to come down  
2 here and try to explain the first part of the Indians settlement,  
3 I thought I could listen to the people of the other parts of  
4 the world, that would tell us our experience. And that's  
5 good, too, because they all have experience, especially in South  
6 America. I met one from Chile not too long ago, a couple  
7 of years ago. She said, "Al, when they want land, they just  
8 kill us all." The Spaniards tried that but they couldn't kill  
9 all the Indians.

10 Indians in the United States said a long time ago that  
11 we might go down to nothing but the day is coming when we will  
12 rise again to have our own little lands and the Indian nation  
13 within the United States. And it was kind of encouraging last  
14 winter, I picked up something... I don't know where it was, I  
15 was out of the country... that said they had one million 700  
16 hundred thousand, and not too long ago there wasn't a million  
17 Indians in the United States. But now they've risen up again.  
18 So I say we're not finished yet.

19 We've been here and we'll be here for a long time, I  
20 hope. Thank you.

21 MR. BERGER: Thank you, sir.  
22 Thank you very much. Mr. Tiulana, did you wish to say something?

23 MR. TIULANA: I think the  
24 thing is to express ourselves or defending our cultural values  
25 rather than developing our resources and make profits. I'm  
not going to talk about profits. I'm going to touch a little  
bit about our future, human resources going to take over our  
corporations.

I think there's a lot of ways to produce human resources  
that could help us to our future life. Also, we touched a little  
bit about our schooling, how we are going to educate our children  
to be on top in the corporate world. And I was going to talk  
about how we are going to unite ourselves and make better profits

1 for ourselves.

2 Like this old man said, we're going to be here maybe  
3 forever talking about our problems, but I think sometimes we  
4 forget who we are, just like some of us going out hunting for  
5 moose or seals today. I think we have to educate ourselves in  
6 some methods also because we are gone out hunting all day long  
7 trying to find a moose or seal and when we find those game, who  
8 is going to shoot the moose? Are we trying to describe ourselves  
9 to be a better shooter, just like a better policy for our corporate  
10 world? Next thing we know, there's arguments who's going to be  
11 the better shot to kill the animal and the animal's gone. Then  
12 we have nothing to take back home. I think that would better  
13 describe ourselves today. We should learn, have better arguments  
14 among our Native people because our culture values, which I  
15 talked about this morning... I have...

16 Some people, non-Native people, told me, one is the  
17 minister, the church people, one is a professional trainer for  
18 the United States government, and just one local non-Native  
19 person... They all say that, if they adopt themselves to our  
20 culture values, they could be better human beings today. They  
21 encouraged me to preserve our culture values because the other  
22 party sees something in us to unite us.

23 I think the state of Alaska is smaller today because  
24 of transportation. We should look into different culture values  
25 in different tribes in Alaska and take guidance with better  
values to guide our corporations. That way we could settle  
our differences, and quicker.

Also, Richard Frank mentioned about religion this  
morning, because some of our game values, just like Lily McGarvey  
said, are of greater values. I was attending a meeting one time  
in Anchorage, here, about religion and when my time came to  
speak, I said, "There are about 50 churches here in Anchorage.  
Which church is going to take me to heaven?" Everybody laughed.



1 I don't know, they kind of took it as a joke.

2 Even in this society that we try to integrate, even the  
3 church people have differences, which our culture values tell us  
4 the virtues of the Bible. Some things I see, sometimes I reject  
5 them. How come those religious people have differences while  
6 they all pray to one God? That, I have to look twice, before I  
7 make a decision.

8 Everywhere I look, I think there's ways to make a  
9 better world for us. Like I said this morning, I'm not a very  
10 educated man in school, but I've learned a lot of things since  
11 I've been down here in Anchorage because, in my home, my own  
12 home, I've got problems.

13 Last spring, when my grandson killed a seal, I was  
14 real proud, a real proud grandfather. I said to myself, "This  
15 grandson of mine is going to feed me when I'm not able to go  
16 out hunting anymore." I succeeded in one of my grandsons, the  
17 way my ancestors lived, and I introduced it to our church  
18 because I haven't found an alternative to make us better  
19 human beings. Maybe this sacrifice to our church will guide  
20 my grandson to be a better human being.

21 Thank you.

22 MR. BERGER: Thank you, Mr.  
23 Tiulana. Francis Degnan, did you want to add something now?

24 MRS. DEGNAN: I agree with  
25 everything that's been said here by everyone. Everyone's  
26 touched on important issues that were important back in the  
27 early '60s and are still important today.

28 I live in Unalakleet, Alaska. I feel... He knew, if  
29 we're going to be doing anything for ourselves and our community,  
30 to go back to the village to work in your own village, if that's  
31 possible, is really the beginning toward the solution for  
32 keeping and retention of our land, because the land goes in  
33 patent to each identified group and, once we have the patent,

1 I don't believe the federal or the state government will take  
2 that patent away. They haven't taken it away from anybody else  
3 that has gained legal patent to their land, although we have a  
4 lot of people that will try to talk us out of our patent, that  
5 will try to steal it from us. But, by law, we're legally  
6 protected.

7 But it takes involvement of each one of us and how  
8 best can we do that? Is to participate in every area that we  
9 can, encourage the younger people to get involved, whether they  
10 do, are shareholders, or not. But they are part of your family  
11 and I think that, knowing and talking with our elders, they're  
12 concern is that they've been here and we are going to continue  
13 to be here. So land is very important.

14 The issue of sovereignty is very important, also.  
15 As I see it, the Native people have always viewed themselves as  
16 a nation within their own and have continued that feeling through  
17 their own tribal traditions, their own clans and their own  
18 family units because it's tied to the land. And I don't believe  
19 that they're going to take that human element away as long as  
20 people are not dispossessed from their land.

21 And we are always talking about education. Well, like  
22 Paul Tiulana says, he doesn't have very much formal education.  
23 I may have a little bit more than he has, formally, but not the  
24 wisdom that he has gained through experience. And so it's  
25 very important that we encourage those of our own family to  
continue in areas that are fruitful and meaningful to us.

