

**UCLA**

**American Indian Culture and Research Journal**

**Title**

Upper Skagit (Washington) and Gambell (Alaska) Indian Reorganization Act Governments: Struggles with Constraints, Restraints and Power

**Permalink**

<https://escholarship.org/uc/item/67k2b02x>

**Journal**

American Indian Culture and Research Journal , 10(2)

**ISSN**

0161-6463

**Author**

Robbins, Lynn A.

**Publication Date**

1986-03-01

**DOI**

10.17953

**Copyright Information**

This work is made available under the terms of a Creative Commons Attribution-NonCommercial License, available at <https://creativecommons.org/licenses/by-nc/4.0/>

Peer reviewed

# Upper Skagit (Washington) and Gambell (Alaska) Indian Reorganization Act Governments: Struggles With Constraints, Restraints and Power

LYNN ARNOLD ROBBINS

---

---

## INTRODUCTION

Recently Wilcomb Washburn (1984) asserted that Indian Reorganization Act (IRA) governments were freely chosen by many tribes and bands and are suited to Indian notions of governance.<sup>1</sup>

Two IRA governments of Native American groups are analyzed here: the Upper Skagit Tribe of western Washington State and the St. Lawrence Island Eskimos of Gambell, Alaska. The relationships these groups have with federal, state and county governments and the complexities of the functions of their governments challenge Washburn's simplistic and misleading interpretations of IRA governments and demonstrate the dominant influence exercised over tribal affairs by federal policies.

## UPPER SKAGIT TRIBE

The Upper Skagit Tribe belongs to the Salishan language family. Salishan speakers have resided in the Skagit River Valley for

---

Lynn Arnold Robbins teaches in the Huxley College of Environmental Studies, Western Washington University, Bellingham, Washington.

more than one thousand years. Prior to domination the Upper Skagit fished, hunted and collected foods from and near the river. Four species of migratory salmon and steelhead spawned in the Skagit River system each year (two annual steelhead runs) and constituted the main sources of food for Skagit Indians. The Salishans along the Skagit River comprised a loose collection of extended families joined by common economic activities, rituals, defensive alliances, sharing and redistribution systems.

Skagit governance was essentially restricted to the suasion exercised by headmen of extended families. Local leaders possessed charisma and were intelligent and successful warriors, adept at subsistence pursuits. Authority was negligible.

The Upper Skagit lost all of their land, access to fishing sites and political autonomy to non-Indians in the 19th century. Federal, state, county and municipal governments usurped tribal powers. Erstwhile territories were expropriated and resource access was denied. This condition caused great bitterness in the Upper Skagit Tribe and in subsequent years the people fished the river in defiance of state laws which forbade Indian fishing for commercial and subsistence uses.

Furthermore, the Upper Skagit Tribe was not recognized by the federal government as a treaty tribe or a tribe with land rights. The Tribe seized the opportunity to organize under the Indian Reorganization Act and form a government to put pressure on the United States government to gain restitution for lost land.

The first elected members of the Upper Skagit Tribe, six committeemen and a chairman, represented about 200 people who comprised the total population. These people were, as one would expect, respected members of the few large families of which the tribe was composed. Under the Indian Claims Commission Act the tribal government sought land or money for loss of aboriginal fishing, hunting and collecting grounds. In the early 1950s the Skagit were scattered over a 100-mile stretch of the river, but their relatively new government, membership in the Shaker religion, common history, race, language, grievances over fishing and land and resistance to fishing laws kept them together. Two topics preoccupied them: restoration of fishing rights and a lands claim that would give solace symbolically to the deep wounds after white settlement.<sup>2</sup>

## RECENT SKAGIT HISTORY

In 1974 two major events changed the lives of the Upper Skagit people profoundly: 1) the famous Boldt decision (*United States v. Washington*, 384 F. Supp. 312 (W.D. Wash. 1974)) which granted 22 Indian tribes in the Puget Sound region rights to 50 percent of the commercial salmon catch and rights to subsistence catches;<sup>3</sup> and 2) the recognition of a treaty relationship between the Upper Skagit Tribe and the United States government based on a provision of the 1855 Elliot Bay Treaty, which stated that the United States government was obliged to provide food and other care for the Tribe.

