

Donald Mitchell oral histories, Archives and Special Collections, Consortium Library, University of Alaska Anchorage. John Katz interview, 1992 September 11. Transcript completed by Louisa Dennis.
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MR. MITCHELL: Okay. Today is September 11th, 1992, and I'm talking with John Katz, who -- in his office in Washington D.C. -- in his present office in Washington D.C., as he has been for a number of years now, as counsel to the governor of Alaska. But in 1969, '70, '71, he was the staff for both the Representative Pollock and Senator Stevens with respect to land claims. I'm getting a little click here. Let me turn this off -- distracting noise. There we go. Great. So, I guess, maybe the best way to start talking about land claims -- since at some point these tapes are going up to the university oral history project, and will be around years after if they're properly taken care of -- years after you and I have left the scene. So maybe the best way to start would be a brief biography on sort of who you are and how you ended up being involved with Representative Pollock. And I don't know what you -- whether you know if it was '69 or '70 that you finally came on staff.

MR. KATZ: Well, the Readers Digest version of all that is that I graduated from law school in June of 1969 from the University of California Berkley. For reasons never yet clear to me, I decided that I wanted to work on Capitol Hill and looked around for a job. And Congressman Pollock had one for a legislative assistant. And I was impressed with his enthusiasm about his job and about the pending issues. And so I began -- worked as his legislative assistant and then --

MR. MITCHELL: Now when was that? You got out in June of '69?

MR. KATZ: Right. Started in August of '69. Became later his administrative assistant and legislative director. And he ran on successfully for governor in 1970 and he and I left Cap- -- left the House about the same time in the -- in December of -- of 1970, whereupon, I went to work for Senator Stevens in January of 1970 as his legislative assistant. And the Alaska Native Claims Act was clearly the most important issue on -- on his agenda, and therefore on my agenda. I left his office in December of 1971, literally days after the Claims Act was signed into law.

MR. MITCHELL: Okay. Well, I assume then that when you worked to -- to -- when you went to work for Rivers under Pollock that it was sort of the luck of the draw. You just sort of -- I don't mean to be too literal about it, but I'm just sort of -- with -- you're like, a lot of young law school graduates, and you had your resume out all over the Longworth Building, and you sort of hooked up with Pollock. Did you have -- or did you have any past relationship with Alaska at the time -- I mean, was it a happenstance that you got involved in Alaska or could it have been Indiana or California or something if someone else had --

MR. KATZ: It couldn't have been Indiana. I think it was literally happenstance -- I won't go through this sort of funny story that led to my identifying the job, but I had no prior relationship with Alaska until that point. And he was kind enough to take a chance on me. And I've had that love affair with Alaska ever since.

MR. MITCHELL: Okay. Well, now, when you went to work for Pollock, I assume that land claims was -- well, I know that land claims was a big deal with -- at that point. Had you had any

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prior exposure to, you know, Aboriginal title, the Tee-Hit-Ton case -- what all this was about, or did you have to start from -- from scratch and -- and build an institutional knowledge of (indiscernible).

MR. KATZ: I started from scratch. I didn't even take Indian law in law school, and perhaps that was a benefit actually, because I think the Alaska context was so, so different than the situation in -- in the Lower 48. Maybe in retrospect it was a benefit not to be jaded and constrained by the, you know, the -- the prior history. Fortunately, for me, there were a couple of people in Pollock's office who had had pretty extensive experience with the Claims Act before I got there. Until I got my feet on the ground, they were very helpful. And then, in addition to that, I did, on more than one occasion, journey over to the Library of Congress and -- and read the world of case law.

MR. MITCHELL: Okay. Did -- I guess if you came in August of '69, the first major House Interior Committee activities is Aspinall took a road show up there that October -- October of '69. Did you get to go along on that trip or did you stay back here?

MR. KATZ: No. I stayed here. I was still getting my feet on the ground then. But it's true that Aspinall -- that that was his major refocussing of attention and the reorientation even of the committee itself up toward the fact that this -- this issue had to be dealt with.

MR. MITCHELL: Okay. Well, one of the things that happened -- obviously, things actually stay fairly quiet over on your side of the Hill until after the Senate passes its bill in July of '70. But -- but certainly what was happening to -- to Stevens and Gravel over on the Senate side was that the Senate Interior Committee began its markup in December of '69. And this massive white backlash broke out over the top of -- of Stevens' and Gravel's heads during that markup with -- not only with the Anchorage -- the usual suspects, but pretty much everyone in the non-Native community led by Keith Miller -- really, you know, cut loose on those guys. Did -- did you notice that that area, '69, '70, was -- was Representative Pollock getting the same kind of pressures from the non-Native community on this? What kind of stress was he under, I guess, politically?

MR. KATZ: He was under a lot of stress, and he got a lot of pressure. In some sense, perhaps, he was the most conservative member of the delegation at that point and time. And those who opposed a settlement, I think, to a fair extent, tended to focus on him. And while it's true that the really visible activity was in the Senate process, there was a very active process underway in the House, and educational effort with the House Interior Committee, with the key leadership. And very much to Congressman Pollock's credit, he did not succumb to the pressure from people that might be conceived of as part of his natural constituency, and fairly early on made it clear that he favored the enactment of the Settlement Act for a whole host of different reasons. Now, there were certainly variations in -- in his treatment of particular issues, but early on he crossed the Rubicon in terms of -- of the basic issue of whether there should be settlement legislation or not.

MR. MITCHELL: Right. Well, maybe this is out of your -- it's probably out of your brief, but I'll ask it anyway. And that is, I haven't been able to figure out for the life of me, other than just the

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obvious, which is the -- the, you know, the extreme conservative wing of the Republican Party had gotten to him, but -- but Keith Miller basically did a 180-degree turnaround if you look at the record. I mean, he started out with Jackson and -- and -- in early '69, sort of saying: Yeah, I -- I will sort of continue Governor Hickel's positions with respect to this, which were really quite sane and generous.

MR. KATZ: Uh-huh.

MR. MITCHELL: And then by October of '69, he's communicating to the Senate committee that he's rethinking the State's position. And then within weeks, by the time they go into markup, he sends them a letter saying: You know, I repudiate everything I've said in the past. Well, the State isn't going to give a nickel. We're not going to give an acre. This is your problem, tough luck. And -- and did -- do you have any recollection of that -- that -- what Pollock thought of that? Or did he ever meet with Miller? Were you ever involved in any of that?

MR. KATZ: Yeah. My recollection is that he sent a couple of assistant attorneys general down to deal with the delegation and with congressman Pollock. And they were towing a -- a very -- a conservative line on the settlement. It -- it made life more difficult, there's no question about it. But, you know, in retrospect, it was pretty much a blip on the radar screen. And when Governor Egan was elected shortly thereafter, the whole tenor of the issue changed. At least in terms of the State administration.