And the one thing throughout these years that has  
bothered me is that our problems are identified by others.  
This was brought out earlier today. Somebody else is always  
telling us what kind of problems we have and sometimes in our  
lives we do have problems, but if we feel we can trust somebody,  
we'll let them know. Otherwise, we're not, at this stage, going  
to be told that we have problems and imposing on us what kind of



1 values we should have. Is it because our values that have been  
2 passed down from our forefathers are not workable? I feel that  
3 they are, and what I get from the panel here is that they still  
4 feel they're workable.

5 And when we talk about villages, I think that one of  
6 our largest villages is here in Anchorage. Most of our people  
7 are here and they pass through here most of the time, and what  
8 kind of services do we receive here in Anchorage if we're Native?  
9 Because what I'm concerned about is, when the 1985 study is done,  
10 are we going to be required to take care of our own because we  
11 are land owners, we're equal?

12 Those are things that need to be looked at because  
13 what the settlement, to me, means is that we're not required to  
14 provide social services and capital improvements and relieve the  
15 current federal and state governments in their responsibilities.  
16 Because they do provide those services to the large populace  
17 areas.

18 That's all I have at this time.

19 MR. BERGER: Thank you. I  
20 was wondering, Ann, since you started this discussion off  
21 yesterday by reading your paper, whether you had anything to  
22 raise now or any questions you wanted to bring up? If so,  
23 this is your chance.

24 MS. RIORDAN: I don't really  
25 have... Well, I'm not sure if this will open things up again or  
really close it down. I mean, I think it's more sort of a  
statement that I think I should have probably begun with yesterday.

When you introduced me as an anthropologist, ooh, with  
all that that implies, actually, what I was doing for the purposes  
of this review commission was, in fact, history. It was looking  
at a document and trying to, through a written document, draw  
some conclusions, and I don't think many histor... So I was being  
an historian in that sense, and I think very few historians would

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1 maybe be as fortunate as I have been to be here... And, again,  
2 this was a documentation of Natives and an attempt to reveal  
3 their aspirations in looking at those documents... Well, it's  
4 often, possibly, easier to do history on Western cultures where  
5 everybody writes everything down. Non-Western cultures may be  
6 not so... do not always write everything down and I feel  
7 extremely fortunate to have been involved in this discussion where  
8 people begin to talk about things that underlay... lay under  
9 the testimony that I was able to read because I feel like I now  
10 can go back and read it again and see in it things that possibly  
11 I wasn't able to see before.

12 Again, this is back to what I said yesterday, Don  
13 Wright's comment... and it has come up again and again today,  
14 the idea that sovereignty, tribal identity, that those were  
15 aspirations that were there since the late '60s. That wasn't  
16 as clear... It was clear to me in terms of the desire for  
17 independence and self-determination, but I certainly didn't see  
18 it in those terms and I would now be encouraged to go back and  
19 look for that kind of intent in the testimony, itself. I think  
20 that that's sort of the most intriguing... some of the most  
21 intriguing information that's come out of the testimony over  
22 the last two days.

23 So on some level, I have tried to write history and  
24 today, with the input, we can try now to rewrite history and  
25 it looks to me like where this is leading is to make history,  
which is sort of, "So, here we go."

That's really all I have to say.

MR. BERGER: Rosita and Chuck,  
did you have anything you wanted to bring up or comment on  
before we go farther?

MRS. WORL: You're not supposed  
to give a Tlingit a chance to ask questions. I guess, first of  
all, just a commentary on the observations that I've made from

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1 the testimony and discussion here.

2 It sounds as if ANCSA, at the time, was meant to be just  
3 a land transaction. I mean, not just, but a land transaction and  
4 that other issues, such as sovereignty and subsistence, were not  
5 to be discussed, perhaps for political reasons, and, perhaps  
6 maybe as John suggested, that there were already laws in place,  
7 laws and judicial decisions that protected those other issues  
8 that enhance tribal identity, cultural identity.

9 But then, it also appears from testimony offered here  
10 and certainly my analysis of the development of ANCSA, was that  
11 the Congress, indeed, had a policy or an objective and that  
12 objective was economic assimilation, and so that seemed to be  
13 their intent. But yet, on the other hand, Native people seemed  
14 to believe that there were all of these other laws and judicial  
15 decisions that would protect those kind of things that were  
16 important to us.

17 And, yes, from today and with the kind of issues  
18 that are arising and developing today, we have a lot of questions  
19 about what was going on in that time period. I think there was...

20 Now, there was just a commentary, but some specific  
21 questions that I would like, perhaps John Borbridge and Fred  
22 Paul and, perhaps, John Hope, might want to comment on is on  
23 the issue of sovereignty. We did have entities that were acting  
24 as if they were sovereign entities, such as Tlingit and Haida  
25 tribal council, central council. And then, secondly, the other  
question I have and that was raised this morning with Harry  
Carter and Flore Lekanoff, and that was on the issue of fishing  
rights or territorial rights that extended beyond the land. And  
I think that, and perhaps, again, the same might want to comment  
on the consideration of fishing rights or losses of fishing  
income in the Tlingit and Haida central council case.

MR. BERGER: Before we do that,  
seated to my right is David Case, who teaches at the university

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1 at Fairbanks and is special counsel to the commission and was not  
2 able to join us until this afternoon. Just before we go on, do  
3 you have any questions or observations to make, David?

4 MR. CASE: Well, I have... a  
5 few. I've been here too short a time to really be able to have  
6 observed much, and much less to say much about it.

7 One thing that does strike me and it's a question I  
8 guess I have from the discussion we've had so far. That is,  
9 this ques... the aspiration of... economic aspirations that  
10 seem to be focused on the claims act and the relationship those  
11 aspirations have to other aspirations to promote, preserve,  
12 protect, enhance cultural values. And I hear it often said  
13 that these are possible to do together, but I've heard here,  
14 today, that the claims act did not really succeed in many ways  
15 economically for individuals, elders for example. They did  
16 not benefit economically from the claims act.

17 So I have these questions, I guess, as to what... Is  
18 it possible to have continued economic development and does that  
19 risk cultural values? Does owning land risk... economic use of  
20 land risk the traditional uses that are made of the land? And  
21 that's a question I have. I don't know if there is even an  
22 answer or anybody who'd even want to respond to it.

23 MR. BERGER: Maybe we could,  
24 starting with John Borbridge, just go around again, that is until  
25 we've reached the time to adjourn this afternoon, and make  
26 observations on some of these matters and then, after we  
27 adjourn this afternoon, perhaps we'll try to frame some further  
28 questions to begin the discussion tomorrow.