Rapid changes in tribal government affairs followed. The Skagit IRA, as a result of Boldt's decision, began to manage fisheries with the Swinomish and Sauk-Suiattle tribes. It also obtained a HUD grant for purchase of 74 acres (to be placed in federal trust) and 50 houses. These acquisitions and new rights and responsibilities transformed the Skagit into a land-owning tribe (henceforth a reservation) which possessed all of the legal and administrative obligations required of an Indian Reorganization Act government. The fight for fishing rights had been won and the demands of fisheries management pressed upon the tribe. From 1974 to 1985 tribal fishers increased from 50—the first to come forward to secure permits—to about 200 who now hold permits. (The minimum age for holding a permit is 14 years.) This huge increase has forced the tribe and its Indian tribal partners to limit individual catches to insure that all permit-holders have a chance at some harvests.

Along with fisheries management, the Tribe operates a health clinic, a police force, employment and educational programs, economic plans, a variety of programs for children and elders, and more.

The Upper Skagit people are adjusting to the effects of population concentration and the requirements of running a government. They had not previously lived with such large numbers at such close proximity. They are developing as much expertise as possible to meet the demands of the functions of their government.<sup>4</sup>

## SKAGIT IRA GOVERNMENT

I have asked many Upper Skagit tribal members about their government. Generally they are pleased to be represented as Native Americans in the Skagit Valley by a government they can in some meaningful way declare as their own.

They do not prefer another form of government, and the historical record does not show that they wanted another form of government at any point in the 20th century. On the other hand, no one asked them what form of government they preferred. The only choice they were given was no government at all or the IRA form. Had the people not formed their present IRA government they would probably not have been able to make claims on the United States government with the kind of force they ultimately exerted.

They did not have alternatives. Their numbers were small, they had no land, the members were dispersed throughout the Skagit Valley (presently about 50 percent of members live outside of the valley) and they were searching for an institutional form to represent their interests.

The Upper Skagit tribal government is experiencing great difficulties. Much of the time spent by elected leaders and tribal employees (often the same people) is used to seek grants and contracts. The Reagan Administration has reduced programs of all kinds, so competition among tribes for dwindling funds has increased. The Tribe badly needs expertise, consistent long-term planning, and more control over funds and policies. This is not possible in the present circumstances and there does not seem to be a solution to the problem. The Tribe's unemployment rate is usually about 40 percent, but this has dropped to less than 20 percent in the past year because of the efforts of a human resource developer who, supported by federal funds, personally got many jobs for those who were formerly chronically out of work.

Most of the members of the Upper Skagit Tribe fish for the salmon and steelhead in the Skagit River. The average net income from fishing is about \$1,500 per year from a gross of \$2,000 (expenses average \$500 annually). No fishermen earned more than \$15,000 in 1985. The Tribe is therefore looking for other sources of income: a bingo parlor, lumber mill, and encouragement of small businesses among tribal members. The money

from federal grants is increasingly awarded on the condition that immediate monetary results are realized. Loans from the Indian Financing Act have the added restriction that the borrower must demonstrate that 75 percent of his funding requirements are met from other sources (personal funds, conventional loans, etc.).

The tribal planners believe they need more time to decide on specific businesses and long-term commitments than federal agencies seem to want to allow. Presently the Tribe does not have enough money to fund a business manager, but a manager with expert economic planning and monitoring skills is imperative.

