

# KEYNOTE ADDRESS

## ALASKA'S NATIVE HISTORY

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I was born in 1941, exactly two hundred years after Bering stumbled onto Alaska down near Seattle. I like to say that because he failed in his first attempt to show that Asia and North American were not connected. All he should have done was just ask our people if they were joined—they weren't. By that time, we had long ago traversed all the way from the Bering Straits, all across the Arctic, to Hudson's Bay, to parts of Quebec and Labrador, and, of course, to Greenland. I'd like to say that, if we had another one hundred years or so, we could have found Europe. My hometown is named for Otto von Kotzebue, a German working for the Czar. He came to what we now call Kotzebue in 1815 on a worldwide trip on a vessel called the Rurik.

The reality is that—at least from our indigenous perspective—like so many parts of the earth, the vast spaces that our people occupied and controlled have been colonized and taken from us. We have lived intimately with the land and the waters for at least ten millennia and, in the case of Alaska, to use a legal term, the land has been “taken.” In historical times, when the United States wanted to pay Indians for lands illegally taken, the Indians had to get permission from the Court of Claims to file a lawsuit as a tribe, and then they had to prove their area of use and occupancy as well as the time of the taking, whether it was

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taken by a corporation for mining or for a railroad or some other illegal way. Once there was a determination of an illegal taking, they would then take an anthropologist's area of use and occupancy, multiply it by the value at the time of the taking to get a number. Then they'd have to go to Congress to get compensation. When I realized that the Tlingit—using that approach—only received just over \$7 million dollars after thirty-five years in court and not one square inch of land. To me, that was unethical, criminal and illegal. But I'm getting ahead of myself.

In the late 1700's, Shelikhov, a hunter of furs from Russia, showed up in Kodiak. There, he talked about battling with the people of Klictuk. Klictuk means "island." If you use that word, anywhere along the coast of Alaska and all the way to Hudson's Bay, people will know what you're talking about. They understand because that word describes a single culture that spans all of that time and space. Unfortunately, like so many peoples around the world, our traditional homelands have been divided up along arbitrary political borders: Russia, the United States, Canada, and Greenland. Nations love expansion. Expansion produces more territory for resources, such as fur and minerals, and more people to tax to sustain the nation.

When Bering's ravaged crew rebuilt their broken vessel on an island at the end of the Aleutians on their way back home, they found an island teeming with foxes, fur seals and sea otters. This incidental catch of fur on an exploration expedition caught the attention of the fur hunters in Russia that had, in just over half a century, found their way from the Ural Mountains all the way to the coast, the doorstep of Alaska. In human terms, the Russians who ventured out into Siberia didn't have much of a future. They could either live a downtrodden life or take a chance, escape into the hinterlands, get killed, freeze to death or get rich. As a result, those 900 sea otters that they brought back to the mainland—which precipitated the fur rush—were enormously valuable. The value of just the sea otter alone—at eighty to one hundred rubles per skin in the Chinese market—was high. So when these explorers returned with 900 skins they brought back 72,000 to 90,000 rubles worth, an enormous amount. This was at a time when an ordinary Russian worked for maybe one, two, or three rubles a month. It is easy to see what drove people into Alaska.

Consequently, in just over a half-century, the 8,000 year-old Unangan civilization out in the Aleutians was virtually destroyed by uncontrolled fur hunters. That whole period was a complete and total disaster. People died of disease, enslavement, and starvation. The population was reduced by eighty to ninety percent, from around about fifteen to seventeen thousand down to about fifteen hundred. That is a story that most Alaskans don't know about. The Sugpiaq people in the

Kodiak area in the gulf fared little better.

When, however, you think about Alaska from a commercial perspective, it has not changed much from the days of the Russians. It is a high cost area, especially in the realm of energy, it is still thinly populated, it is far from the marketplace, and it is not exactly a breadbasket. The implications are, to be a successful resource venture in Alaska, whatever you're after has to be either massive in size, rich in quality, near the water, or in extreme demand. If they venture is to help support the population through taxation, for all the key human needs, like schools, the police, regulation, and healthcare, what you tax to get what you need for the people could make the venture uncertain, because of the thin margins due to all of the other factors. In the past, resource developments in Alaska did not leave much here. Little was done to provide services to the population. From the huge stands of timber, massive fish runs, the rich copper and gold deposits, the whales, and the sea otters, virtually all the profits left the territory in those times. Only oil has left a significant boon to Alaskans in terms of employment, services, programs, infrastructure, and dividends.

