



Appendices





The Road from ANCSA

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

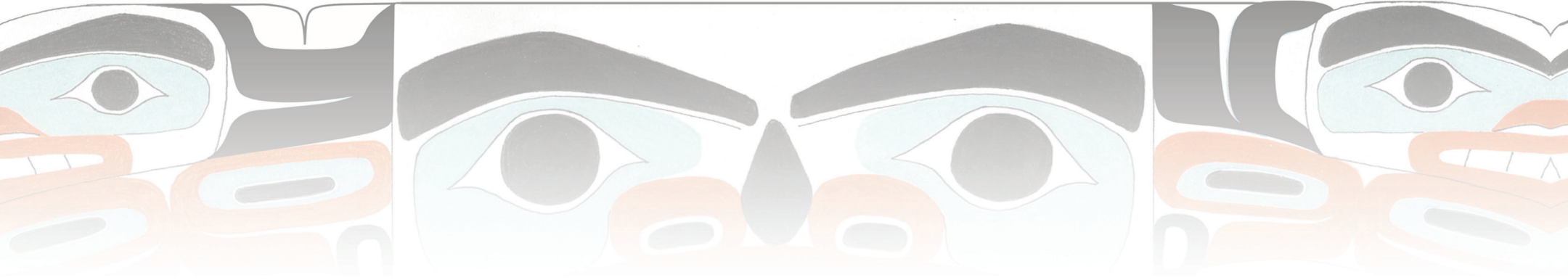
Introduction

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 terri-



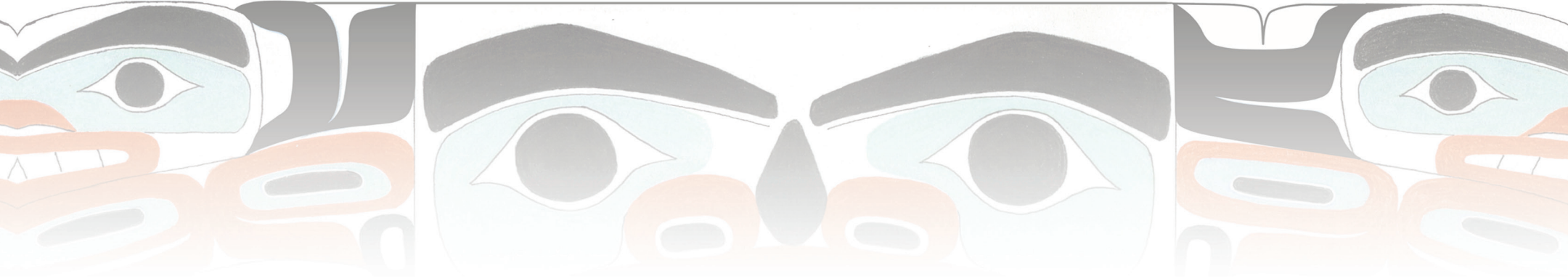
tory (now commonly called Natives) should not be disturbed in the possession of any lands actually in their use or occupation or then claimed by them, but that the terms under which such persons could acquire title to such lands were reserved for future legislation by Congress. Congress has not yet legislated 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



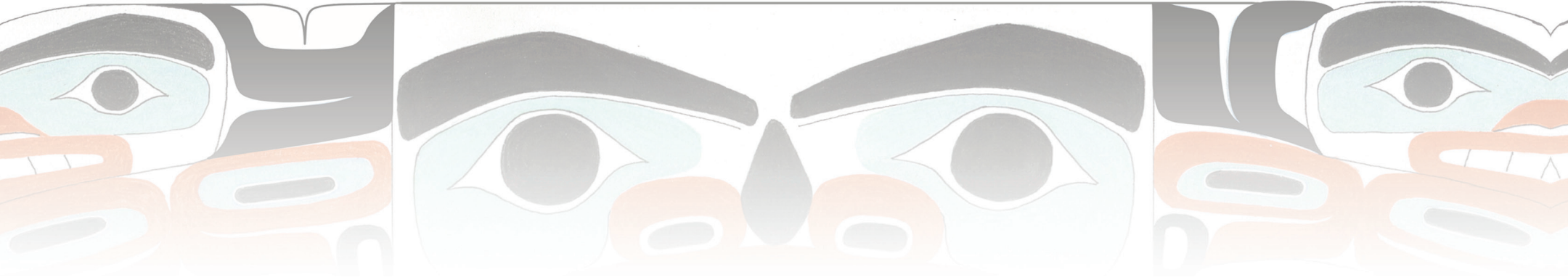
occupied now. Moreover, with development of the State, many Natives no longer get their subsistence from the land.

“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

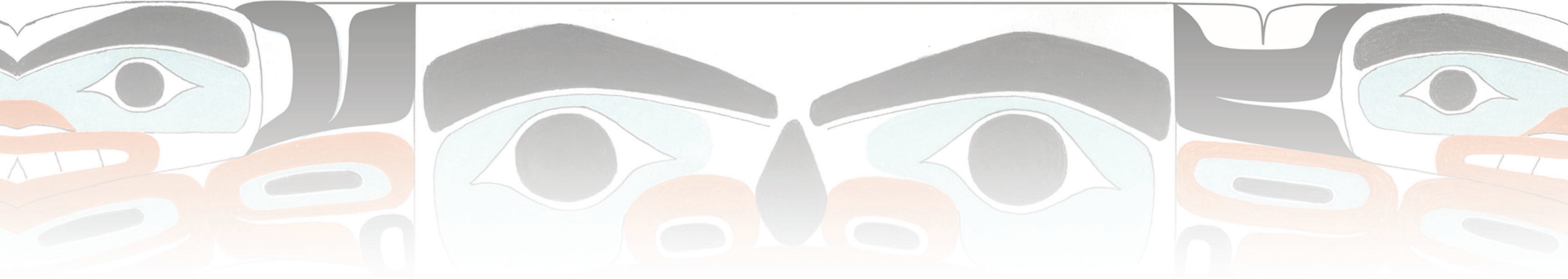
I. Alaska under Russian Administration

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[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;

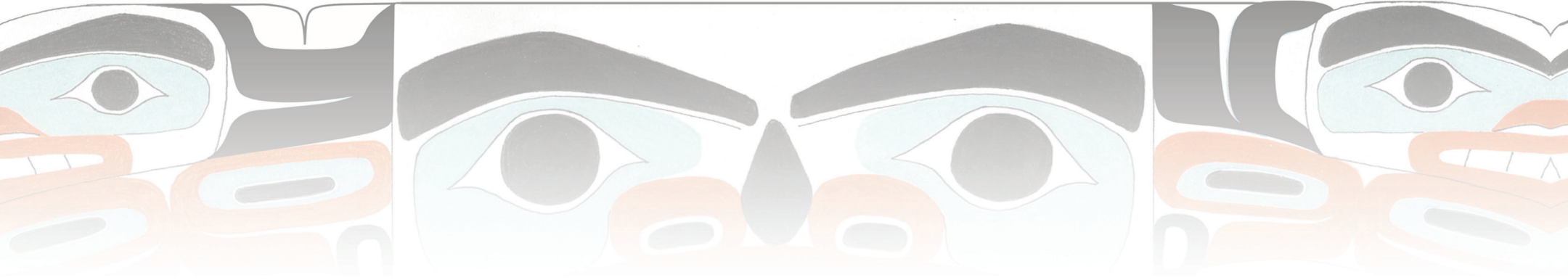


and (c) “independent” tribes.⁵

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:

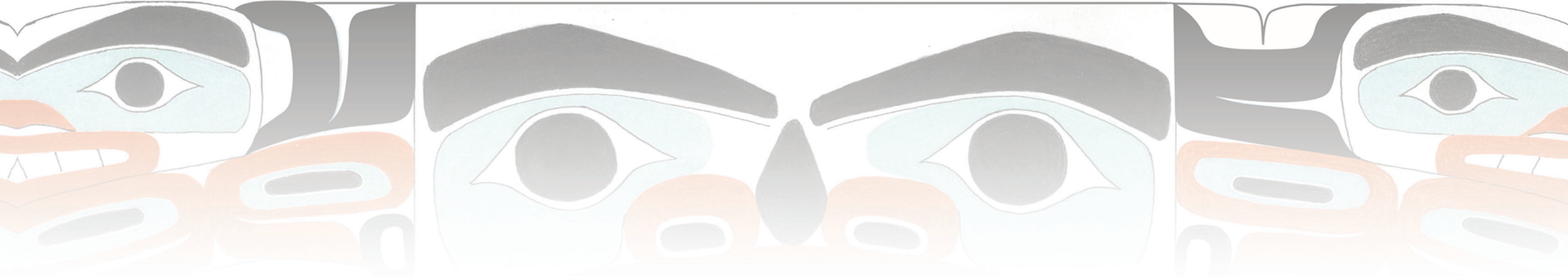


“The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all 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 Ameri-



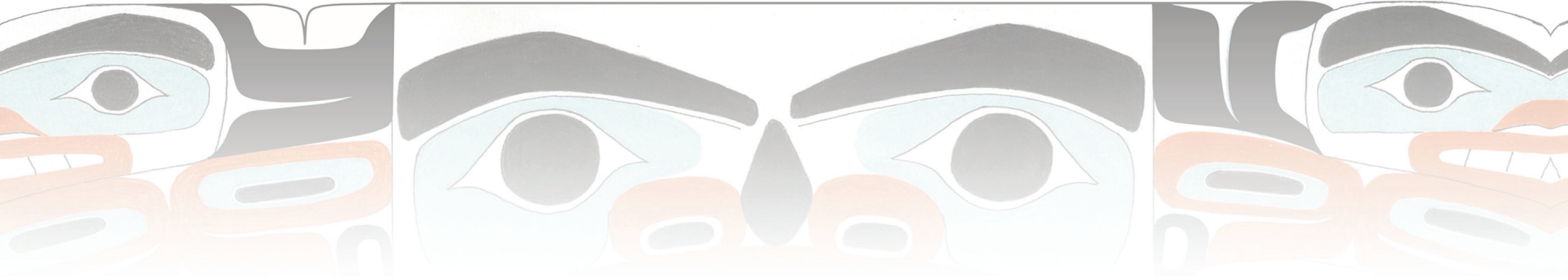
can citizenship by Article III of the 1867 Treaty—just as a correlation may be drawn between the “not wholly dependent” and the “independent” tribes mentioned in the 1844 Charter and the “uncivilized” tribes excluded from American citizenship by Article III of the Treaty.

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, how-



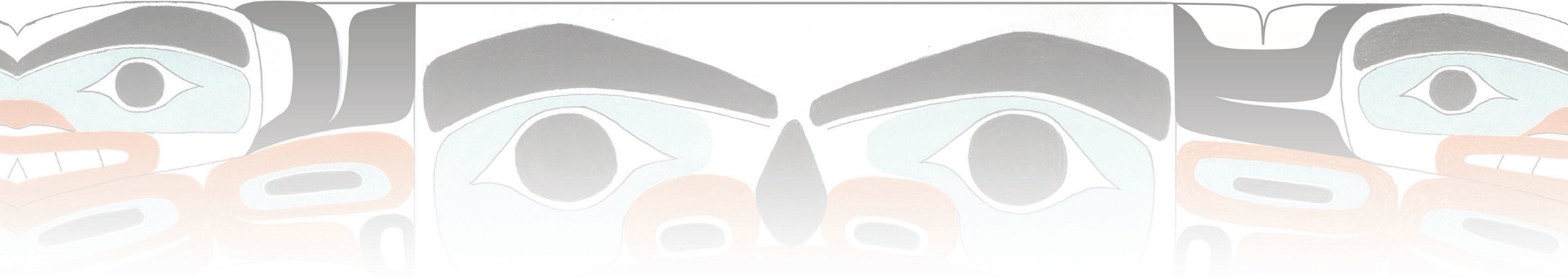
ever, to be respected. This is the evident intention of section 263 (above).¹² This intention was also expressed in sec. 235 of the 1844 Charter: “In the allotment of ground to the Russian colonists the Company shall particularly bear in mind that the natives are not to be embarrassed and that the Colonists 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.”



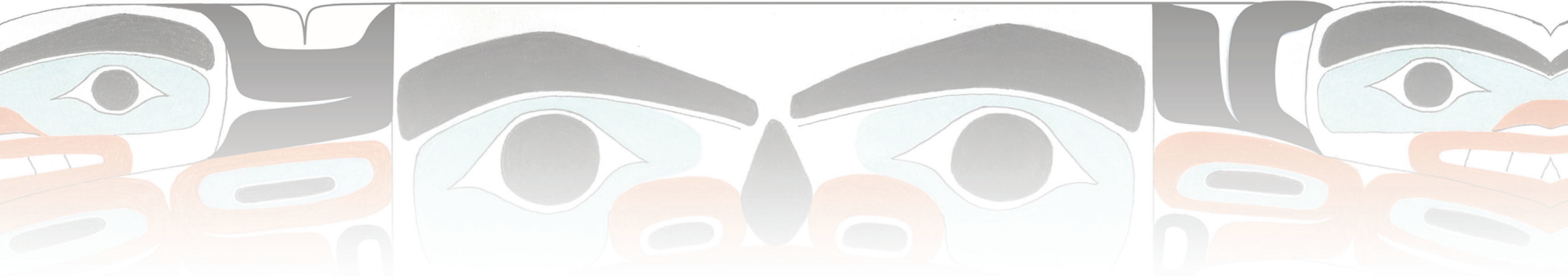
II. Allotment

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

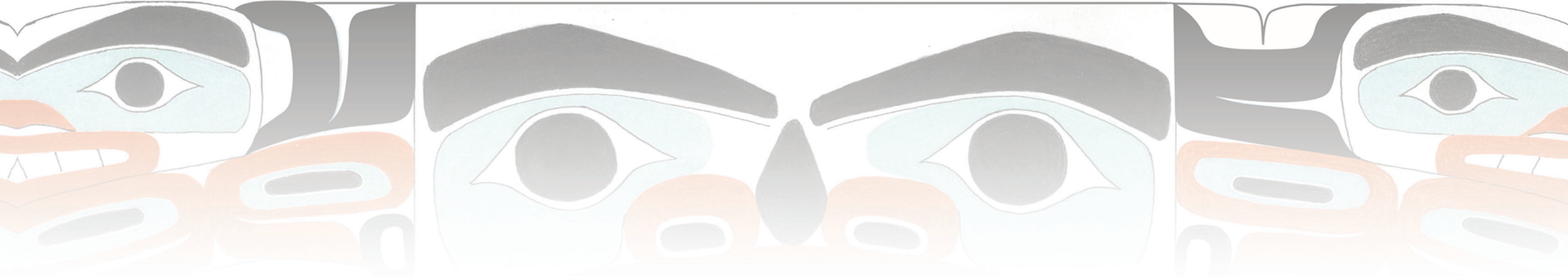


That Congress in 1906 enacted a separate allotment act for Alaska, however, indicated that the 1887 Allotment Act was felt to be inapplicable in its entirety in Alaska—even in regard to the creation of allotments out of non-reservation lands. This was owing to the view of the Federal government that,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

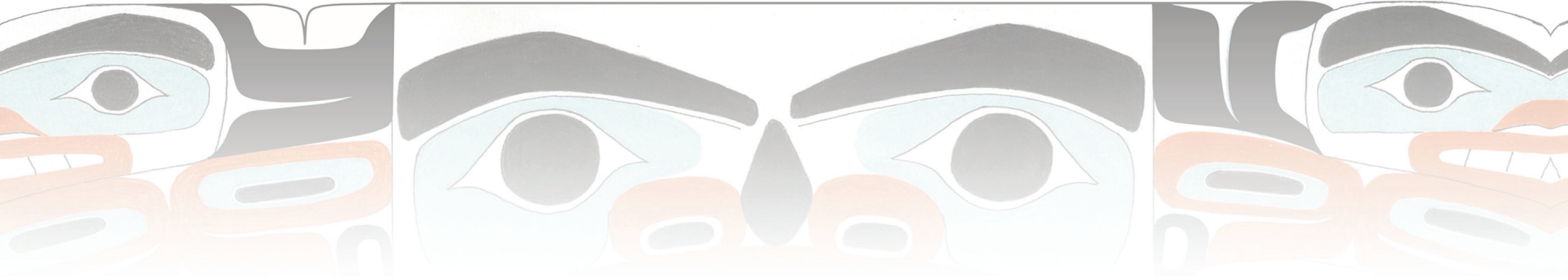
III. Federal Protection of Use and Occupancy

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 L.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



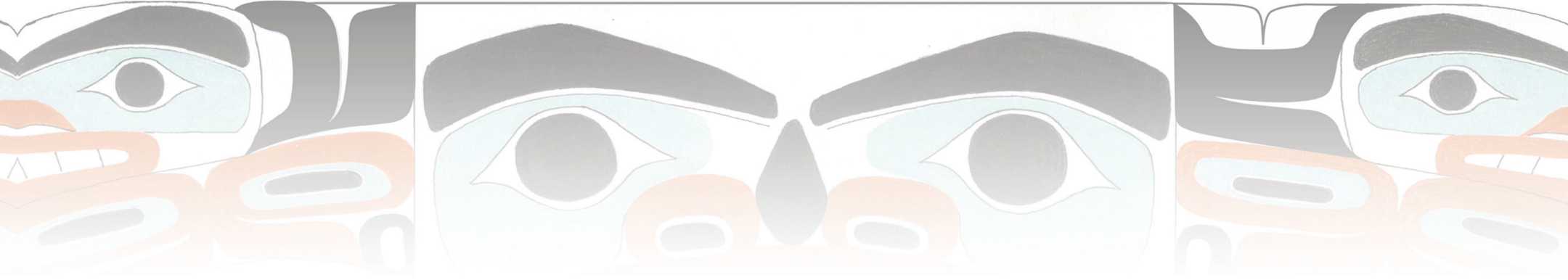
acquire title to such lands,” and is thus the “future legislation” reserved to Congress by sec. 8 of the 1884 Alaska Organic Act. Subsequent to 1884 (and previous to 1971) laws enacted by Congress (and resulting judicial decisions) have protected the natives’ right to “use and occupancy.” The Act of 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

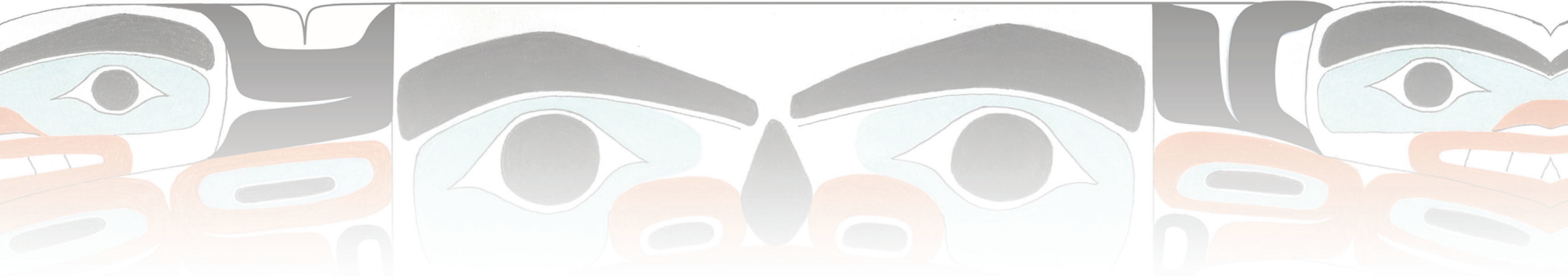


withdrawn by executive order or Interior Department proclamation in Alaska are “reservations” in the same sense of the word as it applies in the lower 48 States, is a matter of some confusion. The Interior Department Task Force Report on Alaska Native Affairs (1962) states that “the question of the permanent 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.

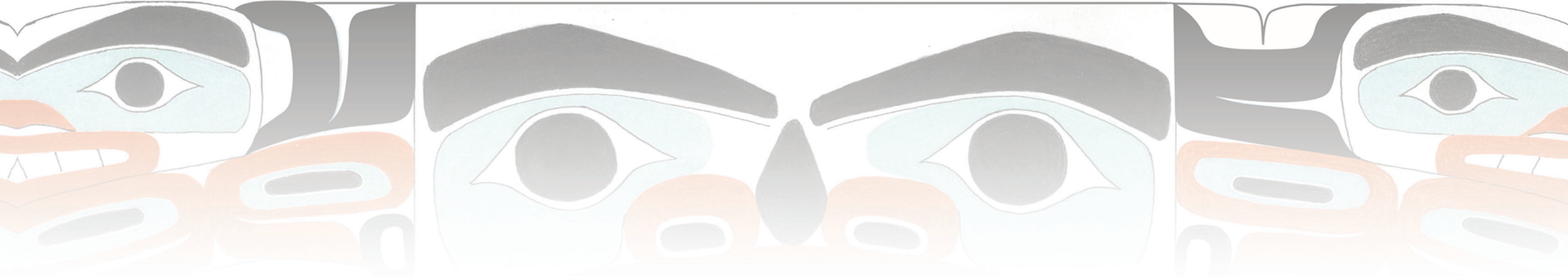


The case of U.S. v. Alcea Band of Tillamooks et. al (329 U.S. 40) (1946) was therefore a landmark in that it recognized the claim of aboriginal title for certain Oregon Indians (the Tillamooks) as a judicable issue: i.e., the Court held that “tribes which successfully identify themselves as entitled 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



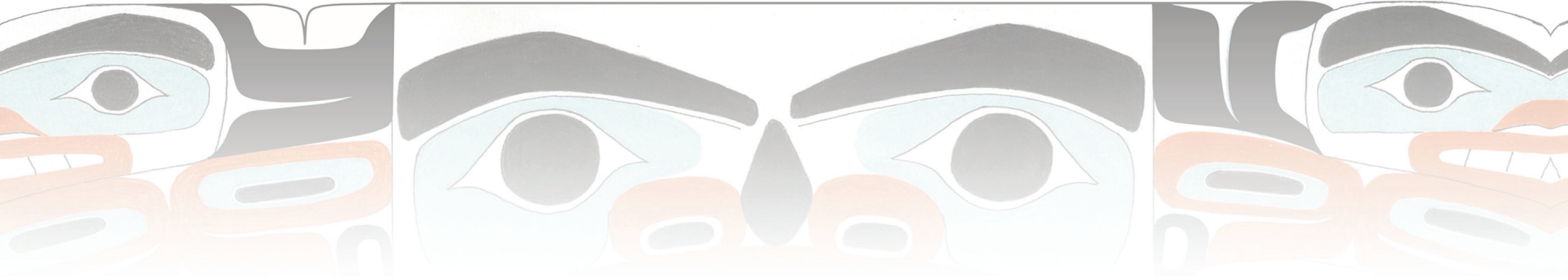
In this suit, the natives claimed title to 350,000 acres of land and 150 square miles of water in the Tongass National Forest area. They maintained that timber taken from that area had been sold to a private company by the Department of Agriculture pursuant to the Joint Resolution of August 8, 1947 (61 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. . . .”

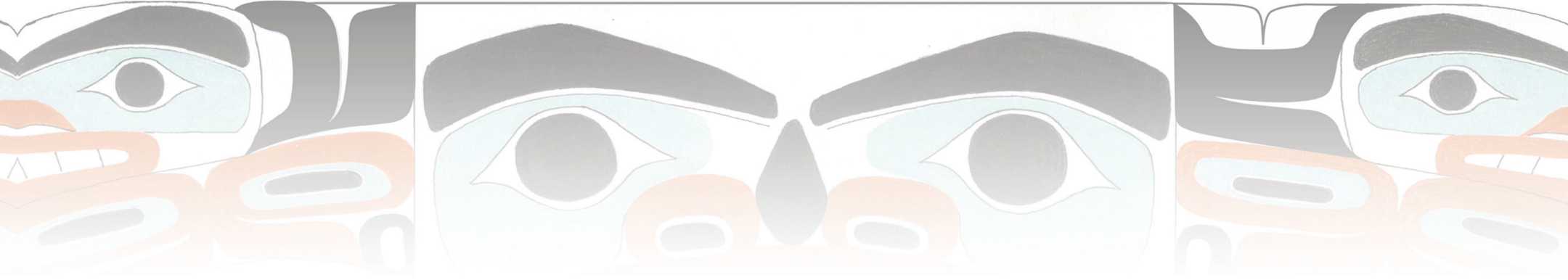
The dissenters concluded, in effect, that in 1884 Congress had recognized the claim of these natives to title to their lands, leaving the specification of the “metes and bounds” of such lands and the terms of the acquisition of title for future legislation to determine.

* * *

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 . . .”



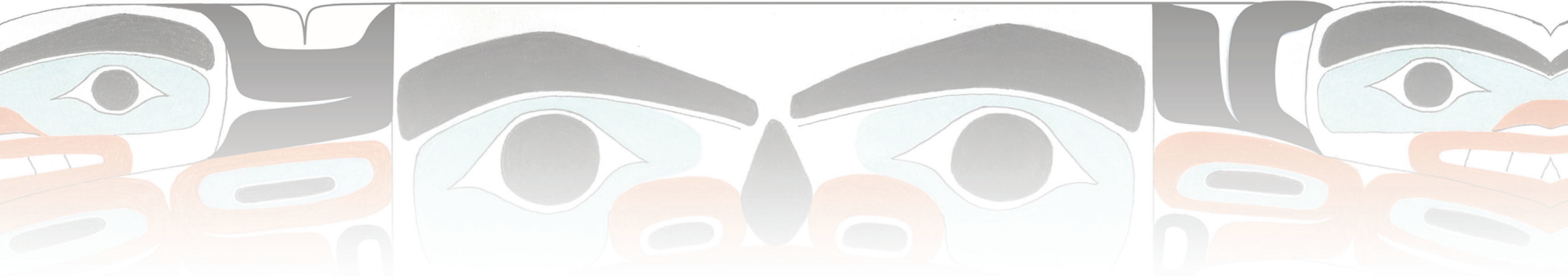
Congress did not directly confront the issue of aboriginal title, as it required only that the Tlingits and Haidas prove “use and occupancy” to establish claim to the lands for which compensation could be made. The Court of Claims found that the Tlingits and Haidas had used and occupied the land area 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

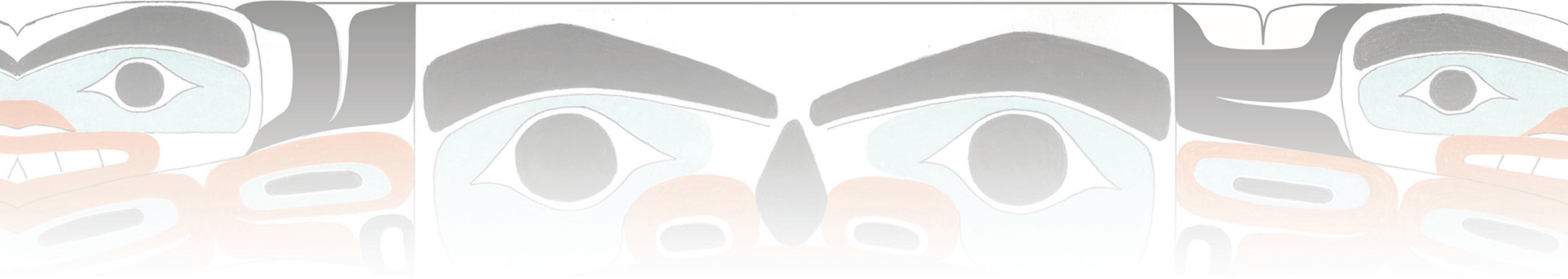
The Alaska Statehood Act of 1958 (Section 4) required the new State to disclaim all right and title to:



“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.

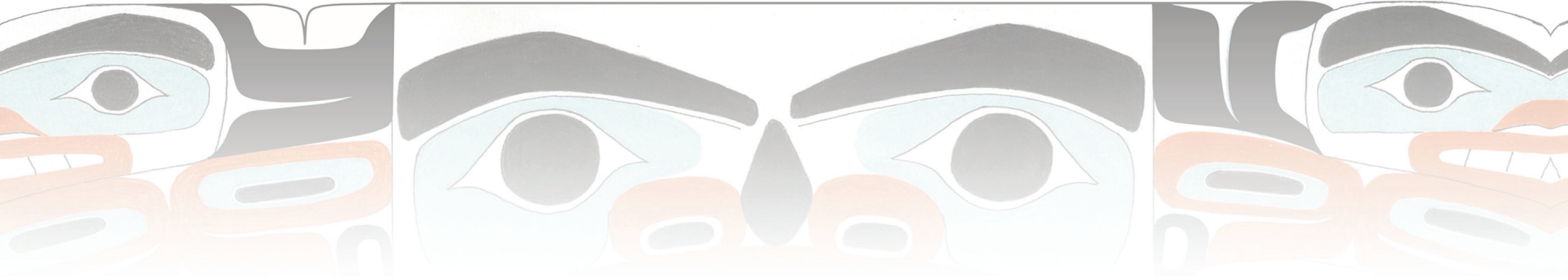
“As word of the State’s action spread from village to village, the Natives began to organize regional associations for their common defense, and in 1962 the Tundra Times, a Native weekly, was founded to provide a voice for Native aspirations.

“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



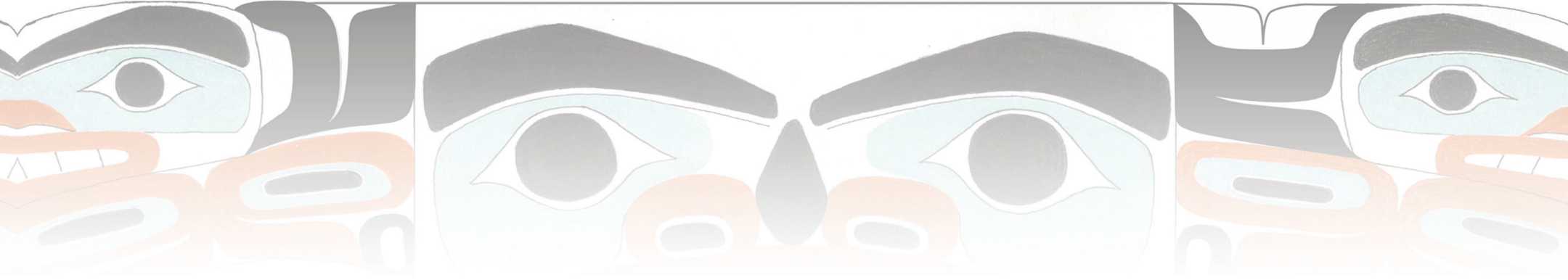
Udall's failure to act on the State selections, and filed suit against the Secretary in Federal Court to force him to complete transfer of Native lands around the village of Nenana.

“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 pipe-line 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 pipe-line 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.



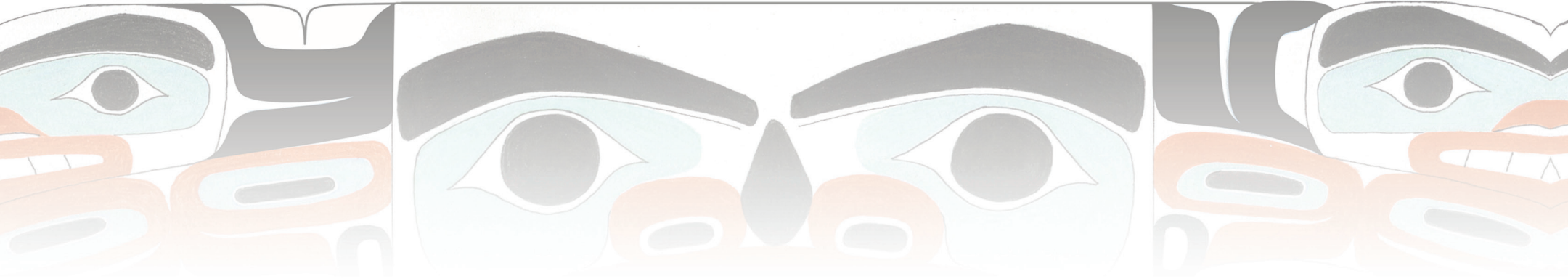
“Senator Fred Harris (D-Okla.) led a last-minute drive to increase the land title provision to the 40 million acres requested by the Natives. His land amendment was crushed by a vote of 71-13. At this point, Native hopes for a fair land settlement were dim. Former Attorney General Ramsey Clark, legal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



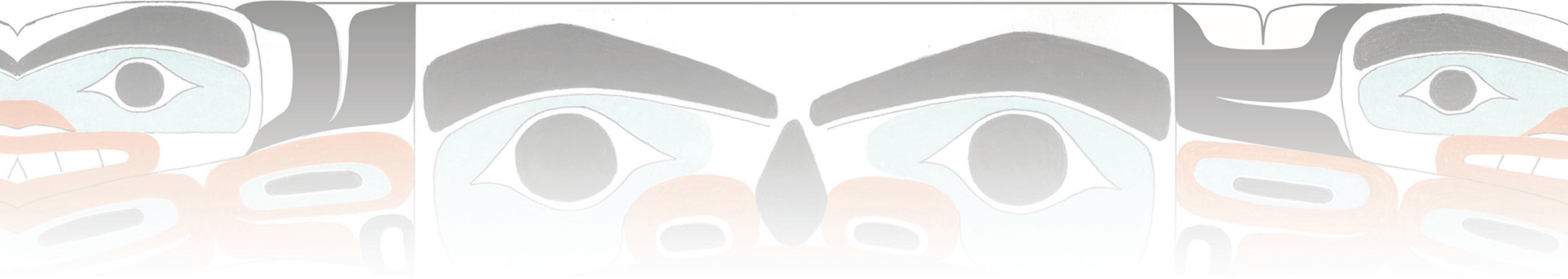
(D-Wash.), with more than thirty co-sponsors.

