



UNIT 6

ANCSA Provisions (a)

The Road from ANCSA

Unit 6: ANCSA Provisions (a)

The Alaska Native Claims Settlement Act is not very big, but it has had a tremendous impact on the state. The act contains many components, all with the same potential for far-reaching benefits or negative consequences. Whether or not we succeed or suffer because of the act will ultimately depend on our understanding of its components. Without this understanding, we may not know how to handle future problems, and all that was fought for will crumble. But if we educate ourselves on the various issues of the act, we can proceed in a logical fashion, building on a foundation of knowledge (Laster, 1986).

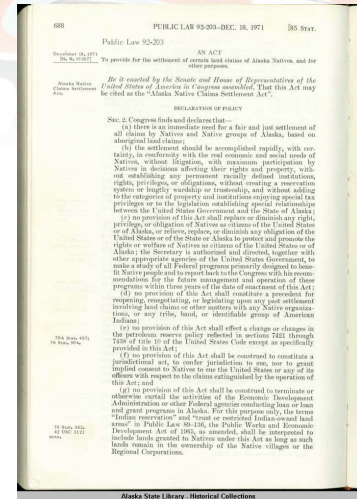
With so much at stake it is startling to realize how little most people know about the act or what it says. ANCSA is divided into 26 sections. We are going to look at five of the most important ones. The first is Section 3, because this section defines the terms used in the act.

The title of the bill is the Alaska Native Claims Settlement Act, but who is and who is not an Alaska Native? If one of your parents is Native and the other is not, are you Native? Who qualifies and who doesn't? Section 3 of the act lays it out very clearly.

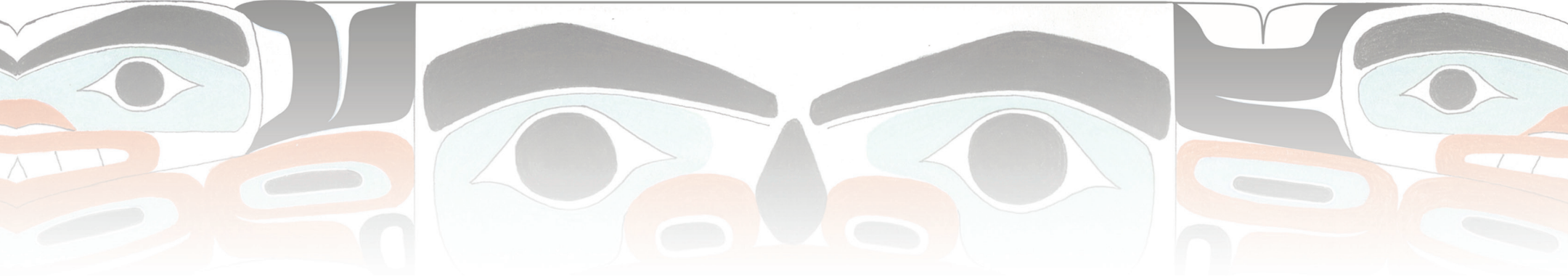
If you are one-quarter or more Alaskan Native by blood you are considered Native under the act. For example, if one of your parents is at least half Alaska Native, you would have enough Native blood to be considered a "Native" under Section 3 of the act. There

is another way you could be considered "Native." If back in the early '70s the people in your village voted to consider you a Native, you qualified under ANCSA. This provision was put in primarily for the Natives of Kodiak and the Aleutian Islands. Out there, the Alutiiq and Unangan Aleuts have been intermarrying with non-Natives for more than 200 years, ever since the Russians arrived. Many Natives also identified themselves as Russians because Natives were treated poorly. This has made it pretty difficult for some families to know what percent of their ancestors were Native and what percent were not. To solve the problem they included this provision, saying that if your community accepted you as Native you could qualify as one under the act (Laster, 1986). This is all outlined in Section 3.

Section 5 (a) addresses the question of which Natives would receive benefits through ANCSA and which would not. This is the provision which created "New Natives." "New Natives" were those born after the act was signed on December 18, 1971. If your birth date was after this date you were excluded from becoming a shareholder in any of the regional or village corporations. This problem can only get worse. By 1991, most Natives were "New Natives" and



Alaska Native Claims Settlement Act. ALASKA STATE LIBRARY, HISTORICAL COLLECTIONS.



left out of the act. If the intent of Congress was to include future generations of Natives they made a terrible mistake. With Provision 5, future generations were excluded (Laster, 1986).

Section 4 talks about ending any claim that Alaska Natives have to land in the state. It reads, “All aboriginal titles, if any, and claims of aboriginal title in Alaska based on use and occupancy... are hereby extinguished” (Congress, Alaska Native Claims Settlement Act Resource Center, 1971). This meant that any claims Native people had to the rest of the state would not be recognized. Unfortunately, not all of Section 4 was so clear. When the Native leaders were negotiating for ANCSA, one of the things they considered most important was the protection of their subsistence, hunting, and fishing rights (Laster, 1986).

“The parting comments, at the conclusion of any meeting, was we got to take this back to our people. We have to go back to the villages. And of course it was that village feedback that said very strongly that ‘we want land.’ We want land for subsistence purposes. We want land to maintain the lifestyle. We want land in order to maintain that relationship connection to our past and to help provide an anchor for the future. That early on, at least for the Native leadership, became a fundamental piece of ANCSA” explains Byron Mallott (Laster, 1986).

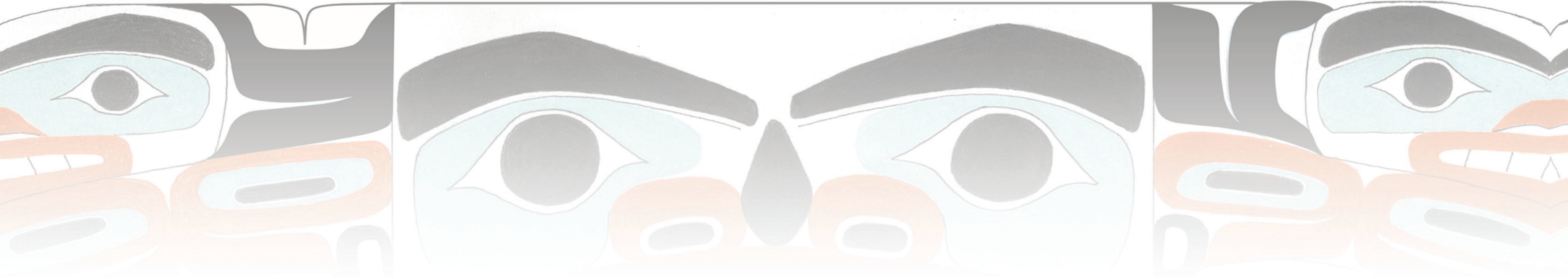
Rural Alaska is different from the urban areas. There are very few jobs in rural areas but people still have to make a living. They do that by hunting, fishing, and trapping, just as they have done for generations. When Native leaders were negotiating for ANCSA, they felt subsistence was essential for Native culture to survive (Laster, 1986). But the complete text of Section 4 states that, “All aboriginal titles,

if any, and claims of aboriginal title based on the use and occupancy, including any aboriginal hunting or fishing rights that may exist, are hereby extinguished” (Congress, Alaska Native Claims Settlement Act Resource Center, 1971). Does it mean that the aboriginal right to hunt and fish has been extinguished?

“So it did and it didn’t. I mean it does pretty clearly, in its language, extinguish Native hunting and fishing rights. But the political reality is that those rights have been given new acknowledgment. They have been given a preference under new federal legislation, which is the Alaska National Interest Lands Conservation Act. So maybe they’ve been changed... that’s what has happened really in 4 (b). They are no longer aboriginal rights but they are rights that now are protected, to some significant extent, by acts of Congress and a line of court decisions,” said attorney David Case (Laster, 1986).

Congress recognized the importance of subsistence hunting and fishing to Alaska Natives. However, the State of Alaska did not support a Native subsistence right. Thus, Congress established a subsistence priority for both Natives and non-Natives living in rural Alaska in ANILCA.

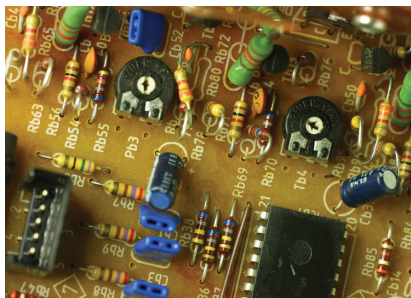




The Road from ANCSA: Background and Place-Based Activities

SUGGESTIONS TO TEACHER AS TO HOW TO INTRODUCE EACH VOCABULARY WORD: Give each student a list of all the vocabulary words for the unit. Teacher could also bring items to class that represent each term. For each term, show students the picture, then ask which of the words in front of them best correlates to the picture.

COMPONENTS



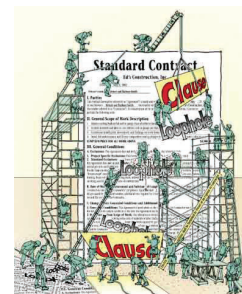
Explain that “components” are parts or aspects of something more complex. Ask students to give examples of “components” to check for understanding.