When I was first elected to the legislature in 1966, as a young twenty-something, just seven years after statehood, it looked for a while as if statehood was unaffordable because of the small population, very little industry, and high cost. Now, the world is completely enamored of the Arctic. In the past few years I have attended Arctic conferences in Oxford, France, Washington, D.C., and Seattle. In almost every instance I have found that my job, in part, is to remind people of the indigenous history before we get lost in all of the complicated issues such as the law of the sea, marine resources, oil and gas, military considerations, future infrastructure needs, international boundaries, and those sorts of issues. In almost every instance, just like today, there is hardly an indigenous person in attendance that lives in the Arctic. We should be here. The reality is that, not surprisingly, the people who live in the Arctic and make it their home may not be so excited in the renewed interest in their homeland because of what has happened in the past.

People need to understand the past. We all understood what happened in the Aleutians and the gulf area. But when it got to the Tlingits, who were pretty smart and pretty strong—they had been trading in guns with all of the traders—when the doors shut at the fort at night, the Indians were still outside because they didn't have control. Had I known history in the mid-1860's, when we were getting ready for the eleventh-hour battle for our land, that there were less than 800 Russians in Alaska at any one time, there was no way they could have had sovereignty over Alaska, except in the few small places where they had the guns. We never gave the land away; we never sold it.

Regardless, we began to lose control of our space because, between 1867 and 1924, we had no rights. We were not citizens of the United States and could not protect ourselves legally. For instance, the Organic Act of 1884 was a vehicle to get mining claims to white people. Native people could not get mining claims. Immigrants had more rights than we did. Then, the salmon industry began building canning facilities on every major river in Alaska where there were salmon that people depended on, from Ketchikan to Kotzebue. We could not even protect the very food that our people depended on. In fact, the fish became private property once it was caught in a fish trap. When they corralled those fish, the fish became their property and we couldn't get to them.

In the whaling industry, there were approximately 35,000 estimated bowhead whales in the Bering Sea when they first discovered them. By the end of the century, ninety percent of the whales, a key source of the protein for our people, were gone. For these traders, every venture out became a business venture. The whalers had to get at least one whale to pay for the trip. When the value of oil began to drop, the traders began to go after the Walruses for their ivory. They must have killed 200,000 walruses. Then, they began to sell alcohol because it was cheap to buy and could be sold expensively. It caused great harm to our people. There was a starvation on St. Lawrence Island during the winter of 1878-1880. Most of the people on that island died because of starvation. They were too drunk for too long; they had sold too much of their gear; there weren't enough walruses and they were starving.

There were at least 3,000 whaling voyages to Alaska between 1848 and 1885. They brought useful stuff—a lot of saws, hammers, axes, and picks. They also brought flu, measles, venereal disease, and famine. The migratory bird treaty of 1916, signed by the United States and Britain and others, essentially turned us into criminals. After a winter of rabbit, pike, and ptarmigan, it was nice to see those birds show up, the ducks and the geese. Their eggs were awesome. But it was illegal for us to take them.

The polar expeditions, as well, added to our misery. When Captain Sir John Franklin got lost, his wife, who was rich and could pay for many attempts to find him, brought a British ship to Barrow in 1851. After the ship left, a flu bug killed forty people. There was a huge smallpox epidemic between 1835 to 1840. It started with a young Creole boy in a fort in Sitka. Before it was over, it had spread all the way to Norton Sound. It wiped out probably a fourth to two-thirds of the population, leaving the survivors blind or disabled. In this way, both the mind and the spirit of the indigenous Alaskans were hit very hard.

We have been through quite a great deal in this part of the world. Even our own people do not understand it. It is not taught very

effectively, if it is even taught at all. I tried to get a requirement for a high-school course in Alaska history when I was last in the state senate. All I could get was a commission to study the idea. While we have it now, I don't think it is effective enough.

Governments want control. In the case of the Russians, they got it through taking hostages of the children of the leaders. They required the payment of a tax called an "Iasak," which the head of the household had to pay in fur or whatever. If he did not pay it he was put in jail until his relatives paid it.

In Alaska, the sad truth is that the missionary societies became a willing tool in the control of Alaska natives by contract with the federal government. In America, we are supposed to have separation of church and state, right? Well, not up here in Alaska. Essentially, Sheldon Jackson turned over our children to the missionaries. They were the ones who began to eliminate our languages, our ceremonies, our dance, our music, our art, and our potlatches. So something was either sinful or illegal. I think that, even to this very day, our own people do not understand the nature of that nexus of church and state that had such a powerful effect on them. I think it also began to plant the seeds of negativity about our own identity, our own culture, and our values and spirituality.

