

## ANCSA Reflections

### Description

50 Years since the Historic Settlement



**The Alaska Native Claims Settlement Act of December 1971 (ANCSA) divided Alaska into twelve regions defined by the common heritage and shared interests of the indigenous peoples within each geographic area. The regional boundaries established which people, villages, and communities each Alaska Native regional corporation would serve. Boundaries do not directly represent land ownership; they do, however, define areas in which each regional corporation could select lands to be conveyed under the provisions ANCSA. Today, within each region there is a complex landscape of governance, land ownership, roles, and relationships.[1]**

Many have written about the *Alaska Native Claims Settlement act of 1971*, and I have lately seen some effort to reflect on what this seminal law has meant for all Alaskans after 50 years. For background: As a Staff Writer for the *Anchorage Daily News* I was given the “Native Beat” and got to know **Willie Hensley** and **John Shively** at the *Alaska Federation of Natives*.[2] Also, **Bureau of Indian Affairs** Southcentral Alaska Superintendent **Roy Peratrovich** became a dear friend.[3] As I covered these stories of enrollment and actualization I shared the new hope for indigenous peoples of Alaska beyond the failed reservation system previously used to indenture American Native people.

Willie Hensley

I quit the **Daily News** to start my own business. One client, **The Alaska Native Foundation** was headed by long-time friend, **Emil Notti**, and its mission was to develop information for new corporations under the Act. I became editor of a publication funded by **The Ford Foundation** called the **Alaska Native Management Report**. Simultaneously I also wrote for the **Tundra Times** under the legendary Native editor, **Howard Rock**.<sup>[4]</sup>



As an idealistic young man I soon learned Native politics are not where a white boy with no family ties to that community should meddle. I have avoided writing about Alaska Native issues since the crisis I created for myself—telling a story Alaska Native leaders didn't want known. The **Tundra Times** scoop I got from a question answered by BIA Commissioner in Washington D.C., **Morris Thompson**—about whether the AFN Board was firing its president, **Roger Lang**—got ME fired! It didn't matter that the

story was true, **Perry Eaton** was offended and fired me.

# LANG LEAVING AFN PERSISTS

## President of AFN, Inc. Resignation Rumor Have People Guessing

By DONN LISTON

Alaska Native Foundation

ANCHORAGE — While Alaska Federation of Natives President, Roger Lang, refuses to discuss the possibility of his rumored resignation, Bureau of Indian Affairs Commissioner Morris Thompson has informed the Tundra Times indirectly that Lang has submitted his "tentative resignation."

The rumor that Lang would resign soon surfaced in the Anchorage press last week while Lang was attending a conference in Amsterdam. Lang told the Tundra Times he thought the stories resulted from the fact that he and his wife have purchased a restaurant and soda fountain business in Sitka.

He indicated that plans were being made for the business, including a change of name, but he would not confirm whether he would resign soon to run it.

"If and when I resign, my board will know about it first," Lang said. "That's just good simple business procedure and good politics."

However, Thompson, when asked about the coincidence of his visit to Alaska at a time when this rumor was at large, said he knew nothing of it until he got to town.

"When I heard about it I called Roger up and asked him about it," Thompson said, "and he told me he has notified his board of his tentative resignation."

When asked if he would consider a position as AFN president, Thompson said he would not.

Born in the southeast village of Metlakatla, Lang took over as president of AFN in December of 1973 following Willie L. Hensley who resigned to run for the U.S. House of Representatives.

Previous to that, Lang worked

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## Resignation Rumor...

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as executive vice president of the Alaska Native Foundation where he was responsible for the development of programs and inter-relationships with the regional corporations for technical and legal assistance for implementation of the Alaska Native Claims Settlement Act.

The AFN board of directors is scheduled to meet in the NANA Regional Corporation village of Kotzebue on April 18. If Lang should resign at that time, there are a number of persons being suggested as potential replacements.

Included in the list of possibilities are Sam Kito, executive vice-president for Doyon, Ltd., Byron Mallot, former commissioner for the Department of Community and Regional Affairs under Gov.

William Egan, Harry Carter, former executive director for AFN and presently a member of the Alaska Limited Entry Commission and Hensley, who is a director for the Capitol Relocation Committee, consultant to the North Slope Borough and member of the NANA board of directors.

The trip to Amsterdam, from March 17 until March 25, was for a pre-planning conference for an International Circum-Polar Conference to be held next year.

Lang is to join Dr. Frank Darnell, head of the Center for Northern Educational Research for the University of Alaska, as a consultant. The conference will be entitled: A Delivery System for Rural Education by the University of Alaska."

A relatively few Alaska Native Leaders have shaped the narrative about what happened to bring ANCSA Corporations into economic and social service domination in Alaska today. In the early days Hensley was what some called a "Brooks Brothers Native" for the fancy clothes worn to impress Congress. He has written a book beating his chest about his role in achieving the settlement.[5] I respect his contribution, but I have also known a number of people who do not feel ANCSA for-profit and non-profit corporations have fulfilled promises made upon passage. Perhaps this is the impetus for the growing Tribal Government effort beyond the claims act structure.

