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THE ALASKA NATIVE CLAIM SETTLEMENT ACT: THE IMPACT ON ALASKAN
NATIVES

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THE ALASKA NATIVE CLAIM SETTLEMENT ACT: THE IMPACT ON ALASKAN NATIVES

The Alaska Native Claim Settlement Act (ANCSA) was a new approach to Indigenous land claims and how the United States government interacted with Indigenous Peoples. Although ANCSA was not brought into existence until 1971, the Alaskan Native peoples had been living there since time immemorial. The place that is now known as Alaska has always been an environment that has allowed the Alaskan Natives to stay alive and cultivate their cultures. Although that is the case, on a legal level or a colonial level the fact that Natives were the primary land users and stewards does not necessarily document land claims. The current curriculum from the University of Fairbanks even mentions, “Aboriginal and indigenous groups who must attempt to pursue land claims outside of the existing legal framework of the colonial state find the process difficult if not impossible.”¹ Colonial systems are built with the intent to prevent Indigenous Peoples from having their land claims, because the whole basis of imperialism was and is to acquire more land. But what if there are already people there? The US government found that simple to deal with and built a need for legal documents that created a monolith amongst Indigenous Peoples as well as not taking into account the language barriers. ANCSA was a special

¹ “Unit 1- Years Prior to ANCSA” *University of Fairbanks*.

document, because it required all Alaskan Natives to come together to fight for their land. These were people with drastically different cultural practices and drastically different languages, who were brought together in order to solve the problem at hand. Furthermore, ANCSA resolved confusion surrounding Alaskan Native land claims.

The gray area surrounding Native land claims was born in 1867. The purchase of Alaska in 1867 from Russia is at the root of this issue. Numerous Alaska Natives were not aware of the initial purchase of their land for about 7.2 million dollars.² Alaska also was not a state until the Alaska Statehood Act 1958,³ so the United States coming for their resources nearly ten years later just displays their lack of a relationship with the people. Although there were few struggles from the opinions of the Russians;⁴ for the Native people the story differed. The guidelines revolving around the Alaska Native people and their citizenship came at an unknown cost. One main conflict was that,

They could not be citizens until they were ‘civilized’, yet no criteria for determination of their achievement was indicated. Their rights and responsibilities were to be ‘subject to such laws and regulations as the United States may from time

² U.S. Department of State, “Purchase of Alaska, 1867,” *U.S. Department of State*, available at history.state.gov/milestones/1866-1898/alaska-purchase#:~:text=The%20looming%20U.S.%20Civil%20War,purchase%20Alaska%20for%20%247.2%20million.

³ Gordon Scott Harrison, “The Alaska Native Claims Settlement Act, 1971,” *Arctic*, 25:3 (1972), 232.

⁴ For example: “Russian Opinion on the Cession of Alaska,” *The American Historical Review*, 48:3 (1943), 522. The letter from Grand Duke Konstantin Nikolaevich to Prince Alexander Mikhailovich Girchakov “He pointed out that money was needed by the Russian Treasury and that the colonies bring us ‘very little profit’..” This was in 1857 when the idea of selling Alaska to the US truly became a discussion. Russia also did not actually have claims over the aboriginal land of Alaska.

to time, adopt in regard...to them.' More important, to the property-minded, land rights were undelineate and were also left for future consideration.⁵

This lack of genuine acknowledgment to their right to citizenship as well as the undetermined status of land claims attests to the care taken of the Native population by the US government. The definition of civilized also demonstrates negative feelings towards traditional ways of life for Indigenous Peoples. It clearly demonstrates the lack of thought put towards the people in the dealings of their land, which became increasingly relevant through ANCSA. There were also questions regarding the validity of Russia selling Alaska to the US because,

The Russian claim to aboriginal lands of Alaska was under the Laws of Discovery, which state the two conditions aboriginal people can lose their land: 1) through a 'just' war, or 2) by giving up specific land in a treaty. Neither of these conditions applied to the Alaska Native people, which left land claims unresolved when the purchase took place.⁶

On top of the lack of recognition towards the Native populations, the Law of Discovery was violated. The Russians truly had to claim the aboriginal lands of Alaska under the current law of the time, yet they still managed to get money for Alaska. These ignored rules contribute to the necessity of ANCSA, because it created substantial confusion surrounding the US relationship with the Alaska Natives about their land.

