



July 1988

Smooth the Dying Pillow: Alaska Natives and Their Destruction [original paper]

Stephen Conn

Suggested citation

Conn, Stephen. (1988). "Smooth the Dying Pillow: Alaska Natives and Their Destruction." Paper presented in Symposium III, "Group Rights at the Close of the Twentieth Century: Strategies for Assisting the Fourth World; Session 3, Evaluating Strategies for Change" at the 12th International Congress, Commission on Folk Law and Legal Pluralism, International Union of Anthropological and Ethnological Sciences, Zagreb, Yugoslavia, Jul 1988. (<http://hdl.handle.net/11122/7350>).

Summary

The policy for Native self-determination in Alaska developed by the Congress and the state has sought to replace a tribal model of governance with a body of legislation which confirms land rights without the direct political involvement of Alaska Native villages. However, the author argues, the absence of tribes as formal political structures has contributed to a loss of self-determination among Alaska Natives and to serious negative effects on Native village life.

Additional information

A slightly revised version of this paper was published as:

Conn, Stephen. (1990). "Smooth the Dying Pillow: Alaska Natives and Their Destruction." *Law & Anthropology: Internationales Jahrbuch für Rechtsanthropologie [International Yearbook for Legal Anthropology]* 5: 167–183. Special issue on "Group Rights: Strategies for Assisting the Fourth World." Vienna, Austria: VWGO-Verlag. (<http://hdl.handle.net/11122/9786>).

**SMOOTH THE DYING PILLOW:
ALASKA NATIVES AND THEIR DESTRUCTION**

Stephen Conn
Affiliate Professor
University of Alaska

Paper to be delivered in Symposium III, Group Rights at the Close of the Twentieth Century: Strategies for Assisting the Fourth World; Session 3, Evaluating Strategies for Change, Commission on Folk Law and Legal Pluralism.

XIIth International Congress of the IUAES; Zagreb, Yugoslavia; July 24-31, 1988.

JC# 8815-103

"Smooth the dying pillow," as I understand it, was the rationale for Australian Aboriginal policy which was intended to ease the passage of aboriginal peoples into history as separate, indigenous peoples.

In the United States the phrase has never been employed to epitomize Indian policy, although it could have been. Critical moments in Indian policy since the last of the Indian wars and last use of disease and alcohol as instruments of extermination have featured benign efforts to help Indians while at the same time easing the passage of indigenous groups. Every example of policy which was deadly in its impact on groups had supporters who viewed its effects as beneficial to the real needs of indigenous individuals and to the hope and future of later generations.

Assimilation of indigenous youth through education which explicitly or implicitly stripped away tribal loyalty as it prepared youth for modern life is one example. Assimilation by breaking up the tribal or communal land base by individual allotment had as its overt aim the passage of tribal members into the mainstream of private property ownership. Even citizenship for American Indians was double-edged to the extent that it required a shift in loyalties from the tribe to the state as a condition of its achievement (Cohen, 1982:639).

Each of these - education, land ownership and the civil rights of citizenship - are not in and of themselves, evils to be avoided. In fact, they have been the political objective of many indigenous groups who seek survival within nation states. Yet the conditions for these and other policies may be a paring away of group identity as group political identity for the good of the persons involved. The pillow being smoothed is, then, that of the tribe. The tribe has been perceived as a lingering fixture of yesteryear whose continuing worth was questionable or even counterproductive to the real needs of Indians within the nation state.

Group political loyalty might be said to block communication or to retard it (Harrison, 1972). Tribal allegiance might retard necessary social or economic development. It might misprepare individuals for the new competitive realities each would have to conquer and endure. Finally, it might simply be incapable of taking on the responsibilities of a changing world or program designed to help individuals address a changing world.

Tribes have several interlocking meanings within the American legal and political process. Historically, they are separate political units, constituting what Charles Wilkinson (1982) terms a third order of government within the American federal system. This is often a hard proposition to digest since it means that a lowly village of eighty persons whose only income may be bingo and whose only permanent employee is a village policeman is possessed of more innate sovereign authority than the city of New York. Yet from this proposition flows a judicial rationale which allows Congress to allocate special rights or impose special disabilities upon American citizens who happen to be members of tribes and to add or subtract from tribal authority. This proposition is also one that rankles critics—from those who view this federal right to discriminate as a basic denial of equal justice under law to others who view the plenary power of Congress to give and take as an extension of colonialism into the present. Whoever is correct, these propositions have guided a third-tribes have actual or potential legal sovereignty as well as some direct ownership over natural resources, usually resources ceded to them in exchange for loss of aboriginal title to even greater resources.

A tribe's capacity to govern and control these resources is bounded and compromised by its political relationship to the federal government and by the pressures and greed of the states denied these resources.

Some may view the tensions built into this American process which pits tribes against vigilant adversaries (and even other tribes) as little more than a facade for the unceasing struggles between the federal government and states over public lands and resources. From this perspective, tribes are no more than pawns which provide a convenient rationale for federal control in realms which would otherwise belong to the states. Whether this is true or not, in the twentieth century American Indian policies have been premised on the notion that they will raise up indigenous persons. Since the Great Depression of the 1930s they have been premised on economic improvement (Getches, Rosenfelt and Wilkinson, 1979:80-84).

