



EARNING A PLACE IN HISTORY

SHEE ATIKÁ, THE SITKA NATIVE CLAIMS CORPORATION

SECOND EDITION

WRITTEN AND PRODUCED BY PETER METCALFE

GRAPHIC DESIGN BY SUSAN KRAFT

Earning a Place in History

Shee Atiká, the Sitka Native Claims Corporation
Second Edition

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This second edition of *Earning a Place in History* includes new material updating the book since its first publication in 2000, as well as more information on the early history of Sitka and the people who first occupied the area. There were also many additions and revisions to the Endnotes.

The author wishes to thank all the people who contributed to this project by submitting to interviews, providing background information and photographs, taking the time to read and correct copy, and sharing their memories. Special thanks to Dr. Ken Cameron, Bruce Edwards, and the staff of Shee Atiká, including Lillian Young and Ptarmica McConnell.

Historic photo on this page and on pages 3, 8, and 12, are courtesy of Sitka National Historical Park.

IN TRIBUTE TO ETHEL STATON ♦

A FOUNDING DIRECTOR AND CHAIRMAN EMERITUS OF SHEE ATIKÁ INC.

Ethel Staton served on the Shee Atiká Board of Directors for 34 uninterrupted years of service until she chose to not run for reelection in 2007 due to failing eyesight. During her tenure, Ethel served as Chairman of the Board from 1981 to 1984, one of the most difficult periods in the corporation's history.

In recognition of her many contributions, the Board of Directors honored Ethel Staton by presenting her with the William Paul Award in 2004, unprecedented for a sitting director, and in 2007, granted her the title of Chairman Emeritus. The William Paul award was especially appropriate considering that it was William Paul Sr. who personally encouraged Ethel Staton to incorporate Shee Atiká. Out of her own pocket, she paid the filing fee for the papers of incorporation.

At critical moments, Ethel loaned the corporation funds or paid for her own travel expenses during visits to Washington, D.C., when, several times, the future of Shee Atiká hung in the balance. Her articulate presentations, impeccable appearance, natural grace and elegance disarmed critics of the corporation and won many supporters.

A tireless advocate for Shee Atiká through its most troubling times, a consistent voice in favor of protecting the company's assets, a firm supporter of extending scholarship benefits to present and future generations of shareholders, Ethel Staton personifies the best of Shee Atiká's early leadership.



Ethel Staton, Grand Marshall of Sitka's 2009 4th of July parade.

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INTRODUCTION ♦

Shee Atiká, Incorporated, is a private for-profit corporation based in Sitka, Alaska, that was organized in 1974 under the terms of the Alaska Native Claims Settlement Act.

The settlement of the aboriginal claims of Alaska Natives arose from historical circumstances, the roots of which can be found in Sitka. It was here, over 200 years ago, that Alaska Natives first forced the Russians to temper their mercantile ambitions and to conduct business on a basis of equal trade and mutual respect.

In the late nineteenth century, Sitka became the center of Alaska Native education, and it was here that several generations of Native leaders came of age. Take any list of Alaska Natives central to attain-

ing civil rights, to conceptualizing the Native claims movement, or to winning settlement of all Alaska Native claims, and the majority of those men and women were educated in Sitka.

Sheldon Jackson School—first an industrial arts school, then a high school, later a two-year college, and finally an accredited four-year college—educated Alaska Natives for more than 125 years. Shortly after World War II, military buildings on Japonski Island (location of the modern Sitka Airport) were converted to a boarding school, *Mt. Edgcumbe*, which attracted young Natives from every corner of Alaska.

The strong ties that developed during these formative years among young Aleut, Yupik, Inupiat, Athabascan, Tlingit, Haida, and Tsimshian stu-

dents in Sitka would one day prove key to forging the Alaska Native claims movement.

The Alaska Native Claims Settlement Act of 1971 (ANCSA) created 13 regional corporations and more than 200 village corporations, but only four urban corporations, of which Shee Atiká is one. These ANCSA corporations, each wholly independent, are linked not only by the various provisions of the Act, but by a common history.

The urban corporations could each acquire 23,040 acres, but none received a portion of the \$962.5 million cash settlement, quite unlike the regional and village corporations that received the cash payments on a per capita basis. The lack of funding was to handicap Shee Atiká during its early years.

