

Why is ANCSA Significant to Our Culture, Our Land, and Our State?

American Government/Civics/Alaska History

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Introduction

The territory of Alaska remained mysterious and unknown until explorers began pursuing manifest destiny “rights”. Seal hunting, bootlegging alcohol, mining, and tourism were lucrative businesses in Alaska, which led to a population increase in our state, as well as an exhaustion of resources. That, in combination with the introduction of new germs and diseases depleted many Alaska Native populations. Those who survived would face cultural changes.

Alaska’s year-round population increased after the discovery of gold, as the federal government implemented the Homestead Act, which provided free land in exchange for pledging to live and work on it. Judge James W. Wickersham encouraged Alaska Natives to take advantage of the Homestead Act, or others would. However, Alaska Native tribes relied on the environment to provide them with food and shelter and most tribes believed they were, “stewards of the land” versus “owners of the land”. In addition, many of them used art and the spoken word as a form of expression and/or a way to maintain cultural traditions versus abiding by the written word. They were all affected by the settlement of whites, as their arrival introduced religion, boarding schools, disease, sickness, and the implementation of new ways that usually contradicted their original belief systems.

Soon afterwards, railroads were built to move salmon, copper, and coal and towns such as Anchorage popped up near these routes. The federal government bolstered Alaska’s economy by funding Anchorage with utilities, fire protection, a hospital, schools, and city management. Alaska’s proximity to Russia gave it strategic value to the United States during the Cold War and after the Japanese attacked the Aleutian islands of Attu and Kiska, modern development exploded in our state. In addition to bringing defense dollars and thousands of people north,



World War II was a pivotal moment for Alaska, as the government established military bases and built the ALCAN Highway to move people and materials across our state. Alaskans had finally demonstrated their maturity to Congress and on January 3, 1959, we became the 49th state to join the Union.

After oil was discovered in Prudhoe Bay in 1968, the first topic of discussion was who “owned” the land and how would they be compensated so that our state could make a profit off the resources? “ANCSA was signed into law by President Nixon, which abrogated Native claims to aboriginal lands. In return, they received up to 44 million acres (180,000 km²) of land and were paid \$963 million. The land and money were divided among regional, urban, and village corporations. The settlement compensated the Natives for the collaborative use of their lands and opened the way for all Alaskans to profit from oil, one of the state's largest natural resources.”¹ The 1971 Alaska Native Claims Settlement Act (ANCSA) was a significant event in Alaska’s history, however, establishing Alaska Native Corporations and treading out into the business world proved to be detrimental to Alaska Native tribes.

¹ “Alaska Native Claims Settlement Act (ANCSA).” *Doyon, Limited*. N.p., n.d. 21 December 2012.



Unit Overview

Students will understand:

- The acronym “ANCSA” (Alaska Native Claims Settlement Act).
- Different cultures have opposing views about “land ownership” and ANCSA is a controversial topic for our state.
- Land claims issues came to the surface after “black gold” was found in our state and people wanted to access it.
- This piece of legislation gave Alaska Natives 44 million acres of land, but it proved to be costly for Alaska Native tribes.
- The Alaska Native Claims Settlement Act required tribes to develop regional corporations and governments and led to the “Americanization” of Alaska Native tribes.
- This “Americanization” of Alaska Native tribes impacted our cultures and many members faced the decision of assimilating or holding true to their roots.
- Enrollment issues proved to be devastating amongst generations of Alaska Native tribes.

As a result of this unit students will be able to:

- Analyze and evaluate information related to the Alaska Native Claims Settlement Act and express ideas both in writing and orally.
- Examine how moving from an attitude of land stewardship to land ownership has impacted Tlingit culture.
- Explore ways in which we can revitalize Tlingit cultural traditions that may have weakened as a result moving into the western world of business and politics.
- Evaluate the value of functioning in a western world (literacy and advocacy) as well as continuing to uphold tradition.

Tlingit Educational Significance

- This unit will emphasize the impact of shifting from an attitude of land stewardship to land ownership has had on Tlingit culture.
- This unit will emphasize revitalizing Tlingit cultural traditions that may have weakened as a result moving into the western world of business and politics.
- In addition, this unit will emphasize the value of functioning in a western world (literacy and advocacy) as well as continuing to uphold tradition.

Tlingit Elder or Culture Bearer Role

- An elder who experienced building the Alaska Native Corporations, endured the enrollment process, and experienced the lasting effects of such a change would be a valuable resource during this unit.
- Panel members from a local Native Corporation would be welcome to come testify to their work responsibilities and the importance of succeeding in a Western world.

Culminating Project or Event

- Color Line Visuals (can be children’s books, podcasts, iMovie, or Garage Band productions if time and resources are available).
- Present Color Line Visuals to elders, cultural specialists, panel members, and extended family members and offer them traditional food to thank them for their support in the classroom.



Lesson Overview

Lesson Description	Literacy Strategies	Vocabulary
<p>1 Introduction to Unit Expectations The purpose of this lesson is to both activate and assess student background knowledge. Students are presented with the unit essential question and final assessments. With teacher support, students unpack the meaning of both so they are clear about what they will be expected to do and know. Students communicate background knowledge of Alaska Native Claims Settlement Act (ANCSA) and are introduced to respect protocols and expectations. The teacher defines “protocol”, “community” and “respect” and students begin a vocabulary foldable (word on one flap, definition and an illustration on the inside).</p>	<p>Collaboration Graphic Organizer Vocabulary Foldable</p>	<p>Protocol Community Respect</p>
<p>2 Before We Start The teacher defines “ANCSA” and “Aboriginal Claim” and students add these terms to their vocabulary foldable. Teacher explains how to go about marking the text and students practice this skill while reading the article titled, “Digest of Federal Resource Laws of Interest to the U.S. Fish & Wildlife Service (ANCSA)”. In the margins of their text, students write questions they’d like to find out the answers to while learning and what they can recall from their reading. Students share their work with an elbow partner, and report out to the group. As a group, the class develops a K-W-L graphic organizer. Students are assessed on participation in marking the text, sharing ideas within their small groups, or adding ideas to the whole group discussion about the graphic organizer.</p>	<p>Vocabulary Foldable Marking the Text Think Aloud Thing-Pair-Share Graphic Organizer</p>	<p>Alaska Native Claims Settlement Act (ANCSA) Aboriginal Claim</p>
<p>3 Existing Belief Systems The teacher defines, “ownership” and “stewardship” and students update their vocabulary foldable. The teacher draws students’ attention to the “Want to Know” column of our graphic organizer. Students practice respect protocols while listening to an elder or cultural specialist talk about the ways they were raised in regards to interacting with the land. Students read and examine two tables of information about Land Ownership Attitudes presented in “Existing Belief Systems & Land Ownership Attitudes”. Teacher encourages students to revisit their K-W-L graphic organizer; has anything changed or should we make any edits? Students are assessed on following respect protocols, and participation during the group discussion (active listening and/or verbal contributions).</p>	<p>Vocabulary Foldable Guest Speaker Graphic Organizer</p>	<p>Ownership Stewardship</p>
<p>4 Alaska’s Petroleum Resource The teacher defines “black gold” and students update their vocabulary foldable. Students list information they recall from yesterday’s presentation about land ownership vs. land stewardship. Students share their ideas with an elbow partner and each group reports back about one thing they remember from our prior lessons. Teacher instructs students on how to take Cornell Notes (topic on top, Level 2 or Level 3 questions in the left-hand column after class, notes in the right-hand column during class, summary at the bottom of the page after class). So why does any of this matter? Teacher introduces the idea that black gold was a valuable resource for our state and after it was discovered in Prudhoe Bay, land rights issues surfaced. Students watch 10 minute ANCSA video clip (PBS) and take Cornell Notes. Teacher models quality Level 2 and Level 3 questions and a summary with document viewer. Homework: add Level 2 and Level 3 questions and a summary to your Cornell Notes.</p>	<p>Vocabulary Foldable Think-Pair-Share Whip Around Cornell Notes Collaboration</p>	<p>Black Gold</p>



Lesson Overview

Lesson Description	Literacy Strategies	Vocabulary
<p>5 Rest Stop/Check for Understanding Students trade Cornell Notes with a classmate and compare their classmates’ work with the sample provided by teacher. Students provide each other with verbal and written feedback about their organization, clarity in writing, and ability to use their Cornell Notes as a study guide in the future. Teacher explains storyboard expectations (divide your paper into 10 slides, draw one picture on each slide, use less than 10 words/slide and tell us what we need to know about ANCSA). Teacher provides class with a sample storyboard. Students review their notes and collaborate in small groups to identify the 10 most important facts/details related to ANCSA. Each student submits their list of facts/details to the teacher for approval and they complete a storyboard. Students are assessed on whether or not they include accurate facts/details related to ANCSA in their storyboards. Homework: complete storyboard.</p>	<p>Collaboration Cornell Notes Storyboards</p>	
<p>6 Establishing Native Corporations The students submit their storyboards and the teacher defines “corporation” and “enrollment” while the students update their vocabulary foldable. Teacher talks about how and why Native Corporations came to be and how this transition into the business world impacted Alaska Native cultures. Teacher explains the controversy surrounding enrolling tribal members, the benefits of becoming an enrolled tribal member, and the present-day responsibilities of Alaska Native Corporations. Students practice respect protocols while listening to the teacher talk about how venturing into the business world has impacted culture and tradition. Students take an additional set of Cornell Notes about enrollment issues and the controversy surrounding, “trading in moccasins for work shoes”. Students are assessed on following respect protocols. Homework: complete Cornell Notes and develop questions for tomorrow’s panel members about their work in a tribal corporation.</p>	<p>Lecture Cornell Notes Group Discussion Collaboration</p>	<p>Corporation Enrollment</p>
<p>7 How do Land Rights Impact Tradition and Culture? Teacher facilitates a chalk talk session (students receive a writing utensil and cannot speak, they must write down their ideas on paper and they can respond to each others’ ideas in writing). Teacher talks with class about Corporations’ efforts to preserve and revitalize tradition in the modern world. Students read “Alaska Native Claims Settlement Act of 1971 Abstract and Introduction by Richard S. Jones” and practice marking the text. Teacher introduces panel of Sealaska Employees and students demonstrate respect protocols while the panel talks about their work responsibilities. Students are assessed on chalk talk participation—beginning new threads of thought and responding to their peers’ ideas, analyzing and marking their text, and demonstrating respect protocols during the panel discussion. Homework: develop at least 5 thought-provoking questions related to the Alaska Native Claims Settlement Act to ask during our Socratic Seminar.</p>	<p>Chalk Talk Marking the Text Sealaska Panel</p>	



Lesson Overview

Lesson Description	Literacy Strategies	Vocabulary
<p>8 Socratic Seminar: Walking the Color Line Teacher defines “color line” while the students update their vocabulary foldable. Teacher facilitates Socratic Seminar: what is the “color line” and why is ANCSA significant to our culture, our land, and our state? Tell us what you think and why. If your group is listening, you’re responsible for taking notes on your graphic organizer during the discussion. When it’s your turn to participate, please offer thought-provoking questions and comments to the discussion. Homework: summarize today’s discussion in ½ page or more.</p>	<p>Socratic Seminar Graphic Organizer Written Summary</p>	<p>Color Line</p>
<p>9 Succeeding in BOTH Worlds Students begin class by sharing ideas they’ve been thinking about since yesterday’s discussion and submit their Socratic Seminar summaries. Students read “ANCSA-Related Side Effects” while practicing marking the text. Students complete K-W-L graphic organizer- what have they learned? Teacher defines “compartmentalize” and students update their vocabulary foldable. Students complete a fast write about ways in which they can be successful in BOTH worlds versus compartmentalizing themselves. Teacher asks students to share ideas with the whole group while one student takes notes on the document viewer. Group discusses the challenges of performing well within both worlds without abandoning either part. Students are assessed on participation during the group discussion or demonstrating active listening.</p>	<p>Whip Around Marking the Text Graphic Organizer Vocabulary Foldable Fast write Group Discussion</p>	<p>Compartmentalize</p>
<p>10 Color Line Visual Teacher describes the expectations for the “Color Line Visual” and provides students with a sample (can be a storybook, play, drawing, piece of art work, iMovie, podcast, poem, etc.) of walking the color line- living a traditional lifestyle and succeeding in the western world. Students work individually or with up to two partners to visually depict the Color Line. Students are assessed on participation and time management skills.</p>	<p>Collaboration</p>	
<p>11 Sharing Our Ideas Students prepare traditional snacks and invite elders, cultural specialists, panel members, and extended family members to come see what they’ve done during this unit. Two students (preferably an Eagle and a Raven) introduce themselves to the group, thank the elders, cultural specialists, and panel members for helping them out during the unit, thank people for coming, and invite people to have something to eat while they share their work. Students share Color Line Visuals and teacher thanks everyone for their support upon completion of presentations. Students are assessed on willingness to share their work with others and demonstrating respectful listening skills.</p>	<p>Culminating Activity</p>	



Suggested Pacing

Lesson	50 Minute Class Sessions
1 Introduction to Unit Expectations	1
2 Before We Start	1
3 Existing Belief Systems	1
4 Alaska's Petroleum Resource	1
5 Rest Stop/Check for Understanding	1
6 Establishing Native Corporations	1
7 How do Land Rights Impact Tradition and Culture	1
8 Socratic Seminar: Walking the Color Line	1-2
9 Succeeding in BOTH Worlds	1
10 Color Line Visual	2-5
11 Sharing Our Ideas	1-2
Total Class Sessions	13-15

Standards Addressed in this Unit

Content Area	Alaska State Standards Addressed
English/Language Arts	<ul style="list-style-type: none"> A. A Student should be able to speak and write well for a variety of purposes and audiences. 1, 2, 3, 4, 5, 6, 7. B. A student should be a competent and thoughtful reader, listener, and viewer of literature, technological materials, and a variety of other information. 1, 2, 3. C. A student should be able to identify and select from multiple strategies in order to complete projects independently and cooperatively. 1, 2, 3, 4, 5. D. A student should be able to think logically and reflectively in order to present and explain positions based on relevant and reliable information. 1, 2, 4. E. A student should understand and respect the perspectives of others in order to communicate effectively. 1, 2, 3, 4.
Mathematics	<ul style="list-style-type: none"> B. A student should understand and be able to select and use a variety of problem-solving strategies. 4, 6, 7.
Science	<ul style="list-style-type: none"> A. A student should understand and be able to apply the processes and applications of scientific inquiry. 3. C. A student should understand and be able to apply the concepts, models, theories, facts, evidence, systems, and processes of life science. 3. E. A student should understand the relationships among science, technology and society. 3. F. A student should understand the dynamic relationships among scientific, cultural, social, and personal perspectives. 1, 2, 3.



Standards Addressed in this Unit

Content Area	Alaska State Standards Addressed
Geography	<ul style="list-style-type: none"> B. A student should be able to utilize, analyze, and explain information about the human and physical features of places and regions. 4, 5, 7, 8. D. A student should understand and be able to interpret spatial (geographic) characteristics of human systems, including migration, movement, interactions of cultures, economic activities, settlement patterns, and political units in the state, nation, and world. 1, 3, 4, 5. E. A student should understand and be able to evaluate how humans and physical environments interact. 1, 2, 3, 4, 5, 6. F. A student should be able to use geography to understand the world by interpreting the past, knowing the present, and preparing for the future. 2, 3.
Government & Citizenship	<ul style="list-style-type: none"> A. A student should know and understand how societies define authority, rights, and responsibilities through a governmental process. 3, 4. C. A student should understand the character of government and state. 2, 4, 5, 6, 7, 8. E. A student should have the knowledge and skills necessary to participate effectively as an informed and responsible citizen. 1, 2, 3, 4, 5. F. A student should understand the economies of the United States and the state and their relationships to the global economy. 2, 5, 9. G. A student should understand the impact of economic choices and participate effectively in the local, state, national, and global economies. 2, 3, 4, 5.
History	<ul style="list-style-type: none"> A. A student should understand that history is a record of human experiences that links the past to the present and the future. 2, 4, 5, 6, 7, 8. B. A student should understand historical themes through factual knowledge of time, places, ideas, institutions, cultures, people, and events. 1, 5. C. A student should develop the skills and processes of historical inquiry. 1, 2, 3, 4. D. A student should be able to integrate historical knowledge with historical skill to effectively participate as a citizen and as a lifelong learner. 1, 2, 3, 4, 5, 6.
Skills for a Healthy Life	<ul style="list-style-type: none"> A. A student should be able to acquire a core knowledge related to well being. 4, 5. B. A student should be able to demonstrate responsibility for the student's well being. 3, 4. C. A student should understand how well-being is affected by relationships with others. 6. D. A student should be able to contribute to the well-being of families and communities. 1, 2, 3, 4, 6.
Arts	<ul style="list-style-type: none"> A. A student should be able to create and perform in the arts. 1, 4, 5. B. A student should be able to understand the historical and contemporary role of the arts in Alaska, the nation, and the world. 1, 3, 8. C. A student should be able to critique the student's art and the art of others. 3, 4, 5. D. A student should be able to recognize beauty and meaning through the arts in the student's life. 3.
World Languages	<ul style="list-style-type: none"> C. A student should possess the language skills and cultural knowledge necessary to participate successfully in multilingual communities and the international marketplace. 1, 2.
Technology	<ul style="list-style-type: none"> A. A student should be able to operate technology-based tools. 2. C. A student should be able to use technology to explore ideas, solve problems, and derive meaning. 3. D. A student should be able to use technology to express ideas and exchange information. 1.



Standards Addressed in this Unit

Content Area	Alaska State Standards Addressed
Employability	A. A student should be able to develop and be able to use employability skills in order to effectively make the transition from school to work and lifelong learning. 5.
Library/Information Literacy	A. A student should understand how information and resources are organized. 3. B. A student should understand and use research processes necessary to locate, evaluate, and communicate information and ideas. 5. D. A student should be aware of the freedom to seek information and possess the confidence to pursue information needs beyond immediately available sources. 4.
Cultural Standards	A. Culturally-knowledgeable students are well grounded in the cultural heritage and traditions of their community. 1, 2, 3, 4, 5, 6, 7. B. Culturally-knowledgeable students are able to build on the knowledge and skills of the local cultural community as a foundation from which to achieve personal and academic success throughout life. 1, 2, 3. C. Culturally-knowledgeable students are able to actively participate in various cultural environments. 2, 3, 4. D. Culturally-knowledgeable students are able to engage effectively in learning activities that are based on traditional ways of knowing and learning. 1, 3, 4, 5. C. Culturally-knowledgeable students demonstrate an awareness and appreciation of the relationships and processes of interaction of all elements in the world around them. 5, 6, 7, 8.

Master English Academic Vocabulary List

- **Protocol:** customs and regulations dealing with formality, precedence, and etiquette.
- **Community:** people who share a similar character, agreement, or identity.
- **Respect:** to show regard or consideration for.
- **Alaska Native Claims Settlement Act (ANCSA):** 1971 Act that granted Alaska Natives 44 million acres of land and money to establish and run Native Corporations.
- **Aboriginal Claim:** based on use and occupancy by aboriginal (indigenous) peoples.
- **Ownership:** to have or hold as one's own, to possess.
- **Stewardship:** to act as a steward of, to utilize and coexist.
- **Black Gold:** petroleum/unrefined oil.
- **Corporation:** any group of persons united or regarded as united in one body.
- **Enrollment:** to enter in a record, roll, or register.
- **Color Line:** the ambiguous line dividing the Eastern and Western worldview.
- **Compartmentalize:** to divide into categories or compartments.

Teacher Preparation for Unit

- Review lesson plans and outlines.
- Get a document viewer, a VCR/DVD player, and a projector.
- Make copies of learning log expectations, vocabulary foldable template, and all articles.



- Get markers, highlighters, glue, scissors, and butcher paper.

Lesson Plan #1

Introduction to Unit Expectations

Duration: 50 minutes

Description

The purpose of this lesson is to both activate and assess student background knowledge. Students are presented with the unit essential question and final assessments. With teacher support, students unpack the meaning of both so they are clear about what they will be expected to do and know. Students communicate background knowledge of Alaska Native Claims Settlement Act (ANCSA) and are introduced to respect protocols and expectations. The teacher defines “protocol”, “community” and “respect” and students begin a vocabulary foldable (word on one flap, definition and an illustration on the inside).

