

**Statement of Nelson N. Angapak, Sr.**  
**Vice President,**  
**Alaska Federation of Natives,**  
**On H.R. 3350**  
**November 14, 2007**

**Introduction**

Good morning Mr. Chairman Rahall:  
Honorable Don Young of Alaska:  
Honorable members of the U.S. House Natural Resources Committee; ladies and gentlemen:

For the record, my name is Nelson N. Angapak, Sr., Vice President, Alaska Federation of Natives (AFN). For your information, AFN is a statewide Native organization formed in 1966 to represent Alaska's 100,000+ Eskimos, Indians and Aleuts on concerns and issues affecting their rights and property interests. I am a veteran and I served in active duty in the U. S. Army from 1969 to 1971; I was honorably discharged.

On behalf of AFN, its Board of Directors and membership, thank you very much for inviting AFN to submit its statement to the Committee on H.R. 3350, "Alaska Native Veterans Land Allotment Equity Act;" a bill that would authorize the honorably discharged Alaska Native veterans of the 'Nam Conflict.' It is a privilege and honor to testify before your Committee. I ask that this written statement and my oral comments be incorporated into the record of this public hearing. I also ask that the record of this public hearing on HR 3350 be kept open for two weeks following the hearing to give the Alaska Native veterans of the 'Nam Conflict' and other interested parties an opportunity to submit written statements.

I want to take this opportunity to thank you and the U.S. House Natural Resources Committee for having worked with AFN and the Alaska Native Community during the past millennium on issues of concern to AFN and the Alaska Native Community. During the last millennium, U.S. Congress passed a series of historic legislation that benefited the Alaska Native Community. Some examples of such legislation include, but are not limited to: P.L. 92-203, the Alaska Native Claims Settlement Act; Indian Child Welfare Act, the Indian Self-Determination Act, Title VIII of the Alaska National Interest Lands Conservation Act; just to name a few.

I would like to bring the following points to your attention up front:

1. As the 20th century closes, there are nearly 190,000 Native American military veterans. It is well recognized that, historically, Native Americans including Alaska Natives, have the highest record of service per capita when compared to other ethnic groups. The reasons behind this disproportionate contribution are complex and deeply rooted in traditional American Indian culture. In many respects, Native Americans are no different from others who volunteer for

military service. They do, however, have distinctive cultural values which drive them to serve their country. One such value is their proud warrior tradition.<sup>1</sup>

2. The outbreak of World War II brought Native American warriors back to the battlefield in defense of their homeland. Although now eligible for the draft by virtue of the Snyder Act, which gave citizenship to American Indians in 1924, conscription alone does not account for the disproportionate number of Native Americans who joined the armed services. More than 44,000 Native Americans, out of a total Native American population of less than 350,000, served with distinction between 1941 and 1945 in both the European and Pacific theaters of war. Native American men and women on the home front also showed an intense desire to serve their country, and were an integral part of the war effort. More than 40,000 Indian people left their reservations to work in ordnance depots, factories, and other war industries. Native Americans also invested more than \$50 million in war bonds, and contributed generously to the Red Cross and the Army and Navy Relief societies.<sup>2</sup>
3. The Native American's strong sense of patriotism and courage emerged once again during the Vietnam era. More than 42,000 Native Americans, more than 90 percent of them volunteers, fought in Vietnam. Native American contributions in United States military combat continued in the 1980s and 1990s as they served in Grenada, Panama, Somalia, and the Persian Gulf.<sup>3</sup>

Please note that these three points were excerpted from a website of the DEPARTMENT OF THE NAVY -- NAVAL HISTORICAL CENTER; 805 KIDDER BREESE SE -- WASHINGTON NAVY YARD; WASHINGTON DC 20374-5060. This is public information that is readily available for the people of the United States of America.

I believe in my heart that the intentions of Congress were honorable when it passed Section 41 of P. L. 105-276 in 1998, the Alaska Native Vietnam Veterans Allotment Act. I believed it then, and I still believe it now; Congress intended that Alaska Native veterans of the 'Nam Conflict would have the opportunity to obtain allotments of land under the 1906 Alaska Native Allotment Act. Please note the following:

1. Under the 1998 law, approximately, 1,110 Alaska Natives who served in active duty in the U. S. Armed Forces and were honorably discharged would have become eligible to apply for Native allotments.
2. Of this number, according to Bureau of Land Management in Alaska, 741 Alaska Native veterans who met the terms and conditions of this statute applied for Native Allotments in good faith.