LOGICAL



Explain that “logical” is a way of thinking based on earlier or otherwise known statements, events, or conditions; reasonable. “Logical” can also be understood as being capable of reasoning with a clear and consistent manner. Ask students to give examples of “logical” to check for understanding.

PROVISION

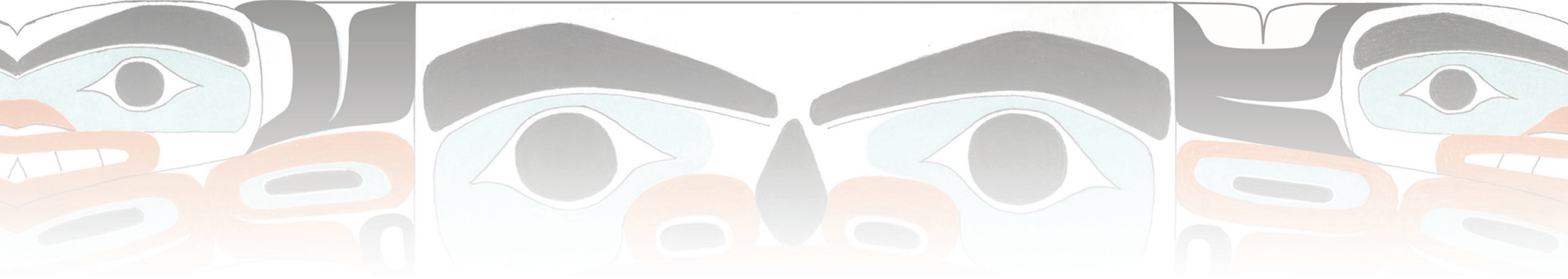


Explain that a “provision” is a stipulation or qualification, especially a clause in a document or agreement (such as ANCSA). Ask students to give examples of “provision” to check for understanding.

“NEW-NATIVES”



Explain that “New-Natives” are any Alaska Natives born after December 18, 1971, after the signing of ANCSA. Ask students to give examples of “New-Natives” to check for understanding.



The Road from ANCSA: Background and Place-Based Activities

SUGGESTIONS TO TEACHER AS TO HOW TO INTRODUCE EACH VOCABULARY WORD: Give each student a list of all the vocabulary words for the unit. Teacher could also bring items to class that represent each term. For each term, show students the picture, then ask which of the words in front of them best correlates to the picture.

ABORIGINAL TITLE



Explain that “aboriginal title” is a common law doctrine that protects the land rights of indigenous (Native) people to live on and utilize their traditional lands after the assumption of sovereignty (authority and control) under settler colonialism. Ask students to give examples of “aboriginal title” to check for understanding.

RURAL



Explain that “rural” areas are settled lands outside of major cities and towns that have a low population density. Ask students to give examples of “rural” to check for understanding.

URBAN

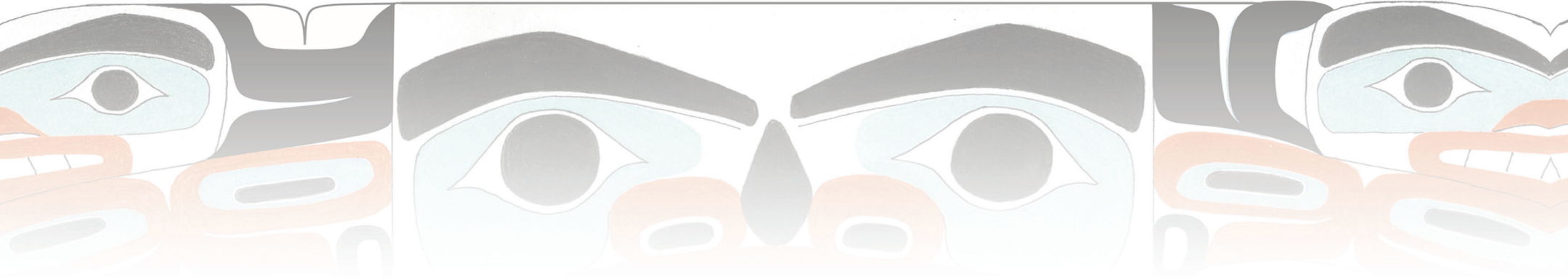


Explain that “urban” areas are cities and towns characterized by higher population density and vast human features such as large buildings, highways, bridges, etc. Ask students to give examples of “urban” to check for understanding.

OCCUPANCY



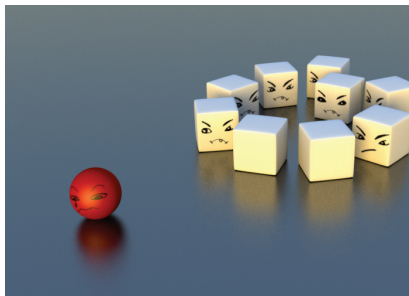
Explain that “occupancy” is the period of time in which one owns, rents, or uses certain areas of land. Ask students to give examples of “occupancy” to check for understanding.



The Road from ANCSA: Background and Place-Based Activities

SUGGESTIONS TO TEACHER AS TO HOW TO INTRODUCE EACH VOCABULARY WORD: Give each student a list of all the vocabulary words for the unit. Teacher could also bring items to class that represent each term. For each term, show students the picture, then ask which of the words in front of them best correlates to the picture.

EXCLUDED



Explain that to be “excluded” is to be prevented from entering or kept out. Ask students to give examples of “excluded” to check for understanding.

ISSUES



Explain that “issues” are points or matters of discussion, debate, or dispute. Ask students to give examples of “issues” to check for understanding.

INTERMARRYING



Explain that “intermarrying” means to marry a member of a different group, tribe, or people. Ask students to give examples of “intermarrying” to check for understanding.

ESSENTIAL



Explain that to be “essential” means to be fundamental, necessary, or indispensable. Ask students to give examples of “essential” to check for understanding.

Language and Skills Development

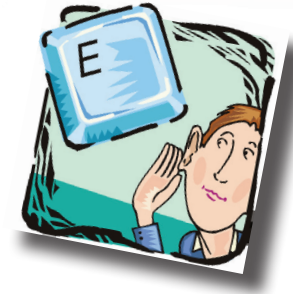
LISTENING

Join Those Halves

Make an extra set of vocabulary pictures. Cut each of the vocabulary illustrations in half. Spread the illustration halves on the floor in a scattered form. Group the students into two teams. Give the first two players in each team a long length of string or yarn. Say a vocabulary word. When you say "Go," the first two players in each team must rush to the illustration halves. The object of the activity is for the players to use the string/yarn to join together the two halves which make up the illustration for the word you said. The first pair of players to do this successfully wins the round. Repeat until all players have participated.

Illustration Hold Up

Before the activity begins, prepare a page which contains small versions of the vocabulary illustrations. Provide each student with a copy of the page. The students should cut out the illustrations. Say a vocabulary word. Each student should then hold up the illustration for the vocabulary word that you said. Repeat this process until all of the illustrations/vocabulary words have been used in this way.



Clan House Toss

Prepare an outline of a clan house on 8 1/2 by 11 inch paper. Give a student a beanbag. The student should toss the beanbag towards the house. If the beanbag misses, say a vocabulary word and have the student find its coordinating picture. If it lands in the house, the student may pass. Repeat.

Knock Knees

Mount the vocabulary pictures on the board. Group the students into two teams. Give a small, hard ball to the first player in each team. The first player in each team must place the ball between his/her knees. Say a vocabulary word. When you say "Go," the two players must then walk to the pictures without losing the balls. The first player to reach the vocabulary pictures and identify the picture for the word you said wins the round. If a player loses his/her ball, he/she must return to his/her team and begin again. Repeat until all players have played.

Language and Skills Development



SPEAKING

Picture Jigsaw

Cut each of the vocabulary pictures into four pieces. Mix the cut out pieces together and distribute them to the students (a student may have more than one picture section). When you say “Go,” the students should attempt to match the jigsaw sections they have to reproduce the original vocabulary pictures. When the students put the necessary pieces of a picture together, they should identify the picture by its vocabulary word. Continue until all vocabulary pictures have been put together and named in this way.

Picture Outline

Mount the vocabulary pictures on the board. Draw a chalk outline around the sides of each picture. Review the pictures with the students. When an outline has been created for each picture, remove the pictures from the board (being certain to recall their original locations on the board). Number each of the outlines and call upon a student to recall the vocabulary word for the picture that goes with that outline. Repeat this process until all of the vocabulary words have been said by the students in this way.

High Roller

Give a die to each of two students. When you say “Go,” the students should roll their dice. The student who rolls the highest number on his/her die must then say a complete sentence about a vocabulary picture that you show. Repeat this process until many students have responded with sentences of their own.

Make a Change

Say a sentence that contains one or more of the vocabulary words. Call upon a student to repeat the sentence, making ONE change in it. The student may add a word to the sentence, delete a word, change the tense, etc. Then, call upon another student to make another change in the sentence. Continue in this way until as many changes as possible have been made in the sentence. Begin each round with a new sentence.

The top of the page features a decorative border with stylized, colorful faces in shades of blue, orange, and grey. Below the faces, on the right side, is an image of an open book with text on its pages.

