

8-1-2015

Alaska Natives And The Power Of Perseverance: The Fight For Sovereignty And Land Claims In Southeast Alaska, 1912-1947

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ALASKA NATIVES AND THE POWER OF PERSEVERANCE: THE FIGHT FOR
SOVEREIGNTY AND LAND CLAIMS IN SOUTHEAST ALASKA, 1912-1947

By

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Bachelor of Arts in Multidisciplinary/Interdisciplinary Studies

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2013

A thesis submitted in partial fulfillment

of the requirements for the

Master of Arts--History

Department of History

The College of Liberal Arts

The Graduate College

University of Nevada, Las Vegas

August 2015

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Thesis Approval

The Graduate College
The University of Nevada, Las Vegas

July 24, 2015

This thesis prepared by

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entitled

Alaska Natives and the Power of Perseverance: The Fight for Sovereignty and Land
Claims in Southeast Alaska, 1912 - 1947

is approved in partial fulfillment of the requirements for the degree of

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Abstract

In 1867, the United States purchased Alaska from Russia. Americans viewed Alaska as a source of natural resources, at first engaging in the dwindling fur trade and then expanding to mining and the commercial salmon fishery by the turn of the century. For Alaska's Indigenous people, these tumultuous times resulted in the loss of Indigenous land and resources. Although Natives attempted to solve land disputes through diplomacy, Americans rarely listened and often ignored aboriginal land title. In 1912, young Alaska Native leaders formed the Alaska Native Brotherhood (ANB), an organization committed to helping Alaska Natives adjust to the changes brought by the Americans and fighting for social justice. By 1929, fed up with loss of land and the intrusion on ancestral lands, the ANB launched a land claims fight that culminated with the *Tlingit and Haida Indians of Alaska v. United States*. Although faced with considerable opposition along the way, Alaska Native leaders persistently fought for their ancestral rights and title to their land. This thesis examines how and why the ANB launched the effort to reclaim land in Southeast Alaska.

Acknowledgements

Thank you to my advisor Dr. William J. Bauer Jr. for putting up with me for the past four years. You have provided me with the tools for moving on and I appreciate all of the time you took to answer my many questions and helping me to become a better scholar and writer. I would not be where I am without your help. Thank you Dr. P. Jane Hafen for changing the direction of my studies and teaching a class that made me feel like I belonged. Thank you for all of the encouragement in the last four years. Thank you Dr. Marcia Gallo for being a great teacher, for making me think bigger, and expanding my view of history. Thank you Dr. Deirdre Clemente for serving on my committee and for exposing me to the world of public history. Thank you Dr. Michael Green for being an example of what a great teacher should be and for being kind and encouraging.

Dedication

For my boys Garret, Ethan, Luke and Dylan because you can do anything you put your mind to.

For my parents Guy and Darlene Groat of Naknek, Alaska who raised me to be a strong village girl.

For my four beautiful sisters who are the best friends a girl could ask for. Thanks for always having my back.

For my family and friends who encouraged me and helped get through these past four years. You are very much appreciated.

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Chapter 1: Introduction

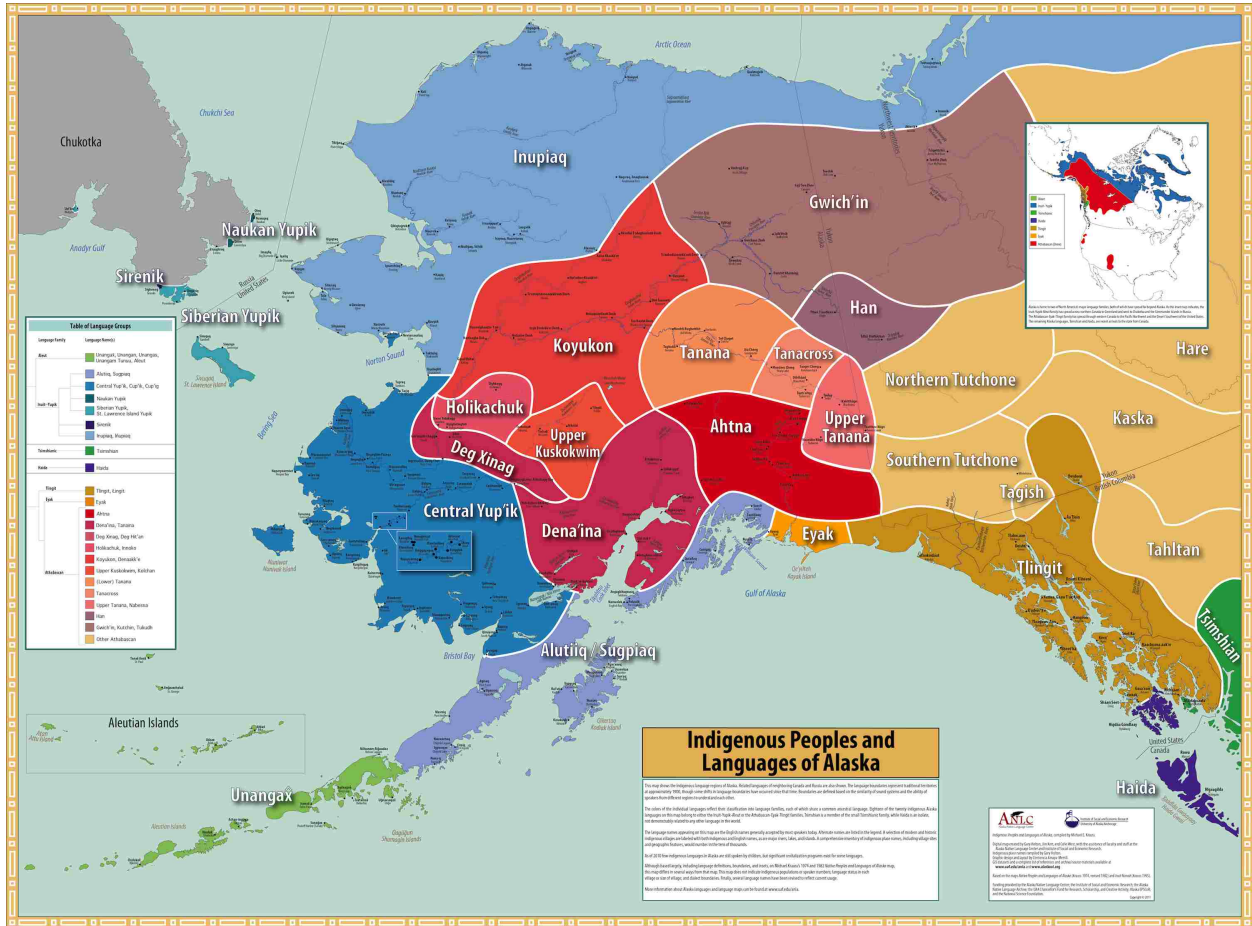


Figure 1. Indigenous Peoples and Languages of Alaska, Alaska Native Language Center, University of Alaska Fairbanks, Institute of Social and Economic Research, University of Alaska Anchorage ¹

Southeast Alaska, often called the panhandle of Alaska, consists of a narrow band of land, about 600 miles long and about 120 miles wide to the east with thousands

¹ “Alaska Native Language Archive,” *University of Alaska*, accessed May 3, 2015, <https://www.uaf.edu/anla/collections/map/>.

of islands to the west. The area of six of the largest islands exceeds 1000 square miles. Significant amounts of rain and snow along with mild temperatures characterize the area's maritime climate. A mountainous topography separates the area from the rest of Alaska and exists both on the mainland and throughout the island areas. Southeast Alaska's shoreline reaches almost 10,000 miles, including the mainland and the islands. The area includes protected waterways, turbulent waters, and a vast array of hazardous land features.²

The two Indigenous groups in Southeast Alaska are the Tlingit and Haida.³ Tlingit people comprise the majority of the population, occupying most of Southeast Alaska. The Haida mainly inhabit the village of Hydaburg in the most southern portion of Southeast Alaska. Although not native to Alaska, the Tsimshian occupy Metlakatla on Annette Island.⁴ In the late nineteenth century, this group migrated to Alaska after a disagreement with the Canadian government.⁵

Pre-contact Tlingit and Haida obtained all of their living needs from the surrounding environment, depending on a subsistence economy for their existence. They are known for their carved totem poles and other intricately carved wooden

² "Alaska History and Cultural Studies," *Alaska Humanities Forum*, accessed May 3, 2015, <http://www.akhistorycourse.org/articles/article.php?artID=84>.

³ Although the Tsimshian live in Alaska, they were originally from Canada. While Tsimshian members participated in the land claims fight, they did not fight for their own traditional lands since most Tsimshians lived on the Annette Island Reservation.

⁴ Steve J. Langdon, *The Native People of Alaska: Traditional Living in a Northern Land*, fourth edition (Anchorage: Greatland Graphics, 2002), 96; Nora Marks Dauenhauer and Richard Dauenhauer, eds. *Haa Kusteeyí Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1999), 3-15.

⁵ Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation among the Menominees and Metlakatlans, 1870-1920* (Lawrence: University Press of Kansas, 1999), 199-200; "Alaska History and Cultural Studies," *Alaska Humanities Forum*, accessed May 3, 2015, <http://www.akhistorycourse.org/articles/article.php?artID=84>.

objects. Tlingit and Haida used the water not only for transportation but also to obtain most of their food sources and used two different types of dugout canoes. The Tlingit and Haida depended on salmon as their primary food source in addition to other fish and marine life, land and sea mammals, and plants and berries. Highly organized, these Indigenous groups maintained sovereignty and controlled their ancestral lands. As matrilineal societies, the maternal line determined social position, wealth, and inheritance. Both the Tlingit and Haida divided their societies into two matrilineal moieties. The Tlingit and Haida further organized themselves in clans. Passed on from one generation to the next, land used remained tied to a person's clan identity.⁶

Russian occupation and American colonization challenged Tlingit and Haida sovereignty and land title. The Russians tried to control trade among the Tlingit and Haida and attempted to establish themselves on Tlingit and Haida land. The small population of Russian colonists proved no match for the powerful Tlingit and Haida. The Tlingit and Haida retained their sovereignty throughout Russian occupation, controlling their land and trade operations throughout the area.⁷

Following the United States' purchase of Alaska in 1867, Americans used troops and laws to gain control in Southeast Alaska. The United States claimed large portions of indigenous land in name of conservation as national forests and national monuments. The federal government neglected to recognize aboriginal title and failed to compensate Alaska Natives for illegally taken land. American extractive economic ventures strained

⁶ Langdon, *The Native People of Alaska*, 96-110; "The Natives of the Alaska Coast Region" in *Alaska 1899: Essays from the Harriman Expedition* (Seattle: University of Washington Press, 1995), 137-165.

⁷ Andrei Val'Terovich Grinev. *The Tlingit Indians in Russian America, 1741-1867*, trans. Richard L Bland and Katerina G. Solovjova (Lincoln: University of Nebraska Press, 2005).

subsistence cycles and trespassed on Tlingit and Haida land, disrupting the social order practiced for thousands of years. Assimilationist policies attacked traditional Alaska ways as missionaries arrived, requiring students to speak English and learn American ways. Alaska Natives persisted, despite all of the changes, accepting some American practices and rejecting others while still retaining their cultural identities and kinship ties. Alaska Natives fought against American trespass on traditional lands, employing several different strategies to protect Indigenous land, ultimately taking legal action against the United States.

Many scholars who write about land and sovereignty influence my thoughts on how I approached this thesis. The following historians showed how Indigenous people used their agency to shape their worlds. Noenoe Silva writes about the Kanaka Maoli and argues that they resisted United States colonialism and fought against the annexation of Hawaii. The Kanaka Maoli used diplomacy and petitions against annexation. They used newspapers to disperse their messages and united against the Americans.⁸ Kathleen DuVal argues that the Quapaw and Osage used their sovereignty to control land use in the central Arkansas Valley. While the Quapaw incorporated people into their society as a way of retaining sovereignty, the Osage kept to themselves, choosing to defend their territory from outsiders. Although both methods differed greatly, they both remained effective in retaining indigenous sovereignty.⁹ Historian Michael Witgen argues that the Anishinaabeg and the Dakota retained their sovereignty in the Great Lakes and Northern Great Plains, adapted to the changes

⁸ Noenoe K. Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham: Duke University Press, 2004).

⁹ Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006).

brought on by Europeans, and created a New World of their own. Witgen shows how the numerically superior Native population controlled the western interior of North America using violence, diplomacy, kinship, and alliance.¹⁰

Several works on woman and agency influence my thoughts on how Native people shaped their worlds. Historian Carol Devens writes about how Ojibwa, Cree, and Montagnais-Naskapi women and missions. She argues that women influenced the effectiveness of missions in the Upper Great Lakes region. Missions threatened Ojibwa, Cree, and Montagnais-Naskapi women's agency within their communities, prompting Native women to reject the mission system, even though many men accepted the missions.¹¹ Theda Purdue examines Cherokee women during the eighteenth and nineteenth centuries as they faced cultural change. Gender roles played an important part of maintaining culture amidst change. The gendered division of work adapted to accommodate changes brought by Europeans and Americans while the Cherokee still retained their cultural identity.¹² Historian Brenda J. Child argues that Ojibwa women provided the important role of holding their communities together from the time of European contact until the reservation era. Child highlights the important and changing roles women played as they adapted to changing conditions, retaining their cultural identity and bringing their communities together.¹³ These three historians influenced my

¹⁰ Michael Witgen, *An Infinity of Nations: How the Native New World Shaped Early North America* (Philadelphia: University of Pennsylvania Press, 2012).

¹¹ Carol Devens, *Countering Colonization: Native American Women and Great Lakes Missions, 1630-1900* (Berkeley: University of California Press, 1992).

¹² Theda Purdue, *Cherokee Women: Gender and Culture Change, 1700-1835* (Lincoln: University of Nebraska Press, 1999).

¹³ Brenda J. Child, *Holding Our World Together: Ojibwe Women and the Survival of Community* (New York: Penguin Books, 2012).

thoughts on cultural change and adaptation, illustrating how Indigenous people retain their identity despite change.

Several works about indigenous people and work influenced how I view work as a form of sovereignty. William Bauer argues that Indians used the hop industry in Washington as a way to exercise their sovereignty. Work in the hop fields provided a way for Natives to get together outside of reservation boundaries, a place to work with their families to earn extra money, and provided a place for important cultural and social interactions.¹⁴ Bauer also writes about California Indians and work, arguing that the Natives of Round Valley adapted to changing conditions and used work as a way to retain their sovereignty even when they faced forced reservation policies.¹⁵ Historian Brian Hosmer writes about the Menominees and Metlakatlangs and how they used work to adjust to economic and social changes while still retaining their sovereignty. They approached work through communities to maintain their cultural identities and economic viability amidst a changing world.¹⁶ Work proved an important part of retaining cultural identity, community, and economic independence for Native people amidst the economic and social changes brought on by the reservation system.

My view on Native people in national parks is influenced by the work of several historians. Historian Alfred Runte provides a detailed history of the national park system

¹⁴ William Bauer, "Sudsy Sovereignty: Indigenous Workers and the Hops Industry of the Pacific Slope." *Labor: Studies in Working-Class History of the Americas* 12, no. 1-2 (May 2015): 71-86.

¹⁵ William Bauer, *We Were All Like Migrant Workers Here: Work, Community, and Memory on California's Round Valley Reservation 1850-1941* (Chapel Hill: University of North Carolina Press, 2009).

¹⁶ Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation Among the Menominees and Metlakatlangs, 1870-1920* (Lawrence: University Press of Kansas, 1999).

in the United States and the philosophy behind the park system.¹⁷ Mark David Spence provides a look at the national park system and argues that the pristine untouched environments cherished in national parks could only be accomplished with forced removal of Indigenous people. Theodore Catton writes about the parks in Alaska and the removal of Alaska Natives in the parks. He shows the complicated relationship between Alaska Natives, land, and subsistence in Alaska.¹⁸

Several historians write about the history of Alaska Natives. Anthropologist Wendell Oswalt examines the Yup'ik Eskimos on the Kuskokwim River following Russian and American arrival. He argues that by adopting American ways, Yup'ik Eskimos learned to stand up for themselves, leaving their traditional bashful ways behind.¹⁹ Russian Historian Lydia T. Black studied Russian occupation in Alaska and the interactions between Alaska Natives and Russian fur traders. She concludes that Alaska Natives, although subjected violence and tough working conditions, benefitted from Russian occupation.²⁰ Historian Andrei V.T. Grinev addresses the relationship between Russians and the Tlingit in Alaska. Although he shows some bias in his portrayal of the Russians, he shows that the Tlingit retained their sovereignty in the Russian period despite Russian efforts to gain control in Southeast Alaska.²¹ By examining the salmon fishery in Southeast Alaska, historian David Arnold shows how

¹⁷ Alfred Runte, *National Parks: The American Experience* (Lanham: Taylor Trade Publishing, 2010).

¹⁸ Theodore Catton, *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska* (Albuquerque: University of New Mexico Press, 1997).

¹⁹ Wendell H. Oswalt, *Bashful No Longer: An Alaskan Eskimo Ethnohistory, 1778-1988* (Norman: University of Oklahoma, 1990).

²⁰ Lydia T. Black, *Russians in Alaska 1732-1867* (Fairbanks: University of Alaska Press, 2004).

²¹ Grinev, *The Tlingit Indians in Russian America, 1741-1867*.

the salmon industry transitioned from an indigenous fishery to a commercial fishery dominated by American cannery interests. Arnold examines the indigenous fishery, regulated by a strict regard for property rights and the destructive changes brought on by Americanization and the creation of an open access fishery. Historian Kenneth R. Philp focuses on how the New Deal affected Eskimos, Aleuts, and Indians residing in Alaska. Philp argues that the New Deal negatively impacted Alaska Natives and delayed aboriginal land claims.²² Most historians writing Alaska history focus on the impact that the Russians and Americans had on Alaska Natives. I approach Alaska's history from the Indigenous perspective, showing how Alaska Natives used their agency to shape Alaska History. In this thesis, I address how Alaska Natives shaped the land claims policies and legislation. I argue that between 1912 and 1947, Alaska Natives used diplomacy, organization, legislation, and legal action to fight for the rights to their land. Tlingit and Haida villagers organized themselves locally and together the communities worked as a united group, fighting for the title to their lands and compensatory settlements for lands illegally taken. Although the process took many years and the Tlingit and Haida faced many challenges, they persevered, determined to gain title to ancestral lands. For the Tlingit and Haida, these lands represented their past, present, and future. In 1947, the Tlingit and Haida filed their first land claims suit against the United States, the first of its kind in the territory of Alaska, paving the way for other Native groups to file claims and eventually to the Alaska Natives Claims

²² Kenneth R. Philp, "The New Deal and Alaska Natives, 1936-1945," 50 (August, 1981): 309-327.

Settlement Act of 1971. Without the efforts of the Native leaders from Southeast Alaska, land claims for Alaska Natives might never have happened.²³

²³ Other Native groups in the United States fought back against government takeover of their lands. Noenoe Silva documents the fight for sovereignty and land claims in Hawaii. Noenoe Silva, *Aloha Betrayed: Native Hawaiian Resistance to American Colonialism* (Durham: Duke University Press, 2004).

Chapter 2: Historical Background 1867-1912

“There are animals and fish at places where they make their homes. We are not fish. We like to live like other people live. We make this complaint because we are very poor now. The time will come when we will not have anything left. The money and everything else in this country will be the property of the white man, and our people will have nothing.”

Chief Kah-du-shan from Wrangel²⁴

For Alaska’s Indigenous people, the years between 1867 and 1912 proved extremely difficult as they struggled to maintain land ownership and sovereignty. After the United States purchased Alaska from Russia in 1867, the nation ignored its newly acquired territory until the discovery of gold. The arrival of Americans in Alaska marked a dramatic change for the Indigenous people. Americans tried to eliminate Indigenous cultures and languages, replacing them with American religion, culture, and the English language. Americans also established themselves on traditional lands without regard for Native ownership. American actions largely followed the concept of manifest destiny present through the United States as Americans moved westward, taking lands from Indigenous people. Alaska Natives dealt with the loss of fishing and hunting lands and undisturbed access to subsistence resources. When Americans established canneries,

²⁴ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

fish traps, fox farms, and settlements, they disrupted the subsistence cycles that the Tlingit and Haida depended on for centuries, forcing them to adapt to a new economic system.