State Standards Addressed

- English/Language Arts E
- World Languages C
- Employability A
- Cultural Standards B, C, D, E

Learning Targets

- I can define protocol, community, and respect.
- I can collaborate with others to identify the protocol that we’ll adhere to while learning together.

English Academic Vocabulary

- **Protocol:** customs and regulations dealing with formality, precedence, and etiquette.
- **Community:** people who share a similar character, agreement, or identity.
- **Respect:** to show regard or consideration for.

Materials Needed

- White board/butcher paper
- Dry erase marker/makers
- Scissors
- Glue
- Vocabulary Foldable Templates



Assessments

Students are assessed on verbal participation and/or actively listening and adhering to the designated protocol.

Lesson Plan #1 Outline

Introduction to Unit Expectations

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs (constructed in notebooks).

2. Introductions/Orientation to Unit
 - a) Introduce yourself to the group and ask students to introduce themselves and one thing others might not know about them.
 - b) Tell students that we're going to be examining the Alaska Native Claims Settlement Act (ACNSA) and it's significance to our culture, our land, and our state.
 - c) Ask students to jot down some ideas that they already have about ANCSA (accessing prior knowledge), share their ideas with an elbow partner, and then report out to the group.

3. Introduce New Vocabulary
 - a) Teach students how to make a vocabulary foldable:
 - o Fold paper along center line
 - o Open paper and cut along the lines to form flashcards
 - o Glue foldable into notebook
 - b) Define Respect and Protocol (students add these words to their foldable)
 - o Top Flap: Vocabulary Word;
 - o Inside Flap A: Illustration;
 - o Inside Flap B: Definition.

4. Develop Working Protocol
 - a) Invite one student to write down ideas on the board/poster.
 - b) Ask students to contribute ideas that exemplify respect that will help us foster a positive learning environment.
 - c) Ask students to list ways in which they can adhere to our working protocol while we learn about ANCSA.

5. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.



Lesson Plan #2

Before We Start

Duration: 50 minutes

Description

The teacher defines “ANCSA” and “Aboriginal Claim” and students add these terms to their vocabulary foldable. Teacher explains how to go about marking the text and students practice this skill while reading the article titled, “Digest of Federal Resource Laws of Interest to the U.S. Fish & Wildlife Service (ANCSA)”. In the margins of their text, students write questions they’d like to find out the answers to while learning and what they can recall from their reading. Students share their work with an elbow partner, and report out to the group. As a group, the class develops a K-W-L graphic organizer. Students are assessed on participation in marking the text, sharing ideas within their small groups, or adding ideas to the whole group discussion about the graphic organizer.

State Standards Addressed

- English/Language Arts B
- Geography B, D, E
- Government & Citizenship A
- History A, B, C
- Cultural Standards D, E

Learning Targets

- I can explain how to go about “marking the text”.
- I can define Alaska Native Claims Settlement Act (ANCSA) and Aboriginal Claim.

English Academic Vocabulary

- **Alaska Native Claims Settlement Act (ANCSA):** 1971 Act that granted Alaska Natives 44 million acres of land and money to establish and run Native Corporations.
- **Aboriginal Claim:** based on use and occupancy by aboriginal (indigenous) peoples.

Materials Needed

- Document viewer
- Butcher paper
- Makers
- Copies of Article “Digest of Federal Resource Laws of Interest to the U.S. Fish & Wildlife Service (ANCSA)”.
- Highlighters

Assessments

Students are assessed on participation in marking the text, sharing ideas within their small groups, or adding ideas to the whole group discussion about the K-W-L graphic organizer.



Lesson Plan #2 Outline

Before We Start

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to examine two vocabulary terms today, we'll read one article related to the Alaska Native Claims Settlement Act (ANCSA), and we'll practice a new skill called "marking the text".
3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - o Alaska Native Claims Settlement Act (ANCSA)
 - o Aboriginal Claim
4. Teach Students How to Mark the Text
 - a) Circle weird or unfamiliar words and define them if possible.
 - b) Highlight main ideas (caution them not to highlight too much text, so that their eyes can go directly to the main idea later on if they're limited on time).
 - c) Write questions you have while reading in the margins.
 - d) Write down connections you make while reading in the margins.
5. Read the Article and Mark the Text
 - a) Practice thinking aloud while reading with the document viewer. Model expectations for marking the text.
6. Think-Pair-Share and K-W-L Graphic Organizer
 - a) Students check in with an elbow partner to tell them how to go about marking the text and to share the questions and comments that they wrote down in their margins.
 - b) One person from each group reports out to the class about things their small group discussed.
 - c) One student scribes a K-W-L graphic organizer while groups report out about what they Know, Want to Know, and Learned about ANCSA so far.



7. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #3

Existing Belief Systems

Duration: 50 minutes

Description

The teacher defines, “ownership” and “stewardship” and students update their vocabulary foldable. The teacher draws students’ attention to the “Want to Know” column of our graphic organizer. Students practice respect protocols while listening to an elder or cultural specialist talk about the ways they were raised in regards to interacting with the land. Students read and examine two tables of information about Land Ownership Attitudes presented in “Existing Belief Systems & Land Ownership Attitudes”. Teacher encourages students to revisit their K-W-L graphic organizer; has anything changed or should we make any edits? Students are assessed on following respect protocols, and participation during the group discussion (active listening and/or verbal contributions).

State Standards Addressed

- English/Language Arts A, B
- Science F
- Geography B, D, E, F
- Government & Citizenship: A, C, E, F, G
- History: A, B, C, D
- Technology: C
- Cultural Standards: A, D, E

Learning Targets

- I can define ownership and stewardship.
- I can demonstrate respectful listening skills and ask our guest speaker thought provoking questions about an indigenous person’s relationship with the land.

English Academic Vocabulary

- **Ownership:** to have or hold as one’s own, to possess.
- **Stewardship:** to act as a steward of, to utilize and coexist.

Materials Needed

- Water for our guest speaker
- K-W-L Graphic Organizer
- One copy of the table “Existing Belief Systems & Land Ownership Attitudes”.



Assessments

Students are assessed on following respect protocols, and participation during the group discussion (active listening and/or verbal contributions).

Lesson Plan #3 Outline

Existing Belief Systems

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome guest speaker and invite them to make themselves comfortable while students arrive. Offer guest speaker some water.
 - d) Welcome students and ask them to write down their learning target in their learning logs.

2. Orientation to Today's Lesson
 - a) Tell students that we're going to examine two vocabulary terms today, we'll hear from a guest speaker about the ways Natives were raised in regards to interacting with the land, and we'll examine a chart of information about land ownership attitudes.

3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - o Ownership
 - o Stewardship

4. Transition to Guest Speaker's Presentation
 - a) Draw students' attention to the "Want to Know" column of our K-W-L graphic organizer and encourage them to demonstrate respectful listening skills as well as ask thought provoking questions about land use.
 - b) Introduce guest speaker.

5. Guest Speaker

6. Examine Table: "Existing Belief Systems & Land Ownership Attitudes"
 - a) Analyze the differences between a Western World View and an Eastern World View.
 - b) Discussion: What do you notice? Do you agree or disagree? Why or why not? What biases does the author present?

7. Revisit K-W-L Graphic Organizer
 - a) Has anything changed, should we make any edits?



8. Thank guest for sharing their knowledge with us. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #4

Alaska's Petroleum Resource

Duration: 50 minutes

Description

The teacher defines “black gold” and students update their vocabulary foldable. Students list information they recall from yesterday’s presentation about land ownership vs. land stewardship. Students share their ideas with an elbow partner and each group reports back about one thing they remember from our prior lessons. Teacher instructs students on how to take Cornell Notes (topic on top, Level 2 or Level 3 questions in the left-hand column after class, notes in the right-hand column during class, summary at the bottom of the page after class). So why does any of this matter? Teacher introduces the idea that black gold was a valuable resource for our state and after it was discovered in Prudhoe Bay, land rights issues surfaced. Students watch 10 minute ANCSA video clip (Distance Education Operations Alaska Studies Video- ANCSA Caught in the Act) and take Cornell Notes. Teacher models quality Level 2 and Level 3 questions and a summary with document viewer. Homework: add Level 2 and Level 3 questions and a summary to your Cornell Notes.

State Standards Addressed

- English/Language Arts B, E
- Science E, F
- Geography B, D, E, F
- Government & Citizenship A, C, G
- History A, B, C
- World Languages C
- Library/Information Literacy D
- Cultural Standards A, C, D, E

Learning Targets

- I can define black gold.
- I can take Cornell Notes about the video, “ANCSA Caught in the Act”.

English Academic Vocabulary

- **Black Gold:** petroleum/unrefined oil.

Materials Needed

- VCR/DVD Player
- Distance Educations Operations Video: “ANCSA Caught in the Act”



- Document viewer

Assessments

Students are assessed on participation and note taking during and after the movie.

Lesson Plan #4 Outline

Alaska's Petroleum Resource

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to examine one vocabulary term today, we'll learn how to go about taking Cornell Notes, and we'll watch a short film about ANCSA while taking Cornell Notes.
3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - o Black Gold
4. Review/Refresh
 - a) Students list information they recall from yesterday's presentation about land ownership vs. land stewardship.
 - b) Students share their ideas with an elbow partner and each group reports back about one thing they remember from our prior lessons.
5. Teach Students How to Take Cornell Notes
 - a) Topic/essential question on top (during class);
 - b) Level 2 or Level 3 questions in the left-hand column (after class);
 - c) Notes in the right-hand column (during class);
 - d) Summary at the bottom of the page (after class).
6. Transition to Video
 - a) Teacher introduces the idea that black gold was a valuable resource for our state and after it was discovered in Prudhoe Bay, land rights issues surfaced.
7. Watch ANCSA Video and Take Cornell Notes
 - a) Afterwards, students collaborate to review one another's notes, pose questions to teacher, and teacher models quality Level 2 and Level 3 questions and a summary with document viewer.



- b) **Homework:** add Level 2 and Level 3 questions and a summary to your Cornell Notes.
8. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #5

Rest Stop/Check for Understanding

Duration: 50 minutes

Description

Students trade Cornell Notes with a classmate and compare their classmates' work with the sample provided by teacher. Students provide each other with verbal and written feedback about their organization, clarity in writing, and ability to use their Cornell Notes as a study guide in the future. Teacher explains storyboard expectations (divide your paper into 10 slides, draw one picture on each slide, use less than 10 words/slide and tell us what we need to know about ANCSA). Teacher provides class with a sample storyboard. Students review their notes and collaborate in small groups to identify the 10 most important facts/details related to ANCSA. Each student submits their list of facts/details to the teacher for approval and they complete a storyboard. Students are assessed on whether or not they include accurate facts/details related to ANCSA in their storyboards. Homework: complete storyboard.

State Standards Addressed

- English/Language Arts A, C, D, E
- Science F
- Geography B, D, E
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Arts A, D
- Cultural Standards A, B, D, E

Learning Targets

- I can analyze and evaluate my classmates' work and provide them with feedback about their writing and organization.
- I can collaborate with others to identify the 10 most important facts/details related to ANCSA and prepare a 10-slide storyboard.

Materials Needed

- Document Viewer
- Blank unlined paper
- Rulers



- Coloring supplies

Assessments

Students are assessed on whether or not they include accurate facts/details related to ANCSA in their storyboards.

Lesson Plan #5 Outline

Rest Stop/Check for Understanding

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to collaborate with one another to review and evaluate each other's Cornell Notes, identify the 10 most important facts/details related to ANCSA, and complete a storyboard.
3. Cornell Notes Workshop
 - a) Students trade Cornell Notes with a classmate and compare their classmates' work with the sample provided by teacher. Students should look for Level 2 and Level 3 questions and a well-written paragraph summary in their partner's notes.
 - b) Students provide each other with verbal and written feedback about their organization, clarity in writing, and ability to use their Cornell Notes as a study guide in the future.
6. Teacher Explains Storyboard Expectations
 - a) Divide your paper into 10 slides, draw one picture on each slide, use less than 10 words/slide and tell us what we need to know about ANCSA.
 - b) Teacher provides class with a sample storyboard.
7. Storyboard Workshop
 - a) Students review their notes and collaborate in small groups to identify the 10 most important facts/details related to ANCSA.
 - b) Each student submits their list of facts/details to the teacher for approval and they complete a storyboard.
 - c) Students work on storyboards for the remainder of class.
 - d) **Homework:** complete your storyboard.



8. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #6

Establishing Native Corporations

Duration: 50 minutes

Description

The students submit their storyboards and the teacher defines “corporation” and “enrollment” while the students update their vocabulary foldable. Teacher talks about how and why Native Corporations came to be and how this transition into the business world impacted Alaska Native cultures. Teacher explains the controversy surrounding enrolling tribal members, the benefits of becoming an enrolled tribal member, and the present-day responsibilities of Alaska Native Corporations. Students practice respect protocols while listening to the teacher talk about how venturing into the business world has impacted culture and tradition. Students take an additional set of Cornell Notes about enrollment issues and the controversy surrounding, “trading in moccasins for work shoes”. Students are assessed on following respect protocols. Homework: complete Cornell Notes and develop questions for tomorrow’s panel members about their work in a tribal corporation.

State Standards Addressed

- English/Language Arts A, B, D, E
- Geography E, F
- Government A, C
- History A, B, C, D
- Skills for a Healthy Life A, D
- Cultural Standards A, B, E

Learning Targets

- I can define corporation and enrollment.
- I can demonstrate respectful listening skills and take Cornell Notes about how venturing into the business world has impacted culture and tradition.

English Academic Vocabulary

- **Corporation:** any group of persons united or regarded as united in one body.
- **Enrollment:** to enter in a record, roll, or register.

Materials Needed

- Document viewer
- Paper
- Pencils



- Rulers

Assessments

Students are assessed on following respect protocols and taking Cornell Notes during the teacher's presentation.

Lesson Plan #6 Outline

Establishing Native Corporations

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students, collect completed storyboards, and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to examine two vocabulary terms today and they'll take a set of Cornell Notes while I lecture about the controversy surrounding "trading moccasins for work shoes".
3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - Corporation
 - Enrollment
4. Lecture and Cornell Notes: Trading Moccasins for Work Shoes
 - a) Teacher talks about how and why Native Corporations came to be and how this transition into the business world impacted Alaska Native cultures.
 - b) Teacher explains the controversy surrounding enrolling tribal members, the benefits of becoming an enrolled tribal member, and the present-day responsibilities of Alaska Native Corporations.
 - c) Students practice respect protocols while listening to the teacher talk about how venturing into the business world has impacted culture and tradition.
5. Questions and Answers
 - a) Allow students some time to ask questions related to the lecture and to collaborate to compare notes.
 - b) **Homework:** complete Cornell Notes and develop questions for tomorrow's panel members about their work in a tribal corporation.



6. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #7

How do Land Rights Impact Tradition and Culture?

Duration: 50 minutes

Description

Teacher facilitates a chalk talk session (students receive a writing utensil and cannot speak, they must write down their ideas on paper and they can respond to each others' ideas in writing). Teacher talks with class about Corporations' efforts to preserve and revitalize tradition in the modern world. Students read "Alaska Native Claims Settlement Act of 1971 Abstract and Introduction by Richard S. Jones" and practice marking the text. Teacher introduces panel of Sealaska Employees and students demonstrate respect protocols while the panel talks about their work responsibilities. Students are assessed on chalk talk participation- beginning new threads of thought and responding to their peers' ideas, analyzing and marking their text, and demonstrating respect protocols during the panel discussion. Homework: develop at least 5 thought-provoking questions related to the Alaska Native Claims Settlement Act to ask during our Socratic Seminar.

State Standards Addressed

- English/Language Arts A, B, D
- Geography B, D, E, F
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Skills for a Healthy Life A, B, C, D
- World Languages C
- Cultural Standards A, B, C, D, E

Learning Targets

- I can demonstrate respectful listening skills and ask our panel members thought provoking questions about the intricacies of establishing and working within a Native Corporation.

Materials Needed

- One large piece of butcher paper
- Tape (to tape up paper)
- One marker for each student
- Copies of article "Alaska Native Claims Settlement Act of 1971 Abstract and Introduction by Richard S. Jones"
- Highlighters



- Water for panel members

Assessments

Students are assessed on chalk talk participation- beginning new threads of thought and responding to their peers' ideas, analyzing and marking their text, and demonstrating respect protocols during the panel discussion.

Lesson Plan #7 Outline

How do Land Rights Impact Tradition and Culture?

Duration: 50 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome panel members and invite them to make themselves comfortable while students arrive. Offer guests some water.
 - d) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to participate in an activity called "Chalk Talk", read a short article and practice marking the text, and hear from panel members about Native Corporations' efforts to preserve and revitalize tradition in the modern world.
3. Chalk Talk: How are Tradition and Culture Impacted by Land Rights?
 - a) Students receive a writing utensil and they cannot speak, they must write down their ideas on paper and they can respond to each other's ideas in writing.
 - b) Students are assessed on beginning new threads of thought and responding to their peers' ideas.
4. Marking the Text: Copies of article "Alaska Native Claims Settlement Act of 1971 Abstract and Introduction by Richard S. Jones"
5. Panel Discussion: How do Land Rights Impact Tradition and Culture?
 - a) Introduce panel members
 - b) Panel members testify to the Corporations' efforts to preserve and revitalize tradition in the modern world and talk about the intricacies of establishing and working within a Native Corporation.
 - c) Questions and answers
 - d) **Homework:** develop at least 5 thought-provoking questions related to the Alaska Native Claims Settlement Act to ask during our Socratic Seminar.



6. Thank panel members for coming, and ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #8

Socratic Seminar: Walking the Color Line

Duration: 50-100 minutes

Description

Teacher defines “color line” while the students update their vocabulary foldable. Teacher facilitates Socratic Seminar: what is the “color line” and why is ANCSA significant to our culture, our land, and our state? Tell us what you think and why. If your group is listening, you’re responsible for taking notes on your graphic organizer during the discussion. When it’s your turn to participate, please offer thought-provoking questions and comments to the discussion. Homework: summarize today’s discussion in ½ page or more.

State Standards Addressed

- English/Language Arts A, D, E
- Geography B, D, E, F
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Employability A
- Cultural Standards A, B, D, E

Learning Targets

- I can define the color line.
- I can demonstrate respectful listening skills and offer thought provoking questions and comments to the discussion about the color line and why ANCSA is significant to our culture, our land, and our state.

Materials Needed

- Copies of graphic organizer for students

English Academic Vocabulary

- **Color Line:** the ambiguous line dividing the Eastern and Western worldview.

Assessments

Students are assessed on active participation (spoken or active listening) during the Socratic Seminar.



1. Organizational Prep
 - a) Reorganize work space so the students can participate in a whole group discussion (circle of desks or chairs works well).
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today's Lesson
 - a) Tell students that we're going to examine one vocabulary term today and they'll participate in a Socratic Seminar related to the "color line".
3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - o Color Line
4. Teacher Explains Socratic Seminar Expectations
 - a) We will divide into two small groups and, depending on how lengthy your conversation is, we might take 1 or 2 class sessions to complete our discussion.
 - b) One group will speak while the other group takes notes, then we'll rotate.
 - c) If your group is listening, you're responsible for taking notes on your graphic organizer during the discussion. When it's your turn to participate, please offer thought-provoking questions and comments to the discussion.
 - d) Questions and answers
5. Socratic Seminar
 - a) What is the "color line" and why is ANCSA significant to our culture, our land, and our state? Tell us what you think and why.
 - b) **Homework:** summarize today's discussion in ½ page or more.
6. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #9

Succeeding in BOTH Worlds

Duration: 50 minutes

Description

Students begin class by sharing ideas they've been thinking about since yesterday's discussion and submit their Socratic Seminar summaries. Students read "ANCSA-Related Side Effects"



while practicing marking the text. Students complete K-W-L graphic organizer- what have they learned? Teacher defines “compartmentalize” and students update their vocabulary foldable. Students complete a fast write about ways in which they can be successful in BOTH worlds versus compartmentalizing themselves. Teacher asks students to share ideas with the whole group while one student takes notes on the document viewer. Group discusses the challenges of performing well within both worlds without abandoning either part. Students are assessed on participation during the group discussion or demonstrating active listening.