American Indian policies (with the single exception of termination in the late 1950s and early 1960s) have given lip service to the principle of tribal integrity because this is one leg of the three-legged stool (Wilkin and Briggs, 1977:151-154). That is to say, even if recognized tribal governments were poorly managed, poorly funded and even corrupt, they provided the impulse for the federal government to designate special programs for Indians unavailable to other cultural or racial minorities and, further, to offer a cocoon of immunity for tribal governance and ownership of land and resources.

The net result for American Indians and their tribes may not be especially enviable. In economic terms, American Indians remain the poorest of the poor (Cahn *ed.* 1969:viii). Yet within the American system there are geographically determined places where indigenous communities deal with their lives with acknowledged political power, separate and undelegated.

Can the meanings of tribe in the American political context be sliced apart and dealt with discretely without unraveling this rather simple primary relationship between a tribal group and tribal persons? Can tribal integrity over its own citizens

and its own resources, however ineffective, be removed as an operative premise in order to benefit more directly indigenous peoples?

The policy generated for Alaska Natives - Indians, Yupik and Inupiat Eskimo and Aleut peoples, their villages and their hunting and fishing lifestyles - sought to replace the old three-legged stool with a superior body of legislation which confirmed land rights and the federal preference without direct political involvement of Alaska Native villages. While a land base was ceded to Alaska Natives equal to the entire reserved tribal land base of other American Indians, the problematic model of management by tribal governments was avoided through its replacement with corporations based in villages and in the regions. Alaska Natives were shareholders to the corporations, not citizens, with an ultimate promised right to transform their birthrights into cash if they desired (U.S. Congress 1971, Alaska Native Claims Settlement Act; *see* Arnold, 1976).

Tribal ownership or governmental control of the land was not included in the Act. Tribes (assuming they existed legally in Alaska) were in fact bypassed by the Act and were not even party to its negotiations. This aspect of the Act, the emphasis upon privatization with de-emphasis on tribal participation and federal trusteeship was only part of the experiment to bypass tribes as direct parties or participants. Tribal government was also ignored as a fundamental unit of service delivery. Moving from the premise that Alaska Natives were now cast as enrollees in a settlement act and that they had opted to cast that settlement in regional as well as in village corporate terms, program funds were directed to nonprofit regional corporations to meet requirements of villages scattered across the vast Alaska landscape (McBeath, 1982:125).

The premise that Alaska Natives were entitled to unequal preference among Alaska citizens was not ignored. Congress used it to return the Act and amend it, to

deal with wide-ranging subsistence practices not readily contained on a settlement land base and to continue other forms of subsidies to meet the needs of Alaska Natives.

In the end, the Alaska experiment was a thorough and vigorously pursued experiment in Indian policy which ignored the third order of government. It offers as does no other American example a look at the American relationship with indigenous peoples without the pretense of tribal consent or their involvement as anything more than minor players among vocal interacting political interest groups who represented Alaska Natives. Members of Alaska village tribes were transformed into clients and petitioners to neotribal (corporate), state, federal and even international organizations.

The Alaska experiment would not have occurred had not several generations of Alaska Native leaders been persuaded that "Alaska was different." The failed model of federal stewardship for the territory of Alaska could be improved upon through the emergence of vigorous and self-sufficient Native societies within the Alaska society, given Native access to jobs and natural resources. The political destiny of Alaska Natives, it appeared, was linked to the political destiny of the state. Overlooked in this equation was the prospect that Alaska, the sovereign state, would not tolerate competing sovereign claims to its vast natural resources and would view legal assertions of tribal authority as, more than this, indirect attempts to challenge its own destiny by the federal government using as its stalking horse, the charade of tribal sovereignty.

The original agenda of Alaska Natives is important because displacement of the three-legged stool for sound economic reasons or for practical political reasons is the agenda for reform in other nations of the world. No one suggests that it was dedicated to smoothing the dying pillow because it was addressed to the felt and

documented social and economic needs of Alaska Natives. Yet by 1988, the Alaska example suggests that, in fact, there is no substitute for building ambitious programs on small tribal governance. In the end it is in remote villages that Alaska Natives are self-defined and the premises which govern their legal protections are rooted.

The Pre-Land Claims Agenda: 1955 -1965

Alaska Natives and the cadre of leaders who emerged during the late territorial and early days of statehood had every reason to believe that self-determination of their societies and of the rest of the state were bound together. The political issues of both were connected to a failed pattern of federal control of Alaska's resources and their exploitation.