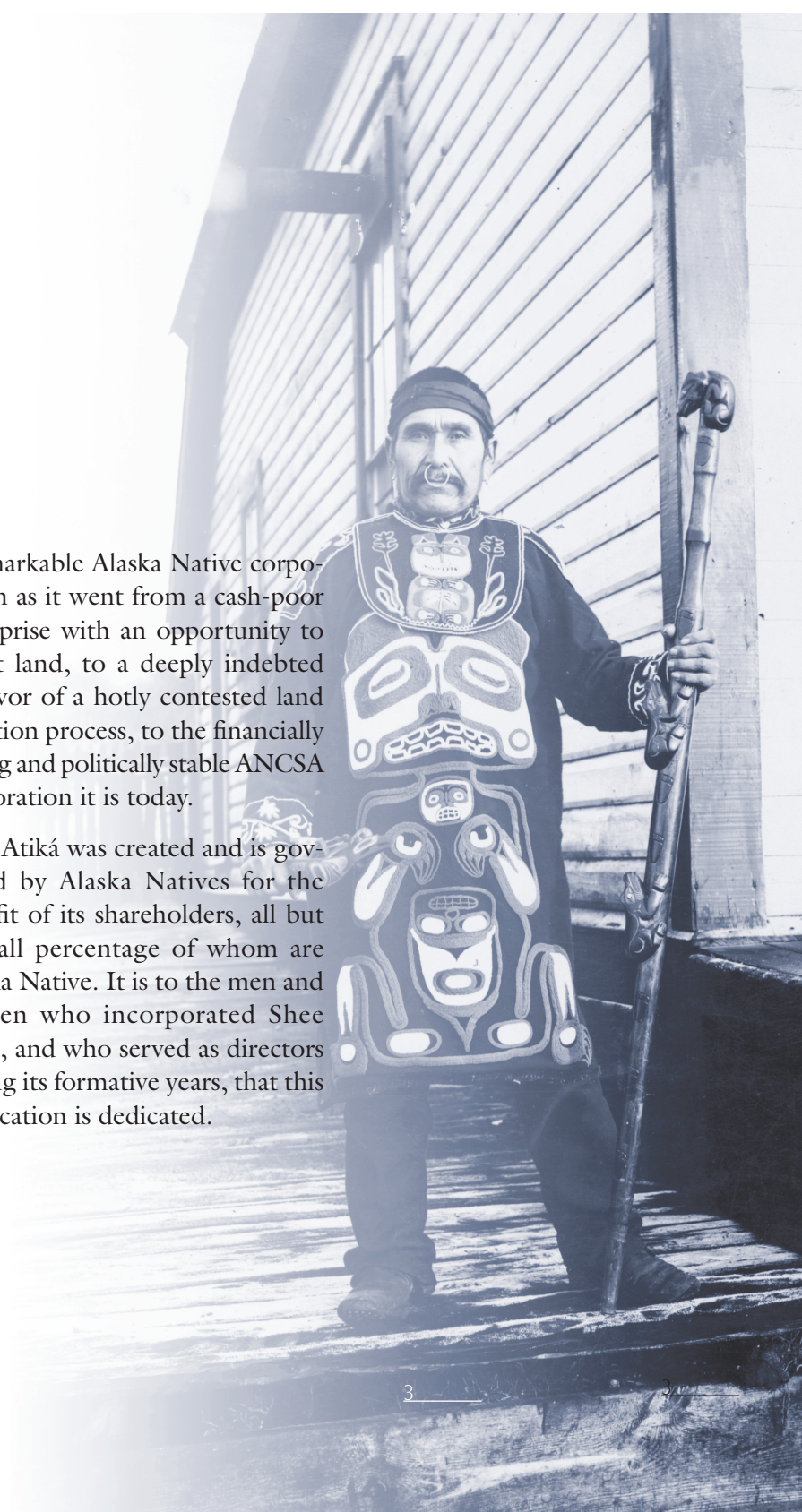
The results of ANCSA have proven mixed and continue to unfold. Many Native corporations struggle with economic challenges, particularly those in Southeast Alaska following the conclusion of their initial timber harvests.

We believe Shee Atiká stands as a positive example of a modern ANCSA corporation. By endowing two trusts—one to provide dividends, the other educational grants and funeral benefits—and by harboring its capital resources, Shee Atiká has deliberately preserved a large portion of its wealth for the benefit of present and future shareholders, a multi-generational concept embodied in the corporate mission statement.

As Shee Atiká's story reveals itself in this book, we follow the journey of

a remarkable Alaska Native corporation as it went from a cash-poor enterprise with an opportunity to select land, to a deeply indebted survivor of a hotly contested land selection process, to the financially strong and politically stable ANCSA corporation it is today.

Shee Atiká was created and is governed by Alaska Natives for the benefit of its shareholders, all but a small percentage of whom are Alaska Native. It is to the men and women who incorporated Shee Atiká, and who served as directors during its formative years, that this publication is dedicated.