State Standards Addressed

- English/Language Arts A, B, C, D
- Geography B, D, E, F
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Skills for a Healthy Life A, B, D
- Cultural Standards A, B, C, D, E

Learning Targets

- I can define compartmentalize.
- I can examine what we’ve learned during this unit and analyze ways in which I can be successful in both worlds (a traditional world and a western world).

Materials Needed

- Copies of article “ANCSA-Related Side Effects”
- K-W-L graphic organizer
- Marker

English Academic Vocabulary

- **Compartmentalize:** to divide into categories or compartments.

Assessments

Students are assessed on participation during the group discussion or demonstrating active listening.

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today’s Lesson



- a) Tell students that we're going to examine one vocabulary term today, we'll read an article titled "ANCSA-Related Side Effects", we'll review our K-W-L graphic organizer, and we'll have a discussion about succeeding in BOTH worlds.
3. Introduce New Vocabulary
 - a) Ask students to update their vocabulary foldable while you provide them with the vocabulary term and definition on the document viewer:
 - o Compartmentalize
4. Article Analysis
 - a) Students begin class by sharing ideas they've been thinking about since yesterday's discussion and submit their Socratic Seminar summaries.
 - b) Students read "ANCSA-Related Side Effects" while practicing marking the text.
5. Group Discussion
 - a) Complete the K-W-L graphic organizer and address questions that came up while reading the article.
 - b) Students complete a fast write about ways in which they can be successful in BOTH worlds versus compartmentalizing themselves. Students share their ideas with an elbow partner, and report their ideas to the whole group while one student takes notes on the document viewer.
 - c) Group discusses the challenges of performing well within both worlds without abandoning either part.
6. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #10

Color Line Visual

Duration: 100-250 minutes

Description

Teacher describes the expectations for the "Color Line Visual" and provides students with a sample (can be a storybook, play, drawing, piece of art work, iMovie, podcast, poem, etc.) of walking the color line- living a traditional lifestyle and succeeding in the western world. Students work individually or with up to two partners to visually depict the Color Line. Students are assessed on participation and time management skills.



State Standards Addressed

- English/Language Arts A, C, D, E
- Mathematics B
- Science F
- Geography B, D, E, F
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Skills for a Healthy Life D
- Arts A, B, C, D
- World Languages C
- Technology A, C, D
- Employability A
- Library/Information Literacy A, B, D
- Cultural Standards A, B, C, D, E

Learning Targets

- I can describe the Color Line Visual expectations to a partner.
- I can explore ways to visually depict “walking the color line” (living in a traditional world and a western world).
- I can demonstrate time management skills.

Materials Needed

- Drawing materials
- Electronics (for students who choose to use that platform to express themselves)

Assessments

Students are assessed on participation and time management skills.

Lesson Plan #10

Color Line Visual

Duration: 100-250 minutes

1. Organizational Prep
 - a) Gather necessary supplies.
 - b) Write down learning targets on the board.
 - c) Welcome students and ask them to write down their learning target in their learning logs.
2. Orientation to Today’s Lesson



- a) Tell students that we're going to begin our culminating project today and that it will take anywhere between 2 and 5 class sessions to complete it, depending on how they choose to approach the assignment.
3. Teacher Explains Color Line Visual Expectations
 - a) Teacher describes the expectations for the "Color Line Visual" and provides students with a sample (can be a storybook, play, drawing, piece of art work, iMovie, podcast, poem, etc.) of walking the color line- living a traditional lifestyle and succeeding in the western world.
 - b) Students work individually or with up to two partners to complete their visual.
 - c) Students must check in with the teacher to notify him/her of what they choose to do for their project.
 - d) Students are assessed on participation and time management skills.
4. Color Line Visual Workshop
 - a) Students work individually or with their partners to prepare their visual.
 - b) Teacher provides groups with supervision, feedback, and support.
5. Teacher Preps for Event While Students Work on Visuals
 - a) Have students sign thank you cards for guest speakers and panel members.
 - b) Make sure all groups complete their Color Line Visuals.
 - c) Secure a venue for culminating activity.
 - d) Invite elders, cultural specialists, panel members, and extended family members to come to the event.
 - e) Assign students to prepare and bring traditional food and drinks for the event.
 - f) Run a dress rehearsal with the students so they have a chance to practice presenting their work to a larger audience.
6. Ask students to reflect in learning log about their learning targets, clean up, and reorganize workspace.

Lesson Plan #11

Sharing our Ideas

Duration: 50-100 minutes

Description

Upon completion of Color Line Visuals, students prepare traditional snacks and invite elders, cultural specialists, panel members, and extended family members to come see what they've done during this unit. Two students (preferably an Eagle and a Raven) introduce themselves to



the group, thank the elders, cultural specialists, and panel members for helping them out during the unit, thank people for coming, and invite people to have something to eat while they share their work. Students share Color Line Visuals and teacher thanks everyone for their support upon completion of presentations. Students are assessed on willingness to share their work with others and demonstrating respectful listening skills.

State Standards Addressed

- English/Language Arts A, C, D, E
- Science F
- Geography B, D, E, F
- Government & Citizenship A, C, E, F, G
- History A, B, C, D
- Skills for a Healthy Life A, B, D
- Arts A, B, C, D
- World Languages C
- Technology A, C, D
- Employability A
- Cultural Standards A, B, C, D, E

Learning Targets

- I can share my learning with.

Materials Needed

- Completed Color Line Visuals
- Traditional food and drinks for guests to share
- Electronic equipment to present students' work
- Microphone and sound system
- Elders, cultural specialists, panel members, extended family members

Assessments

Students are assessed on willingness to share their work with others and demonstrating respectful listening skills.



Lesson Plan #11

Sharing our Ideas

Duration: 50 to 100 minutes

1. Preparation for Event
 - a) Gather presentation materials
 - b) Run a dress rehearsal with students so they're prepared to share their work with a larger audience.
2. 30 Minutes Prior to the Event
 - a) Ask students to prepare and arrange traditional snacks and drinks to share with guests.
 - b) Assign students to usher guests in and help seat and serve elders
3. Culminating Activity
 - a) Two students (preferably an Eagle and a Raven) introduce themselves to the group, thank the elders, cultural specialists, and panel members for helping them out during the unit, thank people for coming, and invite people to have something to eat while they share their work.
 - b) Students share Color Line Visuals.
 - c) Students present thank you cards to guest speakers and panel members.
 - d) Teacher thanks the students for all their hard work and thanks the audience for their support. Teacher encourages students to help clean up and usher elders to their transportation.

Alaska Native Claims Settlement Act



Digest of Federal Resource Laws of Interest to the U.S. Fish and Wildlife Service

Alaska Native Claims Settlement Act

Alaska Native Claims Settlement Act ([43 USC 1601-1624](#)) -- Public Law 92-203, approved December 18, 1971 (85 Stat. 688), and repeatedly amended, authorized Alaska Natives to select and receive title to 44 million acres of public land in Alaska, and \$962,000,000 in cash as settlement of their aboriginal claim to land in the State. The Act established a system of village and regional Native corporations to manage the lands and cash payments, and made extensive provisions regarding the operations of the corporations.

Special provisions were made for, and restrictions placed on, selection of lands within existing National Wildlife Refuges.

The Act also required the Secretary of the Interior to withdraw up to 80 million acres of existing public land for specific consideration as new national wildlife refuges, national parks, national forests and wild and scenic rivers. These lands were to remain in a special withdrawal category until Congress completed action on the proposals or until December 1978. On October 14, 1978, the 95th Congress adjourned without passing the necessary legislation or an extension of the existing protection for these lands.

From 1977 to 1980, the Secretary exercised his authority under Section 204(e) of the Federal Land Policy and Management Act (90 Stat. 2743) to withdraw from mineral entry and State selection for three years approximately 110 million acres in Alaska which had been under consideration for inclusion in the national conservation systems.

In recognition of special scientific values and to provide further protection to some of these areas, in 1978 and 1979, the President proclaimed 17 national monuments comprising 56 million acres. This action was taken under authority of the Antiquities Act of 1906. (See entry "Historic Preservation", and for disposition of the withdrawn lands, see entry "Alaska National Interest Lands Conservation Act.")

The Act was recently amended by P.L. 105-276 (Departments of Veterans Affairs and Housing and Urban Development, and Independent Agencies Appropriations Act, 1999). This new provision allows native Alaskans, who are Vietnam veterans (within certain parameters), to be able to obtain an allotment of not more than two parcels of federal land totaling 160 acres or less under the Act of May 17, 1906 (chapter 2469; 34 Stat. 197). Such allotments may be selected only from lands that were vacant, unappropriated, and unreserved on the date when the person eligible for the allotment first used and occupied those lands. No later than 18 months after enactment of this law, the Secretary of the Interior shall promulgate rules to carry out this section.

[Return to Resource Laws](#)

**ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971
(PUBLIC LAW 92-203):
HISTORY AND ANALYSIS TOGETHER WITH SUBSEQUENT AMENDMENTS**

by

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ABSTRACT

This report analyzes the history and background of the Alaska Native Claims Settlement Act of 1971, as amended, which settled the claim of Alaska's Native Indian, Aleut, and Eskimo population to the aboriginal lands on which they have lived for generations. The claim had been unresolved during the more than 100 years since the United States purchased Alaska from Russia in 1867.

Under provisions of the settlement, the Natives received title to a total of 40 million acres, to be divided among some 220 Native villages and twelve Regional Corporations established by the Act. The twelve Regional Corporations (together with a thirteenth Regional Corporation comprised of Natives who are non-permanent residents of Alaska) were to share in a payment of \$462,500,000 (to be made over an eleven-year period from funds in the U.S. Treasury), and an additional \$500 million in mineral revenues deriving from specified Alaska lands.

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This report is a revision of CRS Report No. 72-209 GGR, originally prepared May 22, 1972.

ALASKA NATIVE CLAIMS SETTLEMENT ACT OF 1971 (P.L. 92-203)

Introduction

On December 18, 1971, Public Law 92-203, the "Alaska Native Claims Settlement Act," was signed into law by President Nixon. Public Law 92-203 was enacted by Congress to settle the claim of Alaska's native Indian Aleut and Eskimo population to aboriginal title to the land on which they have lived for generations. This claim had been unresolved during the more than 100 years since the U.S. purchased Alaska from Russia in 1867.

A summary of the background to the Alaskan native land claims issue is provided by the House Interior and Insular Affairs Committee Report to accompany H.R. 10367 (House Report No. 92-523, pp. 3-4), which is followed by a detailed analysis of the history of government action over the past century regarding native land claims. As stated in House Report No. 92-523:

"When the United States acquired the Territory of Alaska by purchase from Russia, the treaty (proclaimed June 21, 1867, 15 Stat. 539) conveyed to the United States dominion over the territory, and it conveyed title to all public lands and vacant lands that were not individual property. The lands used by the 'uncivilized' tribes were not regarded as individual property, and the treaty provided that those tribes would be subject to such laws and regulations as the United States might from time to time adopt with respect to aboriginal tribes.

"Congress provided by the Act of May 17, 1884 (23 Stat. 24), that the Indians and other persons in the territory (now commonly called Natives) should not be disturbed in the possession of any lands actually in their use or occupation or then claimed by them, but that the terms under which such persons could acquire title to such lands were reserved for future legislation by Congress. Congress has not yet legislated on this subject, and that is the purpose of this bill.

"Aboriginal title is based on use and occupancy by aboriginal peoples. It is not a compensable title protected by the due process clause of the Constitution, but is a title held subject to the will of the sovereign. The sovereign has the authority to convert the aboriginal title into a full fee title, in whole or in part, or to extinguish the aboriginal title either with or without monetary or other consideration.

"It has been the consistent policy of the United States Government in its dealings with Indian Tribes to grant to them title to a portion of the lands which they occupied, to extinguish the aboriginal title to the remainder of the lands by placing such lands in the public domain, and to pay the fair value of the titles extinguished. This procedure was initiated by treaties in the earlier part of our history, and was completed by the enactment of the Indian Claims Commission Act of 1946. That Act permitted the Indian Tribes to recover from the United States the fair value of the aboriginal titles to lands taken by the United States (by cession or otherwise) if the full value had not previously been paid.

"The Indian Claims Commission has not been available to the Natives in Alaska, in a practical sense, because the great bulk of the aboriginal titles claimed by the Natives have not been taken or extinguished by the United States. The United States has simply not acted.

"The extent to which the Natives in Alaska could prove their claims of aboriginal title is not known. Native leaders asserted that the Natives have in the past used and occupied most of Alaska. Use and occupancy patterns have changed over the years, however, and lands used and occupied in the past may not be used and occupied now. Moreover, with development of the State, many Natives no longer get their subsistence from the land.

"The pending bill does not purport to determine the number of acres to which the Natives might be able to prove an aboriginal title. If the tests developed in the courts with respect to Indian Tribes were applied in Alaska, the probability is that the acreage would be large—but how large no one knows. A settlement on this basis, by means of litigation if a judicial forum were to be provided, would take many years, would involve great administrative expense, and would involve a Federal liability of an undeterminable amount.

"It is the consensus of the Executive Branch, the Natives, and the Committee on Interior and Insular Affairs of the House that a legislative rather than a judicial settlement is the only practical course to follow. The enactment of H.R. 10367 would provide this legislative settlement.

"The Committee found no principle in law or history, or in simple fairness, which provides clear guidance as to where the line should be drawn for the purpose of confirming or denying title to public lands in Alaska to the Alaskan Natives. The lands are public lands of the United States. The Natives have a claim to some of the lands. They ask that their claim be settled by conveying to them title to some of the lands, and by paying them for the extinguishment of their claim to the balance.

"As a matter of equity, there are two additional factors that must be considered. When the State of Alaska was admitted into the Union in 1958, the new State was authorized to select and obtain title to more than 103,000,000 acres of the public lands. These lands were regarded as essential to the economic viability of the State. The conflicting interests of the Natives and the State in the selection of these lands need to be reconciled. The discovery of oil on the North Slope intensified this conflict. A second factor is the interest of all of the people of the Nation in the wise use of the public lands. This involves a judgment about how much of the public lands in Alaska should be transferred to private ownership, and how much should be retained in the public domain."

History

I. Alaska under Russian Administration

The history of Alaskan native land rights predates the U.S. purchase of Alaska in 1867 and is rooted in the colonial policies of Russia regarding the natives who inhabit[at]ed Alaska during Russian administration of the territory.

Russian authority in Alaska was first decreed in 1766.¹ While this decree left the Aleutian Islands and the Alaska peninsula open to separate, competing groups of Russian traders, the Russian government did, however, declare the natives to be Russian subjects and gave them protection against maltreatment by private trading groups.²

In 1799 the Russian American Company was granted a monopoly of trade and administration in Russian possessions in America for twenty years.³ A charter, granted in 1821 for a period of twenty years, was superseded in 1844 by yet another charter, which remained in force until the sale of Alaska.⁴ The Charter of

1844 is important to the history of Alaskan native claims, for its classification of the Alaska natives influenced the American classification of these natives in the 1867 Treaty of Cession confirming America's purchase of Alaska from Russia. And it is upon the provisions of this Treaty that subsequent Congressional legislation regarding the Alaskan natives has been based.

To explain how this is so, we must examine the Russian Charter of 1844. This document had distinguished three different categories of natives: (a) "dependent," or "settled" tribes; (b) "not wholly dependent" tribes; and (c) "independent" tribes.⁵

The "dependent" tribes, mostly of Aleut and Eskimo stock,⁶ were defined by the charter as including "the inhabitants of the Kuril Islands, the Aleutian Islands, Kodiak and the adjacent islands, and the Alaska peninsula, as also the natives living on the shores of America, such as the Kenais, the Chugach and others" (sec. 247). While not delineated with any greater specificity, the "settled" tribes were primarily those most directly involved with the Russian enterprises. They were recognized as Russian subjects (sec. 249), and as such, were guaranteed the protection of the "common laws of the government." (sec. 250.)

The "not wholly dependent" tribes were described by the 1844 Charter as "dwelling within the boundaries of the Russian colonies, but not wholly dependent." (sec. 280.) They apparently had some contact with the Russian colonies but were not wholly integrated into the Russian trading economy. It appears they were nomadic tribes wandering in and out of the Russian colonial area. "Independent" tribes, on the other hand, were those inhabiting the mainland outside the area of Russian activity. Both the 1821 and the 1844 Charters refrained from stating whether or not the "not wholly dependent" or "independent" natives were Russian subjects.⁷ The "not wholly dependent" tribes, moreover, were eligible for "the protection of the colonial administration only on making request therefore, and (only) when such request (was) . . . deemed worthy of consideration." (sec. 280.) The relations of the colonial administration with the "independent" tribes was "limited to the exchange, by mutual consent, of European wares for furs and native products." (sec. 285.)

Article III of the 1867 Treaty of Cession (15 Stat. 539) recognizes two groups within the Alaska populations —(a) all inhabitants guaranteed "the rights, advantages, and immunities of citizens of the United States," and (b) "uncivilized native tribes," who are excluded from citizenship, and who are subject to "such laws and regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country." Article III reads in full, as follows:

"The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country." (Emphasis added.)

In respect to the Treaty's classification of Alaska natives (in Article III), the Alaska court held in 1904, and again in 1905, that the Treaty had regarded as "citizens" —with the right to "property"—those natives whom the Russian Charter of 1844 had regarded as "dependent" tribes, and thus, as Russian subjects. According to the court, the Treaty withheld citizenship from those natives whom the Russian Charter of 1844 had characterized as "not wholly dependent" and "independent":

"It appears, then, that the imperial law recognized the Russian colonists in Alaska, their creole children, and those settled tribes who embraced the Christian faith as Russian subjects; those tribes not wholly dependent—the independent tribes of pagan faith who acknowledged no restraint from the Russians, and practiced their ancient customs—were classed as uncivilized native tribes by the Russian laws. Those laws and these social conditions continued to exist at the date of the treaty of cession in 1867. . . . It was these people (Russian colonists, creoles, and settled tribes members of her national church) whom Russia engaged the United States to admit as citizens, and to maintain and protect 'in the free enjoyment of their liberty, property, and religion.' "⁸

Thus a correlation can be seen between the "dependent" or "settled" tribes mentioned in the 1844 Charter (whom the Russians considered as "subjects") and those inhabitants of Alaska who were guaranteed American citizenship by Article III of the 1867 Treaty—just as a correlation may be drawn between the "not wholly dependent" and the "independent" tribes mentioned in the 1844 Charter and the "uncivilized" tribes excluded from American citizenship by Article III of the Treaty.

It would be erroneous to assume an exact correlation, however, since in many cases it was not clear which tribes the Russians considered to be "not wholly dependent" and "independent"; nor was it clear precisely what conditions the Russians considered prerequisite to a definition of "not wholly dependent" or "independent" status.⁹

Moreover, since the "independent" natives who had been Christians under Russian rule¹⁰ were considered by the Alaska court (In re Minook, U.S. v. Berrigan, above) to be American citizens by provision of Article III of the Treaty, it must be concluded that American citizenship was not necessarily limited to those natives whom the Russians had considered "dependent" or "settled":

"Thus it may appear that a tribe not wholly dependent or independent according to some Russian authorities may nevertheless answer the requirements set forth in decisions of the American court for that part of the Alaskan population which does not belong to the "uncivilized tribes" contemplated by Article 3 of the Treaty of 1867."¹¹

Both the 1844 Russian Charter and the 1867 Treaty of Cession are unclear as to native property rights. The 1844 Charter fully recognized "property rights" of "settled" tribes: "Any fortune acquired by a native through work, purchase, exchange, or inheritance shall be his full property; whoever attempts to take it . . . shall be punished . . ." (sec. 263). However, "this referred primarily to personal property. The right to landholdings in any form remained totally unregulated. At that time, land titles were unknown among the peasants in the greater part of Russia and were not regulated in the colonies. The actual holdings of the natives were, however, to be respected. This is the evident intention of section 263 (above)."¹² This intention was also expressed in sec. 235 of the 1844 Charter: "In the allotment of ground to the Russian colonists the Company shall particularly bear in mind that the natives are not to be embarrassed and that the Colonists are to support themselves by their own labor without any burden to the natives."

