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SENATOR STEVENS: (Indiscernible) Interior the year of '67. We -- my successor would not let me represent any of the Natives. I find it very interesting how the conflict of interest statute applies -- statutes apply to Republicans. They never quite seem to apply to Democrats.

MR. MITCHELL: Yeah. Eddie Weinberg got out of it.

SENATOR STEVENS: That's right. Eddie got out of the business, and immediately he was representing him before us, right at the time. But he had been the one who had denied me the right to even have a token payment to pay my expenses of representing him here. It's always sort of galled me.

But in any event, the impact of legal background I had, as far as the potential of legal difficulties for the new state coming from really long litigation of land claims I think just drove me to try to bring about the total legislative solution. The state legislatures said no. I think as a matter of fact they had a resolution they sent us backing the Miller position.

MR. MITCHELL: Right.

SENATOR STEVENS: So it was not -- it was not -- I don't think anyone saw it as a surprise. We did see it a little bit of a surprise in terms of him taking on Hickel. Remember, he wasn't just taking on me; was taking on Hickel.

And my memory of that hearing was that Gravel just sort of relished the Miller testimony and sort of led him on and egged him on, so that he could create that chasm within the Republican ranks, because he did not want go the direction Hickel and I wanted go.

MR. MITCHELL: Well, I was going to ask you about that, because obviously in the fall of 1969 you were going to have your first election the next year to defend your seat. And obviously your core base of support at that point was through the downtown business community, as opposed to Gravel certainly had the Natives in his pocket at that point.

Did you view that as -- in terms of Miller and Gravel trying to incite Miller, did you view that as a serious potential problem for the election, or how did the electoral policy play into this?

SENATOR STEVENS: I got to tell you that at the time we had such a sense of mission, I don't think that it really was a consideration. Being an appointed senator was just such a -- really an opening for me that we really didn't even start the campaign of '70 until fairly late in the '70 -- into '70.

And Wendell Kay was a friend. I'd known him practicing law. But we had just a -- I don't know, a closed mind on this. I had been at it too long. As you know, there is a long history of wanting to bring about the settlement of these claims.

And we had a poll taken, as a matter of fact as I recall, that shows some, I don't know, 60, 70, 70

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percent of people.

MR. MITCHELL: Closer to 80, actually.

SENATOR STEVENS: But I'm -- statewide. About 80 here in Anchorage. They were just totally opposed to the concepts we're pursuing and backed the Miller position. So that -- that's where we one time coined that statement. I think Marco Pignalberi will remember that. It was just, to hell with politics. Let's do what's right for Alaska. That was the slogan for that year, the campaign in 1970.

MR. MITCHELL: Right. What the cufflinks say.

SENATOR STEVENS: That's what the cufflinks say, The 70 cufflinks.

MR. MITCHELL: Right. Well --

SENATOR STEVENS: And the interesting thing, we learned a lot about politics in that election because of that. Because I'm convinced Alaska is one place where you don't have to agree with people. As long as they think you know what you're doing and believe in what your doing, they will not oppose you even though they don't agree with you. Very interesting thing.

We -- I was very surprised actually at the support that I got in '70, in view of the fact that there was no question that going back in '71, I would pursue the same concepts. It was the key issue at the center of the campaign.

And I think you can find from the press reports that my old friend Wendell sort of rode the fence a lot between Gravel and Miller on one side and the Native people on the other. He thought the Native group was his base, which it had been until that time.

MR. MITCHELL: Well, now back to the chronology. And after these first meetings that don't get very far in November of '69, you and Gravel actually do at least try to mend your fences and actually come up with a joint proposal at one point.

SENATOR STEVENS: Well, we came close to a joint proposal. I don't think it was ever finally signed off, but we came pretty close to having a joint proposal. And John Kapps -- have you talked Kapps?

MR. MITCHELL: Yeah, yeah.