Following Russian occupation, Tlingit and Haida successfully fought to maintain control over Southeast Alaska. In 1741, the Russians invaded Alaska after depleting the animals on Russia's southeastern coast. Russian fur traders and hunters travelled eastward, discovering the wealth of untapped fur resources on Alaska's Aleutian Islands. The Russians soon established Alaska as an extractive fur trade colony, subjugating the Indigenous Unangan and Sugpiaq people in the process.²⁵ The colony expanded eastward as Russians, Unangan, and Sugpiaq overhunted animals. In the 1790s the Russians and their subjugated hunters entered Tlingit and Haida territory in Southeast Alaska. Conflict erupted when the Russians and their subjugated hunters encountered the Tlingit and Haida. The Tlingit and Haida possessed firearms acquired through trade with other countries and proved a formidable foe. Russian merchant Alexander Baranov sought to establish a fur trade monopoly in Southeast Alaska to keep traders from other countries out of the area. In 1796, the Russians established a fort at Yakutat in Tlingit territory but the Tlingit destroyed it nine years later. In 1799, Russians built a fort in Sitka, but in 1802 the Tlingit also burned it down.²⁶ The Tlingit

²⁵ Margaret D. Jacobs defines extractive colonialism and distinguishes it by saying that the colonizers had no intention of permanently living in the colonies but rather extracted resources and moved on. Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia, 1880-1940* (Lincoln: University of Nebraska Press, 2009), 12-13. Unangan occupy the Aleutian Islands. Sugpiaq occupy the Alaska Peninsula westward to Kodiak Island.

²⁶ Nora Marks Dauenhauer and Richard Dauenhauer, eds. *Haa Kusteeyí Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 34-35.

and Haida did not succumb to Russian rule but instead remained in control of their lands. Andrei V. T. Grinev concludes, "Research permits one to conclude that it was the Tlingit Indians who played the most important role in Russian America's fate. Their resistance...inhibited Russia's southward advance along the Northwest Coast." Grinev continues, "Neither the few Russians in the Alaska colonies nor the Russian-American Company itself, which administered these colonies, was in a position to subdue the numerous well-armed and experienced Tlingit fighters."²⁷ Although they established trade relationships with the Russians, the Tlingit and Haida continued to trade with merchants from other countries and retained their power in the area. Historian Ilya Vinkovetsky states, "The Russians undertook many other initiatives in their attempt to forge a relationship with the Tlingit that would lead to deepening their dependence on the Russians. The Tlingit remained suspicious of the motives behind Russian overtures and vigilantly guarded their independence, often by playing the Russians off against the British or the Americans."²⁸ The Tlingit remained free and independent from Russian control, actively protecting their independence and controlling trade in Southeast Alaska.²⁹ Scholar Donald Craig Mitchell states, "throughout the 126-year Russian 'occupation' of Alaska, the Indians of Southeast Alaska had asserted hunting, fishing, and trade rights over particular lands and waters and transportation corridors."³⁰ As a

²⁷ Andrei Val'Terovich Grinev, *The Tlingit Indians in Russian America, 1741-1867* (Lincoln: University of Nebraska Press, 2005), 275.

²⁸ Ilya Vinkovetsky, *Russian America: An Overseas Colony of a Continental Empire* (New York: Oxford University Press, 2011), 132.

²⁹ Grinev, *The Tlingit Indians in Russian America, 1741-1867*, 275-280; Vinkovetsky, *Russian America*, 130-133.

³⁰ Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land 1867-1959* (Fairbanks: University of Alaska Press, 1997), 227.

result, the Tlingit and Haida retained their sovereignty throughout the Russian fur trade, engaging with the Russians on their terms.³¹

Alaska Natives, faced with a new government's policies, fought to retain their sovereignty and their traditional land base following Alaska's sale to the United States. In 1867, when the fur trade proved unprofitable, the Russian government sold Alaska to the United States for \$7.2 million dollars in gold. Both countries signed the Treaty of Cession without consulting Alaska's Indigenous people. However, the United States agreed to leave the Natives undisturbed on the lands they occupied. Focused on recovering from the Civil War, the United States ignored Alaska. Initially few Americans travelled north to Alaska until enticed by the abundance of natural resources extracted through mining, fishing, and fox farming. Alaska's Native people faced changes following American takeover: the invasion of ancestral lands, economic development and its negative impact on subsistence economies, and the forced assimilation policy that disrupted family and cultural life. The federal government's creation of national parks and forests removed considerable areas from Tlingit and Haida control, leasing areas to Americans for commercial use. Since the United States viewed Indigenous people as a disappearing race, the government saw assimilation into mainstream society as the only way to save Indigenous people. In order to survive, Americans believed Natives needed to surrender their Indigenous languages and culture and adopt American culture, the English language, and gain employment in the market economy. In addition, the government forced Native children to attend mission and boarding schools. Faced with changing times, Tlingit and Haida accepted some facets of

³¹ Mitchell, *Sold American*, 227.

American culture and rejected others. They retained their identity and culture despite the United States' destructive policies.³²

Land

“It is not right for such powerful people as you are to take away from poor people like we are, our creeks and hunting grounds.”

Chief Kah-du-shan, Wrangel 1898³³

In 1867, when Russia sold Alaska to the United States, they two countries signed the Treaty of Cession. Article III of the treaty states: “The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. The uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country.” This article divided Alaska’s aboriginal people between civilized and uncivilized Native tribes, creating problematic categories with which Alaska Natives contended. Some inhabitants

³² Frederick E. Hoxie, ed., *Talking Back to Civilization: Indian Voices from the Progressive Era* (Boston: Bedford/St. Martin’s, 2001), 1-2.

³³ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

maintained citizenship under the Russian government but the article failed to distinguish exactly who achieved this status. The treaty ignored aboriginal title and lands occupied by Native people.³⁴

Following the purchase of Alaska from Russia, the United States sent two hundred troops under General Jefferson C. Davis, Military Commander for the District of Alaska, and three naval vessels to Sitka in Southeast Alaska. The United States used this show of force to establish authority in the newly acquired territory. Unlike the Russians, the Americans considered this territory theirs and held little regard for the existing inhabitants. The Tlingit and Haida exhibited mixed emotions about American arrival. While the Americans informed the Indians that they now owned Alaska, Tlingit and Haida leaders stated that the Russians never owned the land. The Russians inhabited Native land only with their permission. Tlingit chiefs met to discuss changes brought on by the Americans' arrival.³⁵ While no documentation remains of meetings between Tlingit Chiefs, Special Agent H. H. McIntire reported that Tlingit leaders recognized the power of the Americans and "evinced the strongest desire to have our citizens settle among and live at peace with them, and to cultivate in many particulars the superior habits of the Americans."³⁶ However, according to historian Ted. C. Hinkley "it is obvious that the Treasure Agent had yet to learn that mannerly Tlingit often larded their consultative rhetoric with flattery bordering on unctuousness. One doubts that in 1867-68 many non-Sitka Tlingit desired 'to cultivate the superior habits of the

³⁴ Treaty of Cession, March 30, 1867, 15 Stat. 539.

³⁵ Ted C. Hinkley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800-1912* (Lanham: University Press of America, Inc., 1996.), 69-74.

³⁶Hinkley, *The Canoe Rocks*, 75.

American.”³⁷ Tlingit and Haida chose to live peacefully with the Americans, however this did not mean that they intended to adopt American ways and instead used their flattery to appease the Americans.

Alaska’s Native people faced many challenges in trying to retain their traditional land base. In 1871, Congress passed the Indian Appropriations Act, which ended treaty making with Native American Nations. Historian Stephen Haycox states, “The Congress had extinguished title to most Native lands in the United States by treaty, even though many of the treaties were forced on the Indians. But there had been no extinguishment in Alaska.”³⁸ The lack of treaties ceding land to the U.S. government created a unique situation in Alaska where Indigenous land claims remained unresolved. The Indian Appropriations Act of 1871 decreased the number of ways Native Americans could obtain land title and later factored into the Alaska Native land claims.³⁹

Following Alaska’s purchase, the United States largely ignored the territory and failed to establish a civil government. Several American missionaries, and most notably Sheldon Jackson, lobbied for establishing a civil government in Alaska. Jackson influenced the writing of the Organic Act to include provisions against the sale of alcohol in Alaska. On May 17, 1884 Congress passed the District Organic Act, *an act providing for a civil government for Alaska*. The status of Alaska changed to district status and the act created an abbreviated form of territorial government in Alaska. The Organic Act created Sitka as the seat of the district government and provided for an appointed governor. The act stipulated that the governor present a report to Congress every year

³⁷ Hinckley, *The Canoe Rocks*, 75.

³⁸ Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 252.

³⁹ Mitchell, *Sold American*, 229.

that included information regarding “resources, industries, population, and the administration of the civil government thereof.” Under the act, the Secretary of the Interior would appoint two officers who “shall constitute a commission to examine into and report upon the condition of the Indians residing in the said Territory, what land, if any should be reserved for their use, what provision shall be made for their education, what rights by occupation of settlers should be recognized, and all other facts that may be necessary to enable Congress to determine what limitations or conditions should be imposed when the land laws of the United States shall be extended to said district.” Four commissioners and courts divided into four districts provided law and order. The act also provided for an education system for children in Alaska without regard to race. For Alaska Natives, the Organic Act provided a limited civil government, increasing American influence in the territory.⁴⁰

Congressional legislation continued to favor American settlers, leaving Alaska Natives no means of claiming or retaining their land. The Organic Act deferred aboriginal claims to “future legislation by Congress.” However, the act stated: “That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.” Similar to the treaty of cession, the Organic Act avoided the recognition of aboriginal claims to Alaska’s land and resources and left that decision up to a later date. The status of Alaska’s Native people and their claims to ancestral lands remained

⁴⁰ An Act Providing for a Civil Government for Alaska, 48th Cong., 1st sess. (May 17, 1884), 23, 24.

unresolved. Without defined aboriginal land title, Native land remained unprotected and vulnerable to American trespassers and business ventures.⁴¹

Tlingit and Haida leaders, faced with Americans trespassing on their land, used diplomacy in an attempt to retain control of their land. In 1898, Navy Commander Jefferson Moser travelled to Alaska on the steamer *Albatross* to survey the state of the salmon and salmon fisheries. While in Southeast Alaska, Moser encountered several Tlingit and Haida delegations that insisted on a meeting with him and his crew. Although Commander Moser explained that he merely investigated the fisheries, the Tlingit and Haida leaders stated that since Moser represented his government, he needed to grant meetings to them. The elders and chiefs boarded the boat and expressed their complaints as delegates from their nation to that of the United States. Moser summarized some of their complaints: “They are essentially fish-eating Indians, depending upon the streams of the country for a large amount of food supply. These streams, under their own administration, for centuries have belonged to certain families or clans settled in the vicinity and their rights in these streams have never been infringed upon until the advent of the whites. No Indians would fish in a stream not their own except by invitation, and they can not understand how those of a high civilization should be—as they regard it—less honorable than their own savage kind.” Faced with the disruption of traditional land use and ownership, Tlingit and Haida leaders sought out American leaders and took diplomatic action. The Tlingit and Haida, victims of the

⁴¹ Peter Metcalfe and Kathy Kolkhorst Ruddy, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 7; An Act Providing for a Civil Government for Alaska, 48th Cong., 1st sess. (May 17, 1884), 23, 24.

American colonialism and racism, turned logic on American's savage ways, championing Indigenous civility in regard to land ownership and use.⁴²

In addition to their complaints about the fisheries and land use, the chiefs and elders expressed their dissatisfaction at the unfairness of the laws that prevented them from owning mining claims. They insisted that the Tlingit and Haida behaved no differently than white men and even had more organization and orderliness and should not have fewer rights. The Tlingit chiefs presented their concerns in a diplomatic manner, as leaders of one nation to leaders of another nation. These acts of diplomacy show that the Tlingit and Haida remained in control of their land and retained their sovereignty. They considered the Navy Commander a leader and representative of the United States government and the chiefs' requests for meetings was their way of carrying out diplomatic relations between nations. Although Moser expressed sympathy towards the Tlingit and Haida and recognized their claim to the land, he also mentioned the overpowering impact of extractive economic ventures in Alaska, especially the salmon canneries.⁴³

On December 14, 1898, Chief Kah-du-shan from Wrangel, Chief Yash-noosh from Junea, Chief Koogh-see from Hoonah, Chief Kah-ea-tchiss from Hoonah, Chief Shoo-we-Kah from Juneau, Chief Ah-na-tlash from Taku, Charley of Juneau, Jack Williams of Juneau, and interpreter Fred Moore requested a meeting with Alaska's territorial Governor John G. Brady and Special Agent Frank Grygla to try to gain protection for their aboriginal lands. Brady spent many years in Alaska and transitioned

⁴² Jefferson F. Moser, *The Salmon and Salmon Fisheries of Alaska: Report of the Operations of the United States Fish Commission Steamer Albatross For the Year Ending June 30, 1898* (Washington, D.C.: Government Printing Office, 1899), 43.

⁴³ Moser, *The Salmon and Salmon Fisheries of Alaska*, 43.

from Presbyterian missionary, to businessman, to judge, and then to district governor in 1897.⁴⁴ At this meeting, held in the public school house in Juneau, six chiefs and two other Tlingit residents testified about conditions in their respective villages. They expressed their grievances against the Americans trespassing on their land, hoping the territorial government would recognize and protect their aboriginal rights and their traditional land base. Chief Kah-du-shan from Wrangell stated, “Every since I have been a boy, I have heard the names of different points, bays, islands, mountains; places where Thlingit get herring, hunting and make camps, that is why I think this country belongs to us.” The Chief indicated the use of oral tradition to as a way of passing on traditions from one generation to the next. Oral tradition is the way many Indigenous cultures use to record their history. The act of naming is also a method of claiming ownership of the land. Place names provide important connections between aboriginal people and their land and often depict the importance of certain locations. Chief Kah-du-shan continued, “Long, tong time ago before white people came to this country our people lived here are certain places where they went hunting and fishing... I was a boy when this country was purchased and soldiers came here to Wrangel and to Sitka.” This statement showed land ownership based on subsistence and hunting cycles. The knowledge of the land, passed on from one generation to the next, provided the means to obtain subsistence resources and was an important method Indigenous people used to connect with the natural world. After the Americans arrived “they began to build canneries and take the creeks away from us, where they make salmon and when we told them these creeks belonged to us, they would not pay any attention to us and said

⁴⁴ Ted C. Hinckley, “The Canoe Rocks-We Do Not Know What Will Become of Us,” *Western Historical Quarterly* 1, no. 3 (July, 1970), 267.

all this country belonged to President, the big chief at Washington... Here at this place as well as other places they take our property, take away ground, and when we complain to them about it, they employ a lawyer and go to Court and win the case.” Chief Kah-du-shan implied the Americans’ use of the United States legal system as a method to trespass on and take land from aboriginal control.⁴⁵

Like the other chiefs in the group, Chief Kah-du-shan discussed Tlingit land ownership, occupation, and subsistence use. The Tlingit claimed ownership of their lands because the land had always belonged to them, long before whites arrived. Oral tradition provided evidence of this. The Tlingit stated that whites refused to compensate them for the land and items taken from them, “Here at this place as well as other places they take our property, take away ground, and when we complain to them about it, they employ a lawyer and go to Court and win the case.”⁴⁶ The chiefs also mentioned that the Russians never treated the Tlingit as bad as the Americans did. For the Tlingit, who lived in Southeast Alaska since time immemorial, they owned the land and used the land according to the availability of subsistence resources. They expressed ownership based on their own historical accounts, with access to available lands passed on from one generation to the next. Chief Yash-noosh explained, “Our people we have simple patches of ground raising vegetables and place where our people go hunting; creeks

⁴⁵ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

⁴⁶ “Testimony of Kah-du-shan,” “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

where they fish, we want you to give them back to us.”⁴⁷ The naming of Tlingit and Haida land provided additional proof of ownership. Chief Kah-du-shan stated, “Ever since I have been a boy I have heard the names of different points, bays, islands, mountains; places where Tlingit get herring, hunting and make camps, that is why I think this country belongs to us.”⁴⁸ Tlingit and Haida faced the loss of sovereignty and land ownership when Americans trespassed on their land, aided by the United States in the forms of leases and claims.⁴⁹

Tlingit testimony proved largely ineffective because of governmental policies and racism. Although Governor Brady listened to the testimonies, he was unsympathetic, “I know that the Tlingit are better off today than ever before in their lives.” Brady continued, “It was not until 1884 that the United States made a civil law for Alaska but it was very careful in that law to say that any lands occupied by natives or claimed by them should not be disturbed in their possession. Now it is my duty; it is the duty of every government official to see that that law is obeyed. But I am afraid that the Tlingit are entertaining wrong notions of how much land they own...Now if any Tilingit in this country goes and does like wise and by his labor makes fence, improves ground and builds a house, it is the duty of every official to see that he is undisturbed. Now it is a

⁴⁷ “Testimony of Chief Yash-noosh,” “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

⁴⁸ “Testimony of Kah-du-shan,” “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

⁴⁹ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

different thing if there is a stream here and the ground around it. The Indian cannot claim the whole district.” Governor Brady stated the prevailing American attitude toward Indigenous land use and ownership that they held no special claim to lands they inhabited. He also looked down on the Tlingit and Haida because of the way they lived on the land, championing American efforts to subdue the land. While American citizens could obtain title to land, Alaska Natives who lacked citizenship could not. Brady pressured the Tlingit to assimilate and achieve citizenship and government protection or face the treatment received by the uncivilized tribes of the country.⁵⁰

Juneau General Land Office Agent Frank Grygla, sent by Washington, D.C. to Alaska to determine the status of Alaska Natives, addressed the Tlingit and made additional comments regarding the Tlingit’s social status. He stated “Governor Brady always considered the Thlingit the equal of the white man if they were educated and cared for. That is if they wanted to be educated and cared for.” He continued, “Now if it is your intention to class yourselves with the Western States Indian it is all right, but I think it is a dishonor to you and against your own interests. We think the Thlingit almost equal to the white men, but if you do not want to be educated, we cannot help you.” Agent Grygla stressed the importance of assimilation, “Now if you want to take advantage and advance yourselves, all the officials and missionaries are willing to help you. I only add what the Governor told you to think for yourselves but in the right way, surrendering ancestral ways and listening to the missionaries.” He expressed the sentiments of the government policy toward Indians at the time, indicating the

⁵⁰ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>; Mitchell, *Sold American*, 156-157.

importance of giving up ancestral ways. However Grygla alluded to the Alaska Native's ambiguous status, which separated them from the Indians of the continental United States. His racist statement placed the Tlingit and Haida above the Indians of the United States but below the white men.⁵¹

The Tlingit and Haida faced additional land encroachment in the twentieth century. On August 20, 1902, President Theodore Roosevelt, using the power of presidential proclamation, created the Alexander Archipelago Forest Reserve. The proclamation removed the area from settlement, entry, or sale but made provisions not to infringe on areas protected under the treaty of cession. In regard to the reserve area, the act stated, "Warning is hereby expressly given to all persons not to unlawfully enter upon or occupy any of the lands reserved by this proclamation. The reservation hereby established shall be known as The Archipelago Forest Reserve." The act essentially removed the entire area from Tlingit and Haida control, putting all of the land in the forest reserve under federal government control. The National Forest Service took on a supervisory role and issued permits for land use and commercial ventures in the area.⁵²

As the United States took on a more active role in Alaska, a step towards involving the territory as part of the nation occurred. On May 6, 1906, "An Act Providing for the Election of a Delegate to the House of Representatives from the Territory of Alaska," provided for a non-voting delegate to represent Alaska in the House of Representatives. A general election consisting of all males older than 21 years in all

⁵¹ "Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady," *Alaska's Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

⁵² Theodore Roosevelt, Proclamation 37, "An Act to Repeal Timber-Culture Laws, and For Other Purposes" (August 20, 1902), 2025.

incorporated towns elected the delegate. The role of this delegate later proved very important in promoting legislation that allowed Alaska Natives to fight for their land.⁵³

For Indigenous people, national movements towards land and resource conservation provided another method used by the federal government to removed additional lands from Native control and occupation. In 1906, Congress passed the Antiquities Act, “That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments.” Historian Alfred Runte states, “The lasting significance of the Antiquities Act was its usefulness for bypassing a deadlocked or hostile Congress. Preservationists need only convince an individual—the president—to initiate a national monument.”⁵⁴ The Antiquities Act gave the President of the United States considerable power in setting aside land. However the act did not provide compensation for lands taken from Indigenous people.⁵⁵ For Alaska Natives, using the presidential proclamation proved a way for the federal government to remove large tracts of from Indigenous control.⁵⁶

The extension of congressional legislation to Alaska attempted to treat the land within the territory of Alaska much like Indian Country in the contiguous United States.

⁵³ An Act Providing for the Election of a Delegate to the House of Representatives from the Territory of Alaska, 59th Cong., 1st sess., (May 7, 1906) 33, 724.