The state labor pool was small. Labor leaders sought protection from imported and seasonal labor by actively recruiting village people into their ranks in order to enlarge the ranks of available Alaska hire when defense projects emerged in the Cold War era as a new source of employment. Alaska Natives recognized that the key to village survival lay in a mixed economic pattern of wage labor and subsistence (Rock, 1963:2).¹ Howard Rock, a Point Lay Inuit, who began publication of a statewide Native newspaper, argued that unless Native men and women could leave their villages periodically and undertake wage labor at union scale, villages would be left "dying on the vine" (Rock, 1964:1). To accomplish this, a new pattern of education was required, one that did not prepare Native youth to leave the village, but rather encouraged appropriate vocational training (Rock, 1962:1). Alaska Natives had already experienced the unsatisfactory results of federal programs which removed their children for schooling inappropriate to either village life or to the then-emerging job market. Yet all outside training was not deemed inappropriate. The *Tundra Times* reported approvingly when a generation of men

who would later emerge as claims advocates and managers was sent to California for technical training appropriate to jobs on military defense sites (*Tundra Times*, 1963; Snapp, 1988).

Rock and others saw in the neglect of basic village needs, a further federal effort to encourage villagers to leave:

We can surmise, perhaps rightly, that while village populations are being encouraged to move out, little or no attempts to assist them to improve such things as health facilities and water systems are being made. As a result of this neglect some Native children have gotten sick and have had to be sent to hospitals (Rock, 1964:1).

In fact, the northern village of Barrow had tested and found beneficial this new plan. There, Natives had been given preference in construction for the Navy. Along with jobs at union scale had come new housing and other benefits (Sonnenfeld, 1956).

This realistic focus on employment and education appropriate to known and anticipated employment was also the platform of those Alaska Natives who represented rural communities in the territorial and early state legislatures. The founders of the state had grafted into the state constitution a representational formula which gave rural populations representation disproportionate to the population of the Alaska bush. William Beltz, Frank Degan, Frank Peratrovich, Eben Hopson and others were skilled legislators who worked as an Ice Bloc to further Native interests, even in those days of relative state poverty. The Ice Bloc supported construction of rural vocational schools and supported locally controlled unions against urban lawmakers and national unions bent on continued use of imported labor (Hopson, 1965; Bradner, 1965:1).

Even when the bush lost direct representation through court-mandated reapportionment, Native expectation that it would become a force within state politics remained high (*Tundra Times*, 1965). The Arctic Slope Native Association was created to organize rural Inupiat and join forces with already strong blocs in

Southeastern Alaska, including the Alaska Native Brotherhood. Finally, the urban-based Alaska Federation of Natives emerged in 1967 (Arnold, 1976).

The Land Claims Era: 1967 - 1972

The opportunity for a settlement to long-unresolved claims based on aboriginal rights shifted the focus of the Native political agenda and created additional leaders and organizations to deal with a land base larger than one represented by land in the immediate vicinity of villages. Mini-land grant settlements or ones which were village-based only, supported by the state, were viewed as inappropriate to the legal claim mounted and insufficient to meet the economic needs of Natives (Berry, 1975).

Yet other factors influenced a changing perception of village interests and needs. Beginning in the late sixties, Congressional task forces and entities such as the Federal Field Committee (1968) began to document the poverty of rural Alaska, its marginal housing, its health concerns and its educational needs.

Architects of War on Poverty programs laid in place organizational arrangements which were followed in the future. Programs were designed and delivered from urban and regional centers. Villagers were perceived as poor clients who received trickle-down programs, aid and job opportunities.

Land claims leaders were a new crop of college educated politicians who saw high school education for Native youth as preparation for college. College training would prepare them for jobs in the corporations spawned by land claims at the village and regional levels. These leaders were also skilled in state legislative representation. They pressed upon the state legislature the funding and construction of village high schools which returned to the villages young people on a year-round basis (Morehouse, McBeath and Leask, 1984:197).

All villages benefited from a variety of improvements in infrastructure and services. Only the North Slope Inuit followed the original plan of Native leadership to its logical conclusion, however. Under the direction of Eben Hopson, a leader from

the earlier generation, it created the first rural borough as a vehicle to capture oil wealth through direct taxation and as a mechanism to borrow millions to underwrite a capital improvement program (Morehouse and Leask, 1980:625). The capital improvement program created a vast public works program which not only built schools, police stations and fire houses (as well as housing), but guided contracts for work to firms prepared to hire borough residents. This combined political and economic initiative drew continual legal fire from the state and the oil companies. It challenged the pattern of improvements in other regions where state and federal officialdom designed and extended programs and services through Native non-profit corporations and through increased regional bureaucracy (McBeath, 1984:113-130).

Yet even with differences in degree of political control and wealth controlled and guided by Native people, similarities emerged from a village perspective. In all areas village parents had more ready access and responsibility for their children. In all areas villages gave over power to governments located in their regional centers. Even in the North Slope Borough, Alaska Natives secured positions in labor and clerical positions while middle management positions went to outsiders (Institute of Social and Economic Research, 1981). The borough hired outsiders to fill government service positions in its schools, police, health and other departments just as the state filled out its rural units with employees hired in the urban centers. The net result was cyclical employment for Native labor, increased opportunities for Native women in secretarial positions at the regional center and a vast increase in the numbers of non-Natives who lived and voted in Alaska's bush (Conn, 1987:86).