SENATOR STEVENS: Kapps was with me at the time and was my negotiator. Doug Jones was his. And I think that Kapps was the better negotiator. Kapps showed at the time his real talent for resolving issues and pursuing them. And we did come across a newsletter. I don't know if you've seen the newsletter we've put out answering basic questions.

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MR. MITCHELL: I just got a copy of that.

SENATOR STEVENS: You got that? Yeah. Well, that was a basic work of Kapps. Of course, they were my answers, but he worked up the format. And I think that that was as close as we came to being in agreement.

MR. MITCHELL: Right. Now, whose idea was it to try and get together; do you remember? Was that basically you going to Mike or Mike going to you, or you guys --

SENATOR STEVENS: It was Jackson. Jackson said, you guys -- if you want to get this worked out, you've got to stop this bickering, and we're not going to have any more hearings until the two of you get together.

And Gordon pushed him on that saying, yeah, but the trouble is that -- here we got Hickel and Stevens on one side and Gravel on the other, and -- but, you know, Jackson didn't want to make it a partisan thing at all.

He ended up by being more supportive of my position. And he and I had a lot of private meetings at the time, some with and some without the Van Ness. And the impact of that led on into the ANILCA battle, as you know.

MR. MITCHELL: Right. Well, now the reason that that approach didn't ultimately go was apparently 9 all the Natives came to town in late December, a couple weeks before Christmas of '69. This deal was unveiled to them. I know Evi (phonetic) Hobson was there and was quite upset that the one component -- you had given ground on the revenue sharing. You made a concession on that package, but there was basically no real land grant in it. And the Natives --

SENATOR STEVENS: Well, I don't think that was ever settled.

MR. MITCHELL: Well, no. The Natives walked out because -- well, at least they walked away from --

SENATOR STEVENS: I mean, the thing we gave Jackson indicated we still had some issues that were not resolved, is my memory.

MR. MITCHELL: The Natives certainly thought that there was no land in the deal, that you and Mike -- they perceived that you and Mike were basically trying to get them to accept it.

SENATOR STEVENS: Well, Jones gave Gravel a memo. And that memo, Kapps critiqued it and came up and showed me that that was not -- we had not totally agreed on some of the positions that Doug had set forth to Gravel. And I think I conveyed that to Jackson. And

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that's how we wound up that year, that we just wound up that year with an attempt to get an agreement, and we came as close as we ever did to having a joint position.

By the time we came down to going into 1970 and into the meetings then that had started -- were starting with (indiscernible) coming back for a meeting with me, and then with -- we had some meetings with Patterson, that he worked with Patterson. And we were going around both Gravel and Hickel by that time.

MR. MITCHELL: Well, that's actually '71 though.

SENATOR STEVENS: Well, but it started in '70.

MR. MITCHELL: But in late '70. Late '70, not early '70.

SENATOR STEVENS: No. We -- well, I don't know. It is a long time ago. But my memory is we wound up the first year with just -- with an attempt to get an agreement. We went into the next year with a whole series of meetings. I don't think -- I don't think Jackson gave us a lot of time in the committee in '70.

MR. MITCHELL: Well, you guys were part of the bill in '70, that's right.

SENATOR STEVENS: We were part of the bill. I don't think he gave us a lot of time. I mean, it went out in the committee, and they weren't going -- certainly not going to take the thing up with me up for election. That was the -- there was no question about that, right? It was just not going to be done. We spent a lot of time -- I spent a lot of time working with the right and with the Natives. And the Miller thing was just a closed door. I don't have much memory of doing much in the committee in '70 other than marking up that bill and getting it the hell out of the committee.

MR. MITCHELL: Well, I was going to ask you about that markup, because obviously there are, like, 15, 17 members of the committee. And who basically cared? I mean, was it -- was it basically you and Gravel and Allen and Scoop or were there -- was Clinton Anderson and Fannon and these people actually interested, or did they view it as more of a parochial issue that didn't concern them?

SENATOR STEVENS: Well, minority rights in those days were coming in to mean Indian rights, and there was a lot of Indian stuff before the committee.