“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 provi-



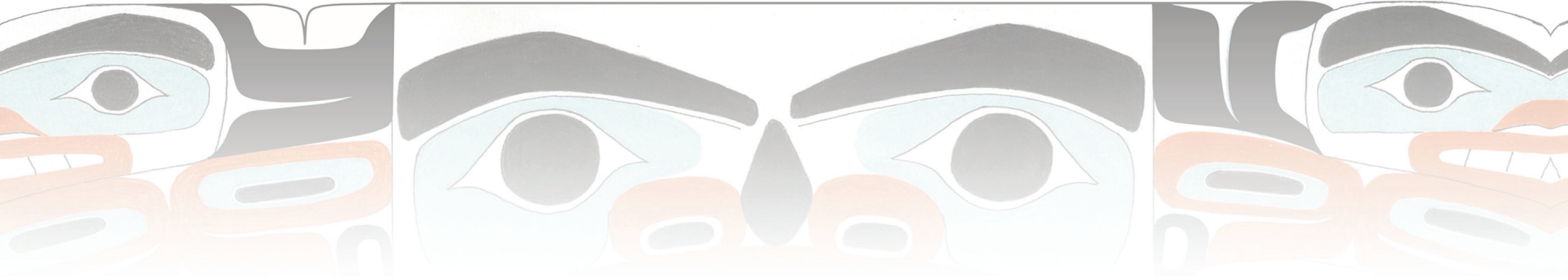
sion of sec. 17 (d) [Cf. p. 81 below].

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.’

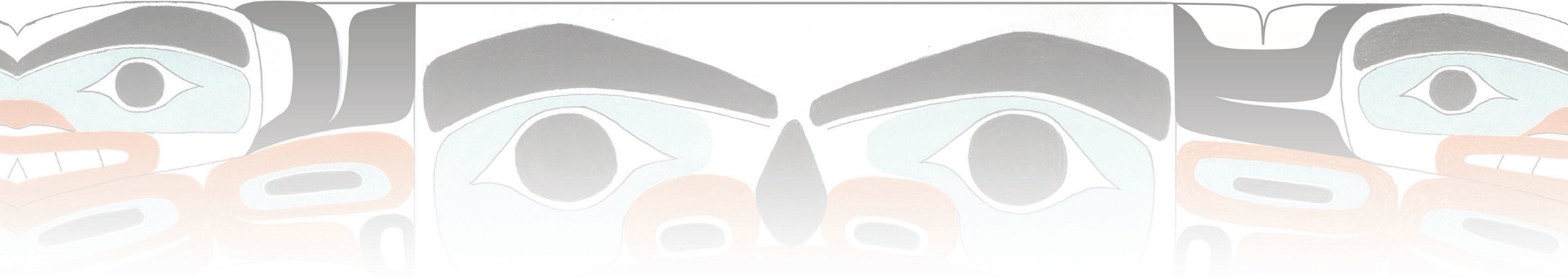
“The same issue has been posed sharply in recent years by the implementation of the Alaska Statehood Act (72 Stat. 339) which in Section 6 authorizes the State to select for itself public land within Alaska, but which in Section 4 (as amended by the Alaska Omnibus Act, 73 Stat. 141) provides that ‘***the 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 . . .

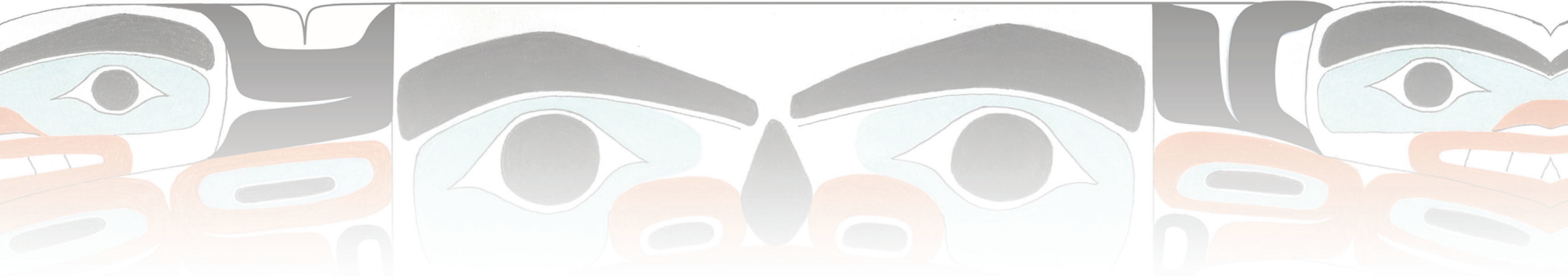
“(3) Congress to date has granted no agency or court the jurisdiction to make a determination on their merits concerning Native claims in Alaska.”

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.

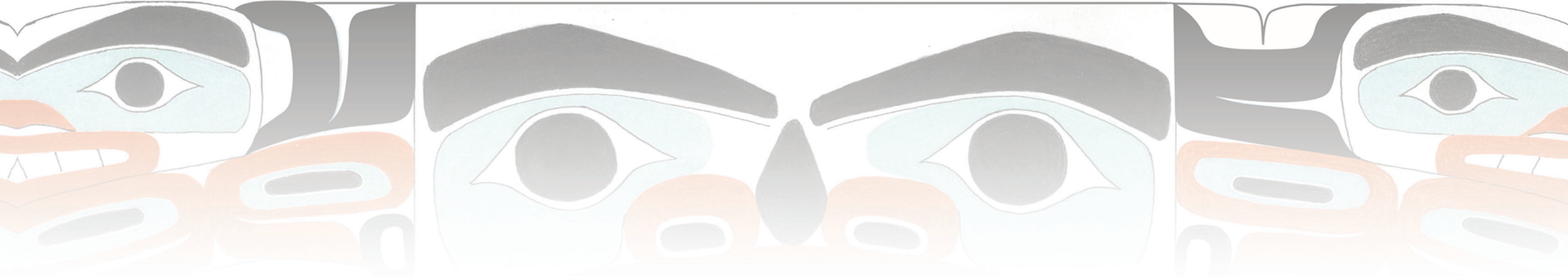
(e) An additional 2 million acres, which completes the total of two million, will be conveyed as follows:

(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.

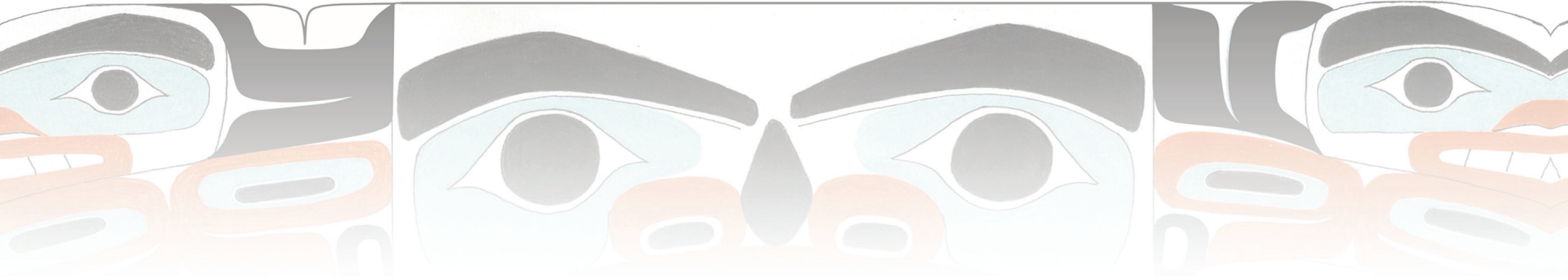
(f) If the entire 40 million acres cannot be selected from the 25 township areas surrounding the villages because of topography or restrictions on the acreage which may be selected from within the Wildlife Refuge System, lieu selection areas will be withdrawn by the Secretary of the Interior as close 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.

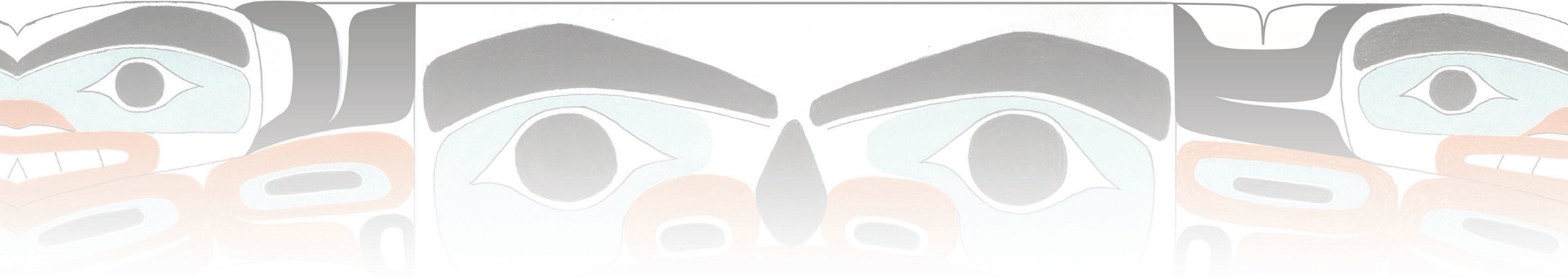
(d) State selections may proceed immediately in areas outside the 25 township areas around Native Villages, and lieu selection areas.

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 ad-



minister 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.

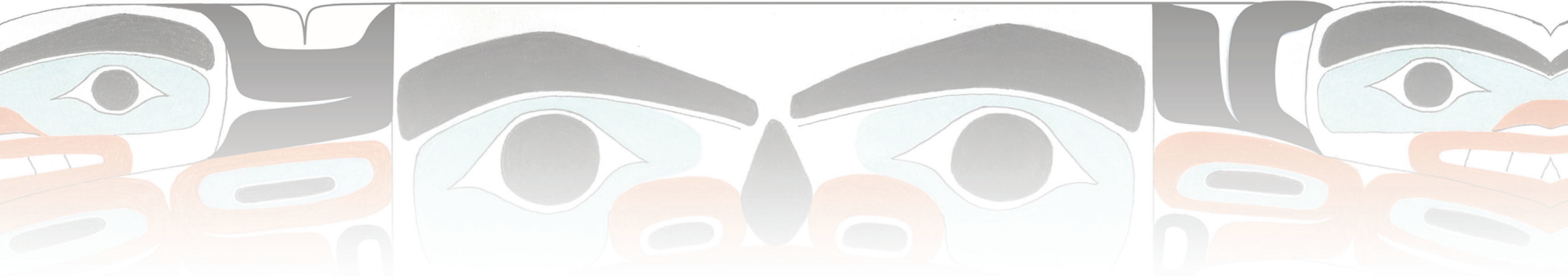
For the first five years, 10 percent of the revenues from the first two sources mentioned above must be distributed among the individual Native stockholders of the corporation.

(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.”

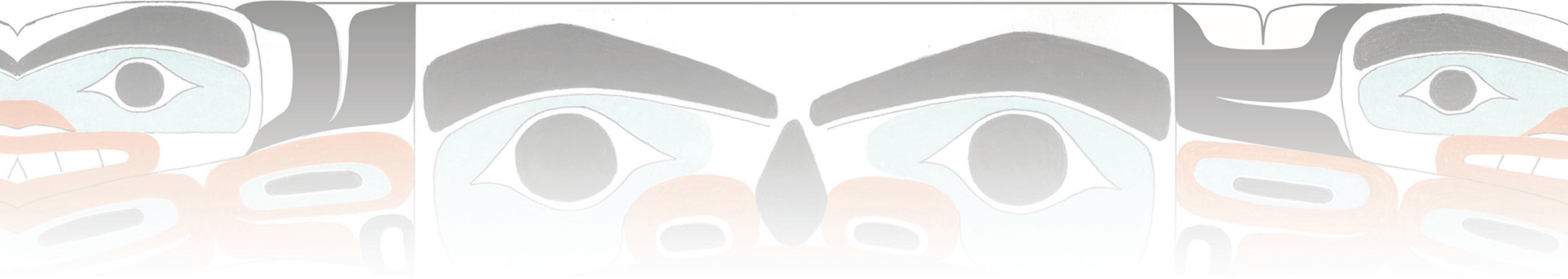
(d) Reservation of easements

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

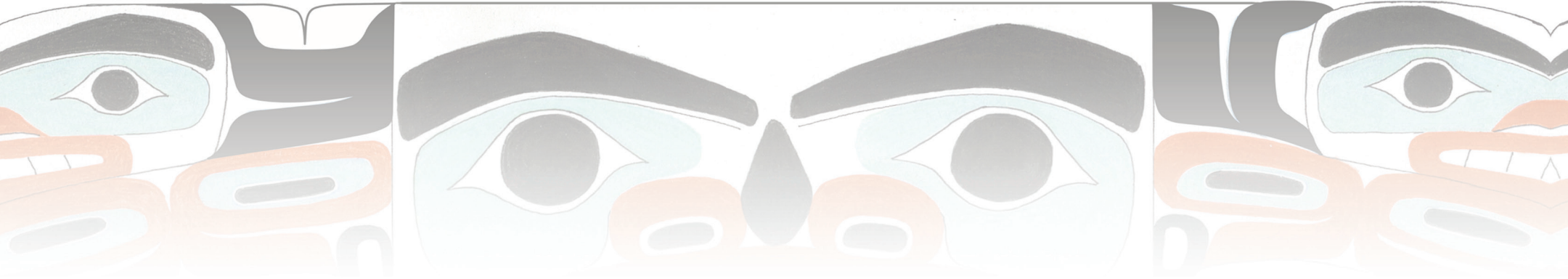
SECTION 1. Enactment Clause.

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 “reserva-



tions.”

(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;”

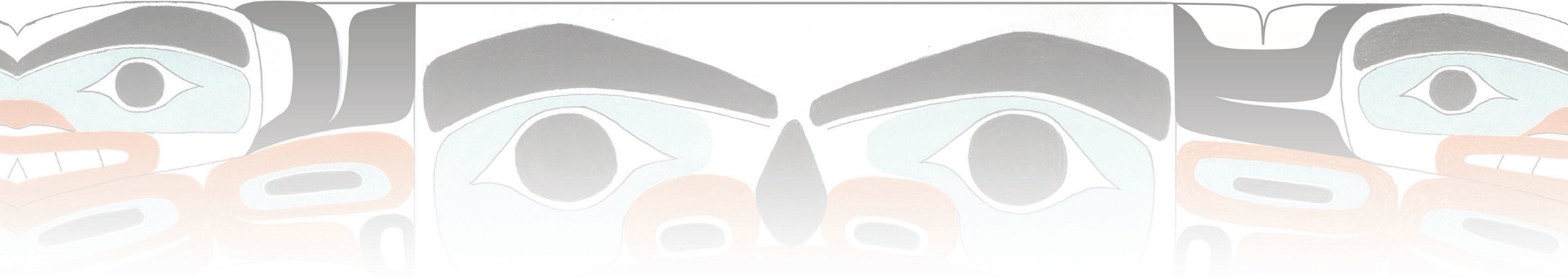
(d) that “no provision of this Act shall constitute a precedent for reopening, renegotiating, or legislating upon any past settlement involving land claims or other matters with any Native organizations, or any tribe, band, or identifiable group of American Indians;”

(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:

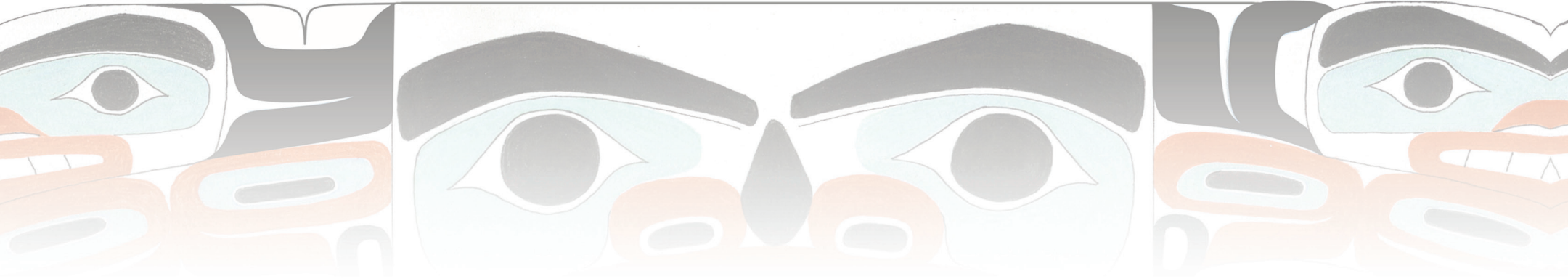
“(a) ‘Secretary’ means the Secretary of the Interior;

“(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;

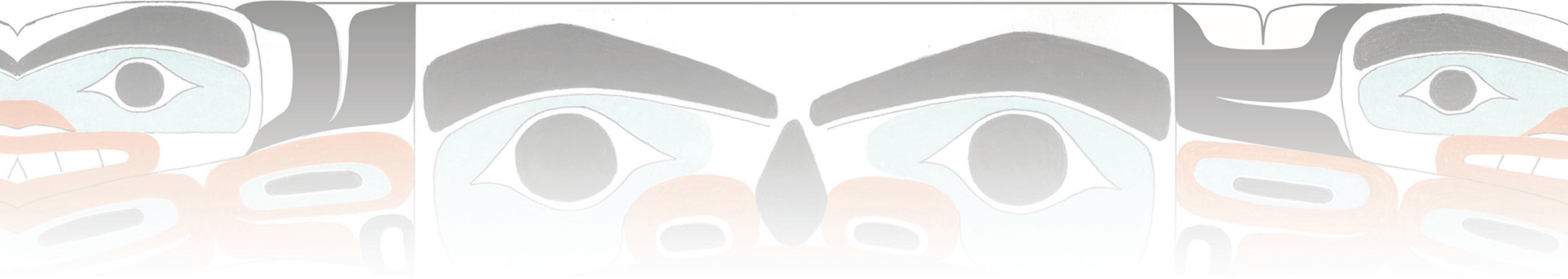
“(j) ‘Village Corporation’ means an Alaska Native Village Corporation organized under the laws of the State of Alaska as a business for profit or nonprofit corporation to hold, invest, manage and/or distribute lands, property, funds, and other rights and assets for and on behalf of a Native village in 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 —

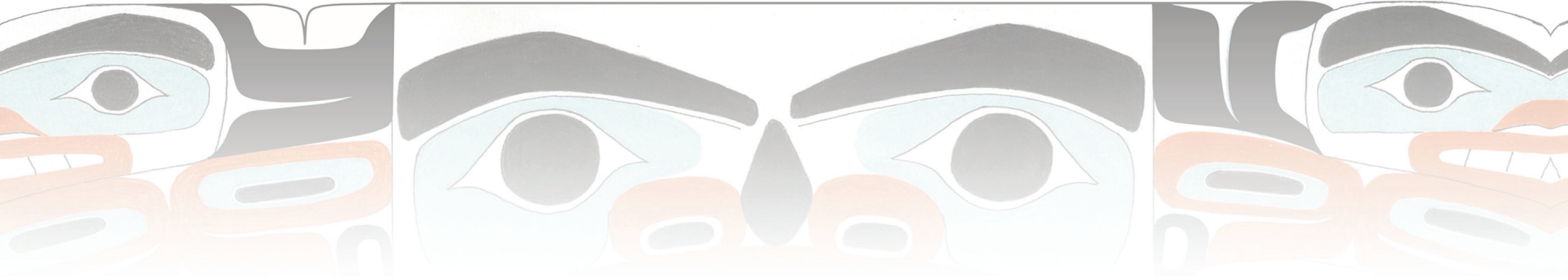
“(1) the region where the Native resided on the 1970 census date if he had resided there without substantial interruption for two or more years;

“(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.

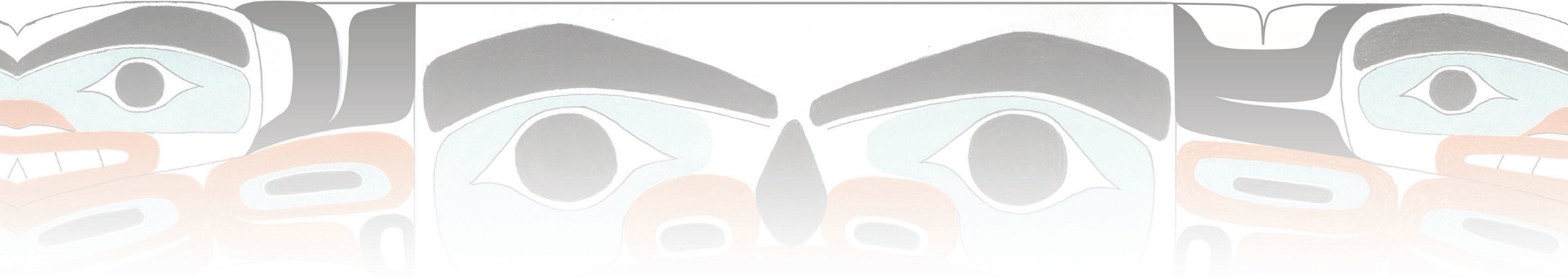
(a) Establishes the Alaska Native Fund into which shall be deposited (1) \$462 million from the U.S. Treasury over an 11-year period; and (2) \$500 million from mineral revenues received from lands in Alaska hereafter conveyed to the State under the Statehood Act and from the remaining Federal lands 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).

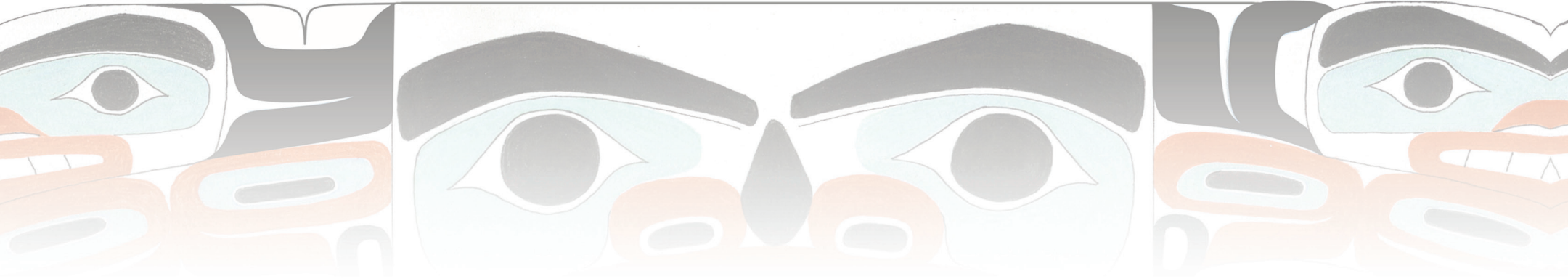
(h) Delineates stockholders’ rights.

(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.

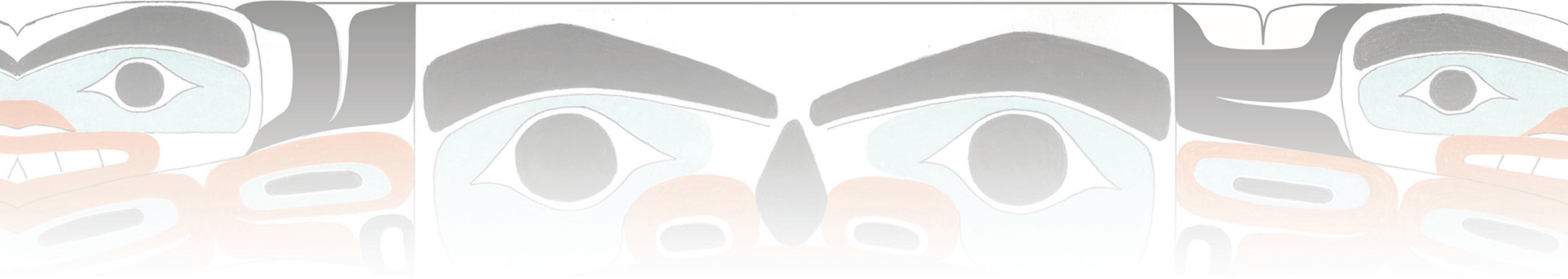
SECTION 8. Village Corporations.

- (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.

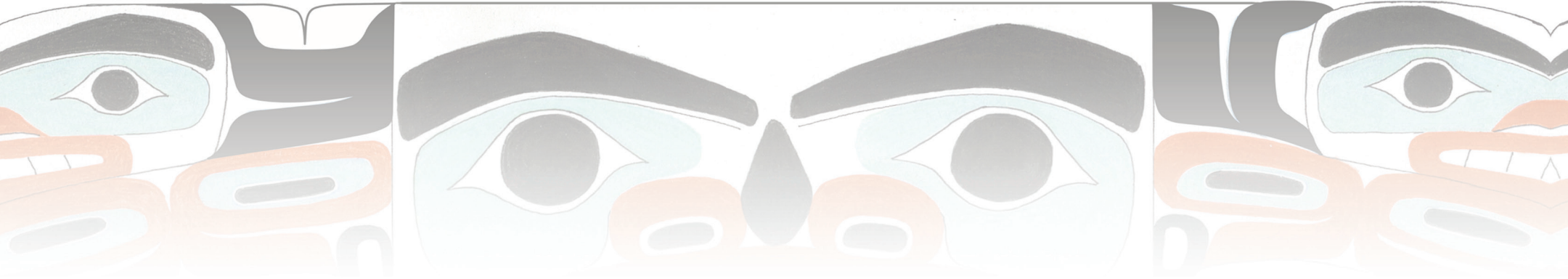
SECTION 11. Withdrawal of Public Lands.

(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.

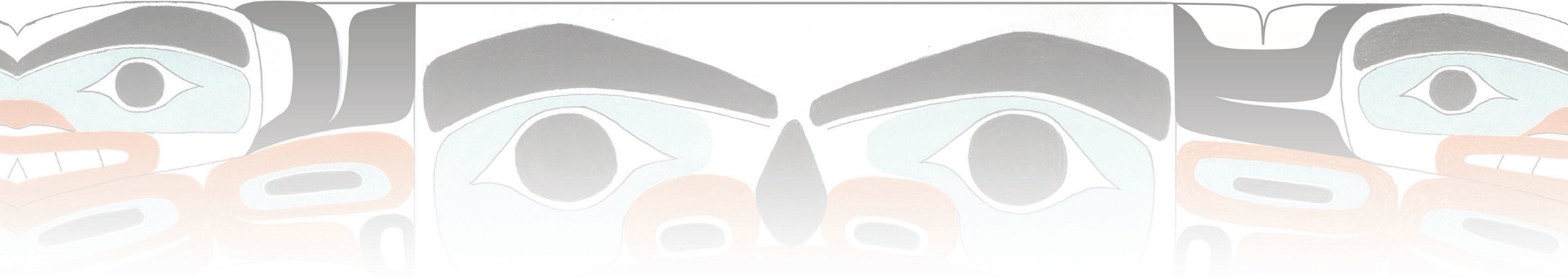
SECTION 13. Surveys.

(a) Provides for the Secretary of the Interior to survey the areas selected or designated for conveyance to Village Corporations.

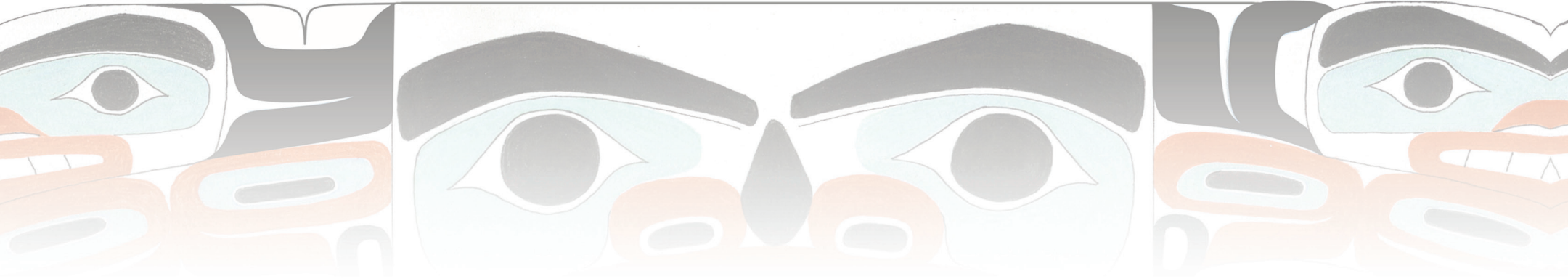
(b) Provides that all withdrawals, selections, and conveyances shall be as shown on current plans of survey or protraction diagrams of the Bureau of Land Management (or the Bureau of State) and shall conform as nearly as possible to the United States Land Survey System.

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.

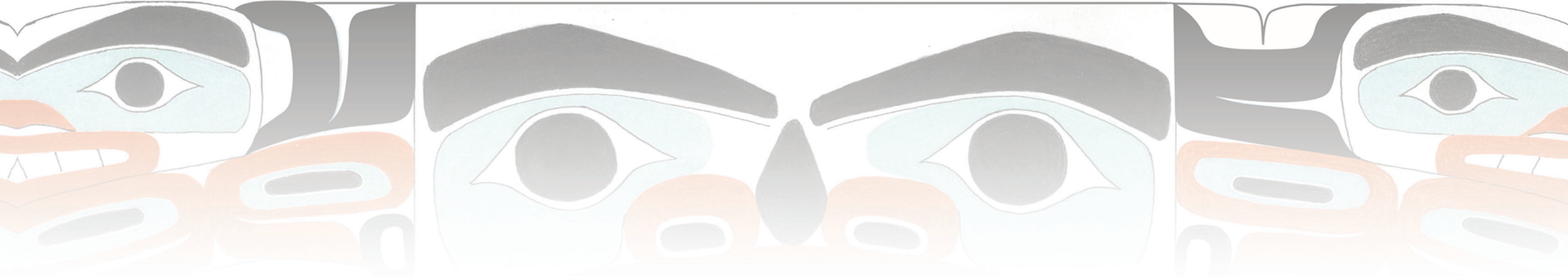
(c) Provides that “funds appropriated by the Act of July 9, 1968 (82 Stat. 307), to pay the judgment of the Court of Claims (in the case of the Tlingit and Haida Indians of Alaska, et al. against the United States) and distributed pursuant to the Act of July 13, 1970 (84 Stat. 430) are in lieu of the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

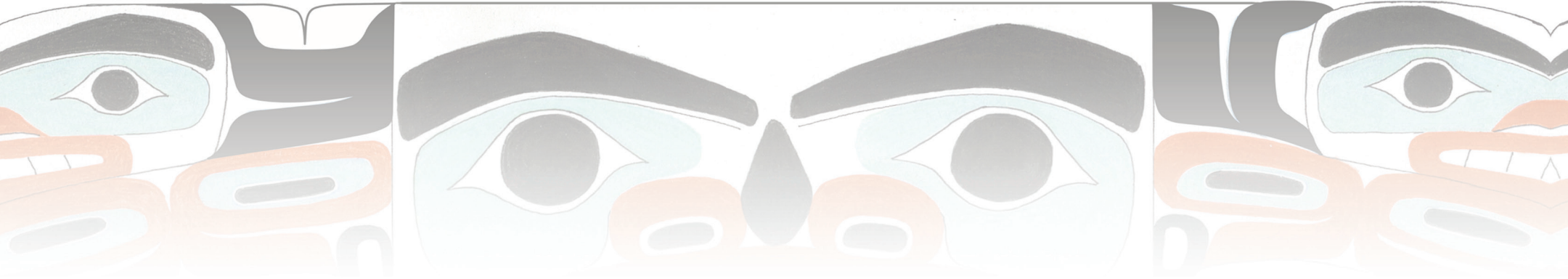
Authorizes the Secretary to withdraw public lands; to classify or reclassify such lands; and to open them to entry, location and leasing in a manner which will protect the public interest and avoid a “land rush” and massive filings on public lands in Alaska immediately following expiration of the so-called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

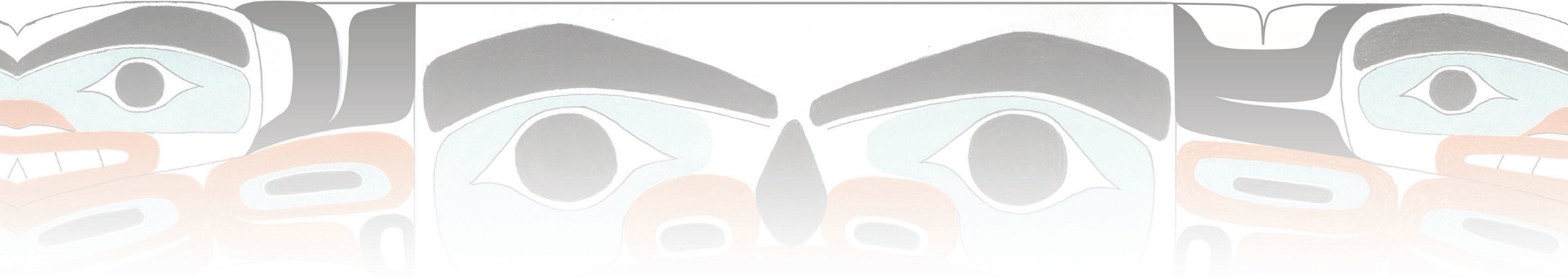
SECTION 20. Attorney and Consultant Fees.