Village schools were not controlled by villagers, but dominated by regional school boards and teacher unions. College preparatory courses did send increased numbers of Natives to the University, but drop-out rates were high (Kleinfeld, Travis and Hubbard, 1982:9, 19).

Bright Native graduates of the University of Alaska cut short their plans for higher education in order to work in Native corporations at high salaries, bowing to the need to support their families. This tendency to reach for the job within reach and to postpone or forego commitment to a career made very good sense to Native Alaskans, educated to the boom and bust economy of their regions and the state. However, these economic choices by the "ubest and brightest" allowed public employment in the state to become a bastion of entrenched and unionized employees. Only three percent were Alaska Natives (ISER, 1986).

Villages (and oil wealth) were the reasons for government growth in the cities and regional centers, but villages were not participants except in the most marginal sense. They lost *de facto* control over local matters, pushed out of the markets by increasingly interventionist government programs. Government jobs left for village people were the leavings- health aides, state magistrates, school janitors and teacher aides, jobs distributed as scarce commodities among families in need of steady wages (Conn, 1985).

In the meantime, the claims settlement created its own agenda of work for Native leadership. The process of claims implementation was slow and seemingly resisted at every turn by federal agencies who were being displaced. It generated legal conflicts between corporations as well. Village expertise was burdened with land selection, accounting, and a range of corporate decisions that very often left them prey to expensive legal advisors, management consultants and other experts (Gondolf, 1988:153). Bright villagers who had in the past served as communications brokers and mediators between state and federal agencies and traditional village leadership were diverted to these frustrating but paying tasks.

It is not surprising that debates over state or village authority which might have occurred did not. Native leaders traveled back and forth to Washington to

amend and reamend legislation related to the settlement act or to press for the transfer of federal and state programs to non-profit regional administrations. Thus, the drift away from the premise of guiding governmental authority at the village level, while perhaps conscious on the part of the state, occurred nearly by default. Villagers as well as Native organizations fell into the trap of defining the issue of village life in terms of the quality and level of service and not in terms of control over that service (Angell, 1979).

Native leadership had seen the state cave in" to a Congressional compromise which not only generated a claims settlement, but that also laid the basis for oil development and state public land selection. Yet this political compromise deviated not at all from state leadership's commitment to press Congress for extinguishment of Indian claims through compensation so as to remove any cloud over Alaska's resource development (Fitzgerald, 1959). From the earliest days, it was clear that sharing of political power between the state and the villages as Indian tribes who might engage in competing management of natural resources in consort with the already pervasive Interior Department was to be avoided (Naske, 1985:143). Even the extension of state high schools to the bush could be interpreted as an exercise in removal of federal intrusion into an area of governance traditionally associated with state government. The claims settlement used Native villages as a benchmark of entitlement, but did not create competitive sovereignties. Much in the vein of the historical hostility to proposed demarcation of village reservations in the 1930s and 1940s (Sonnenfeld, 1956), it provided that the core of village land would either be turned over to a state municipality or to a state trustee (Alaska Native Claims Settlement Act, 1971 § 14C(3)). Individual lots were to be provided village residents, Native and non-Native (Arnold, 1976:250).

Whether by intent or design, Alaska's representatives and Native leadership created the most thorny question of federal Indian law for a later generation of tribal sovereignty advocates: even if it is established that functioning tribal units persist in Alaska, over what land base do they govern members and land use activities, given the Congressional mandate to define land rights as ultimately subject to state law?

1988-A Watershed

By 1988, Alaska the state had stumbled into its third acknowledged year of economic depression. The price of oil had collapsed and, with it, state revenues. Although the state had created a permanent fund of oil wealth, it chose to put the brakes on state spending. The resulting domino effect caused a ten percent drop in population, massive business failure and a collapse in the housing market.

Some sectors of Alaska society remained protected. State public employees were sustained at their former rates of high pay. But other sectors of Alaska society suffered.

When Community and Regional Affairs staff conducted interviews in 172 communities they found that ninety-five per cent had to significantly reduce one essential service. Police services had been reduced in more than half. Twenty-four per cent had cut funding for health clinics and twenty per cent in fire protection.

Thirty-five per cent of unincorporated places, traditional villages, had reduced health clinic services. More than twenty-five per cent said they would soon be unable to continue providing fire, health clinic and sewer services (Anonymous, 1988).

Village Alaska underwent a penetrating analysis in Alaska's largest newspaper. The eight-part series created a new portrait of rural Natives for urban

readers who rarely visit the Alaska bush. No longer were Alaska Natives portrayed as subsistence hunters engaged in corporate capitalism. Now they were described as "People in Peril" (*Anchorage Daily News*, 1988). The eighty-page series captured the attention of Alaska at precisely the time that Congress amended anew the claims settlement act in ways that seemed to make less likely the sale of Native stock or the loss of Native land (see below). It portrayed villages as floating in a "river of booze." Villagers were killing themselves with drugs and alcohol; villages were experiencing epidemics of suicide, murder and alcohol abuse.