Later, Alaska was granted statehood by the Alaskan Statehood Act of 1958.⁷ This brought a significant amount of issues into light regarding the land of Alaska, which mainly revolved

⁵ William L. Hensley, "What Rights to Land Have the Alaska Natives?:The Primary Question," *Alaskool*, (1966), 3.

⁶"About the Alaska Native Claims Settlement Act," *ANCSA Regional Association*, Accessed 3 June 2020, available at ancsaregional.com/about-ancsa/.

⁷John R. Boyce and Mats A. Nilsson, "Interest Group Competition and the Alaska Native Land Claims Settlement Act." *Natural Resources Journal*, 39:4 (1999), 755–798.

around the Indigenous land claims. A number of curiosities arose as to what statehood meant for the Indigenous people of Alaska and how it would impact them. There were a number of possible situations that came to mind for most. There were numerous rumors but, “The strongest rumor was that the Indians and Eskimos of Alaska would be placed on reservations if Alaska became a state.”⁸ This inquiry just goes to show that statehood held weight in deciding what happened to Alaskan Natives. This ultimately created a need for ANCSA from the standpoint of the government and the residents. Statehood also brought to light how the plethora of natural resources would be dealt with. The difficulties were that, “The Statehood Act did not recognize aboriginal title to Native lands, and the new state was about to select more than 103 million acres from the public domain.”⁹ The US government’s failure to recognize exactly which parts of Alaska were Native land during the process of making Alaska a state is why there was a need for ANCSA. The *Anchorage Daily News* noted that, “The predicament for Alaska was that, although Congress had extinguished Native title in most of the Lower 48 states, it had only extinguished it for 54 million of Alaska’s 375 million acres at the time of statehood.”¹⁰ There was a need to resolve this, but overall the Indigenous Peoples of Alaska were overlooked when the land was becoming part of the US. Furthermore, it was a popular belief that these Indigenous land claims were deemed as unimportant because in the late 1950s there was a fairly negative sentiment towards Alaskan Natives. Overall, it was problematic for the Statehood Act to ignore the

⁸ Donald R. Moberg, “The 1958 Election in Alaska.” *The Western Political Quarterly*, 12:1 (1959), 261.

⁹AFN, “History.” *Alaska Federation of Natives*, (accessed 2020).

¹⁰ Steve Haycox, “ANCSA Helped Shape Alaska’s Future.” *Achorage Daily News*. (2011)

aboriginal land claims, because it led to confusion and lack of definition and clarity around future land claims.

Although ANCSA served to settle land claims, the oil companies needed the land claims situated so they could start the Trans-Alaskan pipeline. In an article published by the Anchorage Daily News they made the point that, “the need to construct the pipeline did not ‘cause’ the settlement of Alaska Native claims. That cause was in fact the Alaska Statehood Act of 1958 and actions taken by the State of Alaska and Native leaders pursuant to it.”¹¹ Although the pipeline was not the initial “cause” the oil companies did not have the ability to work on the land without the necessary land claims. These land claims were not put in place, because the Statehood Act of 1958 failed to accomplish that task. The main reason these land claims were a concern was the oil that was underground.

In a short informational video series titled “ANCSA: Caught in the Act” a young Native named Jim said, “ANCSA was land, cash, and corporation,”¹² is one way ANCSA is described by Alaska Natives. These people essentially went from being hunters to business people running corporations. This is because the oil companies made it this way for the Alaskan Natives. Their interactions with the oil companies and US government influenced how their land was truly dealt with. This need for oil that the US had, which initiated the need for the Trans-Alaskan Pipeline, played a role in ANCSA. Not acknowledging how this affected the handling of the land limited the story to only a sliver. The needs were one in the same, those being oil and settling land claims.

¹¹*Ibid.*

¹² Alaska Dept. of Education, “ANCSA: Caught in the Act,” *Alaska State Library Historical Collections* (1987).

