

Testimony of
Nelson Angapak, Sr.
Former Senior Vice President of the Alaska Federation of Natives
Before the House Subcommittee on Indian, Insular and Alaska Native Affairs
On H. R. 2387, To amend the Alaska Native Claims Settlement Act
to provide for equitable allotment of land to Alaska Native veterans.
June 10, 2015, Washington, D.C.

Good Morning Chairman Young and Ranking Member Ruiz; thank you for the opportunity to provide comments on HR 2387, a bill to amend the Alaska Native Claims Settlement Act to provide for equitable allotment of land to Alaska Native veterans. I am Nelson Angapak, here on behalf of the Alaska Federation of Natives, the largest statewide Native organization in Alaska. Our membership includes 165 federally recognized tribes, 146 village corporations, 12 regional corporations, and 12 regional nonprofit and tribal consortiums that compact and contract to run federal and state programs. Formed nearly fifty years ago, AFN continues to be the principle forum and voice of Alaska Natives in dealing with critical issues of public policy and government.

I am a veteran of the United States Army; and I served in active duty from 1969 to 1971 and I was honorably discharged.

History

Alaska Natives and Native Americans have a long and proud history of military service, serving in greater numbers per capita than any other ethnic group. More than 42,000 Alaska Natives and Native Americans served in the military in the Vietnam Era, and over 90% of these service men and women enlisted as opposed to being drafted.¹

At the same time the Vietnam War was being fought, our Alaska Native land rights were being settled. Section 18 of the Alaska Native Claims Settlement Act of 1971, also called ANCSA, extinguished the Alaska Native Allotment Act of 1906. Some Alaska Native groups saw this change coming and worked by themselves or partnered with Alaska Legal Services and VISTA workers to get as many Alaska Natives as they could to apply for allotments before ANCSA became law, however, communication was a big challenge.

In 1967, remote communities in Alaska were served not by satellite but by 14 land radio stations that tied into 300 bush radios. Eighty-eight villages needed improved telephone service, 72 had only "bush" telephone service, and 16 had no telephone service at all. By 1970, 141 of Alaska's 287 communities still had no satisfactory telecommunication ties. Of the 146 with those ties, 84 depended on White Alice or less sophisticated systems. Sixty-two were linked to the rest of the

¹ <http://www.bia.gov/WhoWeAre/BIA/OJS/ojs-careers/history/index.htm>

world by microwave or cable systems.² In the village of Tuntutuliak, there was one telephone that served more than 200 people living in the village.

Also complicating matters was the fact that there were twenty Alaska Native languages spoken around the state at that time. Many of our people spoke little or no English. Translating complicated concepts like Western ideas of land ownership was difficult at best. Within the Yupik Society, an accepted and honored practice was the concept of land usership. In practice, this is how this worked. Along the Kinak River where Tuntutuliak, Alaska is located, certain tracts of land were used by a family generation to generation. For example, if a certain tract of land was used for berry picking by Paul Andrew (my father) and his family. Other families outside of my father's family respected that and to honor this, they never used that tract to pick berries unless they had a specific authorization verbally issued by my father. This was strictly followed and when the Vista workers, in late 1960s, initially suggested to the Yupik people living at Tuntutuliak, they initially refused to apply for Native Allotments and one of their biggest reasons was that they know where the land they used was located and that the other family members respected these and would not use them.

Although virtually all Alaska Natives were eligible to apply for land that had been used by their families and other relatives for subsistence purposes for generations, in the first 64 years of the Act, only 245 allotments were approved, according to Alaska Legal Services.³

Given the state of communications in Alaska in the late 1960s and early 1970s, it was hard for people in Alaska to apply for allotments. It was logistically impossible for Native men and women serving in the military to apply for allotments by the deadline, even though they were eligible. As a result of this, some of us Alaska Native veterans of Vietnam Era began pursuing ways and means of amending this section such that those of us who had served in active duty during that time might regain our eligibility (Nam Era Veterans) of applying for Native allotments. We began this effort in mid to late 1970s.

1998 Veterans Allotment Act

In October of 1998, a week to 10 days before the 1998 AFN Convention, the late Ted Stevens, then Chairman of the U. S. Senate Committee on Appropriations, amended the U. S. Department of Veterans Affairs' budget by adding a rider that would amend Section 18 of ANCSA such that Alaska Native veterans who served in active duty in the U. S. Armed Forces from January 1, 1969 to December 31, 1971, and who were honorably discharged could apply for Native Allotments. He was assisted by his close political ally and personal friend, the late Daniel K. Inouye during this process. Don Young did his part in the House of Representatives. President Bill Clinton had pressed Senator Stevens to move the U. S. Department of Veterans Affairs' budget as the American public demanded better medical treatments for veterans.