MR. MITCHELL: Right. Well, now in the -- in the -- in the spring, actually, in April of 1970 when you were saying about -- about Pollock having crossed the Rubicon, he really did in that he sent out a statewide -- I guess, to all voters a -- a fully detailed newsletter that was devoted exclusively to his position on -- on Native Land Claims that particularly -- when, you know, by April of '70 Miller was still very much in the saddle. He wouldn't leave until December. And it was vastly different from the -- from the Miller nata, acre-nata dollar position. Did -- did -- I assume that the -- Pollock didn't type that up. Did -- did you supervise that? Did you have discussions with Senator -- with Representative Pollock about what his position on these substantive matters should be, or --

MR. KATZ: You know, it was actually one of the more enjoyable experiences in my professional life. There were probably three or four of us in Pollock's office involved in that drafting effort. A woman named Janet Archibald and a fellow named Bruce Shortison (phonetic) and me at the staff level, but it was one of those items where congress- -- Congressman Pollock is the principal of spending a tremendous amount of time drafting. And there was a lot of agonizing and soul-searching among all of us about what positions to develop on particular issues, land, money, land freeze --

MR. MITCHELL: The royalty, which was obviously the -- part of the State's problem.

MR. KATZ: -- the royalty. And his -- Congressman Pollock's personal imprint was -- was very much all over that by the time it -- it went out on the statewide basis.

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MR. MITCHELL: Okay. Well, actually, that's an interesting question. It's probably worth clearing up in the record. I mean, a lot of times as, you know, members of congress, particularly in the Senate, but also in the House, get accused of -- of -- of barely seeing the forest and certainly not the trees. And -- which is why staffs have so much power. I don't want to put words in your mouth, but if -- you've worked with a lot of -- of members over the years. What was Pollock's, sort of, operational hands-on understanding of these various issues?

MR. KATZ: Well, in those days, it's important to recollect that (indiscernible) were smaller, more personal to the member, had less power, and, you know, like, any congressman, Congressman Pollock's involvement in a particular issue varied in importance with the issues of his schedule, et cetera. But on the Alaska Native Claim Settlement Act, and on that newsletter in particular -- because I remember the arduous process of going through draft by draft to -- he was very much involved, to the point of -- of writing particular sections himself, editing at great length of sections that he didn't write, and re- -- reviewing each draft successively, himself. So more than is the situation in most circumstances that -- that was really his work product.

MR. MITCHELL: Okay. Well, I'll get to the -- to the members in a second, but you mentioned that -- that prior to this -- that the months prior to this markup that -- or this non-markup as it turned out, that took place in 1970, that -- that there was a process of education that was going on inside the House Committee. Obviously at your level, the guy that I assume you had to deal with the most was -- was Ziegler. What was your impression of Ziegler in terms of his attitudes about all of this? What -- did he seem to have a lot of influence with Aspinall? How --

MR. KATZ: Ziegler was one of the most confident staff people that I have worked with on Capitol Hill. A brilliant drafter, a real curmudgeon for accuracy and for style. There aren't many of those left now. But he was very much a reflection of Chairman Aspinall and the predilections of the committee -- of the leadership of the committee. So we did spend a lot of time with him and with Charlie Leppert, who was the Republican counsel. But a lot of my role in those days was to help Congressman Pollock staff out presentations to the chairman, and to the chairman of the subcommittee, who was Jim Hale, (indiscernible) Florida, and another very influential congressman (indiscernible) from Oklahoma, and others as well. There was a quite a -- an interaction at their level just on a one-on-one basis, and, you know, Pollock was somewhat hampered in those respects by being a relatively junior Republican on a -- on a committee that was chaired by Democrats. But I think Congressman Aspinall recognized that this was an issue -- a major challenge to his committee that he was really going to have to address.

MR. MITCHELL: All right. Well, now what -- you may have not have had a -- the best seat in the House for this as a -- as a staff guy, but do you have any sense of -- of what Aspinall thought of Pollock and -- and what Haley thought of Pollock? I understand that Aspinall, in addition to being sort of a curmudgeon himself, was a very sort of partisan Democrat, and sort of dictator in terms of the committee, and that would put Pollock, it would seem, to be sort of behind the curb to begin with.

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MR. KATZ: Aspinall was very partisan and very strong in his leadership of the committee. He was one of the last truly strong committee chairmen. He was opinionated, he had fixed views on a lot of things, and gave short (indiscernible) to people that might disagree. He was very much constrained, I think, by his experiences with Indian settlements and with treaties in the Lower 48. You know, it was difficult for him to see Alaska in a broader context. So, you know, Pollock has suffered some of the infirmities of being junior, of being Republican, advocating some principles that were not empathetic with some of congressman Aspinall's own thoughts on the subject, having to deal with a situation where the State administration saw -- saw this as a federal responsibility that did not require Alaska involvement, and where Aspinall seemed to say: If a settlement were to occur, the State would have to be involved in some form.

MR. MITCHELL: Okay. Now, the other thing -- and maybe I should have asked it earlier -- is that it's my understanding that while this action was taking place in the -- the Indian Affairs Subcommittee, which was, of course, as you mentioned, was shared by Jim Haley in Florida, that -- that it's a practical matter that Aspinall still ran everything. Is that -- is my assumption correct in that? Or did Haley actually have any independent juice in his own subcommittee?

MR. KATZ: Aspinall had some independence, and he was sort of an interesting character of his own --

MR. MITCHELL: You mean Haley?

MR. KATZ: -- I mean Haley. Haley had some independent discretion. He was an independent, interesting character in his own right. But there's no question that, in those days with that chairmen, all of the subcommittee chairmen operated within general parameters that were set down by chairman Aspinall.

MR. MITCHELL: Okay. The -- what happens is, I think I mentioned before, thanks to the present chairman -- I've had an opportunity to review all the transcript of those -- those closed markups. And -- and basically most of that summer -- I don't think you got in -- they didn't let you in the door until sort of the end. They had a number of meetings prior to that that -- that -- first they sort of flailed around on what the problem was, and -- and what are we going to do about it? And this took up days. And now all of a sudden Lou Ziegler appeared with a draft. I mean, everybody decided they didn't like SAT 30, which was the Senate bill. The Senate couldn't do anything right. And -- and they were going to have to start from scratch. And so Ziegler appears with this -- with this new draft bill that's -- that he prepared on Aspinall's and Haley's request. And I guess the question becomes, do you remember that draft? Were you -- were you -- did they include you in -- in drafting it or was this news to you, or --

MR. KATZ: Those were the days of closed markups, closed executive sessions, and where no personal staff for any member were allowed. At the -- close to the end, I was given, you know, special dispensation given the importance of this issue to Congressman Pollock in Alaska. But, no, my recollection is that we really weren't involved in -- in -- in drafting. I think the extent of

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our involvement was conceptual discussions with the chairman and with subcommittee chairman Haley about the general parameters and likes and dislikes with respect to specific provisions.

MR. MITCHELL: But -- but you weren't all -- Ziegler didn't bring you in to help and draft up and this -- at a technical level --

MR. KATZ: No.

MR. MITCHELL: Okay.

MR. KATZ: He -- he did not. And to my knowledge, he didn't draft that word generally. He just liked to sit down like a monkey and tell everyone that produced very good work.