Originally the basis of making this deal was not settled through the amount of land that the Alaskan Native groups technically possessed. It was built on the foundations of Tribal population and traditional land use determined by the places their ancestors had roamed, because many Alaskan Native groups were nomadic prior to colonization. Instead of promoting population based routes it prompted the value that came from the land where the people had been since time immemorial. In a way it was a method to repay the Alaska Natives for the land taken from them, but it was also a way to assimilate them. While the feeling that this was a form of reparation, it did not repay Native people for the land that was originally sold without their knowledge. The United States did not purchase Alaska from the Native people, they purchased it from Russia. That incident was a moment in history when Native people were done wrong, because their land was purchased from another party. Even though the governmental intent was more towards utilizing the assets provided by the land, the policy had the potential to turn others who were not Native Alaskans into very wealthy people through exploiting the natural resources for monetary gain. In videos that were used as part of a curriculum to teach about ANCSA, numerous Alaskan Natives bring up the discussion of money and the possibility of increasing their own wealth. There were numerous Alaskan Natives that were disappointed by the slow rate that the money trickled out.¹³ Either way, Alaskan Natives were not the main group gaining from ANCSA, which is the common pattern of US government and Indigenous relations.

The best example of early 20th century US relations with Alaska Natives is the Alaska Native Allotment Act of 1906. In regards to legal decisions made for the land, the Alaska Native Allotment Act of 1906 was an earlier example of the interaction between government and Native

¹³ Alaska Dept. of Education.

communities. When ANCSA was put in place it repealed the Alaska Native Allotment Act of 1906, because they were similar but did not work harmoniously. The Alaska Native Claims Settlement Act stated,

Native claims based on aboriginal title to any additional lands in Alaska were extinguished. Existing reserves, except for Annette Island, were revoked. The Native Allotment Act, which had also allowed trust status, was revoked. Compensation for claims extinguished was set at \$962.5 million, which would be paid over a number of years.¹⁴

The differences between the documents also show how the situation for Alaskan Natives was quite different when it came to how the situation surrounding their traditional homelands was handled.

The Department of the Interior's Bureau of Indian Affairs stated that, "The Alaska Native Allotment Act enacted on May 17, 1906, permitted individual Alaska Natives to acquire title to up to 160 acres (0.65 km²) of land in a manner similar to that afforded to Native Americans."¹⁵

The Alaska Native Allotment Act of 1906 is closely related to the Allotment Act of 1887, on some levels. The concept of allotting land to people was consistent among both, but there were definitely differences. The Allotment Act of 1887 is also referred to as the Dawes Act or the General Allotment Act. In a review about these acts Paul Stuart stated, "The General Allotment Act, known as the Dawes Act, provided for the division of reservation lands, at the discretion of the President, into allotments, which became the property of individual Indians."¹⁶ This was put in place to get rid of reservations, although it was not overwhelmingly successful in the lower

¹⁴ Paul Ongtooguk, "The Annotated ANCSA" *Alaskool*.

¹⁵ Bureau of Indian Affairs, "Real Estate Services," *US Department of the Interior: Indian Affairs*, Accessed 19 July 2020.

¹⁶ Paul Stuart, "United States Indian Policy: From the Dawes Act to the American Indian Policy Review Commission," *Social Service Review*, 51:3, (1977) 451.

forty-eight states. The Dawes Act was designed so that the US could strip people of their land in return for something as simple as citizenship. In essence, “The new policy focused specifically on breaking up reservations by granting land allotments to individual Native Americans. Very sincere individuals reasoned that if a person adopted white clothing and ways, and was responsible for his own farm, he would gradually drop his Indian-ness and be assimilated into the population.”¹⁷ The Alaska Native Allotment Act of 1906 and the Dawes Act were both extremely important displays of how the US government built a relationship with the Native people in a way that accumulated control and gain for the US government rather than working for the best intent of Indigenous Peoples. This was not the control that went to the Native Americans, but rather the US government.

The United States wanted to find outlets in which they could assimilate Natives. Another way to impose western ideals was through spreading Christianity. A number of their land agreements came at the cost of their Indigenous identities, beliefs, and cultures. These trade offs were done frequently and came in a variety of different forms. The Alaska Native Allotment Act of 1906 detailed the concept of giving the people land to call their own. There was a specific amount that each person could potentially get, which differs from ANCSA. It also was an early decision made on the basis of how the US worked with Native American tribes, which eventually led to conflicts regarding land. Often these issues derived from the drastic differences between Alaska and the rest of the United States that had been colonized up to that point. With issues pertaining to the Indigenous Peoples of Alaska, they made an effort to come together to fight for the rights to their land.

¹⁷ Our Documents “Dawes Act(1887)” *Our Documents*, (accessed 2020).