HOLDING THEIR GROUND

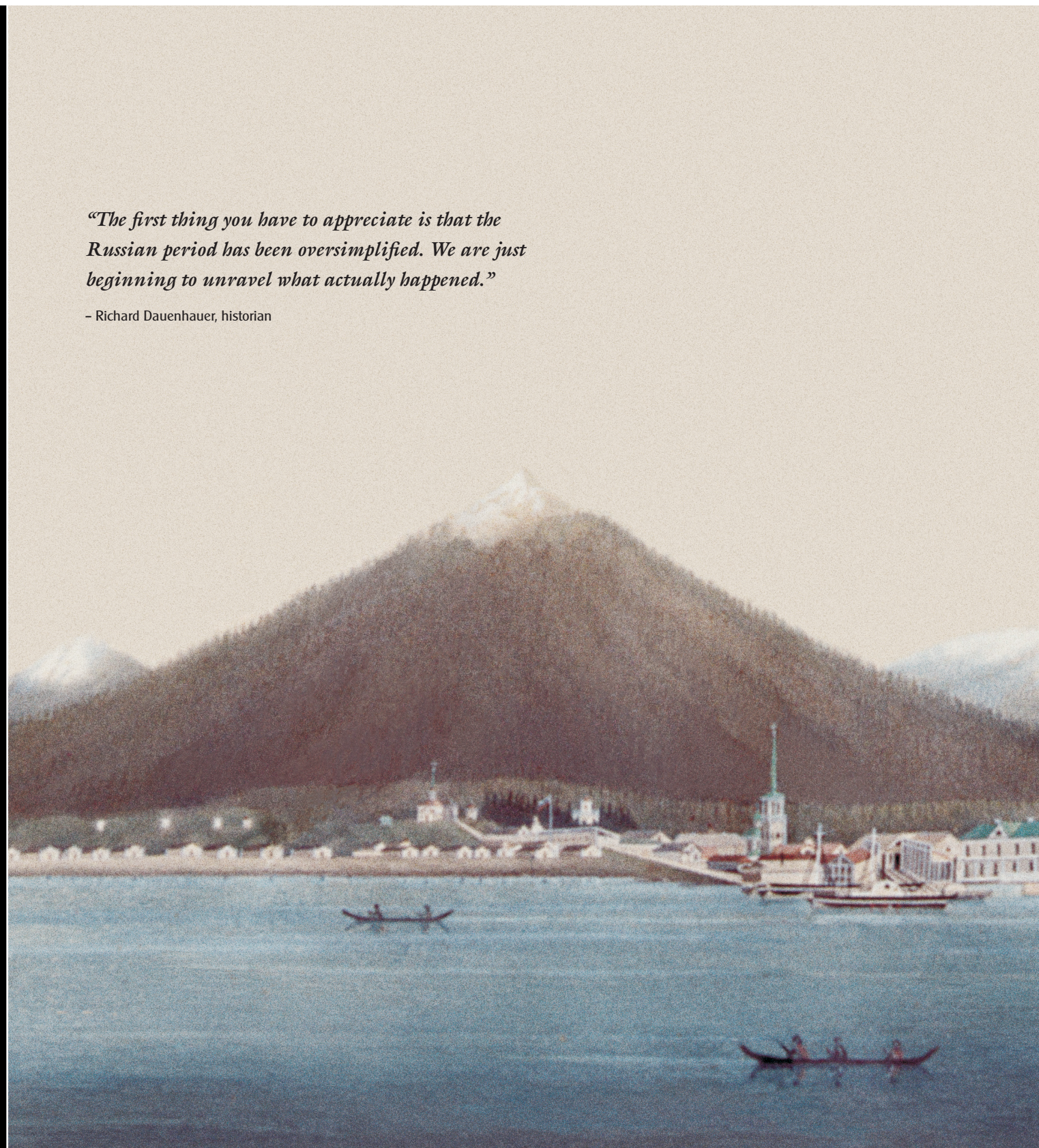


“When you consider the thousands of years that the Tlingit people have called Southeast Alaska home, 25 years of Shee Atiká may seem insignificant, but to me, and to many shareholders, the last 25 years have earned us a place in that history.”

– Marta Ryman, chairman of Shee Atiká Board of Directors (1995-2000), speaking in 1999.

“The first thing you have to appreciate is that the Russian period has been oversimplified. We are just beginning to unravel what actually happened.”

– Richard Dauenhauer, historian



At the time of first contact with Europeans, the people living in what we now know as Sitka Sound resided at the center of the Tlingit world, almost equidistant, by water routes, from the northern, southern, and most inland reaches of *Tlingit Aaní* (the domain of the Tlingit). The Sitka Tlingits—*Shee At'iká Kwáan* (people of the outer branch)—also lived at the geographical center of the sea otter range.

Ignited by an intense market demand in China for sea otter fur, the first Western-style economic boom in Alaska soon gave *Shee At'iká Kwáan* geopolitical significance. The Russians came to believe that whoever controlled Sitka controlled the North Pacific fur trade.

Baranov wanted to check foreign trade and provide a support base closer than the distant Yakutat for far-ranging sea-otter hunting parties.

– Nora & Richard Dauenhauer

To suppress British and Spanish ambitions along the Northwest Coast, the Russian imperial government of Catherine II took action to assert its sovereignty in North America. Authority was granted to the Russian-American Company. The company's chief manager, Alexander Baranov, decided that to assert such claims it would be necessary to establish an outpost amid the island realm of the Tlingit. Following several explorations in the vicinity of *Shee At'iká Kwáan*, a site was selected.*

[The Russians] chose a location for the future settlement, relatively near yet not too close to the existing Tlingit settlement on and around Castle Hill... In today's context, the Russians were building at "Old Sitka" on Starrigavan Bay near what is now the ferry terminal.

– The Dauenhauers

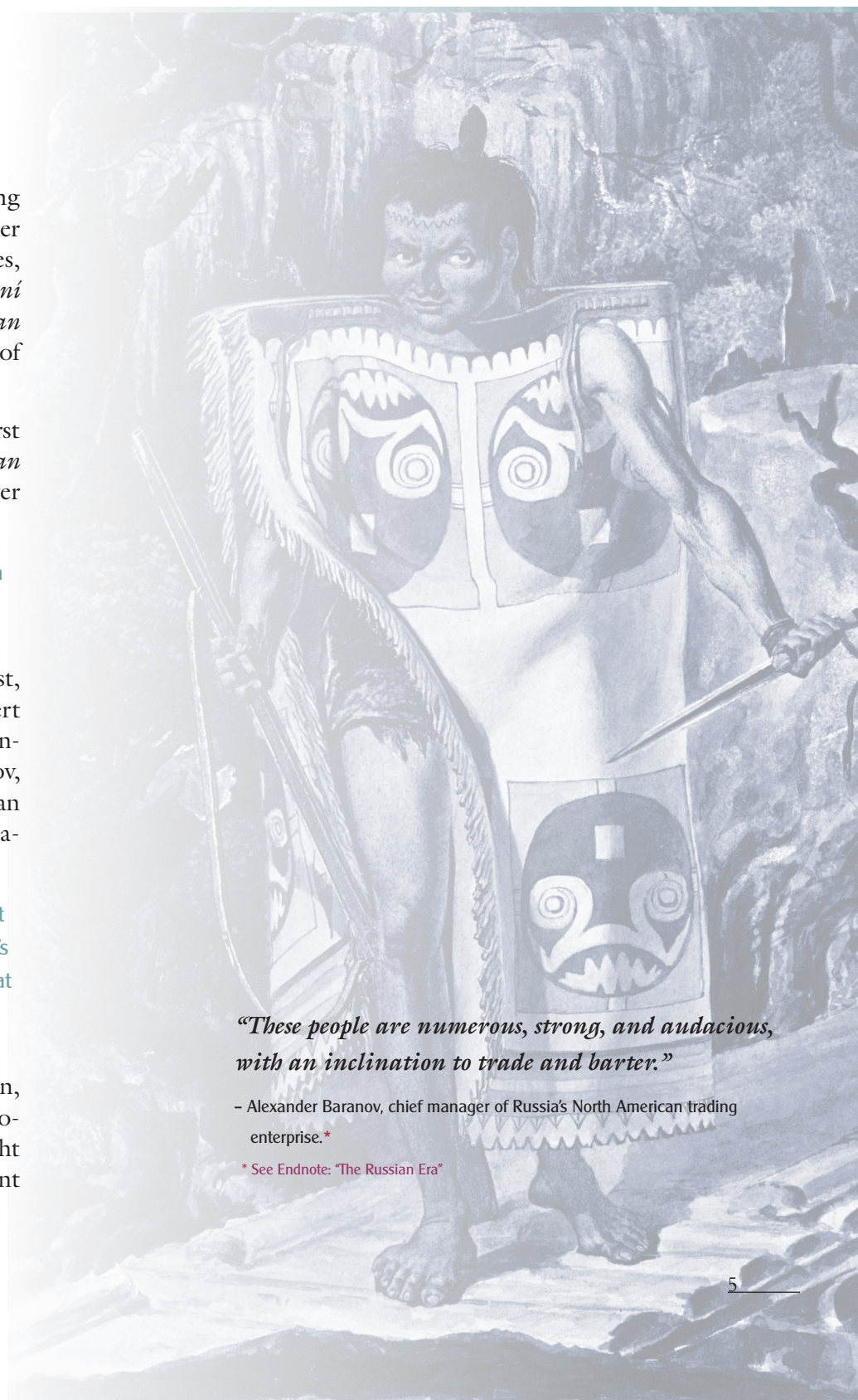
In July 1799, Baranov negotiated with the leaders of the Kik.sádi Clan, owners of the selected site. Gifts were exchanged, followed by ceremonial activities that seemed to seal the arrangement. The Russians thought they had made it clear they were there to stay. Considering subsequent events, the Kik.sádi leaders surely thought otherwise.

