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In Alaska: Stealing land for fun and profit



Way out on America's current frontier — the state of Alaska — white men are again confronting the natives' right to and dependency on the land. Only this time, the natives are not arming themselves with arrows for a last-ditch fight to save their hunting grounds. This time, there will be no call for the creation of restricted reservations. For the Eskimos, Aleuts, and Indians of Alaska, numbering over 53,000, have already been incorporated into a white society where four-fifths of the population is non-native and the one-fifth that is native is already relegated to the bottom rung.

The deplorable living conditions in native villages have been outlined in "Alaska Natives and the Land," a lengthy report completed in October, 1968 by the Federal Field Committee in Alaska. According to the report, "Most natives live in small, dilapidated or substandard housing under unsanitary conditions. Surroundings, diet and other factors cause a high rate of disease among natives and lead to an average age of death "about half of that of other Americans . . . 34.5 years." The report also states, "More than half of the [native] work force is jobless most of the year," and "while opportunity for progress is limited for most natives, it is virtually absent for those in villages."

Lacking any permanent source of income, the natives are almost entirely dependent for their livelihood on the land — those hunting and fishing territories accessible to the village sites. But even this subsistence is not secure. The Alaska Statehood Act of 1958 guaranteed territory to natives under the rights of aboriginal occupancy, but it also permitted the state to select 103 million acres of public domain lands as state land. As soon as selection began, the conflict between the state's desire for areas rich in mineral deposits and the natives' desire of the same land as subsistence territory became apparent. For instance, when the state sold oil leases on the North Slope for \$9 million, the natives received nothing; instead they lost one of their prime hunting and fishing territories.

In 1961, the Bureau of Indian Affairs began filing protests against state selections on behalf of the native villages. Five years later, the Eskimos, Aleuts, and Indians joined together to form the Alaska Federation of Natives (AFN), resolving in their constitution "to seek an equitable adjustment of native affairs and native land claims." By April, 1968, forty native protests had been recorded, covering over 296 million acres of land, and in January, 1969, Stewart Udall, then Secretary of Interior, acknowledged the natives' plight by effecting a land freeze stopping all land selections until native territorial claims were solved. On June 21 of this year, Rogers C.B. Morton, current Secretary of the Interior, extended this freeze until the last day of the current Congressional session or until the day a native land claims settlement becomes law, whichever occurs first.

The U.S. acquired Alaska from Russia for \$7.2 million in 1867. However, since payment was for sovereign rights and not for legal title to the land, the native peoples still have a valid claim to all Alaskan territory. This distinction was analyzed in a flyer, "Alaska Alert," recently sent out by the Alaska Coalition, a group of national environment organizations seeking to protect Alaskan resources. According to the flyer, measures to legally settle native claims can be seen as actually working to "permanently *extinguish* their [natives] recognized *property rights* in a fair and equitable manner" (italics original) rather than to distinguish what lands are theirs.

By way of settlement, four major land claims bills have

Native claims...

been drawn up offering the natives different amounts of permanent territory and monetary compensation for relinquishing their rights to all other Alaskan territory. The bills have been submitted by the Nixon Administration, the AFN, Henry Jackson (D-Wash.), Chairman of the Senate Interior and Insular Affairs Committee, and Wayne Aspinall (D-Colo.), Chairman of the House Interior and Insular Affairs Committee. Both the Senate and House Committees on Interior and Insular Affairs have held hearings on native claims legislation, and it looks as if the House subcommittee on Indian Affairs will work with the Administration bill and possibly amend it with selections from the others. Aspinall has now submitted a series of 40 amendments to the Administration's proposal.

The Administration bill (S. 1571 and H.R. 7432) does offer the natives what seems to be a reasonable settlement. It would allow each village to select one township (23,040 acres) as the village site and three out of nine or ten adjacent townships as additional village territory. An Alaska Native Development Corporation would then select additional land around the villages until a total of 40 million acres has been selected, with full mineral rights included. The Corporation would own and administer all the lands. Furthermore, the natives would be granted \$500 million in cash over 20 years and a two percent royalty on state and federal income from minerals until another \$500 million had been reached, totalling \$1 billion compensation. In their own bill, the Natives had asked for title to 60 million acres and a perpetual two percent royalty, but they have expressed willingness to consider the Administration's proposal.

