

The Statehood Act of 1958 in which the state is claimed all rights and title to land which may be held by Eskimos, Indians and Aleuts or held in trust for them. The act authorized selection of a hundred and four million acres from the public domain for an economic base of the new state; aboriginal title remained with Alaska Native people. When Congress authorized the state of Alaska to select land this began a string of conflicts that continues today. Earlier Congress provided Alaska Natives few methods of obtaining land title. Since the right or title to the land of Alaska Natives was not defined in the Statehood Act; conflicts were inevitable between the state and the federal government and tribal governments. The state began selecting lands that were used traditionally by Alaska Natives and the federal reaction was to institute a land freeze. The land freeze was in effect from 1969 to 1971 barring the state from obtaining title on land selected under the Statehood Act.

When oil was discovered in Prudhoe Bay, the oil companies, the state and Alaska Natives realized it was critical to resolve aboriginal land claims and disputes in order to market the nine billion barrels of oil believed to be there. Plans for the eight hundred mile long pipeline were completed but no permits could be issued because of the impending land claims.

By 1966 an Alaska Native statewide political group was formed and incorporated called the Alaska Federation of Natives or AFN. Some two hundred Alaska Native villages asserted claims of aboriginal title to Alaska leading to the

enactment of the Alaska Native Claims Settlement Act or ANCSA in December of 1971. This act attempted to settle long disputed land rights of Alaska's Indians, Eskimos and Aleuts and extinguished claims of aboriginal title. Alaska Natives were directed to apply for status as regional and village corporation shareholders. To be eligible to apply Alaska Natives had to prove they possessed at least one quarter blood quantum in one of the Alaska Native cultural groups. Typically corporations issued one hundred shares per person. The ANCSA had a cutoff date for enrolling original shareholders. Shares in the corporation are gifted or inherited although some corporations have elected to class- to create new classifications of stock for people born after 1971. The thirteen corporations created by ANCSA are state chartered private business organizations organized for profit and non-profit business purposes and defined by geographic regions. Their purpose is to administer the proceeds from ANCSA for Alaska Native shareholders. The corporations receive fee simple title to forty-four million acres and a monetary compensation of nine hundred and sixty-two point five million dollars. This was a departure from past federal Indian history. Virtually all aboriginal titles in the US have been extinguished in exchange for money, promised services and recognition of some form of occupancy of property ownership. This was usually accomplished through a treaty, negotiated and signed by representatives of the tribes and the federal government and ratified by the US Senate.

Lands selected and conveyed under the ANCSA authority went to regional and village corporations. The regional corporations own surface and subsurface of their land and the subsurface of the village corporation land and ANCSA was silent on tribes. Aboriginal title to the land was extinguished but tribal governments remained in effect. An ANCSA revoked the Alaska Native Allotment Act of 1906. The ANCSA failed to address access by Alaska Natives to their traditionally used and occupied lands for the purposes of harvesting food. In the rest of the United States, access to hunting, fishing and gathering rights was usually addressed in treaties. Remember treaty making ended for the US in 1871. Treaties cannot be amended but legislation can. ANCSA has amended numerous times since it's passage.

The Alaska National Interest Lands Conservation Act or ANILCA of 1980 designated certain public lands in Alaska as units of the National Park System, the National Wildlife System, the National Wild and Scenic River System, the National Wilderness Preservation System and the National Forest System. As the agency with the most responsibility for managing public lands, the Department of the Interior was given the responsibility to implement most of the legislation that would affect the present and future of Alaska. The federal protections in ANILCA were the fulfillment of the promises made by the federal government to Alaska Natives during the settlement of land claims. Title 8 of ANILCA is intended to carry out the subsistence related policies. Unlike other settlements of aboriginal title, Alaska Natives do not possess exclusive rights to

hunt and fish because of their membership in a particular tribe. Instead, ANILCA established subsistence protections for most rural Alaska residents both native and non-native alike. ANILCA also restricts the authority of the Alaska State Fish and Game boards to make policy contrary to the recommendation of the Subsistence Advisory Councils with respect to subsistence uses. When ANILCA was passed in the early 1980s, rural communities were populated mostly by Alaska Native people. Today the rural population is about half and half; native and non-native.

Across the nation, tribes adopt their own membership criteria. Alaska is similar in that aspect. Some tribes adopt a blood quantum percentage. Some tribes embrace time to lineage. It is the choice of the tribe to determine their means of organization and membership. Population or size is not a deciding factor. The Secretary of the Interior recognized traditional governments, tribal governments organized under the Indian Reorganization Act or IRA and regional tribes. Recognition of regional tribes is unique to Alaska. In Alaska there are about a hundred and fifty traditional councils, seventy-five IRA councils and four regional tribes which are not restricted to a single location. Even when separated from a land base tribes in Alaska retain certain powers over their members.