Language and Skills Development

READING

Sensory Letters

Stand behind a student. Use the index finger of your writing hand to “write” a letter/syllable from a sight word on the student’s back. The student should feel the letter/syllable. Then, the student must name a sight word that contains that letter/syllable. This activity may also be done in team form. In this case, group the students into two teams. “Write” a letter/syllable on the backs of the last players in each team. When you say, “Go,” the last player in each team must repeat this process with the player in front of him/her. The players should continue in this way until the first player in the team feels the letter/syllable. That player must then identify a sight word that contains that letter/syllable. The first player to do this successfully wins the round. Repeat until all players have played.

Funnel Words

Group the students into two teams. Give the first player in each team a funnel. Mount the sight words on the walls, board, and windows, around the classroom. Say one of the sight words. The students with the funnels must then look through them to locate the sight word you named. The first student to do this correctly wins the round. Repeat with other pairs of students until all players in each team have played.

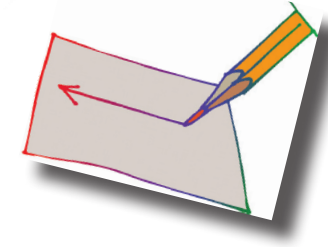
Half Time

Before the activity begins, cut each of the sight words in half. Keep one half of each sight word and give the remaining halves to the students. Hold up one of your halves and the student who has the other half of that word must show his/her half and say the sight word. Repeat in this way until all students have responded. An alternative to this approach is to give all of the word halves to the students. Say one of the sight words and the two students who have the halves that make up the sight word must show their halves. Depending upon the number of students in your class, you may wish to prepare extra sight word cards for this activity.

Sentence Completion

Provide each student with a copy of the sentence completion version of the story. The students should read the text and say the missing words. When finished, review the students’ work.

Language and Skills Development



WRITING

Flashlight Writing

If possible, darken the classroom. Give a student a flashlight. Say one of the vocabulary words and the student should write that word with the light of the flashlight on a wall or on the board. Repeat until many students have had a chance to participate. An alternative is to provide each student with writing paper and a pen. Darken the classroom, if possible. Use the light of a flashlight to write one of the sight words on the wall or board. When you have completed the writing of the word, each student should then write the same word on his/her sheet of paper. Repeat until all sight words have been written in this way.

This activity may also be done in team form. In this case, group the students into two teams. Darken the classroom. Use the light of a flashlight to write one of the sight words on the board. When you say “Go,” the first player in each team should rush to the board and use chalk to write the same word on the board. The first player to do this correctly wins the round. Repeat until all players have played.

Numbered Pictures

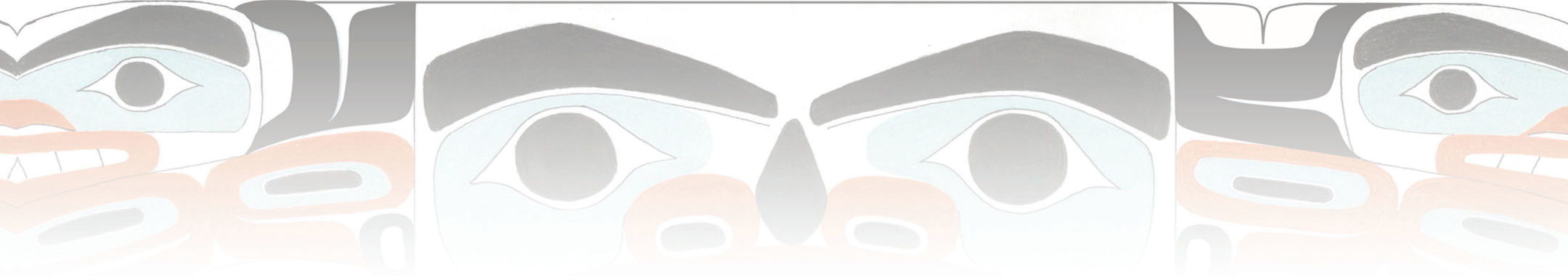
Mount the vocabulary pictures on the chalkboard and number each one. Provide each student with writing paper and a pen. Call the number of a picture. Each student should write the vocabulary word for the picture represented by that number. Repeat until all vocabulary words have been written. Review the students’ responses.

Research

Have the students do online research into one or more of the Essential Questions. Encourage them to look at the issue from many points of view. When the students have completed their research, each student should share his/her findings with another student and then with the class.

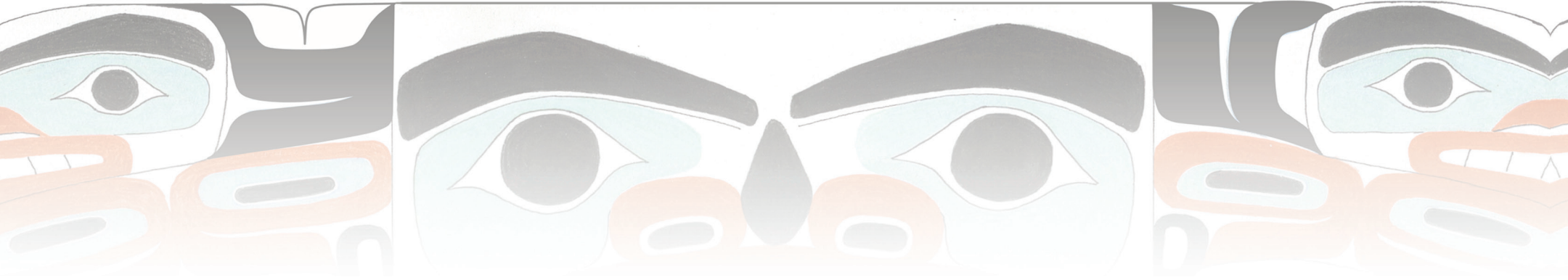
Sentence Completion

Give each student a copy of the sentence completion version of the text. The students should write in the missing words. Afterward, review the students’ work.



Unit 6: Essential Questions

1. What will determine whether Alaska Natives succeed or suffer because of ANCSA, and why is this so important?
2. How many sections is ANCSA divided into?
3. What does ANCSA section 3 say?
4. What does ANCSA section 5a say?
5. What does the term “New Natives” mean?
6. What resulted from ANCSA section 4?
7. What is aboriginal title?
8. How is rural Alaska different from urban areas?
9. Did ANCSA extinguish aboriginal hunting and fishing rights?



Reading and Writing: Sentence Completion

Unit 6: ANCSA Provisions (a)

The Alaska Native Claims Settlement Act is not very big, but it has had a tremendous impact on the state. The act contains many _____, all with the same potential for far-reaching benefits or negative consequences. Whether or not we succeed or suffer because of the act will ultimately depend on our understanding of its _____. Without this understanding, we may not know how to handle future problems, and all that was fought for will crumble. But if we educate ourselves on the various _____ of the act, we can proceed in a _____ fashion, building on a foundation of knowledge (Laster, 1986).

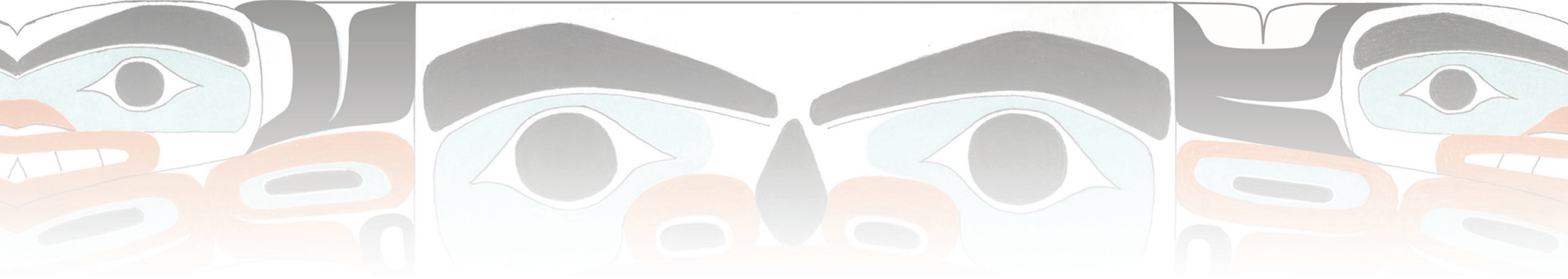
With so much at stake it is startling to realize how little most people know about the act or what it says. ANCSA is divided into 26 sections. We are going to look at five of the most important ones. The first is Section 3, because this section defines the terms used in the act.

The title of the bill is the Alaska Native Claims Settlement Act, but who is and who is not an Alaska Native? If one of your parents is Native and the other is not, are you Native? Who qualifies and who doesn't? Section 3 of the act lays it out very clearly.

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blood to be considered a "Native" under Section 3 of the act. There is another way you could be considered "Native." If back in the early '70s the people in your village voted to consider you a Native, you qualified under ANCSA. This provision was put in primarily for the Natives of Kodiak and the Aleutian Islands. Out there, the Alutiiq and Unangan Aleuts have been _____ with non-Natives for more than 200 years, ever since the Russians arrived. Many Natives also identified themselves as Russians because Natives were treated poorly. This has made it pretty difficult for some families to know what percent of their ancestors were Native and what percent were not. To solve the problem they included this _____, saying that if your community accepted you as Native you could qualify as one under the act (Laster, 1986). This is all outlined in Section 3.