MR. MITCHELL: Okay. The other thing that -- that I think I passed by too briefly, is in terms of the -- the handicaps that Representative Pollock was operating under. Of course, aside from being a junior member and a Republican, the minute that he declared his candidacy for governor, regardless of the outcome of -- of that particular project, which ended badly, as far as Representative Pollock was concerned, but nevertheless, he became a lame duck by, really, the beginning of -- of the summer. Actually, I don't know when he declared. I'd have to look it up. But it must have been late spring or earlier summer of '70. Do you have a feeling as to -- as to how that affected his relationship of -- of influence with Aspinall?

MR. KATZ: It's hard to quantify. There was certainly a knowledge of Pollock's candidacy. And Pollock was obviously in Alaska more than he had been before, you know, but one never knows what -- what's in the head of a congressman and what the cause of relations are. And there were some, you know, good periods and some difficult periods. And we'll never know what -- what caused them. There were certainly some disagreements on -- on substance and other matters that -- that could have contributed to those periods of time when things weren't going as well as they did at others.

MR. MITCHELL: Okay. Well, but -- but you never heard Aspinall or anybody ever say, "Well, I don't have to pay any attention to you because you're not going to be around here anymore anyway; you're history. You're just somebody -- "

MR. KATZ: No. That -- that -- I never did -- I never heard. And even as brusque as chairman Aspinall could be, that's -- I think that would have gone beyond the rules of courtesy in the House that -- that Congressman Aspinall would not have violated.

MR. MITCHELL: Okay. Well, what -- what does happen, of course, is -- is they dink around most of the summer and then Ziegler comes up with this -- with this draft. And then we have the -- the primary that -- that Representative Pollock loses, amazingly, in my view to -- to -- to Governor Miller, which has got nothing to do with Native Land Claims, but I've -- I never have understood. Do you have any -- actually, I was going to ask that: How on earth did -- did Pollock, who, according to Mike Gravel, they were scared to death of because he was the

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strongest politician in Alaska -- if he'd run for that Senate seat in '68 -- managed to lose to the likes of Keith Miller. It has nothing to do with land claims. (Indiscernible.)

MR. KATZ: Well, I don't know that anybody fully knows the answer, but I have some guesses. One of them is that Alaskans were kind of funny in that election, and they did not like the idea of a -- of a member running against an incumbent of -- of the same party. Secondly, Congressman Pollock's campaign was never as well organized and as well financed as retrospective to -- should have been. And I think the attitude that a lot of Alaskans had was that congressman Pollock was a terrific member of the House. They were thinking about him in terms of someday being a very good member of the Senate, but I'm not sure that their mindset was such that they were prepared to see him in an executive capacity in Juneau.

MR. MITCHELL: Well, it's an interesting "what if" sort of game on a variety of levels if he had won that primary. But anyway, he didn't win that primary, and so by September of '70, when you read the transcript of the markup sessions, Pollock is doing just about everything he possibly can short of pulling a gun on -- to try to get this bill moved out of subcommittee, and, of course, he fails at that effort. And -- and that raises the question of what help did he have. And -- and one of the things we haven't talked about yet is -- is what the Native lobby was like -- not later in '71, but in '70. Was -- what was the Native like -- Native lobby like? Ramsey Clark and Ed Weinberg and Notti and Hensley and people.

MR. KATZ: I think the Native lobbying effort in '69 and '70 was good relative to other efforts on other issues by different groups, but not even a shadow of the effort it became in 1971. In 1971 there was a terrific coalition which was well coordinated of Civil Rights groups, church groups, oil companies, Alaska Natives, American Indians, just plain folks that had learned about the issue and were concerned, and in 1970 it tended to be -- to -- to devolve on to particular individuals like Ramsey Clark, Judge -- Judge Gold- -- Justice Goldberg was involved for awhile. But one did not have the feeling of the backing and empathy of all these powerful groups that later became involved.

MR. MITCHELL: Now, did you see much of Ramsey Clark and, I guess Bill Iverson was around in those days. Were him and Jay Greenfield -- this was well before Ken Bass got involved?

MR. KATZ: Right.

MR. MITCHELL: Were -- were they, like, a constant presence in that -- in this House process, or were they just not around that much?

MR. KATZ: We saw them. And I suspect they were around more than I -- I sensed. I don't frankly think there was any great love between a lot of them and Congressman Pollock. Most of them were of a different party and a different political orientation, and they would come to see Pollock on occasion, but it -- it wasn't a consistent effort I don't -- I don't think. They may have spent more time with some of the Democratic members, and I just didn't see -- see them.

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MR. MITCHELL: Okay. The -- the other lobby that you mentioned about -- with 1971, but I don't see in the paper trail much sign of them in '70, is the oil industry. Is my perception accurate or inaccurate? Were they on the scene in '70? I know later in '70 they finally got geared up with Bill Foster and the rest of them, but where were they through the summer of '70?

MR. KATZ: The -- the real effectiveness of their effort began with Bill Foster and his -- his coordinating, you know, so many of the dispersing elements of the total effort. Before that, I think, they were in evidence, but they wouldn't have needed to spend, you know, much time with Congressman Pollock. By that time, Congressman Pollock was committed, and, you know, he had a general idea of what they could live with and -- and what not. I think in the begin- -- early parts, and mid parts of 1970, the industry -- the oil industry was still in the process of evolving its -- its final position.

MR. MITCHELL: All right. Well -- and actually, that's another thing that happened. Up -- up through '69, you know, simultaneously with the claims act, was the effort to -- to -- with governor now, then Secretary Hickel to -- to clear off the pipeline right-of-way and -- and -- and issue the permit for the construction, et cetera. And that was always going on, sort of, separate from the Native Land Claims. And then it was when legal services and -- actually, on April Fools' Day, as David Wolf (phonetic) has reminded me, which you think is the most appropriate moment for it. It was April Fools' Day of 1970 that -- whatever it was, judge what's-his-name down the street here issued the injunction against the department to prevent the -- the department from letting go of the right-of-way until Native claims were settled. Did -- do you recall that being a joke to the process? Did -- did -- or was that -- did that take a while to sink in as to what implications of that were?

MR. KATZ: It -- it took a while, but the combination of the land freeze and then the decision in the Ninth Circuit relating to the effect on -- on State selections and their -- I don't recall precisely when it happened, but there was a coalescence of -- of various elements. The -- the effort by the State to fulfill its statehood acts entitlement, the effort by the oil companies to obtain a transportation corridor from -- from North Slope crude, and then the motive, moral force and the legal force of the settlement itself. And the land freeze and some of the judicial decisions helped to bring all that together on one form.

MR. MITCHELL: Okay. Well, then the last thing that happens on the House side in 1970 -- and maybe it didn't happen at all -- is that at the last markup when -- when it becomes obvious that this is not moving before the -- everyone goes home in September -- there was talk that -- well, congress might return after the election. And Meads (phonetic) got an agreement from Aspinall that: Well, could in the interim -- could a bunch of us that were interested in this, sort of, have a rump working group and -- and see if we could put something together? And Aspinall, at the markup session said, "Sure, I don't care. Do whatever you want if that -- if you think that would help us move this thing along." And I've never seen any -- any documents that would indicate to me that that effort ever was anything other than stillborn. Were -- were you -- do you recall that at all? Was there any effort to -- to put together a rump group like that?