* See Endnote: "First Contacts"

"These people are numerous, strong, and audacious, with an inclination to trade and barter."

– Alexander Baranov, chief manager of Russia's North American trading enterprise.*

* See Endnote: "The Russian Era"





By 1819, when Russian artist Mikhail Tikhanov rendered this watercolor, Katlian (K'alyáan) was a respected Tlingit statesman. The medal he wears was given to him by Chief Manager Alexander Baranov. The exploits of Katlian, the Kiks.ádi hero during the Russian conflicts (1802 and 1804), remain legendary. Wielding an iron blacksmith's hammer and a double-ended dagger, and wearing a striking Raven helmet, Katlian was the embodiment of the fierce Tlingit warrior: terrifying to his victims and a charismatic leader to his kinsmen.

Images on this and page 5 are courtesy of the Shur Collection, Elmer E. Rasmuson Library, University of Alaska Fairbanks

Whatever the understandings may have been, the Russians soon wore out their welcome. The Kik.sádi Clan and their allies, in a well-planned attack, destroyed the Russian fort at Starrigavan Bay in 1802, killing all but a few Russians and most of the Aleut workers.

The various Russian eyewitness accounts and subsequent reports tend to indicate that the revolts in Sitka in 1802 and Yakutat in 1805 as well as smaller confrontations with the Russians in several other locations during this period were the result of a coordinated and well-planned effort by many kwáans, from the most southern to those of the Gulf of Alaska.

- Sergie Kan

Two years later, the Russians returned to Sitka Sound determined to avenge their slain colleagues and to re-establish their trading station.

The Kik.sádi, in expectation of Russian retaliation, had erected a stout fort on the banks of Indian River and, thanks to a robust trade with American and English seafaring merchants, were well armed. Contemporary Russian journals describe the 1804 battle as a near thing. The surprise attack led by the hammer-wielding Kik.sádi hero, Katlian (*K'alyáan*), remains the iconic image of the 1804 battle. Less well known is that while Katlian and his men assaulted the Russian beachhead from the flank, volleys of musketry and cannon fire coming from the Tlingit fort decimated the shore party, forcing the Russians back to their boats. Both Russian and Tlingit accounts agree that the Kik.sádi lost a critical supply of gunpowder — the reason, according to Tlingit oral tradition, underlying their abandonment of the Indian River fort and tactical retreat.

The Russians had succeeded in re-establishing themselves in Sitka Sound, but the Kik.sádi, with help from their allied clans, had checked whatever ambitions Baranov may have had to dominate *Tlingit Aani*.

Baranov relocated the headquarters of the Russian-American Company from Kodiak, and the community that grew on the shore of Sitka Sound became known as Sitka, the Russian Capital of Alaska. The various clans

of the vicinity established their longhouses just beyond the Russian wall, in an area that became known as “The Ranche.”

[Baranov’s successor] decided that if the [Sitka Tlingits] were living next door... it would make it easier for the Russians to learn in advance about their hostile plans and might prevent major attacks since the Native village [would be] within range of the Russian artillery.

– Sergei Kan

Southeast Alaska was to remain at the extreme end of the Russians’ supply line. Hemmed in by Tlingits whom they were ill equipped to dominate, the Russians in Sitka lived behind a palisade and under the protection of a two story blockhouse.*

* See Endnote:
“The Russian
Era”

In the following decades, an unstable truce prevailed in *Tlingit Aani*. The near extinction of sea otter diminished trading opportunities but also lessened international tensions. During the first half of the nineteenth century, Russia’s chief competitors in the region, England and America, evidenced only marginal interest in Alaska.