29 I'm sorry, did you want to say something? There's a  
30 microphone there.

31 MR. FROST: Thank you Honorable  
32 Justice Berger. My name's Paul Frost and I'm a resident of  
33 Togiak.

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1           At the time the Alaska Native Claims Settlement Act  
2 was being discussed, I was too young to even... to take part in  
3 it and, consequently, my mother signed me up to be a shareholder  
4 in the Bristol Bay Native Corporation. I think one of the things  
5 I'd like to mention that a lot of people still have is the  
6 misconception that cash is an asset, or cash is wealth. In  
7 effect, cash is a debt and it's only a claim on wealth.

8           Some of the things that... the main problem that I can  
9 see is that we have two bodies of law, I would think, that are  
10 clashing and they would be law merchant versus the Native common  
11 law. This Alaska Native Land Claims Settlement Act that the  
12 state of Alaska holds all of the charters of the corporations  
13 to, all it did was, the way I interpret it now and can understand  
14 it, is that it places us responsible for the federal deficit.  
15 We have these corporations that we're all struggling and trying  
16 to find out what our self-determination is and what sovereignty  
17 is and how can we achieve sovereignty within a corporate structure,  
18 when I feel that the best thing we could do is to go beyond  
19 questioning of the Alaska Native Land Claims Settlement Act  
20 and to understand that the corporations, in a legal sense, took  
21 away all of our land as individuals, all of our rights of  
22 sovereignty, and we're just surrendering what sovereign rights  
23 we had. And to even go and disclaim the corporations and to say  
24 that we'll become IRA is just jumping from the frying pan to  
25 the fire and giving our land to a trustor-trustee relationship  
with the federal government.

          I think what needs to be done, the way I understand it,  
is to stand up and start from this group here, researching and  
looking towards sovereign issues with regards to the federal  
government, whether we want to be internally or externally  
sovereign. I think that the Alaska Native Land Claims Settlement  
Act was a settlement for foreign state enterprises, for them to  
come in and extract our natural resources and to become rich off



1 of our land and wealth and to realize profits in excess of one  
2 billion dollars a year off the Prudhoe Bay oilfields, alone, when  
3 I, as an individual Native, received 17 thousand dollars and,  
4 supposedly, 160 acres of land that I still don't have and never  
5 will have because the corporation owns the land, not the people.  
6 The corporation owns the money. And all of the corporations,  
7 especially the ones that I'm familiar with, aren't making any  
8 money and it seems to me they were designed to not make any  
9 money. And the answer would be for us to discuss, seriously,  
10 just forget about the Alaska Native Land Claims Settlement Act  
11 and sit down and put together a bilateral agreement, and in  
12 the agreement, with us having an alternative to what we have now,  
13 we would, forever, receive royalties or benefits from whatever  
14 wealth, whatever oil, whatever resource is extracted from this  
15 land perpetually from now on.

16 If we leave it the way it is now, my children won't  
17 ever realize any benefit whatsoever from the Alaska Native Land  
18 Claims Settlement Act. None of our children will. In fact, it  
19 seems to me that the Alaska Native Land Claims Settlement Act,  
20 in a legal sense, is a declaration of war. It's going to do  
21 nothing but cause us to become further separated from each  
22 other. It's going to do nothing but take, and in the end, we'll  
23 sit here and have these committee meetings... and I appreciate  
24 them with all due respect.

25 But we can continue to have committee meetings and talk  
about these issues from now on until we have no more money to  
sit down and have these committee meetings, and that's about  
where we're going. I've attended committee meetings since I was  
old enough to attend these committee meetings and nothing positive  
ever comes out of any of the meetings I've attended for the  
benefit of any particular group of Native people.

I would hope to see more discussion and more education  
within the sovereignty issues for the Native peoples from a

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1 different avenue, from not interpreting the Native land claims act  
2 at all. I'd like to see the Native land claims act just tabled  
3 and discussion about another settlement for the Native peoples  
4 as a whole.

4 I think that if we were all independent, if the Native  
5 peoples of Alaska, through their entities now, realized sovereignty  
6 and had land and water rights and had the right to participate in  
7 the extraction and the profits of the resources, I can appreciate  
8 the fact that there's a culture and a lot of people would like  
9 to see it the way it was. Then, again, there's a lot of people  
10 that wouldn't. But times are changing, they always have and it's  
11 never going to go back to the way it was.

10 I think that, for the Native culture to continue to  
11 exist, the land claims act has to be thrown out and a whole new  
12 issue has to be brought up of sovereignty and sharing of the  
13 natural resources and its benefits from here on out, not just  
14 British Petroleum receiving the profits.

14 Thank you.

15 MR. BERGER: Well, just before  
16 we go round again, I think it should be said, and allow me to  
17 repeat what I said yesterday morning at the beginning, that the  
18 Alaska Native Claims Settlement Act is a landmark and it has  
19 been the means of holding and consolidating Native lands conveyed  
20 under ANCSA and for disposing of and making use of the funds  
21 provided under ANCSA, and it has, I think, obviously given Alaska  
22 Natives economic and political influence in Alaska. These are  
23 not... These are substantial achievements.

21 I think the concensus among those who spoke yesterday  
22 and today, and who were there at the time, and I say this just...  
23 forgive me, Mr. Borbridge, before we move on to you and Mr.  
24 Wright and the others who know a lot more about it than I do,  
25 but, clearly, it was indicated that those who were working for a  
land claims settlement were dealing with a situation where they

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1 wanted to make sure that they did get as much land for Alaska  
2 Natives as they could. That is, get as much conveyed to them,  
3 patented, as they could, and they were dealing with a Congress  
4 in which many elements felt Alaska Natives were entitled to --

(TAPE 6, SIDE B)

5 MR. BERGER: -- nothing, no  
6 money, no land, dealing, as well, with a Congress that felt that  
7 any institutional arrangement except corporations was simply not  
8 acceptable. And that should be said and repeated because, if we  
9 are going to review this, we have to review it fairly.

Well, Mr. Borbridge? Sorry.

10 MR. BORBRIDGE: Yes. Thank  
11 you, Mr. Chairman.

12 There are a series of comments I would like to make on  
13 matters that I may not have discussed or clarified earlier and  
14 I appreciate the questions that have been asked because they  
15 certainly have served to remind me of several items I want to  
16 mention.

