

## **Talking Points Regarding Efforts Related to our Five Landless Communities**

- 1) In 1971, Congress enacted ANCSA to recognize and settle the aboriginal claims of Alaska Natives to their traditional homelands. However, five traditional Native villages were excluded from ANCSA: Haines, Petersburg, Wrangell, Ketchikan and Tenakee.
- 2) ANCSA provided for establishment of Native Corporations to receive and manage funds and lands awarded in settlement of the claims of all Alaska Natives. While many villages throughout Alaska and Southeast Alaska were recognized and afforded the opportunity to establish Village or Urban Corporations and secure a Native land settlement, our five communities were denied these benefits of ANCSA. We have been fighting this injustice since ANCSA's passage.
- 3) Under ANCSA, as Alaska Natives we enrolled to one of thirteen Regional Corporations and also to the villages where we lived or to which we had a historic, cultural and familial tie. Those of us who enrolled to these five communities during the ANCSA process did so because these are our homelands and places of origin. Our families and clans originated in these communities.
- 4) The reasons were not specified, but it was likely the result of the large, long-term timber contracts with control over much of the timber in Southeast, as well as the result of racism in communities that were largely non-Native by 1971. Sitka Pulp Company and Ketchikan Pulp Company were in their top production heyday during ANCSA negotiations.
- 5) ANCSA prohibits the five Native villages from obtaining an administrative and/or judicial solution. Section 11 of ANCSA establishes a general process for determining Native village eligibility for villages outside Southeast Alaska, and Congress specifically provided that villages not included in the original Section 11(b) list of Alaska Native villages could qualify for benefits pursuant to explicit procedures set forth in ANCSA. However, a completely different process was set forth under Section 16 of ANCSA for determining the eligibility of Native villages in Southeast Alaska. Unlike Section 11, there is no provision in Section 16 providing an appeal right or other procedures for qualification of Southeast Alaska Native villages not included in the original list.
- 6) Appeals to the Alaska Native Claims Appeal Board of the U.S. Department of the Interior in 1974 and 1977, on behalf of Natives enrolled to the villages of Haines, Tenakee and Ketchikan were denied based on a narrow, technical reading of ANCSA Section 16.
- 7) In 1994, a congressionally directed study determined the omission of these Southeast Alaska Native villages from ANCSA to be erroneous. In 1993, the federal government contracted with the Institute of Social and Economic Research (ISER) at the University of Alaska, Anchorage, to prepare a report on the status of these villages. ISER presented its report to Congress in February 1994, concluding that the eligibility requirements for villages eligible to form Native corporations were met by the Native communities of Haines, Ketchikan, Petersburg, Tenakee and Wrangell.

- 8) The shareholders from the five Landless communities were enrolled as Urban shareholders in Sealaska Corporation. When land is finally granted to these communities, they will organize as Urban corporations.
- 9) Over the years we have received revenue-sharing distributions from Sealaska pursuant to section 7(j) of ANCSA, but have not enjoyed the social, economic and cultural benefits of owning shares in a Village, Urban, or Group Corporation. Many of the Village or Urban Corporations in our Region have brought significant economic benefits to their communities. Additionally, we have been deprived of the significant cultural benefit of owning an interest in lands located within and around our traditional homelands.
- 10) Sadly, many of the original shareholders enrolled to these five communities have passed on and will never see this injustice resolved. All we are asking is that Congress recognize that fact and provide us with what we deserve under law and equity: a chance to form ANCSA Corporations for our people and for future generation with ties to our traditional communities.
- 11) You have heard that this injustice has been going on for over 40 years. It has actually been going on for over 100 years. For nearly 150 years (1867-2015) the communities of Haines, Ketchikan, Petersburg, Tenakee Springs, and Wrangell have been without our village lands. It took over 100 years and several generations before ANCSA became reality.
  - a) We first began to petition Washington D.C. 125 years ago when we sent attorney Willoughby Clark in 1890 to lobby the president and congress for lands improperly taken.
  - b) In 1934 (eighty-one years ago) the first meeting of the Tlingit & Haida Central Council was held.
  - c) In 1954 (sixty-one years ago) William L. Paul, Sr. brought suit against the government in Tee-Hit-Ton vs. the United States a US Supreme Court case.
  - d) Four of the five Landless communities were always involved and part of the Alaska Native Land Claim efforts, however, for reasons unknown they were left out of the village land selections. See ISER report.
- 12) Time Immemorial: We have been on this land since time immemorial. We were here before the great flood and have stories of our people climbing mountains to escape the flood waters. We were here before the ice age and again when the ice first receded; we have songs and stories of our people going under and over the glacier to get to what is currently our homeland. Those stories are thousands of years old, but we don't just have ancient songs and stories we have scientific proof that our people have been here for at least 10,000 years. That is older than Western civilization as we know it. We have several other stories about specific places that belonged to specific clans. Many of these stories are hundreds of years old, which is older than the United States of America.
- 13) There have been several negative consequences for the members of our five landless communities:

- a) Landless shareholders received college degrees at a lower rate than those enrolled in village or urban corporations.
  - b) Landless communities have less representation on regional organizations. For instance the Landless communities represent over 25% of all Sealaska shareholders but have little representation on the Board, compared to the village of Yakutat which has three directors. Ketchikan, the second largest shareholder community in SE Alaska has none.
  - c) Landless communities receive less capital investment by Sealaska compared to communities with members on the Board. Compare the capital investment by Sealaska in the communities of Kake, Yakutat, POW, Hoonah and Juneau to those of Wrangell, Haines, Ketchikan, Petersburg and Tenakee.
  - d) Landless shareholders are far less likely to have held public office or served as governmental appointee to public boards and commissions than shareholders of village and urban corporations.
  - e) Landless communities have less participation and less cultural events than do communities with village and urban corporations.
- 14) SE Alaska Land Ownership: 90 percent of Southeast Alaska is federally owned land.
- a) The Tongass National Forest at 16.8 million acres encompasses nearly 80 percent of the land area of the region, and
  - b) Glacier Bay National Park and Preserve covers about 2.7 million acres or another 12.5 percent of the region.
  - c) Lands managed by the State of Alaska include the Haines State Forest at 534,000 acres and other smaller holdings distributed throughout the region, as well as most all navigable waters and tidelands throughout the Alexander Archipelago and extending out to 3 miles off the coast.
  - d) Alaska Native Corporations own about 577,000 acres of land in the region.

