

ALEUTS BATTLING FOR LEGAL IDENTIFICATION AS 'INDIANS'

Justice Dept. Says Aleuts Not Identifiable Indian Group for Claims Purposes; Blames Link to Eskimos

The Land and Natural Resources Division of the Department of Justice of the United States has for some 15 years taken the position that the Aleuts are not American Indians because anthropological evidences link them as a branch of Eskimos.

Yet the Department of the Interior in its policy of dealing with the Indians of the United States has consistently treated the Aleuts as "Indians" in giving services afforded the aborigines of the states.

Back in 1951, St. Paul Island Aleuts of the Pribilof Islands filed two claims, one for the islands and one for the southern portion of the Alaskan Peninsula, for taking of the aboriginal title.

Both were signed by the late Ilodori (Eddie) Merculieff who died recently from heart failure on his home island of St. Paul.

The Justice Department subsequently took the position that the Aleuts' claims would not stand up because the Aleuts were not an identifiable group of Indians.

Now the strange battle is shaping up in the Indian Claims Commission between the United States and the Aleuts, the latter attempting to get a legal footing that they are indeed included in the generic term "Indians" as has been applied to the aboriginal people of the states in the past as well as

the present time.

Recently, Attorney Roger G. Connor, along with others, acting on behalf of the Aleuts as petitioners filed a memorandum against the United States "of points and authorities in opposition to defendant's motion for summary judgment and in support of the petitioner's cross-motion for partial summary judgment."

The brief was also served on the Land and Natural Resources Division of the Justice Department on December 15, 1967.

"This case has significance because if we lose, it may effect the Eskimos as well as the Aleuts," said Roger Connor this week. "I also think the position of the Justice Department is untenable as a matter of either sound law or logic and common sense."

The brief contends that the Aleuts, Indians and Eskimos of Alaska were all classed as "Indians" from the beginning when the United States took possession of Alaska from Tsarist Russia.

The brief quoted a Dr. Hunter-Miller who quoted verbatim a memorandum by the then Secretary of State William Seward with regard to the proposed treaty with Russia for acquisition of Alaska:

"Mr. Seward proposes that Russia cede and convey to U.S. her possessions on the North

(Continued on page 6)

Aleuts Battling . . .

(Continued from page 1)

American continent and the adjacent Aleutian Islands, the line to be drawn through the center of Bering Straits and include all the islands east of and including Attoo. The dominion to be unencumbered of grants & convey the Russian American Company and all others therein except individual private titles which shall be confirmed. The white population remaining to be citizens U.S., the Indians to be on the footing of Indians domiciled in U.S. . . .

"Thus it appears," the brief stated, "from the very first consideration of the status of the native population of Alaska, they were to be treated in the same manner as Indians domiciled in the several States."

The memorandum also cited the most recent consideration of the status of Alaska native people at the hearings before the House of Representatives Subcommittee on Indian Affairs on March 2, 1967.

The hearing concerned the Indian Claims Commission Act Extension and Enlargement.

James Officer, Deputy Commissioner of Indian Affairs, was asked when the generic term "Indian" was used whether it included the Eskimos and Aleuts and he answered in the following manner:

"We in the Indian Bureau always include them and legislation has usually been interpreted to include them and sometimes legislation will spell them out by name, Indians, Eskimos and Aleuts, but in the event it does not, we consider our authority to extend to the Eskimos and Aleuts as well."

The brief also leaned heavily on the anthropological evidences that group Aleuts with Indians.

Eminent anthropologists Jacobs and Stern in their work, General Anthropology, classify Aleuts and Eskimos in the following manner:

"ALEUTS. Residents of the Aleutian Islands, who speak languages closely related to Eskimo and who have a food-gathering socio-economic system.

"ESKIMO. A division of the Eskimo-Aleut linguistic stock. The term is also used for an ethnic subdivision for the American Indian and Paleasiatic peoples.

"The Eskimo people live mainly in arctic coastal districts of eastern Siberia, North America, and Greenland, and their economy is based upon the utilization of seal and caribou."

In her testimony before the Senate Committee on Appropriations a few years ago, Mamie L. Mizen, a professional staff member, stated:

"Who is the 'Indian' about whom so much discussion goes on? First, there is no 'Indian.' There are Indians. Each tribe differs from its neighboring tribe sometimes to a great degree. Certainly this is true of Indians in various sections of the country.

"Indians of the plains, of the desert, of the shore, of the deep forests of necessity developed along diverse paths. There are different families of languages among Indians, different customs, different family characteristics, different cultural expressions, different religious ideas.

"Some of these diverse developments may be accounted for by the early natural environment of the groups of Indians, some may not be so readily explained. A number of characteristics both physical and mental seem to account for him as a stream from that

great reservoir of peoples who appeared in northern Asia and whom we call oriental -- if we know what that is."

"Current anthropological knowledge," the brief stated, "overwhelmingly supports petitioners' contention that it fits within the broad categorization of American Indian and thus is entitled to have its claims heard by this Commission."

To support its position, the Justice Department had eleven documents as exhibits and most of them were works by leading anthropologists.

Two articles were written by noted anthropologist Dr. Henry B. Collins and three by Dr. William S. Laughlin. The two men, however, in the form of affidavits refuted the Justice Department's contention that the Aleuts were not an identifiable group of Indians or bands.

In his affidavit, Dr. Laughlin declared:

"I do not classify Aleuts as being a branch of the Eskimo people. It is more probable that they shared a common origin many thousands of years ago. It is further my considered opinion that the population now characterized semantically as Aleuts, Eskimos and Indians all shared a common origin in antiquity.

"The term 'American Indian' in common usage has been a generic one to describe and comprehend all New World aborigines, including Aleuts. The term 'American Indian' comprehends quite diverse groups of people, no one of which can be considered as being the stereotype or most representative example of what is meant by the term.

"On the other hand, the diverse aboriginal groups inhabiting the New World, including Aleuts, exhibit great similarities in actual biological affinities pointing ultimately to a common Asiatic origin. In fact, it is the only major example of a demonstrable common origin for an entire continental population of human beings."

In his affidavit, Dr. Collins said he had read much of Dr. Laughlin's works since 1952 and that he concurred completely with the above statement.

"I further state that the conclusions set forth in Dr. Laughlin's affidavit are consistent with my own present understanding," he said. "Whatever technical distinctions may be raised among anthropologists in talking about the origins of races and peoples, it is my opinion that Aleuts are 'American Indians.'"

Anthropologists have found evidences, including Dr. Laughlin, that the Aleuts have occupied the Aleutian Islands for thousands of years. Dr. Laughlin included the following in his affidavit:

"Thus, there is presumptive evidence that the Aleuts may be the only identifiable group in North America and South America who can trace their history over a period of 8400 years within a single geographical area."