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MR. KATZ: I recall the colloquy you're talking about, but I don't recall either that there was much follow through, if any. And by that time the effort and Congressman Pollock's office was basically to dampen things down and close up shop and get things ready for his pred- -- for his successor.

MR. MITCHELL: Okay. Well, then that -- you mentioned that when -- that you and Representative Pollock left the -- the -- actually, what building were you in? I never asked you -- were you in -- was it the Longworth?

MR. KATZ: He was in the Longworth Building.

MR. MITCHELL: Okay.

MR. KATZ: Yep.

MR. MITCHELL: You guys left Longworth about the same time and you ended up with Senator Stevens. How did that come about? Did you go -- being out of a job, did you then go over to Senator Stevens? Or did he, knowing you were out of a job, come looking for you? Or did -- what -- how did you guys get hooked up?

MR. KATZ: At that time I -- I had met Senator Stevens on various occasions. I don't think we knew each other well, but I called over to Ron Burtch (phonetic), who was then his administrative assistant, and indicated that I would very much like to remain involved in Alaska issues. And Ron had me come over and -- and he and Senator Stevens hired me at that point. Ron was about ready to leave for Alaska and Senator Stevens was filling out his staff general.

MR. MITCHELL: Okay. Did -- how did you find, when you arrived, Senator Stevens' views about both the substantive views about land claims and also procedurally about the -- the political fix everyone was in; different or the same as Senator Pollock's, or was there a different style of each guy?

MR. KATZ: Well, there -- there were certainly differences -- very different people. I -- I think the admin of -- of Governor Egan on the scene and his willingness, within parameters, to have the State participate in the settlement monetarily and even in terms of giving up some previously state selected and tentatively approved lands helped things. But there was still a very strong opposition movement in Alaska. And that group was very close to Senator Stevens and felt an allegiance to the senator. And it was very heart-wrenching for -- for Stevens, because he was morally committed to -- to passage of a fair Native Claims Act. And yet some of his natural constituents were very unhappy with him for that position, at least at that time. I think things have changed markedly since then.

MR. MITCHELL: Right. Well, how about -- Senator Stevens' relationship, or lack of relationship, with -- with Senator Gravel would eventually become a matter of legend. But was

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that a problem for you in '71 at -- how did you -- how did you interact? Was Rostein (phonetic) still there, and Doug Jones, I guess?

MR. KATZ: The -- the key relationship in that whole period of time was between Senator Stevens and Senator Jackson. And you could characterize it in a lot of ways, but it was one of the best working relationships that I've been exposed to. The relationship with Senator Gravel in those days had its ups and downs, and it wasn't as negative, or as consistently negative, as it might have become later. And Doug Jones, in particular, who had the principal staff assignment in Senator Gravel's office, there was a -- (indiscernible) tremendous intellectual capacity, diligence, and -- and it made the relationship a lot easier than it might otherwise have been.

MR. MITCHELL: Okay. Well, if the major relationship at the member level was between Stevens and Jackson, Bill Vaness obviously had been running this operation at a staff level for Senator Jackson. Had you known Bill before you came over to work for Stevens? And what was your interaction with him?

MR. KATZ: I've known Bill, but not well, because, you know, most of our work centered on the House process. I very quickly developed a lot of respect for Bill and the relationship between him as chief counsel and Senator Jackson as chairman as one of the nicest and, I think, most productive staff principal relations that I've observed in all the time that I -- I worked on the Capitol Hill while -- you know, Vaness was really Jackson's alter ego in the -- in the best sense of the word. And there was just an empathy between Jackson and Stevens that made the whole thing a lot easier, given the nature of the issue that would otherwise have been.

MR. MITCHELL: Okay. Well, I haven't talked to -- to Bill in this kind of a context yet, but did that -- did that relationship that he had with Scoop -- did that let him then go in and -- and actually deal with -- with Stevens as a principal? I mean -- or was he still pretty much at a staff level with you and -- and Jackson and Ted did their business separately?

MR. KATZ: Senator Stevens' general modus operandi as long as I've known him in the Senate is basically to -- to work with anybody, principal staff, whatever, that can get the job done. And I can recall many occasions when Senator Stevens was perfectly happy to work with Bill and deal with Bill. And on other occasions he felt that there -- there were issues that he would have to work out with Senator Jackson, Senator Bible, and others. I interacted with Bill quite a bit, and there were a lot of situations where, you know, staff -- only staff people were present working with each other on various issues. But one of my favorite recollections of that whole period was one time being involved in a staff-level meeting which Bill Vaness was chairing to work on some specific provisions. And I looked to -- to the left and there, sitting to -- behind me and at my left elbow, was Senator Stevens, sort of looking over my shoulder acting as a -- a staff. In those days, there wasn't quite the formalism in the Senate that -- that there is now. And -- and, you know, there was -- it wasn't as hierarchical and strident. And it -- it was just a lot easier to -- to get -- to get things done. And I wasn't really conscious of only dealing, you know, with Bill or -- or whatever. It was just whatever side of people were necessary to solve a particular problem.

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MR. MITCHELL: Okay. Well, the -- the first thing that -- that happens that's -- that's of, actually, cosmic importance in 1971 in the Senate process is that, low and behold, in April, President Nixon comes out in -- in support. Yeah, I'm in -- I'm in as much of favor as social justice as Scoop Jackson is, but to me social justice is 40 million acres. And -- and that obviously was -- was the result of a very serious lobby that went on inside the White House in January, February, and early March. That's -- that's a whole separate part of this whole story. But do you recall -- did you play a role in that or did Senator Stevens? I need to talk to -- when I talked to Senator Stevens in November, there was -- it's unclear whether he was involved directly with the John Ehrlichman, or were you involved with Kilberg or any of those people in -- in that whole effort?

MR. KATZ: Yeah. Senator Stevens was definitely involved with the White House and wasn't always with him, and not necessarily privy to all his phone calls. So I don't know who he interacted with. But I interacted with Brad Patterson (phonetic) and with Bobbie Kilberg, and so did Senator Stevens on occasion. And I remember one key situation where he did get together with -- with Ehrlichman, and they -- they -- they talked about it.

MR. MITCHELL: Did -- was that downtown or did Ehrlichman come up?

MR. KATZ: My recollection was that he was on the Hill. I wouldn't swear to that, but I think he was.

MR. MITCHELL: Okay. And I, again, these may be better questions to put to Ehrlichman, who I hope to get together with, and also Stevens, who I will for sure, but was, basically, this Senator Stevens telling them that 40 million acres and what the Natives wanted were okay with him? Or what was his -- what was he doing in terms of -- of bringing this -- substantively to bring this decision along?

MR. KATZ: Well, the first thing was to get the attention of -- of the White House. And Senator Stevens has strange and wondrous ways of making that happen. And I think by that time a consensus was growing between him and Gravel and Begich that 40 million acres was an acceptable settlement. And, you know, they wanted to constrain the location a bit --

MR. MITCHELL: Right.

MR. KATZ: -- centered around villages and close to Native population centers. But I think they communicated that to -- to the White House, and that helped the White House considerably in its own deliberations.