(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.

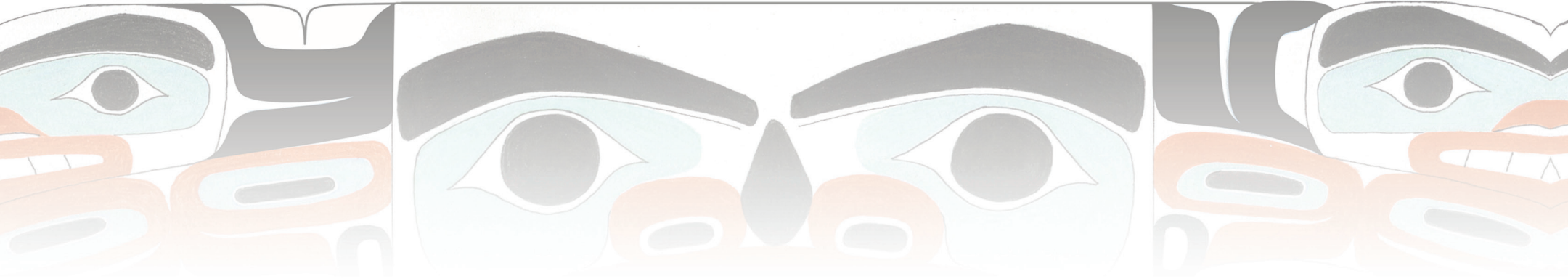
(a) Declares that all revenues granted by sec. 6, and all lands granted to Regional Village Corporations, native groups and individuals are not subject to any contract which is based on a percentage fee of the value of all or some portion of the settlement granted by this act, and that any such contract 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.

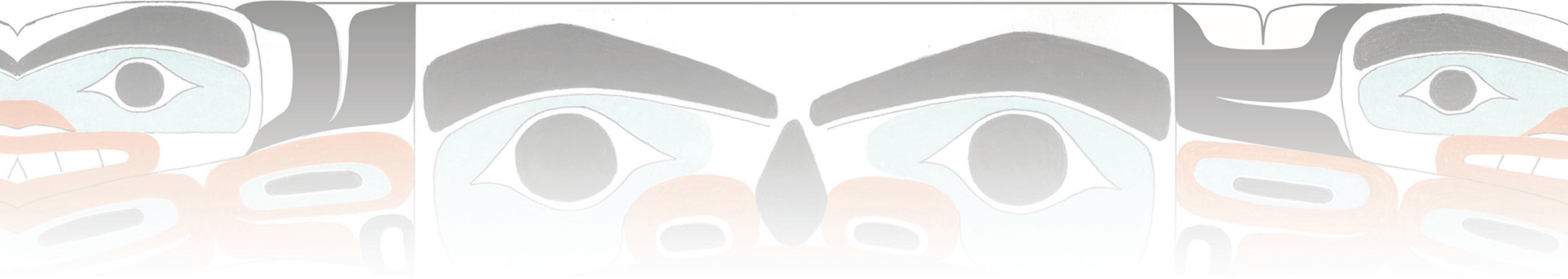
(j) Grants authority to the Secretary of the Interior to take necessary action to implement the provisions of the act in areas for which protraction diagrams of the Bureau of Land Management or the State do not exist; which do not conform to the United States Land Survey System; or which have not been 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.

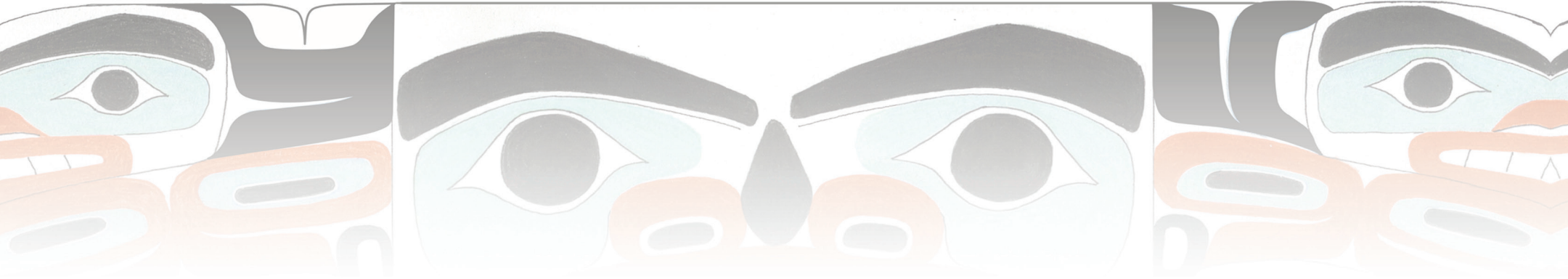
SECTION 26. Saving Clause.

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.

http://www.alaskool.org/projects/anca/reports/rsjones1981/ANCSA_History71.htm



The Road from ANCSA

Appendix II: District Organic Act

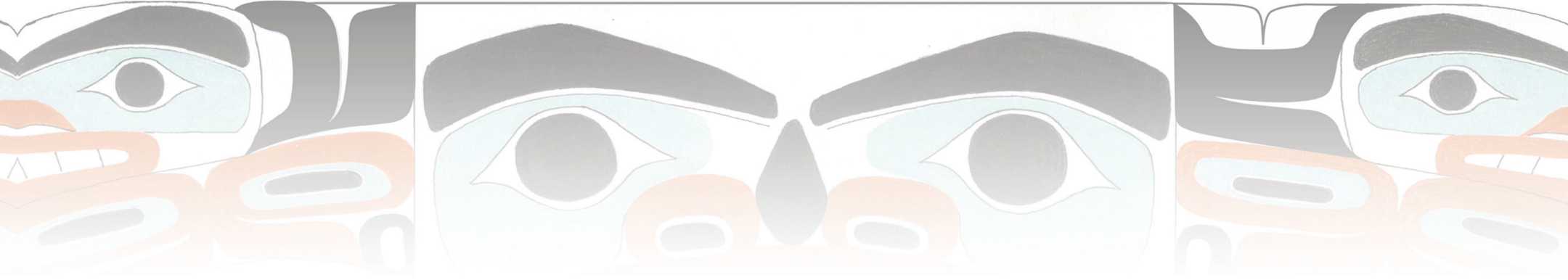
(An act providing for a civil government for Alaska)

23 Stat. 24 - May 17, 1884

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven and known as Alaska, shall constitute a civil and judicial district, the government of which shall be organized and administered as hereinafter provided. The temporary seat of government of said district is hereby established at Sitka.

Authority and duties of governor

SEC. 2. That there shall be appointed for the said district a governor, who shall reside therein during his term of office and be charged with the interests of the United States Government that may arise within said district. To the end aforesaid he shall have authority to see that the laws enacted for said district are enforced, and to require the faithful discharge of their duties by the officials appointed to administer the same. He may also grant reprieves for offences committed against the laws of the district or of the United States until the decision of the President thereon shall be made known. He shall be ex-officio commander-in-chief of the militia of said district, and shall have the power to call out the same when necessary to the due execution of the laws and to preserve the peace and to cause all able-bodied citizens of the United States in said district to enroll and serve as such when the public exigency demands; and he shall perform generally in and over said district such acts as pertain to the office of governor of a territory, so far as the same may be made or become applicable thereto. He shall make an annual report, on the first day of October in each year, to the



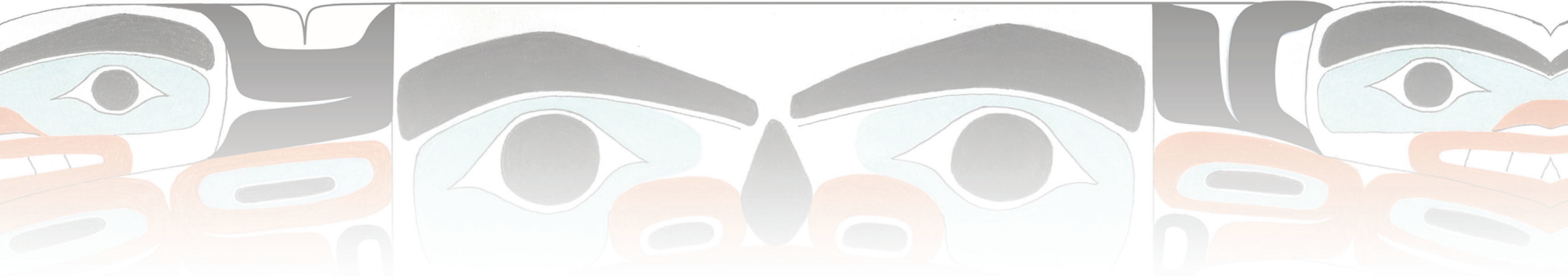
President of the United States, of his official acts and doings, and of the condition of said district, with reference to its resources, industries, population, and the administration of the civil government thereof. And the President of the United States shall have the power to review and to confirm or annul any reprieves granted or other acts done by him.

Establishment of district court

SEC. 3. That there shall be, and here is, established a district court for said district, with the civil and criminal jurisdiction of district courts of the United States, and the civil and criminal jurisdiction of district courts of the United States exercising the jurisdiction of circuit courts, and such other jurisdiction, not inconsistent with this act, as may be established by law; and a district judge shall be appointed for said district, who shall during his term of office reside therein and hold at least two terms of said court therein in each year, one at Sitka, beginning on the first Monday in May, and the other at Wrangel, beginning on the first Monday in November. He is also authorized and directed to hold such special sessions as may be necessary for the dispatch of the business of said court, at such times and places in said district as he may deem expedient, and may adjourn such special session to any other time previous to a regular session. He shall have the authority to employ interpreters, and to make allowances for the necessary expenses of his court.

Clerk of court

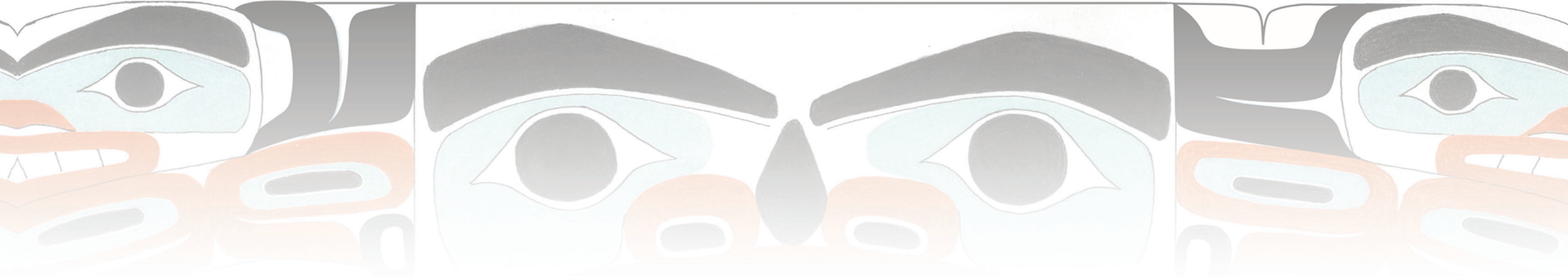
SEC. 4. That a clerk shall be appointed for said court, who shall be ex-officio secretary and treasurer of said district, a district attorney, and a marshal, all of whom shall during their terms of office reside therein. The clerk shall record and preserve copies of all the laws, proceedings, and official acts applicable to said district. He shall also receive all moneys collected from fines, forfeitures, or in any other manner except from violations of the customs laws, and shall apply the same to the incidental expenses of the said district court and the allowances thereof, as directed by the judge of said court, and shall account for the same in detail, and for any balances on account thereof, quarterly, to and under the direction of the Secretary of the Trea-



sury. He shall be ex-officio recorder of deeds and mortgages and certificates of location of mining claims and other contracts relating to real estate and register of wills for said district, and shall establish secure offices in the towns of Sitka and Wrangel, in said district, for the safekeeping of all his official records, and of records concerning the reformation and establishment of the present status of titles to lands, as hereinafter directed: *Provided*, That the district court hereby created may direct, if it shall deem it expedient, the establishment of separate offices at the settlements of Wrangel, Oonalashka, and Juneau City, respectively, for the recording of such instruments as may pertain to the several natural divisions of said district most convenient to said settlements, the limits of which shall, in the event of such direction, be defined by said court; and said offices shall be in charge of the commissioners respectively as hereinafter provided.

Authority and duties of commissioners

SEC. 5. There shall be appointed by the President four commissioners in and for the said district who shall have the jurisdiction and powers of commissioners of the United States circuit courts in any part of said district, but who shall reside, one at Sitka, one at Wrangel, one at Oonalashka, and one at Juneau City. Such commissioners shall exercise all the duties and powers, civil and criminal, now conferred on justices of the peace under the general laws of the State of Oregon, so far as the same may be applicable in said district, and may not be in conflict with this act or the laws of the United States. They shall also have jurisdiction, subject to the supervision of the district judge, in all testamentary and probate matters, and for this purpose their courts shall be opened at stated terms and be courts of record, and be provided with a seal for the authentication of their official acts. They shall also have power to grant writs of habeas corpus for the purpose of inquiring into the cause of restraint of liberty, which writs shall be made returnable before the said district judge for said district; and like proceedings shall be had thereon as if the same had been granted by said judge under the general laws of the United States in such cases. Said commissioners shall also have the powers of notaries public, and shall keep a record of all deeds and other instruments of writing acknowledged



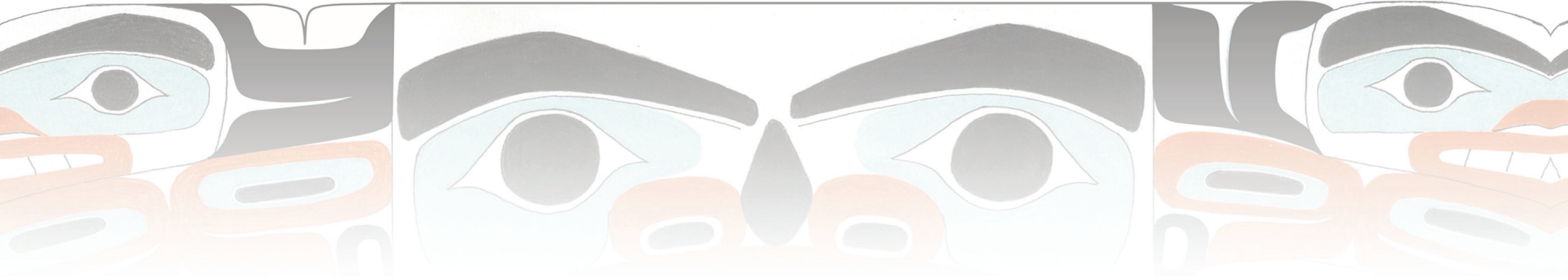
before them and relating to the title to or transfer of property within said district, which record shall be subject to public inspection. Said commissioners shall also keep a record of all fines and forfeitures received by them, and shall pay over the same quarterly to the clerk of said district court. The governor appointed under the provisions of this act shall, from time to time, inquire into the operations of the Alaska Seal and Fur Company, and shall annually report to Congress the result of such inquiries and any and all violations by said company of the agreement existing between the United States and said company.

Authority of marshal

SEC. 6. That the marshal for said district shall have the general authority and powers of the United States marshals of the States and Territories. He shall be the executive officer of said court, and charged with the execution of all process of said court and with the transportation and custody of prisoners, and he shall be ex-officio keeper of the jail or penitentiary of said district. He shall appoint four deputies, who shall reside severally at the towns of Sitka, Wrangel, Oonalashka, and Juneau City, and they shall respectively be ex-officio constables and executive officers of the commissioners' courts herein provided, and shall have the powers and discharge the duties of United States deputy marshals, and those of constables under the laws of the State of Oregon now in force.

General laws of Oregon made applicable

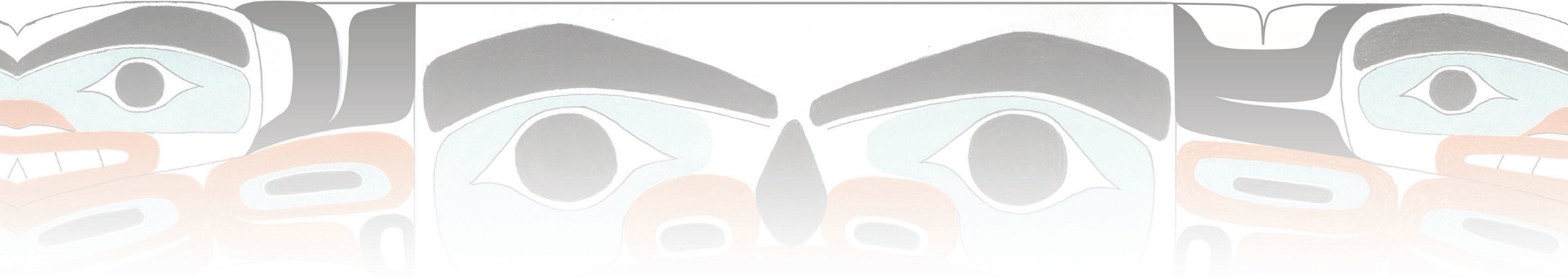
SEC. 7. That the general laws of the State of Oregon now in force are hereby declared to be the law in said district, so far as the same may be applicable and not in conflict with the provisions of this act or the laws of the United States; and the sentence of imprisonment in any criminal case shall be carried out by confinement in the jail or penitentiary hereinafter provided for. But the said district court shall have exclusive jurisdiction in all cases in equity or those involving a question of title to land, or mining rights, or the constitutionality of a law, and in all criminal offenses which are capital. In all civil cases, at common law, any issue of fact shall be determined by a jury, at the instance of either party; and an appeal shall lie in any case,



civil or criminal, from the judgement of said commissioners to the said district court where the amount involved in any civil case is two hundred dollars or more, and in any criminal case where a fine of more than one hundred dollars or imprisonment is imposed, upon the filing of a sufficient appeal bond by the party appealing, to be approved by the court or commissioner. Writs of error in criminal cases shall issue to the said district court from the United States circuit court for the district of Oregon in the cases provided in chapter one hundred and seventy-six of the laws of eighteen hundred and seventy-nine; and the jurisdiction thereby conferred upon circuit courts is hereby given to the circuit court of Oregon. And the final judgements or decrees of said district court may be reviewed by the Supreme Court of the United States as in other cases.

Creation of land district

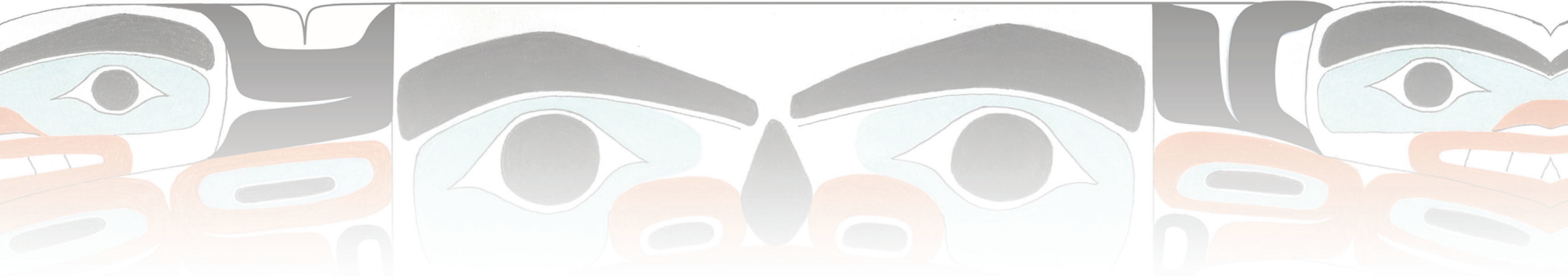
SEC. 8. That the said district of Alaska is hereby created a land district, and a United States land-office for said district is hereby located at Sitka. The commissioner provided for by this act to reside at Sitka shall be ex-officio register of said land-office, and the clerk provided for by this act shall be ex-officio receiver of public moneys and the marshal provided for by this act shall be ex-officio surveyor-general of said district and the laws of the United States relating to mining claims, and the rights incident thereto, shall, from and after the passage of this act, be in full force and effect in said district, under the administration thereof herein provided for, subject to such regulations as may be made by the Secretary of the Interior, approved by the President: *Provided*, 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: *And provided further*, That parties who have located mines or mineral privileges therein under the laws of the United States applicable to the public domain, or who have occupied or exercised acts of ownership over such claims, shall not be disturbed therein, but shall be allowed to perfect their title to such claims by payment as aforesaid: *And provided also*, That the land not exceeding six hundred and forty acres at any station now occupied as



missionary stations among the Indian tribes in said section, with the improvements thereon erected by or for such societies, shall be continued in the occupancy of the several religious societies to which said missionary stations respectively belong until action by Congress. But nothing contained in this act shall be construed to put in force in said district the general land laws of the United States.

Appointment of governor, etc.

SEC. 9. That the governor, attorney, judge, marshal, clerk, and commissioners provided for in this act shall be appointed by the President of the United States, by and with the advice and consent of the Senate, and shall hold their respective offices for the term of four years, and until their successors are appointed and qualified. They shall severally receive the fees of office established by law for the several offices the duties of which have been hereby conferred upon them, as the same are determined and allowed in respect of similar offices under the laws of the United States, which fees shall be reported to the Attorney-General and paid into the Treasury of the United States. They shall receive respectively the following annual salaries. The governor, the sum of three thousand dollars; the attorney, the sum of two thousand five hundred dollars; the marshal, the sum of two thousand five hundred dollars; the judge, the sum of three thousand dollars; and the clerk, the sum of two thousand five hundred dollars, payable to them quarterly from the Treasury of the United States. The District Judge, Marshal, and District Attorney shall be paid their actual, necessary expenses when traveling in the discharge of their official duties. A detailed account shall be rendered of such expenses under oath and as to the marshal and district attorney such account shall be approved by the judge, and as to his expenses by the Attorney General. The commissioners shall receive the usual fees of United States commissioners and of justices of the peace for Oregon, and such fees for recording instruments as are allowed by the laws of Oregon for similar services, and in addition a salary of one thousand dollars each. The deputy marshals, in addition to the usual fees of constables in Oregon, shall receive each a salary of seven hundred and fifty dollars, which salaries shall also be payable quarterly out of the Treasury of



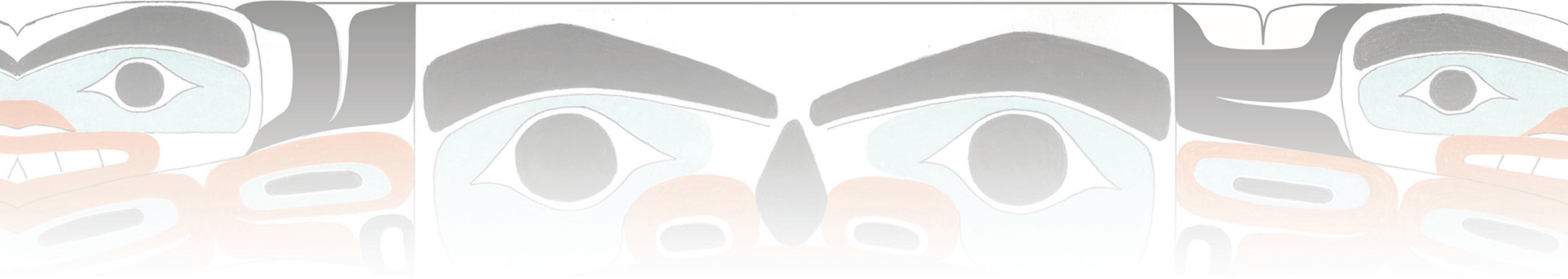
the United States. Each of said officials shall, before entering on the duties of his office, take and subscribe an oath that he will faithfully execute the same, which said oath may be taken before the judge of said district or any United States district or circuit judge. That all officers appointed for said district, before entering upon the duties of their offices, shall take the oaths required by law and the laws of the United States, not locally inapplicable to said district and not inconsistent with the provisions of this act are hereby extended thereto; but there shall be no legislative assembly in said district, nor shall any Delegate be sent to Congress therefrom. And the said clerk shall execute a bond, with sufficient sureties, in the penalty of ten thousand dollars, for the faithful performance of his duties, and file the same with the Secretary of the Treasury before entering on the duties of his office; and the commissioners shall each execute a bond, with sufficient sureties, in the penalty of three thousand dollars, for the faithful performance of their duties, and file the same with the clerk before entering on the duties of their office.

Public buildings

SEC. 10. That any of the public buildings in said district not required for the customs service or military purposes shall be used for court-rooms and offices of the civil government; and the Secretary of the Treasury is hereby directed to instruct and authorize the custodian of said buildings forthwith to make such repairs to the jail in the town of Sitka, in said district, as will render it suitable for a jail and penitentiary for the purposes of civil government hereby provided, and to surrender to the marshal the custody of said jail and the other public buildings, or such parts of said buildings as may be selected for court-rooms, offices, and officials.

Printing of general laws

SEC. 11. The the Attorney-General is directed forthwith to compile and cause to be printed, in the English language, in pamphlet form, so much of the general laws of the United states as is applicable to the duties of the governor, attorney, judge, clerk, marshals, and commissioners appointed for said district, and shall



furnish for the use of the officers of said Territory so many copies as may be needed of the laws of Oregon applicable to said district.

Commission to examine and report on condition of Indians

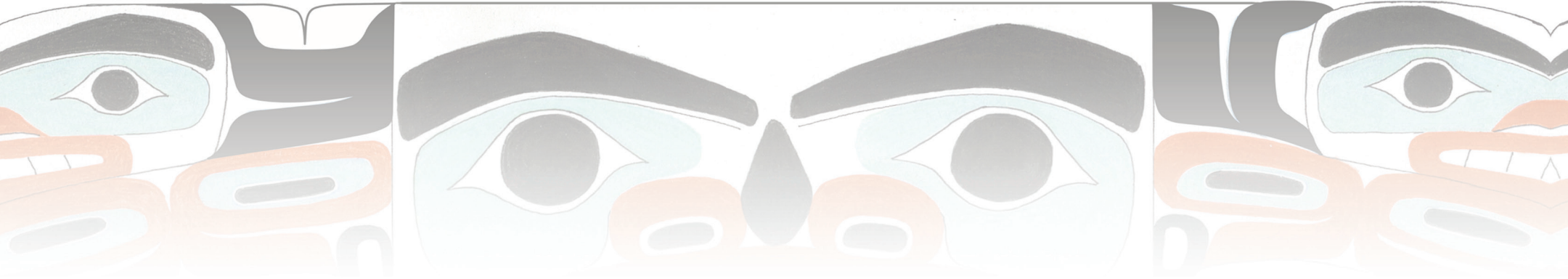
SEC. 12. That the Secretary of the Interior shall select two of the officers to be appointed under this act, who, together with the governor, shall constitute a commission to examine into and report upon the condition of the Indians residing in said Territory, what lands, if any, should be reserved for their use, what provision shall be made for their education, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district; and to defray the expenses of said commission the sum of two thousand dollars is hereby appropriated out of any moneys in the Treasury not otherwise appropriated.

Education of children

SEC. 13. That the Secretary of the Interior shall make needful and proper provision for the education of the children of school age in the Territory of Alaska, without reference to race, until such time as permanent provision shall be made for the same, and the sum of twenty-five thousand dollars, or so much thereof as may be necessary is hereby appropriated for this purpose.

Intoxicating liquors

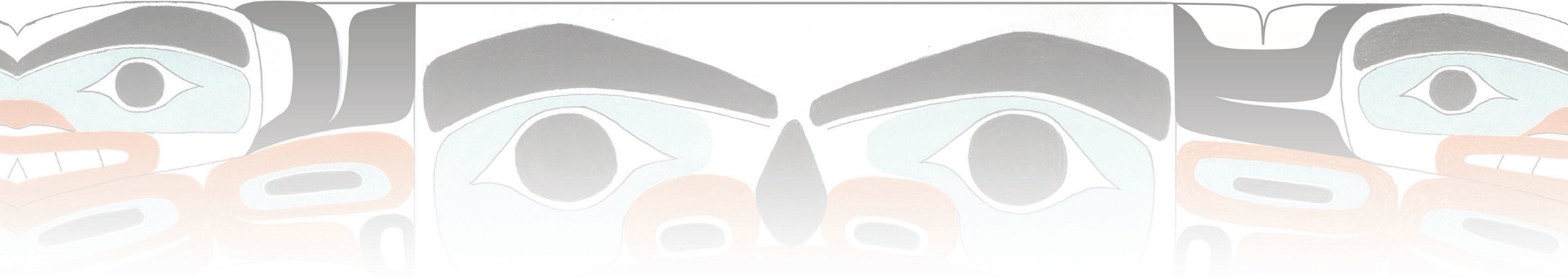
SEC. 14. That the provisions of chapter three, title twenty-three, of the Revised Statutes of the United States, relating to the unorganized Territory of Alaska, shall remain in full force, except as herein specially otherwise provided; and the importation, manufacture and sale of intoxicating liquors in said district except for medicinal, mechanical and scientific purposes is hereby prohibited under the penalties which are provided in section nineteen hundred and fifty-five of the Revised Statutes for the wrongful importation of distilled



spirits. And the President of the United States shall make such regulations as are necessary to carry out the provisions of this section.

Approved, May 17, 1884

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The Road from ANCSA

Appendix III: Indian Citizenship Act

By the act of June 2, 1924 (43 Stat. 253, ante, 420), Congress conferred citizenship upon all noncitizen Indians born within the territorial limits of the United States. The text of the act follows:

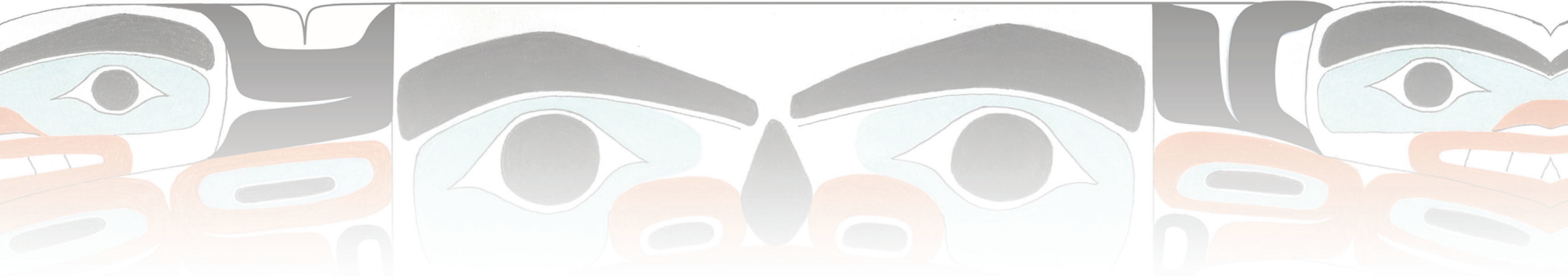
Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all noncitizen Indians born within the territorial limits of the United States be, and they are hereby, declared to be citizens of the United States: *Provided,* That the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property.

Indians who are otherwise eligible to vote may not be denied that right because of their race. Their right in this respect is protected by the fifteenth amendment to the Constitution of the United States, which says:

The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude.

In order to exercise the right of suffrage, Indians must of course comply with the conditions equally required of other voters, and may be denied the privilege of voting if they fail to comply with the requirements of the law as to registration, payment of poll tax, or do not meet the educational or other qualifications for electors, etc., as provided by the State laws.