⁵⁴ Alfred Runte, *National Parks: The American Experience, fourth edition* (Lanham: Taylor Trade Publishing, 2010), 68.

⁵⁵ Haycox, *Alaska: An American Colony*, 222.

⁵⁶ An Act for the Preservation of American Antiquities, 59th Cong., 1st sess., (June 8, 1906), 225; Theodore Catton, *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska* (Albuquerque: University of New Mexico Press, 1997), 153; John C. Miles, *Guardians of the Parks: A History of the National Parks and Conservation Association* (Washington, D.C., Taylor & Francis, 1995), 7-8; Runte, *National Parks*, 66-68.

On May 17, 1906, the Alaska Native Allotment Act extended the Dawes General Allotment Act to Alaska. The act served as a tool of assimilation, requiring that individuals take up plots of land, breaking up the traditional Indigenous land base. The Dawes Act authorized the Secretary of the Interior to assign individual allotments consisting of 160 acres to Alaska Native heads of families or those older than the age of 21 years. The allotment owner and his/her heirs retained the land in perpetuity and the land remained inalienable and nontaxable. However, the allotments did not include mineral rights to the land. Since most Alaska Natives did not know about the program, it largely failed. The lack of surveyors to determine claims and the lack of government funding further contributed to the lack of an effort to claim allotments. To Alaska Natives living a subsistence lifestyle, 160 acre plots of land made little sense, especially when they travelled to various subsistence sites throughout the year.⁵⁷

In 1907, President Roosevelt created the Tongass National Forest using the power of presidential proclamation. The proclamation removed the area from “settlement, entry, or sale.” The act provided for valid claims under the Treaty of Cession from Russia and for settlements already on record. The reserve encompassed nearly the entire area of Southeast Alaska. On July 1, 1908, a congressional act combined the Alexander Archipelago Forest reserve and the Tongass National Forest, creating one large national forest. By 1909, additional lands added to the forest increased the area to the 16.8-acre area it encompasses today. The Tongass National Forest put most of the land of Southeast Alaska under federal control. The proclamation

⁵⁷ An Act Authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska, 59th Cong., (May 17, 1906), 59§5537; Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984), 1129; Haycox, *Alaska: An American Colony*, 218-219.

neglected to address aboriginal claims or lands already occupied by Alaska Natives. For Tlingit and Haida in Southeast Alaska, the creation of Tongass National Forest removed the area from their control without compensating them or providing them with title to any of their ancestral lands.⁵⁸

From 1867 to 1909, the Tlingit and Haida experienced many changes under American control. Although the Treaty of Cession provided protection Alaska's Indigenous people on paper, it did little to curb American encroachment in the territory. The Tlingit and Haida faced American trespassers on their ancestral lands, who challenged Native sovereignty. Tlingit and Haida leaders approached United States government officials, requesting meetings and hearings. They attempted to negotiate diplomatic relations regarding their lands as members of one nation to another. Instead, government officials ignored Tlingit and Haida land claims. The creation of the Tongass National Forest further challenged Tlingit and Haida sovereignty in the area and proved to be a way for the federal government to aid American citizens in taking over Tlingit and Haida land.

Extractive Colonialism

***“Our ancestors used to live here and had possession of different creeks and different places. Since white men came to this country, things have changed. They take these things away from us for the purpose of enriching themselves.*”**

⁵⁸ Theodore Roosevelt, Proclamation, “Setting apart Tongass National Forest,” (September 10, 1907), 35§2152.

There are lots of things here which white men can make money out of. There is lots of gold in this country. We do not know anything about mining. White men can mine. We do not want them to interfere with us. We make our living by trapping and fishing and hunting, and white men take all these places away from us; they constantly interfere with us.”

Chief Koogh-see, Hoonah⁵⁹

Alaska, with its abundant resources, continued as an extractive colony under American rule similar to its status under Russian occupation. Americans arrived in Alaska for personal economic gain rather than for settlement. Chief Koogh-see from Hoonah voiced his concerns following the arrival of the Americans. The Tlingit and Haida, largely dependent on a subsistence economy where they obtained most of the necessities of life from the natural environment, wanted to retain their sovereignty over the land; trapping, hunting, and fishing like their ancestors before them. The Tlingit and Haida requested protection from the trespassing Americans who failed to respect their land boundaries and possessions.

Alaska Natives felt the impact of Americanization with the establishment of Americans in the territory. American settlers trespassed on ancestral lands and erected businesses and settlements, prompting disagreements between Natives and whites. The United States ignored Native land rights, allowing Americans to establish themselves in Alaska in the name of economic progress. Historian Stephen Haycox

⁵⁹ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

states, “Natives were viewed by the government and the military as a problem, one to be controlled in such a way as to facilitate white settlement and capitalistic development.”⁶⁰ American businesses discriminated against Natives, largely excluding them from individual economic ventures and employment in the extractive economy.⁶¹

As the Russians exited the area, settlers from California and the west coast replaced them. American settlers created a small boom in the Russian-American city of Sitka erecting shops, hotels, saloons, and other businesses. Residents established a city government. However, this boom did not last without Russian customers to support economic ventures. Still, many failed, forcing business owners to leave Alaska.⁶²

Faced with a large influx of Americans, the Tlingit and Haida developed a way to profit from mining ventures while still retaining their sovereignty. In 1872, prospectors arrived in Southeast Alaska to stake claims and search for gold near Sitka. However, since Natives lacked citizenship, they could not stake claims of their own. Citizenship remained out of reach for the United States’ Indigenous people until 1924.⁶³ Hordes of miners arrived in search of riches, trespassed on Native settlements, robbed caches of preserved foods, took Native dogs for pack animals, and appropriated other items. Prospectors even occupied and stole Native residences. In 1888, more than 60,000 people arrived in Alaska in search of gold. The arrival of so many people overwhelmed Tlingit and Haida control of trade and traffic from the coast to interior Alaska. When the Tlingit and Haida could no longer control the human traffic, they found a new ways to

⁶⁰ Haycox, *Alaska: An American Colony*, 175.

⁶¹ Haycox, *Alaska: An American Colony*, 175.

⁶² Hinckley, *The Canoe Rocks*, 76-77.

⁶³ An Act To authorize the Secretary of the Interior to issue certificates of citizenship to Indians, Sixty-eighth Congress, Session I, Chapter 233, (June 2, 1924). This act granted citizenship to Indians born within the territorial limits of the United States.

maintain their sovereignty and profit from American economic ventures. Tlingit clans used their sovereignty within their traditional land areas to engage in the market economy. Prospector Walter Pierce spoke of the Auke Bay Tlingit, “The Auks are a small tribe of Indians who live in the vicinity of where the gold was found...However the Auk Indians knew the place and were smart enough to demand a large fee for showing us where it was...The Indians demanded one hundred dollars for showing us the place...After a good deal of dickering and losing several days more time, we finally induced them to show us where the discoverers had camped on the beach.”⁶⁴ Since the prospectors did not know the territory, they depended on Tlingit guides who charged them for their guiding services. The Chilkat Tlingit charged miners a fee to use the Chilkoot Pass, one of their traditional trade routes.⁶⁵ Prospector Walter Pierce states, “Those Indians are known as the Chilkoot tribe...They will not allow other tribes to come there to pack, as they claim the trail, so they fix their prices which are outrageous. Also their chiefs demand one dollar per head for every white man passing through their country.”⁶⁶ The Chilkat Tlingit retained sovereignty over their traditional lands, deciding who could enter their territory.⁶⁷

In addition to retaining their sovereignty by controlling their territory, Tlingit and Haida also worked as porters for gold seekers in exchange for goods and money.

⁶⁴ Walter H. Pierce, *Thirteen Years of Travel and Exploration in Alaska*, eds. Professor and Mrs. J.H. Carruth (Lawrence: Journal Publishing Company, 1890), 56-57.

⁶⁵ Mitchell, *Sold American*, 118.

⁶⁶ Pierce, *Thirteen Years of Travel and Exploration in Alaska*, 98.

⁶⁷ Like the Osage in *The Native Ground: Indians and Colonists in the Heart of the Continent*, the Tlingit used their sovereignty to maintain control of their land. Kathleen DuVal argues that the Osage used their sovereignty to control trade in the Arkansas River Valley, determining who could enter and use their land. Kathleen DuVal, *The Native Ground: Indians and Colonists in the Heart of the Continent* (Philadelphia: University of Pennsylvania Press, 2006), 103-107.

Historian William Bauer argues that work is one way Indigenous people retained their sovereignty. They participated in work that allowed fit into their lives without disrupting their lifestyles. He states, “American Indians used labor and work to adapt to modernization.”⁶⁸ Tlingit and Haida adapted to the changes brought on but the arrival of prospectors. Since prospecting required a lot of heavy equipment, the prospectors paid the prices set by the Tlingit and Haida. Prospector Walter Pierce stated, “The Indians are largely employed in packing. This they generally do by contract, and are paid according to the distance and the weight of the article to be packed.” He continued, “We employed Indians to pack our supplies to the lakes, and were obliged to pay them about twelve dollars and fifty cents for one hundred pounds. The price was too much, but they had an understanding with each other not to pack for less, and we had to pay it or do our own packing.”⁶⁹ In 1883 army Lieutenant Frederick Schwatka in his military reconnaissance report stated, “The Indian packers over these mountain passes usually carry 100 pounds, although one I had walked along with carried 127, and a miner informed me that his party employed one that carried 160. The cost of carriage of a pack (100 pounds) over the Chilkoot trail for miners has been from \$9 to \$12, and the Indians were not inclined to see me over at any reduced rates, despite the large amount of materials that were to be transported, some 2 tons.”⁷⁰ Although a difficult time for the Tlingit and Haida, the arrival of American miners provided an opportunity for them to

⁶⁸ William Bauer, “Sudsy Sovereignty: Indigenous Workers and the Hops Industry of the Pacific Slope,” *Labor: Studies in Working-Class History of the Americas* 12, no. 1-2 (May 1015): 72.

⁶⁹ Pierce, *Thirteen Years of Travel and Exploration in Alaska*, 97-98.

⁷⁰ Frederick Schwatka, *Report of a Military Reconnaissance in Alaska Made in 1883* (Washington, D.C.: Government Printing Office, 1885), 13.

profit from mining. The Tlingit and Haida porters set their own prices and agreed not to work for less than they deserved.⁷¹

Tlingit and Haida continued to use work as a way retain their sovereignty in Southeast Alaska when they worked in the early commercial salmon industry. As overfishing on the Columbia River in Oregon and Washington led to decreasing salmon runs, industrial canning operations and fisherman looked north toward newly acquired Alaska as an untapped resource. Alaska's remote locale left the fishing industry virtually free of government regulation. The first salmon cannery ventures in Southeast Alaska began in 1878 when out of state companies established canneries at Klawock and Sitka. When a vessel carrying cannery supplies and Chinese cannery workers attempted to land at Sitka, a Tlingit Chief objected. The Tlingit viewed the Chinese as a threat to their economic opportunities, taking work away from Natives. After a lengthy discussion between the Tlingit and cannery operator and the assurance that the Chinese workers merely made cans, the Tlingit allowed the boat to land. This exchange showed the sovereignty the Tlingit still held in Sitka and the importance of economic opportunities and work.⁷²

Alaska Natives found work in canneries as a way to supplement their subsistence economy. Initially, canneries operated with Native employees because cannery operators could pay Tlingit and Haida workers less than imported workers. However, Tlingit and Haida employees soon demanded higher wages, prompting cannery owners to import Chinese and other Asian workers from Washington, Oregon,

⁷¹ Hinckley, *The Canoe Rocks*, 222-224.

⁷² Pat Roppel, "Southeast History: Sitka's first salmon cannery – 1878," *Capital City Weekly* (March 13, 2013): http://www.capitalcityweekly.com/stories/031313/out_1110524989.shtml.

and California. Native workers also left canneries after they earned enough money in order to participate in the subsistence economy, harvesting food for winter months. Cannery operators labeled Tlingit and Haida cannery workers as unreliable because they failed to work the entire canning season. The cannery ventures proved highly successful and by 1889, thirty-seven canneries operated in Alaska. Alaskan canneries produced significantly more output than the Columbia River canneries and by 1899, they exported more than one million cases yearly. The fisheries' success allowed canners to export canned salmon worldwide, launching Alaska into the global economy.⁷³

For the Tlingit and Haida, the large cannery operations posed many challenges. By the mid-1890s, a few large operators controlled most of the canneries throughout the territory. The Alaska salmon canneries operated as colonial ventures where out of territory owners exploited Alaska's resources and, after the fishing season, took their profits with them. The lack of a readily available labor force and other resources in Alaska prompted canneries to operate as self-contained enterprises, importing supplies, equipment, boats, employees, and fishermen from outside the territory. Unions restricted hiring practices to its members and the canneries hired few local white or Native residents, creating tension within fishing communities. The unregulated fishery allowed canneries to operate without limits, leading to overfishing and diminished resources. For the Tlingit and Haida, overfishing negatively impacted the subsistence fishery making it more difficult to harvest and store enough food for winter.⁷⁴

⁷³ David F. Arnold, *The Fishermen's Frontier: People and Salmon in Southeast Alaska* (Seattle: University of Washington Press, 2008), 56-57; Hinckley, *The Canoe Rocks*, 231-234.

⁷⁴ Arnold, *The Fishermen's Frontier*, 57-58.

American laws directed at preserving the salmon fisheries, declared Tlingit and Haida subsistence methods illegal. Decreased numbers of salmon returning to Southeast Alaska prompted Congress to create measures to protect the commercial salmon fishing industry. On March 2, 1889, Congress passed the Alaska Salmon Fisheries Act to preserve fishing resources.

That the erection of dams, barricades or other obstructions in any of the rivers of Alaska, with the purpose or result of preventing or impeding the ascent of salmon or other anadromous species to their spawning grounds is hereby declared to be unlawful, and the Secretary of the Treasury is hereby authorized and directed to establish such regulations and surveillance as may be necessary to insure that this prohibition is strictly enforced and to otherwise protect the salmon fisheries of Alaska; and every person who shall be found guilty of a violation of the provisions of this section shall be fined not less than two hundred and fifty dollars for each day of the continuance of such obstruction.⁷⁵

This act remained unenforced until 1892 when the first fisheries manager arrived. The law proved highly ineffective at regulating cannery activities without adequate enforcement, the funds to enforce the laws, and the focus on profits instead of conserving resources. With more than four thousand miles of coastline, the two or three inspectors sent to regulate the fisheries in Alaska proved too large to efficiently regulate.⁷⁶ While the Alaska Salmon Fisheries Act prevented canneries from blocking off streams for commercial use, it also prevented Indigenous people from engaging in traditional methods of fishing that sustained their people from time immemorial. Without the availability of subsistence resources, Native fishermen transitioned to commercial

⁷⁵ An act to provide for the protection of the salmon fisheries of Alaska, Fiftieth Congress, Session II, Chapter 415, 25 Stat. 1009 (March 2, 1889).

⁷⁶Arnold, *The Fishermen's Frontier*, 78-79.

fishing as a means to provide for themselves since subsistence fishing no longer provided enough food for survival.⁷⁷

For the Tlingit and Haida, the commercial salmon industry increasingly disturbed their system of salmon management. Historian David S. Arnold states, “While Tlingit and Haida fishers had maintained control of the salmon fishery during the period of the maritime fur trade and Russian settlement, the commercial fishing industry was destroying the system of clan house—based fisheries management that had been developed over thousands of years. Swept away in the flood of canneries, machines, fish traps, and immigrant laborers who inundated the salmon fishery was a sense of moderation and intimacy that had characterized Native fishing.” Before the arrival of the Americans, clans and families controlled fishing privileges to particular fishing sites, regulating the amount of fish harvested. The commercial salmon industry not only disrupted social order among the Tlingit and Haida but also depleted the salmon catch, resulting in decreased subsistence resources. Although some canneries and fishermen asked Tlingit and Haida permission to use specific streams and fish trap locations and sometimes paid rent, for the most part, whites disregarded Tlingit and Haida land ownership. When Tlingit and Haida filed complaints, officials reminded them that everyone, regardless of race or land ownership, possessed equal access to the fishery. Arnold continues, “The principle of ‘equal rights’ to the salmon fishery was little consolation to a people whose previous system of regulating the fisheries was based on

⁷⁷ Ted C. Hinckley, *The Americanization of Alaska, 1867-1897* (Palo Alto: Pacific Books Publishers, 1972), 190-191.

the delineation of strict property rights to fishing sites...It is no surprise that the Tlingit and Haida fishers rejected the open-access doctrine.”⁷⁸

Tlingit and Haida used several methods of resistance to the open-access doctrine imposed by the Americans. When American fishermen attempted to fish too close to Tlingit and Haida villages, Tlingit and Haida drove them off. In other areas, Tlingit and Haida clan leaders required payment from American fishermen requesting access to their traditional fishing grounds. Tlingit and Haida sometimes resorted to violence or threats in defense of their traditional fishing areas, creating tensions between themselves and American fishermen. Historian David Arnold states, “In 1890, for example, Indians from Klukwan and Haines objected to an industrial fish trap erected by the APA cannery at Pyramid Harbor because it blocked traditional fishing sites in Lynn Canal. When the cannery refused to remove the trap, Tlingit fishermen, armed with guns, destroyed it.”⁷⁹ However, when American fishermen felt threatened, they often called upon the military to enforce the open-access fishery. Unafraid to use force, the U.S. Army shelled the Tlingit village of Kake in 1869 when two village residents killed two Americans in revenge for the loss of two fellow Tlingit. Historian David Arnold states, “In 1882, the U.S. Navy bombed and destroyed the Tlingit village of Angoon after Indians had seized property belonging to the Northwest Trading Company and demanded payment for the death of a Native shaman killed in a whaling accident.”⁸⁰ In 1890 the violence continued when American fishermen called on the Navy for protection when two Tlingit clans, armed with weapons, refused to let American fishermen onto

⁷⁸ Arnold, *The Fishermen's Frontier*, 66-67.

⁷⁹ Arnold, *The Fishermen's Frontier*, 67.

⁸⁰ Arnold, *The Fishermen's Frontier*, 67.

their traditional fishing grounds without payment. Aided by the Navy, American fishermen exercised their right to the open access fishery, ignoring aboriginal fishing rights. Tlingit and Haida leaders were arrested and taken to trial. The military proved helpful in aiding American fishermen to trespass on traditional Tlingit and Haida fishing grounds. Although Tlingit and Haida protested, they received no protection for traditional fishing grounds in the open access fishery.⁸¹

Tlingit and Haida found employment in the commercial fishing industry as well as in the canneries. Historian Peter Metcalfe states, "For at least two decades (1890-1910) Native fishermen could make decent livings in the commercial fishing industry, while their families found employment in the canneries."⁸² Early canneries relied on Tlingit and Haida fishermen for the majority of their fish. They also hired Native women and children to work in the canneries. For the Tlingit and Haida, this type of work fit into their traditional gendered division of labor. Working in the commercial salmon industry helped Tlingit and Haida workers earn money to help compensate for the depletion of salmon resources. However, cannery work took Tlingit and Haida workers away from their traditional subsistence operations, making it necessary to supplement their diets with purchased food.⁸³

In 1907, the invention of floating salmon traps by J.R. Heckman changed Alaska's salmon fisheries. Cheap to construct and easy to operate, floating fish traps allowed canneries to catch salmon more efficiently. Strategically placed, these traps reduced the need for fishermen. Local Native and white fishermen protested traps

⁸¹ David Arnold, *The Fishermen's Frontier*, 67-68.

⁸² Peter Metcalfe, *A Dangerous Idea*, 3.

