Governing Alaska
Native Citizenship and Land Issues

A "New Deal" for Alaska Natives

The relationship between the United States government and Native Americans has changed through two centuries of court decisions and changing political perspectives.

Native Americans were self-governing people long before the Europeans arrived. Tribes opposed the invasions of their territories and gave strong resistance in some cases. The doctrine of a "government to government" relationship developed between tribes and the United States over the years. In decisions going back to the early 1800s, the U.S. Supreme Court upheld the idea of "aboriginal title" to lands.

In the late 1800s, when the United States began to pay attention to Alaska, the philosophy of dealing with Natives was to encourage them to become part of or assimilation into the white culture. This was to happen primarily through the schools. In 1905, Congress said that there would be one set of schools for "white children and children of mixed blood who lead a civilized life." Native Alaskan children would be in separate schools, designed to teach them about "civilized life."

Tlingit-Haida Jurisdictional Act, 1935

Alaska Nondiscrimination Act, 1945
Landmark anti-discrimination law providing for equal accommodation privileges to all citizens.

In the 1930s, key leaders in the administration of President Franklin D. Roosevelt rejected the idea of assimilation, and supported tribal reorganization instead. The provisions of the Indian Reorganization Act (IRA) were extended to Alaska in 1936 in order to help reduce the loss of Native lands and create a new political status for Alaska Natives. The federal government urged Native villages to adopt constitutions for self-government under the IRA. Legal experts said the purpose of these amendments was to put Alaska Natives on the same legal footing as other Native Americans.

No treaties had been made with Alaska Natives and few reservations had been set aside for them. They continued to live on the land like their ancestors had done for generations. But Interior Secretary Harold Ickes wanted to establish reservations in Alaska for three reasons:"First, they would define Alaskan 'tribes' by identifying particular groups with the land they occupied; Second, they would define geographic limits of jurisdiction so that Alaska Native communities could exercise power of local government, and Third, they would enable the United States to segregate Native land and resources, thereby preserving the 'economic rights' of the Natives."

On a trip to Alaska in 1938, Ickes had been impressed by the wealth and orderly development in Metlakatla, the Southeast village on Annette Island, where an 86,000-acre reservation had been set up in 1891. He concluded that since the reservation had helped make that village a success, the same idea would work in other areas, and improve the economic standing of all Alaska Native people.

The pro-reservation stand by Ickes led to much political conflict among Natives, as well as in the political bodies in Alaska and Washington, D.C. Many years of bureaucratic fighting and court suits followed, as the debates raised issues of aboriginal land rights. There was also a controversy about whether as much as one-third to one-half of Alaskan land would become "off-limits" to white settlers and to economic development in the 100 reservations that were proposed. The fishing industry opposed reservations, as did Gov. Ernest Gruening and the territory's businesses.

One of the chief supporters of reservations in Alaska was the Commissioner of Indian Affairs John Collier, who defended his position years later by saying, "Assimilation, not into our culture but into modern life, and preservation and intensification of heritage are not hostile choices."

From the 1930s to the 1950s, about 70 villages set up Indian Reorganization Act (IRA) constitutions, similar to state constitutions, under this law. The largest of six IRA reserves created in the 1940s was the Venetie Reserve in the northeast Interior, covering 1.4 million acres.

In the end, the proposed reservation policy was a failure, but the legacy of the IRA movement is important - it became, along with traditional Native governments, one of two types of Native authority recognized by the federal government.

Traditional Native governments across Alaska reflected different cultural and subsistence patterns. All of these governments tried to meet the needs of their people however, with rules that governed their society and defined their physical and cultural boundaries.

Historian and lawyer David Case wrote that by the time of statehood, " both the courts and Congress had acknowledged that Alaska Native governments historically possessed the same inherent internal authority as Native governments elsewhere."

The Alaska Statehood Act included language that said Congress would resolve Alaska Native land issues in the future. It also allowed the new state to select 103.5 million acres of land, which set up a conflict that increased in the early 1960s. As the state

began to select more and more acres, Natives grew upset that their traditional lands for hunting and fishing were threatened. In response to land concerns, the Alaska Federation of Natives was formed in 1966 and lobbied for a settlement of land claims that was achieved five years later.

Tribal governments, both traditional and IRA governments, still exist in villages across Alaska. In some cases they co-exist with state-chartered governments, and with Native profit and non-profit corporations set up under the Alaska Native Claims Settlement Act (ANCSA). In what Case describes as a "bewildering institutional array" of governments, there is still tension and debate about which of these governments best serves the interests of Alaska Natives.

The tribal sovereignty movement of the 1980s and beyond drew much of its strength from people who felt that the land claims settlement did not do enough to improve the lives of people in the villages. The tribal governments exercise power and operate programs in certain social service areas dealing with child welfare, health and other governmental services. But they do not have jurisdiction over the lands conveyed to the ANCSA corporations by the federal government.

A unanimous 1998 decision by the U.S. Supreme Court sharply limited the powers of tribal governments. The court said that even though village corporations in Venetie and Arctic Village had transferred their land to the tribal government the land was not "Indian country," meaning that it was not land on which the tribe would have primary jurisdiction instead of the state. The state had taken the Venetie case to the Supreme Court, arguing that a declaration of "Indian Country" in Alaska would have led to 226 "separate and sovereign" tribal governments, with powers over fish and game, and taxes.

Information Courtesy of the Alaska Humanities Forum