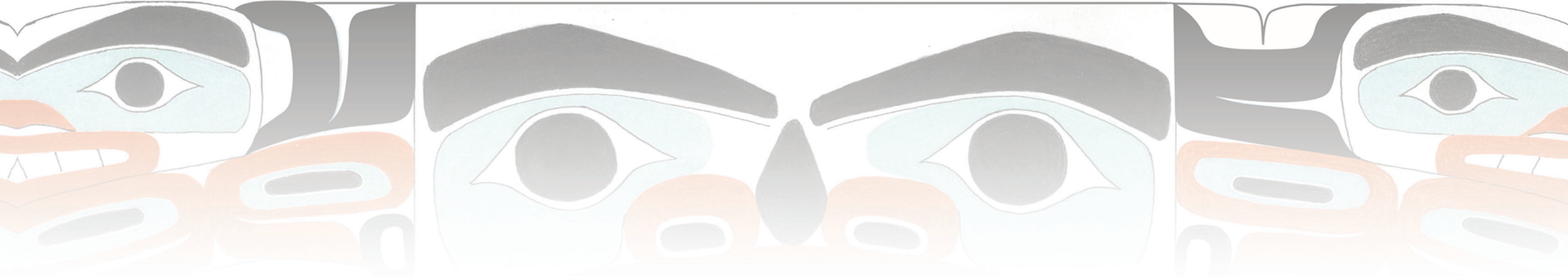
It will be observed that the act provides that the granting of such citizenship shall not in any manner impair or otherwise affect the right of any Indian to tribal or other property. Therefore, the restrictions upon the trust property—real or personal—of Indians are not removed by the passage of this act. Questions relative to



the control or management of trust property are, therefore, not changed by the act but are to be handled on their own merits as heretofore.

Prior to the passage of the act of June 2, 1924, about two-thirds of the Indians of the United States were already citizens. There were a number of different provisions of law by which or under which Indians became citizens previous to June 2, 1924. Some of the most important ways of their attaining citizenship were as follows:

1. *Treaty Provision.*—In some of the treaties or agreements with certain tribes of Indians provision was made whereby Indians desiring to become citizens might become such by complying with certain prescribed formalities somewhat similar to those required of aliens. For example, see Articles 13, 17, and 28 of the Treaty of February 23, 1867, with various bands or tribes of Indians. (15 Stat. 513, vol. 2, 960.)
2. *Allotment under the Act of February 8, 1887.*—In the act of February 8, 1887 (24 Stat. 388, vol. 1, 33-38), Congress provided for the allotment of land to the Indians in severalty and in section 6 thereof declared that Indians so allotted should become citizens of the United States and of the State in which they reside. (See the language of the Act.)
3. *Issuance of Patent in Fee Simple.*—In the Act of May 8, 1906 (34 Stat. 182, vol. 3, 181), Congress amended the Act of February 8, 1887, so as to postpone citizenship of Indians thereafter allotted until after a patent in fee simple had been issued to said Indians. Provision was also made whereby patent in fee might be issued by the Secretary of the Interior to competent Indians before the expiration of the twenty-five-year trust period. Therefore Indians whose trust patents are dated subsequent to May 8, 1906, and who have also received their patents in fee simple have become citizens under said act of May 8, 1906.



4. *Adopting Habits of Civilized Life*.—Section 6 of the Act of February 8, 1887, both before and after its amendment of May 8, 1906, *provided*:

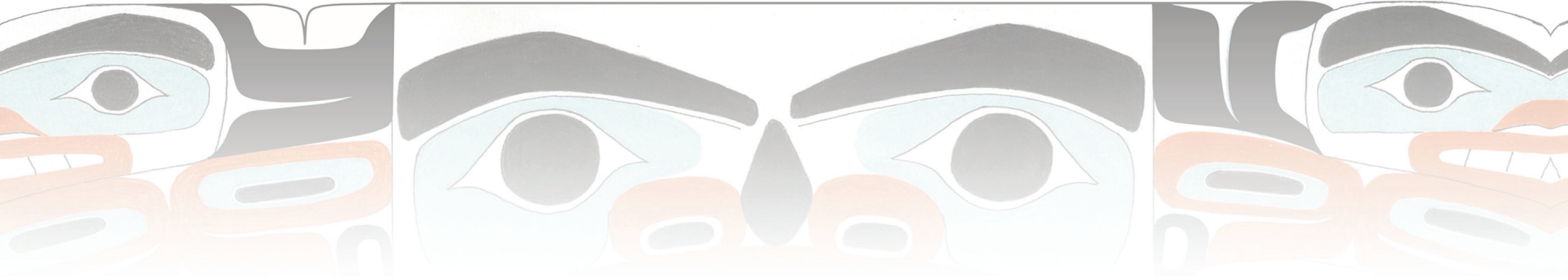
That every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States, without in any manner impairing or otherwise affecting the rights of any such Indian to tribal or other property.

5. *Minor Children*.—The Solicitor of the Interior Department has held that where Indian parents became citizens upon allotment, their minor children became citizens with them, and that children born subsequent thereto were born to citizenship.

6. *Citizenship by Birth*.—(a) An Indian child born in the United States of citizen Indian parents is born to citizenship. (b) Legitimate children born of an Indian woman and a white citizen father are born to citizenship.

7. *Soldiers and Sailors*.—Congress in the act of November 6, 1919, ante 232, provided that Indian soldiers and sailors who served in the recent World War and who have been honorably discharged might be granted citizenship by courts of competent jurisdiction. (Indian Office Circulars, Nos. 1587 and 1618.)

8. *Marriage*.—The act of August 9, 1888 (25 Stat. 392, vol. 1, 38), provided that Indian women who married citizens of the United States thereby became citizens of the United States. This provision is apparently inconsistent with the act of September 22, 1922 (42 Stat. 1020), and would probably be held to have been repealed



by the latter act, though not specifically mentioned therein. Marriages coming within the act of August 9, 1888, and consummated before the passage of the act of September 22, 1922, would not of course be affected by the later act.

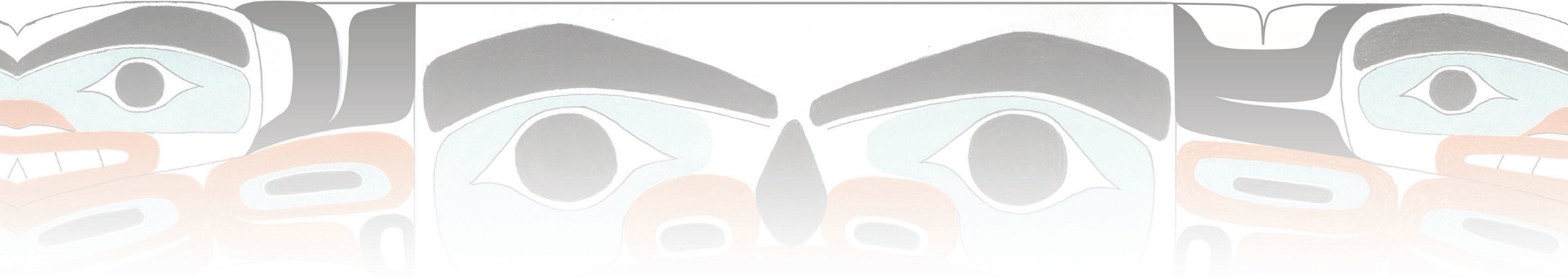
9. *Special Act of Congress.*—Sometimes Congress makes provision for a particular tribe of Indians or a particular group of Indians to become citizens. For instance:

(a) In the act of March 3, 1901 (31 Stat. 1447, vol. 1, 114), provision was made for the extension of citizenship to the Indians in the “Indian Territory” by amending section 6 of the act of February 8, 1887 (24 Stat. 388, vol. 1, 33). It should be observed, however, that in the act of May 8, 1906 (34 Stat. 182, vol. 3, 181), amending said section 6, the language, “and every Indian in the Indian Territory,” was not included.

(b) In the act of March 3, 1921 (41 Stat. 1249-50, ante, 317), citizenship was extended to all members of the Osage tribe of Indians.

The above is not intended to be a complete list of the acts of Congress involving the citizenship of Indians, as there are a number of other laws including those affecting particular tribes, but it is believed the foregoing list or statement is sufficient to give a general idea of the main principles or rules that were involved in the determination of whether or not a particular Indian was a citizen prior to the act of June 2, 1924, *supra*.

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Appendix IV: Alaska Statehood Act

Section 1

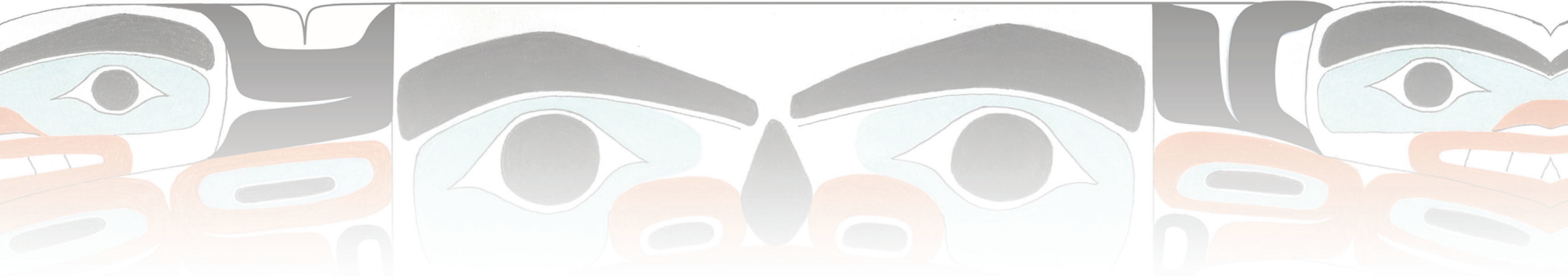
AN ACT

To provide for the admission of the State of Alaska into the Union

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, subject to the provisions of this act, and upon issuance of the proclamation required by section 8(c) of this Act, the State of Alaska is hereby declared to be a State of the United States of America, is declared admitted into the Union on an equal footing with the other States in all respects whatever, and the constitution formed pursuant to the provisions of the Act of the Territorial Legislature of Alaska entitled, “An Act to provide for the holding of a constitutional convention to prepare a constitution for the State of Alaska; to submit the constitution to the people for adoption or rejection; to prepare for the admission of Alaska as a State; to make an appropriation; and setting an effective date”, approved March 19, 1955 (Chapter 46, Session Laws of Alaska, 1955), and adopted by a vote of the people of Alaska in the election held an April 24, 1956, is hereby found to be republican in form and in conformity with the Constitution of the United States and the principles of the Declaration of Independence, and is hereby accepted, ratified, and confirmed.

Section 2

The State of Alaska shall consist of all the territory, together with the territorial waters appurtenant



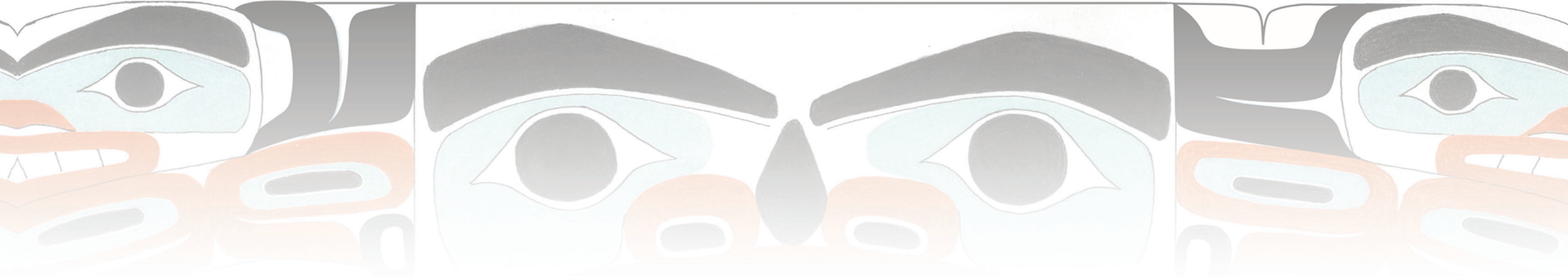
thereto, now included in the Territory of Alaska.

Section 3

The constitution of the State of Alaska shall always be republican in form and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence.

Section 4

As a compact with the United States said State and its people do agree and declare that they forever disclaim all right and title to any lands or other property not granted or confirmed to the State or its political subdivisions by or under the authority of this Act, the right or title to which is held by the United States or is subject to disposition by the United States, and 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 the Congress that any law applicable thereto authorizes, establishes, recognizes, or confirms the validity or invalidity of 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



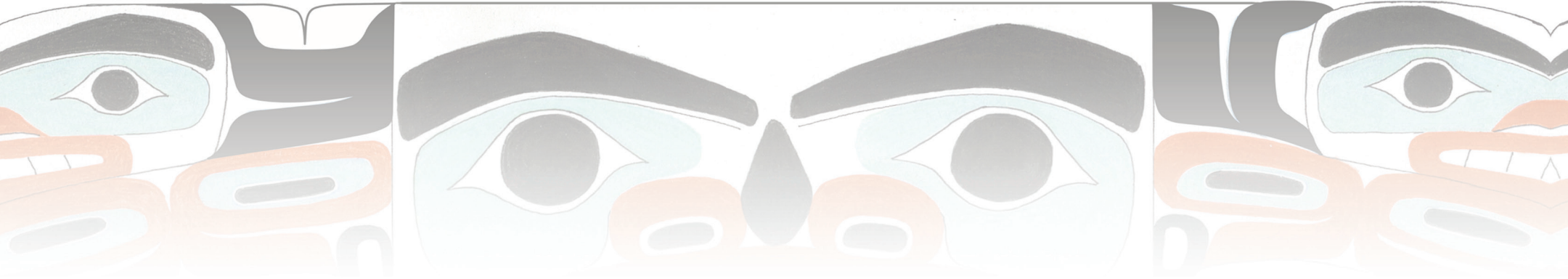
United States or which, as hereinabove set forth, may belong to said natives, except to such extent as the Congress has prescribed or may hereafter prescribe, and except when held by individual natives in fee without restrictions on alienation.

Section 5

The State of Alaska and its political subdivisions, respectively, shall have and retain title to all property, real and personal, title to which is in the Territory of Alaska or any of the subdivisions. Except as provided in section 6 hereof, the United States shall retain title to all property, real and personal, to which it has title, including public lands.

Section 6

(a) For the purposes of furthering the development of and expansion of communities, the State of Alaska is hereby granted and shall be entitled to select, within twenty-five years after the date of the admission of the State of Alaska into the Union, from lands within national forests in Alaska which are vacant and unappropriated at the time of their selection not to exceed four hundred thousand acres of land, and from the other public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection not to exceed another four hundred thousand acres of land, all of which shall be adjacent to established communities or suitable for prospective community centers and recreational areas. Such lands shall be selected by the State of Alaska with the approval of the Secretary of Agriculture as to national forest lands and with the approval of the Secretary of the Interior as to other public lands: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the land so occu-



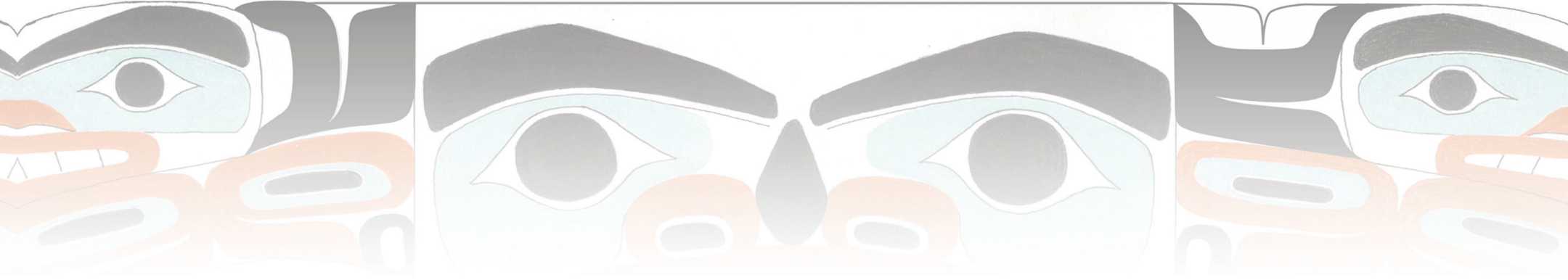
pied.

(b) The State of Alaska, in addition to any other grants made in this section, is hereby granted and shall be entitled to select, within twenty-five years after the admission of Alaska into the Union, not to exceed one hundred and two million five hundred and fifty thousand acres from the public lands of the United States in Alaska which are vacant, unappropriated, and unreserved at the time of their selection: Provided, That nothing herein contained shall affect any valid existing claim, location, or entry under the laws of the United States, whether for homestead, mineral, right-of-way, or other purpose whatsoever, or shall affect the rights of any such owner, claimant, locator, or entryman to the full use and enjoyment of the lands so occupied: And provided further, That no selection hereunder shall be made in the area north and west of the line described in section 10 without approval of the President or his designated representative.

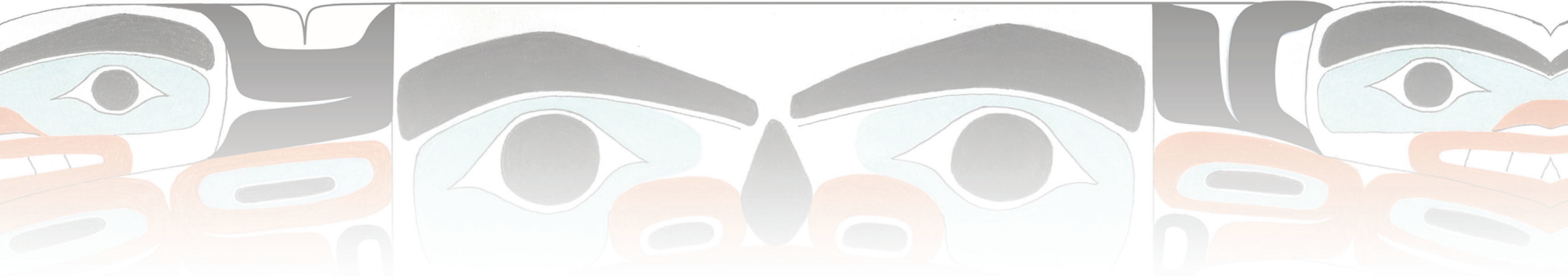
(c) Block 32, and the structures and improvements thereon, in the city of Juneau are granted to the State of Alaska for any or all of the following purposes or a combination thereof: A residence for the Governor, a State museum, or park and recreational use.

(d) Block 19, and the structures and improvements thereon, and the interests of the United States in blocks C and 7, and the structures and improvements thereon, in the city of Juneau, are hereby granted to the State of Alaska.

(e) All real and personal property of the United States situated in the Territory of Alaska which is specifically used for the sole purpose of conservation and protection of the fisheries and wildlife of Alaska, under the provisions of the Alaska game law of July 1, 1943 (57 Stat. 301; 48 U.S.C., sections 192-211), as amended, and under the provisions of the Alaska commercial fisheries laws of June 26, 1906 (34 Stat. 478; 48 U.S.C., sections 230-239 and 241-242), and June 6, 1924 (43 Stat. 465; 48 U.S.C., sections 221-228), as



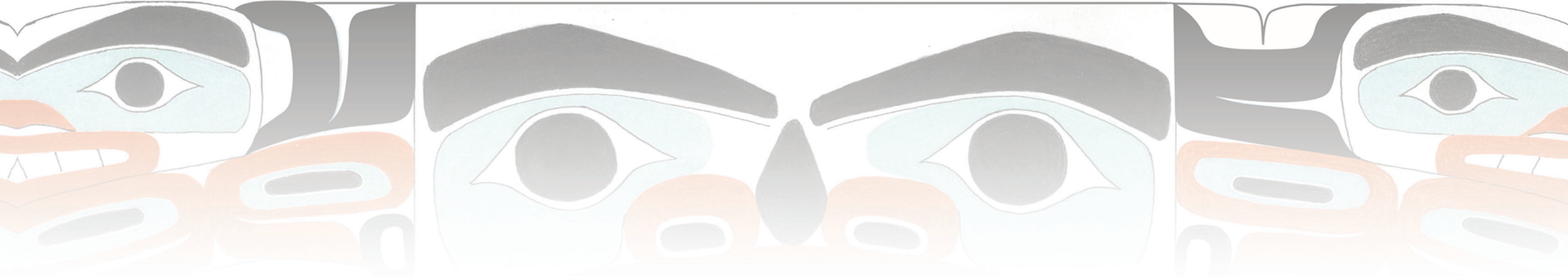
supplemented and amended, shall be transferred and conveyed to the State of Alaska by the appropriate Federal agency: Provided, That the administration and management of the fish and wildlife resources of Alaska shall be retained by the Federal Government under existing laws until the first day of the first calendar year following the expiration of ninety legislative days after the Secretary of the Interior certifies to the Congress that the Alaska State Legislature has made adequate provision for the administration, management, and conservation of said resources in the broad national interest: Provided, That such transfer shall not include lands withdrawn or otherwise set apart as refuges or reservations for the protection of wildlife nor facilities utilized in connection therewith, or in connection with general research activities relating to fisheries or wildlife. Sums of money that are available for apportionment or which the Secretary of the Interior shall have apportioned, as of the date the State of Alaska shall be deemed to be admitted into the Union, for wildlife restoration in the Territory of Alaska, pursuant to section 8 (a) of the Act of September 2, 1937, as amended (16 U.S.C., section 669g-1), and for fish restoration and management in the Territory of Alaska, pursuant to section 12 of the Act of August 9, 1950 (16 U.S.C., section 777k), shall continue to be available for the period, and under the terms and conditions in effect at the time, the apportionments are made. Commencing with the year during which Alaska is admitted into the Union, the Secretary of the Treasury, at the close of each fiscal year, shall pay to the State of Alaska 70 per centum of the net proceeds, as determined by the Secretary of the Interior, derived during such fiscal year from all sales of sealskins or sea otter skins made in accordance with the provisions of the Act of February 26, 1944 (58 Stat. 100; 16 U.S.C., sections 631a-631q), as supplemented and amended. In arriving at the net proceeds, there shall be deducted from the receipts from all sales all costs to the United States in carrying out the provisions of the Act of February 26, 1944, as supplemented and amended, including, but not limited to, the costs of handling and dressing the skins, the costs of making the sales, and all expenses incurred in the administration of the Pribilof Islands. Nothing in this Act shall be construed as affecting the rights of the United States under the provisions of the Act of February 26, 1944, as supplemented and amended, and the Act of June 28, 1937 (50 Stat. 325), as



amended (16 U.S.C., section 772 et seq.).

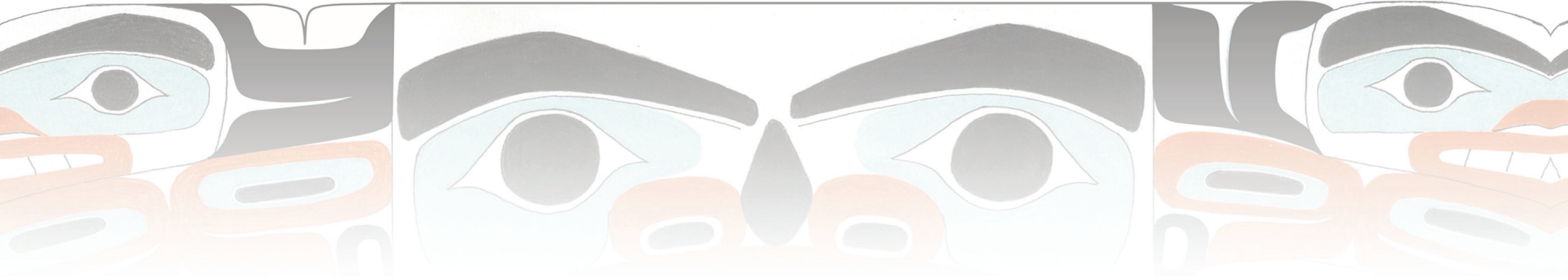
(f) Five per centum of the proceeds of sale of public lands lying within said State which shall be sold by the United States subsequent to the admission of said State into the Union, after deducting all the expenses incident to such sales, shall be paid to said State to be used for the support of the public schools within said State.

(g) Except as provided in subsection (a), all lands granted in quantity to and authorized to be selected by the State of Alaska by this Act shall be selected in such manner as the laws of the State may provide, and in conformity with such regulations as the Secretary of the Interior may prescribe. All selections shall be made in reasonably compact tracts, taking into account the situation and potential uses of the lands involved, and each tract selected shall contain at least five thousand seven hundred and sixty acres unless isolated from other tracts open to selection. The authority to make selections shall never be alienated or bargained away, in whole or in part, by the State. Upon the revocation of any order of withdrawal in Alaska, the order of revocation shall provide for a period of not less than ninety days before the date on which it otherwise becomes effective, if subsequent to the admission of Alaska into the Union, during which period the State of Alaska shall have a preferred right of selection, subject to the requirements of this Act, except as against prior existing valid rights or as against equitable claims subject to allowance and confirmation. Such preferred right of selection shall have precedence over the preferred right of application created by section 4 of the Act of September 27, 1944 (58 Stat. 748; 43 U. S. C., section 282), as now or hereafter amended, but not over other preference rights now conferred by law. Where any lands desired by the State are unsurveyed at the time of their selection, the Secretary of the Interior shall survey the exterior boundaries of the area requested without any interior subdivision thereof and shall issue a patent for such selected area in terms of the exterior boundary survey; where any lands desired by the State are surveyed at the time of their selection, the boundaries of the area requested shall conform to the public land subdivisions established by the



approval of the survey. All lands duly selected by the State of Alaska pursuant to this Act shall be patented to the State by the Secretary of the Interior. Following the selection of lands by the State and the tentative approval of such selection by the Secretary of the Interior or his designee, but prior to the issuance of final patent, the State is hereby authorized to execute conditional leases and to make conditional sales of such selected lands. As used in this subsection, the words «equitable claims subject to allowance and confirmation» include, without limitation, claims of holders of permits issued by the Department of Agriculture on lands eliminated from national forests, whose permits have been terminated only because of such elimination and who own valuable improvements on such lands.

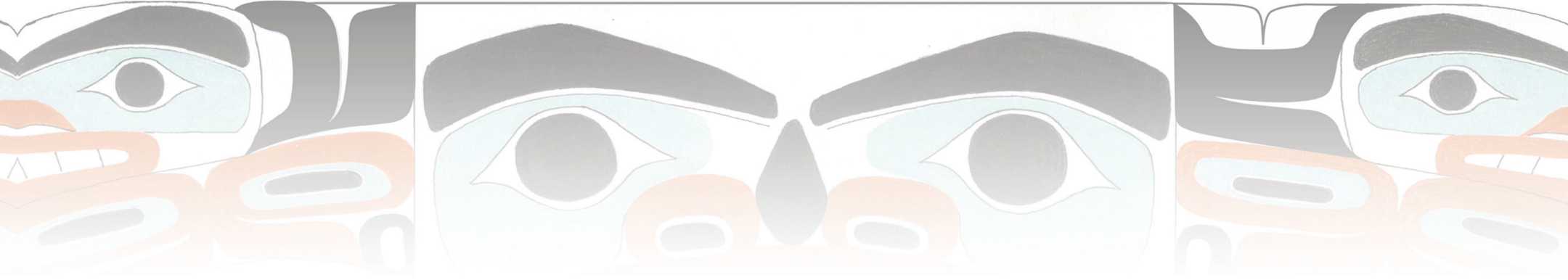
(h) Any lease, permit, license, or contract issued under the Mineral Leasing Act of February 25, 1920 (41 Stat. 437; 30 U.S.C., section 181 and following), as amended, or under the Alaska Coal Leasing Act of October 20, 1914 (38 Stat. 741; 30 U. S. C., section 432 and following), as amended, shall have the effect of withdrawing the lands subject thereto from selection by the State of Alaska under this Act, unless such lease, permit, license, or contract is in effect on the date of approval of this Act, and unless an application to select such lands is filed with the Secretary of the Interior within a period of five years after the date of the admission of Alaska into the Union. Such selections shall be made only from lands that are otherwise open to selection under this Act, and shall include the entire area that is subject to each lease, permit, license, or contract involved in the selections. Any patent for lands so selected shall vest in the State of Alaska all right, title, and interest of the United States in and to any such lease, permit, license, or contract that remains outstanding on the effective date of the patent, including the right to all rentals, royalties, and other payments accruing after that date under such lease, permit, license, or contract, and including any authority that may have been retained by the United States to modify the terms and conditions of such lease, permit, license, or contract: Provided, That nothing herein contained shall affect the continued validity of any such lease, permit, license, or contract or any rights arising thereunder.



(i) All grants made or confirmed under this Act shall include mineral deposits. The grants of mineral lands to the State of Alaska under subsections (a) and (b) of this section are made upon the express condition that all sales, grants, deeds, or patents for any of the mineral lands so granted shall be subject to and contain reservation to the State of all of the minerals in the lands so sold, granted, deeded, or patented, together with the right to prospect for, mine, and remove the same. Mineral deposits in such lands shall be subject to lease by the State as the State legislature may direct: Provided, That any lands or minerals hereafter disposed of contrary to the provisions of this section shall be forfeited to the United States by appropriate proceedings instituted by the Attorney General for that purpose in the United States District Court for the District of Alaska.

(j) The schools and colleges provided for in this Act shall forever remain under the exclusive control of the State, or its governmental subdivisions, and no part of the proceeds arising from the sale or disposal of any lands granted herein for educational purposes shall be used for the support of any sectarian or denominational school, college, or university.

(k) Grants previously made to the Territory of Alaska are hereby confirmed and transferred to the State of Alaska upon its admission. Effective upon the admission of the State of Alaska into the Union, section 1 of the Act of March 4, 1915 (38 Stat. 1214; 48 U.S.C., section 353), as amended, and the last sentence of section 35 of the Act of February 25, 1920 (41 Stat. 450; 30 U. section C, section 191), as amended, are repealed and all lands therein reserved under the provisions of section 1 as of the date of this Act shall, upon the admission of said State into the Union, be granted to said State for the purposes for which they were reserved; but such repeal shall not affect any outstanding lease, permit, license, or contract issued under said section 1, as amended, or any rights or powers with respect to such lease, permit, license, or contract, and shall not affect the disposition of the proceeds or income derived prior to such repeal from any lands reserved under said section 1, as amended, or derived thereafter from any disposition of the reserved lands or



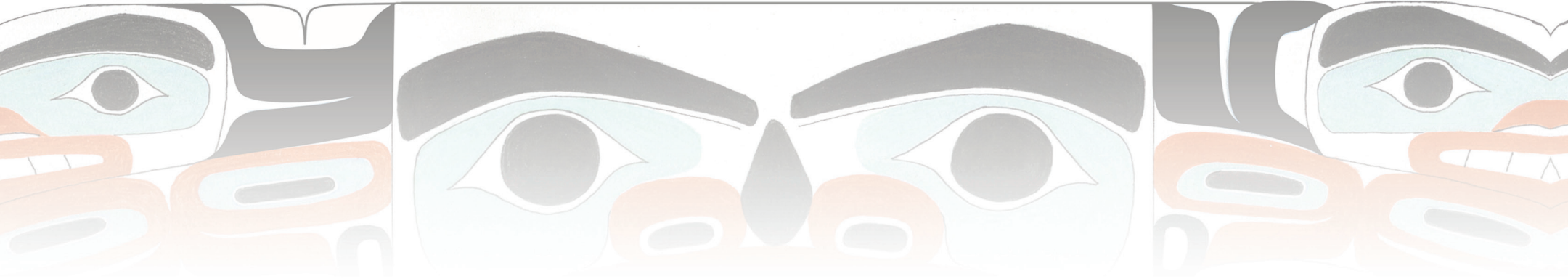
an interest therein made prior to such repeal.

(l) The grants provided for in this Act shall be in lieu of the grant of land for purposes of internal improvements made to new States by section 8 of the Act of September 4, 1841 (5 Stat. 455), and sections 2378 and 2379 of the Revised Statutes (43 U.S.C., section 857), and in lieu of the swampland grant made by the Act of September 28, 1850 (9 Stat. 520), and section 2479 of the Revised Statutes (43 U.S.C., section 982), and in lieu of the grant of thirty thousand acres for each Senator and Representative in Congress made by the Act of July 2, 1862, as amended (12 Stat. 503; 7 U.S.C., sections 301-308), which grants are hereby declared not to extend to the State of Alaska.

(m) The Submerged Lands Act of 1953 (Public Law 31, Eighty-third Congress, first session; 67 Stat. 29) shall be applicable to the State of Alaska and the said State shall have the same rights as do existing States thereunder.

(n) The minimum tract selection size is waived with respect to a selection made by the State of Alaska under subsection (a) for the following selections:

National Forest Community Grant Application Number	Area Name	Est. Acres
209	Yakutat Airport Addition	111
264	Bear Valley (Portage)	120
284	Hyder-Fish Creek	61
310	Elfin Cove	37
384	Edna Bay Admin Site	37
390	Point Hilda	29



(o)(1) The State of Alaska may elect to convert a selection filed under subsection (b) to a selection under subsection (a) by notifying the Secretary of the Interior in writing.