Perpetuation of the IRA government makes sense to the Tribe. In most respects its continuation seems the only reasonable course for the people, but there is little hope that the tribal government will ever secure a stable source of money and professional assistance so that it can make its own choices. The weary employees of the tribe live two professional lives, one in which they write grant and contract proposals to impress reviewers and gain resources for the tribe, and the other in which they try to achieve integrity and purpose as Skagit leaders.

Washburn's assertions that IRA governments have proved to be about as good as any governmental body for Native Americans in the United States and that the United States has treated native peoples with greater fairness than any other empire seems to make sense on the surface. Vine Deloria and Clifford Lytle (1984) concur with this generalization.<sup>5</sup> Yet one must not be lulled into intellectual and moral somnolence by these statements. The Upper Skagit Tribe has been bewildered by contradictory guidelines that rain down on them from above; they simply cannot keep up with sudden changes in directions and regulations and policies from federal offices. They much prefer funding allotments that would allow them to sustain a staff that could count on funds and that would have essential control over those monies.

The Upper Skagit Tribe is not unique in suffering from internal disputes and inherent inefficiencies in the ways it makes decisions, changes leaders, communicates directives and operates its government. Its aboriginal government was a loose collection of respected leaders of extended families. They convened on an *ad hoc* basis to schedule potlatches, distributions, and community defense. Some decisions were made by consensus and many efforts were abandoned for lack of consensus. Surely this system

would be too slow and unwieldy in the 1980s; the Boldt decision, after all, had to be acted upon if the tribe was to receive a share of the fish resources made available to the Washington tribes. Nevertheless, some tribal members, elders for the most part, want a return to this way to making decisions. Most of the tribal members know that many decisions must rest in the hands of a few, with consent given by vote.

The present leaders of the Tribe are intelligent and knowledgeable and they are willing to make their government work for them, but they are also extremely frustrated, for the reasons given above.

### THE GAMBELL, ALASKA ESKIMOS

Gambell is one of two villages on St. Lawrence Island, 130 miles west of Nome, Alaska. There are about 450 Eskimo people in Gambell, and an equal number in Gambell's sister village of Savoonga, located 35 miles east of Gambell. Nearly all of the Eskimo people on the island are Yupik-speakers and they have linguistic kinsmen on the Alaskan and Siberian mainlands. Eskimos have lived on the island for at least 2,000 years and there is good reason to believe they have had patrilineal clans for much of that time.

### ESKIMO SUBSISTENCE

Gambell Eskimos make their living from the sea, harvesting walrus for food and for the ivory tusks. The ivory is carved and sold, constituting the principal source of cash for most islanders. The people hunt several species of seals and the bowhead, grey, and minke whales. Whereas sea mammals are the staples and the bowhead the most revered of all species, islanders also harvest salmon, many other species of fish, birds, bird eggs, marine invertebrates, and land plants. They acquire about 80 percent of their annual food supply from the sea. In order to do so they use snowmobiles, all-terrain cycles (ATCs), skiffs with outboard motors, and other modern equipment, including radar and radio-locking devices to harvest resources with speed and reasonable safety.

Most of the income to purchase this equipment and the fuel re-

quired to operate skiffs, snowmobiles, and ATCs is from walrus-tusk carvings. Some wage employment through federal and local government jobs, three or four small retail businesses, and memberships in the National Guard provides earned income as well. Unearned income through transfer payments (welfare and energy assistance programs) makes up a small but important part of many household incomes.

### THE IRA GOVERNMENTS OF ST. LAWRENCE ISLAND (GAMBELL AND SAVOONGA)

There are three governments in Gambell. First, Gambell is a second-class city chartered by the state of Alaska. The City government is directed by a seven-member council and a mayor. The City's powers are limited to law enforcement, taxation of local businesses, issuance of business permits, fire protection and management of an airstrip. The City government provides Gambell with access to oil revenues generated from State-owned land in Prudhoe Bay. State transfers of in-kind services, grants, and contracts are available to Gambell through the City.