In 1966, a large gathering was held by Alaskan tribes to discuss their aboriginal land claims. As a result of this gathering, the Alaska Federation of Natives (AFN) was created to create unity among the people and to find a way to improve their land settlements. On top of this, only a few years prior, a newspaper called *Tundra Times* was formed. This provided an outlet for the Alaska Native people to speak out about the issues surrounding land claims. The *Tundra Times* provided a platform while giving them a public voice because, "The paper's immediate goals sought to identify common problems among Natives throughout the state and promote improved communication between villages. It succeeded almost immediately in those aspirations by focusing attention on Native issues and by fostering a spirit of cooperation among individuals and regions."

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As time went on, people gradually became more and more dissatisfied with the level of uncertainty surrounding the land that was so meaningful to them. Having the *Tundra Times* in place allowed there to be a more public discussion. It was so beneficial because, "By the early 1970s, they held a degree of leverage unprecedented among Native communities, which allowed them to actively participate in shaping the Alaska Native Claims Settlement Act (ANCSA)."¹⁹ This referred to the influence the newspaper had on bringing the Native people together. Accessing this tool was specifically important when ANCSA came about, because it allowed for countless articles regarding the topics to be available to the Alaska Natives.²⁰ The fact that Alaska Natives could

¹⁸Elizabeth James, "Toward Alaska Native Political Organization: The Origins of *Tundra Times*," *Western Historical Quarterly*, 41:3 (2010), 288.

¹⁹*Ibid.*, 285.

²⁰*Ibid.*

reach each other and unify to help settle land claims is an extremely valuable layer of ANCSA. Then, in 1967, prior to the discovery of oil, AFN became unsatisfied with the handlings of their land.²¹

AFN earned an early victory in 1966 when then-Secretary of Interior Stuart Udall imposed a land freeze. AFN delegates pressed for the land freeze to stop land selections and conveyances across the state, which were viewed by Alaska Native people as encroachment on their lands. By freezing all land conveyances within Alaska, Secretary Udall forced the State of Alaska, the federal government, and the Alaska Native people to resolve aboriginal land claims before any further land selections could take place.²²

AFN inspired the main need for ANCSA from the perspective of outsiders who wanted to exploit the land for their own personal gain. By working together, AFN accomplished interfering with any advancements in land use within Alaska. AFN was a key reason why ANCSA was put into place, but it also gave a voice to the Alaskan Native peoples.

Essentially ANCSA is broken down into numerous sections to address what would happen with the Alaskan native land claims. Once again it is important to reiterate how ANCSA repealed the Allotment Act of 1906, and took the land. It diminished the Native land claims throughout Alaska. Since the Allotment Act of 1906 granted people their own land, ANCSA essentially stripped the people of those land claims. ANCSA divided Alaska up into various groups. There were twelve associations.²³ These were vital in creating a platform for the Alaskan Natives within

²¹Gigi M. Berardi, "The Alaska Native Claims Settlement Act (ANCSA) - Whose Settlement Was It? An Overview of Salient Issues" *Environmental Studies Faculty and Staff Publications*, (2005).

²² ARA "About the Alaska Native Claims Settlement Act." *ANCSA Regional Association*, (3 June 2020)

²³ ARA. These associations are the Arctic Slope Native Association, Bering Straits Association, Northwest Alaska Native Association, Association of Village Council Presidents, Tanana's Chiefs Conference, Cook Inlet Association, Bristol Bay Native Association, Aleut

the system moving forward. This document set up a completely different way of life for Alaskan Natives.

With these drastic changes on the rise, Alaskan Natives had to adapt to situations they had never been in. There were numerous pressures from each side of things. On one hand there were the Alaska Native people and on the other there were the oil companies.

The single most important and immediate need behind the passage of the Land Claims Act was the Alaska pipeline. The oil companies, unions, construction contractors, and the state treasury were all pushing for a settlement on the land issue, so that the pipeline could be built and the oil riches would begin to flow. Passage of the Act was necessary, because the pipeline could not be built across Alaska until it was determined who owned the land.²⁴

Without the availability of the land any hope of fabricating the pipeline was basically out of the question. A statement from Donald R. Wright, AFN president, described a conversation with Richard Nixon, where he said:

I also told the President that a just and equitable settlement of our land rights in Alaska is by far the most important and most difficult Indian issue to be dealt with under his Presidency. There are many powerful vested interests which are actively opposing our land rights in Alaska — both within and outside of his Administration. A just settlement cannot be achieved without the President's strong and continuing support and leadership.²⁵

As Donald R. Wright thought about the President's decision and handling of these land claims, he hovered over the idea that it could contribute to another horrific event that Native communities

League, Chugach Native Association, Tlingit-Haida Central Council, Kodiak Area Native Association, and Copper River Native Association.