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<sup>1</sup> <http://www.history.navy.mil/faqs/faq61-1.htm>

<sup>2</sup> Ibid

<sup>3</sup> Ibid

3. To date, only ten veteran allotments have been certified. I applied for a Native allotment under the Act as I was one of the 1,110 veterans who met the terms and conditions of this statute; to date, I do not have a certified allotment. During the public hearing process for the existing statute, I disclosed to this committee that I could be a beneficiary of this law if it became a statute.

Many disillusioned Alaska Native veterans who served in active duty in the U. S. Armed Forces from January 1, 1969 to December 18, 1971, who applied for allotments were rejected because they did not meet the strict criteria of existing law. I think they must still have faith in Congress because they eagerly await the passage of HR 3350. However, they do ask me —what were the intentions of Congress when they passed this law that gives us nothing but empty promises. I've told them that I feel the intentions of Congress were honorable in 1998 and I still feel that way; but how do I answer all those Alaska Native veterans of the 'Nam Conflict who wonder why they were left out?

### **AFN Supports the Passage of H.R. 3350**

AFN lobbied for the reopening of the Native Allotment Act of May 17, 1906 for the Alaska Native veterans who were unable to apply for Native Allotments because they were serving in active duty in the U.S. Armed Forces of this nation over seas. Congress corrected this oversight by the inclusion of Section 41 of P.L. 105-276 and AFN thanks you for having the courage to act affirmatively on this by authorizing those of us who served in active duty in the U.S. Armed Forces to apply for Native Allotments if we served for at least six months of active duty during the period January 1, 1969 to December 31, 1971.

Historically, Alaska Natives and American Indians have, on a per capita basis, served in greater numbers than any other group in active duty in the U.S. Armed Forces; and in particular, during the major military conflicts of this nation. The Honorable George W. Bush, President of the United States of America referenced this fact during one of his stop overs in Anchorage, Alaska, on his way overseas; AFN thanks President Bush for the public recognition of this fact.

### **Alaska Natives Support the Passage of HR 3350**

Attached to my statement, please find a copy of a resolution that was considered and passed unanimously by the 2,500 delegates to the 2007 Annual Convention of the Alaska Federation of Natives. The unanimous passage of AFN Convention Resolution 07-06 "A RESOLUTION OF CONTINUED SUPPORT OF AMENDING THE ALASKA NATIVE ALLOTMENT ACT AND THE ALASKA NATIVE VIETNAM VETERANS ALLOTMENT ACT" demonstrates that there is a very strong statewide support for the passage of this legislation.

Please note the following resolves of this resolution:

NOW THEREFORE BE IT RESOLVED by the Delegates to the 2007 Annual Convention of the Alaska Federation of Natives, Inc., that AFN requests the Alaska Congressional Delegation to introduce legislation to amend the Alaska Native Allotment Act of 1998, and the Alaska Native Vietnam Veterans Allotment Act in order to allow more Native allotments for Native Vietnam veterans and to take actions that would move such legislation forward to a vote in 2008.

BE IT FURTHER RESOLVED that AFN 2007 Delegates unanimously support the passage of all Alaska Native Vietnam Veteran Allotment for adjudication on Tongass/NPRA lands under the applicants of the Alaska Native Vietnam who has applied under the provisional Allotment Act of 1906.<sup>4</sup>

### **The Alaska State Legislature Supports the Passage of Legislation Leading to Native Allotments for the Alaska Native Veterans of the “Nam Era”**

In support of more Native allotments in Alaska, the Alaska State Legislature, in 2006, unanimously passed House Joint Resolution 27 HJR 27 which urges the United States Congress to pass legislation amending the Alaska Native Vietnam Veterans Allotment Act to allow deserving veterans to obtain allotments of vacant federal land within the State of Alaska; and to reopen and legislatively approve allotments in the Tongass National Forest that were previously rejected. A copy of HJR 27 is attached to my statement. Also attached is the statement of John Coghill, Jr, sponsor of HJR 27, which demonstrates the strong support of all Alaskans for providing more allotments for Alaska Natives.