⁸³ David F. Arnold, *The Fishermen's Frontier*, 69-71.

because highly efficient floating fish traps virtually eliminated the need for fishermen. For the absentee cannery operators, the traps proved very profitable. The traps left very few fish for other commercial or subsistence fishermen. However, they also created a lot of waste when canneries processed only the most profitable salmon varieties and disposed of the rest. The highly profitable salmon industry, run by out of state companies with political influence, proved too powerful for Alaskans to effectively fight against. The economic power held by the cannery owners kept the salmon traps in place. Although strongly opposed by Alaskans, both Native and white, the traps remained until statehood in 1959.⁸⁴

The fox farming industry, aided by the National Forest Service and the Bureau of Biological Survey, provided another method for Americans to evict Tlingit and Haida from their ancestral lands. More than one thousand islands compose the Tongass National Forest of Southeast Alaska. Since time immemorial, Indigenous people used these islands as part of their subsistence cycle. They built homes and temporary shelters, processed, dried, and smoked salmon, grew gardens, erected totem poles, and buried their dead. In 1901, Jim York established the first commercial fox farm when he released blue foxes on Sumdum Island, south of Juneau. The islands created ideal locations for fox farming since the water surrounding the islands created natural barriers preventing the foxes from escaping. Foxes remained confined to the islands without fox farmers incurring the cost of erecting holding pens to kennel the foxes. Farmers bred

⁸⁴ Arnold, *The Fishermen's Frontier*, 66-67.

and raised foxes until large enough to harvest for their pelts. The demand for fox fur early in the twentieth century proved profitable for commercial fox farmers.⁸⁵

In 1907, the creation of the Tongass National Forest greatly reduced the area available for white settlement and economic enterprises. However, the establishment of the forest reserve did not close the area to all economic ventures. The United States Forest Service and the Bureau of Biological Survey created tension between Americans and Tlingit and Haida when it issued leases for fox farms and mine claims, and land titles to cannery investors building sites and fish traps. Since the lack of citizenship prevented Natives from obtaining leases and title to land, they felt unfairly treated by the United States government. The United States government compromised Tlingit and Haida sovereignty by making policies that prevented the Tlingit and Haida from benefitting from the same economic opportunities as white Americans. White Americans used leases and titles as a way to evict Tlingit and Haida from their ancestral lands using the United States government as their authority.⁸⁶

The National Forest Service issued leases to fox farmers in order to promote economic development in the Alaska territory. Individual farmers could invest in the fur industry for a nominal fee. Elevated fox fur prices following World War enticed many hoping to make it rich with hard work. Historian Sarah Isto states, “Shortages during World War I had driven fur prices up sharply. When war was declared in 1914, an Alaska blue fox pelt sold for an average of \$47 at American fur auctions. By 1920, the price was \$130. The rise of silver fox prices was similar: A pelt that sold for \$147 in

⁸⁵ Mitchell, *Sold American*, 227.

⁸⁶ Metcalfe, *A Dangerous Idea*, 21; Sarah Crawford Isto, *The Fur Farms of Alaska: Two Centuries of History and a Forgotten Stampede* (Fairbanks: University of Alaska Press, 2012), 43-45.

1914 brought \$170 in 1920.”⁸⁷ The United States endeavored to make economic progress in a territory many Americans considered worthless by allowing individuals access to economic opportunities. Fox farmers evicted Alaska Natives from islands they inhabited and used for subsistence purposes using Forest Service issued leases, sometimes resorting to threats and violence. Without citizenship, Alaska Natives could not obtain leases or hold title to their land and faced white encroachment and eviction. By 1923, the National Forest Service issued leases to at least 140 islands in the Tongass National Forest, which evicted and disturbed Alaska Natives and disrupted their subsistence cycles. In 1924, ANB member William Paul wrote a letter to Chief of the Bureau of Biological Survey Edward W. Nelson accusing the Forest Service of aiding whites in stealing Indian land. He wrote that, armed with a government lease, fox farmers evicted Tlingit and Haida from their island habitations. In 1925, the Huna Tlingit wrote to Nelson and complained about fox farmers confiscating important island locations “ we understand it is to be taken up by fox farmers and that we shall not be allowed to land on it under any conditions. As nearly every other island in the whole of Icy Straits has been set aside in the same way, we do most earnestly ask relief.” Additional complaints against the fox farmers emerged in the 1925 ANB meeting including claims of fox farmers forcing women with children and elders off of their island homes. Although Tlingit and Haida filed complaints against the fox farmers, neither the National Forest Service nor the Bureau of Biological Survey did anything effective to remedy the situation and merely “instructed their employees to prohibit fox farm lessees

⁸⁷ Sarah Crawford Isto, *The Fur Farms of Alaska: Two Centuries of History and a Forgotten Stampede* (Fairbanks: University of Alaska Press, 2012), 66, <http://site.ebrary.com.ezproxy.library.unlv.edu/lib/unlv/reader.action?docID=10553732>.

from disturbing 'totem poles, Native burying grounds, and lands cultivated by Natives.' But they were not told to stop leasing islands that Indians used or occupied." These measures proved ineffective in preventing fox farmers from disrupting Tlingit and Haida living on Southeast Alaska's islands.⁸⁸

From 1867 until 1912, the establishment of American economic ventures in Alaska significantly disrupted the Tlingit and Haida subsistence economy. Before American arrival, the Tlingit and Haida depended on the natural environment for life's necessities and existed following a subsistence economy. They obtained some goods from the Russians through the fur trade but controlled the land, waterways, resources, and trade avenues. The large influx of miners on traditional lands diminished Tlingit and Haida control in Southeast Alaska. Fox farmers, enabled by the U.S. Forest Service and Bureau of Biological Survey, received leases for fox farms and evicted Tlingit and Haida from ancestral lands, disrupting subsistence cycles in the process. The open-access commercial fishery encroached on ancestral fishing areas and depleted salmon resources. No longer able to rely completely on subsistence resources, Tlingit and Haida engaged in the commercial fishing industry to supplement their subsistence economy. Tlingit and Haida Men worked as fishermen while Tlingit and Haida women and children found employment in the canneries. United States government policies challenged Tlingit and Haida sovereignty by giving white Americans preferential treatment and economic opportunities not available to the Tlingit and Haida. Tlingit and Haida continued to practice the traditional subsistence lifestyle. However, unable to obtain all of their subsistence needs from natural environment due to American

⁸⁸ Mitchell, *Sold American*, 227.

encroachment and resource depletion, the Tlingit and Haida entered the market economy to supplement their subsistence economy.

Assimilation

“In all his country long time ago before we ever saw white men, our fathers and grandfather told us we owned it. In those days we had our own customs. We believed and done things our way in those days, but lately missionaries came here and commenced to tell us different.”

Chief Koogh-see, Hoonah⁸⁹

Russian social policies towards Alaska’s Indigenous people involved incorporation and the establishment of citizenship. Several historians discuss the relationship between Alaska Natives and Russian including Andrei Val’Terovich Grinev, Lydia T. Black, Ilya Vinkovetsky, Gwenn A. Miller, Sonja Luehrmann, and Michael Oleska.⁹⁰ Americans viewed Alaska’s Native people much like the Indigenous people of

⁸⁹ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

⁹⁰ Andrei Va.’Terovich Grinev, *The Tlingit Indians in Russian, America 1741-1867*, trans. Richard L. Bland and Katerina G Solovjova (Lincoln: University of Alaska Press, 2005); Lydia T. Black, *Russians in Alaska 1732-1867* (Fairbanks: University of Alaska Press, 2004); Ilya Vinkovetsky, *Russian America: An Overseas Colony of a Continental Empire 1804-1867* (New York: Oxford University Press, 2011); Gwenn A. Miller, *Kodiak Kreol: Communities of Empire in Early Russian America* (Ithaca: Cornell University Press, 2010); Sonja Luehrmann, *Alutiiq Villages Under Russian and U.S. Rule* (Fairbanks: University of Alaska Press, 2008); Michael Oleska, *Orthodox Alaska: Theology of Mission* (Crestwood, NY: St. Vladimir’s Seminary Press, 1992).

the continental United States and incorporated many of the same social programs. The policy of assimilation involved ridding aboriginal inhabitants of their languages and cultures and replacing them with American values and the English language. For Alaska Natives, the use of missionaries to promote assimilation damaged Indigenous languages and cultural practices.

Following the purchase of Alaska from Russia, the Russian Orthodox Church still operated in a diminished capacity. The Presbyterian Board of Home Missions viewed Alaska as an area of interest and the board assumed the responsibility of church activities. In 1877, the Presbyterians launched the Alaska education mission when Sheldon Jackson arrived in Alaska on August 10. Before his transfer to Alaska, Jackson worked as the Rocky Mountain Superintendent. As a Presbyterian missionary, Jackson advocated for saving Alaska Natives by educating them and incorporating them into American society. He set up the first Alaska mission in the village of Wrangell located in Southeast Alaska. Jackson wrote about his experiences in *The Rocky Mountain Presbyterian*, publicizing the struggles in Alaska and soliciting money from those interested in helping the mission. Although he opened other mission schools in Alaska, Jackson focused most of his attention on Southeast Alaska. Jackson also encouraged other church denominations to become involved in mission work in Alaska. In order to avoid conflict and conserve resources, he divided the state up by religious denominations, creating several zones of operation.⁹¹

⁹¹ J. Arthur Lazell, *Alaskan Apostle: The Life Story of Sheldon Jackson* (New York: Harper & Brothers, 1960), 53-66; Ted C. Hinckley, "The Presbyterian Leadership in Pioneer Alaska," *The Journal of American History* 52, no. 4 (March 1966): 744-745.

In 1877, the Presbyterian Board of Home Missions requested funding from the Department of the Interior to help with the mission's commitment to educating Alaska's Indigenous people. The board specifically requested funds from the Bureau of Education rather than the Bureau of Indian Affairs since John Eaton, the Commissioner of Education, belonged to the Presbyterian Church and was Jackson's friend. This appropriation of funding marked the beginning of the unconstitutional relationship between church and state to educate Alaska Native children.⁹² The Bureau of Education constructed day schools in Alaska as opposed to the boarding schools found in the contiguous states under the Bureau of Indian Affairs. The boarding school in Sitka remained the exception but it provided for orphans and children in other situations.⁹³

In 1883, Jackson withdrew himself from responsibilities in the Presbyterian Church except those dealing with Alaska. He moved to Washington, D.C. and focused on advocating for Alaska's schools. Jackson lobbied both within the Presbyterian Church and in the government sector, seeking funds to improve the educational system in Alaska. The Presbyterians built their largest and most advanced school in Sitka called the Sitka Industrial Training School. It served as a secondary school for Alaska Natives who received their primary education in the various mission and common schools in Alaska. Jackson even sent some of his best students to eastern schools for further education.⁹⁴

⁹² Lazell, *Alaskan Apostle*, 53-66; Ted C. Hinckley, "The Presbyterian Leadership in Pioneer Alaska, 744-745.

⁹³ Lazell, *Alaskan Apostle*, 69; Haycox, *Alaska: An American Colony*, 193.

⁹⁴ Lazell, *Alaskan Apostle*, 69; Ted C. Hinckley, "The Presbyterian Leadership in Pioneer Alaska," *The Journal of American History* 52, no. 4 (March 1966): 746.

On July 4, 1884, President Chester Arthur appointed John H. Kinkead as the first governor of Alaska, assuming civilian control from the Navy. Tensions soon arose between Sheldon Jackson and Kinkead because the two men differed in their policies towards the District of Alaska. Kinkead sided with previous Russian policies of retaining Native culture and language, keeping Native place names, allowing the sale of alcohol, and allowing the established Russian Orthodox church to continue working with Natives. Jackson however, preached assimilation, insisted on English only education, proposed changing Native place names to English names, and lobbied for the exclusion of alcohol in Alaska. When Alfred P. Swineford replaced Kinkead in 1885, Jackson's policies soon prevailed, impacting Native languages and culture.⁹⁵

In April 1885, Congress appointed Sheldon Jackson as the first District General Agent of Education in Alaska. Jackson sought financial support from Presbyterian churches in the United States and also obtained support from the United States government for educating and acculturating Alaska Native students. Government leaders justified government sponsored mission schools with a precedent set by President Grant when he allowed the missionaries in reservation schools. Jackson publicized the deteriorating social status brought on by American settlement and urged the United States government to act quickly. The Presbyterian Church supported immediate action and provided Presbyterian missionaries and teachers. Presbyterian missions established and administered Native schools in Alaska following Jackson's

⁹⁵ Lazell, *Alaskan Apostle*, 71; Dauenhauer and Dauenhauer, *Haa Kusteeyí*, 52; Hinckley, *The Canoe Rocks*, 197; Haycox, *Alaska An American Company*, 192-194.

policies; requiring English only, forcing religious teaching, and urging students to replace Indigenous cultural practices and values with American ones.⁹⁶

As the General Agent of Education in Alaska, Jackson worked diligently to provide education for Alaska Native children. He stretched his meager budget by soliciting funds from churches. During the winters he spent time in Washington, D.C. and along the east coast, fundraising and lobbying. During the summer, Jackson travelled to existing mission and government schools in Alaska. He also oversaw the construction of new schools. Jackson's presence in Washington, D.C. kept the social programs for Alaska under the Department of Education. By doing so, Alaska Natives kept their unique status as free and independent people.⁹⁷

In 1905, Congress passed the Nelson Act, authorizing a separate system of education for Alaska Natives and white children. The act stated "That the schools specified and provided for in this Act shall be devoted to the education of white children and children of mixed blood who lead a civilized life. The education of the Eskimos and Indians in the district of Alaska shall remain under the direction and control of the secretary of the Interior, and schools for and among the Eskimos and Indians of Alaska shall be provided for by an annual appropriation, and the Eskimo and Indian children of Alaska shall have the same right to be admitted to any Indian boarding school as the Indian children in the States or Territories of the United States." The creation of a segregated school developed in response to racial views of the time. The Nelson Act's

⁹⁶ Dauenhauer and Dauenhauer, *Haa Kusteeyí*, 54.

⁹⁷ Haycox, *Alaska: An American Colony*, 194.

dual school system required that the territorial government provide for the white children while the Bureau of Education assumed responsibility for Native children.⁹⁸

The arrival of Americans in Alaska brought about social changes throughout the territory. The establishment of an education system in Alaska promoted the assimilation of Alaska Native children and required them to use English, forced religion upon them, and urged students to replace Indigenous cultural values with American ones. The Nelson Act created a segregated school system, further degrading the status of Alaska Natives. Although the school system greatly impact language retention among Alaska Natives, it also prepared a generation of children who, although exposed to culturally destructive forces, still retained their Indigenous identity and became the future leaders of the land claims fight. These Alaska Natives, educated in the American school system, presented a new method for fighting for Indigenous lands and sovereignty. Native children retained their kinship ties, connecting them to their past and their history despite American assimilation tactics. Since early diplomatic efforts largely failed, education enabled Alaska Natives to fight for equal rights and land claims.

Conclusion

“The government now sells land. Our people we have simple patches of ground raising vegetables, and place where our people go hunting; creeks where they fish, we want you to give them back to us...The Thlingit are getting poor because

⁹⁸ Act of January 27, 1905, 33 Stat. 616, 619;David S. Case and David A. Voluck, *Alaska Natives and American Laws* (Fairbanks: University of Alaska Press, 1984), 191-192.

their ground is taken away from them. We ask you to give the Tlingit the places that brought us food. If you refuse to do that then our people will starve.”

Chief Yash-noosh, Chief of the Takou Tribe⁹⁹

As the United States claimed lands in Southeast Alaska, they removed ancestral lands from Tlingit control. However, the federal government failed to recognize aboriginal claims to land and resources in the territory. In order to make the territory more economically independent, the National Forestry Department and the Bureau of Biological Survey leased aboriginal land to white Americans, preventing Alaska Natives from obtaining leases because they lacked citizenship. The establishment of schools in the territory and the promotion of American culture and the English language impacted Tlingit and Haida social and cultural lives. As children grew up and walked the path between American and Alaska Native cultures, they fought against racism and restrictive laws. Alaska Natives recognized attaining full citizenship as a way to compete in Alaska’s changing society.

For the Tlingit and Haida, education proved to be an important tool in fighting for land and sovereignty in Southeast Alaska. Before 1912, Tlingit and Haida tribal leaders appealed to the governor and other government officials for better treatment and the rights to their ancestral lands and resources. Government officials rarely took them seriously and told them that they were better off under American rule than any previous time in their history. Government officials also considered Tlingit and Haida uncivilized

⁹⁹ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

since they spoke through interpreters and continued to practice their tribal traditions. However, the return of Tlingit and Haida boarding school educated students changed negotiating methods.¹⁰⁰

By 1912, the first generation of children educated in mission schools, Indian schools in the lower forty-eight, and out of states colleges returned to their communities. Educated Tlingit and Haida realized that their lack of citizenship prevented them from becoming property owners, attending public schools, obtaining government leases, and participating in the local economy like the white residents of the area. However, they still paid taxes including the ones that funded the school they were prohibited from attending. Faced with these social inequalities, many Tlingit and Haida involved themselves in promoting Native civil rights.

By 1912, the Tlingit and Haida felt the influence of missionaries and American culture. Many spoke English, belonged to the Presbyterian Church, worked in the commercial fisheries, and depended on American material culture. Tlingit and Haida children attended Presbyterian mission schools and learned how to function in white society. However, they still retained family and kinship relationships and retained their Tlingit and Haida cultural identity, engaging in cultural activities and participating in the subsistence lifestyle.

Although Sheldon Jackson forced students to learn English by prohibiting Native languages in mission schools and urging students to cut all cultural ties and practices, his mission to “civilize” the Indians remained unsuccessful. However, his teaching

¹⁰⁰ Walter R. Goldschmidt and Theodore H. Haas, *Haa Aaní, Our Land: Tlingit and Haida Land Rights and Use*, ed. Thomas F. Thornton (Seattle: University of Washington Press and Juneau: Sealaska Heritage Foundation, 1998), xiv.

methods greatly impacted the retention and persistence of Indigenous languages in Alaska. Jackson overlooked the matter of kinship ties and the importance of the Tlingit and Haida cultural identity. Alaska Natives spoke English and held jobs in the white economy but they also spoke their Indigenous languages and engaged in cultural practices. Their identity remained strongly tied to the land of their ancestors where Tlingit and Haida participated in a seasonal subsistence cycle and travelled throughout the area for subsistence resources. American encroachment negatively impacted traditional lifeways because it decreased available resources and disrupted the subsistence cycle. White discrimination also created unwelcoming environments for Indians in their own communities.

Chapter 3: The Alaska Native Brotherhood and Land Claims, 1912-1936

“But now a great shadow hangs over the Thlingit and Haidas in this great land of Alaska, it's the shadow of the white man's greed. The Thlingits and Haidas never suffered for want of food until the white man came and greed and degeneration set in; dance houses set up; women and rum and dancing; sickness and dying.”¹

After the first decade of the twentieth century, Natives in Southeast Alaska continued to develop ways to broker land loss, economic development, and assimilation policy. In 1912, a group of Tlingit, Haida, and Tsimshian leaders created the Alaska Native Brotherhood (ANB) as an organization to promote social progress for Alaska Natives. The ANB endeavored to prepare Alaska Natives for citizenship and help them to adjust to the changes brought on by Americanization.

Between 1912 and 1936, Alaska Native leaders in Southeast Alaska, working within the Alaska Native Brotherhood (ANB), united their communities and fought for sovereignty and land rights. Alaska Native leaders established ANB “camps” in all of Southeast Alaska’s Native villages, promoting the concept

¹ Samuel C. Davis, “Man Never too Old to Learn” in “A Recollection of Civil Rights Leader Elizabeth Peratrovich,” *Alaskool.org - Alaska Native History, Education, Languages, and Cultures*. University of Alaska Anchorage, Institute of Social and Economic Research, accessed March 15, 2015, www.alaskool.org/projects/native_gov/recollections/peratrovich/Elizabeth_1.htm.

of brotherhood and strength through unity. As Americans continued to arrive in Southeast Alaska, they obtained land using their American citizenship. However, denied citizenship, Alaska Natives continued to fight for the rights to their land in a political atmosphere that denied them civil rights and continued to delay settling aboriginal land claims.

On August 24, 1912, Alaska became a territory with the passage of an act also known as the Second Organic Act: *An Act to Create a Legislative Assembly in the Territory of Alaska, to Confer Legislative Power Thereon, and for Other Purposes*. Territorial status meant that the control of Alaska remained with the federal government, however it provided for an expanded territorial government. The constitution and all of the laws of the United States applied to the Territory of Alaska. The center of the territorial government moved from the district capital of Sitka to Juneau. The act provided for a limited legislative body consisting of a senate with two members from each district with six-year terms and a house of representatives with sixteen members, four from each district with two-year terms. After Alaska obtained territorial status in 1912, the United States government increased its presence and influence in the newly established territory. The federal government focused on improving the lives of Alaska Natives and “civilizing” them in the process. The territorial government enacted progressive legislation for Natives to achieve citizenship, made school attendance mandatory, created a territorial board of education, and allowed

limited self-government in Native villages. For Alaska Natives, territorial status brought many changes and challenges to their lives.²

Alaska Natives continued to face land loss as the United States government took over traditional lands in form of national monuments, canneries, fox farms, and mines. Tlingit and Haida receive no compensation for lands lost. Since aboriginal title remained unresolved, traditional lands remained unprotected. For the Tlingit and Haida land ownership remained out of reach. After rejecting the reservation system because of its infringement on civil rights and economic opportunities, a land claims suit proved the answer to land claims issues. In order to proceed however, the ANB needed to agree to assume the risk involved with suing the United States. In 1929, the ANB members agreed to pursue a land claims suit. A land claims suit required United States approval in the form of a jurisdictional act. The process to obtain a jurisdictional act proved lengthy and the Tlingit and Haida persisted despite several unsuccessful attempts.