**After 50 years since ANCSA was passed I am ready to reflect on how important this law has been to all Alaskans.**

### **What ANSCA Meant in 1971**

Virtually every aspect of Alaska's history since 1971 has been framed and influenced by ANSCA, according to **University of Alaska** Professor and historian, **Stephen Haycox** in his book ***Frigid Embrace***.<sup>[6]</sup>

Haycox says the three reasons for this are: 1) Alaska's economy is uniquely tied to oil development, 2) ANSCA generated greater social, political and economic racial equity for Alaska Natives who are now in the mainstream of Alaska at all levels, 3) Environmental provisions in ANSCA withdrew 80 million acres and resulted in ***Alaska National Interest Conservation Act*** encumbrances further entangling our relationship with the federal government.

Haycox gives great credit to the environmental organizations while Hensley in his book acknowledges those organizations helped Natives reach their destination mostly for their own special interests.<sup>[7]</sup>

I am inclined to look at ANCSA through the lens of those Alaskans of the ***Commonwealth North*** Organization who detailed ANCSA's impact in a book called ***Going Up In Flames***.

The passage of ANCSA not only settled the land claims of Alaska Natives but also resulted in direct benefits to the economic development of Alaska as a whole. ANCSA placed 44 million acres of the public domain in private ownership, facilitated Alaska's selection and conveyance by the federal government of state-selected land under the Alaska Statehood Act, and cleared away legal and political impediments to the trans-Alaska pipeline and to oil development.<sup>[8]</sup>

**This is the reason why all Alaskans should be thankful for ANCSA. Without ANCSA we would likely be a very poor state wholly dependent on the federal government. But because the Prudhoe Bay oil discovery was on state land, we can now stand on our own as a state and fight federal overreach from a position of strength.**

### **ANCSA Still Has Implementation Critics**

**Sharon Kay** is an original shareholder having signed up in her early twenties and now an elder of the native corporation Cook Inlet Region inc., (CIRI).

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Sharon Kay

*I ended up being an activist for justice for shareholder rights because the money was supposed to go towards good of the people, stated **Kay**. It actually says in their Alaska Native Claims Settlement Act that was why it was developed—to help the people and bring them up in society. I think it has done the reverse—it has held them back! The only ones who got any benefits were the leaders; their families, children, grandchildren, it's still that way. And they are all on the corporation's boards of directors. They've been there a lifetime.*

Kay is working on a book about her misgivings: *I joined a small grass-roots group of "Concerned Shareholders for CIRI" who had information through various reliable sources that CIRI was not operating in a legal business manner, nor were they abiding by ANCSA regarding shareholders. We called them out through newsletters to over 7,000 shareholders, which was produced by the group and paid for by generous donations of money and stamps by shareholders who also questioned CIRI's operation and management of the corporation.*

We protested because we felt the board was not operating under ANCSA's Declaration of Policy Sec.2 (b) "the settlement should be accomplished rapidly, with certainty, in conformity with the real economic and social needs of Natives, without litigation, with maximum participation by Natives in decisions affecting their rights and property, without establishing any permanent racially defined institutions, rights, privileges, or obligations, without creating a reservation system or lengthy wardship or trusteeship, and without adding to the categories of property and institutions enjoying special tax privileges or to the legislation establishing special relationships between the United States Government and the State of Alaska..."

CIRI has disregarded all of the above, according to Kay. They hired million-dollar lawyers out of California to fight a court case against Sen. **Jerry Ward**, and independent directors **Harold Rudolph** and former director **Robert "Bob" Rude**, using shareholder money!

Kay says the effort to get fresh voices on the CIRI corporation board had limited success: *We just don't have enough manpower to vote the correct way for shareholder benefits. And I think that will probably never change. So, I would like to see all the Native corporations just dissolve. Give the money to the people, give the land to the people and everybody move on. That's the way I'd like to see it.*

Part Tlingit, part Aleut and Russian, Kay was raised on the Aleutian Islands and moved to Anchorage as a girl. She explained: *I was in my early twenties when the Alaska land claims came about and at that time I was naive. I thought it was a good thing because back then the Alaska native had nothing. But as I got older and studied more and saw how it was developing and how corruption got involved, I realized it was a big, huge mistake. We gave up our lands for \$900 million. A few leaders went to Washington and were wined and dined and Congress passed ANCSA. And, some of those leaders are considered good leaders now, but no, not in my book. They're corrupt.*

**How has that corruption worked?**

*Many things have happened but three years ago they put all shares into a Settlement Trust, continued Kay. We are now no longer classified as shareholders but rather wards locked up in a Settlement Trust. We fought against that to no avail because there's too many shareholders spread out throughout the country. If they don't follow what has happened shareholders don't understand what rights they gave up.*