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act. If the intent of Congress was to include _____ of Natives they made a terrible mistake. With _____ 5, _____ were _____ (Laster, 1986).

Section 4 talks about ending any claim that Alaska Natives have to land in the state. It reads, “All _____, if any, and claims of _____ in Alaska based on use and _____... are hereby extinguished” (Congress, Alaska Native Claims Settlement Act Resource Center, 1971). This meant that any claims Native people had to the rest of the state would not be recognized. Unfortunately, not all of Section 4 was so clear. When the Native leaders were negotiating for ANCSA, one of the things they considered most important was the protection of their subsistence, hunting, and fishing rights (Laster, 1986).

“The parting comments, at the conclusion of any meeting, was we got to take this back to our people. We have to go back to the villages. And of course it was that village feedback that said very strongly that ‘we want land.’ We want land for subsistence purposes. We want land to maintain the lifestyle. We want land in order to maintain that relationship connection to our past and to help provide an anchor for the future. That early on, at least for the Native leadership, became a fundamental piece of ANCSA” explains Byron Mallott (Laster, 1986).

_____ Alaska is different from the _____ areas. There are very few jobs in rural areas but people still have to make a living. They do that by hunting, fishing, and trapping, just as they have done for generations. When Na-

tive leaders were negotiating for ANCSA, they felt subsistence was _____ for Native culture to survive (Laster, 1986). But the complete text of Section 4 states that, “All _____, if any, and claims of _____ based on the use and _____, including any aboriginal hunting or fishing rights that may exist, are hereby extinguished” (Congress, Alaska Native Claims Settlement Act Resource Center, 1971). Does it mean that the aboriginal right to hunt and fish has been extinguished?

“So it did and it didn’t. I mean it does pretty clearly, in its language, extinguish Native hunting and fishing rights. But the political reality is that those rights have been given new acknowledgment. They have been given a preference under new federal legislation, which is the Alaska National Interest Lands Conservation Act. So maybe they’ve been changed... that’s what has happened really in 4 (b). They are no longer aboriginal rights but they are rights that now are protected, to some significant extent, by acts of Congress and a line of court decisions,” said attorney David Case (Laster, 1986).

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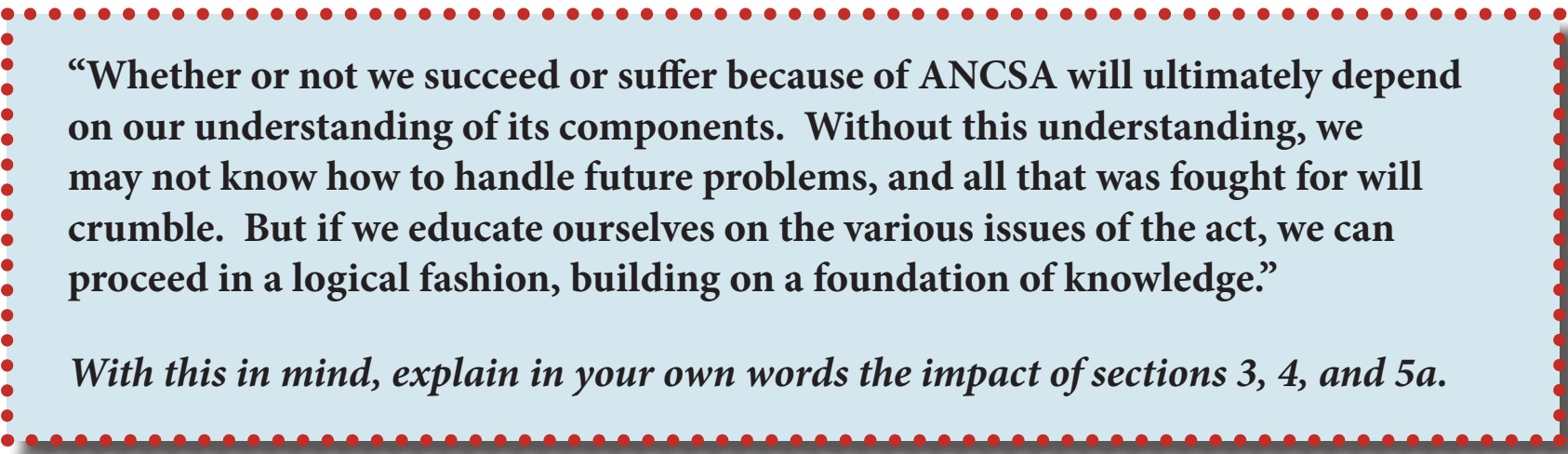


Unit 6: Assessment

This assessment should be implemented once students have participated in and completed the unit's activities, and once the teacher is fairly certain that students have a working understanding of the vocabulary terminology.

Using the excerpt below from Unit 6 as a prompt, have students write an essay (1 page at least) in response. Students' written responses should include as many vocabulary words as possible (students could receive extra points if they include all vocabulary terms). Students must demonstrate basic comprehension of vocabulary terms. Students written responses must be coherent and on topic.

- Students should review (individually or in groups) the text in Unit 6 Written Content as well as Appendix I: VIII Section by Section Analysis, sections 3, 4, and 5a prior to assessment.
- Students who may have difficulties with this writing assignment could demonstrate their understanding of vocabulary terms through an oral assessment.



“Whether or not we succeed or suffer because of ANCSA will ultimately depend on our understanding of its components. Without this understanding, we may not know how to handle future problems, and all that was fought for will crumble. But if we educate ourselves on the various issues of the act, we can proceed in a logical fashion, building on a foundation of knowledge.”

With this in mind, explain in your own words the impact of sections 3, 4, and 5a.



components

logical

provision



A decorative border at the top of the page features stylized, colorful faces in shades of blue, grey, and orange. The faces are partially visible, showing eyes and mouths.

“New-Natives”

aboriginal title

rural



urban

occupancy



excluded



issues

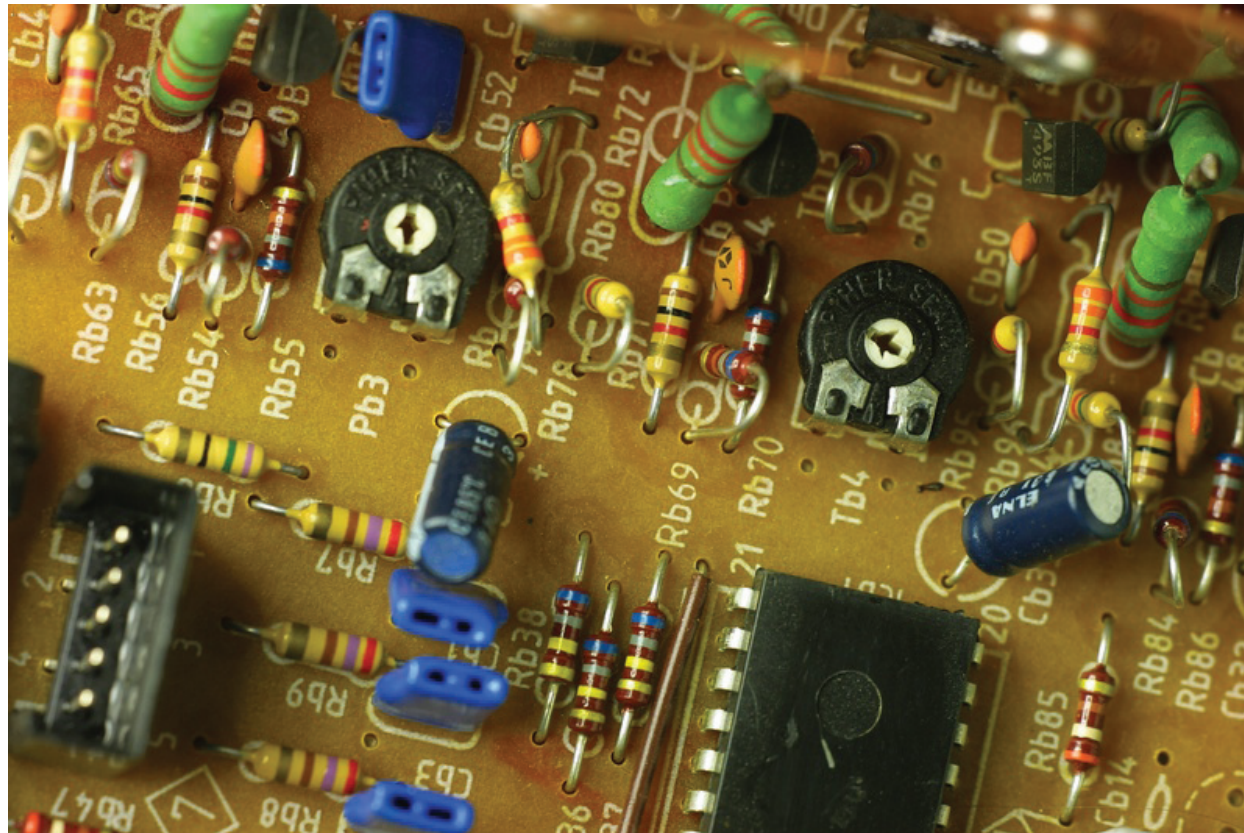
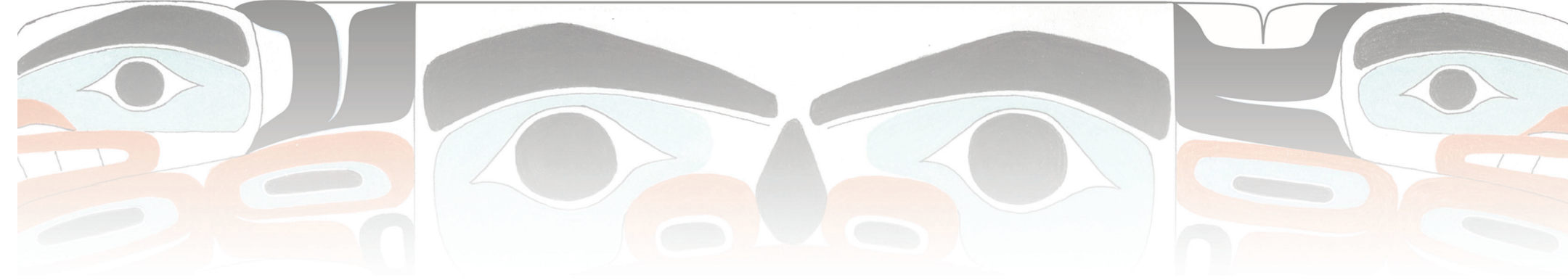
intermarrying