17 One is subsistence. Subsistence hunting and fishing  
18 rights were considered and addressed as one of the priority items  
19 by the Native leadership and the Native people that worked on the  
20 1971 ANCSA act. In fact, the provisions that were contained in  
21 the Senate bill relative to the protection of the subsistence  
22 hunting and fishing rights of the Alaska Natives --

(OFF THE RECORD)

(ON THE RECORD)

23 MR. BERGER: Maybe we could  
24 start again. We have, perhaps, 40 minutes before we have to  
25 adjourn. So maybe we could take our seats again.

(LONG PAUSE)

26 MR. BERGER: Well, it always  
27 happens. We adjourned and some of the... I think one or two  
28 of our panelists fled out the door. But we'll carry on.

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1           Maybe I could just say a word about how, perhaps, we  
2 ought to proceed now. I'd like to ask John Borbridge to continue  
3 and then call on one or two others of you. Then, tomorrow  
4 morning, maybe you could leave it to David Case and Rosita and  
5 Chuck and me to think about some more questions, and Mr. Joe  
6 Upicksoun, who has just arrived, perhaps we might ask him to  
7 speak tomorrow, as well, and Mr. Byron Mallott has also joined  
8 us and we might ask him to participate, if he's able to do so,  
9 tomorrow.

10           I should tell you that some of the young folks here,  
11 we've drawn a bit of a crowd from time to time, are very  
12 interested in what we've been talking about and some of them  
13 have said to me that they would like to speak. In fact, one of  
14 them, Paul Frost, has seated himself at the table and has  
15 already spoken. I think that's fair enough. Perhaps tomorrow  
16 sometime, when we've kind of run out of gas, if you don't mind  
17 I'll ask some of the people who've joined us if they'd like to  
18 speak.

19           I think I should remind all of you that we're really  
20 trying to begin this overview by asking some of those who were  
21 present at Washington, D.C., active in the land claims movement  
22 in the late '60s and early '70s, "What were you trying to do?  
23 What were your objectives? What did Alaska Natives want to get  
24 out of this?" And it's inevitable, of course, that that dis-  
25 cussion brings us forward to the present, but that at least  
we've tried to make our starting point.

I know some of you were not around then, but please  
bear that in mind when we get to you tomorrow. So this is...  
I think, Mr. Borbridge, we've been introducing you and you've  
been about to begin now for the last hour and a half.

MR. BORBRIDGE: Mr. Chairman,  
I'm pleased to be introduced again and to re-begin again.

I'd just mentioned subsistence and the plug was pulled.

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1 With respect to the issue of subsistence, I was stating that the  
2 Alaska Federation of Natives had clearly made subsistence one  
3 of its very priority positions. The high place that the issue  
4 of subsistence was held by AFN was clearly reflected in the  
5 Senate bill in 1970 and also in '71 where the subsistence  
6 provisions, which were intended to protect the subsistence  
7 hunting and fishing rights of the Alaska Natives, were pretty  
8 clearly spelled out.

9 However, as happens when bills go into conference, the  
10 simpler House version prevailed on that point over the Senate  
11 bill which had spelled out subsistence to a greater degree, which  
12 is why ANCSA has the somewhat limited subsistence provisions which  
13 were later spelled out a little further in the Alaska National  
14 Interest Lands Conservation Act.

15 I suppose it's another way of saying that the efforts  
16 that AFN made in those days in the place of subsistence should  
17 be judged more by what the Senate bill contained than by what  
18 the final act contained.

19 I also will comment on the issue of sovereignty. I  
20 had stated matters relating to the tribal status of Alaska Natives  
21 and the sovereignty incident to that status were matters that  
22 fell outside the ambit of the Alaska Native Claims Settlement  
23 Act, and as it has been stated by a number of people who have  
24 testified at these hearings, ANCSA was a response by Congress to  
25 a promise made by that body in the act of '84 and later repeated  
in the Statehood Act to define the extent of the rights of the  
Natives to their lands in later congressional action. So ANCSA  
was a response to the loss of Native-claimed lands contrary to  
congressional promises to the state of Alaska.

Although the 1971 legislation contained many complex  
provisions, it was and is a land settlement act. It was more  
noteworthy for what it did not do to sovereignty and tribal  
status than for what it did do. It did not purport, attempt to or

1 actually terminate the Alaska Native tribes. The tribal status  
2 cloak existing before ANCSA, with the exception of land transfers  
3 to ANCSA Native corporations, which raises land tenure problems  
4 for the Native tribes, remains the same. In other words, we had  
5 an undefined status quo as to the tribal status of the Alaska  
6 Natives existing before ANCSA. It was something that the Interior  
7 Department had never completely addressed, and what I'm saying is  
8 that, after ANCSA, it remained pretty much in the same category.

9           Whatever our status as tribes, the fact that it was  
10 not spelled out in ANCSA or not spelled out before ANCSA was not  
11 adversely impacted by the passage of ANCSA, itself.

12           Another thing that is sometimes overlooked, I do assert  
13 for the record that the Alaska Native tribes asserted aboriginal  
14 or Indian title to their lands. Now, true enough, this precise  
15 claim, which has a clear legal status, did not take us into the  
16 courts of the land but it took us to the Congress. But, again,  
17 we had to assert this as tribes. Now, true enough, it wasn't  
18 precisely adjudicated, but when the matter of our claims was  
19 considered before the Congress, I'm sure many of you recall that,  
20 when we presented our claims and we asserted our rights before  
21 Chairman Aspinall, the first question he asked was this, "Are  
22 you Native people entitled to a land settlement? What are your  
23 rights?" Later on, the question came of how much and how should  
24 it be administered, but we had to get past the barrier "Were  
25 we entitled to a settlement?" and history shows very clearly  
that the land rights that had been asserted by Indian tribes  
had been an assertion of aboriginal title.

          We differed in one very important and unique respect  
from the status of the Indian tribes who had asserted Indian or  
aboriginal title to their lands over the many, many years of  
the history of our country. In Alaska there had been no  
extinguishment of this Indian title or aboriginal title. We  
Alaska Natives were on and using the land.