No restriction is to be found in the Charter of 1844 concerning the disposal of land for the needs of the Company, however: "Provisions of sec. 49 of the Charter of 1821 according to which the Company was 'obligated to leave at the disposal of Islanders as much land as is necessary for all their needs at the places

where they were settled' or will be settled' was not repeated in the Charter of 1844."¹³

It is officially affirmed that "with reference to the rights of the independent and not wholly dependent tribes to the lands they occupied, certain provisions of the Charter of 1844 suggest, by implication, that they were to be respected by the colonial administration. . . . The Russian laws not only refrained from granting the Company any rights or privileges regarding the land occupied by such natives, but also . . . positively prohibited the Company from any 'extension of the possessions of the Company in regions inhabited' by such tribes. The rights of the tribes to undisturbed possession was tacitly recognized by virtue of that fact."¹⁴

According to this interpretation, however, nothing in the Treaty of 1867 suggests that any such obligation was undertaken by the United States and the property rights guaranteed the "settled" tribes by Article III are not defined. Moreover, the Federal government was to maintain in 1947 and again in 1954 that Articles II and VI of the Treaty extinguished all claims of the natives to aboriginal title.¹⁵

In sum, the 1867 Treaty gave Congress a blank check regarding the uncivilized tribes at least, by providing that such tribes "will be subject to such laws and regulations as the United States may from time to time adopt in regard to the aboriginal tribes of that country."

II. Allotment

While not considered a recognition of aboriginal title, passage of the Alaska Native Allotment Act (34 Stat. 197) in 1906 did provide for allotment of up to 160-acre homesteads on nonmineral land to Eskimos or Alaska Indians of full or mixed blood, 21 years old, and head of families. Allotments under this Act were inalienable and nontaxable.¹⁶ This reflected a national policy thought at the time to be the best means of "civilizing" the Indian.

Allotment was accomplished in the lower States at that time by breaking up reservations into individually owned tracts of land or by allotting public lands to Indians who did not live on reservations.

The specific means by which allotment was achieved in the lower States were incorporated in the General Allotment Act of 1887 (24 Stat. 388), sometimes called the Dawes Act. According to provisions of this Act, the head of the family was to be allotted 80 acres of agricultural land or 160 acres of grazing land; a single person over eighteen or an orphan child under eighteen, was to receive one-half this amount. In order to protect the Indians from being cheated by unscrupulous adventurers who might take advantage of their inexperience with private ownership, the Federal government retained title to the lands allotted until the expiration of a trust period of twenty-five years, or longer, if the President deemed an extension desirable. Then, the allottee was to secure a patent in fee; to be able to dispose of the land as he wished; and to be subject to the laws of the state or territory where he resided. The Act granted citizenship to every allottee as well as to those Indians who had voluntarily taken up residence within the U.S. apart from their tribes and who had adopted the habits of "civilized" life.

The absence of reservations in Alaska at the time the General Allotment Act was enacted meant that the provisions of the Act allowing for allotment of reservation lands was, by definition, inapplicable.¹⁷

That Congress in 1906 enacted a separate allotment act for Alaska, however, indicated that the 1887 Allotment Act was felt to be inapplicable in its entirety in Alaska—even in regard to the creation of allotments out of non-reservation lands. This was owing to the view of the Federal government that, in a legal

sense, the Alaska natives were not equivalent to "Indians" and that laws pertaining to Indians did not therefore pertain to Alaska natives. Thus, while the General Allotment Act, as well as the homestead laws (by provision of the Act of July 4, 1884 [23 Stat. 96]), were applicable to "Indians," they were not held applicable to Alaska natives:

"In the beginning, and for a long time after the cession of this Territory Congress took no particular notice of these natives; has never undertaken to hamper their individual movements; confine them to a locality or reservation, or to place them under the immediate control of its officers, as has been the case with the American Indians; and no special provision was made for their support and education until comparatively recently. And in the earlier days it was repeatedly held by the courts and the Attorney General that these natives did not bear the same relation to our Government, in many respects, that was borne by the American Indians."¹⁸

This view was upheld in numerous opinions rendered by the courts, the Attorney General and the Department of the Interior during the last quarter of the nineteenth century. (See United States v. Ferueta Seveloff (2 Sawyer U.S., 311) (1872); Hugh Waters v. James B. Campbell (4 Sawyer, U.S., 121) (1876); 16 Ops. Atty. Gen., 141 (1878); In re Sah Quah (31 Fed. 327) (1886); and John Brady et al. (19 L.D. 323) (1894).

This concept of the Alaska natives' Federal status was gradually revised, however, so that by 1932 the Interior Department declared the Alaska natives to have the same status as Indians in the rest of the United States and thus to be entitled to the benefit of and . . . subject to the general laws and regulations governing the Indians of the United States to the same extent as are the Indian tribes within the territorial limits of the United States. . . ."^{18a}

III. Federal Protection of Use and Occupancy

Despite arguments that aboriginal rights to land were extinguished by the 1867 Treaty (see p. 13 above), Congress did, through various laws, protect the Alaska natives in the "use or occupation" of their lands and such legislation was upheld in the courts of Alaska.¹⁹ According to the Interior Department, "Congress and the administrative authorities have consistently recognized and respected the possessory rights of the natives of Alaska in the land actually occupied and used by them (United States v. Berrigan, 2 Alaska, 442, 448 [1905]; 13 L.D. 120 [1891]; 23 L.D. 335 [1896]; 26 L.D. 517 [1898]; 28 L.D. 427 [1899]; 37 L.D. 334 [1908]; 50 L.D. 315 [1924]; 52 L.D. 597 [1929]; 53 L.D. 194 [1930]; 53 I.D. 593 [1932] . . .) The rights of the natives are in some respects the same as those generally enjoyed by the Indians residing in the United States, viz: the right of use and occupancy, with the fee in the United States (50 L.D. 315 [1924]). However, the recognition and protection thus accorded these rights of occupancy have been construed as not constituting necessarily a recognition of title . . ." (Cf. Tee-Hit-Ton Indians v. United States [348 U.S. 272 (1955)], below, p. 27).²⁰

The first legislation to protect the Alaska natives in their use and occupation of lands was the Alaska Organic Act of 1884 (23 Stat. 24), which provided a civil government for Alaska and established the area as a land district. Sec. 8 of the Organic Act declared that:

". . . the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved

for future legislation by Congress." (Emphasis added.)

The Alaska Native Claims Act of 1971 therefore embodies the "terms under which (the Alaska natives) may acquire title to such lands," and is thus the "future legislation" reserved to Congress by sec. 8 of the 1884 Alaska Organic Act. Subsequent to 1884 (and previous to 1971) laws enacted by Congress (and resulting judicial decisions) have protected the natives' right to "use and occupancy." The Act of March 3, 1891 (26 Stat. 1095), to repeal timber-culture laws, and for other purposes; the Act of May 14, 1898 (30 Stat. 409), extending the homestead laws to Alaska; and the Act of June 6, 1900 (31 Stat. 321), making further provision for civil government in Alaska, all contained clauses protecting native use and occupancy of land.²¹

Congressional protection of native use and occupancy was repeatedly upheld by Alaska courts. Among the most important such decisions were United States v. Berrigan (2 Alaska Reports, 448) (1905); United States v. Cadzow (5 Alaska Reports 131) (1914); and United States v. Lynch (7 Alaska Reports 573) (1927).

IV. The Reservation Question in Alaska

Passage of the Indian Reorganization Act in 1934 (48 Stat. 984) (also known as the Wheeler-Howard Act) laid the foundation for a new Indian policy which ended the division of reservation lands into private allotments. While certain sections of the Indian Reorganization Act applied to Alaska, the balance of its provisions was extended to the Territory by enactment of the Act of May 1, 1936 (49 Stat. 1250). Section 2 of the 1936 Act authorized the Secretary of the Interior to designate as "Indian reservations" such areas of the State as had been reserved for the use and occupancy of Indians or Eskimos by sec. 8 of the Act of May 17, 1884 (23 Stat. 26); by sec. 14 or sec. 15 of the Act of March 3, 1891 (26 Stat. 1101); by executive order; or which were at the time (1936) "actually occupied by Indians or Eskimos." Such action was to be effective upon vote of the adult native residents within the proposed reservations. Under authority of the 1936 Act six reservations were proclaimed and approved.²²

The entire issue of whether, with the exception of Annette Island and Klukwan (cf. footnote 17, above), areas withdrawn by executive order or Interior Department proclamation in Alaska are "reservations" in the same sense of the word as it applies in the lower 48 States, is a matter of some confusion. The Interior Department Task Force Report on Alaska Native Affairs (1962) states that "the question of the permanent entitlement of the natives to lands within reservations created pursuant to the 1936 Act [49 Stat. 1250] [Cf. p. 21, above] was raised in a case involving the village of Karluk (Hynes v. Grimes, 69 U.S. 968) and, in its decision, the U.S. Supreme Court commented that the Karluk Reservation constituted a withdrawal which was 'temporary . . . until revoked by him (the Secretary of the Interior) or by Act of Congress. . . .' This decision cast doubt upon the permanent entitlement of the natives to other lands previously reserved for their benefit, use, and occupancy, and the Solicitor of the Department of the Interior has held that the authority of the Bureau of Indian Affairs to lease land for the benefit of the natives may not extend to Alaska, except in the cases of Klukwan and Metlakatla." The Task Force Report concludes:

"In addition to the lands reserved for native use at Klukwan, Metlakatla, and the six communities included under the 1936 Act, the Federal Government has since 1900 made more than 150 separate withdrawals from the public domain for native use, for native use and occupancy, for 'Indian purposes,' for the establishment of schools and hospitals, and for other programs of benefit to the natives. The extent of the natives' use rights to land in these reserves may differ with the language of the various orders and proclamations, but in no case does it appear to be as great as the Indians'

interest in lands reserved by treaty or statute, or by Executive Order in the lower 48 States."²³

V. Aboriginal Claim as a Judicable Issue in Individual Cases

Ever since 1884, Congress and the courts had, as is demonstrated above, upheld the right of the Alaska natives, in varying degrees, to "use and occupancy" of the land where they lived. This did not constitute, however, a recognition of aboriginal title.

The case of U.S. v. Alcea Band of Tillamooks et. al (329 U.S. 40) (1946) was therefore a landmark in that it recognized the claim of aboriginal title for certain Oregon Indians (the Tillamooks) as a judicable issue: i.e., the Court held that "tribes which successfully identify themselves as entitled to sue . . . , prove their original Indian title to designated lands, and demonstrate that their interest in such lands was taken without their consent and without compensation, are entitled to recover compensation therefor without showing that the original Indian title ever was formally recognized by the United States."²⁴ (The case prefigures two cases involving Alaska Indians (as will be demonstrated below) and thus is pertinent to the presentation of Alaska native claims as a judicable issue.)

The right of the Tillamooks to sue was based on a 1935 Act of Congress (49 Stat. 801) granting authority to the Court of Claims to hear the designated claims of certain Indian tribes or bands described in certain unratified treaties negotiated with Indian tribes in the State of Oregon.²⁵ Eleven Indian tribes sued the United States under authority of this Act and four of eleven tribes (the Tillamooks included) were held by the Court of Claims to have successfully identified themselves as entitled to sue under the Act, to have proved their original Indian title to designated lands, and to have demonstrated "an involuntary and uncompensated taking of such lands." The Court of Claims thus held that original Indian title was an interest the taking of which without the consent of the Indian tribes entitled them to compensation (59 F. Supp. 934) (1945).

The Supreme Court affirmed the Court of Claims decision.

Results similar to those obtained by the Tillamooks were sought by the Tee Hit Tons, a group of 60 to 70 Alaska Indians who brought suit before the Court of Claims to obtain compensation for the taking of forest timber from lands which they claimed to own in the Tongass National Forest (Tee Hit Tons v. United States, 120 F. Supp. 202) (1954).²⁶

In this suit, the natives claimed title to 350,000 acres of land and 150 square miles of water in the Tongass National Forest area. They maintained that timber taken from that area had been sold to a private company by the Department of Agriculture pursuant to the Joint Resolution of August 8, 1947 (61 Stat. 920). This, the natives claimed, amounted to a taking of their " 'full proprietary ownership' of the land; or, in the alternative, at least [of their] 'recognized' right to unrestricted possession, occupation and use" (348 U.S.C. 277); and thus warranted compensation.

The Court of Claims had refused to address itself to the petitioner's questions dealing with the problem of aboriginal title. The Court of Claims did conclude, however, that "there is nothing in the legislation referred to which constitutes a recognition by Congress of any legal rights in the plaintiff tribe to the lands here in question." (120 F. Supp. 202, 208). (1954).

In reviewing this case the Supreme Court (348 U.S. 272) (1955) noted that "the compensation claimed does

not arise from any statutory direction to pay. Payment, if it can be compelled, must be based upon a constitutional right of the Indians to recover." The Court concluded that since the Congress had never specifically recognized the Indians' title to the land in question, the Indians did not possess title thereto, and thus were not entitled to compensation as a constitutional right (under the Fifth Amendment). Accordingly, "Indian occupancy, not specifically recognized as ownership by action authorized by Congress, may be extinguished by the government without compensation."

The Court explicitly distinguished between the case of the Tee Hit Tons and that of the Tillamooks:

"The recovery in the United States v. Tillamooks . . . was based upon statutory direction to pay for the aboriginal title in the special jurisdictional act to equalize the Tillamooks with the neighboring tribes, rather than upon a holding that there had been a compensable taking under the Fifth Amendment." (348 U.S. 272)²⁷

The dissenting justices in this case held that the Organic Act of Alaska (1884) had recognized the claims of the natives in sec. 8:

"the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress. . . ."

The dissenters concluded, in effect, that in 1884 Congress had recognized the claim of these natives to title to their lands, leaving the specification of the "metes and bounds" of such lands and the terms of the acquisition of title for future legislation to determine.

* * *

A third case, that of the Tlingit and Haida Indians, was finally settled in 1968 and should be noted, as it bears directly upon provisions of the Alaska Native Claims Settlement Act (sec. 16, Cf. p. 79 below).

The Tlingits and Haidas had been authorized by Congress in 1935 to bring suit in the Court of Claims for the adjudication and judgment "upon any and all claims which said Indians may have, or claim to have, against the United States" (49 Stat. 388) (1935). Of particular concern was the provision in Sec. 2 which provided that:

"the loss to said Indians of their right, title, or interest arising from occupancy and use, in lands or other tribal or community property, without just compensation therefor, shall be held sufficient ground for relief hereunder . . ."

Congress did not directly confront the issue of aboriginal title, as it required only that the Tlingits and Haidas prove "use and occupancy" to establish claim to the lands for which compensation could be made. The Court of Claims found that the Tlingits and Haidas had used and occupied the land area in question and had thus established "Indian title" thereto (p. 468), and that the United States had taken such land, thus entitling these Indians to compensation under the 1935 Act (177 F. Supp. 452) (1959). The Court held that use and occupancy title of the Tlingit and Haida Indians to the land in question was not extinguished by the Treaty of 1867 between the United States and Russia dealing with the sale of Alaska by Russia to the United States.

A separate determination of the amount of the liability was made and handed down on January 19, 1968 (Tlingit and Haida Indians of Alaska and Harry et al. Interveners v. United States [Ct. Cl. No. 47900, January 19, 1968]). Thus, while the Tlingit-Haida ruling would seem to constitute a limited recognition of the Tlingits' and the Haidas' claims to aboriginal title, it did not settle the larger issue of the claim of all Alaska natives to aboriginal title. Nevertheless, because the Tlingits and Haidas were awarded some compensation for lands taken by the U.S., such compensation was recognized in the Native Claims Act (sec. 16); as follows:

"(c) The funds appropriated by the Act of July 9, 1968 (82 Stat. 307) to pay the judgment of the Court of Claims in the case of the Tlingit and Haida Indians of Alaska et al. against the United States, numbered 47.99, and distributed to the Tlingit and Haida Indians pursuant to the Act of July 13, 1970 (84 Stat. 431), are in lieu of the additional acreage to be conveyed to qualified villages listed in section 11." (Cf. p. 79 below.)

VI. Background since Passage of the Alaska Statehood Act (85 Stat. 508), July 7, 1958

The Alaska Statehood Act of 1958 (Section 4) required the new State to disclaim all right and title to:

"any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives; that all such lands or other property belonging to the United States or which may belong to said natives, shall be and remain under the absolute jurisdiction and control of the United States until disposed of under its authority, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation: Provided, That nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States, and any such claim shall be governed by the laws of the United States applicable thereto; and nothing in this Act is intended or shall be construed as a finding, interpretation or construction by Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity or any such claim, and the determination of the applicability or effect of any law to any such claim shall be unaffected by anything in this Act: And provided further, That no taxes shall be imposed by said State upon any lands or other property now owned or hereafter acquired by the United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation."

As can be seen, the apparent effect of this section, from the point of view of the natives, was to hold the situation regarding aboriginal claims in status quo. Except where titles have already been bestowed upon Indians, Eskimos, and Aleuts, or where lands are held in trust for them, no definition of native entitlement is set forth.²⁸

The following account which appeared in the January 1972 issue of Indian Affairs (newsletter of the Association on American Indian Affairs) is a useful summary of the history of the Alaska native claims issue since passage of the Alaska Statehood Act on July 7, 1958:

"The Statehood Act granted the State the right to select 103 million acres from the public domain. Although the Act stipulated that Native lands were exempt from selection, nonetheless the State swiftly moved to expropriate lands clearly used and occupied by Native villages and to claim royalties from Federal oil and gas leases on Native lands.

"The Department of Interior's Bureau of Land Management, without informing the villages affected and ignoring the blanket claims the Natives already had on file, began to process the State selections.

"As word of the State's action spread from village to village, the Natives began to organize regional associations for their common defense, and in 1962 the Tundra Times, a Native weekly, was founded to provide a voice for Native aspirations.

"To block the State, the Native villages filed administrative protests against State selections with the Department of the Interior and Interior Secretary Stewart Udall refused to award the State title to protested lands. By 1964, the State selections program had come to a halt, and the State government in Juneau began to listen more attentively to Native demands for Federal legislation to settle aboriginal land claims.

"In 1964, Indian and Eskimo leaders from across the State met in Fairbanks to mobilize their joint forces; and two years later the Alaska Federation of Natives was formed to champion Native rights.

"In 1966, Native protests broadened to include not only State selections but also an important, new Federal oil and gas lease sale on lands on the North Slope claimed by Natives. Late that year Secretary Udall ordered the lease sale suspended, and shortly thereafter announced a 'freeze' on the disposition of all Federal land in Alaska, pending Congressional settlement of Native land claims.

"In 1967, soon after he took office, Governor Walter J. Hickel struck back. He condemned as illegal Secretary Udall's failure to act on the State selections, and filed suit against the Secretary in Federal Court to force him to complete transfer of Native lands around the village of Nenana.

"In a landmark case, argued by the attorneys for the AAIA and the village of Nenana, the U.S. Court of Appeals reaffirmed that traditional Native use and occupancy created legal land rights and that lands subject to Native use and occupancy are exempt by the Statehood Act from expropriation. The U.S. Supreme Court refused to hear the State's appeal.

"In January 1969, as one of his last acts in office, Secretary Udall formalized his 'land freeze' with the issuance of Public Land Order 4582. The freeze, in addition to preserving Native land rights, also helped block construction of the 800-mile pipeline to carry crude oil from the rich Arctic oil fields on the Beaufort Sea south to the all-weather port of Valdez on Prince William Sound. Despite enormous political pressures by the oil companies and the State of Alaska, the freeze was reluctantly

extended by Secretary Hickel and later by Secretary Morton to protect Native interests while Congress was considering their claims.

"Additionally, the Athabascan Indians of Stevens Village on the Yukon won a Federal Court injunction against the Secretary of the Interior forbidding him to grant a right-of-way for the construction of the pipeline across their lands.