But in terms of motivation, Hatfield was motivated and Vellman (phonetic). They had the Indian background in their committee, and so did Bible, and Metcalf to some extent. Not -- was it Metcalf? Metcalf, yeah. Metcalf was still there. Yeah, Metcalf. Actually, of course, I had the subcommittee. Clint Anderson I knew, but, you know, he was just sort of passing through it then. I don't think he had that much impact on the committee really. But Allott was a driving force on

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trying to help me and the administration accomplish more than one of the administration's -- it was by that time on the President's program.

Presidents in those days had a definite program, said this is -- they said set the goals. Eisenhower had done that. Nixon had done that. And this was one of the President's program items. So I think it got out of committee primarily to say that they had acted on some of the requests that had come from the administration more than anything else.

MR. MITCHELL: Well, now one of the things that you were not successful on in the committee markup is that the bill that the committee reported to the floor in '70, that was eventually passed by the Senate in '70, implemented the settlement with just two statewide corporations, which is the land use plan -- I'm sorry, the field committee, Jackson --

SENATOR STEVENS: It was the field committee. It was, what's his name? Joe -- Joe -- what's his name? Joe Fitzgerald.

MR. MITCHELL: Joe Fitzgerald.

SENATOR STEVENS: And basically he was dominating the scene then.

MR. MITCHELL: And I was going to ask, did you try and explain to Scoop why just statewide corporations were a bad idea and he wasn't buying, or was it just not raised at that point or -- I know that I have seen some early drafts of the committee markup, and the regional corporations were in, and then they came out before the committee (indiscernible).

SENATOR STEVENS: I think at the time that Gravel was trying to tell the Native groups that they were going to have stronger position in the state if they had management -- statewide management rather than regional management. And he never quite saw the problem of some sort of a regional equity in terms of the population base.

And he didn't see the advantage of the revenue sharing of 7(i) concept. I think that was my idea. But again, I have a memory of a memo from Van Ness to Scoop dealing with the question of the corporate structure. And they ought to have that.

MR. MITCHELL: Okay. Well, the major --

SENATOR STEVENS: The reason we came out with what we did was that -- well, that was the Jackson decision, based upon sort of an arbitration of position that Gravel was articulating on. I was still articulating at the time, I believe, village corporate structure, and he was articulating statewide to corporations, and I think that's where it came up. That's one of the things he wanted in that version of the bill.

MR. MITCHELL: Well, the major event of the floor action on that bill in 1970, as opposed to '71, was that there really were not a bunch of crippling amendments.

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And I have been through the press clips, and it looked like there was a lot of anxiety that there might be amendments from the Republican side on the floor to get rid of revenue sharing or to reduce --

SENATOR STEVENS: Did we kick that over to the House that year?

MR. MITCHELL: Yeah. In '70 you did.

SENATOR STEVENS: I had forgotten that, frankly.

MR. MITCHELL: Yeah. Remember Harris -- Fred Harris and Ted Kennedy had a 40 million acre amendment that sort of got creamed on the floor.

SENATOR STEVENS: Yeah.

MR. MITCHELL: And that was really -- and you got up on the floor, and Jackson as well, and Allen, too, and said, look, if this is a package, and if you guys take the 40 million amendment, that's going to set off the other side. I guess -- what was his name? A senator from Delaware, was it John Williams?

SENATOR STEVENS: Yeah.

MR. MITCHELL: Williams and Allott and all these other people, you know, they've given up a lot to get what it is we have now. And if you sort of enlarge the package, you're going to upset the balance.

And was there a lot of -- I mean, did you have to do a lot of work to keep those guys under control, or was --

SENATOR STEVENS: I got to tell, you've run into a blank spot in my mind, because I really had forgotten that that bill passed in '70. And as you tickle my memory, I do recall the debates on the floor with Harrison and with Kennedy, and I've just not gone back over that at all.

The bill was -- I really think we view that as trying to get the House to address the issue and get it over there. I don't have any memory of thinking we'd get that passed that year, with the divisions that were there with the state and within the senate, but sort of, just as I said, do something to react in the Senate to the President's program. And it was -- it was taken up for that reason.

