

**Undermining Our Tribal Governments:  
The Stripping of Land, Resources, and Rights from  
Alaska Native Nations**  
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For the past couple hundred years the sovereign authority of Alaska Native nations has been undermined by both Russia and United States as they have embarked on the process of western colonization. This has been a time of great transition and turmoil for Indigenous<sup>1</sup> peoples in Alaska. It is time for the truth to be told and a new dialogue opened regarding the decolonization of the Indigenous Nations of Alaska. As this dialogue and process unfolds, Alaska Native nations should, at a bare minimum, be afforded the same rights and recognitions as Indian tribes within the continental US.

At the time of first contact with European nations, Indigenous peoples were not considered “real” or “civilized” human beings, and therefore, were afforded minimal recognition and rights. Our lands and resources were illegitimately claimed by Russia and later illegitimately sold to the United States through the Treaty of Cession in 1867. Indigenous nations were excluded from both negotiations of Russian land claims and the Treaty of Cession because of our lack of “human status” in the view of western thinking and legal systems. However, because tribes did exist (and still do exist) on the land, both Russia and the United States developed and implemented policies to address what is termed the ‘Indian problem’.

Indigenous social and political systems as well as Indigenous land and resource management practices fell under attack by the US government. The U.S. government utilized colonial mechanisms such as religious groups, military, local U.S. governing bodies, and schools to colonize Indigenous peoples. In this way they denounced Indigenous languages, spirituality, cultural practices, and belief systems. Fortunately, many of our tribes were remote and resistant, and therefore our ways of life were passed on.

Nonetheless, it has been a struggle for Indigenous peoples to first attain recognition as human beings and second to pursue justice within the political context of Alaska and the United States. The challenge our tribes face in reclaiming management over our lives, lands, and resources is a product of this history. Through self-determination and sovereignty, regaining ownership of traditional lands and resources, as well as implementing traditional practices of sustainability, our tribes can transition to a state of balance, both internally and with other nations.

Self-determination and sovereignty equate to the total freedom of an individual or group of peoples, such as tribes and nations, to make decisions on their own behalf without subjugation to another sovereign. This does not imply that one sovereign does not influence decisions within another sovereign, only that the final decision lies within each

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<sup>1</sup>Throughout this essay the word “Indigenous” and “Indigenous Peoples” will be used intermittently with “Native” and “Alaska Native”.

sovereign. Treaties are agreements made between two sovereigns. The United States has broken every single treaty made with tribes in the continental United States and they chose not to make treaties with Alaska Native tribes in an attempt to avoid the sovereign recognition of our nations.

### **Federal Indian Law**

As a way of undermining the recognition of the full sovereignty of Indigenous tribes, the U.S. developed a body of law, known as Federal Indian Law. This body of law outlines the relationship between the federal government and Indigenous tribes, from the US government's perspective. Federal Indian law is based on a conglomeration of US founding documents, federal legislation, administrative orders, as well as federal and state court cases. The result is that Indigenous tribes in the US possess what is referred to as 'limited sovereignty', through which tribes possess 'limited self-determination'. This is a form of sovereignty that is subject to the desires of those in power within Congress, the administrative branch, and the courts. Through this process the United States attempts to validate control and authority over Indigenous nations, our lands and our resources. Ultimately it is the US military strength, willingness to use that strength, and the impacts of assimilation that maintain the compliance of Indigenous nations to U.S. subjugation. It has been through the struggles of many Indigenous people and their tribes that Federal Indian law has incorporated these limited policies of self-determination and recognition of sovereignty.

### **The Alaska Native Claims Settlement Act**

In an attempt to legitimize US ownership and governance over Indigenous peoples, their land, and their resources within Alaska, the US Congress unilaterally passed the Alaska Native Claims Settlement Act (ANCSA) in 1971. The Act created 13 regional for-profit corporations and made Alaska Natives shareholders of the corporations based on regional areas. The Act also provided for payment of nearly one billion dollars to the corporations for the taking of nearly all the lands and resources within Alaska. Although a few Native people participated in the debates surrounding the passage of ANCSA, it was not a legitimately negotiated treaty or settlement between the United States and Alaska Native tribes. ANCSA was void of direct negotiation with Alaska Native tribes and was not put to a vote of the Indigenous peoples.

Furthermore, ANCSA extinguished previously recognized Indian reservations in Alaska (with the exception of Metlakatla), extinguished indigenous hunting and fishing rights, and paved the way for the oil industry and state government to access and transport oil from northern Alaska. This act was essentially a social and political experiment on Alaska Native peoples. ANCSA was a way of dealing with the "Indian problem" through assimilation, exploitation, corporatization, and extinguishment of Indigenous rights. It was a politically correct illusion that perpetuated colonization in contemporary times. Even so, many Alaska Natives viewed the Act as "better than nothing", trying to make the best of the situation. These people realized that resistance might lead to massacre or incarceration, as was the practice with Indigenous tribes in the continental US when they resisted the westward expansion and manifest destiny. When considering that just thirty years earlier Alaska Natives were not even afforded basic civil rights, such as shopping in

some stores and participating in certain business, it is not surprising that ANCSA was viewed positively among some people.

Over thirty years have passed since the enactment of ANCSA. In that time Alaska Natives have become better studied in the western professions, academia, and history. We understand that ANCSA, the Alaska Statehood Act, and the Treaty of Cession were all fundamentally illegitimate legislation that resulted in the unjust appropriation of our traditional lands and resources by the United States. In similar situations around the world, such as within Africa and India, the global community came together to support a process of decolonization based on moral integrity and justice. We need to re-open the doors of dialogue between Alaska Native Tribes and the federal government to address the unjust colonization of our peoples, lands, and resources.