1           That's why I can't give enough credit for the people in  
2 the rural areas and the villages. Maybe sometimes they think  
3 that they were not able to articulate some of the technical  
4 aspects of the law or of the legislation, and maybe they wished  
5 they could have done more. "I don't see," I say to the Natives  
6 and the people in the villages, "how they could have done more."  
7 Without them we would have had a difficult time demonstrating and  
8 being able to assert, "We use, we occupy our lands today."  
9 They played an important part and sometimes we tend to pass over  
10 it simply because we're so used to it. But the people out in  
11 the villages, the ones that were asserting their rights and  
12 living according to the ageless subsistence use of their  
13 ancestors were actually fulfilling all of the requirements that  
14 go into an assertion of aboriginal title. We had to be functioning  
15 as tribes and asserting it as tribes.

16           So it was really our clear establishment of the legal  
17 basis for our claims, translated into land rights, that persuaded  
18 Congress to enact ANCSA. And, of course, in the background  
19 there was the need to transport the oil as well. I'd like to  
20 state for the record, we talk about a settlement act and we  
21 discuss how it benefited the Natives, let me discuss for a  
22 moment how that claims settlement act benefited the nation.

23           The nation needed the oil. A pipeline could not be  
24 built without the passage of ANCSA, which would be the vehicle  
25 for clearing title to the land over which the oil companies  
wanted to construct the Alaska pipeline. Because of the claims  
settlement act, oil did flow to the rest of the nation.

          There also was a concern that was gradually gathering  
strength and momentum in our nation about the need to reclassify  
certain lands in Alaska and, perhaps, to preserve them for  
certain uses. The result of all of this was the building on  
Section 17(D)(2) of the claims settlement act, which, later on,  
was increased in scope and size to the D-2 legislation, which



1 became ANILCA, and which later on clearly impacted the entire  
2 country. Every state in the Union benefited because we had a  
3 claims settlement act.

4 I guess what I'm saying is, when we discuss the bene-  
5 ficiaries of the claims settlement act, let's not overlook some  
6 of the clearest beneficiaries. The third one being the state of  
7 Alaska, which was unable to proceed with the selection of its  
8 land. Thanks to the Natives, thanks to their statesmen like  
9 posture of not wanting to hold things up and to impede the  
10 opportunities for the state to move forward, for the oil to be  
11 extracted and transported, or whatever Section 17(D)(2) might  
12 require in term of regard for the use of the lands for the future  
13 and for people who would come after, all of these benefited  
14 because of ANCSA.

15 It is my privilege to be president of the Central  
16 Council of the Tlingit and Haida Indians of Alaska, which was  
17 a tribal governing body. I want to mention that before the  
18 central council had legal status as a tribal governing body,  
19 it was headed for 25 years by an unpaid president, Andrew Hope.  
20 And my opportunity was to come along at a time of history when  
21 the claims settlement act that the Central Council and the ANB  
22 had been pushing finally reached realization.

23 The point I want to make is that, in Southeast Alaska,  
24 through the Central Council, we had an entity through which we  
25 asserted our claims of sovereignty. We stated, for example, that  
having our settlement funds administered for us by the Secretary  
of the Interior and deposited in the treasury of the United  
States was clearly that only tribes could be expected to realize,  
and just by the same token, the requirement for approval of  
attorney contracts with the Central Council, while restrictive,  
in another sense was beneficial because, again, it was clear to  
us that we were a tribe. This would only be asserted against a  
tribe.

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1           We tried, informally, by discussions with several  
2 congressmen, to have the Central Council designated as an ANCSA  
3 entity. We weren't successful, but the feeling we had was we  
4 have a tribal governing body functioning, it's in place, why  
5 should we have to create another entity in ANCSA to administer  
6 the land and the proceeds in Southeast. But, again, we weren't  
7 successful and, again, it's largely because of the sentiment  
8 reflected in (2) (b), which was opposed to the creation of lands...  
9 more lands that would be in trust status.

8           Senator Jackson, as indicated by Mr. Paul, was very  
9 strongly opposed to the provision which would increase the number  
10 of groups recognized as tribes and able to assert sovereignty  
11 and the amount of land in trust status, so that, to repeat,  
12 sovereignty was not a specific issue but it was impacted by  
13 ANCSA, it was present in some of the threads in ANCSA.

12           And, again, I want to assert that the council was  
13 asserting its right as a tribal governing body.

14           With respect to the fisheries, in the Tlingit and  
15 Haida case in which the Tlingit and Haidas had to assert their  
16 Indian title and then prove that they had used and occupied an  
17 asserted dominion over those lands, when they received a favorable  
18 judgment on the issue of liability in 1958, thereafter they had  
19 to proceed on the basis of proving how much. Commissioner Saul  
20 Gamer of the court of claims was given the task of making his  
21 more detailed findings on the case and reporting back his  
22 recommendations to the full bench of the court of claims.  
23 Commissioner Gamer reported back to the full bench with a  
24 recommendation that the settlement be for 15 plus million dollars.  
25 The full bench took this under consideration and they reduced it  
to seven and a half million dollars, and the seven and a half  
million dollars that was cut out of the recommended recovery  
was for the recovery on the fisheries rights of the Tlingits and  
Haidas.

1 I guess what I'm asserting here is, that what... we  
2 decided not to appeal the case. This was during the pendency of  
3 the claims settlement act. In a special convention, the Tlingit  
4 and Haidas decided that it was more important to accept the  
5 judgment and not to appeal, even though we felt strongly about  
6 our disagreement with provisions of the proposed settlement. We  
7 decided, instead, that our organizational experience and such  
8 monies as we had would better be used as soon as possible in  
9 support of the claims settlement act.

8 That brings me to another point. The Tlingit and  
9 Haidas were excluded from provisions of the claims settlement  
10 act in the first several bills that came out. It was my privilege  
11 to work with AFN and Congress and the Interior Department to  
12 change that. But rather than to go into the details of what  
13 happened, I just want to acknowledge that, because of the vote  
14 of the other Indians in Alaska, the Eskimos and the Aleuts,  
15 the Tlingit and Haidas became full-fledged partners. And it's  
16 a wonderful opportunity for me to say to all of you that are  
17 here, is that's the way it worked and that's the kind of  
18 brotherhood and sisterhood that we exercised.