MR. MITCHELL: Okay. Did -- and one of the things that has been amazing to me at a technical level is -- is really when most of the technical work had been done, it seems to me, in terms of looking at all the work that had to be done on the Senate side by '71 -- because really what -- what the committee did was -- was to take S1830 and then they just added some amendments on to it and moved that out as S35. So they really didn't have to completely reinvent the wheel, but -

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- but the major thing that they did do is, they adopted two land proposals. And when I got into it, I then realized I couldn't figure out before I got into it why they'd done it. And now it seems that -- that proposal arbitrarily, call it A and B -- the proposal A was an amendment that Senator Stevens had offered, which was, as you suggest, 40 million acres, but it was tied to selection areas right around the Villages. And then, not to be outdone, Senator Jackson then had an amendment to his own bill, which -- which he called a 50 million acre proposal, but was really only a -- a 30 million acre proposal because it was 20 million around the villages, plus 10 of free floating selections. And then 20 million acres of subsistence rights, which was really sort of a technical sophistry. And they never voted. I mean, they just took both of them. They didn't vote that. Do you have any light to shed on why they didn't vote them and why they had two proposals rather than -- if this relationship with Senator Jackson with so hunky-dory with Senator Stevens, why didn't the two of them just figure out what it was going to be and put it in the book?

MR. KATZ: I think more than any other legislation I've been associated with, there was a recognition that this bill was going to be written in conference and therefore it wasn't as necessary to work out every nuance in the Senate process. And they recognized that they would be conferencing with a House bill that was considerably different in structure, considerably more conservative. Also, Senator Jackson was very concerned about the concept of subsistence use and subsistence rights. And he was -- he was not sure that the combination of Native fee ownership, plus state -- sensitive state and federal management, was -- was really going to solve the problem. I won't say that was a philosophical difference between him and Senator Stevens, but it led them to inject the -- different not totally antithetical solutions into the mix, knowing full well that in conference with Congressman Aspinall they were going to have to work those matters out any.

MR. MITCHELL: Okay. Well, actually, in asking the last question, I realize that I made a dangerous assumption which was that they didn't try to work something out to have this one proposal. Was that assumption accurate that they didn't? I mean, was this -- were these two proposals the product of failure or just the product of going their separate ways to begin with?

MR. KATZ: I don't really remember all the details about that, but I don't recall any sessions where they butted heads and said you take mine or, you know, whatever. They developed on a parallel track and at different times. They didn't start from the exact same starting point, and I don't recall a real effort to try to resolve it for reasons I mentioned earlier.

MR. MITCHELL: Okay. So you were never sent in to a meeting -- go see Vaness and see if you guys can come up with a single proposal? You don't recall anything like that?

MR. KATZ: No, because I don't think the two proposals were really considered by either of the principals as being totally antithetical to each other. They were just -- different ways of recognizing some of the same issues and problems.

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MR. MITCHELL: Okay. Well, one of the other things -- because we are not at the conference -- well, actually, before we get there, a couple of preliminary matters. And one of them is that I would assume that -- that one of the other areas of policy difference between -- between Jackson and Stevens was on the issue of statewide corporations versus regional corporations. And do you recall today, were there ever any discussions, either with Bill or with the principals themselves, over that issue?

MR. KATZ: Yeah. There were differences on that. And they were significant, but they weren't heated. That wasn't the nature of their relationship. We Alaskans felt that, you know, that this was an Aboriginal Claims Act and therefore the emphasis should be on land and -- and -- and the profit-making nature of the corporations. That this was not a services situation that -- that the services were separate from Aboriginal claims and ought to be dealt with through the normal federal programmatic processes and the appropriations that the claims act was not intended as a substitute for -- for other forms of federal largesse. And then, secondly, there was a very great concern that the statewide corporations would have independent political power that was sort of tantamount to governmental power.

MR. MITCHELL: You mean, in other -- in a Native sovereignty sense in the --

MR. KATZ: Not in a sovereignty sense, but more in the sense of just having the resources and -- and capacity to rival both state and federal government in Alaska. It wasn't -- you know, it wasn't well -- all that well defined maybe. And there was also a feeling that, you know, that these were really different regions of the state with very different cultures, and it wasn't right to -- to amalgamate everybody together and force them to, you know, assume one corporate cultural identity. So, you know, that left Senator Stevens to conclude the regional Village profit making corporations with basically a homogenous culture reflecting prior Native boundaries -- group boundaries -- was the way to go. And Senator Jackson was a -- a little less concerned about that and emphasized the services featured of the settlement.

MR. MITCHELL: Okay. Well, the other -- the only other thing in terms of laying the ground work for the conference that -- well, I think, we haven't talked about is, you mentioned that the Native lobby in '71 was vastly different from what you'd seen in '70 and -- and one of the reasons for that is -- is obviously, after Congress had adjourned in '70, Don Wright was elected president of AFN. And -- and -- and largely, as I can reconstitute the record -- because there were a lot of people in the Native community in Alaska that -- that didn't really know what was going on in Washington, but they thought that they were getting sold out, that the Jackson bill, 7 million acres or whatever it was, and the Ramsey Clark approach of, you know: Don't you guys come down here. Just let me -- you know -- I'll go in and meet with Scoop and -- and you can't go wrong with chairman and all that kind of stuff. They didn't understand the technical part, but they thought in their gut that they weren't being well served and that's how Don got elected, in my view. So I guess the first question is -- is, was that a surprise to -- to you when Don Wright was elected? Did you think everything was fine in the Native community and -- and -- and how would you view his -- his in the Native lobby and 71's performance?

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MR. KATZ: Well, in my opinion, the Claims Act is the combination of a rare set of circumstances which came together at a point in time and may not duplicate itself again in America. In one level there was a recognition pretty broad in -- a foot in the Congress that prior American Indian policy hadn't worked, and -- and whether that be reservations or conquests or allotments or whatever -- and that we needed a wholly new approach. So the -- the Congress was receptive, and prior years it wouldn't have been. Secondly, Don Wright, in my opinion, was the right leader for the right moment in time. (Break in tape.)

MR. KATZ: There we go.

MR. MITCHELL: All right. We're back on.

MR. KATZ: But anyway, at that point in time, what was needed was an articulate, abrasive, proactive kind of person like Don to kind of be the spiritual leader of the effort. Other Native leaders had helped laid the foundation of -- very articulately, but a little more quietly. Another aspect is that the State administration changed and was more favorable to State participation. Another is the Nixon administration was on board with the 40 million acre settlement, and a lot of Nixon detractors have loved to speculate about how it happened and why, but the fact is it did happen. And my own judgment is that there was a sincere commitment there to Amer- -- American Indian issues, particularly the Claims act. And Ehrlichman was a -- an important factor in that -- all this subsequent history notwithstanding. And there was a very rare coincidence of powerful forces which don't often allow themselves. The oil industry and people have said, "Well, they only did it because of Prudhoe Bay." Maybe so, maybe not, but they were there, and I think they were an effective presence. Church groups, civil rights groups, Indian and Native groups -- and they allowed themselves to fall under the coordination of -- of various captains and lieutenants, and they don't usually give up their autonomy in -- in that regard. So Don Wright fit well into that context. And the context was very effective, I think, in supporting his leadership. And the AFN provided, I think, a lot of moral suasion to the process, generally.