(2) If the State of Alaska makes an election under paragraph (1), the entire selection shall be converted to a selection under subsection (a).

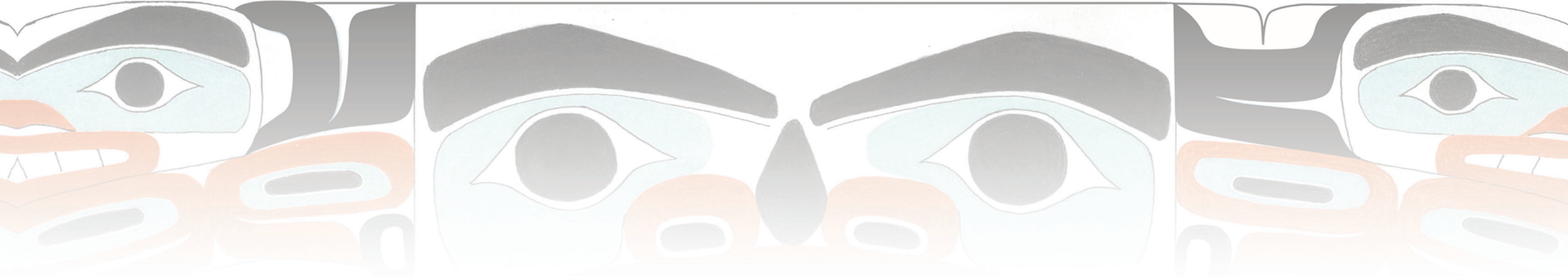
(3) The Secretary of the Interior shall not convey a total of more than 400,000 acres of public domain land selected under subsection (a) or converted under paragraph (1) to a public domain selection under subsection (a).

(4) Conversion of a selection under paragraph (1) shall not increase the survey obligation of the United States with respect to the land converted.

(p) All selection applications of the State of Alaska that are on file with the Secretary of the Interior under the public domain provisions of subsection (a) on the date of enactment of this subsection [December 10, 2004] and any selection applications that are converted to a subsection (a) selection under subsection (o) (1) are approved as suitable for community or recreational purposes.

Section 7

Upon enactment of this Act, it shall be the duty of the President of the United States, not later than July 3, 1958, to certify such fact to the Governor of Alaska. Thereupon the Governor, on or after July 3, 1958, and not later than August 1, 1958, shall issue his proclamation for the elections, as hereinafter provided, for officers of all elective offices and in the manner provided for by the constitution of the proposed State of Alaska, but the officers so elected shall in any event include two Senators and one Representative in Congress.



Section 8

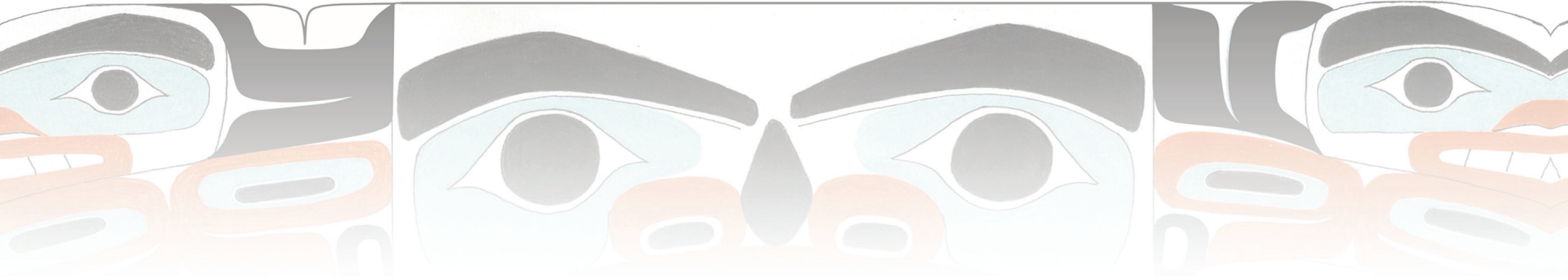
(a) The proclamation of the Governor of Alaska required by section 7 shall provide for holding of a primary election and a general election on dates to be fixed by the Governor of Alaska: Provided, That the general election shall not be held later than December 1, 1958, and at such elections the officers required to be elected as provided in section 7 shall be, and officers for other elective offices provided for in the constitution of the proposed State of Alaska may be, chosen by the people. Such elections shall be held, and the qualifications of voters thereat shall be, as prescribed by the constitution of the proposed State of Alaska for the election of members of the proposed State legislature. The returns thereof shall be made and certified in such manner as the constitution of the proposed State of Alaska may prescribe. The Governor of Alaska shall certify the results of said elections to the President of the United States.

(b) At an election designated by proclamation of the Governor of Alaska, which may be the general election held pursuant to subsection (a) of this section, or a Territorial general election, or a special election, there shall be submitted to the electors qualified to vote in said election, for adoption or rejection, by separate ballot on each, the following propositions:

“(1) Shall Alaska immediately be admitted into the Union as a State?

“(2) The boundaries of the State of Alaska shall be as prescribed in the Act of Congress approved (date of approval of this Act) and all claims of this State to any areas of land or sea outside the boundaries so prescribed are hereby irrevocably relinquished to the United States.

“(3) All provisions of the Act of Congress approved (date of approval of this Act) reserving rights or powers to the United States, as well as those prescribing the terms or conditions of the grants of lands or



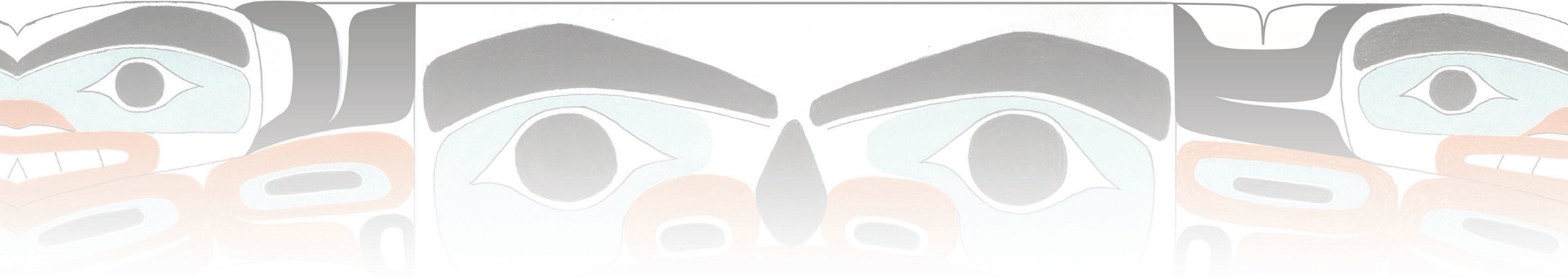
other property therein made to the State of Alaska, are consented to fully by said State and its people.”

In the event each of the foregoing propositions is adopted at said election by a majority of the legal votes cast on said submission, the proposed constitution of the proposed State of Alaska, ratified by the people at the election held on April 24, 1956, shall be deemed amended accordingly. In the event any one of the foregoing propositions is not adopted at said election by a majority of the legal votes cast on said submission, the provisions of this Act shall thereupon cease to be effective.

The Governor of Alaska is hereby authorized and directed to take such action as may be necessary or appropriate to insure the submission of said propositions to the people. The return of the votes cast on said propositions shall be made by the election officers directly to the Secretary of Alaska, who shall certify the results of the submission to the Governor. The Governor shall certify the results of said submission, as so ascertained, to the President of the United States.

(c) If the President shall find that the propositions set forth in the preceding subsection have been duly adopted by the people of Alaska, the President, upon certification of the returns of the election of the officers required to be elected as provided in section 7 of this Act, shall thereupon issue his proclamation announcing the results of said election as so ascertained. Upon the issuance of said proclamation by the President, the State of Alaska shall be deemed admitted into the Union as provided in section 1 of this Act.

Until the said State is so admitted into the Union, all of the officers of said Territory, including the Delegate in Congress from said Territory, shall continue to discharge the duties of their respective offices. Upon the issuance of said proclamation by the President of the United States and the admission of the State of Alaska into the Union, the officers elected at said election, and qualified under the provisions of the constitution and laws of said State, shall proceed to exercise all the functions pertaining to their offices in or

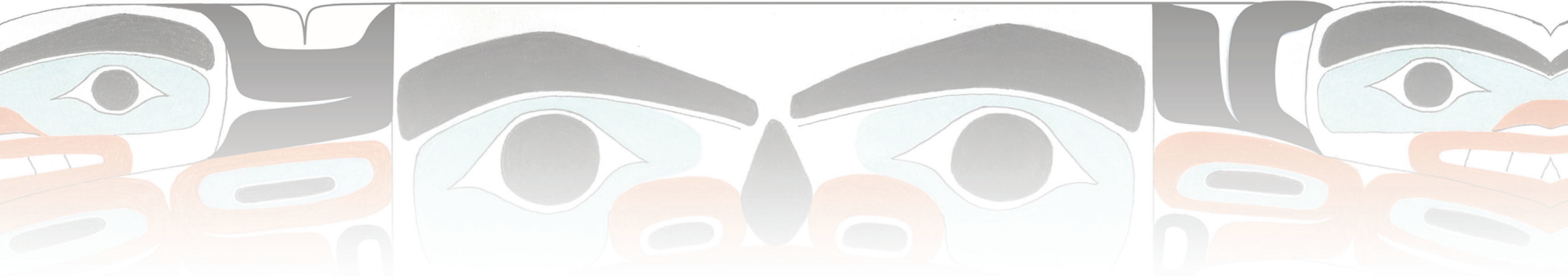


under or by authority of the government of said State, and officers not required to be elected at said initial election shall be selected or continued in office as provided by the constitution and laws of said State. The Governor of said State shall certify the election of the Senators and Representative in the manner required by law, and the said Senators and Representative shall be entitled to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States.

(d) Upon admission of the State of Alaska into the Union as herein provided, all of the Territorial laws then in force in the Territory of Alaska shall be and continue in full force and effect throughout said State except as modified or changed by this Act, or by the constitution of the State, or as thereafter modified or changed by the legislature of the State. All of the laws of the United States shall have the same force and effect within said State as elsewhere within the United States. As used in this paragraph, the term "Territorial laws" includes (in addition to laws enacted by the Territorial Legislature of Alaska) all laws or parts thereof enacted by the Congress the validity of which is dependent solely upon the authority of the Congress to provide for the government of Alaska prior to the admission of the State of Alaska into the Union, and the term "laws of the United States" includes all laws or parts thereof enacted by the Congress that (1) apply to or within Alaska at the time of the admission of the State of Alaska into the Union, (2) are not "Territorial laws" as defined in this paragraph, and (3) are not in conflict with any other provisions of this Act.

Section 9

The State of Alaska upon its admission into the Union shall be entitled to one Representative until the taking effect of the next reapportionment, and such Representative shall be in addition to the membership of the House of Representatives as now prescribed by law: Provided, That such temporary increase in the membership shall not operate to either increase or decrease the permanent membership of the House



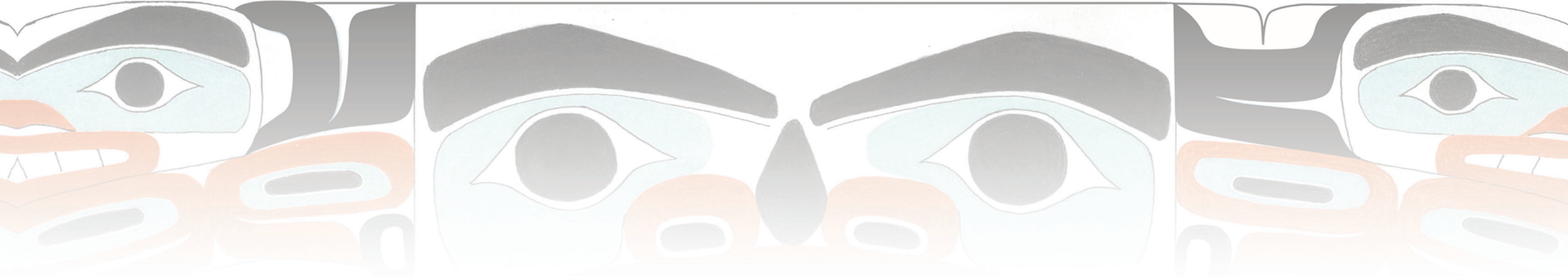
of Representatives as prescribed in the Act of August 8, 1911 (37 Stat. 13) nor shall such temporary increase affect the basis of apportionment established by the Act of November 15, 1941 (55 Stat. 761; 2 U.S.C., section 2a), for the Eighty-third Congress and each Congress thereafter.

Section 10

(a) The President of the United States is hereby authorized to establish, by Executive order or proclamation, one or more special national defense withdrawals within the exterior boundaries of Alaska, which withdrawal or withdrawals may thereafter be terminated in whole or in part by the President.

(b) Special national defense withdrawals established under subsection (a) of this section shall be confined to those portions of Alaska that are situated to the north or west of the following line: Beginning at the point where the Porcupine River crosses the international boundary between Alaska and Canada; thence along a line parallel to, and five miles from, the right bank of the main channel of the Porcupine River to its confluence with the Yukon River; thence along a line parallel to, and five miles from, the right bank of the main channel of the Yukon River to its most southerly point of intersection with the meridian of longitude 160 degrees west of Greenwich; thence south to the intersection of said meridian with the Kuskokwim River; thence along a line parallel to, and five miles from the right bank of the Kuskokwim River to the mouth of said river; thence along the shoreline of Kuskokwim Bay to its intersection with the meridian of longitude 162 degrees 30 minutes west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 57 degrees 30 minutes north; thence east to the intersection of said parallel with the meridian of longitude 156 degrees west of Greenwich; thence south to the intersection of said meridian with the parallel of latitude 50 degrees north.

(c) Effective upon the issuance of such Executive order or proclamation, exclusive jurisdiction over all

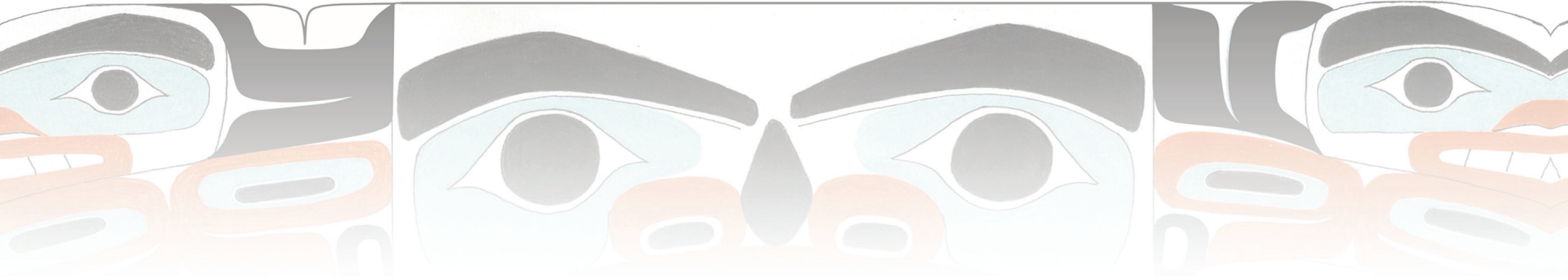


special national defense withdrawals established under this section is hereby reserved to the United States, which shall have sole legislative, judicial, and executive power within such withdrawals, except as provided hereinafter. The exclusive jurisdiction so established shall extend to all lands within the exterior boundaries of each such withdrawal, and shall remain in effect with respect to any particular tract or parcel of land only so long as such tract or parcel remains within the exterior boundaries of such a withdrawal. The laws of the State of Alaska shall not apply to areas within any special national defense withdrawal established under this section while such areas remain subject to the exclusive jurisdiction hereby authorized: Provided, however, That such exclusive jurisdiction shall not prevent the execution of any process, civil or criminal, of the State of Alaska, upon any person found within said withdrawals: And provided further, That such exclusive jurisdiction shall not prohibit the State of Alaska from enacting and enforcing all laws necessary to establish voting districts, and the qualification and procedures for voting in all elections.

(d) During the continuance in effect of any special national defense withdrawal established under this section, or until the Congress otherwise provides, such exclusive jurisdiction shall be exercised within each such withdrawal in accordance with the following provisions of law:

(1) All laws enacted by the Congress that are of general application to areas under the exclusive jurisdiction of the United States, including, but without limiting the generality of the foregoing, those provisions of title 18, United States Code, that are applicable within the special maritime and territorial jurisdiction of the United States as defined in section 7 of said title, shall apply to all areas within such withdrawals.

(2) In addition, any areas within the withdrawals that are reserved by Act of Congress or by Executive action for a particular military or civilian use of the United States shall be subject to all laws enacted by the Congress that have application to lands withdrawn for that particular use, and any other areas within the withdrawals shall be subject to all laws enacted by the Congress that are of general application to lands



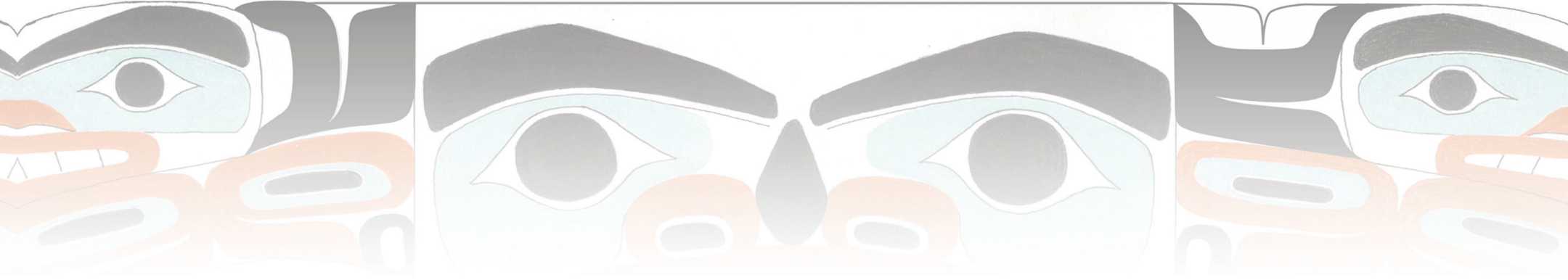
withdrawn for defense purposes of the United States.

(3) To the extent consistent with the laws described in paragraphs (1) and (2) of this subsection and with regulations made or other actions taken under their authority, all laws in force within such withdrawals immediately prior to the creation thereof by Executive order or proclamation shall apply within the withdrawals and, for this purpose, are adopted as laws of the United States: Provided, however, That the laws of the State or Territory relating to the organization or powers of municipalities or local political subdivisions, and the laws or ordinances of such municipalities or political subdivisions shall not be adopted as laws of the United States.

(4) All functions vested in the United States commissioners by the laws described in this subsection shall continue to be performed within the withdrawals by such commissioners.

(5) All functions vested in any municipal corporation, school district, or other local political subdivision by the laws described in this subsection shall continue to be performed within the withdrawals by such corporation, district, or other subdivision, and the laws of the State or the laws or ordinances of such municipalities or local political subdivision shall remain in full force and effect notwithstanding any withdrawal made under this section.

(6) All other functions vested in the government of Alaska or in any officer or agency thereof, except judicial functions over which the United States District Court for the District of Alaska is given jurisdiction by this act or other provisions of law, shall be performed within the withdrawals by such civilian individuals or civilian agencies and in such manner as the President shall from time to time, by Executive order, direct or authorize.

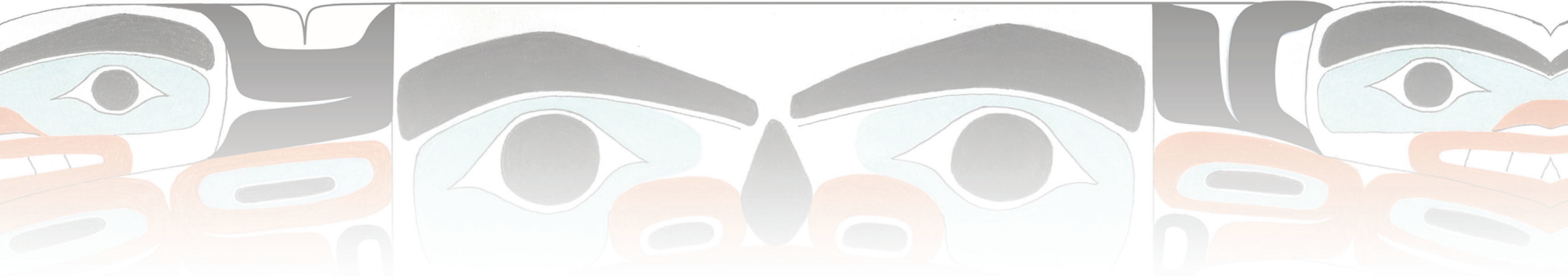


(7) The United States District Court for the District of Alaska shall have original jurisdiction, without regard to the sum or value of any matter in controversy, over all civil actions arising within such withdrawals under the laws made applicable thereto by this subsection, as well as over all offenses committed within the withdrawals.

(e) Nothing contained in subsection (d) of this section shall be construed as limiting the exclusive jurisdiction established in the United States by subsection (c) of this section or the authority of the Congress to implement such exclusive jurisdiction by appropriate legislation, or as denying to persons now or hereafter residing within any portion of the areas described in subsection (b) of this section the right to vote at all elections held within the political subdivisions as prescribed by the State of Alaska where they respectively reside, or as limiting the jurisdiction conferred on the United States District Court for the District of Alaska by any other provision of law, or as continuing in effect laws relating to the Legislature of the Territory of Alaska. Nothing contained in this section shall be construed as limiting any authority otherwise vested in the Congress or the President.

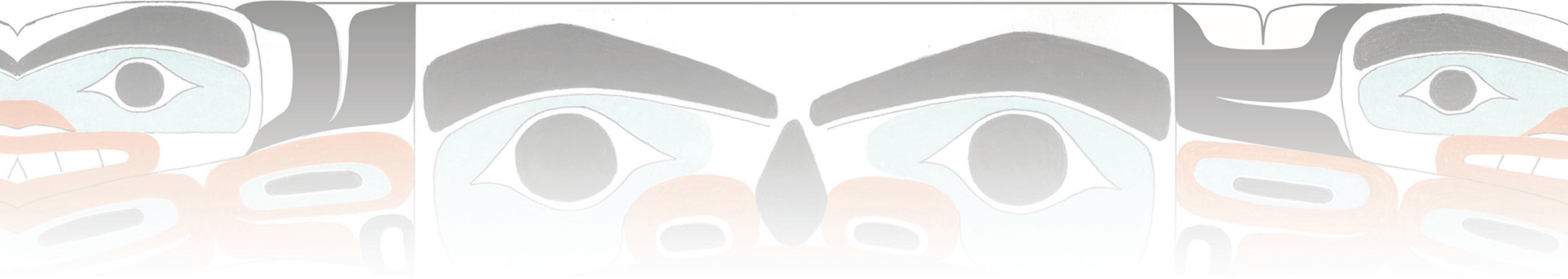
Section 11

(a) Nothing in this Act shall affect the establishment, or the right, ownership, and authority of the United States in Mount McKinley National Park, as now or hereafter constituted; but exclusive jurisdiction, in all cases, shall be exercised by the United States for the national park, as now or hereafter constituted; saving, however, to the State of Alaska the right to serve civil or criminal process within the limits of the aforesaid park in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed in said State, but outside of said park; and saving further to the said State the right to tax persons and corporations, their franchises and property on the lands included in said park; and saving also to the persons residing now or hereafter in such area the right to vote at all elections held within the respective



political subdivisions of their residence in which the park is situated.

(b) Notwithstanding the admission of the State of Alaska into the Union, authority is reserved in the United States, subject to the proviso hereinafter set forth, for the exercise by the Congress of the United States of the power of exclusive legislation, as provided by article I, section 8, clause 17, of the Constitution of the United States, in all cases whatsoever over such tracts or parcels of land as, immediately prior to the admission of said State, are owned by the United States and held for military, naval, Air Force, or Coast Guard purposes, including naval petroleum reserve numbered 4, whether such lands were acquired by cession and transfer to the United States by Russia and set aside by Act of Congress or by Executive order or proclamation of the President or the Governor of Alaska for the use of the United States, or were acquired by the United States by purchase, condemnation, donation, exchange, or otherwise: Provided, (i) That the State of Alaska shall always have the right to serve civil or criminal process within the said tracts or parcels of land in suits or prosecutions for or on account of rights acquired, obligations incurred, or crimes committed within the said State but outside of the said tracts or parcels of land; (ii) that the reservation of authority in the United States for the exercise by the Congress of the United States of the power of exclusive legislation over the lands aforesaid shall not operate to prevent such lands from being a part of the State of Alaska, or to prevent the said State from exercising over or upon such lands, concurrently with the United States, any jurisdiction whatsoever which it would have in the absence of such reservation of authority and which is consistent with the laws hereafter enacted by the Congress pursuant to such reservation of authority; and (iii) that such power of exclusive legislation shall rest and remain in the United States only so long as the particular tract or parcel of land involved is owned by the United States and used for military, naval, Air Force, or Coast Guard purposes. The provisions of this subsection shall not apply to lands within such special national defense withdrawal or withdrawals as may be established pursuant to section 10 of this Act until such lands cease to be subject to the exclusive jurisdiction reserved to the United States by that sec-



tion.

Section 12

Effective upon the admission of Alaska into the Union

(a) The analysis of chapter 5 of title 28, United States Code, immediately preceding section 81 of such title, is amended by inserting immediately after and underneath item 81 of such analysis, a new item to be designated as item 81A and to read as follows: “81A Alaska”;

(b) Title 28, United States Code, is amended by inserting immediately after section 81 thereof a new section, to be designated as section 81A, and to read as follows:

«(section) 81A. Alaska

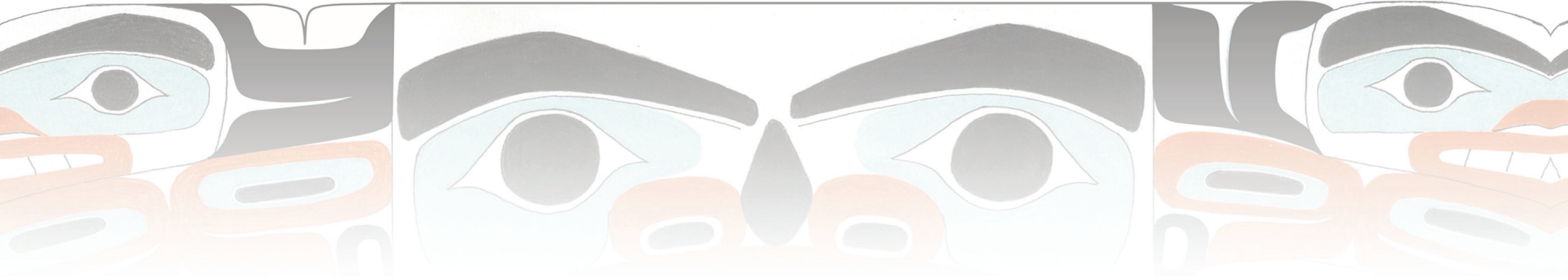
«Alaska constitutes one judicial district.

«Court shall be held at Anchorage, Fairbanks, Juneau, and Nome.»;

(c) Section 133 of title 28, United States Code, is amended by inserting in the table of districts and judges in such section immediately above the item: “Arizona * * * 2”, a new item as follows: “Alaska * * * 1”;

(d) The first paragraph of section 373 of title 28, United States Code, as heretofore amended, is further amended by striking out the words: “the District Court for the Territory of Alaska,”: Provided, That the amendment made by this subsection shall not affect the rights of any judge who may have retired before it takes effect;

(e) The words “the District Court for the Territory of Alaska,” are stricken out wherever they appear in



sections 333, 460, 610, 753, 1252, 1291, 1292, and 1346 of title 28, United States Code;

(f) The first paragraph of section 1252 of title 28, United States Code, is further amended by striking out the word “Alaska,” from the clause relating to courts of record;

(g) Subsection (2) of section 1294 of title 28, United States Code, is repealed and the later subsections of such section are renumbered accordingly;

(h) Subsection (a) of section 2410 of title 28, United States Code, is amended by striking out the words: “including the District Court for the Territory of Alaska”;

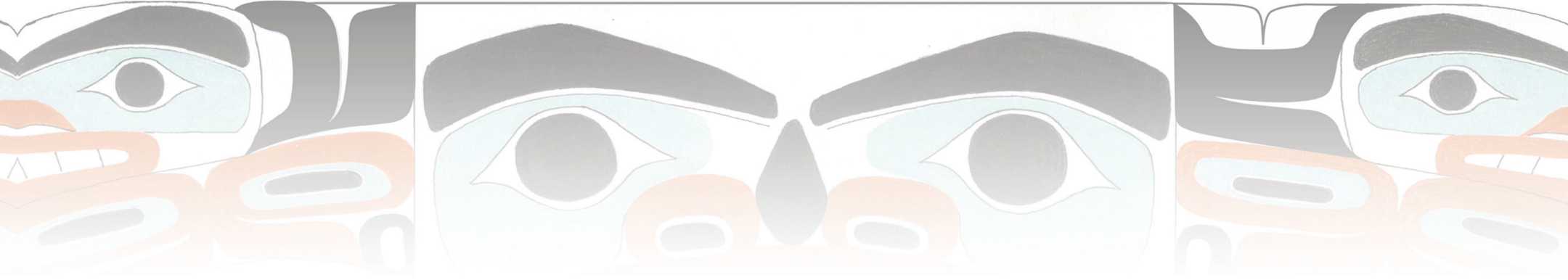
(i) Section 3241 of title 18, United States Code, is amended by striking out the words: “District Court for the Territory of Alaska, the”;

(j) Subsection (e) of section 3401 of title 18, United States Code, is amended by striking out the words: “for Alaska or”;

(k) Section 3771 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “the Territory of Alaska,”;

(l) Section 3772 of title 18, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “the Territory of Alaska,” ;

(m) Section 2072 of title 28, United States Code, as heretofore amended, is further amended by striking out from the first paragraph of such section the words: “and of the District Court for the Territory of Alaska”;



(n) Subsection (q) of section 376 of title 28, United States Code, is amended by striking out the words: “the District Court for the Territory of Alaska.”; Provided, That the amendment made by this subsection shall not affect the rights under such section 376 of any present or former judge of the District Court for the Territory of Alaska or his survivors;

(o) The last paragraph of section 1963 of title 28, United States Code, is repealed;

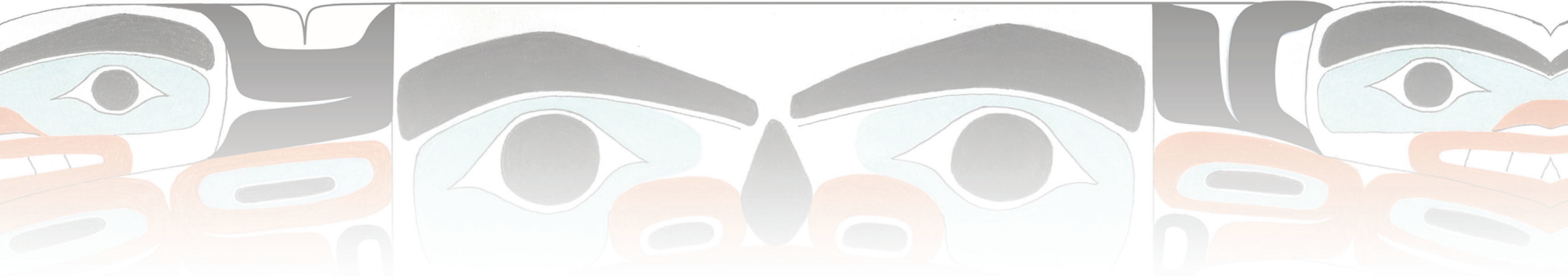
(p) Section 2201 of title 28, United States Code, is amended by striking out the words: “and the District Court for the Territory of Alaska”; and

(q) Section 4 of the Act of July 28, 1950 (64 Stat. 380; 5 U.S.C., section 341b) is amended by striking out the word: «Alaska.»

Section 13

No writ, action, indictment, cause, or proceeding pending in the District Court for the Territory of Alaska on the date when said Territory shall become a State, and no case pending in an appellate court upon appeal from the District Court for the Territory of Alaska at the time said Territory shall become a State, shall abate by the admission of the State of Alaska into the Union, but the same shall be transferred and proceeded with as hereinafter provided.