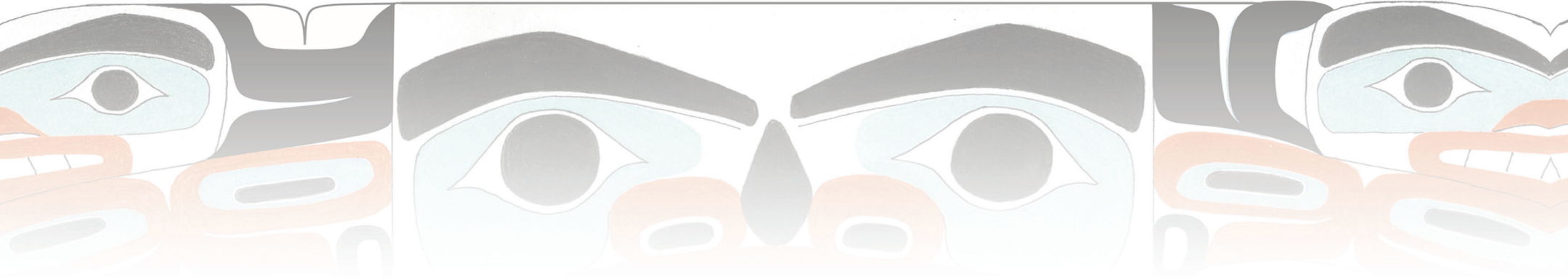
essential



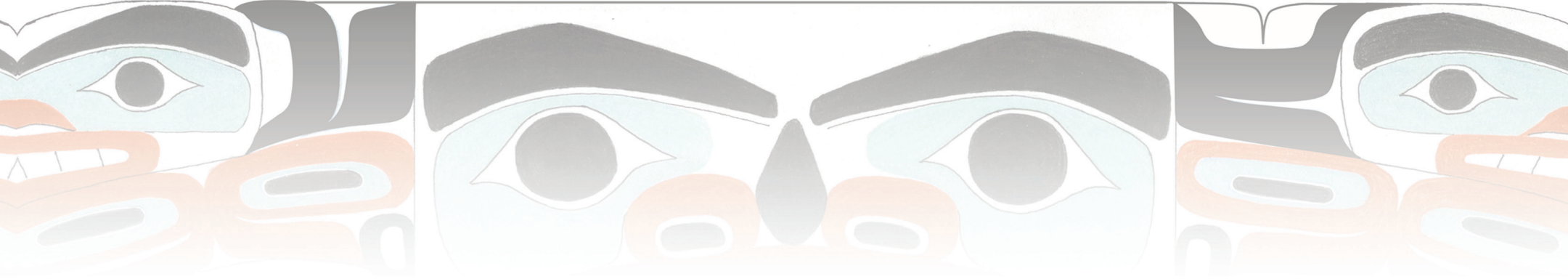
VOCABULARY PICTURES

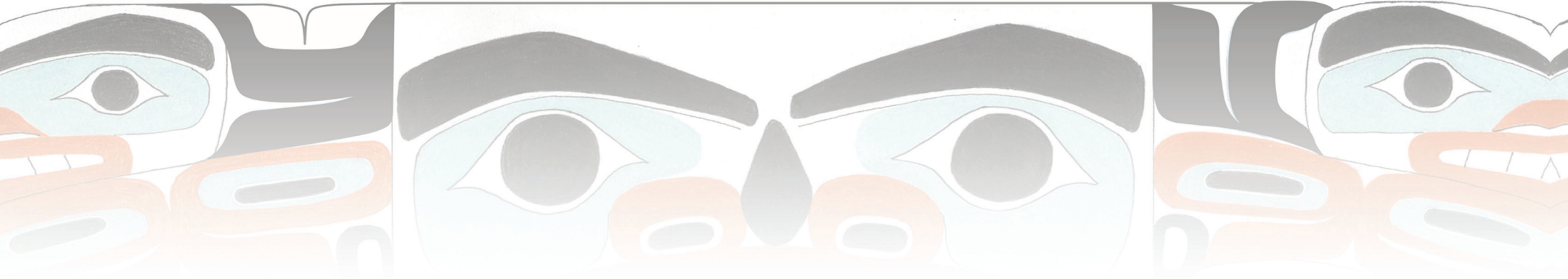




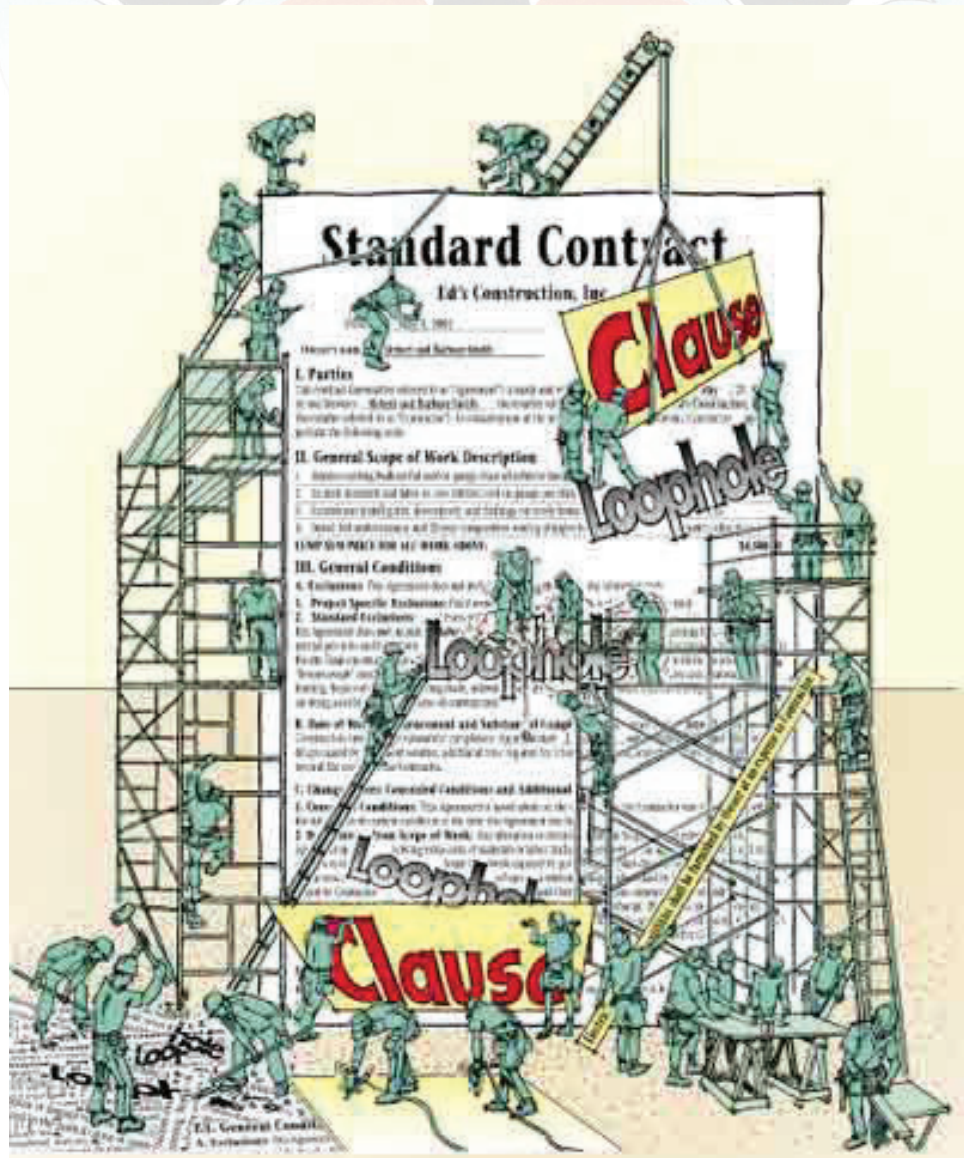


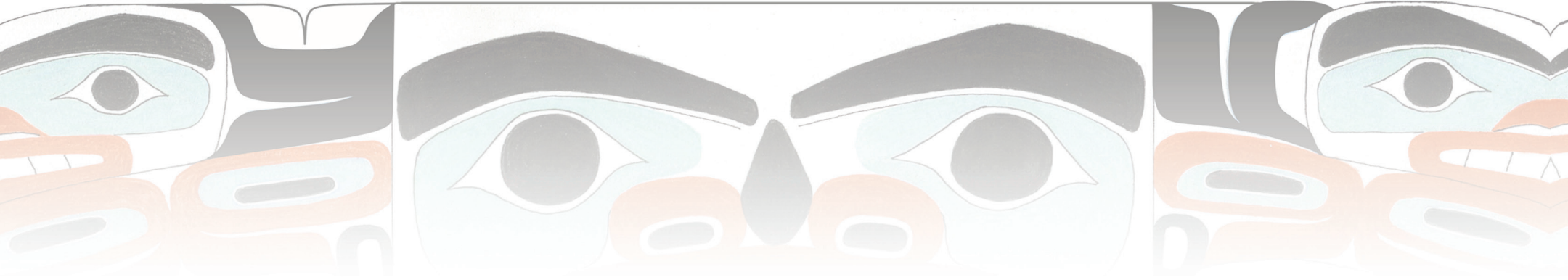