### **The Need for the Enactment of HR 3350**

AFN, working in conjunction with the Alaska Legal Services, identified the major obstacles which made it difficult for the Alaska Native Veterans of the “Nam Era” to apply for and receive their Native Allotments. These are identified as follows in summary:

1. Alaska Native veterans can only apply for land that was vacant, unappropriated, and unreserved when their use commenced.
2. Lands within national forests are not available for veteran allotments nor are federal lands designated as Conservation System Units (CSUs) available for veteran allotments unless the CSU managers approve.
3. Alaska Native veterans can only apply if they served in active military duty from January 1, 1969 to December 31, 1971 (even though the Vietnam conflict began August 5, 1964 and ended May 7, 1975).

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<sup>4</sup> AFN Convention Resolution 07-06, copy attached to this statement

4. Alaska Native veterans must prove they used the land (applied for in their native allotment application) in a substantially continuous and independent manner, at least potentially exclusive of others, for five or more years.
5. The heirs of deceased veterans are not eligible for veteran allotments except in the limited situations where the veteran was killed in action, died from a war related injury, or died while a prisoner of war.

As a result of these obstacles, as I stated in my opening remarks, of the approximately 741 veteran applications filed, only 10 veteran allotments have been certified. AFN believes that Congress did not intend such an outcome. AFN supports amending Section 41 of P.L. 105-276 so that the original intent of this statute can be fulfilled.

AFN proposes the following:

1. Expand the land available for veteran allotments under existing law (P.L. 105-276): P.L. 105-276 mandates that the Alaska Native Veterans of the “Nam Era” can only apply for lands that are vacant, unappropriated, and unreserved lands. As you know, almost all the lands in Alaska are appropriated and reserved; and in particular, after the enactment of the Alaska National Interest Lands Conservation Act. AFN proposes that the Alaska Native veterans be allowed to apply for Native Allotments on unoccupied public lands in Alaska. Expanding the land base in this manner will increase the land base from which veterans can apply for as Native Allotments.
2. Allow veteran allotments in the national forests: All veterans in southeast Alaska are excluded from obtaining allotments under the national forest exclusion expressed in P.L. 105-276. Since the only federal land in southeast Alaska is national forest land, and the largest concentration of Alaska Native veterans reside in southeast Alaska, the existing law unfairly excludes many deserving veterans. AFN recommends that Congress remove the national forest exclusion. Doing so will remove the most bizarre and unfair obstacle faced by Alaska Native veterans in their quest for allotments.
3. Expand the dates for eligibility for a veteran allotment: Current law unfairly excludes many deserving veterans even though they honorably served their country during the “Vietnam era.” Eligibility for a veteran allotment now requires that the veteran have served at least six months between January 1, 1969 and June 2, 1971 or was enlisted or drafted after June 2, 1971, but before December 3, 1971. However, this nation recognizes by law and policy that the “Vietnam Era Conflict” extended from August 5, 1964, to May 7, 1975. Eligibility for a veteran allotment should apply the same dates. Therefore, AFN recommends that the Alaska Native Veteran allotment qualifying dates be expanded to the entire Vietnam era; from August 5, 1964 to May 7, 1975.

4. Apply legislative approval process to Alaska Native Veterans allotments: To be qualified for an allotment a veteran must now meet the extensive use and 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, made available to applicants of allotments under the Alaska Native Allotment Act of 1906, saves time and money because it eliminates administrative adjudication of use and occupancy.
5. Allow the heir(s) of a deceased veteran to apply for a veteran allotment: The heirs of veterans who died subsequent to their military service but before the veteran allotment application period opened were not able to apply for a veteran allotment even though the deceased veteran would have otherwise been qualified. AFN recommends that heirs of veterans who died subsequent to qualifying military service be allowed to apply for an allotment on behalf of the estate of the deceased veteran.

### **Best Kept Secret**

In its May 19, 2002, issue, The Anchorage Daily News printed a story on the Native Allotment Act of May 17, 1906 and I quote:

``On May 17, 1906, a law went into effect that has been described by one legal specialist as ``the best-kept secret the government has ever had." That was Alaska Legal Services attorney Carol Yeatman's description of the Native Allotment Act, which was originally enacted to provide up to 160 acres of land to individual Alaska Natives.

``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. Most Natives were unaware of the law, and between language barriers and government red tape, those who did apply for an allotment often faced literally decades of waiting."<sup>5</sup>

AFN urges Congress to amend the Alaska Native Allotment Act and the Alaska Native Vietnam Veterans' Allotment Act to allow more Alaska Native Vietnam veterans to apply for and receive their Native Allotments.

Thank you for inviting me to submit this statement; if you have any questions on my statement, I can field them at your call.

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<sup>5</sup> May 19, 2002 Edition of Anchorage Daily News