Shortly after the American Civil War ended, Baron Von Stoeckl, representing Russia, met with William Seward, U.S. Secretary of State, to negotiate a treaty of cession that would relinquish all Russian interests in Alaska.

After six decades of half-hearted and poorly supplied efforts to colonize the region, the Russians had done little that changed the way of life among the indigenous people of Southeast Alaska.

To their credit, the Russians had helped suppress the spread of smallpox, and had readily accepted into their religion and culture those Alaska Natives willing to assimilate. But as the Russians made ready to leave Sitka and the few other posts they maintained in the region, the Tlingit people remained proud and independent, with their language, culture, and social structures intact.



Raven-Eagle at the base of the Shee Atiká totem, located in the lobby of the corporation’s office building in downtown Sitka.

“Tlingit society is organized into two major social groups, known as ‘moieties,’ composed of complementary clans. A member of one clan had to marry someone from a clan of the opposite moiety. Ravens marry Eagles, Eagles marry Ravens... In the modern era, the symbol of the Raven and Eagle together has become the coat of arms, the ‘logo,’ for the entire Tlingit nation.”

– Father Michael Oleksa

CONFRONTING CHANGE



The dissatisfaction among the tribes on account of the sale of the Territory did not arise from any special feeling of hostility, but from the fact that it was sold without their consent, they arguing that their fathers originally owned all the country, but allowed the Russians to occupy it for their mutual benefit...

- Sergei Kan

Students of the Sitka Industrial and Training School, ca. 1900.



T

he Tlingit people who watched from a distance, uninvited to the October 18, 1867, ceremony marking the transfer of Russian possessions in Alaska to the United States, were no strangers to Americans. “Boston Boat” men had been coming into the region since before the Russians established their presence in Southeast Alaska. But now the Americans were here to stay.

A large percentage of the Americans who came into the region following the Treaty of Cession were hard living and hard drinking men, and some much worse.

“Indians are not good for much anyhow. They are lazy, dirty, and shiftless. We shall have to get rid of them some way... Whiskey will do the business better than fighting [and] in this we shall civilize them off the face of the earth.”

– a comment recorded by Presbyterian minister Henry M. Field

By contrast, the American missionaries who arrived in Southeast Alaska were relatively enlightened, believing Indians could, through education and salvation, become “civilized” and be the equal of other Americans— radical thinking in those days. The missionaries made honest efforts to cure the ill, educate the young, stop the liquor trade, and preach the word of God to all. Such good works did not come without a price. Believing fervently in the righteousness and superiority of American Protestant civilization, the missionaries did their best to render the indigenous cultures irrelevant, and very nearly succeeded.

Rudolph Walton was a man whose life story, as documented by his granddaughter, Shee Atiká shareholder Joyce Walton Shales, provides a window into the wrenching upheaval of Tlingit society that occurred in the late nineteenth and early twentieth centuries.

Born into a high-ranking Kiks.ádi family in April 1867, a month after the Russians sold their interests in Alaska to the United States, Walton became one of the first students of the Sitka Industrial Training School, later named for its founder. He often referred to himself in later life as “The first student of Sheldon Jackson School.”



Sheldon Jackson, right, with staff and students of the Sitka Industrial and Training School, ca 1890.

“We should let the old tongues with their superstition and sin die—the sooner the better—and replace these languages with that of Christian civilization, and compel the natives in all our schools to talk English and English only. Thus we would soon have an intelligent people who would be qualified to be Christian citizens.”

– S. Hall Young, Presbyterian missionary to Alaska



Rudolph Walton, “first student of Sheldon Jackson,” was a tax-paying and successful businessman, but his accomplishments were not enough to overcome the prejudices of the day.

The principle that would give the Cottage residents the most trouble was the promise to never participate or countenance heathen festivities or customs... Most of the residents and students had one foot in each world; they had strong relationships with their family and kin in the Tlingit community and they were trying to meet the demands of the Presbyterian missionaries who felt that the Tlingit needed a complete makeover.

–Joyce Walton Shales

Pressured by clan elders to marry the widow of his uncle, Walton refused, and instead married a fellow student, Daisy, whose family was of the opposite clan, thus honoring a fundamental Tlingit cultural dictate. Rudolph and Daisy were one of the founding families of the “Cottages,” a collection of houses built by and for graduates of the school. The Waltons had four children and were living a Christian way of life in accordance with Cottage rules and regulations.

More than most Alaska Natives of his day, Rudolph Walton straddled two worlds: the Cottages where he and other Alaska Native graduates lived, and the Ranche, the village where his unassimilated relatives lived one mile up the coast.

Sheldon Jackson and the Presbyterian missionaries held out to the Native people the promise that if they became “civilized” they would be treated equally in the eyes of the American government.

– Joyce Walton Shales

At the turn of the century, Walton was a “beloved elder” of the Presbyterian Church, an accomplished artisan, and a tax-paying businessman who owned a store catering to the tourist trade. He was also an increasingly important elder of the Kiks.ádi Clan.

The graduates of the school founded by Sheldon Jackson had been led to expect that by becoming “civilized” full citizenship would be within reach. For an intelligent and proud man like Walton it must have been a strong provocation that virtually any “White Man” in Sitka, regardless of education or accomplishment, could hold title to land, stake a mining claim, get a professional license, and vote, though such rights were denied Alaska Natives like himself.

His diary entries, the remembrances of his family, and other records indicate Walton was a patient man, a realist, but as soon became very clear to everyone in Sitka, he expected at the very least that his children could attend school.

• See Endnote:
"The Trials of
Rudolph Walton"

Until 1905, the educational system in Alaska, as inadequate as it was, could not legally discriminate—children of school age were to be educated without reference to race. The Nelson Act, passed by Congress in January 1905, provided that Native and White children in Alaska would be educated in separate school systems; the exception being Alaska Native children of mixed blood whose parents lived a “civilized life.”