COMPONENTS





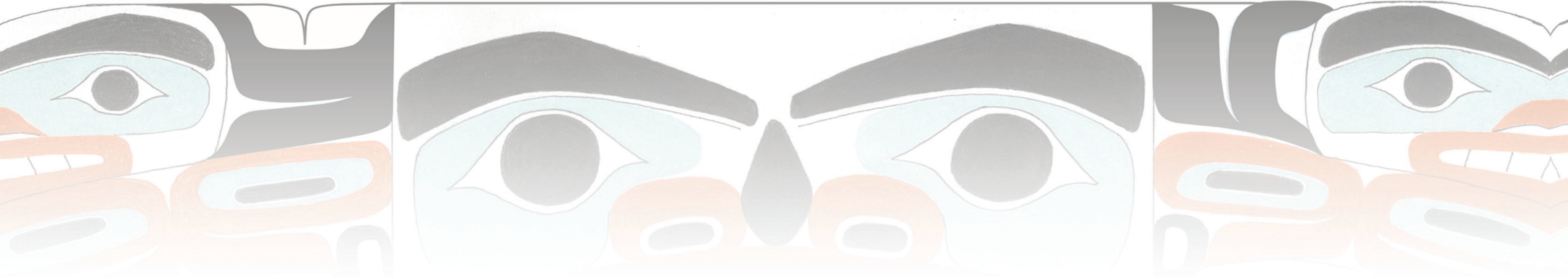
LOGICAL





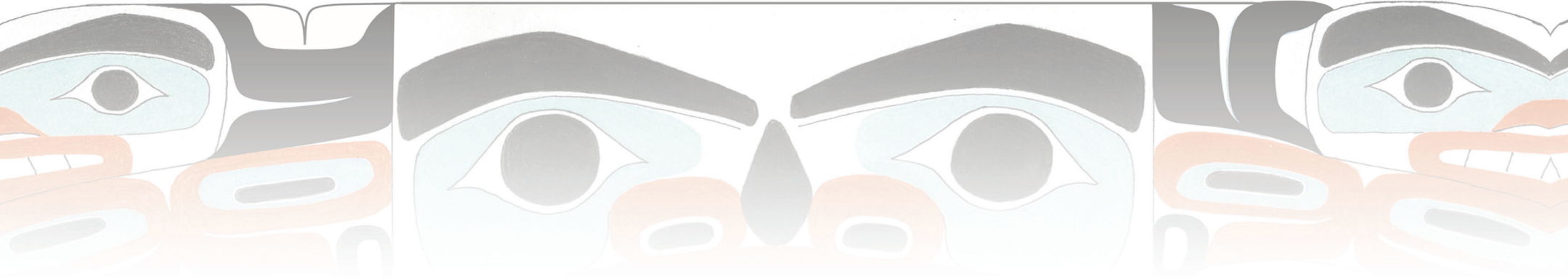
PROVISION



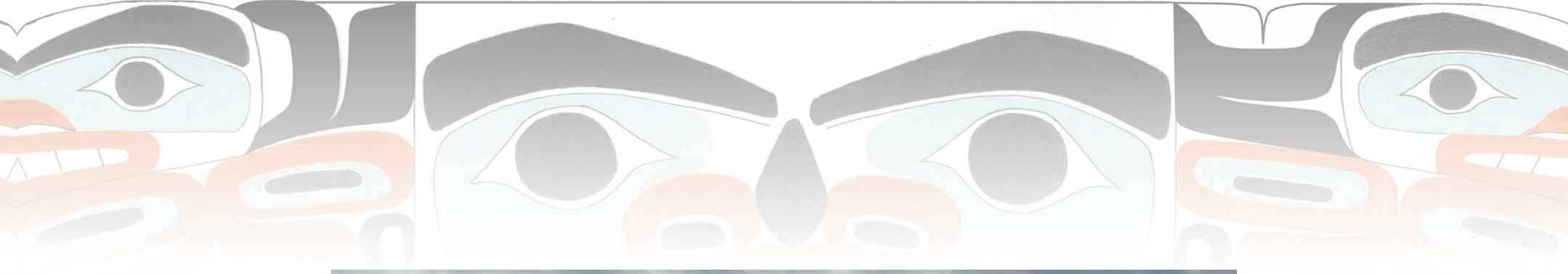


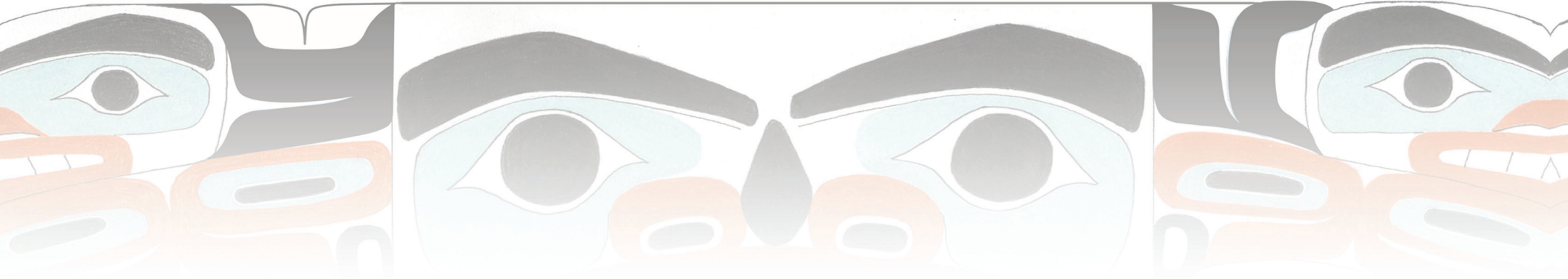
“NEW-NATIVES”