Extractive colonialism continued in Alaska despite Alaska Native protests. The federal government aided canneries by continuing to allow fish traps despite protest from Alaska Natives and Alaska residents. Members of the Alaska Native Brotherhood sent William Paul to a fisheries hearing in Washington D.C., to testify against fish traps. His presence in the Nation's capital proved that Alaska Natives strived to make their voices heard and that they remained determined to

² An Act to Create a Legislative Assembly in the Territory of Alaska, to Confer Legislative Power Thereon, and Other Purposes, 62nd Cong., 2d sess. (August 24, 1912), 34, 84; Haycox, *Alaska an American Colony*, 229, 232-233.

fight for equal access to the fisheries. Although Alaska Natives continued to face the United States' assimilation, they learned to stand up for their rights, working to gain civil rights and land claims. Alaska Natives used the knowledge they gained through Americanization to navigate between Native and white worlds and insisted on equal treatment and the end to segregation in Alaska.

Self-Determination

Between 1912 and 1936, Alaska Natives used self-determination to reclaim their sovereignty and fight for the rights to their land and resources. Increased American assimilation efforts and patterns of exclusion created conflict between Americans and the Tlingit and Haida, prompting Natives to create social groups as a means to cope with the new challenges. Although individual village and church organizations formed before 1912, the establishment of the Alaska Native Brotherhood differed in that it united the Alaska Natives of Southeast Alaska. Working together proved an important first step in presenting a united Native voice in the changing territory. Most of the ANB founding members attended the Presbyterian mission of Sitka Training School, later renamed the Sheldon Jackson School. As part of Presbyterian congregations, they actively engaged in church work in their communities.³

The Alaska Native Brotherhood (ANB) formed on November 5, 1912 and consisted of eleven Alaska Native men and one Alaska Native woman. According to the ANB's website, the organization originally "focused its energies on

³ Dauenhauer and Dauenhauer, *Haa Kusteeyí Our Culture*, 74-83.

promoting Native solidarity, achieving U.S. citizenship, abolishing racial prejudice, and securing economic equality through the recognition of Indian land title and mineral rights, as well as the preservation of salmon stocks.”⁴ Initially, the organization limited membership to those who spoke English fluently, who abstained from alcohol, and attended church.⁵

The ANB’s expanding membership throughout Southeast Alaska proved an important way of uniting Alaska Natives. The ANB founders modeled the brotherhood after social and church groups of the time with village chapters known as “camps” and with a yearly meeting of all camps known as the grand camp held each November. The ANB spread throughout Southeast Alaska with village chapters in all of the larger Tlingit and Haida villages. Although the lack of funding prevented the organization from expanding throughout the Alaska territory, it united Southeast Alaska’s three Indigenous groups: the Tlingit, Haida, and Tsimshian. By 1935, the Brotherhood’s membership reached 2,200 of the 6,000 Alaska Natives in Southeast Alaska, with camps in 22 communities. At this time, the ANB/ANS moved away from earlier English only language and cultural suppression, incorporating Native languages and cultural activities. In this way

⁴ “Alaska Native Brotherhood & Alaska Native Sisterhood Grand Camp,” Alaska Native Brotherhood Alaska Native Sisterhood Grand Camp, accessed April 3, 2015, <http://www.anbangc.org/about-us/history/>.

⁵ “Alaska Native Brotherhood & Alaska Native Sisterhood Grand Camp,” Alaska Native Brotherhood Alaska Native Sisterhood Grand Camp, accessed April 3, 2015, <http://www.anbangc.org>; Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867-1959 The Army to Statehood* (Hanover: University Press of New England, 1997), 237; Philp Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington, D.C.: United States Government Printing Office, 1958), 16-22.

the ANB connected more with older community members not educated in American schools.⁶

In 1915, Alaska's Territorial Legislature made progress towards granting Alaska Natives citizenship. On April 27, 1915, the Alaska Territorial Legislature passed *The Act to Define the Political Status of Certain Native Indians Within the Territory of Alaska*. The act allowed those Alaska Natives who passed an examination and are "found to have abandoned all tribal customs and relationship, to have adopted the ways and habits of a civilized life and to be properly qualified to intelligently exercise the obligations of an elector in the Territory of Alaska, shall thereupon obtain an endorsement upon said certificate by at least five white citizens of the United States who have been permanent residents of Alaska for at least one year, who were not members of the examining board as provided in Section 2, to the effect that such citizens have been personally acquainted with the life and habits of such Indian for a period of at least one year and that in their best judgment such Indian has abandoned all tribal customs and relationship, has adopted the ways and habits of a civilized life, and is duly qualified to exercise the rights, privileges and obligations of citizenship."⁷ The act stated that after the completion of the certificate, signing the document, taking an oath, "such applicant forever renounces all tribal customs and relationships, to the United States District Court for the Division in

⁶ "Alaska Native Brotherhood & Alaska Native Sisterhood Grand Camp," Alaska Native Brotherhood Alaska Native Sisterhood Grand Camp, accessed April 3, 2015, <http://www.anbangc.org>.

⁷ *The Act to Define the Political Status of Certain Native Indians Within the Territory of Alaska*, An Act of the Legislature of the Territory of Alaska, April 27, 1915.

which the applicant resides praying for the granting of a certificate of citizenship.”⁸ If approved by the district judge, the individual obtained citizenship. The complicated and lengthy process surely discouraged many Alaska Natives from obtaining citizenship and did not guarantee citizenship to those unwilling to abandon their Indigenous culture and beliefs. In addition, since citizenship depended on American approval, this legislation did not improve Alaska Natives’ social status or civil rights, prompting the ANB to expand its organization.⁹

In 1915, the Alaska Native Brotherhood expanded with the creation of the Alaska Native Sisterhood (ANS). This organization became an auxiliary to the ANB with a structure similar to women’s church groups of the time period. ANS members provided the much-needed financial support and fundraising efforts that helped strengthen the effectiveness the organizations. ANS members held their own meetings and participated the yearly ANB Grand Camp meetings. Although not initially allowed to vote, they eventually became full voting members. ANS members actively participated in all aspects of the ANB and became some of the most outspoken leaders and activists.¹⁰

William Paul and his older brother Louis Paul distinguished themselves as two of the most well-known and active members of the ANB. They dedicated time and effort promoting Alaska Native sovereignty and land claims. Like many ANB

⁸ The Act to Define the Political Status of Certain Native Indians Within the Territory of Alaska, An Act of the Legislature of the Territory of Alaska, April 27, 1915.

⁹ The Act to Define the Political Status of Certain Native Indians Within the Territory of Alaska, An Act of the Legislature of the Territory of Alaska, April 27, 1915; Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington, D.C.: US Government Printing office, 1958), 45.

¹⁰ Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington, D.C.: Government Printing Office, 1958), 20.

members, they attended the Sitka Industrial Training School, a Presbyterian boarding school established by Sheldon Jackson in 1879. Following an 1886 canoe accident that killed her husband, William and Louis Paul's mother, Tillie Paul moved her family to Sitka and found employment at the Sitka Industrial Training School. Her sons attended the school where they learned to speak English only, received religious instruction, and learned to adopt American ways of life. In their teens, Tillie sent her sons to the Carlisle Indian School in Pennsylvania. The Paul brothers studied under General Richard Pratt who believed that acculturation and assimilation were the only way to save the Indian from extermination. At this time, most Americans considered Indians a dying race. After graduating from Carlisle, William attended Whitworth College, a Presbyterian school in Tacoma, Washington. After graduating from Whitworth in 1909, Paul attended the San Francisco Theological Seminary for a year before taking a correspondence law course from La Salle University in Philadelphia. After working for a few years, he returned to Alaska for the 1920 salmon fishing season, intending to move his family to New York City after he made some money.¹¹

Louis Paul, ANB Grand President, urged his brother William Paul to attend the November 1920 ANB Grand Camp meeting in Wrangell. William attended the meeting and joined the organization, changing the course of his life. ANB

¹¹ Stephen Haycox, "Then Fight for it: William Lewis Paul and Alaska Native Land Claims" in *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*. Edited by Hamar Foster and Heather Raven, (Vancouver: UBC Press, 2007), 86, Accessed March 24, 2015, <http://site.ebrary.com.ezproxy.library.unlv.edu/lib/unlv/detail.action?docID=10275463>.

members elected him to the office of Grand Secretary. This began William Paul's lifelong membership in the ANB and the Paul family's influence in the ANB. William Paul remains one of the Brotherhood's most well known but controversial members.¹²

Consistent with their education at Carlisle under General Pratt, the Paul brothers believed that the Fourteenth Amendment declared Alaska Natives citizens of the United States and they should not be discriminated against and should control their own destinations.¹³ The Paul brothers increasingly moved the ANB into the political arena, encouraging Indian self-determination and autonomy. Throughout their careers, the Paul brothers fought for the Alaska Native people, promoting aboriginal rights and land claims, and condemning racial discrimination.¹⁴

William Paul's educational endeavors and legal training proved very important for the ANB. In December 1920, William Paul passed the bar exam, making him the first Alaska Native lawyer in Alaska. Despite the prejudicial examining lawyers and judge, Paul excelled and passed the exam, missing only 21 out of 231 questions. William Paul's wife, Frances Paul later told the story she heard from a "travelling salesman,"

"In 1920 a committee of three lawyers was appointed to prepare a set of written questions and later there was an oral examination by the district judge...It seems the committee was all set to prevent Will's passing the test. It would never do to

¹² Metcalfe and Ruddy, *A Dangerous Idea*, 20-21.

¹³ Mitchell, *Sold American*, 209-210. According to Mitchell, the Paul Brothers learned these ideas while at Carlisle Indian School under the direction of Richard Pratt. William Paul remained in contact with Pratt following his graduation from Carlisle and his return to Alaska.

¹⁴ Metcalfe and Ruddy, *A Dangerous Idea*, 20-21.

have an Indian a member of the bar. For three whole days Will had answered questions on the typewriter and was beginning to suspect some prejudice was at work. The salesman reported that a man in the smoking room of the Revilla Hotel [in Ketchikan] had called out to ne of the committee, 'How are you coming with failing that Indian?' The committeeman answered, 'No go. The damn son of a bitch knows more law than the judge does.'" ¹⁵

This story indicates the racism and struggles Natives faced in the early twentieth century. Historian Donald Craig Mitchell recounted events following the bar exam, ""When he was admitted to the bar, Paul proudly wrote to Richard Henry Pratt: 'I am the first man of Indian blood to be admitted in Alaska. There was a very strong prejudice among some of the attorneys but I was too well prepared to be denied. Out of 231 questions, I missed only 21.'" ¹⁶ William Paul's law degree proved a valuable asset to the ANB and the Natives of Southeast Alaska in their fight for equal rights and citizenship. ¹⁷ Paul viewed legal action as a way to gain rights, not only for individuals but also for all Alaska Natives. ¹⁸

William Paul continued to involve himself in matters important to Alaska Natives both politically and through legal avenues. In 1922, Paul took on a case that challenged the citizenship laws in Alaska. Charley Jones, an illiterate Tlingit man attempted to vote in a primary election. Denied by an election judge, he related his story to Tillie Paul Tamaree who escorted Jones back to the polling place and insisted he be allowed to vote. Following the arrest of William Paul's mother Tillie Paul Tamaree for helping an Indian not entitled to vote and Charley

¹⁵ Story told by Frances Paul, in Mitchell, *Sold American*, 209-210.

¹⁶ Mitchell, *Sold American*, 210.

¹⁷ Haycox, *Alaska: An American Colony*, 209-211.

¹⁸ Stephen Haycox, "William Lewis Paul/Shgúndi," in *Haa Kusteeyí Our Culture*, eds. Nora Marks Dauenhauer and Richard Dauenhauer (Seattle: University of Washington Press, 1994), 508.

Jones for illegal voting, Paul defended both in the Wrangell court. He won the case on the grounds that Jones, although he did not speak English, sent his children to school, paid taxes, purchased bonds, and gave to charity and thus adopted the requirements for citizenship. The jury decided that Jones lived apart from a tribe and lived a civilized life. The judge in the case, U.S. District Judge Thomas G. Reed, ruled the 1915 Territorial Citizenship Act unconstitutional because it violated the provisions of the Dawes Act.¹⁹ The Dawes Act, passed in 1887 and extended to Alaska in 1906, specified that “every Indian born within the territorial limits of the United States who has voluntarily taken up, within said limits, his residence separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens.” The territorial legislation clearly violated the citizenship provisions. Paul’s fight for Charlie’s voting rights proved that Alaska’s territorial legislation unlawfully discriminated against Alaska Natives. The suit also extended voting rights to Alaska Natives. This case challenged the legal standing of Alaska Natives and gave William Paul credibility as a lawyer fighting for Alaska Native rights.²⁰

William Paul recognized the importance of the Alaska Native vote in Alaska’s political scene. Before the 1920’s, candidates seeking election largely

¹⁹ Haycox, *Alaska: An American Colony*, 214-215.

²⁰ “An Act to Provide for the Allotment of Lands in Severalty to Indians on the Various Reservations, and to Extend the Protection of the Laws of the United States. and the Territories Over the Indians, and For Other Purposes, 49th Congress, 2d sess., (February 8, 1887), 119.

used Natives voters as pawns, including some and excluding others. By manipulating election results in their favor, certain candidates triumphed over others. In both the 1916 and 1918 territorial election for Congressional delegate, Democrat Charles Sulzer and Republican James Wickersham faced one another. After results came in, Wickersham protested the results in favor of Sulzer. The territorial legislature decided in favor of Wickersham, allowing votes from Natives in villages but excluding votes from those residing in the bounds of the Klawock reservation.²¹

William Paul's involvement in influencing the Alaska Native vote in Southeast Alaska stands out as one of the most controversial campaigns of his career. In the 1920s, William Paul began organizing Tlingit and Haida voters as a group. Paul advocated for Alaska Native Voting rights and saw the political power presented in a united Native vote. He supported candidates sympathetic to Native rights and issues, most notably Judge James Wickersham. Paul influenced illiterate Native voters and encouraged them to vote for his chosen candidates by providing them with templates to place over ballots depicting the chosen candidates. The Native voting block decided local elections, putting Paul into a position of political power. However, white politicians and voters resented this power and found Paul's voting scheme unacceptable even though not illegal.²²

Unhappy whites voters encouraged the passage of a literacy law, restricting the Native vote. A 1923 measure passed in the territorial legislature,

²¹ Mitchell, *Sold American*, 212-213.

²² Metcalfe, *A Dangerous Idea*, 21.

but since it allowed voters who voted in past elections to be grandfathered in, it had no real effect on the Native voting block. In some ways, William Paul's preceded his time in advocating for Native voters to vote for candidates who supported Native issues and standing united in order to make the most influence in elections. He used his political power to choose candidates sympathetic to Alaska Native issues and ultimately to win a seat in the territorial legislature. By voting as a united block, Alaska Natives proved that their votes could be powerful and influential. As a result, many candidates seeking election appealed to Native voters. William Paul soon discovered an additional way to reach Alaska Native voters.²³

William Paul began using the printed word to reach literate Native voters. In 1923, Paul began publishing a monthly newspaper called the *Alaska Fisherman*. His vocational training at Carlisle Indian School prepared him for a career in printing. Paul used what he learned to print and distribute his own paper, advocating for issues important to the ANB/ANS and expressing his own political views. As a Republican, he promoted his party's platform and advocated for the abolishment of fish trap and for home rule. In 1924, Paul also promoted his own political candidacy when he ran for state legislature. As the number of literate Natives increased, the paper proved an effective way of distributing information to residents of Southeast Alaska. The newspaper advocated for

²³ Metcalfe, *A Dangerous Idea*, 21; Mitchell, *Sold American*, 217.

Native civil rights and later in the fight for land claims. William Paul also used the *Alaska Fisherman* to announce his candidacy and political platform.²⁴

After helping political candidates favorable to Alaska Native issues, William Paul decided that it was time for an Alaska Native political candidate. Paul officially entered political life when he entered 1924 district race for Southeast Alaska's as a Republican candidate. He stood for abolishing fish traps, government reform, and increasing the mining tax. Paul travelled around Southeast Alaska in a small boat, seeking voter support. His opponents used race as a way to discount his qualifications, insisting that Paul planned to "extend to the Indians of Alaska all the privileges of whites." Opposing candidates also promised to exclude Indian voters from future elections by introducing legislation to establish literacy tests. In 1924 election, Paul used his influence with Native voters to win the fourth seat in the district legislature. Voters elected Paul to the territorial House of Representatives, making Paul the first Alaska Native to serve. Although not always successful as a legislator, he lobbied for issues important to the ANB/ANS.²⁵

In 1926, Paul won another term in the territorial House of Representatives. However, in 1928, his political career came to a dramatic end after secretly taking money from a cannery that supported fish traps. His opponents exposed him onstage during a political event, forcing William Paul to confront his wrongdoing in public. Since Paul opposed fish traps in his political platform, he admitted to his wrongdoing, ending his popularity among Tlingit and Haida

²⁴ Mitchell, *Sold American*, 215,; Metcalfe, *A Dangerous Idea*, 27.

²⁵ Mitchell, *Sold American*, 214-222.

voters. He still remained actively involved in influencing the Native vote and supported candidates sensitive to Native issues. He also continued his work in the Alaska Native Brotherhood.²⁶

Land

Between 1912 and 1935 the Tlingit and Haida continued to face land loss, trespass, and removal. Trespassing and forced removal of Tlingit and Haida from their homes and subsistence use areas by fox farmers prompted ANB members to take action and moved them closer to a land claims fight. During the 1924 ANB/ANS grand camp meeting, complaints against fox farmers evicting Tlingit and Haida from their island homes, prompted William Paul to write to Edward W. Nelson, the Chief of the Bureau of Biological Survey stating the bureau aided whites in stealing Tlingit and Haida land.²⁷ Complaints against the fox farmers continued in 1925 at the Grand Camp meeting in Hydaburg, a Haida village. These continued complaints highlighted white encroachment on Native land. Many cases also involved mistreatment and violence against Natives. A fox farmer with a government lease evicted a Tlingit woman with six children, destroying her home and garden. Another fox farmer forced an elderly man from his island habitation, confiscating his home and smoke house. Fox farmers using government leases to evict Tlingit and Haida members from their land stood out

²⁶ Mitchell, *Sold American*, 214-222.

²⁷ Mitchell, *Sold American*, 227.

a visible example of land loss. These instances prompted the Tlingit and Haida to take legal action to save their ancestral lands.²⁸

The legal fight for Tlingit and Haida land began following the 1925 ANB meeting when ANB members listened to testimonies about land loss following evictions by fox farmers. Recently granted citizenship, the Tlingit and Haida discussed whether or not fighting the government would impact Tlingit and Haida political and social gains. Taking legal action against the United State's government seemed somewhat risky. According to William Paul's family, during an ANB meeting, Peter Simpson allegedly whispered in Paul's ear "Is the land yours, Willie?" and when Paul answered yes, he continued, "Then fight for it." This exchange, according to Paul, began the fight for Tlingit and Haida land claims. However, historian Donald Craig Mitchell argues the fight for land claims began after Judge James Wickersham, while serving as Alaska's territorial representative to Congress, observed the passage of several jurisdictional acts, allowing tribes to file lawsuits against the United States for land claims. According to Wickersham's diary, he made the suggestion to Paul that the Tlingit and Haida might do the same.²⁹

²⁸ Mitchell, *Sold American*, 227-228.

²⁹ Mitchell, *Sold American*, 227. Although Donald Craig Mitchell disagrees that this was the beginning of the land claims fight in *Sold American* and that it was not Peter Simpson or Paul's idea to begin the fight for land claims, evidence in ANB records and letters written by Paul indicate that the ANB was moving toward fighting for land rights for some time. Mitchell champions Judge James Wickersham for coming up with the idea of the Tlingit and Haida suing the government for land claims because as a representative to Congress, he witnessed jurisdictional acts passed for other Native groups. While this seems likely, the ANB also received many complaints about white trespassing and evicting Natives from traditional lands, prompting them to fight for their land rights.