16 For the record, it's just wonderful to be able to  
17 say thank you to all of you. In case you're wondering why I  
18 seem to give credit to the Indians, Eskimos and Aleuts, I'm  
19 a Tlingit. I married an Eskimo born in Bethel. My son married.  
20 I have two grandsons and in their blood, they carry Indian,  
21 Eskimo and Aleut.

21 Just very quickly on other matters, I feel very  
22 strongly that the limitation of our proposal for a perpetual  
23 two percent overriding royalty was arbitrary and unfair. In  
24 any other society, when you talk about separating the surface  
25 estate from the mineral estate and the owner sells the surface  
estate and retains the interest in the mineral estate, this is  
logic, this is the law, this is fair, and that fairness was denied

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1 to us on a very arbitrary basis.

2 I appreciate that the way... the status of children  
3 born after December 18, 1971, was handled emerged as a major  
4 defect and I have to share with that. I feel strongly about  
5 that and I hope that we can change that. I would like to.

6 On the matter of IRAs, when IRAs were proposed for our  
7 consideration, we had had experience with IRAs in Southeast  
8 Alaska. Two IRAs had managed the canneries in Angoon and there  
9 had also been working relationships involving Hydaburg and Klawock.  
10 The experiences were very discouraging and really did not work  
11 out too well for those two communities. There was a tendency  
12 by Interior, during that time, to interfere more from its  
13 position. That, I think, marks quite a change that I see between  
14 how things are now and how they were then. I think if Interior  
15 had been reacting more as it does today, which may be because we  
16 are so much stronger, than they had back then in '71 and prior  
17 to '71, I really think IRAs may have been considered more  
18 seriously. As a matter of fact, in Southeast several IRA  
19 organizations were dormant. They had ceased to function. They  
20 just... And yet, with seeing this, I truly wish that we could  
21 have, under improved conditions for IRAs, considered them. I  
22 think if IRAs had the potential and we had the environment in  
23 Interior today back then, I think we may well have gone along  
24 with the IRAs.

25 Regardless, the decision to go or not to go was made  
by the AFN board, clearly and at all times. The Native people  
made all the policy decisions. We had recommendations given to  
us but that was the extent of it.

I think I want to conclude, Mr. Chairman, by saying  
that I think the exercise of sovereignty is just an outgrowth of  
the appreciation of our tribal status as Alaska Natives and I  
consider it really to be the issue of the '80s and, maybe,  
thereafter.

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1 Thank you.

2 MR. BERGER: Thank you, Mr.  
3 Borbridge.

4 Just going in turn before the time comes to adjourn,  
5 I think, Mr. Paul, perhaps we could call on you now?

6 MR. PAUL: Thank you, Mr.  
7 Chairman.

8 We've had a lot of conversations about IRAs and I  
9 thought I would make a record as to what my concept of the IRA  
10 is. There are two organizing sections to the IRA, Section 16 and  
11 Section 17.

12 Section 16 is the tribal form of the IRA and Section  
13 17 is the corporate form of an IRA. Theoretically, Section 16  
14 would perform civic functions and Section 17 would...you would  
15 go into business with it, having a common membership and, most  
16 assuredly, you had to be a Native to belong to it.

17 There are certain restrictions on IRAs as of now. It  
18 can't sell it's land, for example, and it has to get approval  
19 of the Secretary of the Interior to hire a lawyer. Those are  
20 the two principal restrictions.

21 Now, under Section 16, I think most everybody in this  
22 room and throughout Alaska understands that the tribe performs  
23 certain social services by contract with the BIA. They engage  
24 in housing assistance and Indian child welfare assistance and  
25 a bunch of social programs like that. It need not, however,  
confine itself to social programs. It can operate a business  
under Section 16 or 17. The reason why Section 16 is so  
inviting for business activities as well as social services is  
that there's a ruling out by the Internal Revenue Service that  
Section 16 need not pay any income taxes. Exemption from federal  
income taxes is, in my judgment, of magnificent value in operating  
a successful business.

There are certain advantages... While I've been very critica

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1 of the Congress in conveying any land to Native groups for the  
2 last 100 years, Congress has passed several methods of assisting  
3 Indian tribes in promoting their own welfare. I think everybody  
4 is aware of the self-determination act, Indian Self-determination  
5 Act, under which many of the communities administer their  
6 social programs. Tanana Chiefs has it, Central Council has it,  
7 Ketchikan Indian Corporation does its own social service work  
8 under self-determination. But in addition to self-determination,  
9 in the business world you have the Indian Financing Act, you  
10 have the Indian Loan Guarantee Act, where you borrow money and  
11 the federal government will guarantee repayment of the loan, you  
12 have the Interest Subsidy Act... In other words, in order to  
13 go into the market and get money from a bank, you're going to  
14 have to pay exorbitant interest. The federal government will  
15 help pay the interest so that the interest won't be killing the  
16 business activity. And, as I've indicated, Section 16, IRA entity  
17 has a federal income tax exemptions.

18 It does pay, however, under a ruling by the state  
19 attorney general, it does pay state taxes. I was a little bit  
20 distressed because, as far as I know, the state's authority to  
21 collect business licenses and other state taxes from the  
22 Section 16 IRAs has never been contested. They were just paying  
23 them.

24 MR. BERGER: That's here in  
25 Alaska?

MR. PAUL: Pardon me?

MR. BERGER: That's here in  
Alaska?

MR. PAUL: Yes, here in Alaska.

MR. BERGER: What about the  
Lower 48? Do they pay state business license fees and state  
income taxes, do you know?

MR. PAUL: Not on reservations.

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1 However, there is a case where a tribe, for off-reservation  
2 business activities, the tribe must pay personal property taxes,  
3 not real estate taxes but personal property taxes.

4 MR. BERGER: What about state  
5 income tax for off the reservation?

6 MR. PAUL: I'm sure they don't  
7 but we don't have state income tax in the state of Washington,  
8 so I haven't really focused on it.

9 Now, we've heard a lot about 1991 and I'd like to  
10 throw out an idea that is available to us today. It, perhaps,  
11 may require to have a full-blown, optimum situation... may  
12 require some federal legislation, but it's workable under  
13 existing law.