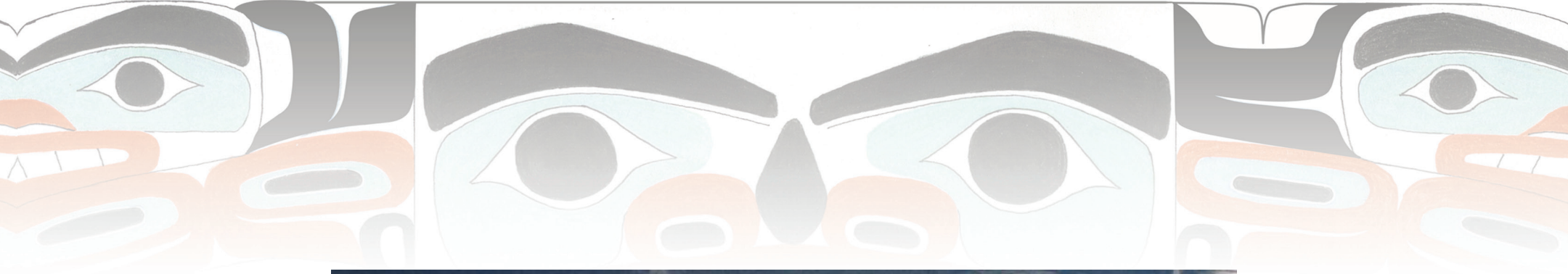


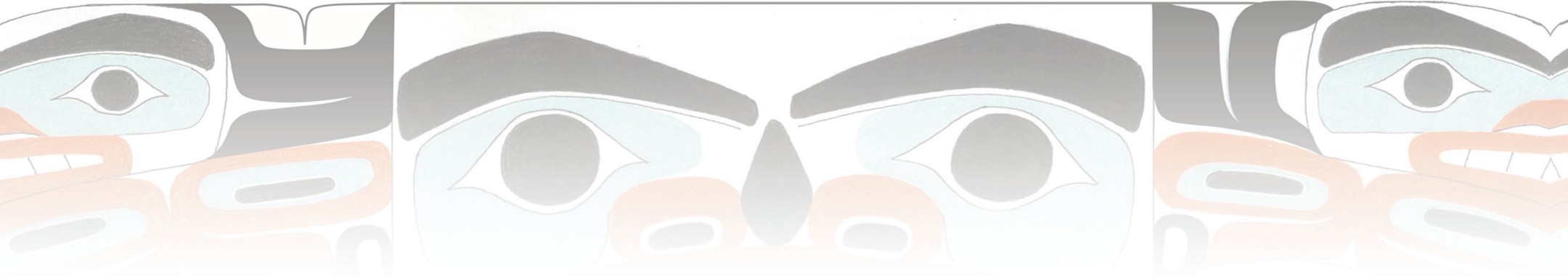
ABORIGINAL TITLE



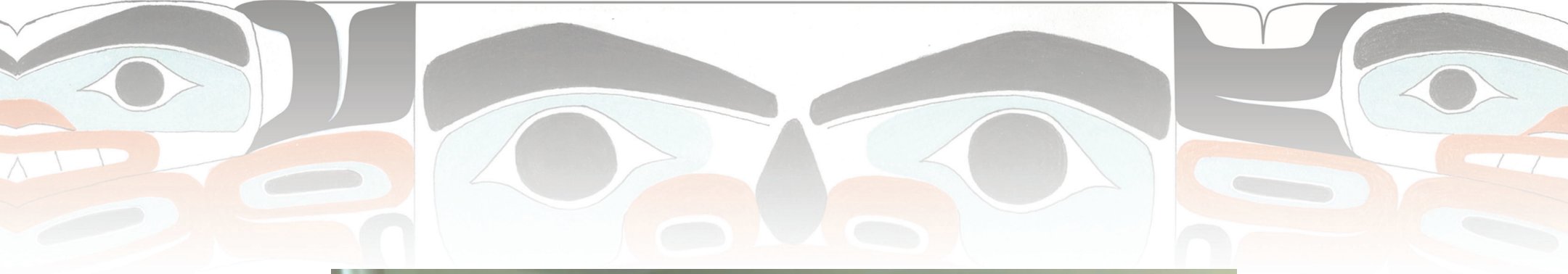


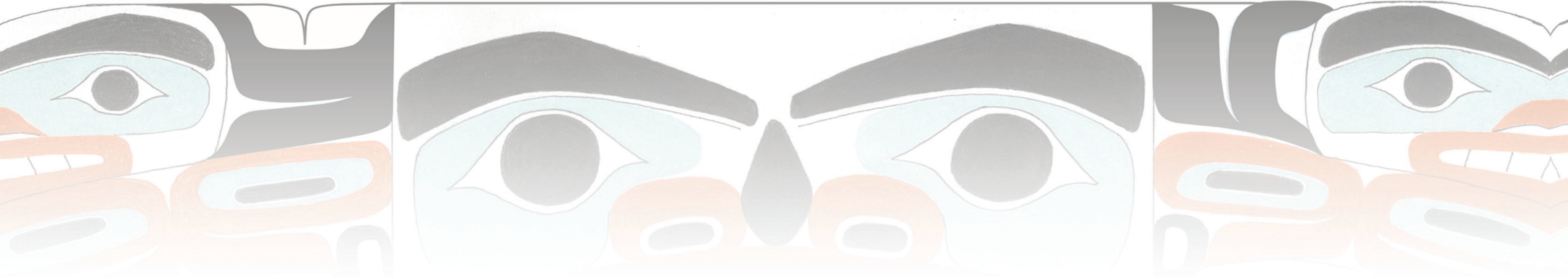
RURAL



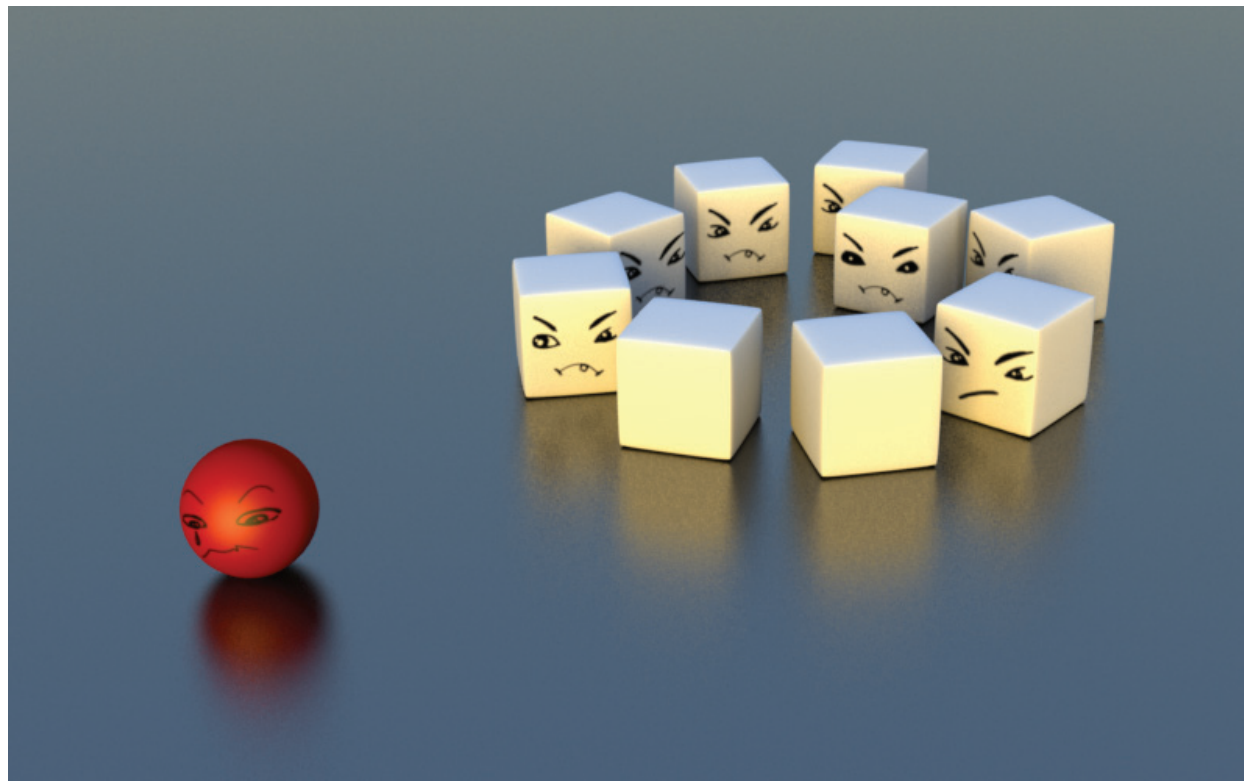
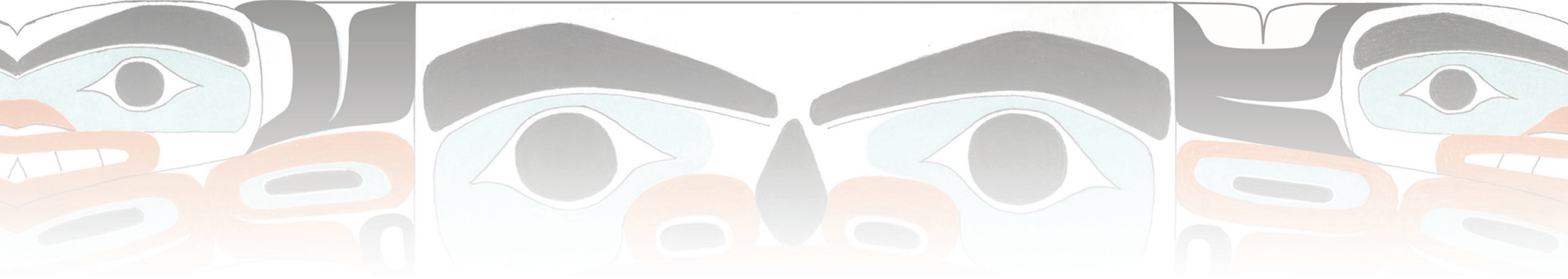