But the motivation for getting it to the House was the same as it was later, to get it to conference. We were going to write the bill in conference, as you know.

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MR. MITCHELL: Right. Well, before we get to the House, the one thing that did happen was that while you were marking that bill up in April of '70, along comes George Hart, who was the district court judge there in the District of Columbia. And in the Stevens Village case, enjoins the department from issuing the TAPS right-of-way permit across Stevens Village lands.

Now, up until that point, everything that I have seen sort of indicated to me that everybody, including the AFN and the Natives, assuming -- and this isn't the story they give you today, of course -- assume that Native claims was going down one path and the TAPS authorization was going down the other path, and that they were not -- they were not linked either politically or legally. And certainly that injunction, at least the perception that they might be linked, it seems to me that that's when that happened.

And so I guess my question is, first, were you surprised when that injunction was issued? Because I find it to be wrong in the law ironically. Shouldn't have issued the injunction. And do you think that that really had an effect on how Congress viewed settling Native claims?

SENATOR STEVENS: Well, it wasn't wrong if you look at it from the point of view of the old surface use occ. I mean, they had a right to have that determined, whether they were going to be disturbed in their use and possession of the lands that they occupied.

So I think if it was not a surprise to me -- as a matter of fact, we viewed it -- and I have a memory there, again, of a conversation with Jackson over in his office, which is the one that -- the one that I know he has now, I think -- the capitol office, about the impact of that. And he -- he had indicated just what you said, that they had no legal basis. I see no -- if that use occupancy statute means anything, it means that they're entitled to injunction until they can have a hearing as to what lands are going to be disturbed in terms of the current use. And what is use? That was still never the same.

A lot of people woke up to what the land claims meant as a result of that Stevens Village. Many people thought it was -- somehow I was connected with that. You know, it's a different spelling. And now -- in some ways it is and some ways it isn't. They report it both ways. Stevens Village is a "PH" in some instances and a "V" in others.

MR. MITCHELL: Right. Right. I've only seen a "V," actually.

SENATOR STEVENS: Historical thing was "PH," I think. But anyway, they've got a -- they had, I think, the right to use the land without being disturbed, and it would take a congressional action to get rid of that right.

MR. MITCHELL: Oh, I agree with that.

SENATOR STEVENS: I think that solidified the reason for getting a legislative solution, if we were to have any kind of potential future for the new state.

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MR. MITCHELL: Right. Well, the only reason I say it was wrong is that (indiscernible), was the actual injunction went off on an obscure Indian tribe; right-of-way statute that everybody I've talked to, including the lawyers subsequently involved, you know, Reid Chambers, and everybody says, yeah that statute didn't have anything to do with this particular case.

But it certainly made the point about the relationship between aboriginal title and the right of 9 way in a way that seemed to be politically helpful. But --

SENATOR STEVENS: Well, you know, the discussion shows why you probably ought to be looking at the files rather than talking to me. I have a different kind of mind. I really -- once I've finished something, you know, that's the last case. I'm working on the next case. I really don't focus on what went on or how we, you know, got this result or that result.

We have tried to develop a concept of dealing with the pending issues and the issues we see coming down the pike and putting away the files, letting archivists and other people figure whether we were right or wrong. So if you take your time to live in the past, I don't think you can do much for the future. And as a consequence, I really do close these files.

And each Congress, you know, we have a renewal process of being able to literally get rid of the files of the past Congress and to start again. And I definitely have the memory that that's what we did on this one. When we went back in '71, we knew we had to start it all over again. And we had -- I had some -- that's when we really put the heat on the White House to have the -- some kind of a basic approach to take it beyond the -- being -- just being a line on the President's program to having it be something that the White House would be active in.

And I think they did get active in '71. We finally -- we had a series of meetings down there. And so I'm anticipating questions, because I'm going to finish this up in about five minutes.

MR. MITCHELL: Okay.