Armed with statistics of Native suicide, especially high among Native males between twenty and twenty-four, the newspaper's editor wrote:

We began asking simple questions: Why are Natives-especially young Natives-damaged so profoundly by every measure of despair? Why do they go to jail more than other Alaskans? Everywhere we looked, we found booze. Crime and booze. Suicide and booze. Accidents and booze (Weaver, 1988:A12).

The series ran lengthy mock obituaries of village crime, alcohol, and drug victims. It detailed the bootlegging system established from cities and regional centers to villages and concluded that villages were out of control. The culprit was alcohol, but more than this, the culprit was disintegration of Alaska Native family life.

The adult generation had tbecome a generation adrift" (Weaver, 1988:A3).

The government took their parents, sending many to Indian School, thousands of miles away. These returned with elevated aspirations, diminished prospects for advancement, and little experience in successful family living. They turned away from elders and toward alcohol (*Id.*)

As to today's 1-year-old, "probably he lives in an isolated village of about 300. His parents were torn from home at 13; their parenting skills were never well-developed. His village elders, the centerpiece of most Native cultures, were themselves overwhelmed by white assault: traders, missionaries, fuel oil salesmen. They now struggle with representatives of cultural change their ancestors never faced:

television repairmen and bill collectors and a village bootlegger resupplied by air" (*Id.*).

Village life was portrayed as offering youth few options. They could drop out of school, leave the village or kill themselves. Villages were communities in the throes of self-destruction. The report cited the same state survey described above telling readers that eighteen Western Alaska villages were "in critical condition, unable even to heat public buildings or pay the salaries of police and maintenance workers. State officials said at least 20 more would be in a similar condition within months, victims of the oil bust of 1986" (Spenser, 1988:F-4).

While the *Tundra Times* had reported the cutback in village services as a prelude to a report on efforts to seek special state emergency grants, the *Anchorage Daily News* employed it as additional fuel to its argument that for Alaska Natives, "leaving Alaska villages battered by poverty, alcohol abuse, despair and suicide, Anchorage is the shining city by the shore, a haven of steady wages and bright lights, a place to buy bread and meat at a shadow of their cost in the Bush" (*Id.*).

The series castigated leaders of the Native movement who "have been in the forefront of corporate and legislative battles, but conspicuously absent from the fight against alcohol-fueled death and destruction" (Tetpon and White, 1988:H-5).

The reaction to the series was, with few public exceptions, positive from urban Native organizations, bush legislators and even the *Tundra Times*. Few seemed to appreciate that this first in-depth series on village Alaska might have confirmed already developed legal and political positions guided by the heartfelt belief that villages had outlived their usefulness.

The proposition that Native land and stock could be protected without further federal support or confirmation of tribal sovereignty was apparently validated anew the same month the series appeared by the passage into law of new amendments to

the Claims Settlement Act (United States Congress, 1987:11,925-33). They removed fear of automatic transformation of the stock into saleable shares in 1991. Now shareholders of regional and village corporations would have to vote to approve such sales. Special protections were offered against minority interests who might want to be compensated. New shares of stock could be issued for Natives born after the date of the settlement. Land granted under the Act was not placed into federal trust, but automatically "banked" to protect it from taxation or judicial taking so long as it was not subdivided or developed.

These amendments had been approved by the annual convention of the Alaska Federation of Natives, newly reconstituted to include votes by "village entities," be they governments or corporations, along with regional profit and non-profit corporations. Left out of the compromise amendments was earlier language which would have empowered direct transfer of settlement land to Qualified Transferee Entities. Instead, language which proclaimed that the amendments were neutral as to village tribes and their authority was written into the legislation (Morehouse, 1988).

The ANCSA amendments continued the earlier pattern of land and stock protection without tribal involvement. Yet, by 1988 a substantial body of Native opinion was convinced that tribal authority was critical to village survival. The Association of Village Council Presidents and Tanana Chiefs, together representing more than ninety of two hundred villages, withdrew from the Alaska Federation of Natives after a vote to confirm the compromise amendments (Morehouse, 1988:16).

On the legal front, the state continued to mount challenges at every turn against the proposition that Native villages were tribal governments with sovereign authority over a land base. Alaska, said the state, was not Indian Country. Therefore, its power was exclusive and villages lacked authority to regulate civil

matters, including regulation of land use (Conn, 1987:78). Even in matters of adoption and custody of Native children, where Congress had specifically named Alaska villages as tribes for purposes of the Act, it argued that villages could not exercise tribal authority without explicit agreement by the Secretary of the Interior (Alaska Federal District Court, 1988). The state supreme court held in a May court decision that villages, with few historical exceptions, were not tribes (with sovereign immunity against suit) because Congress had not designated them as such (Supreme Court of Alaska, 1988).

This vigorous legal offensive by Alaska included attacks on collaborative arrangements between villages and federal agencies to allow subsistence and wildlife management to coexist (Conn and Langdon, 1986).