The 1925 ANB meeting motivated William Paul to take on the land claims fight. After returning to his legal practice in Ketchikan, Paul researched the land matter and discovered that Alaska Natives had never abandoned aboriginal title to their lands through treaties or land sales to the government. He cited the 1823 case *Johnson v. McIntosh* as the basis for aboriginal title in Southeast Alaska, recognizing that only Congress could extinguish Indian right of occupancy. With aboriginal title in Alaska still intact but unresolved, Paul recognized the importance of beginning a land claims fight before Tlingit and Haida faced any more land loss. He needed to obtain support from the ANB and work towards the passage of a jurisdictional act.³⁰

The United States continued to confiscate Alaska Native land without compensating Natives. Aboriginal title could only be extinguished by the United States through conquest, treaties, or purchase. However, no treaties occurred between the United States and Alaska Natives since treaty making between the United States and tribes ceased in 1871 with the passage of the Indian Appropriations Act. When the Interior Department tried to establish the reservation system in Alaska, Alaska Natives and other Alaskans protested. For Alaska Natives, rejecting the reservation system left ancestral lands unprotected. Since aboriginal title remained unresolved in Alaska and the United States continued to confiscate Native land, only one feasible option remained: a suit in federal court. In order to receive compensation for lands taken by the United States, Native groups, with Congressional approval, could sue for monetary

³⁰ Mitchell, *Sold American*, 229.

compensation. With approval in the form of a jurisdictional act, these groups could then take their land claims suits before the U.S. Court of Federal Claims.³¹

On February 26, 1925 President Coolidge proclaimed Glacier Bay National Monument, an area set aside because of a magnificent glacier. The park encompassed an area of 1,820 miles and included the traditional and sacred lands of the Huna Tlingit. The removal of this land from Indian use coincided with the national park policy of creating undisturbed sanctuaries within the United States. The creation of Glacier Bay National Monument caused the Huna to lose access to their best hunting and fishing grounds and their sacred sites. Oral history, archeological evidence, and other sources document Huna presence in Glacier Bay National Monument for at least one hundred and fifty years. Huna subsistence use included Glacier Bay and areas throughout the entire park. The Tlingit Huna owned the land within Glacier Bay National Monument according to aboriginal title and according to previous legislation should not have been disturbed. However, since aboriginal title in Alaska remained unresolved, the land proved vulnerable to United States takeover. The President's designation of Glacier National Monument ignored all aboriginal claims to the area, typical in the national park movement. However, the boundaries avoided areas deemed suitable for farming or mining. The United States confiscated almost all of the Tlingit and Haida's ancestral lands in

³¹ Haycox, *Alaska: An American Colony*, 253.

Southeast Alaska without compensating them. For Alaska Natives, land ownership still remained out of reach.³²

Congressional legislation attempted to protect a limited amount of Alaska Native land, however, limited title still left ancestral land unprotected. Alaska Natives gained access to some land near their villages. In 1926, Congress passed the Alaska Native Townsite Act. It allowed Alaska Natives to gain limited title to the land their where their dwellings stood. However the deed remained restricted and did not include mineral rights. Some confusion over the act also allowed non-natives to obtain townsite deeds in Native towns, allowing whites to gain title to additional Native land. Alaska Natives faced continued land loss as long as aboriginal title remained unresolved.³³

The significance of land loss throughout Southeast Alaska prompted the ANB to take legal action. In 1929, the Alaska Native Brotherhood held their annual Grand Camp Convention in Haines. During the Grand Camp meetings, President William Paul introduced Judge James Wickersham who presented the ANB/ANS with information regarding Tlingit and Haida lands taken without compensation. He urged them to sue the government for lost land. Since Wickersham was seeking reelection as the territorial representative to Congress, he appealed to the ANB and promised to introduce a bill to allow the Tlingit and Haida to sue the government for land claims. Although land claims issues arose

³² Theodore Catton, *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska* (Albuquerque: University of New Mexico Press, 1997), 8-10, 25-27. According to Theodore Catton, the spelling of the village of Hoonah and the people who lived there used to be spelled the same. However, the village is now spelled "Hoonah" and the people the "Huna."

³³ Case and Voluck, *Alaska Natives and American Laws*, 130-135.

in previous meeting, this time the ANB decided to act and appointed a committee to investigate the issue. Committee reports gained support among members of the ANB/ANS and the organization began the fight for land claims. Tlingit and Haida leaders realized that by pursuing a land claims fight, they would be the first group of Alaska Natives to sue the United States for land claims. In 1929, faced with ever increasing white intrusion on Tlingit and Haida ancestral lands, the Alaska Native Brotherhood/Alaska Native Sisterhood began a fight for the title to their lands and compensation for lands illegally taken from them.³⁴

Judge James Wickersham and William Paul agreed to represent the ANB when the jurisdictional passed and the land claims case could be filed. Wickersham and Paul agreed to split the 15% profit they planned to charge the ANB for representation if the ANB won compensation for lands illegally taken by the United States.³⁵

From ANB/ANS Resolution to the Jurisdictional Act

“These streams were as good as a farm to the natives. To these streams, men, women, and children went every fishing season. Those were happy days. Those were days when we were free; there were no judges to take our canoes from us, there was no “thou shalt not” in Alaska those days. One day I asked my old grandfather how long since the Koak-lannas had been getting fish from these streams. The old man looked at me and said,

³⁴ Metcalfe, *A Dangerous Idea*, 21-26.

³⁵ Mitchell, *Sold American*, 230.

‘Ask those rocks. They know because they are the only rocks that were here before the Haidas’.

Samuel C. Davis, ANB Grand Camp President³⁶

From 1929, when ANB members decided to fight for their land, until 1935, when the Jurisdictional Act passed and allowed Tlingits and Haidas to sue the U.S. government for land claims, the ANB experienced many political changes. Differences within the organization resulted in the development of two camps, one lead by the Paul family and the other lead by the Peratrovich family. Although this proved to be a distraction at times, the organization pushed forward, gaining ground in their fight for Native civil rights and the fight for title to ancestral lands. The ANB/ANS continued its active involvement in politics and used the Native vote to elect candidates sensitive to Native issues.

According to historians Nora Marks Dauenhauer and Richard Dauenhauer, “The ANB Convention of 1929 in Haines is one of the turning points in Alaska Native and Native American history.”³⁷ The ANB’s decision to fight for ancestral lands marked the first step toward filing a lawsuit against the United States, seeking payment for expropriated lands and resources. In order to

³⁶ Samuel C. Davis, “Man Never to Old to Learn” in “A Recollection of Civil Rights Leader Elizabeth Peratrovich,” *Alaskool.org - Alaska Native History, Education, Languages, and Cultures*. University of Alaska Anchorage, Institute of Social and Economic Research, accessed March 15, 2015, www.alaskool.org/projects/native_gov/recollections/peratrovich/Elizabeth_1.htm. Samuel C. Davis wrote this news article and was a Haida and past Alaska Native Brotherhood Grand Camp President.

³⁷ Dauenhauer and Dauenhauer, *Haa Kusteeyí Our Culture*, 97.

proceed with the land claims, Congress had to pass an act that allowed Indians to bring the lawsuit against the United States. In 1929, outgoing representative Dan Sutherland introduced the first jurisdictional act for the Tlingit and Haida, allowing them to sue the United States for land claims. However, the bill died in committee.³⁸

In 1930, Secretary of the Interior, Ray Lyman Wilbur, urged Congress to transfer social services for Alaska Natives from the Bureau of Education to the Bureau of Indian Affairs. Dan Sutherland, Alaska's nonvoting Congressional delegate objected to this move on grounds that the ANB and other Alaska Natives did not want to be placed under the Bureau of Indian Affairs' management. Alaska Natives considered their status different than Indians living on reservations who received government annuities. They remained free from the restrictions of reservation life and believed that the Bureau of Indian Affairs might negatively impact their lives by restricting their civil rights. Without a powerful advocate for Alaska's Native people like Sheldon Jackson, Alaska's Native people risked losing their distinct status, separate from other Native Americans. As long as they remained free from government annuities, Alaska Natives retained their sovereignty and freedom to act in their own defense, possibly avoiding the reservation system and other culturally destructive forces.³⁹

³⁸ Stephen Haycox, "Then Fight for It," 252-253; William Lewis Paul and Alaska Native Land Claims" in *Let Right Be Done: Aboriginal Title, the Calder Case, and the Future of Indigenous Rights*. Edited by Hamar Foster and Heather Raven, (Vancouver: UBC Press, 2007), 89, Accessed March 24, 2015, <http://site.ebrary.com.ezproxy.library.unlv.edu/lib/unlv/detail.action?docID=10275463>.

³⁹ Mitchell, *Sold American*, 253.

In 1930, Judge Wickersham won the election for territorial delegate to Congress with ANB/ANS support. As promised, in 1931, delegate Wickersham introduced a jurisdictional bill for the Tlingit and Haida. Although the Senate approved the bill, the House of Representatives rejected it, forcing the Tlingit and Haida to further delay the land claims fight.⁴⁰ Commissioner of Indian Affairs John Rhoads opposed the bill because no previous case involving compensation for lands other than those lost through treaties existed. This idea remained important throughout the fight for land claims since Alaska Natives did not sign any treaties with the United States.⁴¹ In 1933, representative Anthony Dimond once again introduced a jurisdictional bill for the Tlingit and Haida but the bill failed in committee.

Extractive Economy

From 1912 until 1935, the extractive economy continued in Alaska mainly focused in the salmon fishery. The Tlingit and Haida faced a new threat to their economy as canneries used fish traps to replace fishermen. The ANB expressed their views on policies pertaining to issues in Southeast Alaska and increasingly became involved in political issues impacting the territory. William Paul's legal training soon proved a valuable asset in promoting the ANB's most pressing issue. The establishment of floating fish traps negatively impacted the Tlingit and Haida commercial and subsistence fishery. During the 1920 Grand Camp meeting, the ANB decided to send William Paul to Washington, D.C. to testify

⁴⁰ Haycox, "Then Fight For It," 89.

⁴¹ Metcalfe, *A Dangerous Idea*, 25-26.

against fish traps. Members collected money for his trip and held a fundraiser. Paul's education and legal training prepared him for the lobbyist role. William Paul's testimony against the fish traps on behalf of the Tlingit and Haida gave the ANB a legitimate presence in Washington, D.C. as the organization representing Alaska Natives and showed that the Indigenous people of Alaska planned to make their voices heard. Paul spoke of the overfishing and depletion of salmon resources, "we are at this time very much concerned about the passing of a proper law regulating fisheries; because if a law is not passed the fact of depletion will become an actuality; and, whether you stop fishing by the passing of a law or not, In the course of a very few years there will be no fish in Alaska for which to legislate. I cannot put the danger of depletion too strongly."⁴² Paul voiced the ANB concern for protecting the salmon fishery by eliminating the use of fish traps. He stated, "And these traps, even when they have all the salmon they want, still catch every fish that swims, for salmon follows the shore. When the cannery floor is so loaded with fish that they lie around to a height of 3 or 4 feet, still the cannery tenders and scows will come to their canneries loaded with thirty to eighty thousand salmon, and if they can not be used they are dumped into the bay."⁴³ Paul pointed out the destructive uses of the fish traps not only because they caught most of the fish but also because they wasted fish when the

⁴² "Statement of William L. Paul, Wrangell, Alaska, Representing the Native Fishermen of Southeastern Alaska," Subcommittee of the Committee on the Merchant Marine and Fisheries on Fish and Fish Hatcheries, House of Representatives, Sixty-Seventh Congress, (January 17, 1922), 94.

⁴³ "Statement of William L. Paul, Wrangell, Alaska, Representing the Native Fishermen of Southeastern Alaska," Subcommittee of the Committee on the Merchant Marine and Fisheries on Fish and Fish Hatcheries, House of Representatives, Sixty-Seventh Congress, (January 17, 1922), 103.

cannery could not process the fish before it spoiled. Paul also spoke about the Tlingit and Haida, "Their status in relation to the United States is a little different from that of the Indians of the States for they are natural born citizens; they have never had, any reservations; they have had no special privileges; they pay all the taxes paid by any other citizen whatsoever, and they come before this Committee of Congress asking for no special favors but for the mere chance and right of living by the sweat of their brows."⁴⁴ In his testimony, William Paul focused on three important factors impacting the Tlingit and Haida, the dangers of the fish traps to the status of the fisheries, the independent status of Alaska Natives and their desire to stay that way, and the dangers of overfishing to the health and welfare of the Tlingit and Haida.⁴⁵

Alaska Natives faced the loss of their sovereignty in the fisheries after legislation failed to protect their aboriginal fishing rights. In 1924, the passage of the White Act created an open fishery in Southeast Alaska, allowing anyone to participate in the fishery with no preference for Native fishermen or their ancestral fishing sites. Conservation measures enacted to protect the fishery included limited fishing times and allowing half of the fish to escape up the rivers to spawn. Although Congress tasked the Bureau of Fisheries with monitor the

⁴⁴ "Statement of William L. Paul, Wrangell, Alaska, Representing the Native Fishermen of Southeastern Alaska," Subcommittee of the Committee on the Merchant Marine and Fisheries on Fish and Fish Hatcheries, House of Representatives, Sixty-Seventh Congress, (January 17, 1922), 94.

⁴⁵ Haycox, *Alaska: An American Colony*, 210-212; "Statement of William L. Paul, Wrangell, Alaska, Representing the Native Fishermen of Southeastern Alaska," Subcommittee of the Committee on the Merchant Marine and Fisheries on Fish and Fish Hatcheries, House of Representatives, Sixty-Seventh Congress, January 17, 1922.

fishery, the lack of adequate funding made fisheries management highly ineffective. Overfishing continued, endangering the vitality of the commercial and subsistence salmon fishery.⁴⁶

From Assimilation to Self Determination

Alaska Natives continued experience the federal government's assimilation policies and learned to fight back. The American education system provided Alaska Natives with tools to fight against assimilation policies and Alaska Natives used social activism to fight for their civil rights. Even while the United States tried to "civilize" Native people, prevalent racism and segregation indicated that assimilation policies did not bring about equality. Alaska Natives also insisted on retaining their free and independent status, free from government dependence prevalent on reservations in the contiguous United States.

Alaska's unfavorable political and social climate created an atmosphere that inspired Alaska Native Brotherhood to stand up against racism and segregation. Like other civil rights movements, ANB members actively opposed racism and segregation in Alaska and took nonviolent action. In 1924, the U.S. Congress granted citizenship to all Native Americans. However racism and segregated public establishments continued throughout the Alaska territory. Equality remained out of reach as long as segregated schools, businesses, and housing still existed. Businesses frequently posted "No Natives" signs and

⁴⁶ Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 242-243.

segregated sections continued in theaters and restaurants. Faced with the inequality of life in Alaska, the ANB/ANS worked to change the situation. ANB/ANS members staged boycotts and lobbied local politicians for Native civil rights. They met with politicians, voicing their displeasure with discriminatory practices.⁴⁷

Despite objections, in March 1931 the administration of Alaska Native social programs transferred from the Bureau of Education to the Bureau of Indian Affairs. Representative Sutherland continued to oppose this move and insisted that since Alaska Natives remained outside the Indian category, they could not receive funding from the Bureau of Indian Affairs. However, a February 1932 legal opinion by the solicitor of the Department of the Interior placed no distinction between Indians of the lower forty-eight and Alaska's Native people. This ruling moved the United States closer to deciding the ambiguous status of Alaska's Native people.⁴⁸

The ANB/ANS opposed the transfer of Alaska's social programs from the Bureau of Education to the Bureau of Indian Affairs. The ANB, ANS, and other Alaska Natives did not want to fall under the Bureau of Indian Affairs because they insisted that they did not occupy the same category as reservation Indians and did not depend on the government for annuities. Alaska Natives remained free and independent. Although delegate Dan Sutherland opposed the transfer, a

⁴⁷ "A Recollection of Civil Rights Leader Elizabeth Peratrovich," Alaskool. Accessed April 9, 2015, http://www.alaskool.org/projects/native_gov/recollections/peratrovich/Elizabeth_1.htm

⁴⁸ Mitchell, *Sold American*, 253-254.

voice vote favored it. In March of 1931, the Secretary of the Interior, Ray Lyman Wilbur signed the order transferring the administration of Alaska services from the Bureau of Education to the Bureau of Indian Affairs. For the ANB/ANS, the transfer to the BIA and the change of status to that of “Indians of the lower 48” meant an entirely new fight to retain their free and independent status. As the Tlingit and Haida continued to fight for their place in Alaska and title to their ancestral lands, they also fought against the application of BIA policies to Alaska and the possible creation of the reservation system. Alaska Natives retained their sovereignty only by remaining free and independent of reservation status. Reservation status came at a price and increased the discrimination practiced by white Americans.⁴⁹

In 1932, the national political scene changed in response to the Great Depression. Voters, hoping for positive changes in the country, elected Democrat Franklin D. Roosevelt to the presidency. In Alaska, voters elected Democrat Anthony Dimond for territory nonvoting delegate to Congress. Before the 1932 statewide election, controversy arose in the ANB when a Paul-influenced block of Native voters crossed party lines and voted for Dimond instead of Judge Wickersham. Paul recognized the changing political climate in favor of the Democrats and chose to side with the winning candidate, viewing Dimond as the Democrat most sensitive to Native issues. However, Paul’s political move created a rift within the ANB and a between himself and Wickersham. Although a Republican, Paul crossed party lines favoring the candidate most sensitive to

⁴⁹ Mitchell, *Sold American*, 252-254.

Alaska Native issues. However, since Roy Peratrovich, Paul's biggest critic in the ANB, and many other members of the ANB identified themselves as Democrats, they saw Paul's move as dishonest and disloyal to his political party, the Republicans.

The Democratic administration brought significant changes to Washington, D.C., especially to Indian Policy. In 1932, newly elected President Franklin D. Roosevelt nominated Harold Ickes as Secretary of Interior, John Collier as Commissioner of Indian Affairs, and Nathan Margold as the solicitor of the Department of the Interior. Presidential appointees rejected the era of allotment under the Dawes Act and introduced a new policy of Indian self-determination. These men changed the Indian policy of the time and made many decisions that determined policies towards Natives in Alaska.⁵⁰

In 1934, the Indian Reorganization Act became the "New Deal for Native Americans." However, it did not apply to Indigenous people in Alaska or Oklahoma. The act promoted Indian self-government and set aside funds for loans to incorporated tribes. This legislation set aside two million dollars for loans to organized tribes for the purpose of promoting Indian economic endeavors, either for entire tribes or for individuals. The ANB viewed the IRA as an opportunity to participate in Alaska's market economy by making them eligible for government loans. However, they insisted that they did not want to be restricted to reservations in order to gain access to IRA funds.

⁵⁰ Mitchell, *Sold American*, 252-256.

Conclusion

Between 1912 and 1935, the Tlingit and Haida of Southeast Alaska organized and promoted the social progress of Alaska Natives. In 1912, Alaska Native leaders in Southeast Alaska formed the Alaska Native Brotherhood (ANB) to cope with the changes brought on by Americans following Alaska's purchase from Russia in 1867. The group united the Indigenous groups of Southeast Alaska, creating strength through unity. The ANB prepared Tlingit and Haida for citizenship and helped them to adjust to the changes brought on by Americanization. Organized by "camps" in villages throughout Southeast Alaska, the ANB spread throughout the region. The ANB met annually in November with representatives from each camp attending. Although faced with many challenges, the Tlingit and Haida persisted, determined to acquire social equality. Gaining American citizenship in 1924 proved valuable but it did not eliminate the racism prevalent throughout Alaska. The ANB worked to eliminate racism, promoted civil rights for Alaska Natives, and entered the political arena. By the 1920s, the increased its involvement in social justice and politics as the Tlingit and Haida people faced racism and land loss.

Between 1912 and 1935, the United States continued to confiscate Alaska Native land in the name of conservation and economic ventures. With aboriginal title unsettled in Alaska, Indigenous land remained unprotected. In order to prevent any more traditional land loss and seeking compensation for lands already taken, the ANB, lead by William Paul, took action. In 1929, during their annual meeting, the ANB decided to pursue a land claims fight. They lobbied for

the passage of a Jurisdictional Act to allow the Tlingit and Haida to file a claim against the United States for illegally taking ancestral land. Although not successful for many years, the Tlingit and Haida persisted, lobbying for the chance to present their land claims case against the United States.

The extractive economy continued in Alaska, focused mainly on the salmon fishing industry. Alaska Natives worked as fishermen and in canneries. However, the invention of floating fish traps jeopardized fishing jobs when it eliminated the need for fishermen. No longer able to make a decent living, ANB members sent William Paul to testify against fish traps, giving Alaska Natives a presence in Washington, D.C.

Although assimilation efforts continued in Alaska, Alaska Natives learned to use what they learned to their advantage. Armed with an American education, they stood up for their civil rights and fought for equality. They used peaceful and legal means to oppose the segregation and racism prevalent throughout Southeast Alaska.