SENATOR STEVENS: We'll get together again if you want to.

But to me, the turning point was the impact of a fellow named Roger Ernst (phonetic), who had been the assistant secretary during the Eisenhower days, and had gone to the American Association of Indian Affairs, had come up with LaVerne Madigan and Dr. Forbes into Alaska in '61, had gone through the whole thing with Howard Rock, and had -- they helped form, as you know, the Tundra Times.

But then Ernst comes back into the scene as being still interested in Affairs, from Arizona, and helped me with Patterson and with those guys, convinced them that they had to put this into an active mode.

The difference between '70 and '71 was -- it was a presidential item in '70, but they didn't do

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anything with it. It's sort of like today, you know. The President signed the Brady Bill, but everybody knows that no one in administration was up lobbying for the Brady Bill.

Now, that's -- in this instance Nixon would have happily signed the '70 bill. He insisted on getting the '71 bill because of things like the Stevens Village injunction, and the realization was still coming out about the test wells.

I have another memory there of having a stepoff well that came in to show that Prudhoe was really a bonanza beyond compare. And we had the sale -- and when was that? '68? Then there was another thing in '69. But the snowball was moving about the importance of -- didn't we also have some rumblings of what was going to happen in '73 as far as embargos and the OPEC structure was starting to form. There were whole things -- a lot of pieces to this spider web that was developing by '71.

MR. MITCHELL: Well, let me -- one of the things that John Erlichman told me was that he was basically the guy, not Nixon, that made the decision on 40 million acres and a billion dollars. So Nixon later ratified -- he later went to Nixon and said, here's what I told them --

SENATOR STEVENS: That's a lot of bullshit. Patterson, Wright and I met with Nixon.

MR. MITCHELL: Well, that was -- you guys met with Nixon after the decision was made.

SENATOR STEVENS: Yeah, maybe. In terms of --

MR. MITCHELL: Well, Erlichman told me that he recalls that you phoned him and basically said that one of the things they were concerned about obviously was they wanted to -- you were the only Democratic state office holder left -- I mean, Republican state office holder. Everyone else was Democrats. And that you had phoned Erlichman at some point prior to that decision and told him that, well, 40 million acres is okay. That's a reasonable thing to do. And I was just wondering if you had any recollection. That was a long time ago.

SENATOR STEVENS: Erlichman and (indiscernible) been at UCLA when I was there. Did he tell you that?

MR. MITCHELL: No.

SENATOR STEVENS: I was a little ahead of him, but I -- we have sort of a UCLA alum recognition thing sometime in '70, but -- and I had a hell of a run-in with those guys about this one-way street that they had of everybody had to genuflect every time someone mentioned the president. I do recall we had a conversation, but I also recall a conversation with Nixon.

You know, my relationship with Nixon went down -- went back beyond that of Erlichman. Nixon was a new senator in 1950, when I was still back in Washington working on water rights for the state of California. I went up to brief him on some of the issues that were involved in the

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water issues within the California/Arizona dispute. And I remember he asked me to give him some materials on like a Thursday, which I did a whole series of supreme court cases and go back to see him on Monday. He was the quickest study I ever saw. He was an expert by Monday or Tuesday. And we had a long discussion, and he reminded me of that -- still reminds me of that from time to time.

I remember I talked to Nixon. I don't usually call presidents, but I had talked to Nixon and told him that we just -- if we were going to get this settled, it had to become an activist matter. Having been with Eisenhower who -- he was vice president at the time, and he knew what we had done then.

We turned loose Interior work with Labor on the labor issue, as well as Agriculture and everybody. And the only ones that didn't do with part of that was the Department of Defense. But all the (indiscernible) agencies would work together on the president's program.

If you had an -- if you were Agriculture and you were Commerce and I was Interior, I had to spend part of my week working with you on the things and you had to spend part of your -- we didn't have great lobbying groups at the time. Hell, we had in the legislative counsel's office me and three others, and we were literally doing a lot of writing, legislation, a lot of other things, but we also had to work on the Hill.