For Alaska in economic depression, seemingly incapable of sustaining services to rural villages, the legal strategy of the state might seem strange or even counterproductive. Surely the state would seek village initiatives in matters of child care or, more than this, tribal initiatives which can draw into play federal funds due and owing Indian tribes. Yet not even a one-third reduction in federal monies directed to Alaska Natives as American Indians nor proposed regulations which would narrow eligibility for federal health care as American Indians have changed the state position that any unchallenged manifestation of tribal authority as governmental authority might be used as proof positive of functioning village tribes within its domain. The chief architect of the state's legal offensive views the position taken by Alaska as vigorous opposition to discrimination by Native tribes, very much in line with earlier initiatives to end discrimination against Alaska Natives as citizens of the state (Conn, 1987:85).

With so much concern expressed for Alaska Natives, with their rights so carefully protected, how can it be said that they are endangered merely because

indifference and even hostility to the notion of tribe abounds in Congressional legislation and in state legal strategy mounted in the name of equal justice under law?

The answer may begin with the argument offered by the "People in Peril" series that village life has become nearly intolerable (and often deadly) for village people because Natives have lost their ability to raise and give their younger generations a future in the village despite the best efforts of state and federal programs. Blaming the Natives and their drinking and child-rearing habits provides a stunning rationale and counter-explanation for village disempowerment as the consistent result of state and federal policies. The argument that despite very obvious material changes in village life - new houses, utilities, schools and the like - that, as social centers, villages have become nonfunctioning communities has as a logical conclusion that Natives would be better off if encouraged to remove themselves to places like Anchorage, "the shining city by the shore, a haven of steady wages and bright lights," where their needs as Alaska citizens could be better served.

If Natives did choose to leave for larger cities, the abandonment of villages as communities would render moot continuing assertions in the courts that villages are juridically Indian tribes with repositories of sovereign authority over people and land. Even if the state lost its lawsuits, the legal doctrine of federal Indian law does not require anyone to reinvent tribes that have dissolved. Sovereign recognition is not a magic wand when waved over a corpse.

But has not the Alaska experiment neatly avoided a collapse of the three-legged stool even if villages have been systematically disempowered through reallocation of power to (non)-tribal organizations and even if the social community dissolves? Have not the 1988 amendments secured the settlement land base (if

undeveloped) and granted exclusive control to village people to determine when, if ever, their stock will be sold?

These new protections will survive so long as a majority in each village places the interests of the community over their individual needs. What if a majority migrates into the city, determining that they must address the needs of their children in a different way? The new claims formula shifts responsibility from the Congress to individuals who are impoverished (Conn, 1987:71). Its "freedom of choice" neatly pits Natives against themselves. If alienation of stock to non-Native buyers and loss of corporate control is a final betrayal, it will be Natives who betray themselves.

And what of the village land base, untaxed if undeveloped, unpledged and unsubdivided? How long can village corporations resist development if shareholders demand jobs or dividends as a condition for disallowance of a sale of their stock? Even small scale development entirely appropriate to small village economies will raise the spectre of state taxation.

Federal response to village needs in the Reagan era has included a distinct tendency to withdraw from the basic notion of support for tribal government (Morehouse, 1988:12-13). The Secretary of the Interior has refused to validate new tribal constitutions passed to his department. Congressional legislation has tended to define Alaska Natives not as tribal members, but as participants in the Settlement Act or by blood quantum (Conn, 1987:74-75).

It is important to understand that this drift away from distinct tribal units and toward conceptualization of Arctic peoples as regional communities has been promoted by astute Native leaders. They recognized that access to the entirety of the land and sea base necessary to sustain subsistence required a shift of focus that ignored narrow community boundaries and pressed the federal government to

provide preferences and protections for an environment that ignores even national boundaries. Such was the vision of Eben Hopson, for example, who viewed Inupiat peoples as transnational (Hopson, 1976).

Yet this tendency to engage the federal government on terms which befit the needs of a subsistence culture tended to understate the daily authority of smaller communities, even if their role was no more than that of staging areas for subsistence cultures. In the North Slope Borough legal and political power was withdrawn from the villages and centralized in the offices of the mayor (McBeath, 1981).

Whether the Congress and Executive branches of the federal government will generate new policy that is directly supportive of village tribes should the courts finally determine that tribal governments exist is an imponderable. Yet, if the 1988 amendments are a guide, it seems unlikely.

So what then is the trap that has been laid by systematic avoidance of a tribal imperative in protection and support of Alaska Native peoples? It seems to be a combination of many factors.

First, village survival was viewed by early leadership and later generations as dependent on economic survival of rural peoples through subsistence and participation in the larger Alaska resource economy as workers, shareholders and owners of a land base. Alaska youth were returned to the village to be educated in cultural terms and in Western terms. These goals were pursued through instruments of Native authority which were regional and statewide in authority and orientation.

Second, Alaska interests and its economic destiny were viewed as coincidental with that of Native Alaskans. For a time, this was true.

Third, a shared administrative perspective dominated the thinking of all major players - federal, state and Native - a perspective that over time transformed village Alaskans into clients and recipients of benefits and services. This approach eroded local control either as a basis for decision making or as a tool for management of the necessities of daily village life. Villagers became an increasingly bothersome constituency of rural poor and not a source of leadership. With each ratchet up the wheel of progress, village problems and needs outran the capacities of either state government or non-profit administrators to address them from distant places.