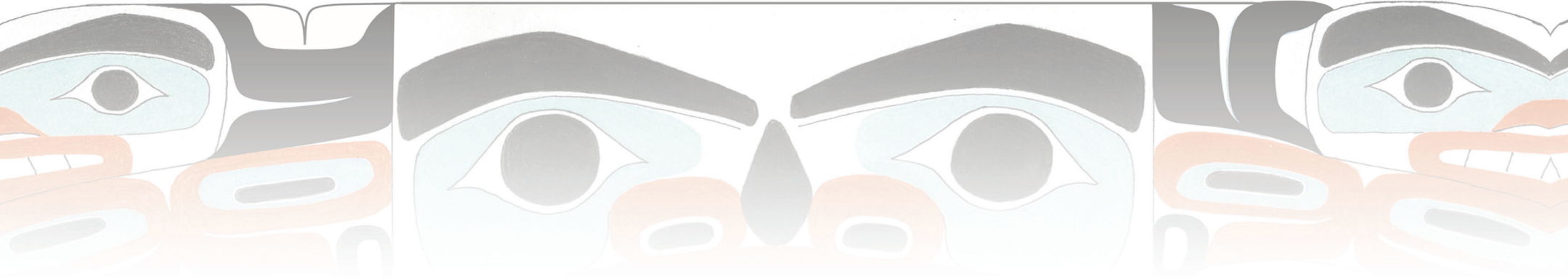
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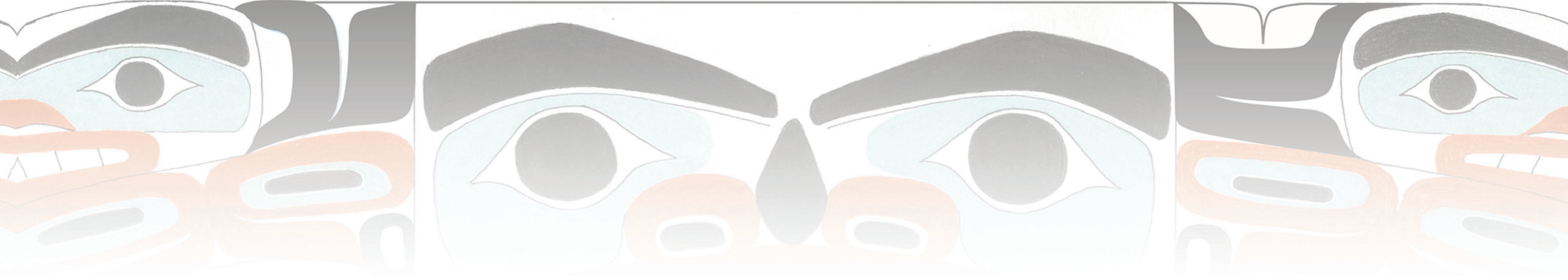


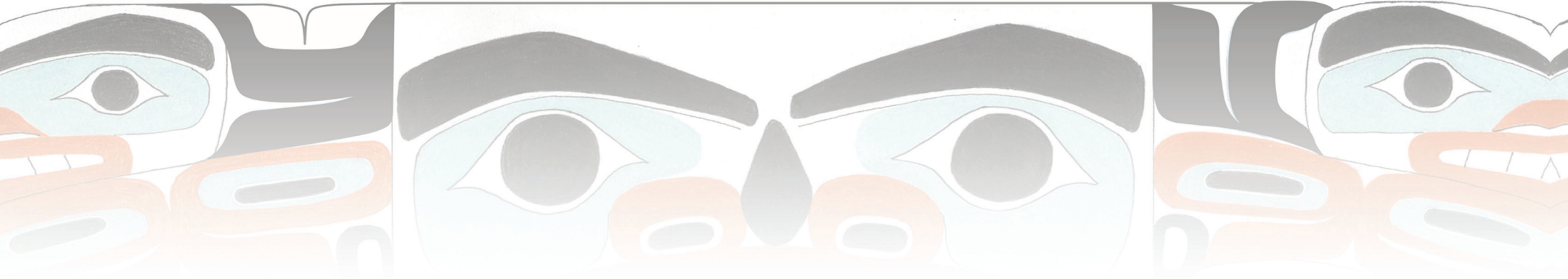
OCCUPANCY



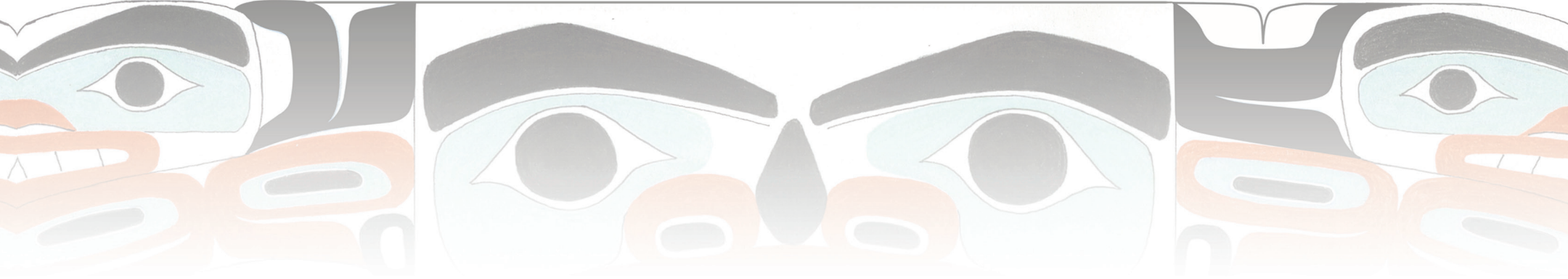


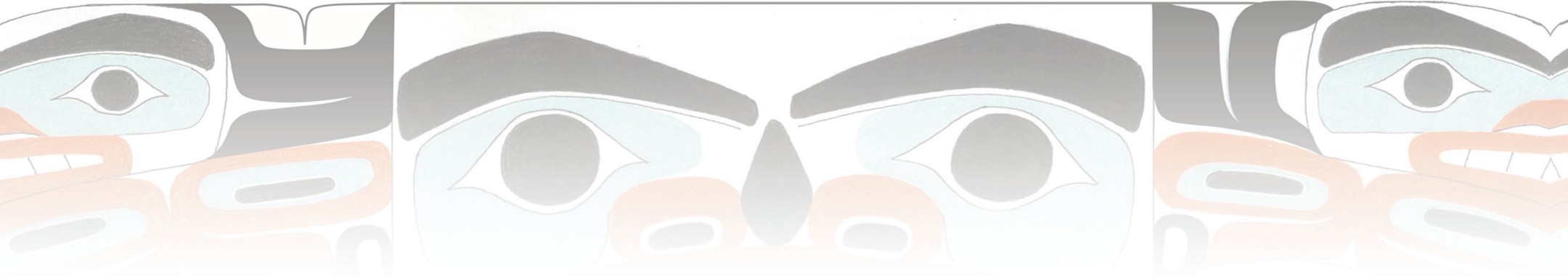
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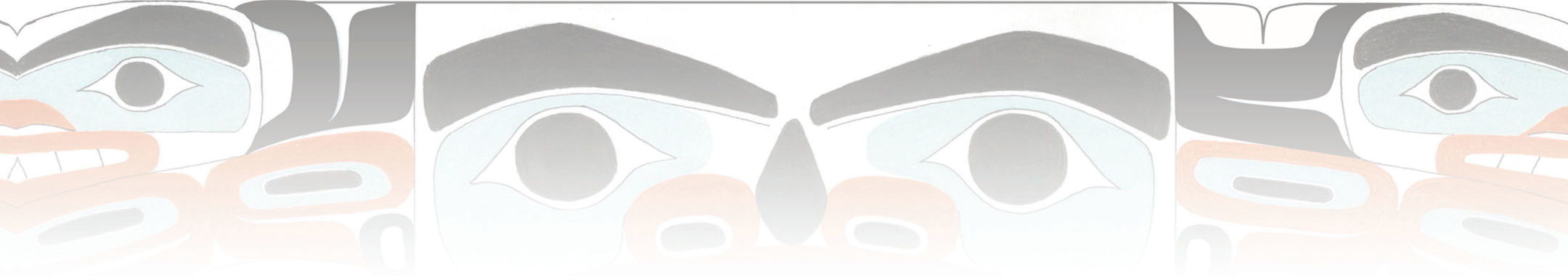


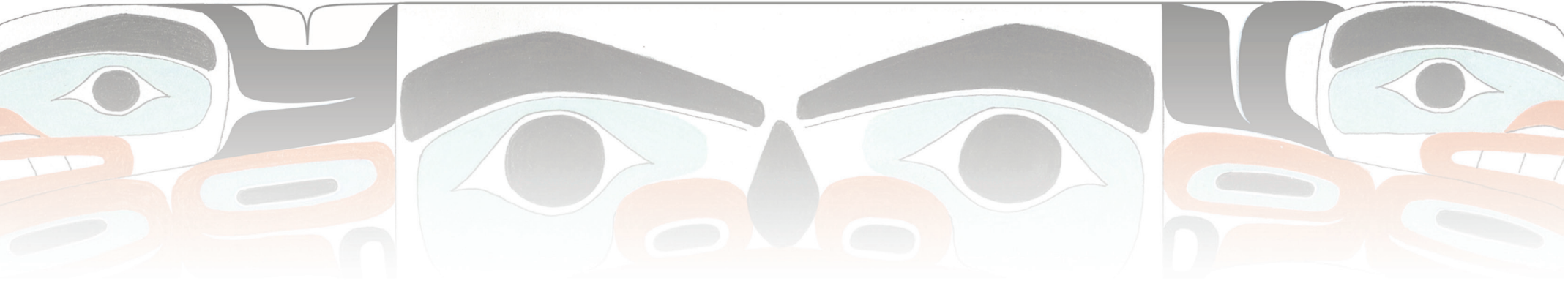
ISSUES





INTERMARRYING





ESSENTIAL