All civil causes of action and all criminal offenses which shall have arisen or been committed prior to the admission of said State, but as to which no suit, action, or prosecution shall be pending at the date of such admission, shall be subject to prosecution in the appropriate State courts or in the United States District Court for the District of Alaska in like manner, to the same extent, and with like right of appellate review, as if said State had been created and said courts had been established prior to the accrual of said



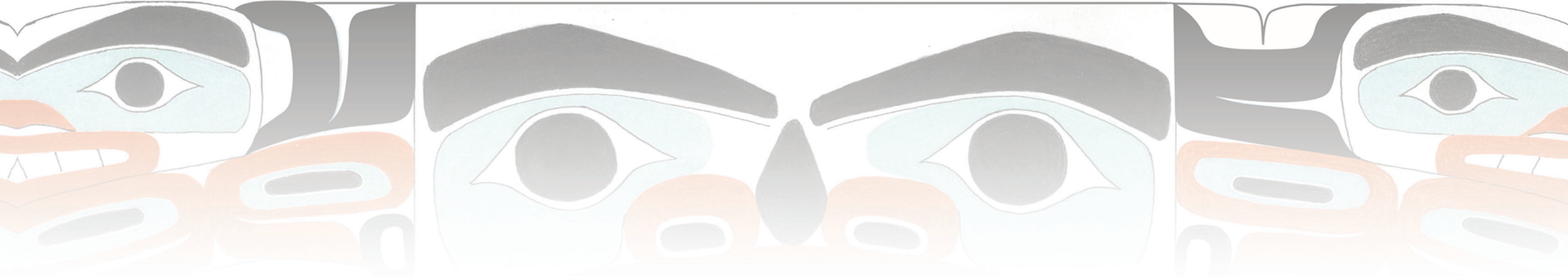
causes of action or the commission of such offenses; and such of said criminal offenses as shall have been committed against the laws of the Territory shall be tried and punished by the appropriate courts of said State, and such as shall have been committed against the laws of the United States shall be tried and punished in the United States District Court for the District of Alaska.

Section 14

All appeals taken from the District Court for the Territory of Alaska to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit, previous to the admission of Alaska as a State, shall be prosecuted to final determination as though this act had not been passed. All cases in which final judgment has been rendered in such district court, and in which appeals might be had except for the admission of such State, may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States Court of Appeals for the Ninth Circuit under the provisions of then existing law, and there held and determined in like manner; and in either case, the Supreme Court of the United States, or the United States Court of Appeals, in the event of reversal, shall remand the said cause to either the State supreme court or other final appellate court of said State, or the United States district court for said district, as the case may require: Provided, That the time allowed by existing law for appeals from the district court for said Territory shall not be enlarged thereby.

Section 15

All causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State which are of such nature as to be within the jurisdiction of a district court of the United States shall be transferred to the United States District Court for the District of Alaska for final disposition and enforcement in the same manner as is now provided by law with reference to the judgments



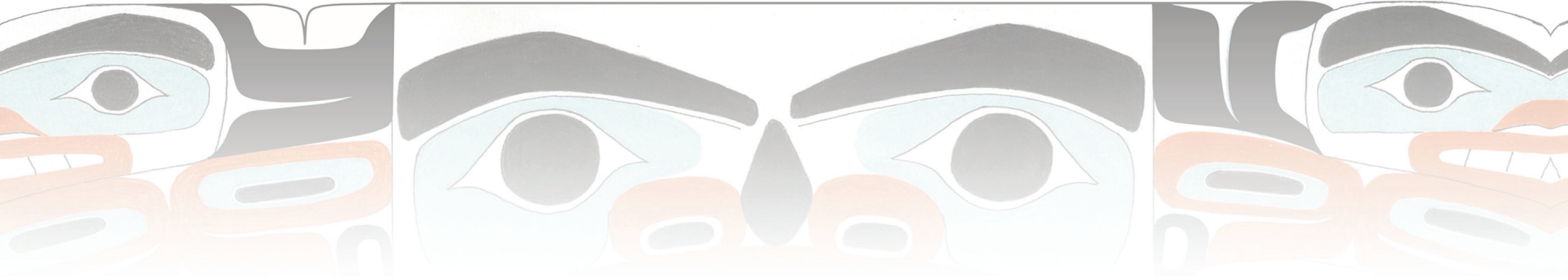
and decrees in existing United States district courts. All other causes pending or determined in the District Court for the Territory of Alaska at the time of the admission of Alaska as a State shall be transferred to the appropriate State court of Alaska. All final judgments and decrees rendered upon such transferred cases in the United States District Court for the District of Alaska may be reviewed by the Supreme Court of the United States or by the United States Court of Appeals for the Ninth Circuit in the same manner as is now provided by law with reference to the judgments and decrees in existing United States district courts.

Section 16

Jurisdiction of all cases pending or determined in the District Court for the Territory of Alaska not transferred to the United States District Court for the District of Alaska shall devolve upon and be exercised by the courts of original jurisdiction created by said State, which shall be deemed to be the successor of the District Court for the Territory of Alaska with respect to cases not so transferred and, as such, shall take and retain custody of all records, dockets, journals, and files of such court pertaining to such cases. The files and papers in all cases so transferred to the United States district court, together with a transcript of all book entries to complete the record in such particular cases so transferred, shall be in like manner transferred to said district court.

Section 17

All cases pending in the District Court for the Territory of Alaska at the time said Territory becomes a State not transferred to the United States District Court for the District of Alaska shall be proceeded with and determined by the courts created by said State with the right to prosecute appeals to the appellate courts created by said State, and also with the same right to prosecute appeals or writs of certiorari from the final determination in said causes made by the court of last resort created by such State to the Supreme Court of



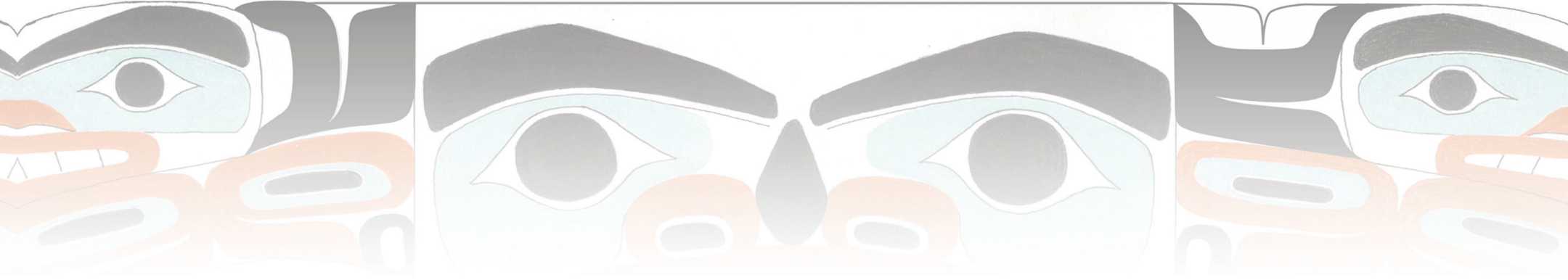
the United States, as now provided by law for appeals and writs of certiorari from the court of last resort of a State to the Supreme Court of the United States.

Section 18

The provisions of the preceding sections with respect to the termination of the Jurisdiction of the District Court for the Territory of Alaska, the continuation of suits, the succession of courts, and the satisfaction of rights of litigants in suits before such courts, shall not be effective until three years after the effective date of this Act, unless the President, by Executive order, shall sooner proclaim that the United States District Court for the District of Alaska, established in accordance with the provisions of this Act, is prepared to assume the functions imposed upon it. During such period of three years or until such Executive order is issued, the United States District Court for the Territory of Alaska shall continue to function as heretofore. The tenure of the judges, the United States attorneys, marshals, and other officers of the United States District Court for the Territory of Alaska shall terminate at such time as that court shall cease to function as provided in this section.

Section 19

The first paragraph of section 2 of the Federal Reserve Act (38 Stat. 251) is amended by striking out the last sentence thereof and inserting in lieu of such sentence the following: "When the State of Alaska is hereafter admitted to the Union the Federal Reserve districts shall be readjusted by the Board of Governors of the Federal Reserve System in such manner as to include such State. Every national bank in any State shall, upon commencing business or within ninety days after admission into the Union of the State in which it is located, become a member bank of the Federal Reserve System by subscribing and paying for stock in the Federal Reserve bank of its district in accordance with the provisions of this Act and shall thereupon be



an insured bank under the Federal Deposit Insurance Act, and failure to do so shall subject such bank to the penalty provided by the sixth paragraph of this section.”

Section 20

Section 2 of the Act of October 20, 1914 (38 Stat. 742; 48 U.S.C. section 433), is hereby repealed.

Section 21

Nothing contained in this Act shall operate to confer United States nationality, nor to terminate nationality heretofore lawfully acquired, nor restore nationality heretofore lost under any law of the United States or under any treaty to which the United States may have been a party.

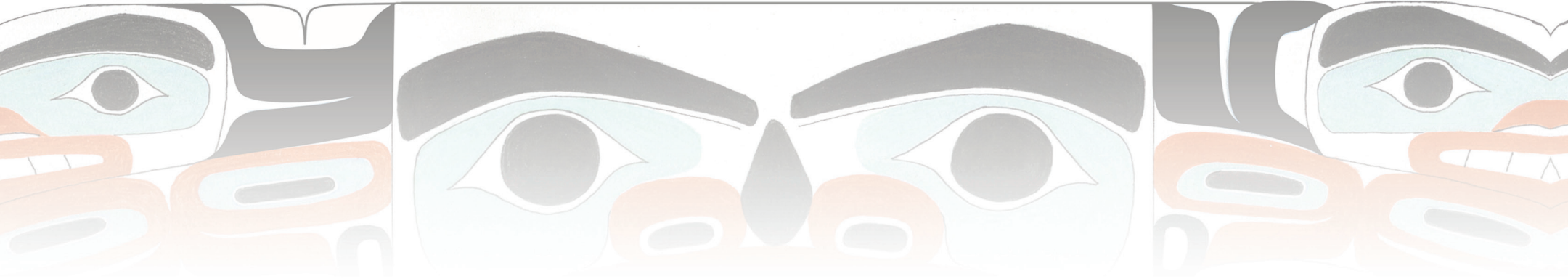
Section 22 - 26

Section 22. Section 101(a)(36) of the Immigration and Nationality Act (66 Stat. 170, 8 U.S.C. section 1101(a)(36)) is amended by deleting the word “Alaska,”

Section 23. The first sentence of section 212(d)(7) of the Immigration and Nationality Act (66 Stat. 188, 8 U.S.C. section 1182(d)(7)) is amended by deleting the word “Alaska,”

Section 24. Nothing contained in this Act shall be held to repeal, amend, or modify the provisions of section 304 of the Immigration and Nationality Act (66 Stat. 237, 8 U.S.C. section 1404).

Section 25. The first sentence of section 310(a) of the Immigration and Nationality Act (66 Stat. 239, 8 U.S.C. section 1421(a)) is amended by deleting the words “District Courts of the United States for the Terri-



teries of Hawaii and Alaska” and substituting therefor the words “District Court of the United States for the Territory of Hawaii.”

Section 26. Section 344(d) of the Immigration and Nationality Act. (66 Stat. 265, 8 U.S.C. section 1455(d)) is amended by deleting the words “in Alaska and.”

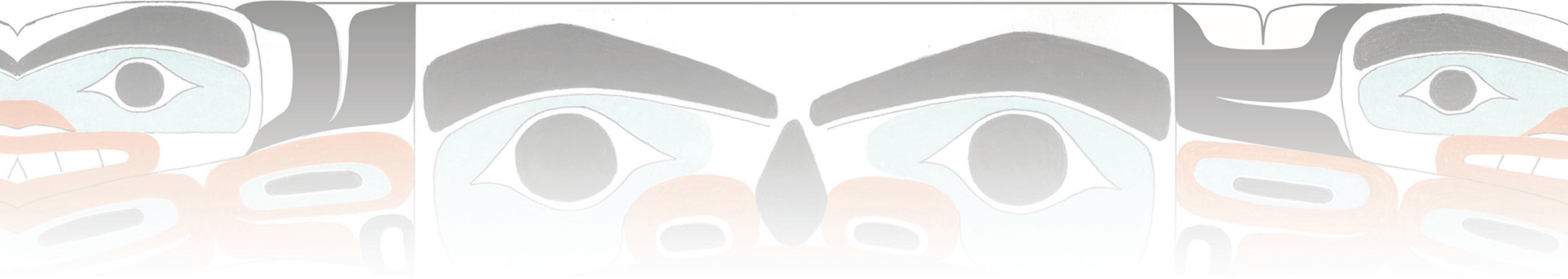
Section 27

(a) The third proviso in section 27 of the Merchant Marine Act, 1920, as amended (46 U.S.C. section 883), is further amended by striking out the word “excluding” and inserting in lieu thereof the word “including.”

(b) Nothing contained in this or any other Act shall be construed as depriving the Federal Maritime Board of the exclusive jurisdiction heretofore conferred on it over common carriers engaged in transportation by water between any port in the State of Alaska and other ports in the United States, its Territories or possessions, or as conferring upon the Interstate Commerce Commission jurisdiction over transportation by water between any such ports.

Section 28

(a) The last sentence of section 9 of the Act entitled “An Act to provide for the leasing of coal lands in the Territory of Alaska, and for other purposes”, approved October 20, 1914 (48 U.S.C. 439), is hereby amended to read as follows: “All net profits from operation of Government mines, and all bonuses, royalties, and rentals under leases as herein provided and all other payments received under this Act shall be distributed as follows as soon as practicable after December 31 and June 30 of each year: (1) 90 per centum thereof shall be paid by the Secretary of the Treasury to the State of Alaska for disposition by the legislature thereof;



and (2) 10 per centum shall be deposited in the Treasury of the United States to the credit of miscellaneous receipts.”

(b) Section 35 of the Act entitled “An Act to promote the mining of coal, phosphate, oil, oil shale, gas, and sodium on the public domain”, approved February 25, 1920, as amended (30 U.S.C. 191), is hereby amended by inserting immediately before the colon preceding the first proviso thereof the following: “, and of those from Alaska 52 1/2 per centum thereof shall be paid to the State of Alaska for disposition by the legislature thereof.”

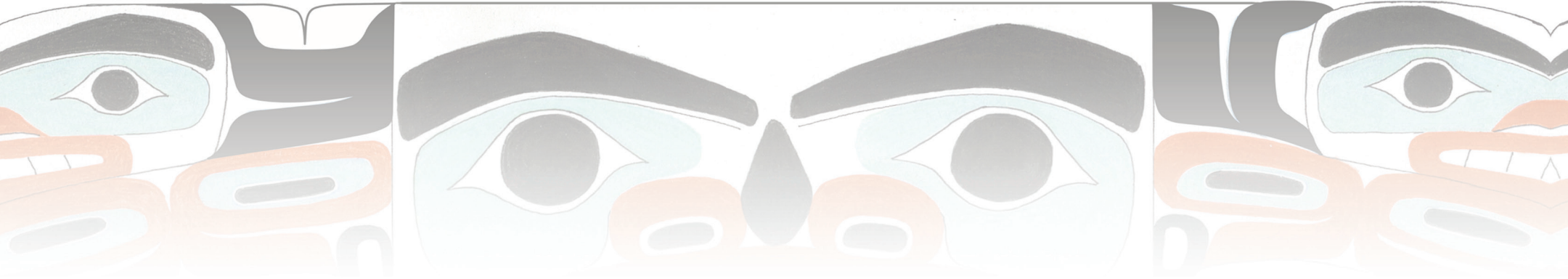
Section 29

If any provision of this Act, or any section, subsection, sentence, clause, phrase, or individual word, or the application thereof to any person or circumstance is held invalid, the validity of the remainder of the Act and of the application of any such provision, section, subsection, sentence, clause, phrase, or individual word to other persons and circumstances shall not be affected thereby.

Section 30

All Acts or parts of Acts in conflict with the provisions of this Act, whether passed by the legislature of said Territory or by Congress, are hereby repealed.

<http://www.lbblawyers.com/statetoc.htm>



The Road from ANCSA

Appendix V: ALLOTMENT ACT OF 1891

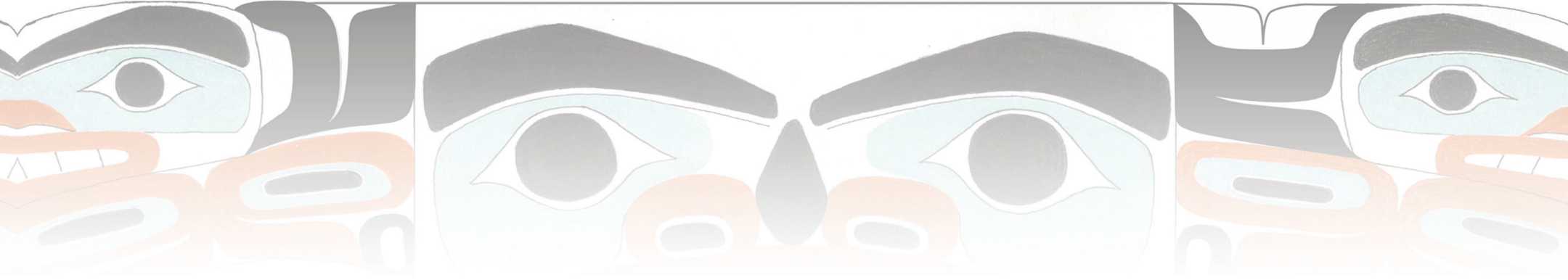
An act to amend and further extend the benefits of the act approved February eighth, eighteen hundred and eighty-seven, entitled “An act to provide for the allotment of land in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States over the Indians, and for other purposes.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section one of the act entitled “An act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes,” approved February eighth, eighteen hundred and eighty-seven, be, and the same is hereby, amended so as to read as follows:

Sec. 1.

That in all cases where any tribe or band of Indians has been, or shall hereafter be, located upon any reservation created for their use, either by treaty stipulation or by virtue of an Act of Congress or Executive order setting apart the same for their use, the President of the United States be, and he hereby is, authorized, whenever in his opinion any reservation, or any part thereof, of such Indians is advantageous for agricultural or grazing purposes, to cause said reservation, or any part thereof, to be surveyed, or resurveyed, if necessary, and to allot to each Indian located thereon one-eighth of a section of land:

Provided, That in case there is not sufficient land in any of said reservations to allot lands to each individual in quantity as above provided the land in such reservation or reservations shall be allotted to each individual



pro rata, as near as may be, according to legal subdivisions:

Provided further, That where the treaty or act of Congress setting apart such reservation provides for the allotment of lands in severalty to certain classes in quantity in excess of that herein provided the President, in making allotments upon such reservation, shall allot the land to each individual Indian of said classes belonging thereon in quantity as specified in such treaty or act, and to other Indians belonging thereon in quantity as herein provided:

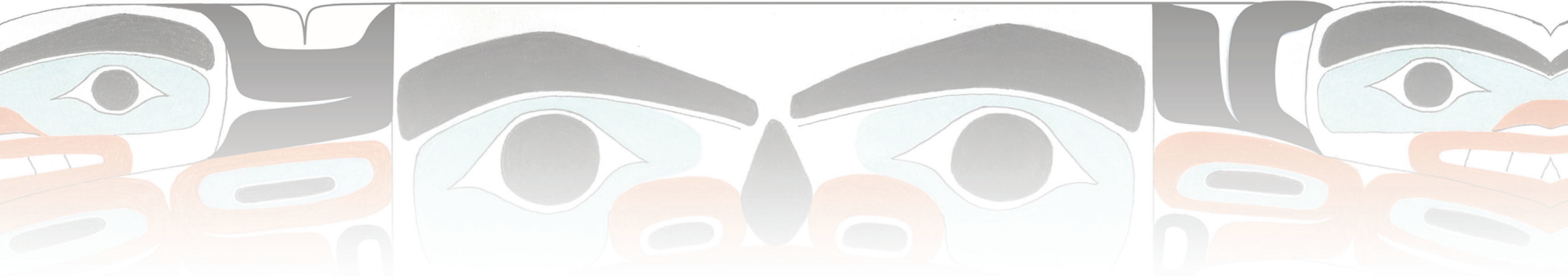
Provided further, That where existing agreements or laws provide for allotments in accordance with the provisions of said act of February eighth, eighteen hundred and eighty-seven, or in quantities substantially as therein provided, allotments may be made in quantity as specified in this act, with the consent of the Indians, expressed in such manner as the President, in his discretion, may require:

And provided further, That when the lands allotted, or any legal subdivision thereof, are only valuable for grazing purposes, such lands shall be allotted in double quantities.”

Sec. 2.

That where allotments have been made in whole or in part upon any reservation under the provisions of said act of February eighth, eighteen hundred and eighty-seven, and the quantity of land in such reservation is sufficient to give each member of the tribe eighty acres, such allotments shall be revised and equalized under the provisions of this act:

Provided, That no allotment heretofore approved by the Secretary of the Interior shall be reduced in quantity.



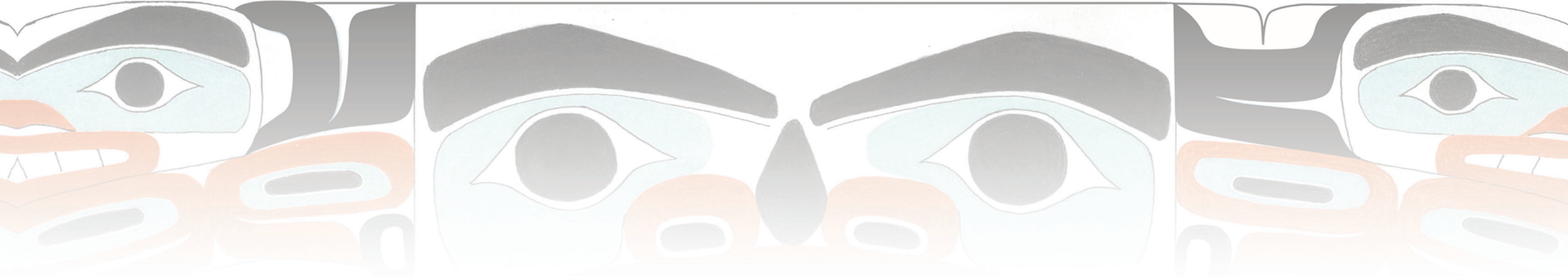
Sec. 3.

That whenever it shall be made to appear to the Secretary of the Interior that, by reason of age or other disability, any allottee under the provisions of said act, or any other act or treaty can not personally and with benefit to himself occupy or improve his allotment or any part thereof the same may be leased upon such terms, regulations and conditions as shall be prescribed by such Secretary, for a term not exceeding three years for farming or grazing, or ten years for mining purposes:

Provided, That where lands are occupied by Indians who have bought and paid for the same, and which lands are not needed for farming or agricultural purposes, and are not desired for individual allotments, the same may be leased by authority of the Council speaking for such Indians, for a period not to exceed five years for grazing, or ten years for mining purposes in such quantities and upon such terms and conditions as the agent in charge of such reservation may recommend, subject to the approval of the Secretary of the Interior.

Sec. 4.

That where any Indian entitled to allotment under existing laws shall make settlement upon any surveyed or unsurveyed lands of the United States not otherwise appropriated, he or she shall be entitled, upon application to the local land office for the district in which the lands are located, to have the same allotted to him or her and to his or her children, in quantities and manner as provided in the foregoing section of this amending act for Indians residing upon reservations; and when such settlement is made upon unsurveyed lands the grant to such Indians shall be adjusted upon the survey of the lands so as to conform thereto; and patents shall be issued to them for such lands in the manner and with the restrictions provided in the act to which this is an amendment. And the fees to which the officers of such local land office would have been entitled had such lands been entered under the general laws for the disposition of the public lands shall be paid to them from any moneys in the Treasury of the United States not otherwise appropriated, upon a statement



of an account in their behalf for such fees by the Commissioner of the General Land Office, and a certification of such account to the Secretary of the Treasury by the Secretary of the Interior.

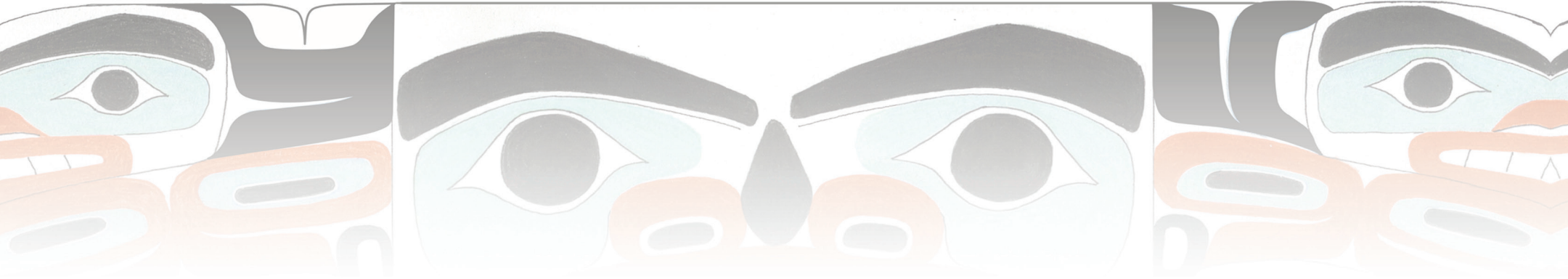
Sec. 5. That for any purpose of determining the descent of land to the heirs of any deceased Indian under the provisions of the fifth section of said act, whenever any male and female Indian shall have cohabited together as husband and wife according to the custom and manner of Indian life the issue of such cohabitation shall be, for the purpose aforesaid, taken and deemed to be the legitimate issue of the Indians so living together, and every Indian child, otherwise illegitimate, shall for such purpose be taken and deemed to be the legitimate issue of the father of such child:

Provided, That the provisions of this act shall not be held or construed as to apply to the lands commonly called and known as the "Cherokee Outlet":

And provided further, That no allotment of lands shall be made or annuities of money paid to any of the Sac and Fox of the Missouri Indians who were not enrolled as members of said tribe on January first, eighteen hundred and ninety; but this shall not be held to impair or otherwise affect the rights or equities of any person whose claim to membership in said tribe is now pending and being investigated.

Approved, February 28, 1891.

<http://academic.udayton.edu/race/02rights/native08.htm>



The Road from ANCSA

Appendix VI: Project Chariot

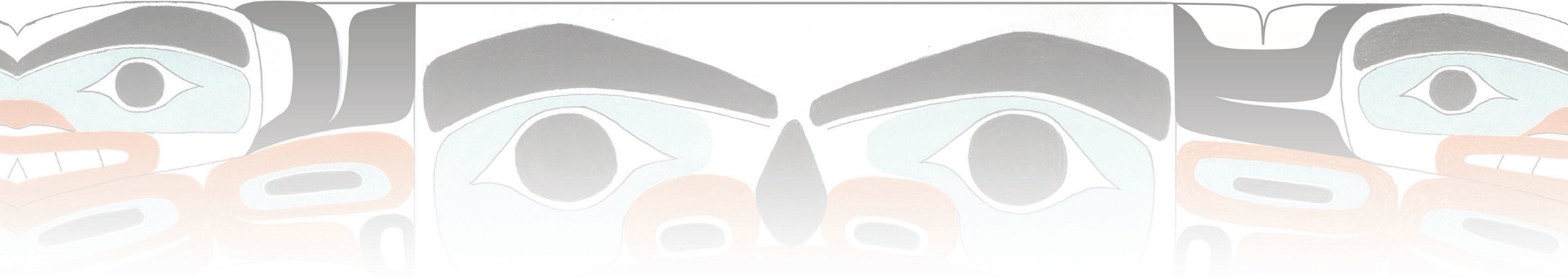
The first organized efforts of the 1960's to preserve ancient land rights had their beginnings in the proposed use of atomic-age technology. These efforts began in northern Alaska.

When Inupiat Eskimo artist Howard Rock traveled from Seattle to visit his birthplace at the village of Point Hope in 1961, he learned that the U.S. Atomic Energy Commission was planning to set off a nuclear device at nearby Cape Thompson. The experiment, which was called Project Chariot, had brought scientists and engineers into the region to plan for the use of the atomic explosive to create a harbor where none had existed before. The facility was expected to be used eventually for shipment of minerals and other resources from the northwest coast.

Residents of Point Hope, Kivalina, and Noatak worried about the potential danger of radioactive contamination to themselves and to the animals which they hunted for their livelihood. Rock, who soon found himself the spokesman for Point Hope, expressed concern over the failure of the commission to think of the safety and welfare of the people of the Cape Thompson area. "They did not even make a tiny effort," he said, "to consult the Natives who lived close by and who have always used Cape Thompson as a hunting and egging area."

Despite assurances from the federal agency that Project Chariot would be beneficial to the Eskimos of the region and to all of mankind; northwest villagers remained strongly opposed to it.

http://www.alaskool.org/projects/landclaims/LandClaims_Unit4_Ch14.htm



The Road from ANCSA

Appendix VII: "A Close Look at the ANB"

Anchorage Daily News, December 10, 1971, Editorial

Dear Editor:

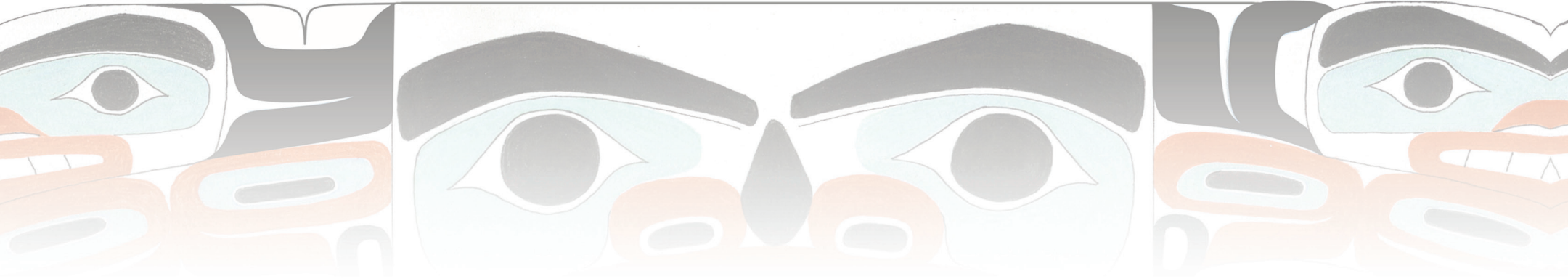
In your Dec. 4 issue appeared an article regarding the functions of the Alaska Native Brotherhood (ANB). This organization was referred to as a social organization. I don't like having to correct reporters, however, facts are facts and with this thought in mind I have decided to write this letter.

The Alaska Native Brotherhood is the oldest Indian organization in all of the United States. This organization was formed in 1912 by a group of dedicated, religious men who received training at Sheldon Jackson Training School, now referred to as the Sheldon Jackson Junior College. This organization has met each year since then and during these conventions endeavored to reach a solution to correct injustices imposed upon our Indian people.

While the activity of this organization was confined more or less to Southeast Alaska, the fact remains that when an issue came up before the territorial legislature or the Congress of the United States which would adversely affect our Indian rights this organization took it upon itself to fight and protect Indian rights and this included Eskimos, Aleuts, and Athabascans.

During all these years this organization never turned to anyone for financial support. These people were so dedicated that with the limited personal funds they had they carried on these battles. At times some of them had to borrow monies from others in order to meet expenses of carrying on the fight for various rights.

Without getting into all of the many wonderful things this organization has done, I shall list a few which will



enlighten you and perhaps the public, who may be believing the ANB is really just a social organization:

In the early 1920s, this organization fought for the Native people of Alaska to be recognized as citizens, not only of the territory but the United States of America. This, of course, was realized in 1924 when Congress passed an act making all Indians citizens. This also included the right to vote. In this instance the Alaska Native Brotherhood financed a lawsuit when an Indian woman was denied the right to vote. Fortunately, the courts were fair and we were upheld.

The ANB fought for the rights of our Indian children to attend public schools. In Juneau when 11 of our Indian children were dismissed from public school because of their Indian ancestry the Alaska Native Brotherhood went to court and forced the school system to admit Indians.

The organization was successful in having the workman's compensation law extended to all Natives in Alaska.

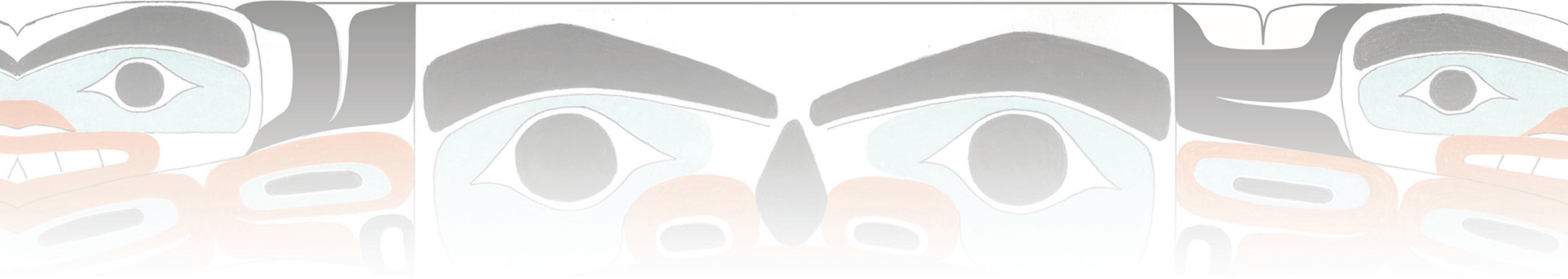
It fought for the right of Natives to receive the aid to dependent children.