MR. MITCHELL: Well, now, Don obviously would subsequently become a -- I guess the -- the - - the understatement would be "controversial member in the Native community." How did he -- do you recall how he handled himself that year in terms of meetings with the principals and things? I mean, was he -- did he project a -- I mean, was he viewed as -- sort of the way people view him today, as sort of Don Wright, a little too far off the scope? Or was -- did he look like a solid citizen? Or how did he -- I mean, was he taking -- was he a man of substance in those days? How was he perceived, do you think, by the process?

MR. KATZ: I think the process perceived him -- well, perhaps a little nervously, but that nervousness probably endured to Don's benefit. He could be very confrontational. He could be very friendly. He seemed to know which demeanor to assume in what circumstances. I remember some difficult discussions in our own office -- you know -- Senator Stevens presiding, but there was a basic friendliness and trust in those days, I think, between senators -- between Don Wright and the congressional delegation. And Wright, you know, used his lieutenants well, and -- and allocated them where, I think, they could do the most good.

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MR. MITCHELL: When you say lieutenants, you mean, like, Parmeter, like, Foster, and people like that? Or are you talking about other Natives?

MR. KATZ: Well, he had a combination of Native and non-Native lieutenants -- maybe lieutenant isn't the right word in all cases. But he had help from non-Natives and Ken Bass, who was, you know, the legal counsel. Parmeter did a lot of the public relations liaison work, but there was an articulate cadre of Native leaders, who were well known and well respected in different parts of Capitol Hill. For example, John Borbridge was very effective with certain members on the House side. Willie Hensley, similarly so, and with some members of the Senate. And I don't know how all of that was orchestrated internally within the AFN, but in terms of the net result and being on the receiving end of some of those efforts, I -- I would say they were among the most effective I've seen.

MR. MITCHELL: Okay. Well, when we do get to the conference -- which I understand took place over on the ground floor of the Capitol building, how -- how did it work in those days? Were -- were you staffed as actually in the door or were you out the door with -- with requiring lobbyists? Or where -- how did the staff -- I know how it -- how it happened over in the House in terms of staff participation. What -- what was the situation with the conference?

MR. KATZ: That was in one of those periods where no personal staff were in the conference. My role was to be there for Senator Stevens. We discussed a lot of issues. He would give me language to review and, given his opinions, I recall two or three very intensive sessions in his office where we would, you know, kind of jointly review different pages and different provisions. But as to the conference itself, the advocacy occurred among the principals and the -- almost all the staff work, as I can recall, was done by Lou Ziglier and Bill Vaness, who in turn called upon committee staff for -- for different discrete tasks. But they -- they did most of it and they did it -- the major drafting in an incredibly short period term of time which not -- not attributable to any fault of theirs, may reflect some of the subsequent problems with the Claims Act.

MR. MITCHELL: Okay. Well -- so then, basically, what you're telling me is that for the conference itself, other than -- other than the members, Bill and Ziegler were the only guys that got in the door. And was that --

MR. KATZ: There may or may not have been some staff person who was in there for a particular purpose. And I'm sure that the Republican counsel were -- were in there too, but --

MR. MITCHELL: But, like, you and Doug Jones didn't get in --

MR. KATZ: No.

MR. MITCHELL: -- or Guy Martin or stuff like that? You guys were all out in the hall?

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MR. KATZ: Right. Well, I didn't like to do that as much, so, you know, we were in the tactical places where --

MR. MITCHELL: Well, metaphorically speaking.

MR. KATZ: Yeah.

MR. MITCHELL: Metaphorically speaking. Right.

MR. KATZ: Right. That's true.

MR. MITCHELL: Okay. Well, the -- the one thing that seems to me, in terms of -- of a lot of the, quote, "problems," closed quote, that we've had with the details of the claims act, when you look back on it, it comes from what I think is the most important decision that the conference made, which -- which was the first thing they did was -- was make Aspinall the -- the head of the whole conference. But I just talked to Lloyd Meads, and he told me that the reason for that is that it went back and forth like a ping pong ball. So just -- that was an easy one because he just -- Aspinall's number had come up on this bill as opposed to the last bill at the conference. And -- but the other one was that then they voted to use the House bill as the markup vehicle. And I've been around enough to know that if you let me do that to you, I'm -- I'm, you know, 80 percent of the way home. If you could -- if you'll agree to use my bill for us to use as the basis of negotiating our common disagreements -- and so I guess the question was, do you recall that issue? Do you recall talking to Senator Stevens about this whole question of who is -- which bill was going to be the markup vehicle? And was that as big an issue as -- as I've just made it?

MR. KATZ: There was a lot of attention given to the care and feeding of the House Interior Committee leadership because this was pretty tenuous. And we were getting late in the session and there were significant differences between the House and the Senate. Not only in terms of their legislation, but their general ideological approach to this bill. And the whole thing could have fallen apart at any moment, and there were questions about whether the coalition could be kept together, about whether the legal matrix of -- would -- would remain the same. And I think one of the concessions that the Senate was willing to make to assuage some of chairman Aspinall's concerns, was to use the House bill as the -- as the markup vehicle.

MR. MITCHELL: Okay. The -- the other thing is that the -- after they do that, there's really only two things that occur when you cut through all the bologna, as far as I'm concerned, in the conference. And the first was that everyone had agreed going in after they almost -- almost with the same ease that they used the House bill -- that they were going to have a 40-million acre settlement. That -- that went pretty easy. And they then got hung up -- at least as I look at the paper trail -- on the issue of which 40 million acres. And that eventually got -- got cut loose in the way that, obviously, we know it did, because that's what's in the claims act today. But the flux, it seemed to have had a -- a major stake in that other than Natives, was, of course Egan in the State of Alaska. And I have not been able to see a lot of their presence around the conference,

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but I've also heard that Egan was in town and perhaps sort of hiding out with Havelock. They were there but not there. Do you have any light to shed on that --

MR. KATZ: Well, two things. One is that Egan was present through the whole process of -- of the claims act enactment in '71, quite a bit. And one of my favorite recollections of him was in the days where we were still convincing people on -- about the wisdom of a settlement. He would literally come in and get an assignment list in the morning, and go off by himself visiting members all day long and come back with a list of, you know, little check marks and marginal comments at the end of the day. And he and John Havelock were in town. I don't recall if it was during the entire conference period, but -- but they were there at least for part of it, and then they left Esther Wunnicke, who was an assistant attorney general behind to work with the delegation, and with Senator Stevens to try as much as possible to -- to reflect State views in the final drafting.

MR. MITCHELL: Okay. So when -- when -- as I understand the story, it was actually Wickwire (phonetic) and Parmeter actually thought up the -- the formula that became the formula, and that they gave it to Meads. And so it was sort of Meads's proposal that went into the conference that everyone had accepted. But, I guess, my point then is that the -- the State was involved and they would not -- they would not have not been involved in a decision of the conference to accept what became of the -- the formula.