At the beginning of 1906, the new Sitka School Board closed the public school to Natives, including the Waltons’ children.*

The Waltons and other Native parents filed a lawsuit with the help and encouragement of John G. Brady, a pioneering missionary and one of the more enlightened Presbyterian leaders. The plaintiffs lost *Davis vs. The Sitka School Board* because, as the judge ruled, the Waltons had moved to the *Ranche* and associated with “uncivilized and semi-civilized” people, and for this reason they could not be classified as living a civilized life.

The case of *Davis vs. Sitka School Board* proved that the promises of equality made to the Tlingit by the Presbyterians would not automatically happen no matter what they did.

- Joyce Walton Shales

To those supporting Walton, the decision was clear: unless Alaska Natives were willing to abandon their non-assimilated relatives and every vestige of their culture, they would be treated as uncivilized and allowed only limited access to the benefits of White society.

After this ruling, even the best-intentioned Whites must have realized that the promise taken to heart by the Native graduates of the school founded by Sheldon Jackson was one no missionary, not even the great man himself, had the power to grant: equal citizenship.

The men and women of Rudolph Walton’s generation had learned a powerful lesson: equality would not be granted; it had to be won.

Photo by Peter Metcalfe



Rudolph Walton's carvings, silver work and jewelry are highly valued by collectors and museum curators for their beauty, originality, and historical significance. These pieces, designed and carved by Walton perhaps a century ago, were collected by Shee Atiká Board Chairman Dr. Kenneth Cameron.

FIGHTING FOR CIVIL RIGHTS



“We were born in this rocky country and know how to handle our boats, but we cannot go to the local inspector and obtain a pilot’s or engineer’s license; the law reads that only American citizens are allowed to hold such licenses on our coast. A white man — though foreign born — can obtain this privilege.”

— Civil rights leader Peter Simpson, 1914



As the twentieth century began, Sitka stood at the center of the intellectual and political life of Southeast Natives. Most of the leaders who organized the Alaska Native Brotherhood (ANB) and the Alaska Native Sisterhood (ANS) were educated at the Sitka Industrial Training School, later renamed after its founder, Presbyterian missionary Sheldon Jackson.

The first generation of graduates from Sheldon Jackson's school found that even though they lived a "civilized" Christian life, they had no civil rights. A Native could not vote, stake a mining claim, become a licensed boat captain or engineer, and could not own land. It was a state of affairs unacceptable to Sheldon Jackson graduate Peter Simpson, who dedicated his life to attaining equal rights for Alaska Natives.

"Peter Simpson...left Canada because he could not own a house. The same situation existed in Metlakatla. He then moved to Gravina Island across from Ketchikan, where he built a home and sawmill only to discover he did not own either because he was not a citizen."

- John Hope, Alaska Native Brotherhood parliamentarian/historian

Simpson, who was to become known as the "father of the Alaska Native Brotherhood," was a Tsimshian, born in northern British Columbia. He moved with the rest of his village, in 1887, to New Metlakatla on Annette Island at the southern extreme of Southeast Alaska. Simpson and other young Tsimshians, recruited by Sheldon Jackson, attended the Sitka Industrial Training School.

The Alaska Native Brotherhood, organized by Simpson and other Sheldon Jackson graduates in 1912, became the engine of change for the indigenous people of Southeast Alaska. Soon joined by the Alaska Native Sisterhood, the fundamental difference between these and earlier Native religious organizations was that both the ANB and ANS were led by Natives, not by Whites.

While ANB and ANS members at first rejected the old ways, they ultimately retained the strongest and most useful aspects of their heritage.



The Native men and women of the late nineteenth and early twentieth centuries had made an astonishing journey — in the words of one government official: "The Natives of Alaska have made more progress in the last 40 years than the whites did in 40 centuries."

Photo courtesy of Sitka ANB Camp #1



1914 ANB Convention at Sitka. From left to right, front row: Jas Watson, Frank Mercer, Herbert Murchison, Chester Worthington, Peter Simpson, Paul Liberty, Rev. Edward Marsden, Haines DeWitt, unidentified (possibly Mark Jacobs Sr.), and Chas. Newton. • Second row: John Willard, Woosk-Kee-Nah (Jim Johnson), Seward Kunz, Stephen Nickles, Donald Austin, George McKay, Cyrus Peck Sr., Eli Katinook, Charles Daniel, Don Cameron, Ralph Young, Rudolph Walton, William S. Jackson, and Frank D. Price Sr. • Third row: James Gordon, Andrew Hope, George Bartlett, Tommie Williams, John Williams, George Lewis, and Sergius Williams.

“The paramount force that gave birth to the [Alaska Native] Brotherhood was the [leadership’s] indomitable self-confidence. Coupled with this was their absolute determination to achieve full American citizenship.”

- Ted Hinckley, historian

“The clan system required that each member conduct oneself in a manner that would not bring dishonor on the clan and [avoid situations] where restitution had to be made. It was this pride and competitive attitude that gave the early leadership impetus to organize for the common good.”

- John Hope

In the 1920s, the ANB began actively seeking equality and redress of grievances. Under the leadership of the Paul brothers, Louis and William, who were among the first of a new, college-educated generation of Southeast Alaska Natives, the ANB championed causes as diverse as voting rights, health and welfare, workers’ compensation laws, imposition of residency requirements for commercial fishermen, Native property rights, anti-discrimination laws, and anti-fish trap legislation.*

“The time has come when the Brotherhood should stop sending resolutions to Congress to fill their wastebaskets.”

- Peter Simpson

The ANB and ANS grew in size and prestige with each passing year. In 1924, having secured the rights of Alaska Natives to vote, William Paul Sr. won election to the Alaska Territorial Legislature, the first Alaska Native to do so, proving the power of the Native vote.