²⁴ *Ibid.*

²⁵ Donald R. Wright "Statement of Donald R. Wright, President of Alaska Federation of Natives (AFN), on Occasion of Meeting with President Richard M. Nixon at the White House, April 6, 1971." *Appendixes: History of Events Leading to the Passage of the Alaska Native Claims Settlement Act*, Alaskool.

often faced or it could be a step in the right direction. In his statement, Donald R. Wright presented the President as having moderately good intentions with moving forward with ANCSA. There were also assumptions that, “The fortuitous timing of oil discovery led to the passage of the Alaska Native Claims Settlement Act. . .”²⁶ This added to the idea that the whole initiative with moving forward with the passage of the bill was rooted in the oil findings. ANCSA was put in place to solve a number of issues and it consisted of numerous components that individually addressed problems between the Natives and the government.

For the country as a whole, the formation of ANCSA was a significant because it provided a new precedent for cases that would come later. Cases in other countries such as Canada even evaluated ANCSA in order to move forward on their decisions regarding their own Native lands. There was talk about how ANCSA was not referred to as a precedent in the document.²⁷ The whole idea made it possible to give the Alaska Native people, who were extremely impoverished, a different outlet for financial gain. When discussing whether or not ANCSA was helpful financially for the Native people it was recognized, “In short, poverty for Alaska Natives has not been eliminated by the Alaska Native Claims Settlement Act. Employment has been only marginally improved by the act.”²⁸ This was a statement made only eight years after ANCSA was put in place but it still provides contrast to the true intentions of the act. Ultimately people were under the impression that poverty could have greatly improved quickly by the implication of the act.

²⁶ Budd E. Simpson, “Doing Business with Alaska Native Corporations: A New Model for Native American Business Entities.” *Business Law Today*, 16: 6 (2007), 39.

²⁷ “About the Alaska Native Claims Settlement Act.” *ANCSA Regional Association*.

²⁸Walter B. Parker, “Land Use Planning with Alaska Natives,” *Ekistics*, 46:279 (1979), 373.

The discussion around these ideas about poverty within the communities are from people who are not part of the community or culture. In reality, Alaskan Native life styles do vary from the colonized lifestyle. When poverty is discussed in these communities it often ignores that fact that, although there was food insecurity, many did not depend on money to get their necessities until Europeans entered the communities. ANCSA opened up opportunities for many Alaskan Natives to gain money even if it was not something they were used to. It gave them stock and companies provided for them. Most Alaska Natives signed up for dividends in the form of money. This money is a result of royalties they gained from oil extracted from their lands and from the government as subsidies.

The main thing about ANCSA was that it was technically removing all Native land claims by extinguishing them in order to open them up to development. This removal allowed more freedom especially for the petroleum industry. For the Native people, ANCSA helped in working towards defining their place in the government. It gave clarity to regions in which the people lived, and aided them in their land claims. ANCSA did not organize Alaskan Natives into reservations, instead they were organized into villages. Villages in Alaska looked significantly different from reservations, but they both face similar issues. ANCSA was formed with the intent not to replicate the reservation model if possible because the reservation system was no longer seen as the best way to facilitate:

Congress did not want more reservations to be created by ANCSA. At the very time Congress was attempting to settle Alaska Native Land Claims, Midwestern states were fighting Indian reservations for valuable water rights, and northwestern states were protesting Indian fishing treaty rights. In both instances, the states were generally losing. In reaction to these court decisions, Congress wanted to avoid future recurrences of this sort by preventing the creation of reservations in Alaska.

In fact, ANCSA eliminated several previously established reservations and reserves [conf. Section 19.1.]²⁹

Due to the struggles faced by other Native tribes, Congress wanted to stay away from the reservation model. Moving forward they looked to eliminate reservations through ANCSA.

Although there is a reservation present, which was a decision made by the Tsimshian people, most Native communities in Alaska are based in villages.