The organization was successful in bringing about the extension of the old age pension to the Natives of Alaska.

It was successful in having the Indian Reorganization Act amended to include Alaska. This was done in 1936.

It was also successful in obtaining a large appropriation for Native hospitals in Alaska.

Through the efforts of this organization, Alaska now has one of the best anti-discrimination bills of any state. This organization fought for this over a period of years.



I believe the organization was successful because of the unselfishness of our ex-Senator Gruening who at the time was governor of Alaska. We owe a debt of gratitude to this fine, outstanding man for the manner in which he helped us in passing this much-needed legislation.

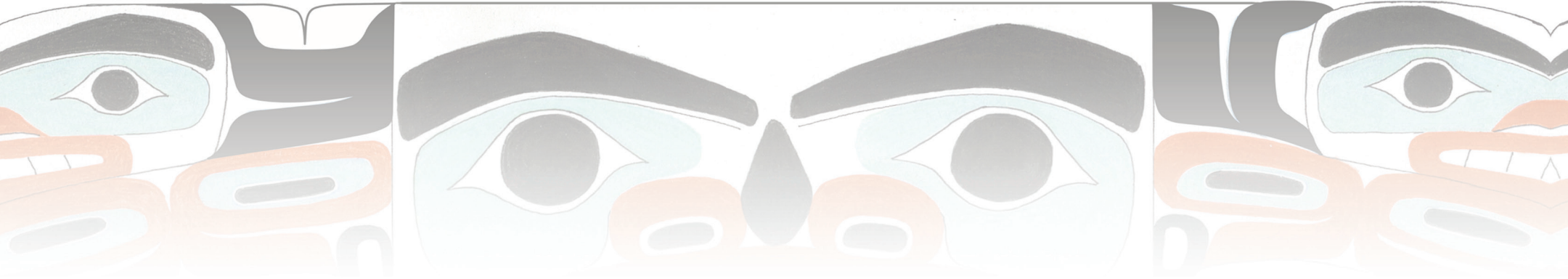
Signs were placed, prior to that time, on business establishments saying . . . “No Indians allowed” . . . or . . . “We cater to white trade only” . . . and some went so far as saying . . . “No Indians or dogs allowed here.”

There was also a segregated theatre system where one side was reserved for the so-called whites and the other for the Indians. One of our Natives in Nome tried to violate it by sitting on the white side and when she refused to move she was bodily removed from the theater. The equal rights bill or the anti-discrimination bill became a law in 1945 and since then all minority groups in Alaska are benefiting from this protective legislation.

Last but not least, the Alaska Native Brotherhood was the organization that initiated the land suit. They were instrumental in bringing about the filing of the claim for the Tlingit and Haidas in the Southeast. I may add here that during the middle 40s or late 40s when we had at least two Eskimo legislators we endeavored without success to get them to start land claims for the people in their vast country which is now in dispute. It appears that if this had been done in these early days, we perhaps could have avoided the verbal battles that are now going on with the recent land claims settlement.

During this period of time it was not popular to be an Indian because of the manner in which we were treated. I am glad a few people stuck by and I am also thankful that this old situation has changed for the better.

We do have our social hours like most other organizations, such as the state legislature. I don't think you would dare call the state legislature a social organization.



I trust you will publish the foregoing in order to correct the misinformation that was published in your article.

Roy Peratrovich
Member of the Executive Committee
Alaska Native Brotherhood

[http://www.alaskool.org/projects/ANCSA/ARTICLES/ADN/Close Look at ANB.htm](http://www.alaskool.org/projects/ANCSA/ARTICLES/ADN/Close_Look_at_ANB.htm)



The Road from ANCSA

Appendix VIII: David Case

“Case wrote the book on Indian law” by Sheila Toomey

“In general, Indian law is not complicated. It’s just ambiguous.”

Only David Case, the Anchorage lawyer who literally wrote the book on Indian law in Alaska, could get away with such an assertion.

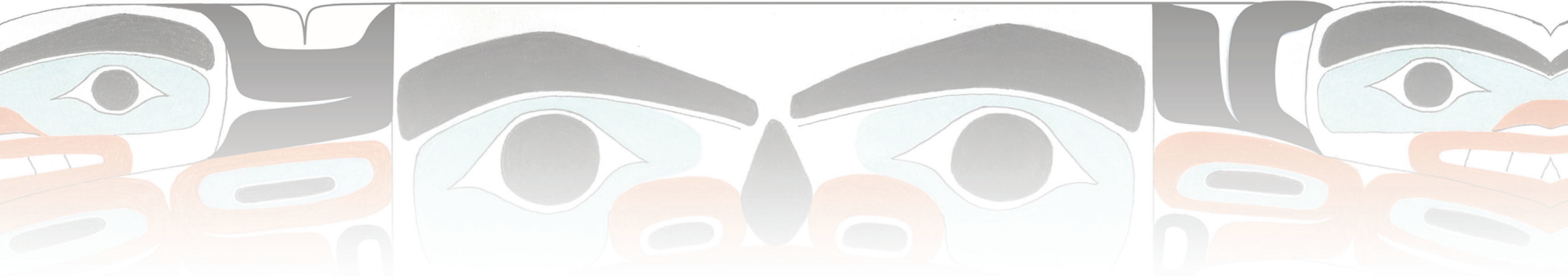
His “Alaska Natives and American Laws,” published in 1984, was the first comprehensive effort to explain the place of Alaska Natives in the unique, and quite complicated, relationship between the United States and indigenous Americans. It quickly became a how-to guide for lawyers and laypeople working in the field.

Indian law is not just Case’s speciality. It’s his passion.

“It connects on a lot of levels,” he said. “Intellectual is one. It connects with your heart on another. And, it’s right.”

Case came of age in the altruistic ‘60s. He collected a college degree in philosophy and joined the Peace Corps in 1966. After two years in rural India, he returned home to find himself at odds with the tempo of 1968 mainstream America.

“India was a country of villages. Things moved at a different pace, a more human pace,” he said. “I got off the plane at LaGuardia and went into (New York City) and things were moving at 80 miles an hour. The adjustment to America was more difficult than the adjustment to India had been.”



The next year he learned to be careful what he wished for. He found himself in another country of villages -- Vietnam. Through "dumb luck," namely knowing how to type, draftee Case ended up "a protocol officer for a bunch of generals," thus avoiding combat and perhaps death.

So there he was in 1971, a 27-year-old law student at the University of Washington, not far from the farmland where he grew up, helping to draft a tribal code for yet another group of villagers. Oddly enough, they were also called "Indians," misnamed so by fans of Christopher Columbus.

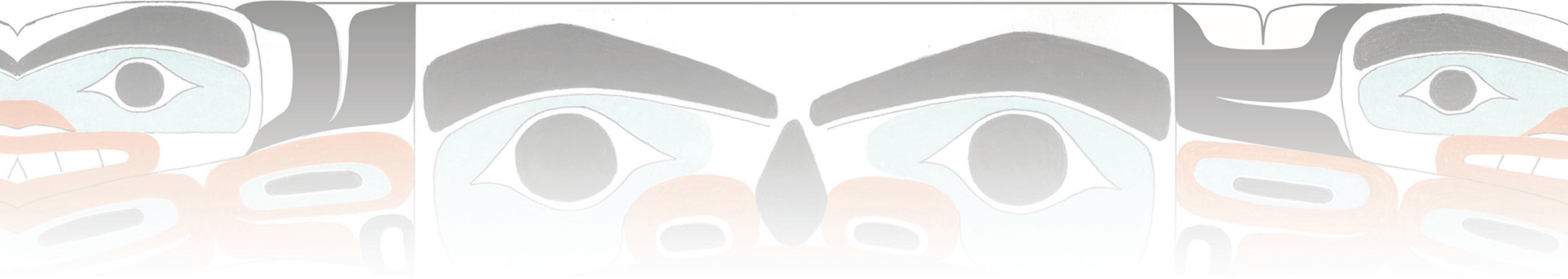
They called themselves the Suquamish.

According to Case, that's all it took. He was hooked for life on American Indian law. He headed for Fairbanks in 1974, right out of law school, to work as a Vista volunteer for Alaska Legal Services. In 1975-77 he directed a Native Bush justice project for the Alaska Federation of Natives, an examination of the delivery of courts, cops and corrections in Bush Alaska.

Now, 20 years later, he is a partner in an Anchorage law firm, the lawyer for about 20 rural villages and municipalities, a judge in the tax court of Venetie, a major player in the tribal sovereignty movement and widely regarded as the leading scholar on Indian law in Alaska.

You say you don't get the whole idea of Indian law? Why don't they have the same law as everyone else? Case has a 50-minute rap that makes the philosophy, if not the nuances, clear to anyone. It starts with the European legal principle, well established before settlement of the American colonies, that said land was "uninhabited," no matter how many people lived on it, if all they did was hunt and fish.

That made it necessary for 17th and 18th century thinkers, many of whom Case considers profound and moral, to invent a legal concept that allowed the subsistence societies of the new world -- the "uninhab-



itants” -- to keep possession of the land where they lived.

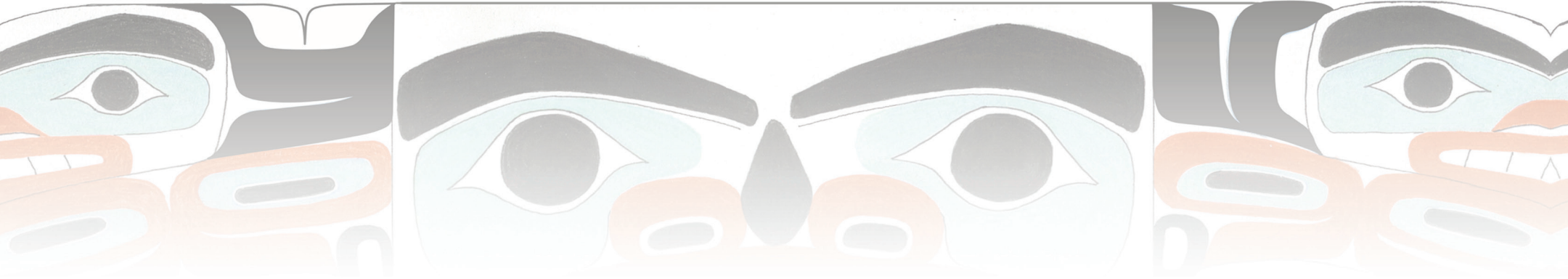
Over the centuries Indian law developed the way all law does -- case by case, abuse by abuse, remedy by remedy. A pope declared Indians human. A Supreme Court justice said they were nations -- not foreign nations but dependent nations subject to the oversight of the federal government.

Case’s exposition is passionate, sprinkled with readings from historical documents, his intensity still apparent after all these years.

“The law that we have evolved relating to Native Americans is unique,” he said, “different than that which relates to any non-Native Americans. ... It really is striking, and people almost gasp when they read the words that the early courts and lawmakers wrestled with.

“I don’t buy that the interest of the Native people and the interests of the state have to be at odds,” he said. “It doesn’t have to be antagonistic. ... Usually after 20 years of litigation in the Lower 48, it becomes cooperative. You just hope we don’t have to go through that.”

http://www.adn.com/adn/features/indian_country/02a8.html



The Road from ANCSA

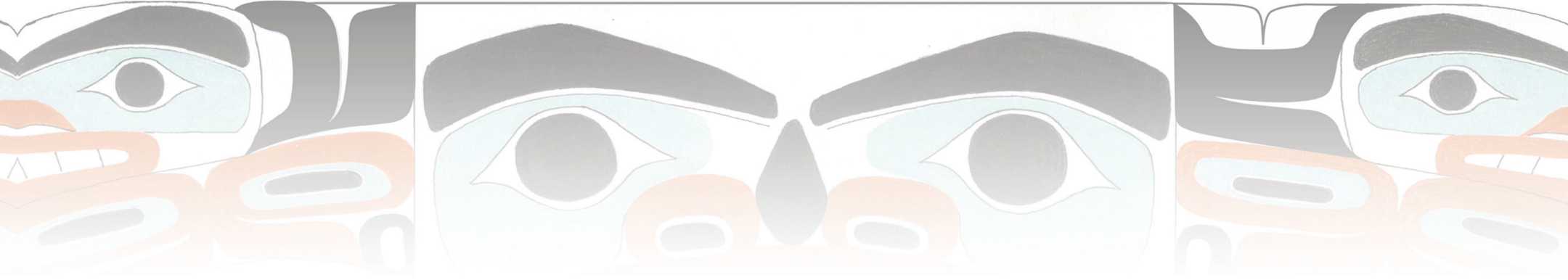
Appendix IX: William Hensley

Willie Hensley is Manager of Federal Government Relations for Alyeska Pipeline Service Company, the organization that operates and maintains the 800-mile Trans-Alaska Pipeline System (TAPS). He has been with Alyeska for almost four years. He was appointed to head the Washington, D. C. office of Alyeska in August 1998.

Willie was born in Kotzebue, a small community in Northwest Alaska about 40 miles above the Arctic Circle. His family lived on the Noatak River delta and lived by hunting, fishing and trapping.

Prior to his employment with Alyeska, Hensley was appointed Commissioner of Commerce and Economic Development by Governor Tony Knowles. As Commerce Commissioner, Hensley was responsible for state involvement in tourism and seafood marketing, international trade, insurance, banking and securities as well as occupational licensing. He also served on the Oil and Gas Policy Council, the Board of Directors of the Alaska Permanent Fund Corporation, the Alaska Railroad Corporation and the Alaska Industrial Development Authority.

Hensley was a founder of NANA Regional Corporation, served as a director for 20 years and concluded his career there as President. While at NANA, he directed its involvement in the oilfield services area, most specifically in the environmental services and drilling ventures. He was also active in the development of the world's largest lead and zinc mine, Red Dog. He was a founder of Maniilaq, the regional non-profit representing the tribes in the Kotzebue region, and was involved in the formation of the Alaska Federation of



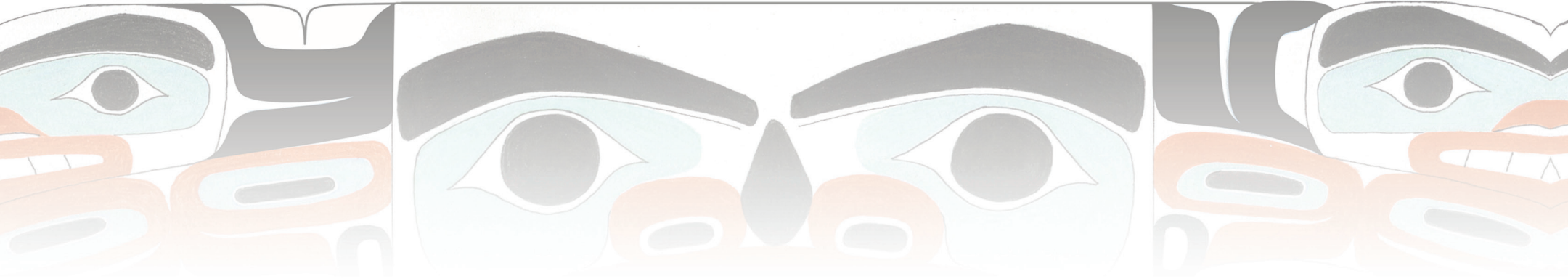
Natives and served as executive director, President and Co-Chairman.

Hensley wrote a paper in a constitutional law course at the University of Alaska in 1966 titled “What Rights to Land have the Alaska Natives: The Primary Issue” which encapsulated the land claims issue and provided the background that many Native Alaskans needed to take action to begin the land claims process.

Hensley graduated from George Washington University in Washington, D. C. with a bachelor’s degree in Political Science and a minor in Economics. Following graduation, Hensley was elected to the Alaska State House of Representatives where he served four years and was elected to the Senate for a four-year term. He was appointed by Governor Steve Cowper to the Senate again in 1987. Hensley also served as Chairman of the Capitol Site Selection Committee under Governor Jay Hammond, Chairman of the Land Claims Task Force under Governor Walter Hickel.

He is currently a member of the Board of Directors for Koahnic Broadcasting, a member of the Board of Trustees of Charter College and a member of the Board of Trustees of the First Alaskans Foundation.

<http://www.alaskool.org/projects/biography/WHensley-bio.htm>



The Road from ANCSA

Appendix X: Charlie Johnson

“Nome Native leader Charlie Johnson dies of heart failure”

Inupiat scientist and activist connected with people across the Bering Strait.

by Mike Dunham, Anchorage Daily News

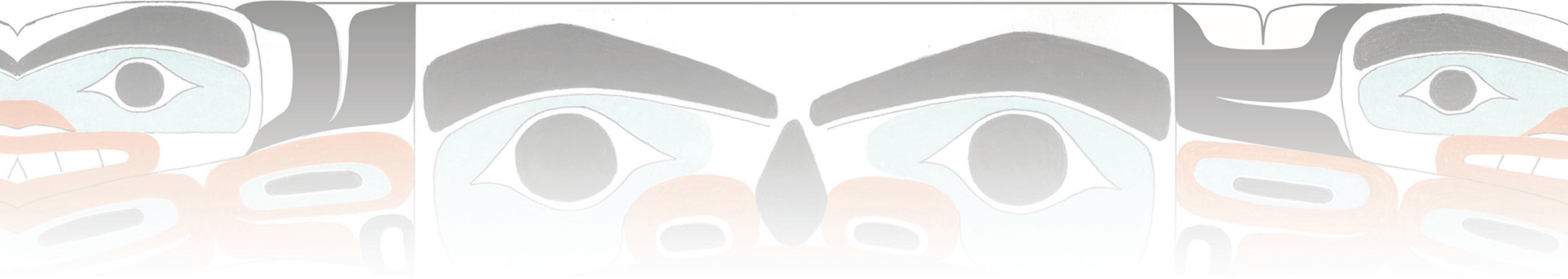
Published: April 17th, 2012

Charlie Johnson, a former chairman of the Alaska Federation of Natives and a longtime Native leader from Nome, died Thursday in Anchorage of heart failure. He was 72.

Johnson, an Inupiat, was born Dec. 9, 1939, in White Mountain. He received degrees in math and business administration from the University of Oregon in 1966. A born scientist, he worked with numerous agencies gathering and evaluating data relating to Arctic wildlife and environmental issues.

Among the many science-related posts he held during the course of his career: adviser to the Marine Mammal Commission; commissioner on the United States Arctic Research Commission; Circumpolar Arctic Research chair of the Alaska Native Science Commission; appointments to the Alaska Science Review Group, National Marine Fisheries Service, U.S. Delegation Arctic Council and CAFF Working Group of the International Arctic Social Science Committee; executive director of the Eskimo Walrus Commission; and, most recently, executive director of the Nanuuq Commission, representing Alaska villages on matters regarding polar bears.

He was also involved in political activities, serving as the president of Kawerak Inc. from 1976-1983, president of Bering Straits Native Corp. from 1983-1988, and AFN chairman from 1981-1983.



Among his accomplishments was helping establish visa-free travel between Russia and Alaska for Native Alaskans and their relatives in Chukotka, long separated by the Cold War.

Alaska Lt. Gov. Mead Treadwell first met Johnson in 1987 when the two helped set up the historic 1988 “Friendship Flight” that marked the opening of the border between Russia and Alaska. They worked together on various other issues, including wildlife preservation and management, over the years.

In a press release, Treadwell recalled, “No meeting with Charlie ever happened without a good laugh and a real sense of purpose. Charlie accomplished a great deal for Alaska.”

He was also well regarded on the other side of the Bering Sea. Leonid Gorenshteyn, chief commissioner of Russia’s Bering Straits Regional Commission, remembered “working with Charlie Johnson for many years. We highly appreciated this wise and cheerful person. We realize it is not only we, but every person who has ever been acquainted with him will miss him.”

In a letter of condolence to Johnson’s widow, Brenda, the governor of Russia’s Chukotka Autonomous Region, called Johnson “a person who made a great contribution to development of the people of the North. (The) good works of your husband will always stay in the hearts of the peoples of Alaska and Chukotka.”

“He loved to read and he loved opera,” said Brenda Johnson, his wife of 43 years. “He was a very refined person.”

Johnson was preceded in death by his son Truman. He is survived by his son Frank “Boogles” Johnson of Nome and daughter Nicole Johnston of Eagle River. Services are planned in Anchorage on May 6 and Nome on May 12.

<http://www.adn.com/2012/04/16/2425899/nome-native-leader-charlie-johnson.html#storylink=cpy>



The Road from ANCSA

Appendix XI: Oscar Kawagley

“Yup’ik scholar Oscar Kawagley dies at 76”

Validated Native learning among scholars

by Mike Dunham, Anchorage Daily News

Published: April 27th, 2011

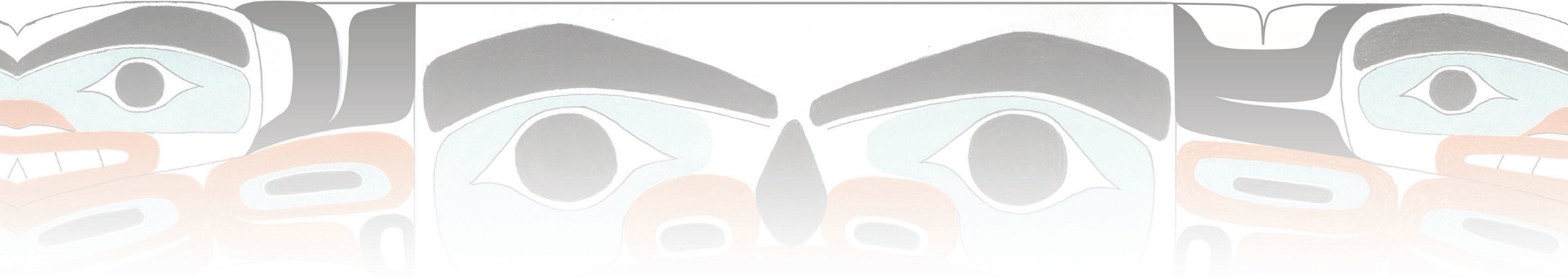
Alaska has lost one of its most influential teachers and thinkers. Angayuqaq Oscar Kawagley died in Fairbanks on Sunday of renal cancer. He was 76.

Over the course of a prolific career, he explored how the Yup’ik concepts he learned as a boy on the tundra could work in concert with western education and he became a pioneer in the field of indigenous knowledge, not just in Alaska but in the academic world at large.

Kawagley was born in Bethel to David Kawagley of Akiak and Amelia Oscar of Bethel on Nov. 8, 1934. His parents died when he was 2 years old, and he was raised by his grandmother, Matilda Oscar.

Matilda Oscar spoke only Yup’ik and trained him in traditional Native life ways as he grew up in the fish camps and villages of the lower Kuskokwim region. At the same time she insisted that he learn the western ideas taught in the government schools.

According to the obituary published in the Fairbanks Daily News-Miner, “Although this created conflicting values and caused confusion for him for many years, he sought to find ways in which his (Yup’ik) peoples’ language and culture could be used in the classroom to meld the contemporary ways to the (Yup’ik) thought world.”



Despite the difficulties, he did well in school. He is said to have been the first Yup'ik to graduate from high school in Bethel. In 1956 he became a research assistant at the Arctic Health Research Center. In 1958, before Alaska became a state, he earned his bachelor's degree in education at the University of Alaska Fairbanks.

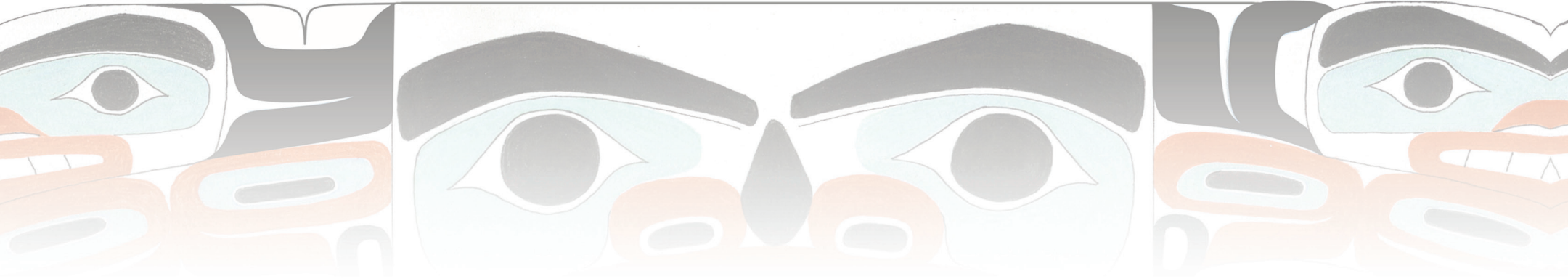
For the next several years, which included a stint on active duty as a lieutenant in the U.S. Army Medical Services Corps, he taught elementary and high school in Tok, Glennallen and Anchorage. He received his master's degree in education at UAF in 1968 and superintendent certification in 1987.

From 1977 to 1981, he was the president of the Calista Corp. He also did some acting, with a major role in the independent movie "Salmonberries" with k.d. lang, an appearance on the television show, "Northern Exposure" and a voice in the Disney animated feature "Brother Bear."

But education remained his life's work. Among other positions, he was the director of the Indian Education Project for the Anchorage School District, the supervisor for the State of Alaska Boarding Home Project, and had a long association with the Rural Alaska Honors Institute.

In 1991, while working on a doctorate degree in social and educational studies at the University of British Columbia, he published a paper, "Yup'ik Ways of Knowing," that set a new course in the study of indigenous knowledge systems. Expanding it into a book, "A Yupiaq Worldview: A pathway to ecology and spirit" (Waveland Press, 1995), he explained how western science could benefit from Native ways of understanding -- and vice versa.

In the process, he developed the concept of "indigenous methodology" a term not used in academe at the time. It is now.



Kawagley would continue exploring these ideas for the rest of his life, in publications, essays, speeches, participation at international conferences and, above all, as an associate professor of education at UAF. There, he taught an encyclopedic range of subject matter, from Yup'ik language to psychology to law.

His honors included serving on the executive committee of the Inuit Circumpolar Conference, receiving the Governor's Award for the Humanities and the Distinguished Service Award from the Alaska Federation of Natives.

Sean Topkok, who manages information systems for UAF's Alaska Native Knowledge Network, has both worked with and been a student of Kawagley. The program is founded on Kawagley's ideas, Topkok said.

Topkok recalled Kawagley's cross-cultural course, in which he was a student. "He was really well aware of the topic and passionate about different aspects of indigenous knowledge. He was an excellent listener to the students, knowledgeable not only in learning but in expressing his ideas."

As a teacher, Kawagley stressed giving Native and western knowledge equal weight, Topkok said. "Not one over the other, but at the same level."

"He helped validate indigenous knowledge systems within academia," said Topkok. "I think he inspired people worldwide. Today a lot of indigenous groups are trying to emulate what he did."

His ashes will be scattered on the tundra in the lower Kuskokwim.

<http://www.adn.com/2011/04/26/1829502/yupik-scholar-dies-at-76.html#storylink=cpy>



The Road from ANCSA

Appendix XII: Albert Kookesh

Albert Kookesh, Angoon, AK (Board Chair)

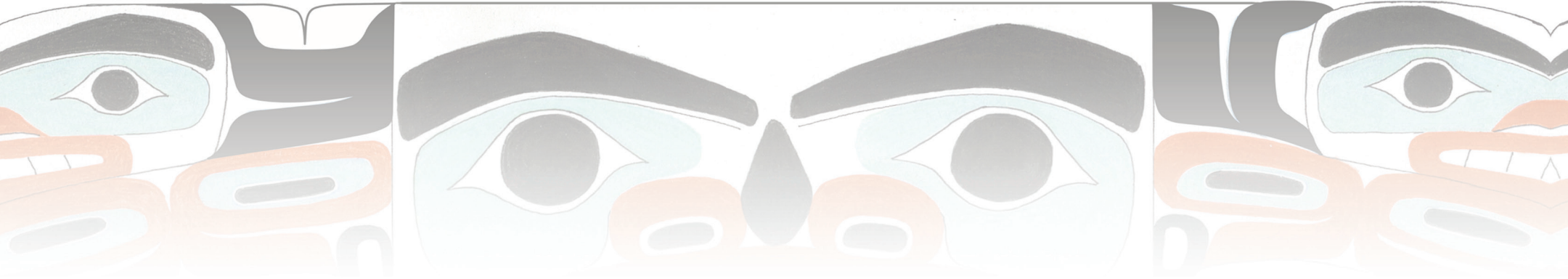
“I have always been of the opinion that when our grandfathers spoke about this company and the land that it owns, they were speaking forever, they weren’t speaking for just one generation. I think it is our moral obligation to include all of our children and grandchildren.”

Albert Kookesh serves in the Alaska State Legislature as senator to District C, the largest senate district in the United States. He has a Bachelor of Arts in history from Alaska Methodist University and a Juris Doctorate from the University of Washington.

Albert joined the Sealaska Board of Directors in 1976 and currently serves as board chair. He is an ex-officio member of all board committees and serves on the Elders’ Settlement Trust Board of Trustees. He also serves as a director for Sealaska Timber Corporation and Klawock Island Dock Company, Inc. He is co-chair of the Alaska Federation of Natives (AFN), served as past secretary and grand president of the Alaska Native Brotherhood, and was special assistant to Alaska Governor Tony Knowles.

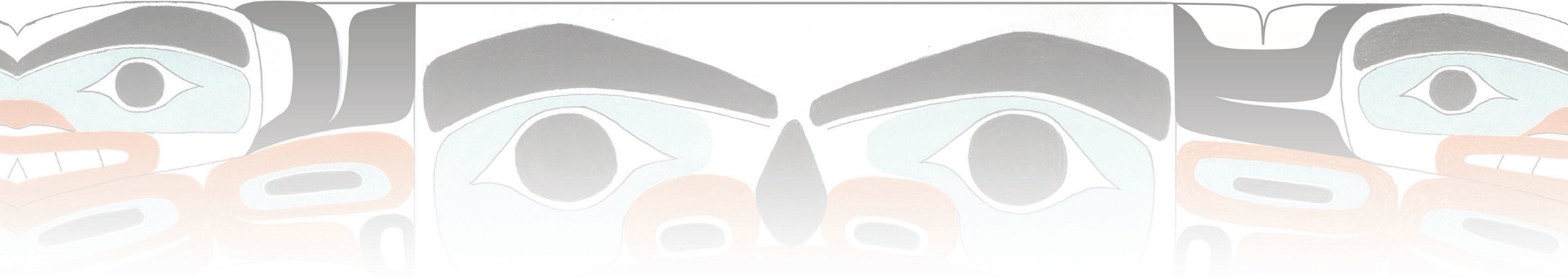
Albert lives in Angoon, where he spent most of his childhood and all of his adult life, with the exception of years away at high school and college. “One of the reasons that I moved back to Angoon was so my children could grow up here,” he said. Albert owns and operates the Kootznahoo Inlet Lodge with his wife, Sally, and worked as a commercial fisherman, gillnetting for salmon in the Lynn Canal area.

Albert is of the Tlingit Nation, Eagle Tribe, *Teikweidi* (Brown Bear) Clan, child of *Leneidí* (Dog Salmon) Clan. His Tlingit names are *KA ShAAN* and *YikdehHeiN*.