“The upswing in interest in the ANB continued in the 1928 convention at Sitka. It was hailed as the largest gathering of its kind to that point. An estimated one thousand participants were in Sitka. The impact on the Southeast Native and non-Native communities was apparent... After the 1928 convention, it was clear that the ANB was a force to be reckoned with.”

- John Hope

William Paul Sr. was elected unanimously at the 1928 convention to the first of two consecutive terms as ANB grand president.

According to Paul, Simpson had impressed on him, as early as 1925, that the Tlingit and Haida people were the original owners of Southeast Alaska.

* See Endnote:
“The Paul Brothers”

“...The delegates had no way to know that Paul’s election would start the Indians of Southeastern Alaska—and eventually all Alaska Natives—on a historic new journey.”

– Don Mitchell, former counsel to the AFN, historian

Paul presided over the 1929 Grand Camp Convention in Haines, to which he invited his political mentor, Judge James Wickersham, who had served as the Territory of Alaska’s non-voting delegate to Congress. On the evening of November 19, Wickersham spoke to the convention and explained that the Tlingit and Haida people could ask Congress for permission to file a lawsuit in the U.S. Court of Claims to recover the value of lost lands and fishing rights.

“After listening to the Hon. James Wickersham give a lecture on the relation of Tlingit and Haida Indians to dispossessed lands without compensation, the convention appointed a committee to investigate and report its findings.”

– John Hope

“The Grand Camp adopted the committee’s report. And that is how the Alaska Native land claims movement began.”

– Don Mitchell

In 1935, Congress passed the Tlingit-Haida Jurisdictional Act* allowing Southeast Natives to bring their case before the U.S. Court of Claims—a result traceable to the resolution adopted at the 1929 ANB Grand Camp in Haines. But it was not until the 1939 Grand Camp Convention, held in Sitka, that the claims effort would truly begin.

“A resolution urged that use be made of the act permitting the pressing of claims by the Indians against the government, commonly known as the Tlingit-Haida claims.”

– Report of the 1939 Grand Camp Convention at Sitka

First, obstacles erected by the U.S. Bureau of Indian Affairs had to be overcome.

Photo courtesy of the Alaska State Library, Juneau



“We native Alaskans want to find out why we cannot become American citizens. The natives of Alaska are self-supporting; we have not received one cent from the government for our hunting or fishing grounds....”

– Peter Simpson, “The Father of the ANB.”

*See Endnote:
“Tlingit-Haida
Claims”



The 1929 Grand Camp Convention of the Alaska Native Brotherhood and the Alaska Native Sisterhood, held in Haines, set in motion the Alaska Native claims movement. Two years earlier, the ANS had been accepted as a full member of the Grand Camp. The Sisterhood, though sometimes thought of as an auxiliary of the Brotherhood, was and remains a full partner. From the earliest days, Tlingit women wielded significant power in decisions regarding money, property, and politics.

“[The Office of Indian Affairs issued] a nine-page letter on June 13, 1940, ... citing official reasons why the ANB action could not be approved, one of the reasons being that the membership of the ANB ... is necessarily selective and not truly representative of all members of the Tlingit and Haida Tribes.”

- John Hope

The problem was that the federal government did not recognize the existence of tribes in Alaska. But that did not stop Indian Affairs officials from insisting that only a tribal organization, not the ANB, could sue the U.S. government.

By April 1941, a new organization, the Central Council of Tlingit and Haida Indian Tribes of Alaska, had surmounted the legal barriers and convened its first government-sanctioned meeting. Inventive and adept with organizational matters, the ANB leadership had created the Central Council out of whole cloth: the ANB Grand Camp Executive Committee served as the interim Central Council. Presiding over the council was Andrew P. Hope, a Sheldon Jackson graduate, Sitka resident, respected boat builder, and former Grand Camp president (1922). He was to serve as council president until 1965. Attorneys were hired, and, after several false starts, a lawsuit was filed in 1947.

Also suffering false starts was the effort to have Alaska accepted into the Union. In 1948, E.L. “Bob” Bartlett, Alaska’s Territorial Delegate to Congress, filed an Alaska Statehood bill, which was promptly shelved in committee. It was his second failed attempt. Momentum built, and by 1950, proponents for Alaska statehood were much better organized. So were Alaska Natives. While most Natives were generally supportive of statehood, ANB leaders were not in agreement on the issue. They were unified, however, in their belief that statehood should not come at the expense of Native claims.

At the 1950 ANB Grand Camp Convention, held that year in Craig, Territorial Governor Ernest Gruening made a pitch for statehood that unintentionally deprecated Alaska Native aspirations. In response, the

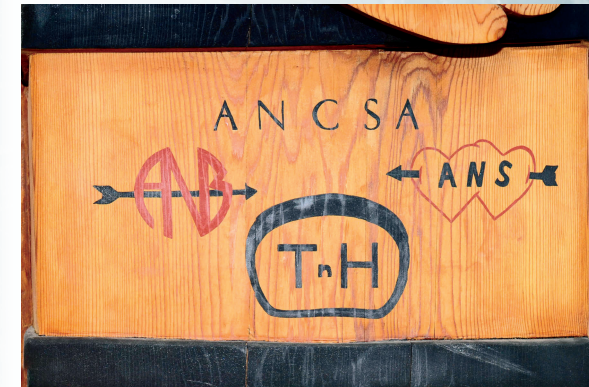
convention unanimously passed a resolution preemptively opposing any statehood legislation that would limit the authority of federal officials to confirm Native land title.