However, it is not difficult to see ANCSA as just another form of colonization, because it truly did take the aboriginal land claims from the people. The Native people of Alaska have faced great cultural losses through colonization. For a long time, the people were forced through education to give up their language, and ANCSA provided a similar demand.³⁰ The effects of ANCSA may not appear to be the most harmful or even harmful at all, but for a group of people loss like that can be detrimental. These instances have formed situations in which the people have been hurt and it causes them to have a different view on things.

Even so, Alaskan natives have been able to regain a lot. A lot of this regrowth has derived from the corporations formed by ANSCA, which gave the people a way to reclaim their culture and life before colonization. Many of these organizations provide things for the Native youth so they have opportunities to experience the world outside of villages and to expand their knowledge beyond that.

²⁹ Ongootuk.

³⁰Pasty Aamodt, Interview by Author, 5 March 2020. Pasty Aamodt is an Alaska Native woman from the village of Utqiagvik, Alaska. In this interview she discusses the hardships she experienced during the times Alaska was being colonized. The impacts of language loss she experienced were severe, but so was losing land. She mentions that the Inupiat claimed nearly seventeen times the amount of land that they received through ANCSA.

The strengths and weaknesses of ANSCA were apparent when the valuable assets held within Alaskan land were highlighted by the discovery of oil in Prudhoe bay in 1968. This discovery was promising for the oil industry in the US, which was already at risk due to political issues with the Middle East. This discovery caused a strong desire to strip the Alaska Natives of their right to the oil. It all started with simple bidding for the capability to drill. This led to a level of competitiveness in moving forward the need for Alaskan land. Initially they were not sure if they would even be lucky enough to find oil in this region. Fortunately for the oilmen, they were able to discover a significant amount of oil within Prudhoe Bay. This called for the creation of the Alaskan Pipeline and the exploitation of the Alaska Native's land.³¹

Issues later arose when, "An earlier Interior study was ruled inadequate by a Federal court after environmental groups sued the Government on grounds the study did not sufficiently take into account the delicate tundra, mountain and river eco- systems over, or under, which the pipeline would pass."³² This also factored in the environmental impacts that ANCSA could potentially have. The passing of ANCSA undeniably increased drilling in the arctic. Environmental issues are fairly impactful on the Native communities because they live off the land. Food disparity plagues the communities, because most of the food is flown in for a high price. Hunting is an important source for food and is fairly dependent on the environment. The people are dependent on the land to provide sustenance for them.³³

³¹Wright.

³² "Alaska Pipeline: Approval Expected." *Science News*, 101:12, (1972) 184.

³³Parker, 372.

ANCSA developed regions³⁴ that played a prominent role in how each tribe benefitted. Looking at these regions in relation to size and residency displays the wide consideration taken into forming them.³⁵ The corporations were also thought to have ill intentions behind them. People became preoccupied with this idea and said, “. . .the hidden agenda was to assimilate the Alaska Natives and eventually pass their lands into non-Native hands.”³⁶ Having a switch from traditional Native life to life oriented by business was impactful. This indicated some aspects of assimilation of Alaska Natives due to the idea of turning them into corporations with a clear business agenda. These corporations were assigned to regions in Alaska.

These regions do break up Alaska fairly even and are at the base of how the Alaskan Natives are involved with what the document outlines. The division is not even in terms of the amount of land granted, but in terms of tribes. According to the ANCSA Regional Association in an information area on the document regarding the Twelve Regions it states,

ANCSA divided the state into twelve regions defined by the common heritage and shared interests of the indigenous peoples within each geographic area. The regional boundaries do not represent land owned by the Alaska Native regional corporations; instead, they established which of the twelve Alaska Native regional corporations would serve the people, villages, and communities within that area.³⁷

ANCSA was built on a dependency to have reliable corporations to facilitate the needs of the agreement. Each Native person, those over a quarter, were granted a share. The requirements are

³⁴ARA “About the Alaska Native Claims Settlement Act.” *ANCSA Regional Association*, available at ancsaregional.com/about-ancsa/.

³⁵*Ibid.*

³⁶Simpson, 40.