Secondly, a native corporation required by a provision of the Alaska Native Claims Settlement Act is joint possessor of broad powers with its counterpart village of Savoonga. The Corporation Board of Directors consists of eight members—a president, a vice president and six at-large members. The Gambell and Savoonga Corporations, although separate and distinct for many local issues, are jointly responsible for management and protection of the island's land surface (over one million acres). The marine resources on which native livelihoods are based, however, are, depending on the species, under the control of the federal or state government. This is one of the most serious limitations on the scope of authority possessed by the governments.

Thirdly, Gambell also has an Indian Reorganization Council, a form of government adopted by the people of the village in 1939 after passage of the Composite Indian Reorganization Act of 1936 which gave native Alaskans the powers to ratify constitutions and charters and to elect councils to govern them. The residents of Gambell voted to accept an IRA form of government. The Alaska Native Claims Settlement Act stripped all IRA governments of their business, law and order, taxing, and some other functions. Yet the IRAs were often reconstituted as "non-profit



corporations'' which provide access to federal grants and programs. Very frequently the IRA governments take on the role of providing the essential government to each community—their lead being followed by other governing bodies. The Corporations do the village's business and the city government provides access to state funds and programs.

The IRA Council, consisting of seven members, replaced some of the governing powers of the patrilineal clans. All three governments have representatives from the major patricians of the village. Formal (elected) government and informal leadership (the clans) overlap and generally function compatibly.

The IRA council has powers similar to those of the Corporation: management of island-wide surface and sub-surface resources, but not powers over marine environments. The Council receives a share of the profits from a local Alaska Native Industries Co-operative store and some funds from federal grants. The Corporation receives some money from its ivory co-op. The city government receives sizable grants from the state of Alaska for community development (services and facilities).<sup>6</sup> All three governments are chronically short of funds. They and the people they serve are at the mercy of state oil revenue transfers, federal and state grants and contracts, and various transfers of welfare payments and in-kind services. In short, Gambell is dependent on federal and state funds, whereas its traditional resources are controlled by federal and state governments. Gambell's prospects for penetration of the private market is restricted to the extraction of naturally-occurring, renewable resources whose by-products have commercial value.

## COMPARISONS

The Upper Skagit Tribe and the Gambell Eskimos offer sharp contrasts in the ways IRA governments fit into Native American governance. The Upper Skagit Tribe has become a landed tribe only recently. It has a new reservation and a large fisheries management program to operate. Its government is pitifully under-funded and beleaguered by constant demands, for which it needs far more expertise and person power than it has. Its government is treated by the federal government as an afterthought in long-term planning. The grants and contracts available to the Skagit are few and seldom match Skagit needs, but

the tribe must pursue all funds that are available. The federal administrators who award grants and contracts are obliged to follow restrictive Presidential administrative policies. Nevertheless, the Tribe is confident that it can manage its own affairs. The members know that new sources of personal and tribal income must be found as revenues from fishing continue to decline.

The Gambell people have adopted forms of government based on a melange of federal, state and local models with considerable imagination and good will. They have maintained their ancient clan structure principally through their continuing reliance on the extraction of renewable resources (hunting, fishing, collecting) and the sharing of the catches. And yet the people do not have the power to control the source of their livelihood—the Bering Sea and its vast natural riches.

This power was appropriated by Czarist Russia, which then sold the power to the United States. Until a recent and unique victory in the Ninth Circuit Court of Appeals, Gambell Eskimos had been unable to influence corporate and federal decisions to explore for oil in the Bering Sea.<sup>7</sup> A recent injunction to stop exploration for and pumping of oil from beneath the Bering Sea has provided the islanders with some time to develop strategies to defend their way of life. According to the Ninth Circuit Court, the injunction was issued because the federal government's leasing program violated the provisions of the 1980 Alaska National Interest Land Conservation Act (ANILCA).