As the United States developed a new Indian policy of self-determination, the Tlingit and Haida moved forward with their land claims fight, determined to gain protection for their ancestral lands and compensation for lands illegally taken from them. The passage of a jurisdictional act was needed for them to proceed with the lawsuit. Although unsuccessful in previous attempts, the Tlingit and Haida persevered.

Chapter 4: Land Claims in Southeast Alaska, 1935 to 1947

“The places which we are living in now we hear the white people call it the territory of Alaska, and those people living down in the states, the white people call it the States. We are not like those people. They are supported by the Government of the United States and this is the first opportunity we have had to make our complaints before the government of our needs.”

Charley of Juneau¹

Between 1935 and 1947, the Alaska Natives of Southeast Alaska, the Tlingit and Haida, fought for the title to their ancestral lands. Their perseverance set the stage for future lands claims throughout Alaska. Alaska Native leaders insisted that they retained title to their traditional lands despite Russian occupation and the American purchase of Alaska. Alaska Natives never extinguished claim to the lands they occupied and used since time immemorial nor the lands illegally taken from them in the form of a national forest, a national monument, canneries, fish trap sites, homesteads and other areas of American land development.

In 1935, Congress passed the Tlingit and Haida Jurisdictional Act, the first victory in the land claims fight for the Tlingit and Haida. The ANB moved forward with the land claims fight and submitted their first attempt at a land claims suit. However, the Office of Indian (OIA) Affairs rejected the Tlingit and Haida’s initial attempt at filing a lawsuit

¹ “Meeting Held in the Public School House of Juneau, Alaska, By Request of Indian Chiefs On Account of the Presence of His Honor Governor John G. Brady,” *Alaska’s Digital Archives*, December 14, 1898, Accessed March 30, 2015, <http://library.alaska.gov/hist/fulltext/ASL-MF-Ar5-Roll5-F65.html>.

because the Tlingit and Haida failed to comply with Jurisdictional Act requirements. The OIA's initial rejection forced claimants to reorganize themselves and obtain an approved legal team. After hiring an approved legal team and establishing a new organization to represent all Tlingit and Haida of Southeast Alaska, the OIA approved the Tlingit and Haida's second attempt. In 1947 the Tlingit and Haida filed the lawsuit the *Tlingit and Haida Indians of Southeast Alaska v The United States*. This suit, the first of its kind in Alaska, launched other land claims fights in the state for aboriginal claims and eventually led to the Alaska Native Claims Settlement Act of 1971.

Land

In 1935 the Alaska Native Brotherhood sent William Paul to Washington, D.C. to lobby for the passage of a jurisdictional act and inclusion in the Indian Reorganization Act. As the ANB Grand Secretary, William Paul played a significant leadership role in the ANB as well as providing the legal expertise within the organization as Alaska's first Native lawyer.²

While in Washington from 1935-36, William Paul promoted the passage of the Jurisdictional Act, allowing Tlingit and Haida to sue the government for land claims. Before 1935, Alaska's Congressional Representatives introduced previous versions of a Jurisdictional Act to allow the Tlingit and Haida of Southeast Alaska to file land claims suits. The bills lacked Congressional support and failed. However, when Congress convened in 1935, Alaska's Congressional Representative Anthony Dimond reintroduced the Jurisdictional Act. While in the Committee on Indian Affairs, Secretary

² Fred Paul, *Then Fight For It: The Largest Peaceful Redistribution of Wealth in the History of Mankind* (Victoria: Trafford, 2003), 77-79.

of the Interior, Harold Ickes indicated that although he approved of the general concept of the act, he insisted on adding amendments. Most of these amendments, passed onto Ickes by Commissioner of Indian Affairs, John Collier, came from Paul Gordon, Bureau of Indian Affairs' director of Alaska education. Gordon demanded that if the Tlingit and Haida received compensation, the award remain in trust, under the Bureau of Indian Affairs administration. Although Paul agreed to support the amendments added by Ickes, these provisions took the control of any possible monetary awards out of the hands of the Tlingit and Haida and placed them into the hands of a government bureaucracy. Congress approved and passed the Jurisdictional Act on June 19, 1935, enabling the Tlingit and Haida to file claims against the United States in the United States Court of Claims. The ANB viewed the passage of this bill as the first victory in their land claims fight and proceeded to move forward with the lawsuit against the government.³

The Alaska Reorganization Act

In 1934 Congress passed the Indian Reorganization Act. Known as the "New Deal for Indians," this Congressional legislation brought economic assistance to Native American communities. However, it did not apply to indigenous people in Alaska or Oklahoma. In Alaska's case, Congressional Representative Anthony Dimond opposed including Alaska in the IRA because he knew Alaska Natives rejected the reservation system and he failed to see how the act applied to Alaska without changing the act's language. The IRA promoted Indian self-government and set aside two million dollars

³ Mitchell, *Sold American*, 241; An act authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, 74th Congress, Sess. 1 (June 19, 1935).

for loans to organized tribes for the purpose of promoting Indian economic endeavors, either for entire tribes or for individuals. Since the Indian Reorganization Act did not immediately apply to Alaska, the Alaska Native Brotherhood (ANB) thought that groups and individuals would greatly benefit from access to government loans. Alaska Natives wanted to play a larger role in the economy of Alaska but they lacked the capital to invest in individual business ventures and community based businesses. Amending the IRA to include Alaska would make Alaska Natives eligible for a portion of the monies set aside under the IRA. The ANB saw the IRA as a way to boost economic viability in Native communities and as a way to economically compete with white residents. In addition, the IRA increased educational opportunities for Native students who could apply for education loans and attend liberal arts colleges or vocational training.⁴

Alaska Natives wanted to be included under the IRA's provisions as long as they avoided forced removal to reservations. Alaska Natives voiced their aversion to the reservation system because of its harsh treatment of Natives.⁵ Historian Peter Metcalfe states, "Southeast Alaska Natives of this era equated reservations with imprisonments, wardship, and corruption. By the late 1930s, letters and testimony began to liken reservations to concentration camps."⁶ This assessment by Alaska Natives indicates not only the strong feelings they had against the reservation system but also shows much they valued their freedom, independence, and civil rights. Although Alaska Natives wanted to be eligible for IRA benefits, they opposed the application of reservation

⁴ Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land 1867-1959* (Fairbanks: University of Alaska Press), 245.

⁵ Fred Paul, *Then Fight For It: The Largest Peaceful Redistribution of Wealth in the History of Mankind* (Victoria: Trafford, 2003), 77-79.

⁶ Metcalfe, *A Dangerous Idea*, 47.

policies to Alaska. In 1935, the ANB sent their lawyer William Paul to Washington D.C. to advocate for Alaska Native issues. Already committed to amending the IRA, the BIA valued Paul's input as a representative of Alaska's Native people. William Paul represented the voice of the Alaska Natives and worked to promote the issues impacting their lives.⁷

During his time in Washington D.C., William Paul advocated for Alaska Native issues and promoted the inclusion of Alaska under the IRA. Paul represented the ANB in meetings with officials from the Interior Department. He met with John Collier, Commissioner of Indian affairs and Felix S. Cohen, interior solicitor, to discuss extending IRA provisions to Alaska. These two officials, sympathetic to Native issues, listened to Paul's suggestions. Paul urged the officials to change the IRA's language to make it applicable to Alaska, where Alaska Natives lived in village groups and lacked the tribal organizations found in the contiguous United States. Paul also discouraged reservation status as a prerequisite for funding since few Natives in Alaska lived on reservations. Alaska Natives opposed the reservation system because Indians confined to reservations in the contiguous United States lived on a decreased land base, faced restricted access to subsistence resources, depended on the U.S. government for annuities, and experienced segregation, racism, and loss of civil rights. Alaska Natives considered themselves independent from the government and fought against forcible placement on restricted tracts of land. They wanted to continue to have access to

⁷ Metcalfe, *A Dangerous Idea*, 27-30.

traditional land and the ability to use lands as they saw fit, whether for subsistence reasons or for commercial ventures.⁸

In 1936, an amendment to the Indian Reorganization Act, the Alaska Reorganization Act, made Alaska Natives eligible for the funding set aside under the IRA. The IRA enabled tribes to create constitutional governments and incorporate. The tribes could then apply for federal funding set aside for community or individual loans. The 1936 Alaska Reorganization Act extended IRA initiatives to Alaska Natives, allowing villages to draft constitutions and incorporate. Although not a traditional form of leadership for Alaska's indigenous people, village members voted on whether to accept the constitutional form of government. While some villages rejected the ARA's constitutional and incorporation requirements, many others chose the economic benefits over village leadership traditions.⁹

Alaska Natives benefitted economically from the funding available through ARA. The ARA allowed incorporated villages and residents to apply for IRA loans, increasing the number of Alaska Natives participating in local economies. Incorporated villages engaged in a number of economic endeavors including canneries and timber businesses. Individuals obtained loans for boats, fishing gear, education, and training. With access to capital Alaska Native fishermen could compete with white fishermen. Education loans under ARA provisions allowed students to leave Alaska for higher education opportunities in the contiguous states.¹⁰

⁸ Metcalfe, *A Dangerous Idea*, 29-30.

⁹ Mitchell, *Sold American*, 270-271; Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 251-253.

¹⁰ Metcalfe, *A Dangerous Idea*, 30.

For Alaska Natives, administration of the ARA proved inefficient and frustrating because government agents did not work well with Tlingit and Haida villagers. Although a great idea, the Alaska Reorganization Act failed to provide adequate funding and administration to make it truly effective. Receiving funds for only three loan processors, the task of approving and administering loans fell to mission schoolteachers. Already underpaid, these teachers approved loans, distributed government funds, and monitored repayment. When IRA Field Agent Donald Hagerty visited villages in Alaska to help residents adopt constitutions and incorporate, he angered many villagers. In 1939, following the annual meeting, William Paul wrote a letter to the Senate Committee on Indian Affairs expressing the ANB's displeasure with Field Agent Hagerty for his inability to work with the Tlingit and Haida. Paul also wrote to Secretary of the Interior, Harold Ickes stating that "Donald Hagerty, we believe, and his type are responsible for much of the dissatisfaction with the IRA Act." Paul accused Haggerty of refusing to properly work with Tlingit and Haida groups in accordance with ARA provisions, ignoring their desires and pushing his own agenda.¹¹ Paul made additional complaints against IRA credit agent P.J. Fitzsimmons because of his poor banking reputation and his troublesome management of the IRA funds in Alaska. These IRA agents failed to work with the Tlingit and Haida within the bounds of the Alaska Reorganization Act. William Paul stood up for Alaska Natives, promoted their sovereignty, and rejected the government agent's inability work with the Tlingit and Haida.¹²

¹¹ William L. Paul, letter to Harold Ickes, November 18, 1939.

¹² William L. Paul, letter to Senate Committee on Indian Affairs, November 18, 1939; William L. Paul, letter to Harold Ickes, November 18, 1939; William L. Paul, letter to Claude M. Hirst, November 18, 1939.

For Alaskan Natives, the reservation idea proved a troublesome policy. Alaska Natives rejected the reservation idea because the reservation system infringed on their sovereignty over the land and being confined to reservations restricted Alaska Native rights and promoted segregation. Section two of the Alaska Reorganization Act granted the Secretary of the Interior the power to create reservations or add land to existing reservations. A controversy arose when Commissioner John Collier set aside large areas of land and water for reservations and added land area to some existing reservations. Before 1936, most land set aside as reservations in Alaska consisted of small plots of land reserved for mission schools and other federal administrative buildings. Although different from reservations in the contiguous states because of their small size, they still retained trust status. Since economic conditions remained unfavorable for most Alaska Natives, John Collier thought that reserving an adequate land base and protecting fishing grounds, free from white trespassers, provided the only means to improve the economic status of Natives in Alaska. He saw larger reservations with protected coastlines as a way to promote economic growth for Alaska Natives by protecting their fishing interests. However, the reservation idea did not appeal to many Alaska Natives since they not only distrusted the government but they saw the reservations as segregated areas, promoting racism and preventing Natives from actively engaging in the market economy. They also opposed restricted mineral rights imposed on reservation land. Alaska Natives viewed the reservation system as limiting and they wanted unrestricted title to their traditional lands and the ability to use those

lands as they saw fit. Natives wanted the guarantee that they could continue to use the land for subsistence and commercial purposes.¹³

One of Alaska's Native groups accepted the reservation idea, but on their own terms. The Tsimshian, under the direction of Anglican missionary William Duncan, petitioned the U.S. Government for a reservation on Annette Island after Canada refused to grant Duncan and the Tsimshians a reservation on the island of Metlakatla. According to historian Brian C. Hosmer, "From 1857 until his death in 1918, Duncan devoted his life to creating an independent and self-sustaining society among those who chose to follow him and his vision." In 1891, the United States granted the request and the Tsimshian relocated to Annette Island, reestablishing their community and naming it New Metlakatla. The Tsimshian existed as a sustainable community, engaging in the market economy with a diversified economic base. They owned their island and retained fishing rights to the waters surrounding the island. They prospered and provided an example of what a protected reservation might offer. However, later reservations in Alaska failed to receive the same protection of both land and water given to the residents of the Annette Island Reservation.¹⁴

In July 1937, Commissioner John Collier, using section two of the Alaska Reorganization Act, set aside large areas of land and water for reservations near Anchorage, Eklutna, and Tyonek exclusively for Native use. These areas guaranteed Natives fishing rights in the protected areas. On September 14, 1937, Nathan R. Margold, the solicitor of the Interior Department, declared two reservations illegal

¹³ Metcalfe, *A Dangerous Idea*, 45-47.

¹⁴ Brian C. Hosmer, *American Indians in the Marketplace: Persistence and Innovation Among the Menominees and Metlakatlans, 1870-1920* (Lawrence: University of Kansas Press, 1999), 2-4, 180-182, 199-205.

because Natives did not occupy all of the land encompassed by the reservations and ruled that the third area, water located adjacent to land set aside for a Native school, did not fall within the confines of a true reservation. Margold upheld that under the Alaska Reorganization Act, Congress did not intend for large areas of land and water to enlarge existing reservation areas.¹⁵

Alaska Natives faced opposition to Native land claims from extractive business ventures. White business owners saw Native land claims as a possible threat to their economic progress. The absentee cannery owners opposed aboriginal rights because if Alaska Natives gained title to the lands where their canneries and fish traps stood; they might lose all that they invested in the fisheries. Since fishing remained the largest economic operation in the territory, those pushing for statehood viewed aboriginal claims as bad for the economy. The timber industry considered aboriginal land claims as a threat to its economic opportunities. Potential investors refused to establish industries in the territory because of the risk associated with land ownership. Without a good economic base, the territory of Alaska could not achieve statehood. Politicians pushing for statehood saw aboriginal land claims as one of the largest threats to Alaska statehood and even though they previously supported Alaska Natives issues, they did not encourage land claims on the basis of aboriginal title. These politicians promoted the territory's natural resources as a way to fund a state budget and wanted the natural resources under their control instead of in the hands of a few Alaska Natives. Alaska

¹⁵ Metcalfe, *A Dangerous Idea*, 48-51.

Natives viewed the territory as their ancestral land, and they made land claims based on their ancestral rights to the land.¹⁶

The Alaska Native Brotherhood stood up to many people opposed to their land claims fight. However, unlike their opposing parties, they stood to lose much more than just economic gain. The freedom to continue living life in the ways of their ancestors and the relevancy of their place in Alaska's changing environment provided motivation to continue the fight. Tlingit and Haida persistence set the stage for not only for the land claims fight in Southeast Alaska but eventually additional claims throughout the state. Alaska Natives used the ARA not only to gain ground in Alaska's changing economy but also as a way to organize on a village level. Government loans provided much needed capital for economic ventures while the incorporation of Native village governments created a form of self-government recognized by the federal government.

The Land Claims Fight

Following the passage of the Jurisdictional Act, the Tlingit and Haida of Southeast Alaska determined how to proceed in the land claims fight. In November 1935, the ANB held its annual meeting in Wrangell. During the meeting, delegates from the ANB camps held a vote to determine whether or not to proceed with the lawsuit against the United States. The 51 to 5 vote decided in favor of taking the land claims fight to court. The group chose William L. Paul as the attorney and allowed him to choose co-council. He later chose James Wickersham, who originally played a

¹⁶ Haycox, *Alaska: An American Colony*, 264-265.

significant role in Alaska during the 20th century as a district Judge and as the Territorial Representative to Congress. The ANB supported him since he remained sensitive to Alaska Native issues throughout his career. Unfortunately, the land claims case progressed very little in the next five years.¹⁷ The early efforts to pursue a land claim suit proved futile when the Office of Indian Affairs determined that the ANB, as a dues paying organization, did not adequately represent the Tlingit and Haida. It also proved difficult to raise funds to finance the lawsuit during the Great Depression.¹⁸

In 1937, accusations against attorney William Paul for unethical practices resulted in his disbarment. Although he faced a number of accusations, the most damning proved to be the one in which accusers stated that he illegally pocketed funds instead of passing them on to his clients. Although given a year to refute the claims against him, he chose not to defend himself. However, he hired a representative and his wife appeared as a witness in his defense. Charges against William Paul resulted in his disbarment, removing him from his role as the attorney in the Tlingit and Haida land claims case against the United States.¹⁹ What exactly led to Paul's disbarment is obscured by the racism and politics of the time. As an outspoken advocate for Native issues, Paul's reputation earned him opposition among economic interests as well as within the ANB.²⁰

¹⁷ Paul, *Then Fight For It*, 88-89.

¹⁸ Metcalfe, *A Dangerous Idea*, 35.

¹⁹ Mitchell, *Sold American*, 246-247.

²⁰ Peter Metcalfe, *The Sword and the Shield: The Defense of Alaska Aboriginal Claims by the Alaska Native Brotherhood* (Juneau: Tlingit Readers, Inc., 2010), 12, <http://ankn.uaf.edu/ANCR/Southeast/Chronology/LR%20Final%20Sword%20and%20Shield.pdf>.

William Paul's disbarment impacted his political power within the ANB and hurt his reputation. William Paul and his brother Louis Paul played significant leadership roles in the organization beginning in the 1920s, after returning to Southeast Alaska following their college education in the states. After the disbarment, opposing members challenged the Paul family's leadership in the ANB. No longer trusting William Paul, the opposition, led by the powerful Peratrovich family from the village of Klawock, gained support within the ANB. The Peratrovich family included Roy Peratrovich, William Paul's biggest opponent. The two ANB leaders differed greatly in their political views and often disagreed during ANB meetings. Paul belonged to the Republican Party while Peratrovich identified with the Democrats. Even though the Paul family lost standing within the ANB following William Paul's disbarment, the Paul family still retained a significant following.²¹

At the 1939 ANB convention, William Paul suggested that in order to conform to Jurisdictional Act provisions, the ANB executive committee form the Tlingit-Haida Central Council. The ANB executive committee consisted of all past ANB grand presidents. However, the Office of Indian Affairs (OIA) rejected the idea, insisting that the ANB did not adequately represent all Tlingit and Haida. The OIA recognized only those councils formed under the Indian Reorganization Act as representative groups. The ANB/ANS created a new representative body to proceed with the case against the United States called the Tlingit and Haida Claims Commission. These changes

²¹ Haycox, "Then Fight for it," 90.

complied with the Jurisdictional Act's provisions in appearance, although the ANB leadership continued to act as the governing body behind the land claims lawsuit.²²

In 1939, at the ANB/ANS convention in Sitka, members established the Central Council of Tlingit and Haida Indian Tribes of Alaska. The creation of the council complied with the provisions of the Jurisdictional Act and the council pursued aboriginal land claims. Although the creation of the council marked the beginning of a second attempt at filing the land claims lawsuit, progress remained slow. On April 9, 1941, the Central Council met in Wrangell where it elected Andrew Hope president, an office he held for twenty-five years.²³

In 1941, recognizing that under the Jurisdictional Act the statute of limitations ended on June 19, 1942 for filing the Tlingit and Haida land claims suit, the ANB met in Wrangell in 1941. During the meeting William Paul addressed the absurdity of BIA approval for their legal representation. He found it insulting that the OIA required approval for their legal representation when the Tlingit and Haida remained free and independent. Paul also challenged other provisions of the Jurisdictional Act, hoping to undermine the power of the Bureau of Indian Affairs. However, his attempts remained only marginally successful.²⁴

The Jurisdictional Act also required that "such petition or petitions may be verified by any attorney or attorneys employed by said Indians, under contract approved by the

²² Metcalfe, *A Dangerous Idea*, 35-36.

²³ Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa Kusteeyí Our Culture* (Seattle: University of Washington Press, 1994), 97.