³⁷ ARA.

not extremely strict though. People who are less than twenty-five percent can also receive the share if they are recognized as a member of the tribe. The breakdown makes it so that people from each area get what is granted to them. For those receiving the amount granted each area is broken down by the amount of land, not the population. There is also a component that allows for those who do not live within Alaska to be a thirteenth region to be involved with the corporations.³⁸ Granted Alaska was not exactly granted statehood until shortly before this all started occurring which meant the state had little experience running prior. All of this seemed to have developed fairly quickly. On top of all the regions there was a reservation, which is uncommon in Alaska, because it is mainly composed of other forms of Native communities. The only reservation in Alaska was created, because the tribe had wanted that. These divisions had an impact on how certain Indigenous groups in Alaska interacted. To add on to that they were also the basis for the monetary gain of the Alaskan Natives during this process. This whole concept of whether or not ANCSA would solve poverty comes from a colonial perspective, because the traditional ways of life were not dependent on money and the impact oil development would have on traditional practices.

The process of determining whether or not the Alaska Native Claims Settlement Act benefited the people initially began with the values of the Alaska Native people. In order to understand the impacts of the document it is important to understand Native tribes typically have a deep relationship with the land. Native Americans had their own laws and own rules prior to colonization, which makes it important to acknowledge the fact that they had their own functioning laws in place. Most Native tribes had their own set of laws and customs that display their own moral values reflecting on their relationship and gratitude for the land. Many Indigenous

³⁸Ongoogtuk.

Peoples in the United States face hardships as a result of colonization. Pre-colonization they lived a certain way that had more purpose, because they had the freedom to practice their beliefs. They originally had their freedoms to do what they pleased with the land, especially hunting and fishing.³⁹ For Native people the land sustained them and they built a relationship with it, which is in stark contrast to colonial perception of land.

Native lands also became damaged as a result of oil exploration, which has environmental impacts that could potentially affect their ability to whale hunt. It was stated that, “Oil exploration and production facilities, pipelines, and natural gas refineries are exempted from Toxics Release Inventory (TRI) reporting requirements. Despite the exemptions, Alaskan industry reported releases of 265,000 pounds of toxins from the oil facilities in 2000.”⁴⁰ Significant environmental issues come as a result of stripping Natives of their cultural practices. For many Indigenous communities this whole process ignored the fact that they had their own sets of values in regards to how they felt towards the land. It is important to acknowledge that ANCSA had the power to overrule these values of the people, but in the end it was, in a way, their choice. This all should be taken with a grain of salt, because there was clearly pressure for them to lean one way in this decision. This pressure added to the reasoning as to how the impact of this decision might not be so great. This pressure was coming from oil companies and the impact it could have on their land.

Everything included in ANCSA affects the people. This is something beyond just land agreements. It can be difficult to fully comprehend whether or not the intention behind ANCSA

³⁹Parker 373.

⁴⁰ EI Staff, “Alaska: oil and the Natives” *Earth Island Journal*, no vol. (2003).

was assimilation or if that came as a byproduct. It is not difficult to understand that there was little thought towards the people and more towards the money that could be made through oil.

This whole matter raises a lot of questions. It is about the land and the people who technically own it because:

The law passed without a vote by Alaska Native people or the general public. Native lands were given to for-profit Alaska Native Corporations, and the people were made shareholders. This was not so different from the 'termination era,' which liquidated the assets of many native communities in the lower 48. The law wreaked social havoc on Alaska Native communities.⁴¹

It is about handing over something that the people have always known quickly. There were negative impacts that came after, but clearly the motivation was oil. Indigenous peoples, and their relationship with the land has to be evaluated in order to fully understand if ANCSA was positive or not. They received 40 million acres of land, received a meager compensation, and were forced into business positions. This all sounds great, but in reality the compensation they were told they would receive took substantial amounts of time to actually be made. The money they received from the government was slowly given over the course of eleven years. The problems involving poverty that they thought could be solved by ANCSA in reality were not solved and the exploitation of their land slowly damaged the places they held sacred. Damage to the land ultimately led to more food insecurity, because it affected migration patterns of animals on which the communities depended. Additionally ANCSA provided the Native communities with certain resources, but the oil industry eventually caused certain villages to be underwater. ANCSA was put in place to solve a number of issues and it consisted of numerous components that individually addressed problems between the Natives and the government. Even though ANCSA solved the

⁴¹ *Ibid.*

issues that were ignored in the process of Alaska becoming a state it ignored the environmental impacts and self sabotage of forcing Indigenous peoples of Alaska into the oil industry. In the end, ANCSA looked great on paper, but when it was genuinely put into action its benefits were limited.

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