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ANCSA and its impact on Alaska, Al Ketzler

Jennifer Ortiz, moderator

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Al Ketzler, Doyon Corporation, talks about the history of the Alaska Native Claims Settlement Act. In 1962 a number of villages met and decided to reorganize the Tanana Chiefs Conference. The chiefs used to meet in the Interior. The last official meeting was in 1915. They decided to reorganize it. He chaired the first meeting in Nenana. They organized another meeting in June 1962 in Tanana. Tanana was a traditional meeting place. The organized into an unincorporated organization and he was selected chairman. They started working at that time on claiming land around the villages. They filed blanket claims to 6 million acres that covered traditional use grounds. It progressed onto the organization of a statewide organization which was the Alaska Federation of Natives. They held a meeting in 1967. They started getting all of the groups together to formulate a unified position on what they felt would be fair and equitable for the Natives of Alaska. It took many months of meetings and hard work by a number of people to come up with a draft bill which they introduced in Congress after many trips back to Washington. They did have a bill pass by the Senate in 1970. This bill called for the distribution of 500 million dollars and 10 million acres. Their position was they owned all of Alaska. They were dealing more or less a real estate deal. It wasn't a social settlement. They felt that 40 million minimum was their position, when they passed 10 million acres they went back into session and decided their position was then 60 million acres. The next year the bill was again introduced and the bill did pass both houses with the provision to pay the Alaska Natives 962.5 million dollars. 500 million dollars of this sum would come out of royalty revenue from gas and oil and other subsurface minerals. This was a 2% overriding royalty. This money was then disbursed to each corporation. 462.5 million was paid from the treasury to the Alaska Native Fund and then distributed. That called for passing of fee title to 40 million acres. 22 million acres went to the villages. 16 million went to regional corporations and 2 million went to historical sites such as cemeteries and people who had applied for Native allotments. As it worked out the villages came out with a little less than 22 million and the regions then divided land lost formula. The unique provision of the Act that was passed was instead of paying each individual Native directly the regional corporations were formed. Each native that was registered would then own shares of the corporations. The organizations are formed on the laws of the state of Alaska. They are regular for-profit corporations. Villages had the option of forming a profit or non-profit organization. All of the villages have formed for profit organizations. Non-profits can't distribute profits to individuals it has to go back to meet the needs of the owners. Since this was there the Natives owned the corporations and they should have some way to get their land or money back. Another provision was that there was a per capita of the first five years payments to the fund. The first payment was 138 million dollars. 13.8 million was distributed. His first check was 183 dollars. He talked about the three year payments plus interest.

Song

Al Ketzler said there were some other provisions in the Act that are unique. He said no one else has settled Native claims in this manner. The prior settlements made with Indians in the lower forty-eight states were made through the court of claims. The court of claims didn't have jurisdiction to issue title to land. That is why they chose to go through Congress to have the Act passed there. They do have the authority to transfer title to individuals or groups. The land is owned by the regional corporations. The villages get selection rights to land around villages in accordance with their size. The maximum that a village could select would be seven townships. The minimum would be three townships if they are classified as a village. They own only the surface rights. The regional corporations own subsurface rights to all the village lands plus their own plus surface rights to the lands they select. Doyon region will have something like 12 million acres in patent. This is counting the subsurface rights around village lands.

Jennifer Ortiz asked Mr. Ketzler what percentage of Alaska's land area the Native corporations received. Ketzler said Alaska has about 375 million acres so they have about 16 percent of the land area. It is a small percentage of the total land mass of Alaska. They comprise 24 percent of the population of the state. They had a difficult time of selling this in Congress especially for congressmen from someplace like Rhode Island. It shocked some of them.

Jennifer Ortiz said some people think that the land isn't worth much and wonder why the Alaska Natives didn't ask for more money and less land. Al Ketzler said they don't happen to agree with that. He said when you work out the money by the time it was received was worth less because of inflation. The land increases in value with time. The older Natives had a lot of influence with what they tried to work out. They had a great attachment to the land. The land gave them their living. It was the only way they had to make their living. There was never a treaty in Alaska. Alaska was first claimed by Russia which was then sold to the United States. They sold the right to govern not the land. There was a provision in the bill of sales or treaty that said the aborigines would have all the rights as the other citizens. After it was sold it was declared Indian country. The pressure from other sources changed that. The Organic Act from 1884 had wording that helped their cause that convinced Congress that they had rights. They were settling a just debt when they passed this Act.

Song by John Denver

Jennifer Ortiz asked what the significance of the Settlement Act was. Mr. Ketzler said it has caused other people to consider how they did it. They have patent to land. They are now the owners or will be the owners when the patent is issued. In the United States there is a case of the Havasupai Indians who live in the Grand Canyon. They went to Congress and gotten land that they lost that they had used. The Park Service was not going to allow them to use it. They have land in trust on the upper rim and they have land down in the canyon where they live in patent. The Canadian Eskimos in northern Ontario have settled for 250 million and 38 million acres. The Hawaiians have organized into the group "Aloha" and have a bill into Congress to settle their land claims.