Title VII, Section 810 of ANILCA a) restricts native people's access to those projects deemed of national need; b) allows projects that use the least amount of land possible; and c) requires that reasonable measures be taken to minimize impacts on subsistence uses.<sup>8</sup> Thus the effects of oil exploration and other major projects on native subsistence resources and native cultures were limited by law.

The federal government proceeded leasing tracts for oil exploration in the Bering Sea without conducting the kinds of assessments, studies and public reviews required by the provisions of ANILCA, according to the Court. Following the approval of leases, some additional studies were conducted. These later studies proved to be of significant help to the Alaska Legal Service lawyers who successfully argued the case for the people of Gambell. The Eskimos' victory stopped drilling for and pumping of oil in the Bering Sea. Moreover, the Bering Sea victory was soon followed by another injunction against drilling in Bristol Bay

to the southeast. No further drilling will be allowed in the Bering Sea or Bristol Bay unless the cases are reversed by the Supreme Court.<sup>9</sup>

This case illustrates the dominated position of the Gambell Eskimo people. The only way they can maintain access to the naturally-occurring resources which provide subsistence and permit tribal penetration of the market is to go to court to protect that access. Whereas some laws guarantee continued Eskimo access to naturally-occurring species in the Bering Sea, the federal and state governments have appropriated control of those resources. State and federal regulations about those resources change frequently—at the suggestion of industries, lobbies for special interests, or regulatory bodies, but not as a result of Eskimo suggestions. The reality is that the Eskimo people must constantly defend their access to the main source of their livelihood against federal and corporate intrusions. Having an IRA government does little for the people in their quest for food, the creation of a viable market economy, or the control of behavior in the community.

The Gambell Eskimos face dilemmas in the near future—the decision whether to sell stock in their native corporation as called for in the provisions of the Alaska Native Claims Settlement Act is especially crucial. Their village corporation could go public as early as 1991. Few of the Gambell people want outsiders to own stock which is now owned by the resident Eskimos. To safeguard against sales to outsiders, the villages of Gambell and Savoonga seem to have reached a consensus to turn governmental powers over to their IRA governments so powers will reside largely with those governments rather than the corporations. They have also sought ways to return the island to trust status, thereby reverting to a pre-ANCSA governmental form which vested executive, legislative, judicial and financial authority in the IRA. The Secretary of the Interior holds ultimate control over that form of government.

If the latter is not allowed, but the former plan is, and if stock is sold to outsiders, the IRA councils can impose restrictions on resource use. Indeed, the Gambell IRA Council has already made efforts to establish legislation that would prohibit careless use of fossil remains. Although this is rather trivial in the larger picture of resource control and maintenance of the island's integrity, it is a hedge against domination by foreign stockholders.

Furthermore, the Gambell Native Corporation in 1982 denied a company access to the island to erect a radio beacon for oil exploration ships. The Corporation would have earned about \$800 per month from the leased site, but the officers of the Corporation voted against such a business arrangement. Although in dire financial straits, they did not want to make contracts until the people of the island decide about governmental and economic plans in 1991.

Inasmuch as Gambell's land is not accorded trust status, the islanders also face the prospect of having a state tax imposed on their lands. Since the tribe owns one-half of the island in fee simple, even a modest tax could cause the Gambell people to lose their land to the state if they cannot pay the tax bills. State taxing authority over the island will occur in 1991, the year ANCSA requires native corporations to go public.

The IRA governments in the two cases discussed here play to mixed reviews. The complexity of government forms in Gambell and the prospects for changes befalling Gambell from ANCSA's provisions threaten them. Their sovereignty is limited, and their power is more limited. All things considered, the IRA government has had fewer and, perhaps, less threatening problems with which to deal among the Upper Skagit Tribe than among the Gambell Eskimo. Moreover, Upper Skagit trust land and 50 percent of the anadromous species catch are not threatened. Both, however, rise and fall as government transfers are made available to them, and both are dependent on the federal government for assistance and unearned income. This dependency, made ever less tolerable by cutbacks initiated by the Reagan Administration, hinders and frustrates the people in their quest for some form of self-governance and significant control over their lives and the directions of culture change.