Conservationists fear, however, that the Administration bill will pass both houses without any consideration of future land use. Once native land claims have been legally dealt with, public land laws in Alaska, temporarily halted, will be put back into effect. The state will then fall prey to homesteaders, miners, speculators and mineral prospectors who will be free to claim and develop all remaining public lands. These lands are now considered to be the property of all American citizens — federal lands which hopefully can be preserved as recreation areas, wildlife refuges and wilderness. But hasty acceptance of the Administration's proposal as it now stands will remove any chance for statewide land planning.

Oil companies would like nothing better than a fast decision completed by this session of Congress. They have called for a "prompt settlement" of native claims in order to "proceed with the orderly development of Alaska's natural resources." However, it is precisely to assure "orderly" rather than "disorderly" development that conservationists want to stop hasty settlement and make sure that all land uses are fully investigated.

Native claims are one of the last major stumbling blocks which so far have successfully prevented Alyeska, a consortium of seven companies, from beginning construction on a 800-mile-long pipeline that would extend from the northern Prudhoe Bay area to the southern port of Valdez. So far, two court injunctions and the lack of an Interior Department final draft environmental impact statement have prevented construction. Secretary Morton indicated several weeks ago that the final statement should be ready by the middle of September.

But Congressman Les Aspin (D-Wis.) has already submitted a bill (H.R. 9037) to the House Interior Committee which would require the Interior Department to rewrite the

new public hearings in Washington and Alaska before a final draft can be written. While the bill's chances in the Interior Committee are slim, its content may be taken up by the Fisheries and Wildlife subcommittee of the House Committee on Merchant Marine and Fisheries when it discusses the National Environmental Policy Act. Even if the bill results in no more than a subcommittee report, it will serve to register Congressional disapproval of the original impact statement in hopes that the final statement will appraise environmental hazards more realistically. The better the hazards are defined, the greater the chance to defeat immediate pipeline construction.

The oil companies are not sitting idle through all of these negotiations. They are continuing an extensive public relations campaign aimed at convincing the American public that their oil pipeline will bring "economic blessings," "a better way of life, new opportunity, a real choice for the future" to the native peoples. In a full-page advertisement entitled "What About Them?" which appeared in the *Washington Post* on April 19, Alyeska admitted that the 10,000 jobs which will be created by initial pipeline construction will dwindle to 300 permanent jobs in several years. However, the ad continued, "the long-term benefit to Alaska and its people will come from a sustained annual income." Current native problems are outlined and summed up with the punchline: "These Americans ask only that they be allowed to improve their own situation."

It is implied that an oil pipeline might be the needed improvement, though Alyeska cleverly avoids ever stating that contention explicitly. The careful reader will also realize that Alyeska also avoids ever linking economic development of the state to specific reforms for the natives. In fact, the report, "Alaska Natives and the Land," points out the falsehood of such a link, stating:

"On balance it appears that Alaska Natives as a group now have little if any stake in a continuation of the present pattern of regional economic development. It follows that they have little stake in a resolution of their protests and claims . . . unless that resolution involves either the creation of *new kinds* of economic opportunity for individual Natives or Native groups or a substantial *transfer* of commercial assets to them."

Neither of these can be promised by the oil companies. In fact, a leak in the pipeline could cover subsistence lands in oil, thereby ruining the one asset the natives are still trying to hold on to.

An amendment to the Administration bill has been drafted which could stop any needless and heedless exploitation of Alaska's resources. Strongly supported by environmentalists, it will be introduced in the House subcommittee on Indian Affairs by John Saylor (R-Pa.) who also introduced the Administration bill. This amendment would redesignate the original bill as "Title I," and attach new provisions for statewide land planning as "Title II." Finding that much pollution is "directly attributable to the unplanned and uncontrolled exploitation of our natural resources" and that we need further research on the arctic environment, the amendment asks that the moratorium on public land laws be maintained until the Secretary of Interior has completed a comprehensive land use plan, with technical and professional assistance. Natives could select land for their immediate village sites, while the rest of their territory would also be withdrawn from selection until the plan was completed. Hearings would take place in Washington, D.C. and Alaska and any three additional areas showing sufficient public interest before the plan was sub-

mitted to the President and Congress no later than June 30, 1977.