"The first important step toward Congressional settlement was taken in July 1970 by the U.S. Senate. The Senate passed legislation that would grant Alaska's more than 200 Native villages title to only 10 million acres of land—less than 3 per cent of the lands to which they had valid legal claim. In return for extinguishing their claims to the rest of Alaska's 375 million acres, the Senate bill offered the Natives cash compensation amounting to \$1 billion in payments deferred over many years.

"Senator Fred Harris (D-Okla.) led a last-minute drive to increase the land title provision to the 40 million acres requested by the Natives. His land amendment was crushed by a vote of 71-13. At this point, Native hopes for a fair land settlement were dim. Former Attorney General Ramsey Clark, legal counsel for the Alaska Federation of Natives, advised acceptance of the Senate bill by the Natives.

"The Natives, however, refused to give up, and they seized the initiative in lobbying for their land settlement. Mr. Emil Notti, then President of the Alaska Federation of Natives, condemned the 10 million acre Senate land provision, stating: 'To deny the Alaska Natives an adequate land base of at least 40 million acres will contribute to their dependency, to the disintegration of the communities, and to the erosion of their culture. To strip the Alaska Natives of their land will destroy their traditional self-sufficiency, and it is certain to create among them bitterness towards other Alaskans and a deep distrust of our institutions and our laws.'

"Two months later, in September 1970, the Natives won their first legislative victory, when the House Subcommittee on Indian Affairs agreed in closed sessions to a provision that would grant the Natives title to 40 million acres. However, the Interior Committee failed to report a bill and so the question was held over for the next Congress.

"This delay gave the Natives an opportunity to mount a strong campaign to build on their victory in the House Subcommittee. Their objectives were to overturn the unfavorable Senate bill and to convince the Nixon Administration to abandon its own position (which was worse than the 1970 Senate bill) and support the AFN position.

"In February 1971 Senator Fred Harris and Senator Edward M. Kennedy introduced legislation sponsored by the Natives, and they were joined by 12 co-sponsors, including the leading prospects for the Democratic presidential nomination. A companion bill was introduced in the House by U.S. Representative Lloyd Meeds (D-Wash.), with more than thirty co-sponsors.

"By the end of March, the Natives had picked up enough votes in the Senate to be

virtually certain of winning a floor fight against the Senate Interior Committee, if it again reported out a bill for less than 40 million acres.

"In April 1971, President Nixon met with AFN President Wright and publicly announced his own support for legislation that would convey to the Natives title to 40 million acres, thus assuring a Native victory in the Senate. (Only two months earlier Interior Secretary Rogers C.B. Morton, testifying before the Senate Interior Committee, stated he would submit legislation conferring title to only 1 million acres of land.)

"The House and Senate Interior committees labored through the spring and summer to produce one of the most complex pieces of legislation ever considered by them. In September both committees reported out bills for 40 million acres of land. The House bill, managed by Representative Wayne Aspinall, was adopted by a vote of 334-63 on October 20 and the Senate bill, managed by Senator Henry M. Jackson, passed by a vote of 76-5 on November 1. On December 13 the joint House-Senate conference bill was adopted by both chambers and sent to President Nixon for his signature."

Public Land Order No. 4582 was to expire on December 31, 1970. It was extended by Public Land Order No. 4962 [December 8, 1970], until June 30, 1971, or upon passage of the Alaska Native Claims Settlement Act, whichever should occur first. It was extended a second time by Public Land Order No. 5081 [June 17, 1971], until the last day of the first session of the 92nd Congress [or until passage of the Alaska Native Claims Act, whichever should occur first]. It was extended yet a third time by Public Land Order No. 5146 [December 7, 1971] until the end of the second session of the 92nd Congress [or until passage of the Act]. The Alaska Native Claims Settlement Act, passed on December 18, 1971, revoked Public Land Order No. 4582 by provision of sec. 17 (d) [Cf. p. 81 below].

The Senate Interior and Insular Affairs Committee has explained the "status quo" observed by the Federal government (as embodied in the land freeze order) as deriving from Congress itself. Accordingly, both the Organic Act of 1884 and the Alaska Statehood Act of 1958 clearly prohibited the Federal government from making any decisions concerning land claims without specific Congressional authorization. This was the Committee's interpretation of the legal situation previous to enactment of the Alaska Native Claims Settlement Act on December 18, 1971 (Senate Interior and Insular Affairs Committee, Report No. 92-405, pp. 75-76):

"3. The Common Legal Thread: A Claim of Aboriginal Use or Occupancy

"An early problem this Committee had to face in the 91st and this Congress in considering any settlement of Alaska Native land claims was the bewildering diversity among the claims and claimants. Claimants include individuals as well as traditional and corporate tribal and regional associations. Many are of different language and cultural groups and differ in the patterns of their historic use of the land and in their present location with respect to it; they vary widely in their levels of acculturation and in their economic condition. The claims differ in the type of relief sought, in the apparent ownership and status of the lands claimed, and in the length of time over which they have been formally asserted. . . .

"The common legal thread which runs through the diversity indicated above is the assertion of rights or claims based upon aboriginal use or occupancy. The crux of the legal issue raised by Native land claims in

Alaska was set out first and most definitively in Section 8 of the Alaska Organic Act of 1884 (Act of May 17, 1884, 23 Stat. 24):

""***That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.'

"The same issue has been posed sharply in recent years by the implementation of the Alaska Statehood Act (72 Stat. 339) which in Section 6 authorizes the State to select for itself public land within Alaska, but which in Section 4 (as amended by the Alaska Omnibus Act, 73 Stat. 141) provides that '***the State and its people *** forever disclaim all rights and title *** to any lands or other property (including fishing rights), the right and title to which may be held by any Indians, Eskimos, or Aleuts.' Such lands, '*** remain under the absolute jurisdiction of the United States until disposed of under its authority***'

"The ultimate implications of these respective provisions of the 1884 and 1958 Acts and of similar and related provisions of other laws are subject to a variety of legal interpretations. However, the intention of Congress is beyond dispute with respect to two issues:

"(1) Congress refused in each instance to determine substantively what lands were in fact used or occupied by the Natives, or what was the nature of the title that the Natives held by virtue of that use or occupancy; and that

"(2) Congress intended in each instance that the status quo be maintained with respect to Native use, occupancy and title to lands in Alaska until Congress should act upon these questions.

"These intentions are explicitly reinforced in further language of Section 4 of the Alaska Statehood Act, '. . . that nothing contained in this Act shall recognize, deny, enlarge, impair, or otherwise affect any claim against the United States . . .'

"Congress has, therefore, given Native claims precedence over other claims on the public lands of Alaska, but it has reserved to itself the full power to define, confirm, deny, or extinguish Native title, and, with minor exceptions, Congress has so far declined to do so [as of October 21, 1971, the date of this publication]. As a result:

"(1) There is doubt about the authority of the Department of the Interior to grant to the State or other parties rights in, or patent to, public lands in Alaska claimed by Natives; consequently, almost all mineral leasing on and state selection of such lands have been brought to a halt . . .

"(2) The title to public lands or other property in Alaska transferred to the State or to private persons in the face of a Native protest is seriously compromised; yet . . .

"(3) Congress to date has granted no agency or court the jurisdiction to make a determination on their merits concerning Native claims in Alaska."

VII. General Summary of the Provisions of the Alaska Native Claims Settlement Act

The Alaska Native Land Claims Act provides for the conveyance of both property title and monetary award to the natives in settlement of their aboriginal claims. Following is a summary of the provisions of settlement contained in the Act and set forth in the accompanying conference report:

1. Land

- (a) The Natives will receive title to a total of 40 million acres, both surface and subsurface rights, divided among the some 220 villages and 12 Regional Corporations.
- (b) The villages will receive the surface estate only in approximately 18 1/2 million acres of land in the 25 township areas surrounding each village, divided among the villages according to population.
- (c) The villages will receive the surface estate in an additional 3 1/2 million acres, making a total of 22 million acres, divided among the villages by the Regional Corporations on equitable principles.
- (d) The Regional Corporations will receive the subsurface estate in the 22 million acres patented to the villages, and the full title to 16 million acres selected within the 25 township areas surrounding the villages. This land will be divided among the 12 Regional Corporations on the basis of the total area in each region, rather than on the basis of population.
- (e) An additional 2 million acres, which completes the total of two million, will be conveyed as follows:
 - (1) Existing cemetery sites and historical sites will be conveyed to the Regional Corporations.
 - (2) The surface estate in not more than 23,040 acres, which is one township, will be conveyed to each of the native groups that is too small to qualify as a Native village. The subsurface estate will go to the Regional Corporations.
 - (3) The surface estate in not more than 160 acres will be conveyed to each individual Native who has a principal place of residence outside the village areas. The subsurface estate will go to the Regional Corporations.
 - (4) The surface estate in not to exceed 23,040 acres will be conveyed to Natives in four towns that originally were Native villages, but that are now composed predominantly of non-Natives. These conveyances will be near the towns, but far enough away to allow for growth and expansion of the towns. The subsurface estate will go to the Regional Corporations.
 - (5) The balance of the 2 million acres, if any, will be conveyed to the Regional Corporations.
- (f) If the entire 40 million acres cannot be selected from the 25 township areas surrounding the villages because of topography or restrictions on the acreage which may be selected from within the Wildlife Refuge System, lieu selection areas will be withdrawn by the Secretary of the Interior as close to the 25 township areas as possible.

The State does not make its selection before all of the Native lands have been selected, but the State's interests are recognized as follows:

(a) State selections made before the date of the Secretarial Order imposing a "land freeze," amounting to about 26 million acres, are protected against Native selection, except that a Native Village (not the Regional Corporations) may select from the area surrounding the Village not to exceed three townships of the lands previously selected by the State.

(b) The Regional Corporations can select lands within the 25 township areas only on a checkerboard pattern of odd and even numbers, and the State may select the checkerboarded townships not available to the Regional Corporations.

Under the provisions of subsection 12(c) (3) ". . . the Regional Corporation may select only even numbered townships in even numbered ranges, and only odd numbered townships in odd numbered ranges." This language is meant to insure "checkerboard" selections by the Regional Corporations.

The effect of this provision of the bill is to limit the selections of the Regional Corporation to townships 2, 4, 6, 8, 10, et cetera, North or South of a principal or special base line, in ranges 2, 4, 6, 8, 10, et cetera, East or West of a principal or special meridian. With respect to odd numbered ranges, East or West of a principal or special meridian, i.e. Range 1 West, Range 1 East, Range 3 West, Range 3 East, et cetera, the Regional Corporation could select from townships 1, 3, 5, 7, 9, et cetera, North or South of a principal or special base line. The numbering system of the townships and ranges is the system used by the United States Land Survey System.

(c) The withdrawal of land to facilitate Native selections will terminate in four years, and State selections will not thereafter be impeded.

(d) State selections may proceed immediately in areas outside the 25 township areas around Native Villages, and lieu selection areas.

2. Money

The Natives will be paid \$462,500,000 over an eleven-year period from funds in the United States Treasury, and an additional \$500,000,000 from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act, and from the remaining Federal lands, other than Naval Petroleum Reserve Numbered 4, in Alaska. Most of the \$500,000,000 paid to the Natives would otherwise be paid to the State under existing law, and the State has agreed to share in the settlement of Native claims in this manner.

3. Corporate organization

(a) The Natives in each of the Native villages will be organized as a profit or non-profit corporation to take title to the surface estate in the land conveyed to the village, to administer the land, and to receive and administer a part of the money settlement.

(b) Twelve Regional Corporations will be organized to take title to the subsurface estate in the land conveyed to the villages, and full title to the additional land divided among the Regional Corporations. The Regional Corporations will also receive the \$962,500,000 grant, divided among them on the basis of Native population. Each Regional Corporation must divide among all twelve Regional Corporations 70 percent of the mineral revenues received by it.

Each Regional Corporation must distribute among the Village Corporations in the region not less than 50

percent of its share of the \$962,500,000 grant, and 50 percent of all revenues received from the subsurface estate. This provision does not apply to revenues received by the Regional Corporations from their investment in business activities.

For the first five years, 10 percent of the revenues from the first two sources mentioned above must be distributed among the individual Native stockholders of the corporation.

(c) Natives who are not permanent residents of Alaska may, if they desire, organize a 13th Regional Corporation, rather than receive stock in one of the 12 Regional Corporations. The 13th Regional Corporation will receive its pro rata share of the \$962,500,000 grant, but it will receive no land and will not share in the mineral revenues of the other Regional Corporations.

4. Other major provisions

(a) Land use planning

A Joint Federal-State Land Use Planning Commission is established. The Planning Commission has no regulatory or enforcement functions, but has important advisory responsibilities.

(b) National interest areas

The Secretary of the Interior is authorized to withdraw from selection by the State and Regional Corporations (but not the Village Corporations) and from the operation of the public land laws up to, but not to exceed, 80 million acres of unreserved lands which, in his view, may be suitable for inclusion in the National Park, Forest, Wildlife Refuge, and Wild and Scenic River Systems.

(c) Interim operation of the public land laws

The Secretary is authorized, where appropriate, under his existing authority, to withdraw public lands and to classify or reclassify such lands and to open them to entry, location and leasing in a manner which will protect the public interest and avoid a "land rush" and massive filings on public lands in Alaska immediately following the expiration of the so-called "land freeze."

(d) Reservation of easements

Appropriate public access and recreational site easements will be reserved on lands granted to Native Corporations to insure that the larger public interest is protected.

(e) Attorney and consultant fees

Fees to attorneys and consultants are limited to \$2 million. All contracts based on a percentage fee related to the value of the lands and revenues granted by this Act are declared unenforceable.

(f) Valid existing rights

All valid existing rights, including inchoate rights of entrymen and mineral locators, are protected.

(g) National Petroleum Reserve No. 4 and wildlife refuges

No subsurface estate is granted in Naval Petroleum Reserve Number 4 or in the National Wildlife Refuges, but an in lieu selection to subsurface estate in an equal amount of acreage outside these areas is provided for the Regional Corporations.

(h) National forests

Appropriate limitations are placed on the amount of lands which may be granted from National Forests to Native villages located in the National Forests.²⁹

VIII. Section-by-Section Analysis

SECTION 1. Enactment Clause.

SECTION 2. Declaration of Policy.

Declares –

"(a) an immediate need for a fair and just settlement of all claims by Natives and Native groups of Alaska, based on aboriginal land claims;

"(b) that the settlement should be accomplished rapidly, in conformity with the real economic and social needs of Natives, with maximum participation by Natives in decisions affecting their rights and property. . . " and, further, that the lands granted by this act are not "in trust" and the native villages are not "reservations."

(c) that "no provision of this Act shall replace or diminish any right, privilege, or obligation of Natives as citizens of the United States or of Alaska, or relieve, replace, or diminish any obligation of the United States or of the State of Alaska to protect and promote the rights or welfare of Natives as citizens of the United States or of Alaska; the Secretary is authorized and directed, together with other appropriate agencies of the United States Government, to make a study of all Federal programs primarily designed to benefit Native people and to report back to the Congress with his recommendations for the future management and operation of these programs within three years of the date of enactment of this Act;"

(d) that "no provision of this Act shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;"

(e) that "no provision of this Act shall effect a change or changes in the petroleum reserve policy reflected in sections 7421 through 7438 of title 10 of the United States Code except as specifically provided in this Act;"

(f) that "no provision of this Act shall be construed to constitute a jurisdictional act, to confer jurisdiction to sue, nor to grant implied consent to Natives to sue the United States or any of its officers with respect to the claims extinguished by the operation of this Act; and"

(g) that "no provision of this Act shall be construed to terminate or otherwise curtail the activities of the Economic Development Administration or other Federal agencies conducting loan or loan and grant programs in Alaska . . ."

SECTION 3. Definitions.

Defines the terms utilized in the act, as follows:

"(a) 'Secretary' means the Secretary of the Interior;

"(b) 'Native' means a citizen of the United States who is a person of one-fourth degree or more Alaska Indian (including Tsimshian Indians not enrolled in the Metlakatla Indian Community), Eskimo, or Aleut blood, or combination thereof. The term includes any Native as so defined either or both of whose adoptive parents are not Natives. It also includes, in the absence of proof of a minimum blood quantum, any citizen of the United States who is regarded as an Alaska Native by the Native village or Native group of which he claims to be a member and whose father or mother is (or, if deceased, was) regarded as Native by any village or group. Any decision of the Secretary regarding eligibility for enrollment shall be final;

"(c) 'Native village' means any tribe, band, clan, group, village, community, or association in Alaska listed in sections 11 and 16 of this Act, or which meets the requirements of this Act, and which the Secretary determines was, on the 1970 census enumeration date (as shown by the census or other evidence satisfactory to the Secretary, who shall make findings of fact in each instance), composed of twenty-five or more Natives;

"(d) 'Native group' means any tribe, band, clan, village, community, or village association of Natives in Alaska composed of less than twenty-five Natives, who comprise a majority of the residents of the locality;

"(e) 'Public lands' means all Federal lands and interests therein located in Alaska except: (1) the smallest practicable tract, as determined by the Secretary, enclosing land actually used in connection with the administration of any Federal installations, and (2) land selections of the State of Alaska which have been patented or tentatively approved under section 6(g) of the Alaska Statehood Act, as amended (72 Stat. 341, 77 Stat. 223), or identified for selection by the State prior to January 17, 1969;

"(f) 'State' means the State of Alaska;

"(g) 'Regional Corporation' means an Alaska Native Regional Corporation established under the laws of the State of Alaska in accordance with the provisions of this Act;

"(h) 'Person' means any individual, firm, corporation, association, or partnership;

"(i) 'Municipal Corporation' means any general unit of municipal government under

the laws of the State of Alaska;

"(j) 'Village Corporation' means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native village in accordance with the terms of this Act.

"(k) 'Fund' means the Alaska Native Fund in the Treasury of the United States established by section 6; and

"(l) 'Planning Commission' means the Joint Federal-State Land Use Planning Commission established by section 17."

SECTION 4. Declaration of Settlement.

Declares that (a) all prior conveyances of public land are regarded as an extinguishment of the aboriginal title thereto; (b) all use and occupancy claims of aboriginal title are extinguished; and that (c) all actual claims based on claims of aboriginal right, title, use or occupancy are extinguished. Such claims pending before any Federal or state court or the Indian Claims Commission, are hereby extinguished.

SECTION 5. Enrollment.

Explains the procedure governing enrollment of all natives preparatory to implementation of the native claims settlement: (a) declares that the Secretary of the Interior shall prepare within two years from the "date of enactment of this Act a roll of all Natives who were born on or before, and who are living on, the date of enactment of this Act. Any decision of the Secretary regarding eligibility for enrollment shall be final.

"(b) The roll prepared by the Secretary shall show for each Native, among other things, the region and the village or other place in which he resided on the date of the 1970 census enumeration, and he shall be enrolled according to such residence. Except as provided in subsection (c), a Native eligible for enrollment who is not, when the roll is prepared, a permanent resident of one of the twelve regions established pursuant to subsection 7(a) shall be enrolled by the Secretary in one of the twelve regions, giving priority in the following order to —

"(1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;

"(2) the region where the Native previously resided for an aggregate of ten years or more;

"(3) the region where the Native was born; and

"(4) the region from which an ancestor of the Native came: "The Secretary may enroll a Native in a different region when necessary to avoid enrolling members of the same family in different regions or otherwise avoid hardship.

"(c) A Native eligible for enrollment who is eighteen years of age or older and is not a permanent resident of one of the twelve regions may, on the date he files an application for enrollment, elect to be enrolled in a thirteenth region for Natives who are non-residents of Alaska, if such region is established pursuant to

subsection 7(c). If such region is not established, he shall be enrolled as provided in subsection (b). His election shall apply to all dependent members of his household who are less than eighteen years of age, but shall not affect the enrollment of anyone else."

The Federal regulations governing enrollment procedures, as published in the February 4, 1972, issue of the Federal Register, are reproduced in Appendix B.

SECTION 6. Alaska Native Fund.

(a) Establishes the Alaska Native Fund into which shall be deposited (1) \$462 million from the U.S. Treasury over an 11-year period; and (2) \$500 million from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act and from the remaining Federal lands in Alaska (other than Federal Petroleum Reserve Number 4). (See sec. 9, "Revenue Sharing," for details.)