Fourth, by the time that village frustration with lack of Native job opportunity and concern for protection of their lands had discovered a solution in revitalization of Native tribes, this solution had become a threat to Alaska's ultimate governance and management of its natural resources. For Native leadership, as well, the issue of tribal sovereignty which the state disputed had to be left out of any new Congressional reading of Native land and stock protections in order to secure Alaska support.

Finally, what emerged was a new explanation for villages ("dying on the vine." At its core was the individual Native. **If** he chose to drink, to be a poor parent, to make his village unlivable or to flee to a city or regional center, this was his free choice. **If** his poverty or loss of connection to the village or regional corporation caused him to petition to make claims stock saleable this, also, was his free choice with no Congressional mandate. **If** he placed, or urged that the Native land base be placed at risk through pledges, subdivision or development, this also was his choice.

Could tribes have protected Alaska Natives? Against whom would they be protecting their tribal members? Tribal authority may or may not have made villages more habitable. It most certainly would have robbed individual Natives of their right to make economic choices which influence so directly their future as

discrete Native peoples and robbed state and federal governments of a concealed influence on the destiny of Native peoples through their influence on purportedly free choices of Native individuals: where they choose to live and how they choose to survive.

The message of the Alaska experiment for those who pursue strategies of change for other indigenous groups is that however inefficient, duplicative, bureaucratic or even culturally compromised are small Native groups with power to influence their peers, the removal of this element in any formula for Native survival and self-determination leaves individuals with no real choice other than to disappear into the nether world of ethnic minorities. Tribes are, finally, buffers for which no program of reform can substitute because they are buffers against the hidden agenda of such programs.

To deny the political dimension of small indigenous groups is to smooth the dying pillow. Such is the fate of Alaska Natives.

FOOTNOTES

1. There is an absolute dearth of analytical scholarship on this important period of Alaska Native history. For example, the single biography of a Native leader who played a critical role in the history of Alaska labor, Alaska state politics and early Native politics is a children's book, *William Beltz, The Story of A Native American* by former Alaska journalist Ellen Wolfe (1975). For this reason, the author draws on newspaper articles and interviews with persons familiar with the period, including veteran Alaska journalist Tom Snapp, who helped Howard Rock establish the *Tundra Times* and who covered the bush and Native affairs for the *Fairbanks News-Miner* before purchasing the *All-Alaska Weekly*.

BIBLIOGRAPHY

- Alaska Federal District Court. *Native Village of Venetie et al. v. State et al.*, F-86-75 Civ. (May 13, 1988).
- Anchorage Daily News. *A People in Peril: A Special Reprint*. Anchorage, AK: Anchorage Daily News, 1988.
- Angell, John E. *Alaska Village Justice: An Exploratory Study*. Anchorage: Justice Center, University of Alaska, 1979.
- Anonymous. "Off to Los Angeles." *Tundra Times*. August 19, 1963.
- "Villages Slash Local Services." *Tundra Times*. Vol. 16, No. 2. January 11, 1988.
- Arnold, Robert J. *Alaska Native Land Claims*. Anchorage: Alaska Native Foundation, 1976.
- Berry, Mary Clay. *The Alaska Pipeline: The Politics of Oil and Native Claims*. Bloomington, IN: University of Indiana Press, 1975.
- Bradner, Mike. "'Ice Blok' Expands." *Tundra Times* Vol. 3, No. 10. February 15, 1965.
- "Union Autonomy Defeated: Bush Solidly Favors Bill, Many Play 'Musical Chairs.'" *Tundra Times* Vol. 3, No. 2, March 15, 1965.
- Cahn, Edgar S. ed. *Our Brother's Keeper: The Indian in White America*. New York and Cleveland: New Community Press, 1969.
- Cohen, Felix. *Handbook of Federal Indian Law*. Charlottesville: Michie Company, 1982 Edition.
- Conn, Stephen. "Aboriginal Rights in Alaska." *Law and Anthropology*. Wein, Austria: VWGO-Verlag, 1987, 2:73-91.
- "The Interrelationship Between Alaska State Law and the Social Systems of Modern Eskimo Villages in Alaska: History, Present and Future Considerations." Unpublished research paper, presented at panel on Law and Social Systems, International Sociology of Law Conference, 1985.
- Conn, Stephen and Bart Garber. *Moment of Truth: The Special Relationship of the Federal Government to Alaska Natives and Their Tribes-Update and Analysis*. Anchorage, Alaska: University of Alaska Justice Center, 1981.
- Conn, Stephen and Steve Langdon. "Retribalization as a Strategy for Achievement of Group and Individual Social Security in Alaska Native Villages-with a Special Focus on Subsistence." Unpublished research paper presented at Symposium on Formal and Informal Social Security, Tutzing, West Germany, 1986. (In press, 1988.)