Discussion and acceptance of this amendment could lead to several changes in the Administration bill. The bill currently prohibits any land selections within a 12-mile-wide transportation corridor. This, in effect, gives tacit agreement to the oil pipeline construction. But mandatory completion of a land use plan before selection would require that the transportation corridor be evaluated for all possible land uses along with all other Alaskan territory. The Administration bill also prohibits native land selection in any areas already patented or temporarily patented by the state. The amendment does not exclude the temporarily patented lands, which means that some of the native selections could come from the 103 million acres granted to the state under the Statehood Act. Natives are state citizens, and if they were to select some of their acreage from state lands, more acreage could be preserved as federal lands under the public trust. The difference will have to be resolved.

Finally, the Administration bill requires that the three additional townships per village be directly adjacent to the selected village township while conservationists argue that some villages have subsistence territory which extends along a river or across mountains. Discussion of the bill and the amendment might show that the native land requirements will be better satisfied by allowing the three townships to extend in a line or other arrangement.

Don Wright, President of AFN, has said that the natives will support the land planning amendment as long as it will not limit the extent of the land and compensation provided by the Administration bill. Alaskan officials say they cannot support

such an amendment because the people of the state need the guarantee of immediate economic development. However, an immediate decision on native claims can do little to stimulate economic development for the natives themselves; it simply opens up the state to quick development by already established economic interests inside and outside Alaska and it will probably widen the gap between native and non-native living standards. Senator Mike Gravel (D-Alaska) plans to introduce a separate bill calling for a comprehensive land use study after land selection is already made. But since uses will primarily be determined by ownership, it is ludicrous to equate a study after claims settlement with true land use planning. Gravel's proposal is merely a political move with little or no effect on resource management.

Unfortunately, in the short run, current resource needs often seem more critical than potential future needs, and native claims may be seriously slighted in the shove to get at Alaskan resources as fast as possible. In the long run, royalty payments will terminate, the initial \$500 million will run out, and the natives may find themselves with far less valuable territory than they expected.

Alaskans could be the first American natives to get a fair deal, but only if critical resource areas are carefully designated for proper use and shared equally among the population. Unfortunately, current negotiations seem to be following the same old pattern: settle the native claims once and for all. The natives then have to struggle within the bounds of the agreement while all other citizens are free to enjoy any new economic prosperity in the state.

Avery Taylor

Strange bedfellows

Environmental clean-ups often create strange alliances. The United Auto Workers is now appealing to Congress to exempt car manufacturers from anti-trust laws so that the companies can colla-

operations in Alaska. It did this in reaction to a decision by the Federal Communications Commission to apply the "fairness doctrine" to the oil corporation's television commercials.

The "fairness doctrine" requires broadcasters to make a conscientious effort to

though the first of the Ocala leases were granted in 1969 before the act took effect, Morton said he is suspending them to keep with the spirit of the act.

Birth control for airwaves

Canadian birth control companies need the consent from only one more government agency before they can advertise their product on radio and television. Advertising of contraceptives started in newspapers and magazines in Canada in 1969 after laws preventing their promotion were changed.

Television ads for Delfen contraceptive foam have already been cleared by Canada's food and drug directorate and they only need approval from the Canada Radio-Television Commission before airing. A ruling is expected this month on these ads and a radio spot for prophylactics.

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operate on efforts to meet federal deadlines for control on vehicle emissions.

After the Justice Department rejected a plea from Leonard Woodcock of the UAW for anti-trust exemption, Sen. Robert Griffin (R-Mich.) took the issue to the floor of the Senate. In legislation that is backed by the auto industry and the UAW, he is asking for the exemption.

Griffin contends that Congress now "has a responsibility to give the manufacturers every reasonable assistance in meeting the deadline" because the legislators had set exacting emission standards for 1975.

NBC drops pipeline pitch

The National Broadcasting Company has temporarily dropped television commercials by the Standard Oil Company of New Jersey promoting its oil drilling

air both sides of controversial questions. It does not necessarily require that equal time be given.

NBC must reply to the early July FCC decision. The network must inform the Commission what additional material it had televised or intended to televise giving contrasting views to the Standard Oil ad. The FCC decision came as a result of a complaint by Friends of the Earth and the Wilderness Society.

Oil leases suspended

Interior Secretary Rogers Morton is suspending 162 federal oil and gas leases in Florida's Ocala National Forest until hearings are held on their environmental impact.

Studies of the environmental impact of such leases is required under the National Environmental Policy Act. Even