*Kay continued: Shareholders were denied privileges of training for jobs they were promised at the North Slope, including construction companies, and many other subsidiaries CIRI had formed. LLCs were formed in Delaware further hiding assets of managers and board, including overseas accounts. Corruption bound through linking with companies, to name only a couple, like ENRON, and Cook Inlet Energy Supply based out of California was once the nation's largest minority-owned energy businesses. What happened to that? CIRI lost billions, at least its shareholder did, is what happened. Many other subsidiaries were bought and sold with CIRI directors and possibly managers deriving bonuses from them.*

### **Have you had any success influencing the corporation?**

*In 2001 when **Carl Marrs** was president, we started a petition calling for a special dividend. Kay continued: As shareholders we raised money to buy the stamps and so forth to do to all the printing and people volunteered to do the mail outs. We needed 1800 Petitions signed and delivered on a certain date. We went by the law and we put all the ballots in clear plastic totes with the envelope stapled to them.*

*So, I said: "The board of Directors are gonna have a meeting this morning, said Kay. Let's go on up there. Let's carry all this up there, put 'em on table." We walked into the CIRI building at C street and told them **we will recall the whole damn board if they do not give us a special dividend**. We made sure they noticed how many totes of petitions we had. It scared them, and they gave us the \$15,000 special dividend—but I didn't tell them we were 10 short!*

*Those ballots did come in after the deadline. So, we still did get to 1800, added Kay.*

**I've always wondered why, if Alaska natives wanted to be independent and strong, why do they expected the State of Alaska to educate their children? Why don't they take over education of their children out of our failing public education system?**

*That's a good question, and I saw it first-hand in the **Anchorage School District** where I worked as a Native student aide, replied Kay. These were the poor schools in Anchorage; Creekside Elementary and Ptarmigan Elementary. My job was to work with **Everyday Math** curriculum; mostly fourth grade.*

*Kay continued: I spent hours going over it and I saw why our kids are failing. These books are written by PhDs on purpose. Why do you have to learn to do Addition three or four or five different ways, right? They only need to learn how to do each operation one way. I went over each Math problem, discussed with each child how to do it, and why you do it a certain way. When a light bulb came on, they caught it. Yeah. It was amazing.*



*These students needed confidence, said Kay. I would praise them, and I would give them positive words. Also, the reason I wanted them in my class was because I saw that they would raise their hand, or they wouldn't raise their hand, because they're timid. It's part of their culture. If they didn't raise their hand they would get ignored. Even if the teacher called on somebody, it was never a Native kid.*

*ASD gave me the crappiest places to teach kids, said Kay. But I'm a strong, hard worker and I cleaned my area all up really nice. I brought my kids to my relo room because there was too much disruption in the normal classroom. And you get the poor little white kid who says: "could you please help me too?" And I felt really bad, you know? I would have to say: "I'm so sorry. I can only work with these certain students."*

*At the year-end testing my kids all did really good. When I went back the next school season during the first staff meeting before school started the principal announced that out of this whole school the only group that improved in their testing was Sharon Kay's group.*

*So that really touched my heart. And then I had respect for a while, but it didn't last long, concluded Kay*

Alaskans can only hope these Native students who excel academically under the guidance of directed teaching aides like Sharon Kay will be able to get an adequate enough education from ASD to someday become leaders in their Native Corporations formed under ANCSA.

Children are resilient.

#### References:

[1] ANCSA Regional Association

[About the Alaska Native Claims Settlement Act](#)

[2]Founding of the Alaska Federation of Natives organization.

[History | Alaska Federation of Natives \(nativefederation.org\)](#) [History | Alaska Federation of Natives \(nativefederation.org\)](#)



[3] Coping With Bureaucracy, ADN Interview with Roy Peratrovich, 1974

[Roy Peratrovich: Coping with Bureaucracy](#)

[4]Tundra Times Photograph Project: Howard Rock

<https://tuzzy.org/TundraTimes/HowardRock>

[5]***Fifty Miles from Tomorrow***, Willie Hensley, Picador, 175 Fifth Avenue, New York, NY 10010, 2009. P 159.

[6]***Frigid Embrace; Politics, Economics and Environment in Alaska***, Stephen Haycox, Oregon State University Press, 500 Kerr Administration, Corvallis, Or 97331, 2002, p100

[7] *ibid* ***Fifty Miles from Tomorrow, P 159:***

*The environmental community also recognized an opportunity to preserve millions of acres for public enjoyment. Although they had little interest in Natives, they saw that in supporting us they could also push their own agenda.*

[8]***Going Up In Flames; the Promises and Pledges of Alaska Statehood Under Attack***, Commonwealth North Federal-State Relations Committee, edited by Malcolm Roberts, Alaska Pacific University Press, 1990. P 42-43.



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