14 Let us assume that a village corporation, ANCSA  
15 corporation, were to loan under more or less fair conditions,  
16 fair terms, money to its sister IRA for the purpose of having  
17 the sister IRA go into business. Let's assume it wants to build  
18 a warehouse at a place where a warehouse is needed and you rent  
19 space to various tenants, like fish processors, or a small  
20 hydroelectric plant, or a small cold storage, the loan to the  
21 sister IRA will be promoting essentially the same group of  
22 people who are stockholders in the ANCSA village corporation,  
23 and the sister IRA will pay no federal income taxes so that  
24 the... And further, only Natives can profit from the business  
25 activities of the sister IRA. You have to be an Indian or a  
Native to belong to an IRA. That vehicle is usable today,  
without any federal legislation.

Now, regrettably, with maybe to exceptions, and notably  
Don Wright's Venetie reservation, the cooperation between the  
ANCSA village corporations and the regional corporations, for  
that matter, on the one hand and their sister IRAs essentially  
is non-existent. We must recognize that ever village has its  
share of politics and, if the village leaders, both the village

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1 corporations and in the sister IRAs, would bury their political  
2 differences, they could, together, cooperate and have a very  
3 viable business entity.

4 I was born and reared on IRAs. I was 21 when my father  
5 was able to convince Congress to extend the IRAs to Alaska. I  
6 was just entering law school. When I came back in 1940, I  
7 wanted to go into business utilizing the IRA as a business  
8 vehicle. Unfortunately, the Pauls are rebels and the BIA would  
9 not give us assistance and, in fact, would do its utmost to dis-  
10 courage anything that a Paul advocated so that my dream, if you  
11 please, of even having a pulp mill could never be realized. I  
12 utilized pulp mills as an example because it's an indication of  
13 the unlimited horizon that an IRA can have an ambition for.  
14 Regrettably, it never happened.

15 Today is a new world, however. Like John was saying,  
16 today we push the Indian bureau around. In those days, they  
17 pushed us around. When the canneries were being operated by  
18 the IRAs in Southeast, the real financial authority was some  
19 bureaucrat in Washington, D.C., who couldn't tell a salmon from  
20 a halibut. And yet, he's the one who did the approval of the  
21 budget and who's going to make the loans, and who would order  
22 the size of boats that these IRAs would finance.

23 The anger that the maladministration by the BIA towards  
24 the Southeast IRAs... was really deep rooted. Now, I really can  
25 see a great horizon opening up if there would be cooperation  
between the ANCSA organizations and the sister IRAs, and this  
extends to the regions, too. There is no legal impediment for  
the regional corporation in my own area of Indian rights,  
Southeast, for the regional corporation there to loan money to  
a sister Tlingit and Haida tribe and let the sister Tlingit  
and Haida tribes save the income taxes that Sealaska, when it  
makes some money, would have to pay.

Now, IRA has, as extended to Alaska, another section

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1 that we don't talk much about, that's Section 2 of the 1936 act.  
2 The Secretary of the Interior is authorized to create reserva-  
3 tions up here out of the public domain. He can do it by signing  
4 his name to a one-page document.

5 In the late '30s and... Well, as long as Secretary  
6 Harold Ickes was Secretary of the Interior, there was a real  
7 movement to create possibly a hundred reservations up here. I  
8 may say, for the record, that I finished a manuscript and  
9 delivered a copy to the commission and hereby authorize the  
10 commission to utilize it in any way it wants to. But in my  
11 manuscript, I have a list of the applications for reservations.  
12 I have a list of the IRAs, about 75 of them, and there was a  
13 great hue and cry lead by our then governor, Earnest Gruening,  
14 and the multi-national corporations in... in opposing the  
15 creation of these reservations. Venetie actually was created  
16 then, 1.8 million acres.

17 MR. BERGER: When was that?

18 MR. PAUL: In the late '30s  
19 and early '40s. The list of the creation of the reservations  
20 is in the Federal Field Committee report and I excerpted parts  
21 of it for my manuscript, so it's... the detail is there.

22 There were about six reservations. Tyonek is another  
23 IRA reservation. But, as Ickes' plan was developing, the  
24 opposition to taking land out of the public domain and conveying  
25 them to the IRAs throughout the territory then was mounting.  
26 We had headlines and we had congressional hearings and we had  
27 administrative hearings and the language that appeared in the  
28 public press was pretty violent in opposing the creation of these  
29 reservations.

30 One reason why I want to mention Section 2 of the IRA  
31 is that we can dream here about having land in a trust position  
32 all we want to, tax free, all the Indians can belong to owner  
33 of the reservation, we'd have some protection from corporate raids,

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1 some protection from 1991... all we want to, but I also should  
2 say that there was this great movement in the 1940s. Unfortunately,  
3 Harold Ickes got into some sort of a quarrel with President  
4 Truman and resigned. Julius Krug became Secretary of the Interior  
5 and Oscar Chapman and so forth, and they scrapped it. And it's  
6 never been revised since.

7 Although, even as late as the early '50s, there was  
8 introduced in the Congress bills to abolish that authority that  
9 the Secretary of the Interior had in the creation of these  
10 reservations. So we can dream about having this trust property  
11 where we have sovereignty, the full-blown sovereignty, not merely  
12 landless sovereignty, all we want to. But I also must say that  
13 it's been tried and it would take a tremendous war chest, a  
14 lot of anxiety, a lot of nervous energy before it would ever  
15 be accomplished. And in view of Section 2, the one John Hope  
16 read to us, it was the concept of the settlement act that all of  
17 these racial enclaves, these special property interests that  
18 Indians have through the Lower 48 by reason of treaties, is not  
19 going to happen up here. I favor it, but I also must say we  
20 have to be realists.

21 I hope that you put it in the report, but it's going  
22 to take a lot of doing to get it enacted in the Congress.

23 Thank you very much.

24 MR. BERGER: Maybe it would  
25 ... Maybe when we come back tomorrow, Mr. Paul, we're kind of  
26 jumping the gun a bit here, but since you have given, in a sense,  
27 the case for IRAs and even suggested how the corporations might  
28 make use of the tax immunity of IRAs, perhaps you might reflect  
29 on the matter overnight and tomorrow, sometime, give us the down  
30 side, the negative side, of IRAs so far as you can.

31 We have a few more minutes. I wonder whether you,  
32 Martha Demientieff, or Lily McGarvey wanted to add anything  
33 before we adjourn?