Now, the last great battle was over land. There is nothing quite as emotional as land. We were well on our way to losing it all. The reality is that we were not there, for whatever reason, at the constitutional convention. We should have had fifteen or more of our own people; we only had one. There were no issues relating to indigenous Alaska discussed. The only person that tried to do something about land was "Muktuk" Marston, who was head of the Alaska territorial guard. During the war, he was sent out to recruit Alaska natives to be a force against the Japanese. He would go from village to village, handing out rifles. He drilled the people. They loved him. They called him "Muktuk," for short. He was a member of the constitutional delegation. He tried to get us 160 acres but they basically treated him like a mushroom—put him in a dark cave and throw something on him. Nothing happened.

All the issues we deal with today were completely ignored: our educational issues, our subsistence issues, our land issues. Statehood was an activity of the colonists and pioneers. That is how it has always been, across the country. Take over the Indian lands, people move in, and they form a state. That is what happened in Alaska.

I would still be lost in the woods if I did not have the great good fortune to take a constitutional law class from Justice Rabinowitz. To this day I wonder why he was teaching. We have no law school. I

attribute it to the fact that he was probably lonesome. At that point, only seven years after statehood, there were not many cases going up the appellate ladder. He probably needed something to do. In any case, it was the best thing that ever happened to me. In life you will find that the best things are unplanned. That is what happened to me. Well, I tried to be a lawyer for one semester. He asked us to do a paper on any topic. I had been reading something on statehood. I had no concept of indigenous rights. Even after having graduated from George Washington and having volunteered at the National Conference of American Indians, I could not relate the "Indian Experience" to ours. It was different. And we had nothing to go on. It was the government's role to make sure that we did not understand anything about ourselves.

Justice Rabinowitz's course allowed me to go back and take a look at the earliest activities in America relating to the Indians: the constitutional provisions, treaties, and cases that had begun to come out under Justice Marshall. I looked at the Treaty of Cession, I wanted to know what the Russians were thinking they had and what the Americans were thinking they were buying. I looked at the Organic Act and the Allotment Act of 1887 that was applied to Alaska in 2006. I looked at the Missions Act of 1900—the churches took care of themselves, they got a square mile wherever they were if they needed it for their mission or their orphanage. But they did not do anything for us. They cut their teeth on the American Indians down south and when they came up here they decided that they spent too much energy down there because they had so many churches at these tribes and they fought over their souls. So up here, "we'll just carve out areas." The Catholics will take this, the Presbyterians will take that . . . so they won't waste time battling over our souls.

I looked at the Indian Reorganization Act of 1934, the source of our tribes up here, and I looked at the method of compensation through the Indian Claims Commission and before that the Court of Claims. I looked at statehood. I thought "What? Here was an authorization by Congress to select over 100 million acres of our land without compensation, although they had a disclaimer clause in there, and they never defined what our rights were." I think the assumption by the political leaders here in Alaska was that we had no rights. But when I looked at the court cases, I read up on aboriginal title and found that there's substance to aboriginal title—it's compensable if taken. You know, I realized that if we let the state have the secretary sign the interim conveyances for their selections, we are never going to see that land again, ever. All we could hope for was a few cents an acre fifty or one hundred years ago. That is what turned me into an activist. I realized that we were in jeopardy and we had to stop it somehow. And

back then, I was not a lawyer but I could see something that other lawyers maybe could not see. And we had to work for it.

To make a long story short: thank God for Richard Nixon. You know, he's a Quaker. The Quakers came to my hometown in 1897 to look for gold. That is how we ended up with a big school there and a big mission. We are the only Quaker region in Alaska. I think it is quite a coincidence that without Richard Nixon getting behind our Settlement Act, we would never have gotten it. There are two things that could have prevented us from getting that act, (1) if the state was not on board, our delegation would do nothing, and (2) if the natives were divided, it would not go anywhere. And why the natives had to be united I'll never understand but we held it together! In spite of ancient animosities, we had some groups with huge populations with small land bases and some with huge land bases and a small population, and it was a very complicated situation. It takes a lot of energy and effort to pass a little law in Congress, let alone something as complex as this one. But without Richard Nixon getting behind it, it would have never have happened.