“I like to think that I contribute to Sealaska as an overall company, and not just one that is dependent on timber. I’ve tried to make Sealaska a company that is part of everything, many businesses and industries, and maintains its cultural strength. It’s all part of the process of becoming a well-rounded corporation.”

http://www.sealaska.com/page/albert_kookesh



The Road from ANCSA

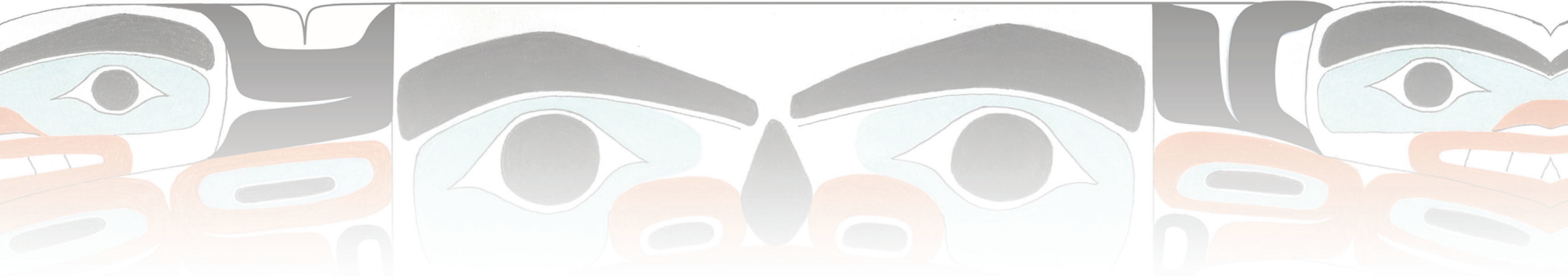
Appendix XIII: Byron Mallott

Byron I. Mallott was born and raised in Yakutat, Alaska, the ancestral home of his mother's Tlingit Indian clan. Mr. Mallott has been active in both the public and private sectors in Alaska since 1965, when he was elected mayor of Yakutat at age 22. In various capacities, he has served every governor since statehood, including Governor William A. Egan, in whose cabinet he served as the first Commissioner of the Department of Community and Regional Affairs. Currently, Mr. Mallott is President and CEO of the First Alaskans Foundation.

Prior to his current post, Mr. Mallott served as Executive Director of the Alaska Permanent Fund Corporation from 1995 until January 2000. Additionally, he was appointed to the Fund's Board of Trustees in 1982 by Governor Hammond, and served a total of eight years as a trustee under three successive governors. He chaired the corporation for three terms.

Over a 20-year period (1972 - 1992), Mr. Mallott was variously a director, chairman, and president and chief executive officer of Sealaska Corporation, the largest of the 12 land-based regional corporations formed under the Alaska Native Claims Settlement Act. During his tenure, Sealaska established a shareholders' Permanent Fund and a corporate investment portfolio with total holdings in excess of \$100 million. Mr. Mallott served as a director of the Seattle Branch Board of Directors of the Federal Reserve Bank of San Francisco for six years, and served in 1999 on the board of directors of the Federal Reserve Bank of San Francisco.

Mr. Mallott's additional business experience, both in Alaska and nationally is extensive. He has been a director of five commercial banking institutions, and was a founding director of the Alaska Commercial Fisher-

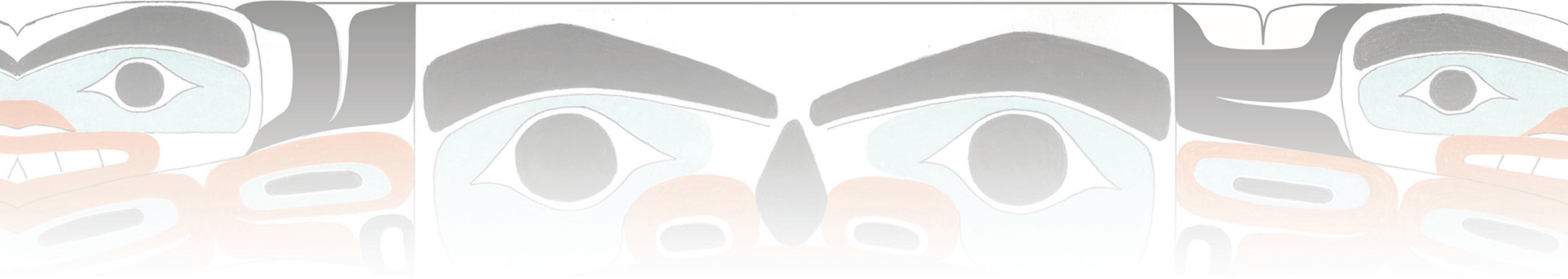


ies and Agriculture Bank. Since 1982, he has served as a director of Alaska Air Group, parent company of Alaska and Horizon Airlines. From 1986 through 1988, Mr. Mallott served on the board of the National Alliance of Business.

His years of public service, in addition to those appointments previously listed, include his election as Mayor of the City and Borough of Juneau, a term of service as President of the Alaska Federation of Natives, and an appointment by Governor Knowles as Co-Chair of the Commission on Rural Governance and Empowerment.

Mr. Mallott is Clan Leader of the KwaashKiKwaan clan of the Raven tribe of Yakutat and serves on the board of directors of Sealaska Corporation. He is married to Toni Mallott who teaches elementary grades in the Juneau School District. Together they have raised five children, the youngest of whom attends Juneau High School.

<http://www.alaskool.org/projects/biography/BMallott.htm>



The Road from ANCSA

Appendix XIV: Richard Nixon

Nixon calls on Congress to approve Alaska pipeline, Nov. 16, 1973

by Andrew Glass

11/16/10

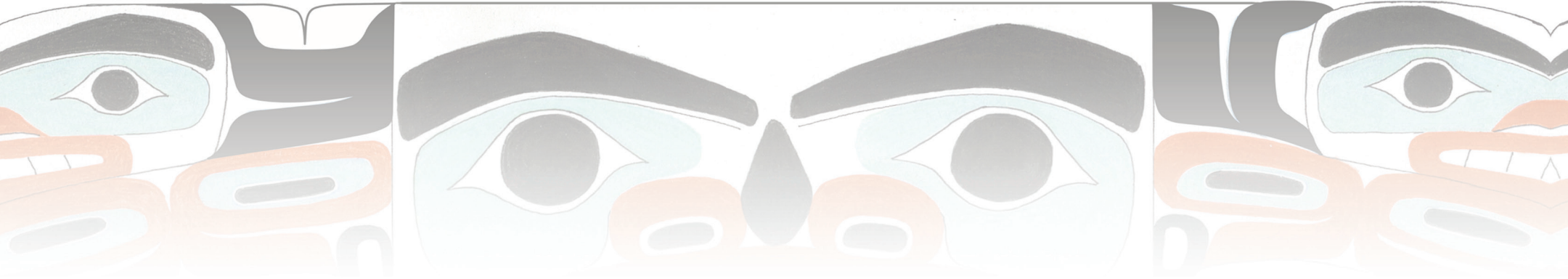
On this day in 1973, President Richard Nixon, declaring that America's energy needs had outpaced its productive capacity, urged Congress to authorize construction of a pipeline to pump oil from Alaska's North Slope. He called the project the "single largest endeavor ever undertaken by private enterprise."

Nixon asserted that the nation's "dangerous reliance" on foreign oil — increasingly controlled, he noted, by politically unstable oil-rich nations in the Middle East — posed a long-term threat to the U.S. economy. At the same time, he sought to assure an increasingly vocal environmental movement that the pipeline, as envisioned, would be built and operated "under the most rigid environmental safeguards ever devised."

The United States had traditionally relied on cheap domestic oil for its energy requirements. By the 1970s, however, dwindling supplies raised the need to buy more oil on the international market. An Arab oil embargo in 1973, triggered by a war between Israel and several of its Arab neighbors, had aggravated matters. Conservation of existing domestic supplies, as Nixon saw it, would not solve the problem. It was necessary to tap into more energy resources on domestic soil.

The president projected that the pipeline would be completed in 1977 and would eventually carry 2 million barrels of oil a day to port facilities in Valdez, Alaska, where tankers would carry it to the lower 48 states.

Environmental interests wanted Congress to empower federal and state entities to regulate the project. But



Nixon called on lawmakers to spurn attempts to involve the Environmental Protection Agency, as well as Alaska's Department of Natural Resources and Department of Fish and Game.

Oil began flowing on June 20, 1977. Though the pipeline increased domestic oil supplies, Americans have continued to rely primarily on exports from the Middle East.

<http://www.politico.com/news/stories/1110/45149.html#ixzz1sKjyHUKb>



The Road from ANCSA

Appendix XV: Walter Soboleff

“Rev. Dr. Walter A. Soboleff Dies at 102”

The entire Sealaska family is saddened at the passing of long-time board member, Native Elder and leader, Dr. Walter A. Soboleff on Sunday morning, May 22, 2011. He was 102 years old.

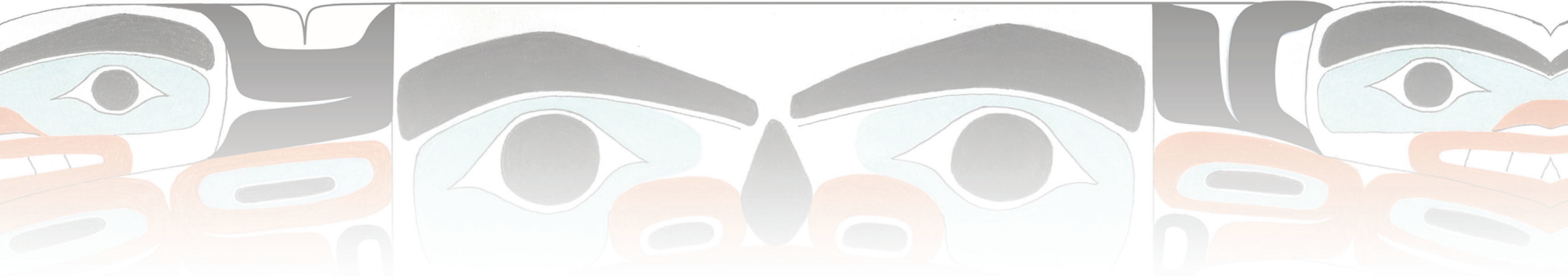
“The Native community is mourning the loss of our esteemed Elder and dear friend,” said Albert Kookesh, Sealaska board chair. “Walter touched the lives of so many people with his kindness and infinite wisdom. He served in so many capacities throughout his life and was active until his last day. I am saddened by his loss and will miss his warmth and sense of humor.”

“I know our tribal member shareholders will join us in extending our condolences to the Soboleff family. We are here to lift you up in this time of need.”

Dr. Soboleff was born on November 14, 1908, to a Russian father and Tlingit mother. He spent his early years in Killisnoo on Admiralty Island, speaking fluent Tlingit and English. At age 12, when his father died, his mother moved with him to Sitka, where he spent the remaining years of his childhood.

He graduated from Sheldon Jackson School in 1928. Determined to go to college, he eked out a living at a cold storage plant and finally won a full scholarship to the University of Dubuque in Iowa in 1933. He returned to Juneau in 1940 as an ordained Presbyterian minister, assigned to the Memorial Presbyterian Church, now the Northern Lights United Church.

“Dr. Soboleff witnessed so much progress for our people through the last 102 years,” said Chris E. McNeil,



Jr., Sealaska president and CEO. “Walter played an important role from the formative years of the Alaska Native Brotherhood through land claims. He has been an inspiration to us all, leading by example and I know his spirit will continue to live on as we carry the wisdom he bestowed on us forward.”

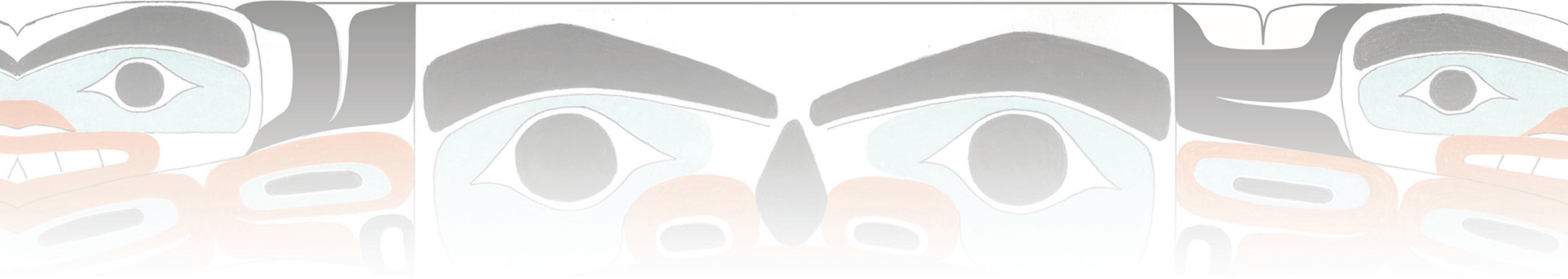
“He was part of each of our families through the Presbyterian Church and his personal guidance.”

Dr. Soboleff spent the rest of his life ministering to his parishioners and fighting for Native rights.

In 1940, anti-Native racism was prevalent and overt, mirroring what was happening across the country at the beginning of the struggle for civil rights. At the time, Memorial Presbyterian was a haven for Alaska Natives, who were unwelcome at other churches. Despite the hostile environment in Juneau at the time, Dr. Soboleff decided to open the church to all races. In a 2008 Juneau Empire article he was quoted as saying of this time, “It works both ways. We have to learn to live with each other. And the sooner we learn, the better the world will be.”

A Tlingit Elder, Dr. Soboleff was also the cultural and spiritual standard bearer for our people and for all Southeast Natives during his lifetime. His influence can be seen in the strength of our corporation and the resilience of our people. He was an early member of the Alaska Native Brotherhood (ANB), which was formed to advance Native civil and human rights. He was Grand Camp president seven times, a testament to his commitment to Native rights and the respect in which our people held him. Over the years, he also served as sergeant at arms, secretary and treasurer.

“When I heard the news our beloved Dr. Soboleff walked into the forest this morning my heart broke having lost my mentor and a teacher to all,” said Dr. Rosita Worl, Sealaska board vice chair and president of the Sealaska Heritage Institute. “He was a cultural treasure and working with him was always an awesome expe-



rience. His patience, wisdom and sense of humor put you at ease and his lessons were profound.”

As a voice for our people, Dr. Soboleff fought with passion along with other legendary leaders to secure passage of the Alaska Native Claims Settlement Act (ANCSA) in 1971, the seminal land rights bill which paved the way for the return of nearly 375,000 acres of land to Southeast Alaska Natives to address our spiritual, cultural and economic needs. During his time, he also fought for the Native right to vote and an end to school segregation. Every Native vote cast in Alaska today is the living embodiment of Dr. Soboleff’s determination and belief in a better way.

Dr. Soboleff was a Sealaska Corporation board member for nine years, helping to foster the success of the corporation and keeping the focus on what was good for tribal member shareholders. More recently he served as the long-time chair of the Sealaska Heritage Institute Board of Trustees and an active member of the Council of Traditional Scholars. He was also ANB Grand President Emeritus.

“Once in awhile someone comes along and makes a giant footprint on their people, their culture and their community,” said Sealaska Director Clarence Jackson, Sr. “We shed tears for the loss of our dear friend and leader but we celebrate the tremendous contribution he made. I will always remember his kind and gentle way, his laugh, his stories. He will be greatly missed.”

http://www.sealaska.com/object/io_1306196116828.html



The Road from ANCSA

Appendix XI: Stewart Udall

“Stewart Udall, a Great Spirit” by Willie Iggiagruk Hensley

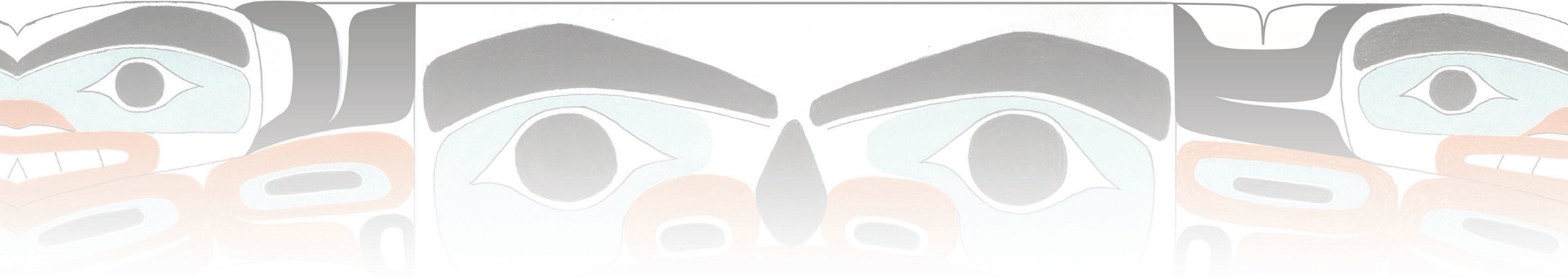
Mar 22, 2010

This past weekend I learned that a great friend had passed away at the age of 90. After recovering from the sad but not unexpected news, I promptly remembered the last time I saw him in 2004 in Washington, D.C.

Bedecked in my sealskin vest, I had just walked into the Civil War-era Pension Building with its soaring Corinthian columns to help celebrate the opening of the Museum of the American Indian. The building was packed with a thousand chiefs, senators, congressmen, governors, Native Americans, ambassadors and bureaucrats, and the air was abuzz with chatter. The museum occupied the last open space on the Mall, and finally the United States had a monument to the indigenous people from whom the land had been wrested over the past 400 years.

My friend of almost 50 years, Tlingit Byron Mallott, of Yakutat, came dashing up to me and said, “A friend of yours wants to see you and insists you come with me.” We wended our way through the crowd and suddenly there stood a handsome white-haired gentleman with the face of a chief. It was Stewart Udall, Secretary of the Interior under President John F. Kennedy -- the president’s first and youngest pick for his new cabinet and someone I came to know during the most pressure-filled time I experienced in my young political career starting in 1966. His arms were outstretched, and we shook hands and hugged. I had not seen him since Nixon took over the presidency in 1969.

Stewart Udall had deep roots in the West and among the Indians of Arizona. His father was a Mormon

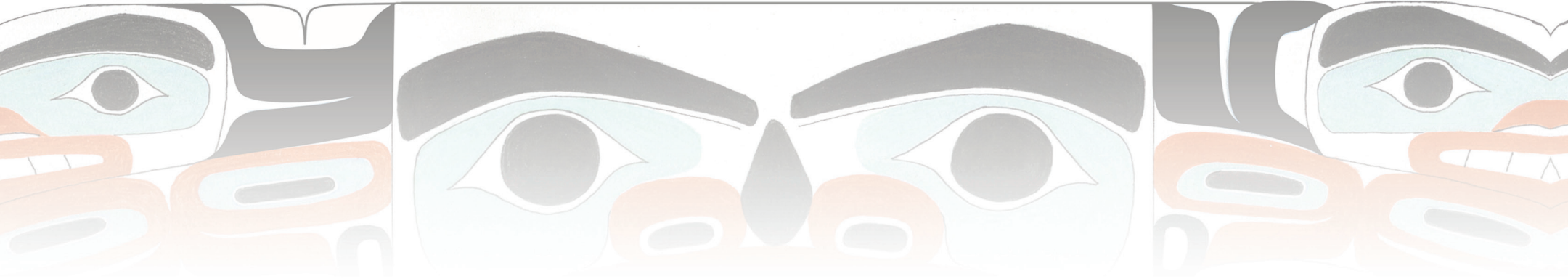


bishop and a self-taught lawyer. Udall followed in his father's footsteps as a lawyer after serving as a tailgunner during World War II. He was elected to Congress, and when he moved to the Cabinet, his brother Morris succeeded him in the family tradition of public service. Now his son Tom is the new U.S. senator from New Mexico.

In 1966, during a class in constitutional law taught by Justice Jay Rabinowitz in Fairbanks, I had researched the origins of Alaska Native land rights going back to the beginning of our country and the Treaty of Cession with Russia in 1867. I was convinced that our rights had survived the Statehood Act but unless the 104 million-acre conveyance was stopped, our claims were in jeopardy. Secretary Udall, as head of the Interior Department, was authorized by the Alaska Statehood Act to convey millions of acres to the new state -- land that Alaska Natives believed was theirs through 10,000 years of use and occupancy. Before his term as Interior Secretary was up, Udall was faced with Native claims covering the entire state of Alaska. The big question was -- will he tilt in favor of the new state and let it take the land, or will he carry out his role as trustee of Native American interests and protect Alaska Native land rights? He was on the horns of a monumental dilemma that would determine the future of Alaska and its Native people for all time to come.

Stewart Udall was reviled by those in Alaska who would have bulldozed away Native claims -- especially after billions of barrels of oil were found at Prudhoe Bay in 1968 on land that he had allowed the state to select. His instincts were to help Alaska Natives have their case brought before the United States Congress for resolution. I have a picture of the two of us -- he, with his buzz haircut and me with my new Fu Manchu mustache -- in his office just days before his term was up, reviewing his press release announcing the withdrawal of all of Alaska under the Taylor Grazing Act. Without that "super land freeze," Alaska Native claims to ancestral land would have been dead in the water.

The beauty of America is that citizens have an opportunity to bring their issues to a forum for disposition.



Congress could have sidestepped Native claims, but it did not. Stewart Udall, with his sense of fairness, used his power to help establish the most generous land settlement in American history. It boosted free enterprise, discarded the overlordship of the Bureau of Indian Affairs, and provided 40 million acres of land and nearly a billion dollars for Native Alaskans to manage, invest and utilize for all time to come. His generosity of spirit, fair-mindedness and love for the land will never be forgotten.

<http://www.alaskadispatch.com/article/stewart-udall-great-spirit?page=0,1>



The Road from ANCSA

Appendix XVI: Stewart Udall

“Stewart Udall, a Great Spirit” by Willie Iggiagruk Hensley

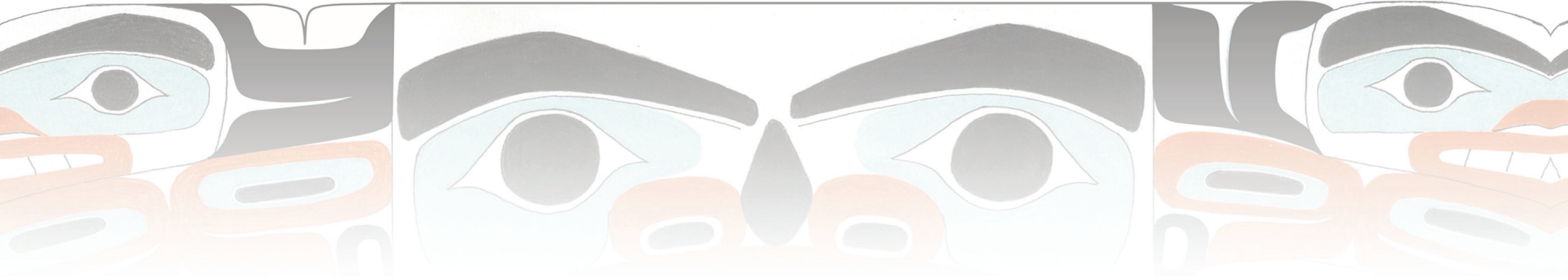
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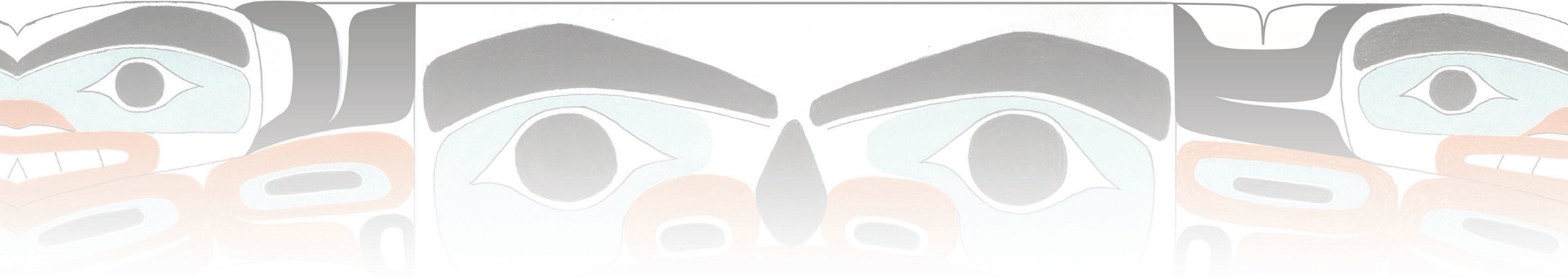


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<http://www.alaskadispatch.com/article/stewart-udall-great-spirit?page=0,1>



The Road from ANCSA

Appendix XVII: Rosita Worl

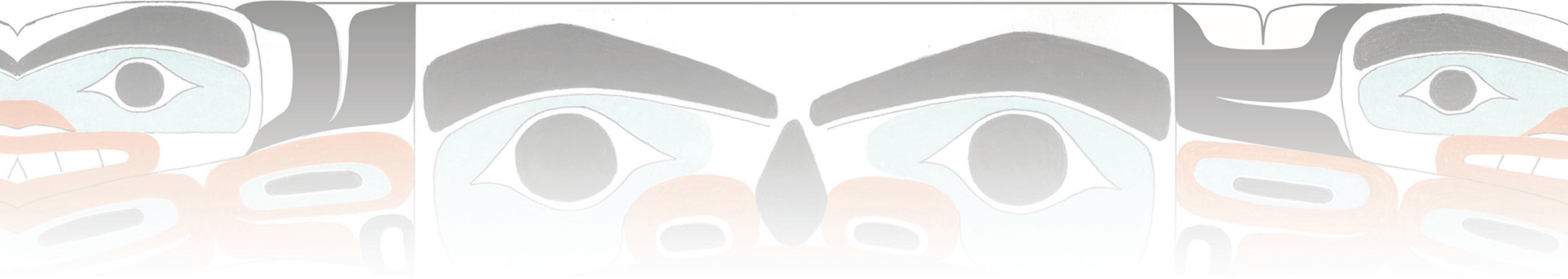
Dr. Rosita Worl (Tlingit Names: Yeidiklats'okw and Kaa.hani)

Achievement in: Alaska Native Cultural Leadership

Dr. Rosita Kaahani Worl, whose Tlingit names are Yeidiklats'okw and Kaa.hani, is of the Ch'áak' (Eagle moiety of the Shangukeidi (Thunderbird) Clan from the Kawdiyaayi Hít (House Lowered from the Sun) of Klukwan, and a Child of the Sockeye Clan. Worl is a self-proclaimed feminist who has made many contributions to increase awareness about Alaska Native cultures and subsistence economies. She has authored numerous publications on Alaska Native issues and cultural practices including subsistence lifestyles, Alaska Native women's issues, Indian law and policy and southeast Alaska Native culture and history.

Born in a cabin on a beach without the benefit of a physician, Worl was raised in southeast Alaska by her grandmother, aunt and mother, and commercial fished with her uncle in Kake. “Females back then weren't allowed to participate in fishing activities,” Wohl explained. At age six, Worl was taken to the Haines House to learn English and to be “civilized” and “Christianized.” She was there for three years before her mother was able to take her home to live with her 12 brothers and sisters. Looking back on the experience, “I learned how to interact with non-Natives,” Worl said, “but my mother always instilled in me that I had a responsibility to the people.”

At age 13 Worl was told she would be the bride in an arranged marriage but the family agreed she should first finish high school. After high school, Worl ran a program that recruited Alaska Natives for higher education and in essence, she said, “I recruited myself.” Worl started college by taking one class at a time. “School wasn't easy because there were so many (English) words I didn't know. I had to look them up and sometimes I had to read things three times before I understood what I was reading. I had a sociology instructor who mentored me, but I really had to work hard. I was already a mother of three and my kids and I

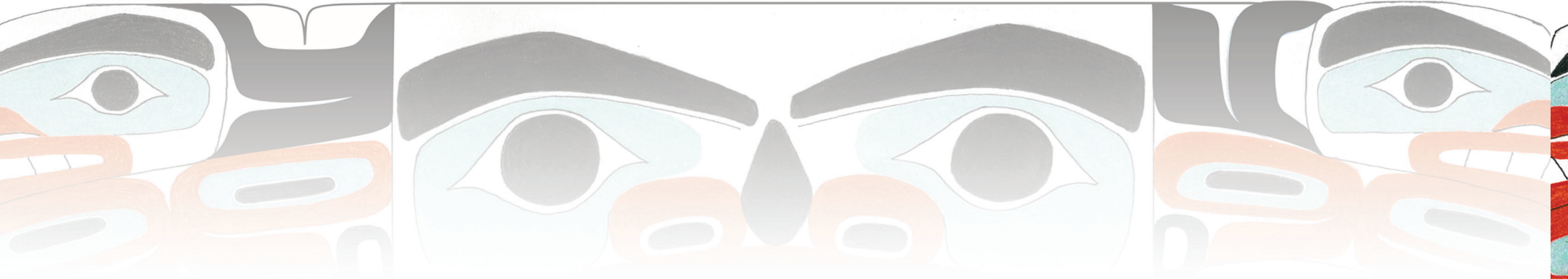


studied together.”

Worl received her bachelor’s degree from Alaska Methodist University and her master’s and doctorate’s degrees in Anthropology from Harvard University. In academia, she has served as the social scientific researcher at the University of Alaska Arctic Environmental Information and Data Center and is currently an assistant professor of anthropology at the University of Alaska Southeast. Worl has done extensive research throughout Alaska and the circumpolar Arctic. She conducted the first social scientific study projecting socio-cultural impacts of offshore oil development on the Inupiat and she has studied traditional aboriginal whaling, which gave her the privilege of being one of the first women allowed to go whaling. Worl also served as a scientific advisor to the U.S. Whaling Commission and has conducted research on seal hunting in Canada for the Royal Commission on Sealing. She served on the National Scientific Advisory Committee and the National Science Foundation Polar Programs Committee. Worl also served as special advisor to the Honorable Thomas Berger of the Alaska Native Review Commission and studied the impacts of ANCSA.

Currently, Worl is the president of the Sealaska Heritage Institute, which is dedicated to preserving and maintaining the Tlingit, Haida and Tsimshian cultures and languages; and a board member of Sealaska Corporation. Worl also serves on the Alaska Native Brotherhood Subsistence Committee and the Central Council of Tlingit and Haida Indians Economic Development Commission.

On a state and national level, Worl serves on the board of directors of the Alaska Federation of Natives and chairs the Subsistence Cultural Survival Committees, the National Museum of American Indians and the Native American Graves Protection and Repatriation Act National Committee. She was special staff assistant for Native Affairs to Alaska Gov. Steve Cowper and served as a member of President Bill Clinton’s Northwest Sustainability Commission. Worl was appointed to the National Census Board focusing on American Indian issues and is a founding member of the Smithsonian’s National Museum of the American Indian. She also



served as a member of the Smithsonian's National Museum of Natural History Arctic Committee.

In addition to her plethora of academic and professional accomplishments, Worl is the recipient of numerous honors, including a Ford Foundation Fellowship (1972-1977), International Women's Year Conference (1977), the Gloria Steinem Award for Empowerment (1989), Women of Hope (1997), Outstanding Contribution, Alaska Native Heritage Center (2000), Human Rights Award, Cultural Survival (2002), Women of Courage Award (NWPC (2003), Native People Award Enhancing the Native Alaskan Community, Wells Fargo (2004), National Museum of the Indian Smithsonian Institution Honor (2006), University of Alaska Southeast Commencement Speaker (2006), Distinguished Service to the Humanities Award (2008) Governor's Award for the Arts & Humanities, Solon T. Kimball Award for Public and Applied Anthropology, American Anthropological Association (2008), Lifetime Achievement Award, Central Council of the Tlingit and Haida Indian Tribes of Alaska (2011) and the Alaska Federation of Natives Citizen of the Year Award (2011). Worl is also one of 11 American Indian women activists represented in a national poster campaign called "Women of Hope," which highlights their contributions to their people and society. Worl said, "I continue every morning to implore my ancestors to bestow on me the qualities of an Elder – to be kind, compassionate and to do the right thing."

<http://alaskawomenshalloffame.org/2012/02/04/rosita-worl/>



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The Road from ANCSA

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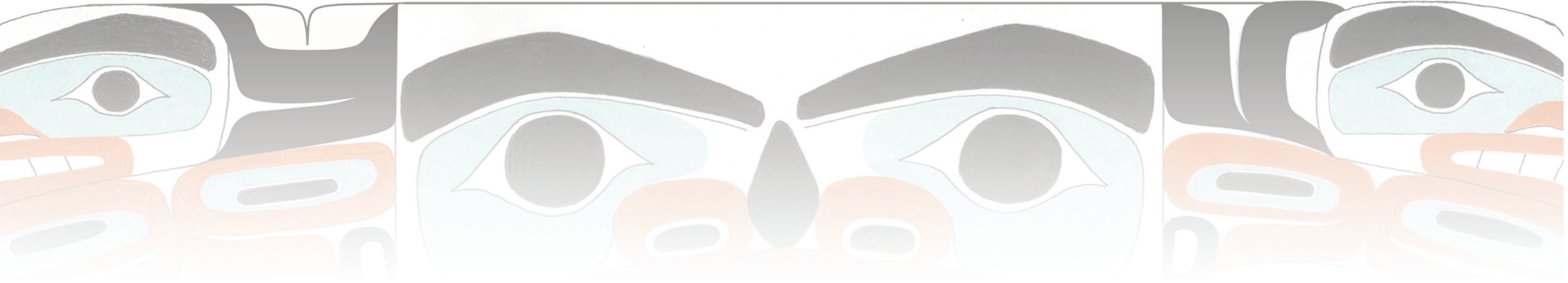
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