So we had a cadre of people pulled out of the other agencies work together. And I told them this is not going to work as just being a line on that board. You've got to get people involved.

Well, now as I think about it, I'm not sure if I called Erlichman or Erlichman called me, and then I returned the call as a result of the conversation with Nixon. I'm not even sure it will show up in their records. I've never looked in their records. But I have a distinct memory of talking to Nixon, and then a memory of talking to Erlichman.

But Erlichman, he really was not an activist in this thing from my point of view. The guy we -- who was really working on it was Patterson. And there was one other young lawyer, was in the Nixon --

MR. MITCHELL: There was a woman named Bobbie Kilberg.

SENATOR STEVENS: Bobbie was -- yeah, I do remember Bobbie. But there was a -- and she was involved in this with Patterson. But there is a lawyer that was working under the counsel to the President's lineup, and I met with them on several occasions.

But -- and there is no question about it, that they had to get the message that nothing was going to go down and be recognized as being really a significant historical achievement unless it dealt with the land the way we were talking about, confirming the title to land that they had actually had a basic right to.

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So many Indian settlements in the past have been, yeah, you're entitled to some land. Oh, by the way, we moved you from here to that state, right? And a lot of the Native tribes, the Indian tribes, had been moved around as someone in Washington decided this would be a nice place for those guys to live and be sort of, you know, museum pieces that they -- and this was historic in the sense that this settlement was tied to places where these people actually lived and had their livelihood.

And if it was going to be successful, it had to be -- the real change came, as I recall, when we put it back to the point of a basic court township and then increased it by population, and then took the balance of that and put it into a regional corporation structure.

Again, divided on -- the message to Nixon personally was, there has to be a real presidential involvement, White House involvement, beyond just making it a presidential program item, and that I thought that they had -- he had to have his staff personally involved in helping us resolve the issues.

That had real impact, as you know, on my side of the aisle in eliminating the naysayers and those that were just sort of saying, well, all right, we'll help you for this election type of thing. We wanted the bill passed. Clearly by '71 we had to get it passed, I thought, because it was -- well, it was still holding up the whole process. Remember, I was opposed to land freezes, and Gravel -- wasn't there, in one of those memos, the whole thing that Gravel wanted to continue?

MR. MITCHELL: Right. He had the five-year planning, and that was all Doug Jones stuff.

SENATOR STEVENS: Right. And I wanted to get rid of all that stuff, because we -- and you have -- an interesting thing -- I'll just take you on one of the rabbit trails. Right after I came back in '61 I had a 9 sort of a debate with Roscoe Bell before the chamber of commerce. Did I tell you about that?

MR. MITCHELL: No. I've seen the Anchorage Times stuff on that.

SENATOR STEVENS: Yeah. Well, it was a whole -- I've seen that, but I have a memory of it saying you're -- you've got to select these lands. Now, you got to get them, because we saw what's coming, and what's coming will be an attempt to prevent us from getting this land. Because so many people believed that we only got it because we had to get around Miller, and now, having done that, they're going to find a way to come back to us.

Well, as you know, 17(d)(2) was the opening wedge, and that was the price we paid to get the final selection, and the State has paid that price, and so have the Natives, by the way, on and on, because the land that the Feds wanted was taken back and we got what was left.

MR. MITCHELL: Well, actually if you would have some more, I've got about another half an hour. Not today --

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SENATOR STEVENS: I can probably do it later.

MR. MITCHELL: Not today, but if -- on this trip I'd like to talk to you about the conference.

SENATOR STEVENS: I can't -- well, I'm going back to Washington Sunday. I go to Fairbanks tomorrow, and I don't come back through here at all. I'm back here on about the 14th.

MR. MITCHELL: Well, I'm actually leaving on the 15th, so we'll have to --

SENATOR STEVENS: Well, I'm here the 13th and I'll be here the 14th. I might be able -- I can't remember what I do the 14th.

What do I do the 14th?

You got the schedule?

(End of audio recording.)