² From the Alaska History and Cultural Studies Website, Chapter 4-13 Communications, available at <http://www.akhistorycourse.org/articles/article.php?artID=178>

³ Excerpt from the statement of Nelson N. Angapak, Sr. Vice President, Alaska Federation of Natives, on H.R. 3350 November 14, 2007, in front of U. S. House Committee on Natural Resource

Prior to moving the U. S. Department of Veterans' Affairs budget, Senator Stevens called Julie Kitka, President of Alaska Federation of Natives (AFN), to ask her which three years we had the greatest number of Alaska Natives serving in Nam; and I was in her office at the time. She asked me to respond to Stevens after telling him her Nam expert was in her office. Stevens asked who Julie told him that I was an expert on Nam. Stevens response—Nelson? I still chuckle over his response. I began my statement by advising him of the following:

- Tet offensive began in early 1968; and as a result, President Lyndon Johnson asked for more U. S. Armed Forces involvement.
- Mid to late 1968 and early 1969, Americans enlisted in the U. S. Armed Forces in large numbers; and because the Alaska Natives and American Indians, on a per capita basis, enlist in greatest numbers of any racial group in America, it is likely that large number of our people enlisted also during this period.
- 1969-1971 were those three years.

When Senator Stevens told us that the best he could do was these three years and since he and Senator Inouye were both supporting this approach, which is what we got. Inouye served as Vice Chair of the Appropriations Committee at the time and he served as Chairman of the U. S. Senate Committee on Commerce at the time. I was fortunate to have had the privilege of staffing this issue on behalf of AFN when I served as a staff member of AFN before I retired from 'active duty' on this and many other issues on behalf of AFN.

When it was passed, the Alaska Native Veterans Land Allotment Equity Act (Act) of 1998 allowed Alaska Natives who served in active duty in the U. S. Armed Forces for at least six months during 1969 through 1971 and were honorably discharged to apply for allotments within 18 months of the implementation of rules pursuant to the Act. It also allowed the heirs of otherwise qualified veterans who died during the Vietnam War or as a direct result of injuries sustained during the war to apply on behalf of the estate of the deceased veteran. As a result of this, approximately 1110 Alaska Natives who served in active duty in the U. S. Armed Forces during that time became eligible to apply for Native allotments.

By the Numbers

I was able to put together the following statistics after researching the land records of Bureau of Land Management:

- 1,071 Alaska Native veterans of the Vietnam War applied for Native Allotments pursuant to the existing authority as authorized by The Alaska Native Vietnam Veterans Act, PL-105-276.⁴ It is assumed majority of the applicants applied for the maximum acreage authorized, 160 acres.
- Of those applications, 432 were certified, or approved, by the Bureau of Land Management⁵ involving a total of 26,914.78 acres of land.

⁴ Bureau of Land Management regarding PL 105-276

⁵ Ibid

The Bureau of Land Management rejected a total of 639 applications for Native Allotments by the Nam veterans representing a total of 69,176.29 acres of lands.⁶ The following is a summary of the primary reasons for the rejections:

1. 175 applications were rejected because the cause of applicant's demise was other than those set out in the regulations.
2. 124 applications were rejected because lands were no longer in federal ownership. These lands may have been transferred to the State of Alaska or the ANCSA corporations.
3. 74 applications were rejected because the Lands were withdrawn for national conservations systems as follows: Tongass National Forest: 49; Chugach National Forest: 15; National Wildlife Refuges: 6; Annette Island Reserve: 3; National Parks: 1
4. 266 Native Allotment applications by the Alaska Native veterans of the Nam Era were rejected for other reasons.

136 of the Alaska Native veterans appealed the rejections of their applications;⁷ the record seems to indicate that all of the appeals were unsuccessful. P.L. 105-276 mandates that veterans can only apply for lands that are vacant, unappropriated, and unreserved. As you know, almost all of the lands in Alaska are appropriated and reserved, so veterans were very limited on where they could select land from.

One of the most stunning things I found out in my research is that all the parcels of land applied for as Native Allotments by the Alaska Native veterans who became eligible under the existing authority in the following regions were rejected: Sealaska Corporation, Cook Inlet Region, Inc., Chugach Alaska Corporation and the Arctic Slope Regional Corporation.

In the Sealaska Region, the primary reason for the rejections of lands applied for as Native Allotments is because the creation of the Tongass National Forest predates the lands applied for as Native Allotments by Alaska Native veterans of the Vietnam War. The Tongass National Forest, the nation's largest national forest, was created by President Theodore Roosevelt by a Presidential Proclamation on 10 September 1907.⁸

In the Cook Inlet Region, Inc. and the Chugach Alaska Corporation, the primary reason for the rejections of lands applied for as Native Allotments is because the creation of the Chugach National Forest predates the lands applied for as Native Allotments. The Chugach National Forest was created as a national forest on July 23, 1907.⁹ In addition to this, almost all the lands located in these regions of Alaska are owned privately or were selected by the State of Alaska.