(b) Prohibits fund expenditures for propaganda or political campaigns and declares such expenditures subject to penalty.

(c) Declares that after completion of the roll (as prescribed in sec. 5, above), all money in the fund (except that provided for attorneys and fees according to sec. 20, below), must be distributed among the Regional Corporations organized pursuant to sec. 7 (below).

SECTION 7. Regional Corporation.

(a) Declares that the State of Alaska is to be divided by the Secretary of the Interior into twelve geographic regions, "with each region composed as far as practicable of natives having a common heritage and sharing common interests." The Regions shall approximate the areas covered by existing native associations, as listed in sec. 7.

(b) States that if request is made within a year following enactment of this act, the Secretary of the Interior is authorized to merge two or more of the regions, provided that the total number of regions not be less than seven.

(c) Provides for establishment of a thirteenth region if a majority of all eligible natives who are not permanent residents of Alaska elect to be enrolled therein.

(d) (e) (f) Declare that each region shall incorporate as a Regional Corporation to conduct business for profit. Sets forth regulations governing such incorporation and management thereof.

(g) Authorizes the Regional Corporations to issue one hundred shares of common stock to each native enrolled in the region (pursuant to sec. 5).

(h) Delineates stockholders' rights.

(i) Explains the method of distribution of certain natural resource revenues.

(j) (k) (l) (m) Provide for the method of distribution of corporate funds.

(n) Declares that a Regional Corporation may undertake on behalf of one or more Village Corporations within the region any project authorized and financed by them.

- (o) Provides for annual audit and report to stockholders and Congressional committees of the Regional Corporation accounts.
- (p) Provides for resolution of any conflict between Federal and State laws.
- (q) Explains allowable contracts between Regional Corporations and business management groups.

SECTION 8. Village Corporations.

- (a) Declares that the native residents of each village entitled to receive lands and benefits under this act (according to sec. 11) must organize as a business for profit or nonprofit corporation before any native village may receive patent to such lands or benefits (except as otherwise provided).
- (b) Provides for preparation of articles of incorporation for Village Corporations.
- (c) Makes applicable to Village Corporations the provisions for Regional Corporations (sec. 7) regarding stock alienation, annual audit, and transfer of stock ownership.

SECTION 9. Revenue Sharing.

Delineates the disposition of the \$500 million to be paid to the natives from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act and from the remaining Federal lands in Alaska (excluding Native Petroleum Reserve Numbered 4) (cf. p. 38 above). The mineral revenues will take the form of a two percent royalty on minerals extracted and two percent of bonuses and rentals, with no time limitation.

SECTION 10. Statute of Limitations.

- (a) Vests exclusive jurisdiction over any civil action to contest the authority of the United States to legislate on the subject matter or the legality of this act in the United States District Court for the District of Alaska. Any such action must be filed within one year of the date of enactment of this act.
- (b) Provides that should the State of Alaska initiate such litigation, all rights of land selection granted to the State by the Alaska Statehood Act (72 Stat. 340) shall be suspended regarding any public lands determined by the Secretary of the Interior to be potentially valuable for mineral development, timber, or other commercial purposes. No selections shall be made, no tentative approvals shall be granted, and no patents shall be issued for such lands while such litigation is pending.

SECTION 11. Withdrawal of Public Lands.

- (a) Withdraws (subject to valid existing rights) from all forms of appropriation under the public land laws (and from selection under the Alaska Statehood Act) public lands comprising the township areas around the native villages identified in subsec. (b) (below). Exceptions from such withdrawal are lands in the National Park system and lands withdrawn or reserved for national defense purposes (other than Naval Petroleum Reserve Numbered 4).
- (b) Enumerates the 305 native villages subject to the provisions of this act and subsec. (a) (above). Sets forth provisions by which the Secretary of the Interior shall determine which villages shall continue to be eligible (or shall newly qualify) for land benefits set forth in sec. 14(a) and (b).

SECTION 12. Native Land Selections.

- (a) Provides that for three years from the date of enactment of this act, the Village Corporation for each native village identified in sec. 11 shall select all of the township or townships in which any part of the village is located, plus an area that will make the total selection equal to the acreage to which the village is entitled under sec. 14 (a total of 18 1/2 million acres). Defines limitations on acreage to be selected.
- (b) Allocates acreage to Regional Corporations for reallocation to villages (total of 3 1/2 million acres).
- (c) Allocates to the Regional Corporations 16 million acres.
- (d) Insures that the Village Corporation for the native village at Dutch Harbor, if found eligible for land grants under this act, shall have a full opportunity to select lands within and near the village.
- (e) Provides for arbitration of disputes over land selection rights and boundaries of Village Corporations.

SECTION 13. Surveys.

- (a) Provides for the Secretary of the Interior to survey the areas selected or designated for conveyance to Village Corporations.
- (b) Provides that all withdrawals, selections, and conveyances shall be as shown on current plans of survey or protraction diagrams of the Bureau of Land Management (or the Bureau of State) and shall conform as nearly as possible to the United States Land Survey System.

SECTION 14. Conveyance of Lands.

- (a) Declares that immediately after a qualified Village Corporation has selected land for a native village listed in sec. 11, the Secretary shall issue to that Village Corporation a patent to the surface estate in the number of acres indicated by the table in this section. The lands patented shall be those selected by the Village Corporations pursuant to subsec. 12(a) and 12(b).
- (b) Declares that the Secretary shall issue a patent to the surface estate in the amount of 23,040 acres to each qualified Village Corporation enumerated in sec. 16 (below) (i.e., the Tlingit and Haida settlements).
- (c) Provides that each patent issued pursuant to subsec. (a) and (b) (above) shall be subject to certain requirements set forth herein, including conveyance by the Village Corporation to any native or non-native resident of title to the surface estate of any tract used as a primary residence or place of business.
- (d) Declares that the Secretary of the Interior may apply the rule of approximation with respect to the acreage limitations contained in this section.
- (e) Declares that the Secretary must immediately convey to the Regional Corporations title to the surface and/or subsurface estates, as is appropriate, in the lands selected by the Regional Corporations.
- (f) Provides for ownership by the Regional Corporations of all subsurface estates in lands issued to Village Corporations pursuant to subsec. (a) and (b), except lands located in the National Wildlife Refuge System and lands withdrawn or reserved for national defense purposes. The right to explore, develop, or remove minerals from lands within the boundaries of any native village is subject to the consent of the Village Corporation.

(g) Provides that all conveyances made pursuant to this act are subject to valid existing rights.

(h) Authorizes the Secretary to withdraw and convey 2 million acres of unreserved and unappropriated public lands (located outside the areas withdrawn by sec. 11 and 16) for various purposes outlined herein, including granting of the surface estate in up to 160 acres of land to each individual native who has a principal place of residence outside the village areas. (The subsurface estate will go to the Regional Corporations.)

SECTION 15. Timber Sale Contracts.

Authorizes the Secretary of Agriculture to modify existing National Forest timber sale contracts that are directly affected by conveyances authorized by this act.

SECTION 16. The Tlingit-Haida Settlement.

(a) Provides for withdrawal of all public lands in each township that encloses all or any part of the native villages listed herein (Tlingit-Haida). (A total of ten villages are listed.)

(b) Provides that within three years from the date of enactment of this act, each Village Corporation for the villages listed in subsec. (a) shall select an area of 23,040 acres within the township where the village is located, or from contiguous townships.

(c) Provides that "funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims (in the case of the Tlingit and Haida Indians of Alaska, et al. against the United States) and distributed pursuant to the Act of July 13, 1970 (84 Stat. 430) are in lieu of the additional acreage to be conveyed to qualified villages listed in section 11."

SECTION 17. Joint Federal-State Land Use Planning Commission for Alaska.

(a) Sets forth procedures, membership, and duties of Joint Federal-State Land Use Planning Commission. Authorizes appropriations and establishes termination date (December 31, 1976).

(b) Provides for the identification of public easements by the Planning Commission.

(c) Specifies that if the Secretary of the Interior sets aside a utility and transportation corridor for the trans-Alaska pipeline, neither the State, the Village Corporations, nor the Regional Corporations may select lands in the corridor.

(d) Revokes Public Land Order No. 4582 (Federal Register 1025) (January 17, 1969) by which the disposition of all Federal land in Alaska was suspended pending settlement of native claims by Congress.

Authorizes the Secretary to withdraw public lands; to classify or reclassify such lands; and to open them to entry, location and leasing in a manner which will protect the public interest and avoid a "land rush" and massive filings on public lands in Alaska immediately following expiration of the so-called "land freeze" created by Public Land Order 4582.

Further authorizes the Secretary to withdraw from selection by either the State or the Regional Corporations up to 80 million acres of unreserved lands for possible inclusion in the national park, forest, wildlife refuge or scenic river systems. Establishes procedures and limitations in connection therewith.

SECTION 18. Revocation of Indian Allotment Authority in Alaska.

(a) Bars further allotments to natives covered by this act as authorized by the General Allotment Act of 1887 (24 Stat. 389), the Act of June 25, 1910 (36 Stat. 363), or the Alaska Native Allotment Act of 1906 (34 Stat. 197). Further, the Alaska Native Allotment of 1906 is repealed. Pending allotment applications may be approved, in which case the allottee will not be eligible for a patent to 160 acres as provided in sec. 14(h)(5) of the present act. (Cf. discussion of Alaska Native Allotment Act, p. 14 above).

(b) Charges any allotments approved pursuant to this section against the two million acre grant provided for in subsec. 14(h).

SECTION 19. Revocation of Reservations.

(a) Revokes all reservations set aside in Alaska by legislation, Executive Order, or Secretarial Order for native use (subject to any valid existing rights of non-natives). The Annette Island Reserve is exempted from this provision and no person enrolled therein is eligible for benefits under this act. (See footnote 17, p. 15 above.)

(b) Allows any Village Corporation within two years to elect to acquire title to the surface and subsurface estates in any reservation set aside for the use of the natives in said corporation before enactment of this act. Such Village Corporations as shall elect to take advantage of this provision will not be eligible for any other land selections under this act or to any distribution of Regional Corporation funds, or eligible to receive Regional Corporation stock.

SECTION 20. Attorney and Consultant Fees.

(a) (b) (c) (d) (e) (f) (g) Authorize and delineate allowable attorney and consultant fees, to be paid from the Alaska Native Fund (from the appropriation made pursuant to sec. 6 for the second fiscal year).

SECTION 21. Taxation.

(a) Exempts revenues originating from the Alaska Native Fund from Federal, State or local taxation at the time of receipt by a Regional Corporation, Village Corporation, or individual native. (This exemption does not apply to income from the investment of such revenues, however.)

(b) Exempts the receipt of shares of stock in the Regional or Village Corporations by a native from Federal, State or local taxation.

(c) Exempts the receipt of land pursuant to this act from Federal, State, or local taxation.

(d) Exempts real property interests conveyed by this act to native individuals, native groups, or Village or Regional Corporations, which are not developed or leased, from State and local real property taxes for 20 years.

(e) Declares that real property interests conveyed pursuant to this Act which remain exempted from State or local taxation shall continue to be regarded as public lands for purpose of computing the Federal share of any highway project (pursuant to title 23 of the U.S. Code) (et al.).

SECTION 22. Miscellaneous.

- (a) Declares that all revenues granted by sec. 6, and all lands granted to Regional Village Corporations, native groups and individuals are not subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this act, and that any such contract is non-enforceable against any native or native group.
- (b) Directs the Secretary promptly to issue patents to all persons who have made lawful entry on the public lands for the purpose of gaining title to homesteads, etc.
- (c) Delineates mining claims and possessory rights.
- (d) States that provisions of Revised Statute 452 (43 U.S.C. 11) shall not apply to any land grants or other rights granted under this act.
- (e) Provides for in lieu additions to the National Wildlife Refuge System if land within the Refuge System is selected by a Village Corporation.
- (f) Provides for exchanges of land of the Village Corporations, Regional Corporations, individuals, or the State in order to effect land consolidations or to facilitate the management or development of land. Authorization for this is granted by the Secretary of the Interior, Defense, and Agriculture.
- (g) Grants the right of first refusal to the United States if a patent is issued to any Village Corporation for land in the National Wildlife Refuge System and if such land is ever sold by the Village Corporation.
- (h) Establishes termination dates of withdrawals under this act.
- (i) Places lands withdrawn pursuant to sec. 11, 14, and 16 (prior to conveyance) under administration by the Secretary of the Interior (or, in the case of National Forest Lands, the Secretary of Agriculture). The authority to make contracts and grant leases, permits, rights-of-way, or easements is guaranteed.
- (j) Grants authority to the Secretary of the Interior to take necessary action to implement the provisions of the act in areas for which protraction diagrams of the Bureau of Land Management or the State do not exist; which do not conform to the United States Land Survey System; or which have not been surveyed in an adequate manner to effect withdrawal and granting of lands.
- (k) Sets forth conditions for granting land patents in national forests.
- (l) Limits land selections in certain areas.

SECTION 23. Review by Congress.

Requires submission to the Congress by the Secretary of the Interior of annual reports on implementation of this act until 1984.

SECTION 24. Appropriations.

Authorizes appropriations necessary to implementation of the act.

SECTION 25. Publications.

Authorizes the Secretary of the Interior to publish in the Federal Register such regulations as are necessary to implement the act.

SECTION 26. Saving Clause.

Gives precedence to provisions of this act in cases where there is conflict with other Federal laws applicable in Alaska.

SECTION 27. Separability.

Should any provision of this act be held invalid, the remainder of the act is not affected thereby.

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This was a study done of the some of the affects ANCSA has had for Alaska Natives and why educators have done so little about informing Alaska Native students about this important legislation profoundly affecting their lives. The study was done in the 1980's and overall educators are not responding any better than at the time of the report. Why?

I think the state of Alaska and especially the Department of Education must take central responsibility. ANCSA was the single largest legislation concerning land, Alaska Natives, Federal and State title while also clearing rights allowing the pipeline to be built. Still most Alaskan non-Natives see ANCSA as legislation giving land and money to Alaska Natives. They don't learn that actually the land being given is from Alaska Natives to the state and Federal government and the money is the cost of those lands - over 300 million acres.

The confusion reinforces stereotypes and continues to add to the mutual distrust of the Native and non-Native communities. To avoid the topic in schools is to neglect the education of all the citizens of our state.

I see little that encourages any belief the Department of Education will address the issue. Instead the State Department of Education is largely about the business of how to make our state education a more efficient cookie cutter imitation of "Lower 48" goals. I don't disagree with learning and teaching about preparing to deal with the 21st century (although I am tempted to ask for a moratorium on the term), I would just like us to teach Alaska students how to prepare for the 21st century here. ANCSA should be a part of a required class on Alaska Studies. For those who need to imitate education Outside they can be reassured that Texas, California and many other states already require state history courses for high school graduation.

Once the course is required we can discuss the merits of how best to go about doing so. ...Paul Ongtooguk

ANCSA-RELATED SIDE EFFECTS

by

Kornelia Grabinska

Tanana Chiefs Conference, Inc.

March 1983

"ANCSA-RELATED SIDE EFFECTS," Kornelia Grabinska, Tanana Chiefs Conference, Inc., March 1983, From Tanana Chiefs Conference, Inc., Interior Region Post ANCSA, Impact Analysis. Used with permission of Tanana Chiefs Conference.

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I owe special thanks to two individuals who worked as research assistants on this project; specifically, university students Michael P. Bradley who researched and wrote the fourth section of this paper, and Gerald Domnick who compiled the bibliography.

INTRODUCTION

ANCSA's indirect effects are defined in this paper as those caused by the Act, but not actually provided for in the legislation. While the lives of Alaskan Natives have changed dramatically in the decade since the passage of ANCSA, exact causes are difficult to pinpoint. ANCSA may have had no novel effect on Alaskan Natives; instead, it may have intensified and accelerated existing trends. In the past, nature and distance isolated Alaska, but technology has brought the world to Alaska's doorstep. Even though some people say that nonrenewable resource exploration is "the second discovery of Alaska," modern resource exploitation engenders far more drastic and permanent change in the character and quality of Alaskan life than the gold rush did.¹ Assimilation accelerated as Native contact with western culture increased. For the purposes of this paper, assimilation is understood as a variable process that includes the interaction of four steps. Groups become amalgamated and identified, their cultures change and their structures become integrated.² If these four processes destroy the boundaries of a group, maximal assimilation occurs. Discussion concerning the varying degrees of assimilation experienced by the Native people is extremely important. Questions outlined here for analysis, but not necessarily answered include: how is assimilation to be measured? Do concepts, such as acceptance of new institutional relationships, feelings of efficacy and frustration, bear significance to such an analysis? Or is assimilation simply measured in statistical terms, such as economic success, political organization and participation, literacy levels and educational advancement? With ANCSA, Congress intended to increase the self-determination of Alaska Natives and weaken the traditional trustee role of the federal government. While Alaska Natives may indeed depend less on the government, most observers agree that Natives are no closer to self-determination than before, that they are merely at a new level of dependency and cannot act in their own interests without advice from accountants, lawyers or brokers. It was expected that the \$1 billion cash settlement would significantly influence the economy and subsequently the standard of living in the villages.³ Until 1971, few villages had electricity and sewer systems; considerable change has taken place in these areas. Section I, Economic Impacts, asks: are the Native people integrated into Alaska's economy with an occupational distribution and income comparable to non-Natives? The 2(c) report prepared in 1974 made this prediction:

"As contact between urban and rural Alaska communities increases, and transportation and communication improve, particularly television, along with improvements in material comforts, there will be disturbing side-effects as the Native culture is further eroded.

To many Native people, the land claims act and creation of village corporations present an opportunity to try to retain many valued aspects of the traditional culture and way of life, while selectively taking advantage of modern technology and the white man's culture.⁴

The Native perspective has become split in recent years. Urban Natives who have lost contact or who never have had contact with village life often view land claims differently than those who remain in villages. Their sources of income and their everyday concerns differ. As a result, it is difficult to find a consensus among Natives on vital issues.

The 2(c) report stated:

". . . vastly different village and urban lifestyles create a barrier to mutual understanding and communication between Alaska's Natives and its immigrants.

Bridging this gap of understanding and directing the rapid social, economic and cultural changes to mutual benefit are the challenges facing Alaska today."⁵

Section II, Political Impacts, deals with Native participation in political affairs and the question of whether the Land Claims Act is leading to self-determination, to termination, or to both. Section III, Social Impacts, discusses social changes and trends, such as the appearance of new cleavages, classes, modes of operation, and social organization. In the last section, Section IV, impacts of ANCSA on education in Alaska will be presented. Developments in the field of education and insights into the Native special interest self-government movement will be characterized. The theme of this paper is the 100-year "transition" that Alaska Native society is undergoing. Will the upheaval in Native society soon come to an end or will it be further intensified? Since World War II, the changes affecting Native society have constantly increased in rate and importance, and the last 20 years have been truly transforming. Many observers see the year 1991 as the termination date.

I. ECONOMIC IMPACTS

Self-sufficiency and Native participation in Alaska's economy were principal objectives of the people who brought about the passage of ANCSA. But the Act contains only two provisions addressing these issues:

Sec. 7(d): Regional corporations shall be incorporated to "conduct business for profit."

Sec 8(a): Native residents "shall organize as a business for profit or nonprofit corporation."

It was expected that the Native corporations would bring economic development, employment and dividends to Native communities.

In 1976, the Wall Street Journal reported that:

"These [Native] corporations are having such an impact that Alaska may never be the same. Their investments have already touched just about every segment of the Alaskan economy — building hotels, mineral and oil exploration, reindeer herding, construction and engineering, real estate, fishing and fish processing, timber, transportation."

". . . the Native corporations are providing badly needed capital for Alaska's fast growing and

traditionally capital-hungry firms. . . ."