MR. KATZ: Well, two things. One, that the delegation was certainly where -- what Governor Egan's bottom lines were. Secondly, there -- there was a presence, whether it was the governor at one time or -- or Esther or another. I don't recall exactly how they expressed themselves all the time during that period, and whether they specifically acquiesced in the final version of 40 million, but their -- their presence was certainly felt in that -- in that process.

MR. MITCHELL: Okay. Well, the -- the next thing -- and actually the last thing that happened is -- is that issue gets resolved. And so as I understand it, Jackson and company basically tell Stevens, Gravel, and Begich that, with respect to all these subsidiary issues about how this thing is really going to be implemented, et cetera, it's your state. You have to live with it. You guys go off and figure this out and come back to us. And -- and they went off to, I guess, Stevens' office. It might have been Gravel's office. And I guess Egan did show up for this and there was this reported secret meeting where these arrangements were reduced to writing, that -- that Gravel then turned right around and unsecreted by going to AFN and -- and giving it to them. And I -- I guess the first -- the first question is that my description of that may be a bit (indiscernible) but it does appear to have been a secret meeting in the sense that no one asked the Natives who's -- who were going to have to live with these arrangements -- to participate in such a meeting and -- and why -- why was that?

MR. KATZ: Well --

MR. MITCHELL: And we wouldn't do that today. I mean, you could never get away with it today.

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MR. KATZ: Well, first, I think there were more issues that, you know, where the general parameters were set by the conference than just (indiscernible), but, you know, because we were dealing with things like State participation and the settlement and --

MR. MITCHELL: Right. I was (indiscernible).

MR. KATZ: -- and the amount of money in total, which was going to involve (indiscernible) federal appropriation, but it is true that a lot of the issues -- and, I think, maybe the corporate structure was part of that. You know, not left to the Alaskans, but at least their vice was subtle. And I think there was a -- there were meetings at the staff level with just the delegation. And there were meetings among the principals. And I think, you know, the Natives were sometimes involved in different meetings. I don't think there was anyone that was just totally critical to the ultimate outcome. And -- and in situations where they weren't, there was a lot of consultation, a lot of phone calling, a lot of meeting, you know, before and after work and that kind of thing. So it's not, in terms of format, the -- the kind of thing you'd like perhaps, but I think in terms of the -- the net result -- the -- you know, there was a lot of Native (indiscernible) to that process.

MR. MITCHELL: Okay. Well, you know, of course, that isn't the way they viewed that.

MR. KATZ: Right. Well, there gets to be a point in any legislative process -- and I guess this is worth saying -- even one that effects one group where the guys with federal elections certificates get to make the decisions. And since I'm now in a role where, you know, there's a point where we have to receive and the guys with federal election certificates make the decision. I -- I know that sense of resentment and -- and it would be quadruply, so for -- for people involved in an Aboriginal claim situation, giving up their rights to land. But, nevertheless, that's the nature of the process. And there was a point where the federal people made those determinations, and I think the net result was, as is often the case, nobody was totally happy with the result.

MR. MITCHELL: Right. Well, assuming it was the way you just described it, then were people -- do you recall either Senator Stevens or you or -- or the other participants in all of that were less than pleased when -- when Senator Gravel immediately walked out and said, "Yes, I'll keep this in confidence" and turns right around and gave it to AFN?

MR. KATZ: Oh, I don't -- I don't remember the -- what representation he made within the thing. But I remember that, you know, that at least by the lights of our office and Senator Stevens, that some of the younger standings we thought we had were not adhered to throughout the -- that makes for interesting speculation, but in truth, that was just a blip of what was pretty close to the end of the process where -- where, at that point, there was a lot of momentum.

MR. MITCHELL: Okay. Well, then the only -- the only two substantive questions I have before I give you the last one that I always ask everybody is, there are two -- there are two things that I think, subsequent to this conference, have caused -- caused lots of -- of animated activity if nothing else. And the first is, obviously, the conference. And -- and Senator Stevens and Gravel

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accepted, you know, whatever it was called -- the Bible amendment, which -- which led to -- if not led to -- which was section 17(d)(2). And did -- do you recall that at all being a subject of controversy? And did people at the time realize what the real implications of that were in terms of how devote -- to what, the rest of our lives?

MR. KATZ: Well, we haven't talked about it a lot, but there was a tremendous conflict that -- that underlaid all of this, involving, you know, how conservation concerns were going to be included in that in an Aboriginal land claim settlement. And that didn't begin late in the process; it began early. And the House, Congressman Udall and Congressman Saylor were both very concerned about such a huge land allocation and what that would mean for conservation interest, so that led to the development of Section 17 in total, which, in one way, has very little to do with an Aboriginal land claim settlement. And another, perhaps, was part of the -- was very much related to a total land allocation in Alaska and provided some of the lubricant for the settlement. And both 17(d)(1), which related to secretarial authority to withdraw lands in the public interest, and (d)(2) relating to secretarial congressional interaction in the court, national interests were given quite a bit of concern. And they were a tremendous concern to the Alaskan miners and other land user groups in Alaska. There was a feeling that, to get the requisite number of votes in the House and the Senate, that something was going to have to be done with respect to those issues. I think, in terms of the expectation that Alaskans had with respect to those provisions, nobody ever thought that section 17(d)(1) would be used the way it was, leading to such massive withdrawals in various administrations. Or the -- section 17(d)(2) would lead to the mass of legislation in -- in 1980. But clearly the -- the conference committee had made obeisance -- more than obeisance to those matters -- and I suppose in retrospect one should have figured out that they might be implemented in that way.

MR. MITCHELL: Okay. But then I -- I don't want to, again, to misconstrue this, but you're saying that -- that people were aware of the general issue and, because of the politics of it, there had to be something like that in the bill, but -- but did not really -- because there were many other items of equal technical -- of an equally technical nature that were on the table that dealt directly with land claims, that people didn't really think through the potential implications of what was happening? I don't -- I don't want to misstate it here.

MR. KATZ: No, I don't -- yeah. I think perhaps nobody envisioned the ultimate outcome in terms of the parks, refuges, wilderness areas, or national monuments created by President Carter, you know, refuges created by administration action on the Carter Administration. Perhaps not to that full extent, but, you know, as with any legislation, there are relatively few real knowledgeable people of knowl- -- or experts. And as to particular provisions, there are even fewer -- I think the congressional -- the Alaska congressional delegation was aware of its potential and, you know, initially, they tried to -- to delete those provisions. That was the source of some real acrimony and between Congressman Pollock and maybe Congressman Saylor in the -- in the House. But failing that, they tried, as they could, to circumscribe them, but by that time there was a lot of national environmental interest in the situation represented by Udall and Saylor. And I think the ultimate outcome represented the ebb and flow of a lot of discussions, but I think it would be, you know, unfair to say -- particularly if you look at the written word -- that

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it was not possible to envision some of the consequences or that people did not see those consequences.