It has been forty-three years since the passage of the Settlement Act. We've had huge adjustments to make. We have begun to think in commercial terms, and in terms of private property – which was not part of our mentality. We have had to adapt to foreign institutions before. The tribe was not something we asked for. We had to get used to running those things – same with the borough. One of the things that we have used is the non-profit corporation. When we made our claim in Kotzebue, I had to borrow \$10 to buy stamps to send the letters out to the eleven villages. That was what precipitated what became NANA. If we had tried to wait on the Bureau of Indian Affairs to help us, it would never have happened and so we formed a non-profit because we needed an entity that could represent the villages.

Back then we had no lawyers and no media. I had to type the letters on those old typewriters where you had to hit hard to make four copies. We had no radio or television so communication was a real problem. Nevertheless, we managed to get our claim made. And thanks to Stewart Udall, a good Mormon with lots of western history – he was the trustee for the Native American lands, reserves, allotments, and reservations.

But of course, nobody had defined what our lands were in Alaska. So, in a way, that land-freeze that started was because they did not know what to do. But I think they sensed that if they let the state have our land, they were maybe violating our rights, whatever rights we may have had. To make another long story short, we actually ended up getting more out of the Republicans than the Democrats. Oil was found

in 1968 and, they needed the right-of-way. If there was no energy crisis, I doubt if we would have gotten our settlement.

When it comes to change and foreign institutions, it has been very difficult. I remember my friend, Oliver Leavitt from Barrow, who was chairman of ASRC and chairman of the borough in the past, he told me about the problems they had in trying to adjust because under their early corporate leadership they were the real leaders. In that world, to support them, to help them, to listen, and not attempt to take control, the younger generation knew that it was a different world and they had to figure out a way to make it work. I remember looking at a video where, Eddie Hopson—their first president, I think—was using the traditional language to try to describe what the role of the board of directors and the role of the shareholders were. He was conveying all of that in Inupiaq. That was how fundamental the beginning of the corporation was. They actually had to spend days on end, holed up in a hotel, trying to work out this leadership issue so the younger generation could give the benefit of their understanding and their education. They must have been successful because the Arctic Slope, of course, is a very successful multi-billion dollar corporation.

What about the opportunities in the Arctic? Many of the Alaskan Corporations now operate on a world scale. We started out, early on in the 1970's, but just setting up the corporation, frantically trying to get the land because there was a deadline. We had to try to figure out what investments to make. Then we expanded to Prudhoe Bay because that's where all the action was, where all the money was being spent by the oil companies. Then, because of the small business program, villages and regions became exposed to nationwide business activities and then global activities in some cases. There is expertise out there but the question is will they have the opportunity. They are engaged in almost every conceivable field: construction, engineering, logistics, communication, insurance, security, food service, mining, timber, fisheries, drilling, remote camp maintenance, and a whole host of other services. This is what we've been able to do with this rather meager settlement. Yes, it is massive in terms of what settlements Native Americans have received, in terms of land and money. But the reality is that when you think of how much has been taken from one small piece of former native lands, Prudhoe Bay: billions to the state, billions to the oil companies, billions to the federal government, billions to the contractors, it is a pittance. We had hoped that we could have gotten our two percent royalty in perpetuity. We are going to lose our lands, after all, in perpetuity. Once the system gets into the caucus room, however, you do the best you can.

With countries like China, Korea, Singapore, England, and others,



desperate for resources with capital to spend, it makes us wonder whether or not we will have the opportunity to participate if anything transpires of any consequence in the Arctic because of global warming. But the Inuit Circumpolar Council, which I helped form back in 1977 up in Barrow, has done a remarkable job keeping our concerns before the eight Arctic nations. Both the North Slope Borough and the Northwest Arctic Borough have been active.

The question is whether our own country, working through the Arctic Council will provide mechanisms that will allow indigenous people the opportunity to be at the table to discuss and determine what will happen in their homeland. Will we be able to participate in policy-making and will we have a chance to benefit from the mineral and ocean resources that may be found as well as to build, maintain and share in the infrastructure that will be needed as the ice recedes. I am hoping that our own country, working through the Arctic Council, will continue to keep open communications with the people who live in the Arctic so that we might be able to participate in what transpires. If there are marine resources out there, hopefully our people will have a chance to harvest them.

The good news is that we came under the wing of the United States. If that had not happened, we would be in deep, deep anak. Perhaps the best alternative would have been that, if we had had some real leaders on the non-native side, we could have formed our own country. We could have had a wonderful land with tremendous resources and we could have controlled immigration.