". . . the Native firms have moved more slowly and been more conservative than had been expected by the rest of the business community."⁶

Only to a certain degree has this remained true. Economic consultants began to warn that investment in rural areas might not be economically feasible.⁷ In many cases, the village corporations bought out local general merchandise stores, fuel depots, and distributorship rights. Enlarged corporations would announce their presence by building headquarters, and leasing parts of the buildings. ANCSA village corporations are not effective institutions for business development mainly because (1) there is a lack of local diverse investment opportunities (with the exception of areas where commercial fishing is present) and (2) there is not enough capital available for long-term, low-return investments. Consequently, the village corporations have located the bulk of their money in money market funds and savings deposits. Since timber resources in the Interior are not as abundant as in Southeastern Alaska, they did not offer quick money for dividends. Timber will be a valuable resource in the Interior only after a transportation system is built to bring it to market. Since village corporations do not own the subsurface mineral rights to their lands, those resources are not directly available to them. The disputed case of sand or gravel ended with a decision unfavorable to villages when the 9th Circuit Court reversed the District Court decision in 1982. The 25 village corporations in Interior Alaska [excluding villages under Section 19(b)] average 269 stockholders each. It is estimated that a corporation, depending on the number of locally owned subsidiaries, employs one to 20 or more people. Observers agree that in rural areas the positive economic impact of Native corporations is felt primarily through employment. Dividends, if declared, are small.

The small size of the village corporations restricts their financial success; operating costs dissipate their funds. Between 31 and 88 percent of their operating budgets go to lawyers, accountants and other professionals.⁸ There are three consolidations in the Interior region. According to some observers, mergers and consolidations are the only ways the small corporations can be saved from bankruptcy.

Village economic activities are either subsistence or cash oriented. It seems, however, that ANCSA has brought a stronger trend toward a cash economy even though few sources of cash besides welfare are available in a village.

Jobs in most villages are usually limited to a few positions, such as school maintenance, teacher's aides, postmasters, storekeepers, health aides, and bilingual teachers. Seasonal employment — summer cannery work, fire fighting, and construction — provide some income. Income is also received from local part-time commercial activities. The "Alaska Natives and the Land" ;in 1968 said about urban Natives:

"in urban areas, Native unemployment appears to be higher than among non-Natives. Lacking education and marketable skills, the villager is not usually equipped to compete in the job market."⁹

The 2(c) report prepared in 1974 as required by Sec. 2(c) of ANCSA concluded:

"Alaska Natives benefit from federal expenditures and the concomitant multiplier effects in direct proportion of their participation in the cash economy. If Natives do not fill federal jobs, work on federal contracts or sell goods and services to those who do, they benefit substantially less. As long as Alaska Natives stay on the margin of the cash economy, even in those programs designed

primarily for or of major benefit to Natives, more non-Natives than Natives will be the major economic beneficiary."¹⁰

Prior to statehood, the rural (primarily Native) economy experienced 50 percent to 70 percent unemployment.¹¹

According to the 1970 census, unemployment for the Native population was 20.2 percent, compared to 8.2 percent for non-Natives. The census also documented that the percentage of job-holding Alaska Natives is about half the comparable rate for non-Natives, and that 29 percent of the Alaska Natives who worked in 1969 worked for 40 weeks or more (68 percent for non-Natives). Steve Harrison, in the "Alaska Native Report," published in December, 1982, gives three main reasons to explain the situation: Alaska Natives have inadequate experience, education, training; they live outside the effective labor market area (three-fourths of the Alaska Native population lives in remote villages); there is discrimination against Alaska Natives.¹²

The 1970 census reports that 63 percent of Alaska Natives were neither working nor looking for work at the time of the census. Harrison concludes:

"Many Alaska Natives today are primarily engaged in subsistence activities, including food gathering, storage, trading, clothesmaking, transportation, and so on. Subsistence offers a relatively self-contained system by which thousands of Alaska Natives work directly for their daily sustenance and contribute to their community in mutually accepted and culturally meaningful way."¹³ (Author's emphasis.

No current employment survey is available for the interior region. A regional survey was performed recently in the NANA region and produced the following data:

8 percent of Native population employed full-time.

47 percent of Native population employed part-time.

47 percent of Native population unemployed.¹⁴

These figures may be an indicator of the employment situation in other regions. Also, it must be noted that NANA is undertaking a relatively large number of projects.

The 1970 census reported that the 1969 median family income was under \$6,000. For Native villagers, 1969 per capita incomes, counting the income equivalent of subsistence food production, were about half those for urban Natives and about one-third of those for non-Natives. Without counting the value of subsistence foods, Native villagers have about one-fourth the per capita income of non-Natives.¹⁵

MEDIAN YEARLY INCOME PER PERSON

FOR ALASKAN POPULATION, 1970

	<u>Income per Person (\$)</u>
U.S., Total	2,976
Alaska Natives:	

Urban	2,312
Rural	916
Non-Natives, Total	3,593

MEDIAN YEARLY INCOME PER PERSON

BY NATIVE REGIONS, 1970

	<u>Natives</u>	<u>Non-Natives</u>
ALASKA, Total	\$1,111	\$4,069
Regions:		
ALEUT	1,953	2,560
ARCTIC SLOPE	1,076	5,737
CALISTA	663	4,976
BERING STRAITS	599	4,696
BRISTOL BAY	1,083	3,758
CHUGACH	1,740	4,387
COOK INLET	1,998	4,076
AHTNA	1,429	4,268
KONIAG	1,750	3,512
NANA	1,120	5,463
DOYON	1,028	3,806
SEALASKA	1,744	4,605

Since, according to the 1970 census, almost half of the Alaska Native population lived near or below the poverty level, the public assistance programs were essential sources of relief. The breakdown of the 1980 census data is not available at this time.

The "Alaska Natives and the Land" reported in 1968 that state public assistance provided income to almost one of four households in villages and welfare payments administered by the Bureau of Indian Affairs averaged about \$115 per person over the year, the total expenditure reaching \$1,200,000 in the year.¹⁶

The 1970 census reported that one-fourth of Native families were receiving public assistance in the spring of 1970, but only 160 families depend solely on public assistance (excluding subsistence harvesting). Half of those receiving public assistance had total incomes below the poverty line, and two-thirds of those in poverty did not receive public assistance.¹⁷

According to Public Assistance Recipient and Expenditure Study, Semi-annual Report published in October, 1982, the total amount spent in the State in the six-month period was \$2,033,045.00. Natives received 42 percent of that. Six programs were analyzed in the report: AFDC (Aid to Families with Dependent Children), ABL (Aid to the Blind), APD (Aid to the Permanently Disabled), GRM (General Relief Medical), GRA (General Relief Assistance).¹⁸

"U.S. News and World Report" reported in March, 1983, that the federal government's direct payments in 1982 to all U.S. residents averaged \$1,228.¹⁹ This figure includes social security, Medicare, veteran benefits, food stamps and federal retirement. The State of Alaska was last in total amounts paid — \$300 million — and per capita aid — \$673.

The 2(c) report describes the changes in the economic picture of a village:

"As money becomes more important, subsistence survival confronts the cash economy. People are torn between moving away to larger villages and cities in search of jobs or remaining in villages where jobs are few and public assistance is one of the few means available to acquire cash for things that must be bought."²⁰

"More remote villages in northern and western Alaska were less affected by these trends, but in recent years it has become apparent that all rural Alaska villagers are in an economic trap because of the transition from subsistence to cash. They are unable to return to a complete subsistence life, nor are they able to earn enough cash to buy food, supplies and services required to live comfortably in the larger villages."²¹

In a study done about the Koyukon people published in 1978, Richard Nelson reported:

". . . wage earning detracts from subsistence by taking people away from the land.

". . . People who are committed to subsistence usually shy away from these jobs because-hunting, trapping, fishing, and gathering require a full-time effort for maximum success. Seasonal employment is, therefore, preferred by many people. . ."²²

According to a 1974 survey in the Bristol Bay area, 95 percent of the residents depended directly on subsistence.²³ Karen Perrett said that 3,000 acres were traditionally used/needed to support one person.²⁴ If the Land Claims Act had mandated a conveyance to individual Natives, each individual would get about 500 acres of land (depending on the population figure used).

The 2(c) report (1974) in the Survey of Native Views reported that more than three-fourth of Natives living in small and medium-sized villages rely on the land around them for food. The report said:

"If these families, the majority of whom are already living on incomes below the poverty level, were to lose their access to subsistence resources or their harvesting rights, they could be left economically destitute."²⁵

Nelson reports that in the Koyukon region, earnings from trapping during one winter can be \$5,000 or more.²⁶ However, according to the Rural Alaska Community Action Program, some village families spend between 25 and 50 percent of their total annual cash income on energy costs, particularly for oil to heat their homes during the winter.²⁷

Observers disagree about the degree of reliance on a cash economy. Alonso and Rust's predict that "village life will continue to become more dependent upon outside sources of cash income to replace subsistence hunting and fishing."²⁸ VanStone maintains that while cash does not necessarily replace subsistence, it takes

some of the uncertainty out of it.²⁹ Nancy Davis is of the opinion that:

"After much fluctuation over many years, a more steady level may be reached where a balance of the two appears. "For example, as long as there is cash available for some families in some communities, there will be a greater dependence upon it than on the subsistence available. But when that cash source dries up then a return to greater use of subsistence is called for. Also, if the subsistence resource is over utilized, then it is time to change the resource, or perhaps shift to cash for awhile."³⁰

Nelson sees subsistence as a "dominant economic factor in village life. Most families would face extreme hardship if these resources became scarce or unavailable. Very few could earn a sufficient wage locally to support themselves on imported foods, and so government support would be their only option."³¹ According to Nelson, in the Koyukuk Area, "subsistence is overwhelmingly the foundation of village life . . ." and that the subsistence economic base of those villages cannot be replaced at the present time.³² The 2(c) report said:

". . . subsistence hunting, fishing and gathering still play a critical part in the lives of rural villagers. Of roughly 150 Native villages of less than 300 people, subsistence activity is estimated to provide at least half of the daily caloric intake."³³

"As subsistence life becomes more expensive and difficult, people must increasingly depend on store-bought groceries and goods. Young people returning to the villages from boarding schools who haven't learned the old subsistence skills must live more and more in the cash economy."³⁴

As mineral resources are discovered on Doyon's lands, the possibility of their economic development becomes an issue. Many argue that three models of economic development are possible:

- I. Subsurface development versus subsistence.
- II. "Careful" subsurface development compatible with subsistence.
- III. Development toward "self-reliance."

Regional corporations consider models I and II when designing developmental strategies.

The 1982 general election campaign illustrated that the regional corporations are committed to protecting the subsistence economy. A conflict between development and subsistence has not yet taken place in the Interior. An interesting development during the 1980 NANA Corporation annual meeting can illustrate this conflict occurring elsewhere.

Until 1980, NANA shareholders persistently voted down mineral development, expressing their preference in continuing the subsistence economy. But in 1980 they needed cash to pay for houses that were built to improve the standard of living in the villages, fuel to heat those houses and fuel and ammunition to continue their subsistence lifestyle. Therefore, they voted in favor of mineral development.³⁷

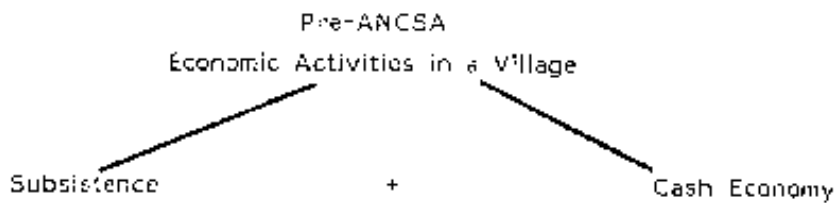
Observers say resource development does not have to threaten the subsistence lifestyle if it is planned and executed carefully. If no roads are built and no new permanent settlements are allowed, the impact of mineral development on subsistence can be minimal.

The third model — development toward self-reliance — is advocated by the Interior Village Association

(IVA). This agency believes that small-scale agriculture and husbandry is a feasible basis for the village economy. It lists several possibilities such as dairy or pork farming, grain production, and rabbit or fur animal raising.

In the introduction to the [in] 1977 book, Lost Frontier: The Marketing of Alaska, Ralph Nader comments:

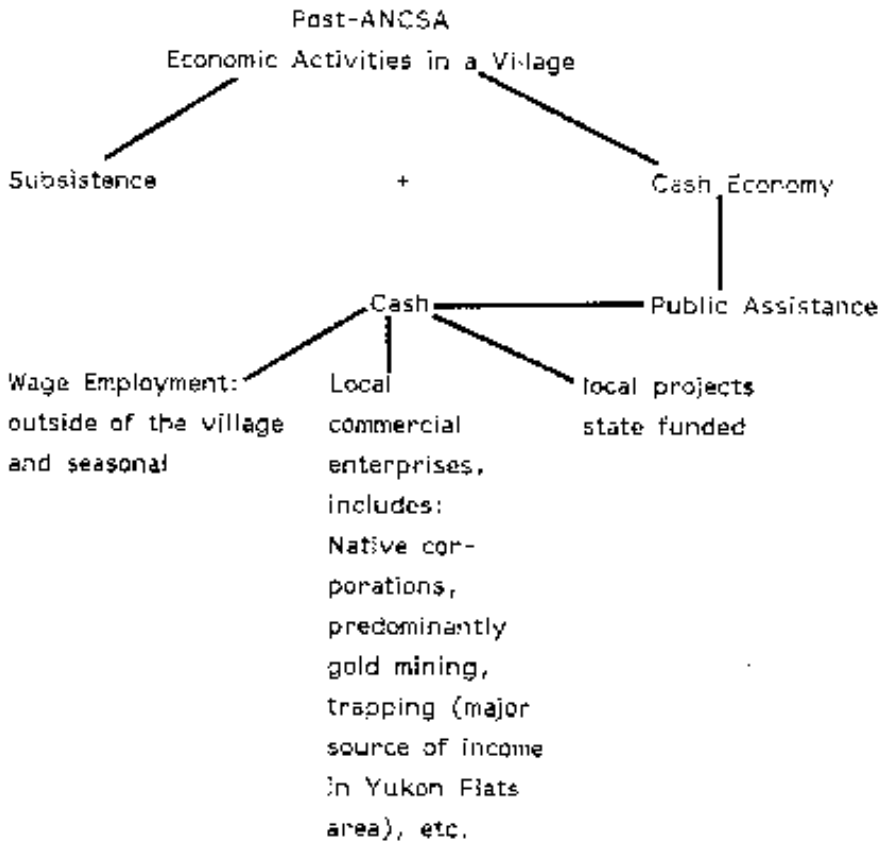
"The choices of economic development are choices of the kind of society that will evolve. . . . Pipelines have impacts on the wilderness and the cities, on alcoholism and welfare, on corruption and inflation, as any boom-to-bust project would produce. " . . . fisheries might mean small business. Agriculture means numerous farmholders; minerals mean a few multinational corporations."³⁶



(Socially: based on cooperation and sharing rather than on competition. Sharing based on minimizing hardship rather than on maximizing gain.)

[Break between these two activities exists; needs in one will not be met by exploitation of resources in another].

(Socially: competition, maximizing gains; gains located in banks not visible in the villages).



II. POLITICAL IMPACTS

"Thus, the culture of the early historic period was ending; the new life of the most advanced technology was threatening the villages and camps; the people were trying to revive or perpetuate at least part of the aboriginal culture; and they were also using their new social forms — principally, formal association — to deal with the threats to their survival, not as individuals but

as a people on their own territory." (Margaret Lewis)

Observers are divided as to whether or not the Land Claims Act is a termination act. Some see in it elements of self-determination as well as termination.

If ANCSA succeeds in assimilating the Native population into the dominant Western culture, there will be no need for federal government to exercise its trust responsibility over the well-being of Natives. Legislation addressing this responsibility would then have only historical value and would probably be repealed.

The Land Claims Act terminated and extinguished Native Claims to all lands in Alaska.

"Sec. 4(a) All prior conveyances of public land and water areas in Alaska, or any interest therein, pursuant to Federal law, and all tentative approvals pursuant to Section 6(g) of the Alaska Statehood Act, shall be regarded as an extinguishment of the aboriginal title thereto, if any.

(b) All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy, including submersed land underneath all water areas, both inland and offshore, and including any aboriginal hunting or fishing rights that may exist, are hereby extinguished.

(c) All claims against the United States, the State, and all other persons that are based on claims of aboriginal right, title, use, or occupancy of land or water areas in Alaska, or that are based on any statute or treaty of the United States relating to Native use and occupancy, or that are based on the laws of any other nation, including any such claims that are pending before any Federal or State court or the Indian Claims Commission, are hereby extinguished."³⁷

Some of the ANCSA provisions are seen as an attempt toward termination. Of primary importance is the question of what can be done about Natives born after December 18, 1971, those not directly participating in the settlement. Nancy Davis, in a 1979 report for the Federal-State Land Use Planning Commission for Alaska, said:

"Less than half the Native population will be shareholders in Native corporations in 1991. The disfranchisement implied by this fact undermines what the Act was purported to accomplish: self-determination."³⁸

Some other provisions indicating termination are:

Sec. 7(h)(3) Alienation of Stock in 1991.

Sec. 21(d) Taxation of land, originally scheduled to start in 1991, later amended to start 20 years from the moment of conveyance.

A quote from a letter from the federal government written in 1823 addressed to the Council of the Cherokee Nation illustrates the termination issue:

". . . custodian relationship to the Indians [will continue] until such time as [they] . . . become merged in the white population, and take the standing of individual citizens."³⁹

According to Stephen Conn and Bart Kaloa Garber's report, "Moment of Truth: The Special Relationship of

the Federal Government to Alaska Natives and Their Tribes," the goals of termination policy, already largely accomplished in Alaska, are:

1. To eliminate reservations.
2. To turn over Indian affairs to the state.
3. To make Indians subject to state control without federal support restrictions.
4. To end the "trust" status, so Indian lands would be fully taxable and alienable.
5. To end special federal health, education and general assistance programs for Indians.⁴⁰

Individually, Alaska Natives have successfully integrated themselves into the larger society. "Through individual acculturative experiences [such as serving with armed forces, attending higher education systems] . . . these people came to master the mysteries of political and communication tactics of American society."⁴¹

Natives have secured seats in the local (territorial and state) legislatures, beginning with Paul Williams, Sr., Frank Peratrovich, through Eben Hopson, Clem Tillion, Frank Ferguson, John Sackett, and several others. Most federal agencies that plan or provide services designed for Natives solicit Native participation, frequently in a capacity of advisors. However, as Gerald McBeath and Tom Morehouse report:

"For large numbers of Natives, the confrontation of the two cultures has resulted in economic hardship and cultural dislocation rather than equal participation in economic, social, and political life of contemporary Alaska."⁴²

The question of self-government, i.e., self-determination, is basically one of who makes the decisions affecting the lives of individuals and groups. Since 1936, when the Indian Reorganization Act was extended to Alaska, IRA governments were organized in Alaskan villages. Where the IRA's weren't established, a traditional government continued to operate in the form of village councils. Finally, the Alaska State Constitution provides a legal basis for effective rural government, providing for a "maximum amount of self-government."⁴³

The most substantial amount of political power, at this time, is exercised by the Native regional corporations and their statewide organization, the Alaska Federation of Natives, Inc. ANCSA corporations allowed for independent decision-making in the area of economic security. Observers say that Native corporate leaders faced with hard business decisions are beginning to take more conservative stands. Natives have traditionally belonged to the Democratic party, but a shift in political philosophies is occurring. Rosita Worl said, ". . . you're going to be seeing a lot more Native Republicans than you saw in the past . . . the Republican philosophy will probably be more beneficial to the Native corporations . . ."⁴⁴

In the opinion of McBeath and Morehouse, ANCSA corporations and the nonprofit associations are mechanisms best able to promote borough formation. These authors see in such a unification a protection of the rural Native interest in the growing urban/rural competition for limited state resources.⁴⁵

Two recent efforts to organize borough governments have occurred in primarily Native rural areas. A feasibility study in 1979 looked at the possibility of forming a borough in the Yukon Flats. The study revealed that pipeline and pump stations would provide an adequate tax base. The measure failed at the polls, but the idea remains under investigation.

The Association of Village Council Presidents (the nonprofit association in the Calista region) completed a

study in 1982 recommending the organization of a borough corresponding with the Calista boundaries. The plan encountered revenue problems and would have required changes in state laws as the region boundaries included three and one-half REAAs and one city school district.