- Federal Field Committee for Development Planning in Alaska. *Alaska Natives and The Land*. Washington, D.C.: U.S. Government Printing Office, 1968.
- Fitzgerald, James M. Unpublished memo to the Honorable William A. Egan, Governor of Alaska. On file in Egan Papers, Alaska and Polar Regions Department, Elmer E. Rasmuson Library, University of Alaska, Fairbanks. November 25, 1959.
- Gandolf, Edward W. "In Search of A Viable Community-Based Economic Organization: Native Village Corporations (Southeast Alaska) and Peasant Sugar Cooperatives (Central India)." *Human Organization* 47:151-158, 1988.
- Getches, David, Daniel M. Rosenfelt and Charles F. Wilkinson. *Federal Indian Law*. St. Paul, MN: West Publishing Company, 1979.
- Harrison, Gordon. "Flow of Communication Between Government Agencies and Eskimo Villages." *Human Organization* 31:1-9, 1972.
- Hopson, Eben. "Hopson Heads Legislative 'Ice Bloc.'" *Tundra Times*. Vol 3, No. 9, Feb. 1, 1965.
- Speech before the 27th Arctic Science Conference, Fairbanks, Alaska. (Read by George Amoak.) Tape on file, Oral History Program, Alaska and Polar Regions Department, Elmer E. Rasmuson Library, University of Alaska, Fairbanks, 1976?.
- Institute of Social and Economic Research. "Different Paths of Inupiat Men and Women in the Wage Economy." *Alaska Review of Social and Economic Conditions*. Vol.17, No, 1, May 1981.
- "Changes in Rural Alaska Settlement Patterns." *Alaska Review of Social and Economic Conditions* Vol. 23 No, 1, 1986.
- Kleinfeld, Judith, Robert Travis and Velma Hubbard. *Native College Success in the Seventies: Trends at the University of Alaska at Fairbanks*. ISER Occasional Papers, No.15. Anchorage: Institute of Social and Economic Research, 1982.
- McBeath, Gerald. *North Slope Borough Government and Policymaking*. Man in the Arctic Program Monograph No. 3. Fairbanks: Institute of Social and Economic Research, University of Alaska, 1981.
- "Government Assisted Development in Rural Alaska: Borough and Regional Quasi-Governments," in Peter G. Cornwall and Gerald McBeath, eds., *Alaska's Rural Development*. Boulder, CO: Westview Press, 113-130, 1982.
- Morehouse, Thomas A. *The Alaska Native Claims Settlement Act, 1991 and Tribal Government*. ISER Occasional Papers. No.19. Anchorage: Institute of Social and Economic Research, 1988.

- Morehouse, Thomas A. and Linda Leask. "Alaska's North Slope Borough: Oil, Money and Eskimo Self-Government." *Polar Record* Vol. 20 No.124:19-29, 1980.
- Morehouse, Thomas A., Gerald A. McBeath and Linda Leask. *Alaska's Urban and Rural Governments*. Lanham, MD: University Press of America, 1984.
- Naske, Claus-M. *A History of Alaska Statehood*. Lanham, MD: University Press of America, 1985.
- Rock, Howard. ttEditorial: Vocational Schools." *Tundra Times*. Vol. I No. 2 Oct. 15, 1962.
- 1962. ((Editorial: The New Economy." *Tundra Times*. Vol. I No.19 July 1, 1962.
- uEditorial: Alaska Must Stop: Dying on the Vine." *Tundra Times*. Vol. 2 No. 21. August 3, 1964.
- Sonnenfeld, Joseph. uchanges in Subsistence Among Barrow Eskimos." Unpublished Ph.D. Dissertation. Baltimore, MD: Johns Hopkins University, 1956.
- Snapp, Tom. Interview with author. Fairbanks, Alaska, July, 1988.
- Spenser, Hal. "Alaska's Biggest Village." *A People in Peril*. Anchorage Daily News, F-4, 1988.
- Tundra Times (anonymous). "Egan Reluctantly Reapportions Senate; Bush Area to Lose 5 Seats to Cities." Sept. 7, 1965, 1.
- Tetpon, John and Bill White. ttWhere are the Leaders?" *A People in Peril*. Anchorage Daily News, H-5, 1988.
- United States Congress. Alaska Native Claims Settlement Act. Pub.L. 92-303, 85 Stat. 689, 43 USC 1601-28 (18 Dec. 1971) (Supp. 1981, 1988).
- United States Congress, House. ttAlaska Native Claims Settlement Act Amendments of 1987." *Congressional Record-House* Vol. 133 No. 205: 11925-11933, Dec. 21, 1987.
- Weaver, Howard. ttA Painful Story, but One We Can't Ignore." *A People in Peril*. Anchorage Daily News, A-3, 1988.
- uOverview, A Generation of Despair." *A People in Peril*. Anchorage Daily News, A-3, 1988.
- Wilkinson, Charles F. ttBasic Doctrines of American Indian Law." French, *Indians and Criminal Justice*. Totowa, NJ: Allanheld Osmun and Company Publishers. 75-92, 1982.
- Wilkinson, Charles F. and Eric R. Biggs. ttThe Evolution of the Termination Policies." *American Indian Law Review* Vol. 55:151-154, 1977.

Wolfe, Ellen. *William Beltz, The Story of A Native American*. Minneapolis, MN:
Dillon Press, Inc., 1975.