Subsequently, statehood proponents made attempts to address the claims of Alaska Natives, either by rendering such claims moot through legislation or by submitting well-meaning legislative solutions that, in retrospect, seem extremely small-minded.

In those days, the only organization in the Territory of Alaska prepared to represent Alaska Native interests was the ANB/ANS, and, thanks largely to the efforts of Grand Camp leaders, all attempts to prematurely settle Alaska Native Claims were foiled. Without the contributions of Grand Camp leadership, it is all but certain that Native claims would have been settled before statehood, with Alaska Natives winning title to the land their homes sat upon and little more.*

* See Endnote:
"Alaska Native
Response to
Statehood"

Photo courtesy of the Alaska State Library, Juneau



The representation of a bentwood box on the Shee Atiká totem pole recognizes the interrelationship of the principal organizations of the Tlingit and Haida people: the Alaska Native Brotherhood and the Alaska Native Sisterhood; the Central Council of Tlingit and Haida Indian Tribes of Alaska; and the Alaska Native Claims Settlement Act corporations.



“In the greatest country on earth, in the highest court of the land, we won our case.”

Andrew P. Hope

Alaska became a state on January 3, 1959. Ten months later, on October 7, 1959, the U.S. Court of Claims handed down a preliminary ruling that the Tlingit and Haida Indians of Alaska were entitled to compensation for their land and property taken by presidential decree in the creation of the Tongass National Forest and Glacier Bay.

“As the twelve years that elapsed between...filing the Tlingit-Haida Central Council’s lawsuit in 1947 and the Court of Claims’ first ruling in the case in 1959 would demonstrate, the judiciary—a notoriously slow-moving institution—was incapable of resolving such legally and factually complex disputes expeditiously.”

– Don Mitchell

The second ruling by the Court of Claims came on January 19, 1968, when it determined the amount of compensation due the Tlingit and Haida—\$7.5 million.

“The significant aspect of the second decision is that it denied any compensation [for] lost fishing rights... The Commissioner appointed by the Court of Claims... reported total compensation in the amount of \$15,909,368.80. This amount was reduced in about half when the Court of Claims rejected any compensation for the fishery property claim. Of course, this was the main economic loss suffered by the Tlingit and Haida...”

– Robert Price, historian

The court ruled that the land had to be valued at the time of taking, which occurred in the first years of the twentieth century with the establishment of the Tongass National Forest. In addition, the court concluded that Natives could not claim fisheries as a lost property right because, according to the court’s majority, free-swimming fish were common property. The dissenting judge remarked with sarcasm, “I am sure they will be greatly impressed with the wonders of the white man’s justice.” Andrew Hope was more philosophical.

“Andrew was too ill to take part in the [Central Council meeting on March 28, 1968], at which it would be decided to accept or not accept the judgment. With

heavy heart, it was accepted. When [Hope] was given the report of the amount and the acceptance, this is what he said: 'In the greatest country on earth, in the highest court of the land, we won our case.'

- Ellen Hope Hays

Although the award was far less than the \$77.5 million originally claimed, the Central Council of 1968, then led by John Borbridge Jr., chose to accept the court's decision, placing the money in a judgment fund, with earnings earmarked to support the larger Alaska Native claims movement and to organize the Council as an operating entity. Most importantly, the court case, *Tlingit and Haida Indians of Alaska v. The United States*, upheld claims of aboriginal title to Alaska, providing a valuable precedent that strengthened the future statewide settlement of Native claims.

Later, during the negotiations leading up to the settlement of all Alaska Native claims, some argued that Southeast Natives had already won a settlement. The compromise that allowed Tlingits and Haidas admission to the statewide settlement was acceptance of a land selection formula that differed from that of other Alaska Native groups, greatly reducing the total acreage Southeast Natives could claim.*

* See Endnote:
"Land Selection"

In the end, the decision by the Tlingit and Haida people to accept the judgment award and to use it to support the statewide land claims lobbying effort was justified many times over. Under the terms of the Alaska Native Claims Settlement Act they were able to select 630,000 acres of rich timberlands and, being the most numerous of Alaska Natives, their cumulative per capita share of the \$962.5 million cash settlement totaled more than \$200 million.

"Measured against either other North American Indian groups or Pacific Basin aboriginals, the Tlingits' cultural accommodation has to rank among the more successful."

- Ted Hinckley

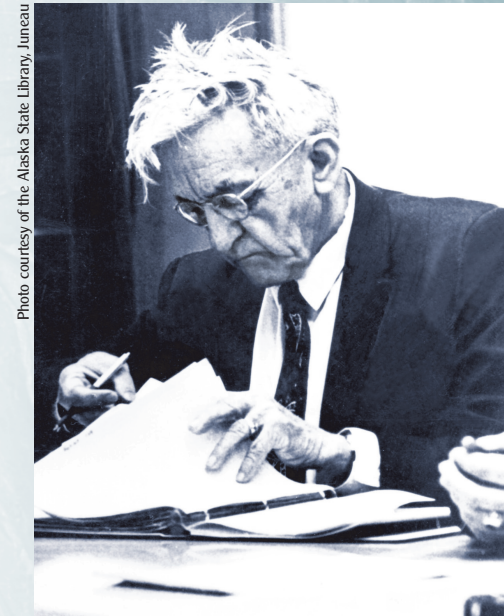


Photo courtesy of the Alaska State Library, Juneau

William Paul Sr.

On January 18, 1966, William Paul Sr. notified the Bureau of Land Management, Department of Interior, that his new client, the North Slope Native Association, claimed aboriginal title to 60 million acres of land north of the Brooks Range. By doing so, "[Paul] set in motion the chain of events that in December 1966 would result in Secretary of the Interior Stewart Udall's canceling the Point Hope oil and gas lease sale and imposing his informal land freeze."

-Don Mitchell