The NANA region is developing a coordination mechanism for federal, state and local programs affecting the northwest Arctic region.⁵⁰ The NANA proposal has been confronted by two problems. First, regional leaders have found difficulty familiarizing their constituents with the objectives and needs for region-wide planning. Second, is the problem of convincing various federal, state and local agencies to submit to screening by a quasi-governmental organization. These difficulties, however, have appeared to increase regional leaders' interest in forming boroughs. Finally, an adequate tax base and the possibility of greater control over education are incentives for further planning.

IRA organizations predate ANCSA corporations and they have a longer history of providing services and representing Native interests. The Land Claims Act, by conveying land and money to the Native corporations, left tribal governments without an economic basis. Since the passage of ANCSA, the IRA councils could not claim the lands owned by Native corporations.⁴⁶ The IRA governments suffer also because of funding problems, competition with ANCSA corporation interests, and a legitimacy in the eyes of the state. In some communities, a situation of political conflict has resulted between various Native interests and between Native and non-Native interests. The major conflict has involved land-use planning. The village corporations are unwilling to cede lands to the village governments [Sec. 14 (c)(3)] and would like to limit local governmental powers to tax and to control land-use.⁴⁷

Some observers see the Native corporations taking on tasks previously belonging to tribal organizations. The Indian Self-Determination Act⁴⁸ of 1975 aimed at greater Native involvement in program administration and policy making. It recognized ANCSA corporations, among others, as tribal entities for the purposes of contracting services. That function was not assumed, however, by the profit-making corporations. Both BIA and the Indian Health Service have contracted primarily with nonprofit Native organizations for particular services. In the 1978 review of the Indian Self-Determination Act, the Comptroller General found that some tribes rejected contracting for governmental services because of their fear of termination.⁴⁹

In 1974, the 2(c) report described the political situation in the following words:

"In less than ten years, the essential elements of contemporary Native self-governance, with the exception of an adequate financial base, have been developed — a common interest and loyalty among constituents, experienced political leadership and management, and the provision of public services, currently provided by the state and federal government. Even without a local tax base, viable regional entities could be formed if the state and federal government would agree to funnel their services and a proportionate share of program and administrative funds through the recognized regional entity. (Ironically, one Native region, the Arctic Slope, which recently formed a borough government, cannot contract with the BIA for providing Bureau services now that it had become an instrument of state government.)"⁵¹

Migration trends that promote the expansion and diversification of regional service centers (such as McGrath, Fort Yukon, Galena, etc.) are the expression of a desire to increase local control and the decentralization of services. Regionalization of the delivery of services increases Native participation in the administration of these services.⁵¹

Observers, noting the prevailing trend of Native migration to urban centers, underscore the political nature of the possible conflict among Native groups over whether to preserve the traditional use of land or to rapidly develop nonrenewable resources. That conflict will probably involve the relationship between majorities and minorities.

III. SOCIAL IMPACTS

"The Native people are divided themselves between the old life of self-sufficiency and the new life oscillating between wage employment and welfare, between the corporatists running the Native corporations for maximum profit and the traditionalists who plumb the meaning of life with their culture, their traditions, and their relationship with the land."

Ralph Nader

Economic integration is followed closely by social integration. Economic integration implies similarity between members of two societies in their occupations and income. But social integration, implies the continuing existence of separate groups within a larger matrix -and a feeling of identification with those groups on the part of many members.⁵²

Natives were treated as second-class citizens for a long period, but a political awakening during the 1960s unified the Native movement and created a new type of political awareness. ANCSA validated this movement establishing a new identity and pride in being Native.

Senator John Sackett of Ruby observed that non-Natives changed their attitude toward Natives when ANCSA gave Natives economic power and position — elements valued in western culture.⁵³

Native leader Emil Notti sees the positive impact of the Land Claims Act not only in the fact that people feel good about themselves and confident in meeting challenges, but that they have new social mobility and a choice of direction.⁵⁴

The emphasis placed on economic competition seems to continuously erode traditional patterns. The old model of social interaction based on cooperation gives way to a new one based on competition. Corporations are altering lifestyles and traditional Athabascan values are being replaced by Western corporate values. The tradition of cooperation was based on the custom of sharing. Notti said in an interview in 1976:

"The idea of sharing is giving way to profit-making. In the old days the standard of a man's status was how big a potlatch he could throw. Now that's been turned upside down. Now his mark is how much he has. . . ." ⁵⁵

If assimilation is understood as equal participation of different societies in the national economy, then the process will be completed when the Native people come to think in rational, economic terms.

In 1969, the AFN sought to have a "Native" defined as any citizen who is an Alaskan Indian, Eskimo, or Aleut of one-fourth degree or more, or, lacking proof of race, who is regarded as a Native by the village of which he claims to be a member and one of whose parents was considered to be a member.

The Land Claims Act brought to life a new definition of a "Native" person that is based on an ownership of corporate stock. The Act also created a new class of Natives, continuously growing since Dec. 18, 1971 — the

class of disenfranchised Natives born too late to be enrolled under ANCSA. Lawyers labeled them the "afterborns." Only through inheritance will those Natives gain participation in ANCSA corporations. Many corporations are trying to find alternatives to include the afterborns as shareholders.

As the influence of kinship, solidarity, economic reciprocity and other traditional values diminishes, some observers comment that rural Alaska communities are becoming caricatures of the small American town. A dual system has emerged, says Worl: ". . . in rural villages the economic assimilation into a capital economy, . . . is not a reality at this point in time . . . But, for the leadership, the ones that hold the \$90,000 a year jobs and those kinds of jobs, . . . that's economic assimilation."⁵⁶

Unequal degrees of economic assimilation have caused different levels of participation in ANCSA corporations and created new class divisions. Differing levels of participation in ANCSA corporations may have damaging effects. People who participate minimally, or not at all, may be more inclined to sell their shares. Says Worl, ". . . people are going to say, 'I've received very little or none at all, but yet I see these other guys jet-setting it around, you know, they're benefiting, but I'm not.'"⁵⁷

There is a general agreement among observers that the real benefit of the Land Claims Act is increased employment and not payment of dividends. Thus, considering the new distribution of wealth, a new class structure is formed, based on employment and income.

Studies of Indian populations undergoing assimilative processes in urban areas in the Lower 48 suggest the following class distinctions:

1. a growing body of Indian professionals linked to federal agencies or tribal bureaucracies;
2. a destitute Indian population at the bottom of the social and economic ladder; and
3. urban migrants who have been integrated into the working class.⁵⁸

It was also concluded that the perceived economic and political interests of all three groups are likely to diverge, and the social distances among them are likely to be substantial.⁵⁹

Karen Perret opines:

"In the clash between communal and competitive values, there is a shift from a multi-ethnic situation to one where the remnants of ethnic groups will sort into economic classes."⁶⁰

Worl notes a general misperception that in traditional societies people were equal: ". . . but in groups that I studied there was very definitely a ranking, a stratified system." She adds, ". . . it [the stratified system] wasn't as pronounced as what you're going to be seeing in the future as a result of ANCSA."⁶¹

As a result of the assimilative processes, different migration trends have appeared in Alaska.

The Federal Field Committee for Development Planning in Alaska reported in 1968 that Native migration is increasing to the six largest Alaskan cities. Growth of some large Native towns, such as Kotzebue, Bethel and Barrow, also was reported as doubling and tripling their 1950 population levels.

About other Native places it was reported:

". . . villages are not vanishing from the scene today as is often assumed. There are today 12

fewer separate Native places (of 25 or more persons) than were indicated in the 1950 census, but more than 80 percent of the places continuing to exist are larger than they were 17 years ago. And more than half of these are growing more rapidly than the approximate rate of net natural increase."⁶²

In 1970, 17 percent of Alaskan Natives lived in urban areas, 83 percent in rural areas.

The 2(c) report had this explanation about the rural preference:

"But despite its hardships, rural living is still the choice of most [of] the Eskimo, Indian and Aleut people. According to village people it offers tranquility, and a closeness with family, friends and the land, thus, provides a richness of life that makes them willing to endure poverty in material things."⁶³

<u>1970</u>	<u>Total Native</u>	<u>Indian</u>	<u>Eskimo</u>	<u>Aleut</u>
Urban	17%	29%	9%	22%
Rural	83%	71%	91%	78%

Between 1970 and 1980 total Native urban migration increased by 88 percent: 17 percent urban population in 1970 to 31 percent urban population in 1980. (Places with a population of over 2,500 are considered urban.)

<u>1980</u>	<u>Total Native</u>	<u>Indian</u>	<u>Eskimo</u>	<u>Aleut</u>
Urban	19,604	*9,971	-7,167	°2,466
Greater Than (2,500)	(31%)	(46%)	(21%)	(30%)
Rural	44,499	**11,898	=26,977	°°5,624
Less Than(2,500)	(69%)	(54%)	(79%)	(70%)

*approximately 33% in city center or urban fringe, 33% in cities of more than 1,000 population, 33% in cities of 2,500-10,000 population.

**about 15% in population centers of 1,000-2,500, 85% in population centers of less than 1,000. – about 54% in city centers or urban fringe, 12% cities of more than 10,000, about 30% in cities of 2,500-10,000.

= 20% in population centers of 1,000-2,500, 80% in population centers of less than 1,000.

°62% in city center or fringe, 6% in cities of more than 10,000. 32% in cities of more than 2,500-up to 10,000.

°°20% in population centers of 1,000-2,500, 80% in population centers of less than 1,000.

The Native population in major urban centers (Anchorage, Fairbanks, Juneau) is growing at a rate of between one to three times the rate of total Native population growth in the State.

Total Natives in Urban Areas

	<u>1970</u>	<u>1980</u>	<u>% Increase</u>
Anchorage	4,946	8,953	81%
Fairbanks	1,778	2,987	68%

Juneau 1,755 2,190 25%

Native Population Increase Statewide

<u>1970</u>	<u>1980</u>	<u>% Increase</u>
50,605	64,103	27%

Total Population Increase

	<u>1970</u>	<u>1980</u>	<u>% Increase</u>
Anchorage (Bor)	126,385	174,431	38%
Fairbanks (Bor)	45,864	53,983	17%
Juneau (Bor)	13,556	19,528	44%

Native Population as Percent of Urban Area 1980 Percent of

	<u>1970</u>	1980 Percent of <u>Increase or</u>	<u>Decrease</u>
Anchorage (B)	3.91%	5.13%	+1.22
Fairbanks (B)	3.88%	5.33%	+1.65
Juneau (B)	12.95%	11.21%	-1.74

Between 1970 and 1980 the average village population loss in the Doyon region was 2.37 percent. This percentage is based on data available for 26 out of 45 villages in this region (see Appendix II for list of villages).

It appears that the fastest growing villages in the Doyon region are Rampart (up 36%), Circle (15.1%) and Beaver (13.5%). The places that appear to be losing population at a high rate are: Grayling (down 36.3%) and Stevens Village (33.5%).

In 1967, George Rogers estimated the future size of Alaska’s Native population.⁶⁴

<u>Low Estimates</u>	<u>High Estimates</u>
(2% declining annual rate of net natural increase and stagnating economy, migration of Natives from Alaska	and economic growth, migration of Natives to places within Alaska

1970	53,400	60,000
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1980	60,900	831,000
1990	69,000	109,000
2000	77,100	141,000

Total Native Population 1939-1980

		Eskimo	Indian	Aleut
1939	32,458	15,576	11,283	5,599
1950	33,863	15,882	14,089	3,892
1960	42,522	22,323	14,444	5,755
1970	50,605	28,233	16,080	6,292
1980	64,103	34,144	21,869	8,090

When Roger's estimates are compared with the census data on the actual Native population, it is obvious that the figures of total Native population for 1970 and 1980 are closer to Roger's low estimates than his high estimates. In 1970, the figure was about 3,000 lower than Roger's low estimate, but in 1980 the population was 3,203 higher than his low estimate.

The actual growth of the Native population seems to be conforming to Roger's low estimate.

IV. ANCSA IMPACTS ON EDUCATION

In 1976 the state established a concept of educational decentralization within the unorganized borough system. Twenty-one Regional Education Attendance Areas were organized displacing the centralized State-Operated School System (SOS). REAAs are exposed to Native demands in many parts of rural Alaska through Native participation in local advisory school boards, community school committees, district school boards, and parent advisory committees. Given a constitutional mandate for REAAs to satisfy local educational needs, REAAs should respond positively to these demands. REAAs exercise defacto control over the budgetary process, personnel management, and academic programming. In 1975 the Indian Self-Determination Act provided for tribal organization contractual powers over educational services. This has sometimes confused matters since different Native organizations have claimed such powers.⁶⁵ Controversy of a different nature has developed as some Native regions look at developing tax bases with the idea of organizing new boroughs and as urban complaints increase that disproportionate state revenues are being funneled into the REAAs.⁶⁶ REAAs have provided Natives with the opportunity to participate in federal and state governmental contexts and to protect various Native interests relating to educational policy.

At the same time, REAAs must fulfill growing Native educational expectations and balance the relationship between Native cultural values and the development of economic security as it relates to these expectations.⁶⁷

Provisions and stipulations of the Indian Self-Determination Act (1975), the increased Native participation in REAAs, the progressive movement toward self-government (illustrated in part by increasing numbers of IRA council applicants) and, most importantly, the ANCSA 1991 implications all suggest that Native students should be trained and educated to ensure effective Native control of ANCSA corporations, IRAs, REAAs, and

service delivery areas.

The development of the REAAs and legislation such as the Self-Determination Act are understood as logically connected "side effects" of ANCSA in the sense that these developments are parts of a larger, continued movement toward greater self-government and self-determination. The maintenance of Native control over ANCSA for-profit corporations and the need to "turn profits" point to obvious Native educational needs. Perret sees a growing recognition of educational needs in order to understand and participate in the corporate structures imposed upon Natives.⁶⁸ Finally, in the Department of the Interior 2(c) study, ANCSA is understood as directly increasing the need for Natives with a high degree of education in order to fill corporate positions.⁶⁹ Since REAAs and the Indian Self-Determination Act (1975) are designed to respond to local pressures, it appears that they ought to be capable of helping to facilitate educational needs created as a result of ANCSA.

In an educational context, choices must be made concerning educational preferences and program alternatives. Choice must be exercised over a broad spectrum of Native needs, some of which may prove to be incompatible. Natives must resolve the relationship between preservation of traditional cultural values and the need for economic development (given the profit-making nature of ANCSA corporations).

In 1973 "Project Anna" (a study for the BIA Office of Educational Programs which included representatives from many organizations including ISEGR, AFN, RurAL CAP, SOS, BIA, etc.) compiled and analyzed survey information collected from various Alaska Native associations. The primary objective of the study was to isolate Native educational needs and preferences. "Project Anna" determined the following major preferences:⁷⁰

- Native adults and students generally desired an education policy that offered a choice of satisfying either Native or non-Native cultural needs (author's emphasis).
- Native School Board members expressed the need for full, legal control of schools.
- Need for local village high schools (author's emphasis).
- Need for high school and post high school vocational training.
- General preference on the part of students to attend college.

The first preference illustrates Native concern about the relationship between traditional and contemporary lifestyles.

Other relevant studies include the 1979 "Small High Schools Project" by the Center for Cross Cultural Studies at the University of Alaska and a 1978 ISER study. In part, these studies analyzed developmental needs of rural youth, emphasizing educational policy promoting economic independence⁷¹ and the understanding of ANCSA implications and corporate activities.⁷² The 1978 ISER study also outlined a general framework that incorporated self-development and related goals. The program included awareness programs, exploration programs, and transitional programs designed to enhance educational experiences.⁷³

Another ISER study in 1978 entitled "Alaska Native Students and College Success" found a significant negative correlation between college success⁷⁴ and high school academic preparation. Other influencing college success were goal orientation and feeling at ease in campus society.

Finally, a 1982 ISER study "Native College Success in the 1970s" focused on identifying trends of college success of Natives at the University of Alaska—Fairbanks. College success increased from 1960 to the 1970s.

Also, the number of Natives graduating with all types of degrees increased through that period. These trends continued until the mid-1970s with an apparent leveling off or decrease during the late 1970s. High school students' ACT scores decreased from 1963-1978. It was assumed that this would be corrected to a certain degree by counseling and tutoring services provided at the University of Alaska (Cross-Cultural Educational Development Program and Student Orientation Services).⁷⁵

In a series of personal interviews conducted March 15, 16, and 18, 1983, with five University of Alaska—Fairbanks educators, several questions were posed concerning the education of Alaska Natives. In the following discussion, the more relevant issues will be outlined, general agreement or major variances of opinion and key remarks will be related.

The first question area concerned perceptions of ANCSA educational needs and the role of various institutions.

All the educators agreed that the public school system had a responsibility to teach Native students the implications of ANCSA in 1991. They agreed that ANCSA is misunderstood by the general American public and that efforts should be made to inform Americans about ANCSA's legal grounds. Pam Herman saw a need to develop an understanding of ANCSA within the context of Alaska Native history, literature, and social studies.⁷⁶ Dennis Demmert said he felt a need to educate Native students (and others) about the basic terms and concepts of the Act before its implications could be understood.⁷⁷

There was quite a difference of perception in terms of the current status of this responsibility. Most differences concerned the type and intensity of state intervention needed. Judy Kleinfeld felt that effectively teaching students about ANCSA was hampered by inadequate teaching materials and conflicted with other pressures on teachers' time.⁷⁸ On the other hand, Ray Barnhardt said that the State DOE should require teachers to have a knowledge of ANCSA for certification.⁷⁹ Dennis Demmert felt that some rural Alaskan teachers were not prepared to teach cross-culturally.⁸⁰ The educators generally agreed that a more coordinated and systematic approach was needed by the State DOE, the university system and rural Alaska high schools.

Another question area concerned agreement or disagreement with the first Project ANNA discussed above. In general, the respondents felt that the idea of providing a "choice" of educational directions, reflecting emphasis on either Native or non-Native cultural needs, was unrealistic. Sue McHenry doubted whether traditional Native studies could be taught in a formal Western school environment.⁸¹ Ray Barnhardt suggested that people move freely back and forth between the two cultural contexts.⁸² Dennis Demmert was concerned that some of the traditional lifestyle is lost in the process of defending of it.⁸³

On the question of declining ACT scores and its significance, Sue McHenry said that the tests were not relevant to the village environment and that low ACT scores were not connected to survivability at the University of Alaska.⁸⁴ Judy Kleinfeld thought dropout rates from high schools had decreased and that this was being reflected in the ACT scores.⁸⁵ All the interviewees commented on the corresponding decline in ACT/SAT scores nationwide. This suggests problems with the educational system as a whole.

Finally, on the question concerning the educational role of Native organizations, they generally agreed that the different organizations sometimes conflict in the area of service delivery. Ray Barnhardt commented that this was generally a healthy characteristic, but cautioned that destabilization of Native interests was a concern and desire for some. He also felt that the organizations needed to develop a functional concept.[@] Dennis Demmert

said that the REAAs have a legal responsibility and constitutional mandate to deliver education services appropriate to rural community needs; therefore, there should be no confusion between primary and secondary education responsibilities.⁸⁷ Finally, most respondents felt that practical and simulated experiences were valuable in terms of developing certain managerial and technical skills and that Native corporations should support this with various internship programs.

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Existing Belief Systems & Land Ownership Attitudes

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A Western World View	An Eastern World View
Emphasis on the Individual	Emphasis on the Group
Future Oriented	Past and Present Oriented
Time: Use Every Minute	Time: Always with Us
Youth	Age
Competition	Cooperation
Conquest over Nature	Harmony with Nature and Balance
Taking and Saving	Giving and Sharing, Reciprocity
Theoretical	Pragmatic
Skeptical	Mystical
Aggression	Patience
Learn to Speak First	Learn to Listen First
Religion: Segment of Life	Religion: Way of Life
Should Put One's Best Foot Forward	Should Appear Modest
Written Language	Spoken Word
Ownership of the Land	Use of the Land

Socratic Seminar Graphic Organizer

First & Last Name: _____

Questions that Came Up During the Discussion	Note-Worthy Comments/Ideas	Things I Still Have Questions About
Summary of Discussion (Complete Paragraph)		