1 MRS. DEMIENTIEFF: I don't have  
2 anything to say on the sovereignty, water, territorial rights,  
3 fishing rights. I was unprepared for that, and I don't think  
4 there's going to be time enough to speak on the thing that I'm  
5 interested in, David Case's question, does owning the land risk  
the culture. So I might talk about that tomorrow, if I may.

6 MR. BERGER: Fine.

7 MRS. PEAT: Your Honor? Your  
Honor?

8 MR. BERGER: Yes?

9 MRS. PEAT: May I approach?

10 MR. BERGER: Well, by all  
means. There's a microphone right over here.

11 MRS. PEAT: In your --

12 MR. BERGER: It's right over  
here.

13 MRS. PEAT: When you were  
14 speaking earlier, you said that you were talking to young people  
15 who maybe were too young to be around during the land claims.  
But I'm 37, I was 21 in 19... whatever.

16 MR. BERGER: What is your  
17 name?

18 MRS. PEAT: My name is  
Evelyn Hash-Peat. I'm from Glennallen, Ahtna Region.

19 I was one of the incorporators for the Cook Inlet  
20 Native Association. I would not sign up for the Alaska Native  
21 Land Claims Settlement Act when my mother described it to me,  
22 Mabel Hash, because all that I had read about it up to that point  
23 told me that it wasn't... Well, it was against my grain in the  
24 first place and I'll go back to a party and I'll tell you what  
happened.

25 We were having a party, a fund-raising party for ANCSA  
at my mother's house and there were a lot of people there, maybe

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1 about 40 people. Some of them were Emil Notti, some of them  
2 were Don Wright, and others, and Willie Hensley was there, too,  
3 and they were talking about their efforts to go down to the  
4 United States Congress to lobby for the land claims settlement  
5 act. And I came in... I didn't know there was a party going on  
6 and I came into my mother's house and heard them talking and  
7 couldn't hold it back anymore.

8 What I told Willie was why should we go to the United  
9 States government and ask for our own land back? And what we...  
10 I was a little militant at the time and I said what we should  
11 do is just seal off the border, not let any other non-Natives  
12 come up to Alaska and, if necessary... and I said this, bomb  
13 Fort Richardson and Greeley. And I said our ancestors were  
14 willing to fight and die for our land and I am, too.

15 When we were describing our boundaries, we had no  
16 problem describing our boundaries, and when we said... set the  
17 mountains or the rivers or whatever geographical areas that  
18 encompasses our area, like Ahtna, for instance, we meant all the  
19 land within those boundaries. We didn't mean the checkerboard  
20 patterns that we have since received as a result of the land claims.

(TAPE 7, SIDE A)

21 And the trouble with that, I believe, is that we had  
22 self-appointed leaders, in most cases. There weren't a lot of  
23 traditional leaders representing us to Congress, and if there  
24 had been traditional leaders, then... as being raised as tradi-  
25 tional leaders, part of our growing up... and my great grandfather  
is the chief of Chitina. My great, great grandfather was the  
first one to file for land claims in 1920, Doc Billen. And as  
part of our... Maybe in a white culture or another culture you  
learn ABCs. I learned the boundaries of our land. I learned  
the history of each place and why we won each area or if we  
lost and the history of our people. And when... The leaders were,  
I believe, self-appointed.

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ATD



1 sure that we have a chance to hear from you. It's what you might  
2 call a village meeting but held in Anchorage. In fact, Dalee Sambo  
3 of the ICC has agreed to help organize such a meeting or meetings  
4 so you should speak to her tonight or tomorrow with any suggestions  
5 you have about where it might be held or when, and how to publicize  
6 it. Now, that meeting won't be held for a little while, but I  
7 just want you to know that this isn't the only meeting we're going  
8 to be holding. This isn't the only gathering we're going to be  
9 having here in Anchorage. So I know some of you are eager to  
10 come over to this microphone that Mr. Frost has appropriated  
11 for those in the audience, but there will be other occasions.

12 Tomorrow, perhaps we could ask you, Mr. Upicksoun, to  
13 lead off, if you would, and then Mr. Paul had agreed that he  
14 would tell us the bad things about IRAs and so forth. And, of  
15 course, Martha Demientieff wanted to speak further tomorrow.  
16 I know, others do and I'm going to ask David Case and Chuck Smythe  
17 and Rosita Worl to help me frame some other... and Ann Riordan,  
18 to help me frame some other questions.

19 So could we assemble again at 9:15 and carry on as long  
20 as it seems useful?

21 Someone has his hand up.

22 MR. KONIGSBERG: May I take  
23 just two minutes? May I take just two minutes?

24 MR. BERGER: Yes, why not.

25 MR. KONIGSBERG: It wasn't  
my intention to come. The fact is, somebody I know here asked  
me to involve myself and I didn't want to because it seems an  
endless repetition of the same thing of many years ago and ever  
since.

I simply want to take the opportunity to translate, in  
terms of my understanding, what that young lady so beautifully  
expressed, and I know that most people are sympathetic with it.

MR. BERGER: Please give us your



1 name.

2 MR. KONIGSBERG: Oh, my name  
3 is Charles Konigsberg.

4 What I think she is saying is that such discussions,  
5 by their nature, transform into its opposite what the discussion  
6 ought to be. The problem is not one of Native culture, the  
7 problem is one of what this culture, Western culture as we call  
8 it, is doing to Native culture, and unless the discussions are  
9 couched in those terms, no matter what happens it won't deal  
10 with the problem.

11 Most people I know understand nothing about their  
12 own culture but are willing to talk with great assumed expertise  
13 about somebody else's, and it can't be done. You have to under-  
14 stand your own before you can talk intelligently about anybody  
15 else's.

16 MR. BERGER: Well, thank you,  
17 Mr. Konigsberg.

18 I should add that the bulk, the main body of this  
19 commission's work consists of meetings in the villages. We  
20 only... We have had only two, sir, at Emmonak and Tununak last  
21 week. But at Emmonak we heard from 66 people and Tununak... I  
22 don't know, maybe 35 or 40, and those meetings were well attended  
23 and people were telling us, in a most straightforward fashion,  
24 about ANCSA, but in the context of the impact of Western culture  
25 on their own. So don't sell us short. I'm... notwithstanding  
the wisdom and years of experience that we have assembled at  
this table. There's more to the commission than the Rondy Palace.

So let's get together at 9:15 in the morning.

(HEARING ADJOURNED)