In the Arctic Slope Region, the creation of the National Petroleum Reserve – Alaska (NPR-A), the Arctic National Wildlife Refuge, the Gates of the Arctic National Park and Preserve predated

⁶ Ibid

⁷ Ibid

⁸ http://en.wikipedia.org/wiki/Tongass_National_Forest

⁹ <https://www.google.com/#q=chugach+national+forest>

the veterans allotment applications. The NPR-A was created in 1923.¹⁰ President Eisenhower established ANWR in 1960.¹¹ Gates of the Arctic was declared a National Park and Preserve in the Alaska National Interest Lands Conservation Act, which became law in 1980.¹²

Another issue veterans faced in trying to apply for allotments under the 1998 Act was confusion in the Bureau of Indian Affairs – we heard from one veteran who drove 400 miles round-trip from his village to Anchorage to apply for an allotment and he said the BIA did not know what he was talking about so he never applied.

The Current Bill

HR 2387 will allow Alaska Native military veterans who served between August 5, 1964 and May 7, 1975 to apply for an allotment. This year marks the 40th anniversary of the end of the Vietnam War. We have lost a lot of veterans in the years since who would have qualified for allotments under this new bill, so I'm pleased to see that it will allow the heirs to apply for allotments on behalf of the estates of those veterans.

Very importantly, this bill expands the land base that veterans can select allotments from. As I mentioned before, not one single allotment has been granted to anyone in the Southeast, CIRI, Chugach or Arctic Slope regions despite the many qualified and deserving veterans from those areas. This is wrong and needs to be rectified.

The bill includes provisions that will let Alaska Native Corporations and the State of Alaska voluntarily give land back to the federal government to transfer to a veteran as an allotment. This provision will also help expand the land base that veterans can prove an allotment from. Mind you, veterans can't just choose a piece of land anywhere; it still has to be land that they have used.

One section of HR 2387 that we would like to ask you to change is on page 7, lines 13 and 14. This section currently says that the Secretary of the Interior must notify applicants by December 31, 2017, if there is a potentially adverse interest in land they have selected. This bill provides for a three-year application window after the application regulations are promulgated, so that December 2017 date will not line up with the end of the application period. Further, we would like to see that applications are processed in a timely manner. We propose that you change this to say the Secretary must notify applicants of a potential adverse interest within six months of receipt of their application.

Another issue I would like to bring up is that some veterans received only partial allotments under the 1998 Act. We are not sure if Section (e) on Page 8 applies to those partial conveyances, so we would like to see that clarified and to get each veteran a full allotment.

Finally, we would like you to apply a legislative approval process to Alaska Native Veterans allotments. To be qualified for an allotment, a veteran must now meet the extensive use and

¹⁰ http://www.blm.gov/ak/st/en/prog/energy/oil_gas/npra.html

¹¹ <http://www.fws.gov/refuge/arctic/>

¹² http://en.wikipedia.org/wiki/Gates_of_the_Arctic_National_Park_and_Preserve

occupancy requirements of the Alaska Native Allotment Act of 1906, as amended. This means that veteran applicants must now prove substantially continuous use and occupancy of the land for a period of five years that is potentially exclusive of others. This requirement has proven to be costly, often requiring a fact finding hearing. Legislative approval of applications for allotments under the Alaska Native Allotment Act of 1906 will save time and money because it will eliminate administrative adjudication of use and occupancy.

Alaska Natives have a unique and spiritual connection to our lands. The Alaska Native community is united behind this bill. The Alaska Federation of Natives respectfully urges Congress to amend the Alaska Native Vietnam Veterans Allotment Act to allow more Alaska Native Vietnam veterans to apply for and receive their Native allotments.

Conclusion

"...American Indians have proudly worn our nation's uniform in every one of our conflicts...American Indians per capita—have had the highest percentage of their people in military service, exceeding every American ethnic group." The Honorable Ben Nighthorse Campbell, Former U.S. Senator, Colorado¹³

Since 1869, 27 military members of American Indian/Alaskan Native heritage have received the Medal of Honor, some of whom died protecting their comrades in the service.¹⁴

"Of the 2,709,918 Americans who served in Vietnam, Less than 850,000 are estimated to be alive today, with the youngest American Vietnam veteran's age approximated to be 54 years old."¹⁵ So the last 14 years we are dying too fast, only the few will survive by 2015...if any.. If true, 390 VN vets die a day. so in 2190 days...from today, lucky to be a Vietnam veteran alive..... in only 6 years.. (Notes of Charlie, RVN class of 66-67, USMACV Phan Rang)¹⁶

The Vietnam War era veterans are an aging group and many of them are dying, this includes the American Indians and the Alaska Native veterans of that war. Some of my Alaska Native friends who fought in the battlefield theaters of Southeast Asia are no longer with us and many will be gone before this year is over. Therefore, it is with some urgency that I am asking you to seriously consider passing this legislation before the 116th Congress adjourns sine die. I am also asking you to consider working with the U. S. Senators from your respective states in passing their version of this bill during the 116th Congress.

Quyana, Thank you.

¹³ <http://www.denix.osd.mil/na/Military.cfm>

¹⁴ <http://indiancountrytodaymedianetwork.com/2012/05/28/brief-history-american-indian-military-service-115318>

¹⁵ <http://www.nationalvietnamveteransfoundation.org/statistics.htm>

¹⁶ <http://www.nationalvietnamveteransfoundation.org/statistics.htm>