### **Indian Self-Determination and Education Assistance Act**

In 1993, the federal government extended federal recognition to Alaska Native tribes. Prior to federal recognition, many federal Indian laws and programs were already applied to Alaska Natives, such as the Indian Health Service (IHS) benefits, Bureau of Indian Affairs (BIA) programs, and the Indian Self-Determination and Education Assistance Act (ISDEAA) of 1975. In particular, the ISDEAA paved the way for tribes, including Alaska Native tribes, to begin directly contracting with the federal government to manage programs that were intended for the benefit of American Indians and Alaska Natives. In a monumental speech to Congress supporting Indigenous Self-Determination in 1970, President Nixon stated:

“The first Americans- the Indians - are the most deprived... group in America...The condition of the Indian people ranks at the bottom. This condition is the heritage of centuries of injustice. From the time of their first contact with European settlers, the American Indians have been oppressed and brutalized, deprived of their ancestral lands and denied the opportunity to control their own destiny. Even the federal programs which are intended to meet their needs have frequently proved to be ineffective and demeaning.”

Thirty-four years later this statement continues to hold true, particularly in Alaska, where the oil industry, State government, and Congressional delegation openly pursue aggressive anti-tribal positions.

Self-determination under the ISDEAA is not complete, but rather a form of ‘limited’ self-determination that is strictly subject to federal oversight. Still, it was a step in the right direction and a benefit for both indigenous tribes and the federal government. Since passage of the ISDEAA, federal Indian program operation and output has improved drastically. This is understandable and not surprising, considering it is in the best interest of Indigenous nations to manage programs in the best possible way for their people. For many Alaska Native tribes the ISDEAA gave birth to federally funded tribal government offices and programs managed at the local level.

The ISDEAA provided ‘limited’ self-determination within a particular scope of federal programs meant for the benefit of American Indians and Alaska Natives. In Alaska the

debate remains open with regard to inclusion of education programs (village schools) and other programs and projects, such as those funded through the Denali Commission and US Fish & Wildlife Service. Progress towards tribal self-determination is being made in some areas, yet in other areas those who possess control over funding allocations are opposed to Alaska Native tribal sovereignty. This opposition is reflected in resource allocations, agency regulation, and legislative process.

### **Attacks on Tribal Sovereignty & Funding: “Regionalization”**

Despite the acknowledgement and recognition of tribal self-determination, those opposed to tribal sovereignty continue to work to undermine tribal recognition and rights for Alaska Natives. In December of 2003, Alaska Senator Ted Stevens used a back door method to pass legislation (a rider known as “section 112” on a consolidated spending bill) that eliminates specific funds for small tribes and tribes located in select organized boroughs. This legislation also calls for the establishment of an “Alaska Rural Justice and Law Enforcement Commission”. This commission would consist of members appointed by the Secretary General of the United States and is given direction to look into bringing tribal governance under State authority. There was no collaboration or agreement made with federally recognized Alaska Native tribes on this legislation. This process of eliminating tribal rights and funding has become known as the process of “regionalization”. In reality, regionalization is a process of tribal termination that undermines tribal authority and cuts off tribal funding. It is the exact opposite of tribal self-determination and is in violation of the government-to-government relationship between federally recognized tribes and the federal government.

In an attempt to evade and subdue the issue of tribal sovereignty and self-determination, key leaders opposing tribal sovereignty use the term “rural” in place of “tribal”. Furthermore, state leaders openly suggest that “tribal sovereignty is not the answer”, as stated by Senator Stevens in an October 2003 speech to the Alaska Federation of Natives (AFN). While “rural” can be used as a descriptive word in relation to Alaska Native tribes, it should not be used to replace tribal recognition. The term “rural” and other similar language has been used to minimize recognition of the fact that the federal government has already recognized tribes in Alaska and that federal Indian law must be applied in relationships with tribal governments.

### **Asserting Tribal Sovereignty**

Our tribes and individual Alaska Natives have struggled throughout recent history to establish recognition of our presence here and rights as Indigenous peoples. Leaders such as Elizabeth Peratrovich debated in the territorial legislature for the Alaska Native Civil Rights Act of 1945. Elder Katie John consciously violated state law in an act of civil disobedience to bring awareness to the injustice of extinguished Indigenous hunting and fishing rights. John Fredson led the Gwich’in people of the former Venetie reservation (extinguished pursuant to ANCSA) to struggle for tribal rights and resist unjust land appropriation. All three are visible examples of the struggle for Indigenous peoples rights. Ultimately, the further we move towards full sovereignty and full self-determination the better positioned our tribes will be to provide effective management at the local level to meet the needs of our people.

Regaining ownership of our traditional lands and resources and becoming truly self-determined are two of the major challenges we face in healing our peoples and healing our relations with other nations.

This history poses challenges that we as Alaska Naïve nations must face as we begin to reclaim control over our land, resources, and institutions. Our struggle for justice and balance is reflected in the recent history of colonial rule by the United States government. Unless this history is appropriately acknowledged and addressed, we will continue to have greater struggles in the future for tribal sovereignty and self-determination. It is through a process of healing from colonization, re-organizing our institutions and political systems, and preparing ourselves for the future that we shall regain balance in our societies and with all our relations. The time has come for the truths of history to be acknowledged and a new discussion opened regarding the decolonization of the Indigenous Nations of Alaska.