²⁴ Haycox, "Then Fight For It," 91.

Commissioner of Indian Affairs and the Secretary of the Interior.”²⁵ In 1929, when the ANB decided to fight for title to Indigenous land, William Paul and Judge James Wickersham planned to provide legal representation and proposed they be awarded fifteen percent of a possible monetary settlement as their fee. However, disbarred in 1937, William Paul could not represent the Tlingit and Haida and Judge Wickersham no longer worked with Paul because of a number of different reasons including the 1932 election in which Paul agreed to support him but switched candidates at the last moment. Since Paul influenced many Native voters and crossed party lines to vote for another candidate, Wickersham no longer trusted Paul. When Paul suggested that his sons legally represent the Tlingit and Haida in the land claims lawsuit, neither the newly formed Tlingit and Haida Claims Commission nor the Office of Indian Affairs agreed. However, a compromise allowed the Paul brothers to act as co-council for the lawsuit with a more experienced lawyer as lead council. The search for a lawyer commenced when William Paul and Roy Peratrovich travelled to Washington, D.C. to conduct interviews. In 1946, they decided on James Curry, a lawyer representing the National Congress of American Indians, an Indian rights advocacy group formed in 1944.²⁶

Another important provision of the Jurisdictional Act addressed a possible monetary settlement. The Tlingit and Haida agreed not to accept per capita settlements. In order to equally divide possible revenue, the OIA tasked the Tlingit and Haida Central Council with providing a roll of all Tlingit and Haida members in the communities pursuing land claims. The United States Treasury, after paying lawyers, planned to

²⁵ An act authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, 74th Congress, Sess. 1, (June 19, 1935).

²⁶ Metcalfe, *A Dangerous Idea*, 48-51.

distribute the monies on a community basis, with requests approved by the Secretary of the Interior. The roll determined the number of people in each community enabling an equal distribution between communities. Any monetary gain awarded to the Tlingit and Haida remained under the supervision of federal government agencies.²⁷

The United States continued to confiscate Alaska Native land in the name of land conservation. On April 18, 1939, President Franklin D. Roosevelt, using the presidential power bestowed on him with the 1906 Antiquities Act, signed a proclamation that almost doubled the size of Glacier Bay National Monument, creating a national monument larger than Yellowstone and seizing additional Alaska Native land. The park's extensive size removed vast areas from the subsistence land base of the Tlingit and Haida and in the process, restricted access to sacred ceremonial areas. National Park policies prevented indigenous groups from engaging in traditional practices in park areas because park creators wanted to preserve areas in their natural and untouched state. In preparation for enlarging the park, National Park Service chief forester John D. Coffman and National Park Service Wild Life Division's Dr. Joseph S. Dixon inspected the proposed park extension and promoted the area as an ideal location for protecting the brown bear population, adding this information to the final proposal approved by President Roosevelt. Dixon failed to note the use of the area by Hunas, the Tlingit people living in the area, who used the area seasonally for subsistence fishing and preserving, berry picking, trapping, and hunting.²⁸ The NPS ignored Native presence on the land because without land title, park officials figured that the Natives had no legal

²⁷ An act authorizing the Tlingit and Haida Indians of Alaska to bring suit in the United States Court of Claims, 74th Congress, Sess. 1, (June 19, 1935),

²⁸ The Huna Tlingits come from the town of Hoonah and are traditional owners of the Glacier Bay area.

right to the land. Most, if not all, National Parks and monuments contain evidence of indigenous existence long before they received national protection. Park policy erased evidence of Native American presence and insisted in preserving land in an unblemished state. Glacier Bay National Monument increased the area in Alaska claimed by the United States.²⁹ Even though federal government actions continued impact land claims, a significant Supreme Court ruling provided some hope in settling aboriginal title in Alaska.

In the 1940s, the Hualapai case greatly influenced land claims cases in Alaska. On December 8, 1941, the Supreme Court decision in the Hualapai Case, the *United States of America, as guardian of the Indians of the Tribe of Hualapai in the State of Arizona v. Santa Fe Pacific Railroad Company*, recognized Indian right to occupancy as the basis for aboriginal land claims. The aboriginal land claims gave the Indians the same relationship with the land as that of fee simple. The only way that aboriginal title could be extinguished was by the United States government. This Supreme Court ruling set the stage for aboriginal land claims in Alaska. By right of occupancy, Tlingit and Haida held aboriginal title to extensive areas in Southeast Alaska. They did not agree to extinguish ownership of their land through treaties or land sales to the United States government. However, the Tongass National Forest and Glacier National Monument encompassed large areas of ancestral land, used by the Tlingit and Haida since time

²⁹ Theodore Catton, *Inhabited Wilderness: Indians, Eskimos, and National Parks in Alaska* (Albuquerque: University of New Mexico Press, 1997), 26-31.

immemorial. According to the Hualapai decision, their aboriginal claims to the land remained intact.³⁰

Alaska Natives gained some ground on their land claims fight after the passage of the Hualapai case. On February 13, 1942, Interior Department solicitor Nathan Margold reversed his 1937 decision and upheld the Natives' aboriginal claims to extensive areas of land and nearby fishing grounds. He based this decision on the Hualapai case. This groundbreaking case determined that forced removal, established reservations, land grants, lack of federal recognition, or treaties did not extinguish aboriginal rights to traditional lands. The Hualapai decision encouraged Alaska Natives pursuing aboriginal land claims in Southeast Alaska because it proved that aboriginal title existed even after the United States established the Tongass National Forest and the Glacier Bay National Monument.³¹

William Paul used the Hualapai Case to justify his actions in reclaiming illegally taken Tlingit fishing grounds. On June 3, 1942, William L. Paul wrote a letter to Dr. Ira Gabrielson, Director of the Fish and Wildlife Service in Washington, D.C. Paul stated, "A careful study of the "Walapai [Hualapai] Indian Case" vs. Santa Fe Railroad leads me to the following conclusion, namely, that our supreme court has laid down once more the rights of Indians in lands and waters wherein their rights were not previously extinguished by our government. These rights are amplified by the opinion of the Hon. Nathan R. Margold, solicitor of the Department of the Interior, pursuant to which opinion

³⁰ United States, as Guardians of the Hualapai Indians of Arizona v Santa Fe Pacific Railroad Company, (December 8, 1941); Christian W. McMillen, *Making Indian Law: The Hualapai Land Case and the Birth of Ethnohistory* (New Haven: Yale University Press, 2007), 169-170.

³¹ Christian W. McMillen, *Making Indian Law: The Hualapai Land Case and the Birth of Ethnohistory* (New Haven: Yale University Press, 2007), 170-171.

recognition has been accorded to Indians standing in the shoes of the Walapai [Hualapai] Indians in Alaska.” With the Hualapai case in mind, Paul informed Gabrielson that he planned to fish in the ancestral waters of his people, the Tlingit Tee-hit-ton tribe. If arrested, he intended to sue and defend himself using the Hualapai case. He continued, “the fact of ownership can be established very easily, and that being true, I believe that it is my duty to make the moves necessary to recapture property from which we have ben wrongfully excluded.” William Paul saw the Hualapai decision as the grounds for reclaiming lands illegally taken from Alaska Natives. In his reply, Director Gabrielson informed Paul that if he fished in waters closed to fishing by the Fish and Wildlife Service, officials would arrest him.³² According the historian Christian W. McMillen, “the Tlingits and the Haidas saw the *Hualpai* decision as a way to claim ownership of a vast portion of the Tongass National Forest based on aboriginal title.” The Hualapai case and the Margold decision played important roles in future land claims cases in Alaska.³³

Extractive Colonialism

Alaska Natives stood up against economic interests in order to try to secure their ancestral land and resources. Alaska Natives generally opposed the reservation idea however, if reservations protected indigenous land and fishing rights, they could prove useful in preventing further land loss. In 1943, Secretary of the Interior Harold Ickes,

³² William L. Paul, letter to Dr. Ira Gabrielson, June 3, 1942; Ira N. Gabrielson, Letter to William L. Paul, June 13, 1942.

³³ McMillen, *Making Indian Law*, 171.

using power bestowed him under the Alaska Reorganization Act, created large reservations at Venetie and Karluk. In addition, he added reservations surrounding the villages of Kake, Klawock, and Hydaburg, protecting both the land and the waters around the villages. The creation of these large reservations drew protests from economic interests in Alaska, especially the salmon and timber industries, who believed that the creation of reservations restricted their access to resources. If residents of Kake, Klawock and Hydaburg obtained exclusive fishing rights to the land and water areas surrounding their villages, canneries would lose access to their fish traps. Seeking to calm protests, Ickes ordered an investigation and appointed Justice Richard Hanna to conduct land use hearings in order to determine the extent of aboriginal fishing rights.³⁴

Tlingit and Haida villagers from Hydaburg, Klawock, and Kake validated their claims to ancestral lands when they testified in the government land use investigation. Beginning in mid-September 1944, Hanna held land use hearings in the federal schoolhouses in the villages of Hydaburg, Klawock, and Kake. Tlingit and Haida community members testified regarding traditional land use and areas designated as ancestral lands. Many elderly Tlingit spoke through interpreters and made statements regarding traditional fishing locations and the impact canneries made on fishing resources. Community members of Hydaburg, Klawock, and Kake indicated they occupied both the land and water areas exclusively and surrounding groups recognized their exclusive rights.³⁵

³⁴ Metcalfe, *A Dangerous Idea*, 47-49.

³⁵ George W. Folta, Theodore Haas, and Kenneth R. L. Simmons, *Hearings on the Claims of Natives of the Towns of Hydaburg, Klawock, and Kake, Alaska Pursuant to the Provisions of*

Haida and Tlingit testimonies proved inconsequential compared to powerful cannery interests. In April of 1945, Judge Hanna's recommendation to Secretary of the Interior stated "there is no substantial evidence in the record that [the Indians] engaged in such fishing prior to the development of commercial fishing, and the use of modern gear and power boats, or exercised any exclusive rights therein."³⁶ This decision, in favor of the cannery interests, found that since the Natives failed to prevent the white cannery owners from establishing canneries and fish traps, they forfeited their aboriginal claims to the exclusive fishing rights. Harold Ickes accepted Hanna's report and determined that the Natives of Hydaburg, Kake, and Klawock did not have exclusive fishing rights to most of the area since the Tlingit and Haida failed to defend their exclusive rights against white intrusion. If the Tlingit and Haida violently defended their fishing streams, they may have retained exclusive fishing rights.³⁷

The extractive economy continued in Alaska with renewed interest in the Tongass National Forest. Tlingit and Haida faced an additional trespass on aboriginal lands as paper pulp interests looked to invest in Alaska's Tongass National Forest. In 1947 the paper pulp shortage following World War II prompted the paper pulp industry to conduct surveys in the territory of Alaska for possible resources. Interest in Alaska's Tongass National Forest began a heated controversy between territorial economic growth and aboriginal land rights. The paper pulp industry proposed harvesting timber resources adjacent to Tlingit and Haida settlements. For the governor and others promoting Alaska statehood, bringing the paper pulp industry to Southeast Alaska could

Section 201.21b of the Regulations for Protection of the Commercial Fisheries of Alaska, 1944.

³⁶ Mitchell, *Sold American*, 290.

³⁷ Mitchell, *Sold American*, 288-291.

provide much needed revenue to fund a state economy. However, the claims for aboriginal rights stood in the way of the proposal. This complication deterred pulp companies from investing until a ruling determined whether or not Tlingit and Haida had legitimate land claims in the area.³⁸

On August 8, 1947, President Truman signed the Tongass Timber Act. The passage of this controversial bill provided for economic development in Alaska. In this case, the United States government once again disregarded protests by indigenous people. While the bill allowed the Tlingit and Haida to sue for land rights, aboriginal claims to land and resources remained unacknowledged. The suit merely prolonged the fight for aboriginal land claims and allowed the Forest Service to profit from timber resources while the Alaska Indians received no immediate compensation. The ability to sue the federal government hardly appeased opponents of the Tongass Timber Act. The prospect of a lengthy court case could not replace altered land or timber resources and the possibility of future compensatory monies hardly aided current Tlingit and Haida economies. It did not provide monetary assistance to help them file a lawsuit.³⁹

From Self Determination to Termination

Alaska Natives faced a new type of government policy following the departure of progressive Indian policy makers. After John Collier, the main promoter of the Indian self-determination policy left office in 1945, followed by Ickes in 1946, the United States

³⁸ Stephen W. Haycox, "Economic Development and Indian Land Rights in Modern Alaska: The 1947 Tongass Timber Act," *The Western Historical Quarterly* 21, no. 1 (Feb., 1990): 20-46.

³⁹ Stephen W. Haycox, "Economic Development and Indian Land Rights in Modern Alaska: The 1947 Tongass Timber Act," *The Western Historical Quarterly* 21, no. 1 (Feb., 1990): 20-46.

government transitioned its Indian policy to the policy of termination. The government promoted Indian assimilation into mainstream society as quickly as possible, terminating the responsibility of the federal government for Indian affairs. The United States government viewed termination as a way to rid itself of financial responsibility for Indians throughout the country. However, before termination could begin, all of the land claims issues needed to be solved.⁴⁰

On August 13, 1946 Congress passed the Indian Claims Commission Act, allowing Indians to file land claims suits. The act also created the Indian Claims Commission to handle land claims cases. The commission consisted of a chief commissioner and two associate commissioners. The Claims Commission Act allowed Indians, defended by private attorneys, to file land claims lawsuits against the United States, defended by the attorneys from the Justice Department. Before filing the lawsuit, tribes needed to obtain jurisdictional acts allowing them to proceed with a land claims suit. The process for filing claims proved expensive and time consuming. Although the act originally limited the length of time for land claims suits to ten years, the number of land claims suits required that the length of time be extended two additional times until April 10, 1962 due to the large number of cases to be heard and the length of time it took each case to be completed. The United States could not proceed with the termination policy without solving land claims issues.⁴¹

⁴⁰ Francis Paul Prucha, *The Great Father: The United States Government and the American Indians* (Lincoln: University of Nebraska Press, 1984): 1013-40.

⁴¹ Nancy Oestreich Lurie, "The Indian Claims Commission Act" *Annals of the American Academy of Political and Social Science*, Vol. 311 (May, 1957), 56-57.

Conclusion

From 1935 when Congress passed the Jurisdictional Act allowing the Tlingit and Haida to pursue a land claims suit until attorney James Curry filed the *Tlingit and Haida Indians of Southeast Alaska v. the United States*, the Alaska Natives of Southeast Alaska progressed in their fight for ancestral lands. Immediately following the passage of the Tlingit and Haida Jurisdiction Act in 1935, the land claims case progressed very little. The challenges of raising funds during the Great Depression proved daunting.

Following the passage of the Alaska Reorganization Act in 1936, many Alaska Native villages accepted the ARA's provisions, ratifying constitutions and incorporating. They accepted these provisions in order to access Indian Reorganization Funds as both communities and individuals. The ARA allowed Alaska Natives to compete in the Alaskan economy and encouraged village residents to adopt self-government. When three large reservations in Alaska were created in 1937, Interior Department solicitor Nathan ruled them illegal because ARA provisions did not intend for large tracts of land and water to be set aside as reservation. Following the Hualapai Case, Interior Department solicitor Nathan Margold reversed his 1937 decision, recognizing the presence of aboriginal title in Alaska. When Secretary of the Interior Harold Ickes created large reservations in Southeast Alaska in 1943 using the ARA, he received protests from cannery operators and timber interests. Fearing a takeover by Alaska Natives, white business owners feared the loss of their economic investments if Alaska Natives received extensive land claims. To satisfy protests, the Interior Department hired Judge Richard Hanna to conduct hearings in Kake, Klawock, and Hydaburg. His findings concluded that the Tlingit and Haida only held exclusive occupation to eight

percent of the land they claimed. Although quite a setback for Alaska Natives, the land claims fight continued.

Extractive colonialism continued in Southeast with renewed interest in Tongass National Forest. A paper pulp shortage following World War II prompted the signing of the 1947 Tongass Timber Act even though Tlingit and Haida held aboriginal claim to the area and the extent of these claims remained undecided. This decision once again delayed aboriginal land claims, putting profits from the timber sale in trust, inaccessible to Tlingit and Haida.

In 1946, after hiring James Curry as their lead counsel, the Tlingit and Haida persisted in the fight for their land. The Tlingit and Haida conformed to all of the provisions under the Jurisdictional Act and the Office of Indian Affairs approved both the legislative body moving forward with the suit and the legal representation chosen by the Tlingit and Haida. On October 1, 1947, attorney James Curry filed the land claims suit the *Tlingit and Haida Indians of Southeast Alaska v. the United States*, almost eighteen years after the Alaska Native Brotherhood first decided to move forward with a land claims fight. The Tlingit and Haida sued the United States for land lost to unlawful takeover of aboriginal land. They did not receive compensation for land in the Tongass National Forest or Glacier Bay National Monument. Although filed in 1947, the *Tlingit and Haida Indians of Southeast Alaska v. the United States* did not go to trial until 1959 when the court decided that aboriginal title had not been extinguished until the 1905 creation of the Tongass National Forest. The Tlingit and Haida deserved compensation for their loss. However, it was not until 1968 that the courts awarded the Central Council of the Tlingit and Haida Indian Tribes of Southeast Alaska compensation in the amount

of \$7.5 million, a meager amount in regard to the ancestral lands and resources lost to the United States government. The added significance of this case proved that aboriginal title throughout Alaska remained, allowing for many future land claims cases. The *Tlingit and Haida Indians of Southeast Alaska v. the United States* marked the first of many land claims suits filed by Native people of Alaska that ultimately culminated with the Alaska Native Claims Act of 1971. Although the fight for land and sovereignty still continues in Alaska, the possibility for aboriginal title could not have existed without the efforts of the Alaska Native Brotherhood/Sisterhood from 1912 to 1947. The efforts of Native leaders in the Alaska Native Brotherhood insured that the fight for land claims continued, insisting that throughout Russian occupation and Americanization their claim to ancestral lands remained intact.⁴²

⁴² Metcalfe, *The Sword and the Shield*, 16-17.

Chapter 5: Conclusion

The Tlingit and Haida of Southeast Alaska retained their sovereignty throughout Russian occupation, controlling trade and travel in the area. The small number of Russians failed to conquer the highly organized and numerous Tlingit and Haida. In 1867, when Russia sold Alaska to the United States, the Tlingit and Haida faced a new government with new policies. Familiar with the Natives of the contiguous United States, the federal government applied Indian policies to Alaska. Alaska Natives rejected American control of their land and fought to retain their sovereignty and ancestral land and resources. Faced with the changing economic and political environment, Tlingit and Haida tried to negotiate with the United States as one government to another. Diplomacy largely failed because federal officials refused to listen to Alaska Natives.

In 1912, faced with land loss, assimilation policies, and racism, Tlingit and Haida leaders faced the Alaska Native Brotherhood, uniting and organizing the Natives of Southeast Alaska. They worked to adjust to Americanization, fighting for citizenship and equal rights. The arrival of American settlers, canneries, and mining operations challenged Tlingit sovereignty and trespassed on Native land. The United States, in the name of conservation, created a national forest and national monuments, further encroaching on ancestral lands. Faced with land loss, members of the Alaska Native Brotherhood launched a land claims fight in 1929. In order to proceed, they needed a jurisdictional act, allowing the Tlingit and Haida to file a land claims suit against the United States. Although initial attempts failed, the Tlingit and Haida persevered and in 1935, Congress passed the Tlingit and Haida Jurisdictional Act, allowing the ANB to

proceed with the land claims fight. The first attempt at filing a land claims fight against the United States proved unsuccessful because the ANB failed to meet the Jurisdictional Act provisions. The land claims suit proceeded slowly for the next few years.

The Tlingit and Haida continued their fight for ancestral lands and sovereignty in Southeast Alaska. They persevered despite setbacks and opposition by the fisheries and logging interests. After reorganizing and following the provisions of the Jurisdictional Act the Tlingit and Haida moved forward with their land claims fight. They hired a lawyer approved by the Bureau of Indian affairs and in 1947, filed *Tlingit and Haida Indians of Southeast Alaska v. United States*. Although the case did not go to trial until 1959 and remained unsettled until 1968, it marked the first of many land claims suits filed in Alaska and proved that aboriginal title remained intact in Alaska. Without the efforts of the Alaska Native brotherhood from 1912 until 1947, the land claims fight may never have occurred, ultimately culminating with the Alaska Native Settlement Act of 1971.

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Youth Sports

- Volunteered with Cheyenne Little League as a team parent
- Volunteer youth basketball coach at Silver Mesa Recreation Center for 2 seasons
- Helped start and run two club baseball teams