MR. MITCHELL: Okay. Fair enough. And then the last one of these is, that it is amazing to me, particularly -- both with the way things turned out in terms of my own personal activities, that if you read the start of Alaska Natives and the Land and you look at the testimony of the whole thing -- and -- and one of the driving motivations for the whole exercise was protecting the Village subsistence economy. And, you know -- which was a lot of the fight about how much land, you know -- what was -- is the -- the land ownership thing going to be used to protect subsistence? I mean, that is what a lot of the people thought, that -- that were involved in this. And we get into the conference and the Senate provision on subsistence protection drops out. And -- and analytically I can -- I can say to the tape that it's -- that it's -- that's the -- sort of the grandparent of the whole idea of what later became our Title VIII of ANILCA is a more sophisticated and perhaps even more screwed up version of -- of Section 21 of -- of the old Senate bill. And -- and do you have any light to shed on why that was not accepted by the conference? Who -- did the State come in and adamantly oppose it? Did -- was there any discussion about that?

MR. KATZ: Well, my debilities -- I wasn't in the actual conference. But I think there was some sentiment that 40 million acres of field and land would give Natives the option of -- of, you know, using the land for development purposes or protect subsistence or both. There were, you know, there wasn't the recognition that subsistence -- there was a recognition, but it wasn't translated that subsistence use would trans- -- transcend the narrow bound- -- the boundaries of 40 million acres and extend beyond that. And subsistence was related to a whole concept of the land and the importance of the land that was very well advocated by Native leaders. But I don't recall a subsistence in the context of ANCSA having the same significance that it did in the context of -- of ANILCA 10 years later. Now maybe we needed that 10-year experience to understand how subsistence worked and what it is, but there was never the same detailed discussions about subsistence cultural, economic -- both, you know -- how did we regulate it, quantify it, and all that in the context of ANCSA as there was later on.

MR. MITCHELL: Okay. Well, I have -- I'm sure that I will think up other things to ask you at -- at some point, so I'd like to reserve my right to do so if I think of other stuff, but I pretty well exhausted my questions for today. The -- the one thing that I always do since this is going to be, you know, hopefully for folks to listen to far beyond just my limited project is -- and it's the subject probably for a whole other tape some other day. But I've asked sort of all of the people that were involved -- with the benefit of hindsight, of course, which makes it easy -- how do you think this handiwork today has turned out? And, again, with -- with the ease of hindsight -- if -- if at a staff technical level you had it to do over again in terms of, you know, Village corporations, regional corporations, all this -- these endless amendments that we've had since '71, what -- were there any basic arrangements in the act you would have done differently?

MR. KATZ: Well, I think it -- it turned out remarkably well given all the constraints and the fact that this was produced, you know, in a very emotional environment in Alaska and back here. But

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I -- I think there's some interesting things. I've given a lot of thought to your questions over the years too. It's been my lot in life to have to try to implement some -- some of the provisions that we helped draft years before. For one thing, despite the best of motives of people -- and I think all the cynics to the contrary that the motive force for this legislation was -- was a -- was a good one and a -- and a moral one. It wasn't simply land freezes and Prudhoe Bay oil and what the revisionist histriant [as spoken] -- historians would like to project, but there is a Western culture bias in this bill because it was drafted by Westerners. And so it includes concepts that we're comfortable with, like, corporations and, you know, land. It -- it ignores most of the major tenants of Alaska Native culture, i.e., the common ownership of property, the lack of experience with -- with corporations. And so the goal was to give the Native people the option to -- to do what they wanted with their fee-owned land. Very different than the trust relationship in the Lower 48 with the Secretary of the Interior, but there is an inevitable Western bias in -- in the act which has led corporate decision makers, I think, in certain directions that were not necessarily fully intended by the authors of the bill. In terms of the bill itself, I think it -- it -- where -- where the problems have occurred, they have occurred because the bill is so complicated. It took people literally years to figure it out including the Native people and the government. The government was -- had to totally reorientate itself -- the federal government. Initially the bureaucracy was recalcitrant, but it took them a long time just to -- to figure it -- figure out the provisions and what they meant. The drafting was probably as good as could have been done in a short period of time, but it is not very good, you know, drafting, you know, given the complexity of the issues. It led to a lot of litigation -- the lack of clarity, the problems that weren't thought out well enough in the legislation -- so that diverted people's energies and resources from, you know, from the Aboriginal settlement and less constructive channels. And, you know, there -- various problems like that. For example, I would like to have seen some of the provisions less -- requiring less future execution. Perhaps we could have fixed the actual location of the major land entitlements a little better. We could have avoided some -- you know -- written more into the act and avoided some of the conflicts that appeared later in the drawing of regional boundaries and selections and other aspects. But all that is -- is hindsight, and I'm not at all positive that if the act had not -- if it had not passed then, that it would have passed later. It -- it was difficult to maintain that consensus of people at that point in time. And now that we're viewing it 1992 and not 1980, a lot of the problems that were caused by poor drafting -- maybe poor conceptualization, initially poor implementation, their bias now, and we can look at the act, I think, with a little more detachment. And the summon substances that -- that pretty soon Native corporations will have 44 million acres of land and all that that represents. And maybe that wasn't a bad day's work for that congress in 1971.

MR. MITCHELL: Okay. Great. The -- the only -- the last thing, however, that raises, that's always been amazing to me, is that as near as I can do it to be generous about it, there were really only about 20 guys in the Native community that were involved in this. I mean, you know, there was the five or six obvious ones. You know, Hensley, Wright, Borbridge, and then there were other people sort of behind them. But there really are not that -- very many people. But -- but when you do the math on 200 Village corporations and 12 regional corporations, and if you give them a board of directors of -- of at least 10 people and -- and perhaps a lot of them have way more than 10, closer to 20, I mean, you really -- logic would suggest that to -- to staff the

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implementation of this very interesting and -- and unprecedented social experiment in one of the most underdeveloped parts of the United States, particularly in 1971, that you -- you -- the act was presupposing that there were literally thousands, if you do that math, of folks sitting around in -- in Noatak and Kasigluk and other distant venues who could immediately, sort of, pick up the ball that was thrown to them. And that -- a lot of problems, it seems to me, has been a result of the -- the lack of reality underlying that assumption and that's my only fix on it. But I was wondering was -- was that ever discussed? I mean, did you recall ever being in any staff meetings, either with the Sen- -- with principals or staff people, about -- about that kind of math and whether this really had a chance at the Village level?

MR. KATZ: Not in those terms. And I think you've elucidated one of the principle problems with the act in it's concept- -- conceptualization, early implementation, and that is not on the government's side and not in the Native community, were there the human resources to implement it? It required an amazing adaptability in orient- -- reorientation of the Native community to concepts that were pretty foreign to their culture. It's amazing that it's turned out that well. There were kind of abstract discussions that I remember about, you know, this was called the, you know, Alaska Native Lawyer Settlement Act and this and that. And a recognition that its complexity, et cetera, was going to require a lot of help. But I don't know that the conception that -- that, at least initially, there would be relatively few knowledgeable people to implement it really went back to modify or re -- reform, any -- any of the major provisions of the legislation.

MR. MITCHELL: Okay. Well, good enough. Well, as I said about five minutes ago, I'm out of questions and very much appreciate it, needless to say. And it's been a lot of fun, I think, putting you in the hot seat. And I guess that will be it for this tape. (End of audio recording.) -oOo-