However, one should take a closer look at IRA governments in general. The historical record is replete with instances of tribes and Native American groups having approved the IRA form of government without sufficient reviews of other ways they could have governed themselves.<sup>10</sup> There are many models to choose from, but few bands and tribes were offered a range of choices.

One member of the Upper Skagit Tribe in a recent interview commented on her tribe's history with the IRA form of government. This woman is deeply involved with tribal government and she has acquired considerable knowledge of tribal legal

processes. She said the Upper Skagit Tribe was given no choice except the IRA form of government. The Tribe was not told about alternatives from other countries or states.<sup>11</sup> It was understood from Bureau of Indian Affairs officials in the 1930s in the State of Washington that the Tribe would adopt an IRA government, which it did. But now that the tribal members are more informed about treaties and ties between indigenous peoples and polities that surround and often subjugate them, they harbor an uneasy feeling that they were set up without meaningful reviews or time to make a decision about how they would govern themselves. They also know that the United States government officials and their consultants and advisors at the time the Tribe was given the offer to form an IRA government knew much more about alternatives than they let on. Furthermore, the Tribe now realizes it was given no information about applications of international law to native peoples' governance, and it has been given none since its adoption of an IRA government.<sup>12</sup>

Some tribes, such as the Lummi of western Washington State, have considered adopting a type of government much closer to the aboriginal form. This would include not just the form, but the process of decision-making wherein a consensus on major questions is slowly arrived at and in which antagonisms and the formation of factions are minimized.<sup>13</sup>

And finally, one wonders why, if the IRA forms of government are precious gifts of enlightenment to Native Americans, as Washburn asserts, there is so little power in Native American hands. One does not see Native people on corporate boards, advising or voting in key congressional or state legislative committees. Even their decisions on local economic issues can be vetoed by the Secretary of the Interior, or stalled by the Bureau of Indian Affairs.

#### NOTES

1. Wilcomb Washburn, "A Fifty-Year Perspective on Indian Reorganization Act," *American Anthropologist* 86 (1984): 279-289.

2. June McCormick Collins, *Valley of the Spirits: the Upper Skagit Indians of Western Washington* (Seattle: University of Washington Press, 1974).

3. *United States v. Washington*, 384F. (Supp. 312) W. D. Wash. 1974.

4. Lynn Arnold Robbins, *Social and Economic Study: Upper Skagit Tribe* (Draft, Not for Citation) Upper Skagit Tribe. (Sedro Wooley, Washington: 1986).

5. Vine Deloria, Jr. and Clifford Lytle, *The Nations Within: The Past and Future of American Indian Sovereignty* (New York: Pantheon Books, 1984).

6. Ronald L. Little and Lynn Arnold Robbins, *Draft Final Effects of Renewable Resource Harvest Disruptions and Socio-Economic and Soci-Cultural Systems: Gambell, Alaska* (Anchorage, Alaska: John Muir Institute for Alaska Outer Continental Shelf Office. Socioeconomic Studies Program. Minerals Management Service, 1984).

7. *Village of Gambell v. Hodel*, 774F. 2d 1414 (9th Cir.) 1985.

8. James Bamberger, "Challenging Agency Social Impact Analysis: A Case Study in the Struggle to Implement Title VIII of ANILCA." Paper presented at the annual meeting of the Pacific Sociological Association, Denver, 1986.

9. *Ibid.*

10. For example, see Clemmer and Jorgensen article in this volume.

11. Doreen Maloney, Personal Communication. Fisheries Manager. Upper Skagit Tribe. (Sedro Wooley, Washington: 1986.)

12. *Ibid.*

13. Joseph E. Trimble, Personal Communication. Professor, Psychology, Western Washington University, Bellingham, Washington, 1986.

