

Reviews Hydaburg's History of Problems

Dear Mr. Rock:

At the Alaska Native Brotherhood convention at Juneau, I told the delegates from Point Barrow and points North, I would make available to them a vital question which we of Hydaburg have experienced and gone through since President W. Howard Taft's administration.

I did intend to deliver said information via a campaign speech, had I gone ahead for First Vice President of The Alaska Native Brotherhood. I withdrew in favor of Byron Mallot, and incidentally wound up as his campaign manager, and suffice it to say, was instrumental in placing my candidate in two positions of grave responsibility. I believe most fervently that the role of our young people to commemorate the fine qualities of our native people in Alaska, is in involvement.

The Hydaburg people have suffered more, been in distress, endured loss and injury more than any other ethnic group under the domination of the Bureau of Indian Affairs. Our cannery lies idle. This cannery was set up Pursuant to the authority vested in the Secretary of the Interior by the act of May 1, 1936, commonly referred to as the Wheeler Howard Act or I.R.A. (This take special note.)

Just prior to President William H. Taft's administration, the Haidas lived in Kassan, Howkan, Klinkwan, and Sukwan. It was at this time the conspiracy started notwithstanding the unsophisticated state of our forefathers; and it must be borne in mind, they saw the good in the Metlaktia reservation. Glowing pictures were painted for them. How, to their advantage, a reservation could be set up at Hydaburg if they abandoned their respective villages, which they did.

With sweat and free labor, they built their town; cutting lumber in their own sawmill. Then in August 30, 1927, executive order by President Coolidge reduced the seventeen square mile reservation to 3/4 of an acre, just enough for a B.I.A. school site, this without the consent of the Haidas. To draw my own conclusions, the Department of the Interior may have accomplished this by the clandestine expedient to get the Haidas to accept a townsite.

Now to the meat of the research I have carried on for a number of years, clandestinely, if you please. All delegates will verify and our records will substantiate, the Area Director Charles A. Richmonds' answer of "yes," that my theory on how and why we lost the hundred thousand acre reservation set up by Secretary Krug was correct. This was at a meeting in the solicitors office, when he stated, "that is exactly what the canned salmon industry did." So in theory, the following is what I used to construct an interpretation.

This constitution and laws of the United States which shall be made in pursuance thereof; and all treaties made or shall be made under the authority of the United States, shall be the supreme law of the land. Every Judge shall be bound, anything in the constitution or laws of any State to the contrary notwithstanding. Supreme law clause combines the National Government and States into a federal state.

Federal courts may invalidate State laws or action that conflicts with the United States constitution or with the laws or treaties made under its authority. National Government expresses the supremacy of the constitution, and within its proper field is supreme.

Some excerpts of Ketchikan Daily News by Bob De Armond. The very day, May 1, 1950, that the statehood hearing opened in Washington, a small group of citizens of Alaska, were voting whether to accept or reject an exclusive reservation for themselves; the proposed Hydaburg Indian Reservation.

Then further under jurisdictional conflict—Congress, some years ago, gave the Secretary of the Interior the authority to create Indian reservations in Alaska, and efforts to repeal that portion of the law two years ago were unavailing. Instead, the Secretary of the Interior is determining the value and validity of Indian claims, thus usurping a function of the judicial branch of our government—unquote.

Was it accidental that Mr. Curry, who was an employee of the B.I.A. in Puerto Rico, gave up his position to obtain for himself a large number of Indian claims contracts? Mr. Curry, while being our Claims attorney for the Tlingit and Haida Claims case, spent a considerable length of time in Hydaburg persuading the Haidas to accept the reservation.

All my efforts in opposing this measure proved futile; thus invalidating our claim to 905,000 acres of land, with our permission, Indian title owned lands can be extinguished only with the consent of its owners or by the sword.

On page 168—hearing held July 11, 1968 on Alaska Native Land Claims, Mr. Aspinall said, (and it fits our case and interpretation,) "If my colleague would yield there, I think we have to go a little bit farther than that. The Secretary doesn't have jurisdiction over this land. This land is under the jurisdiction of the congress of the United States." unquote.

The Cession Treaty states that we, the Natives, shall be subject to such laws as Congress shall make for those Indians of that land, and the period subsequent to the Act of May 17, 1884, is what you might call our "ace in the hole."

To my friends in the North, this is not a brief, but some information I obtained with the help of Congressman Pollock's research team in Washington: said team is ready to help any one who is so in need.

Excerpts of Order designating reservation for the Indians of Hydaburg: Pursuant to the authority vested in the Secretary of the Interior by section 2 of the Act of May 1, 1936 (49 Stat. 1250, 48 N.C.S., 1946 ed., 358a), it is ordered that the following described area, including the town reserve established for the Native village of Hydaburg by the Executive Order 4712 (August 30, 1927) shall be, and the same hereby is, designated as a reservation for the use and occupancy of the Indians of Hydaburg. (This was almost 100,000 acres and further).

This order shall be subject to any valid existing rights or claims

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acquired prior to the date hereof and shall become effective only upon its approval by a majority vote of the natives residing in the above described area, voting in the manner prescribed in the said section 2 of the Act of May 1, 1936, and upon the following conditions:

That a stipulation be filed by the plaintiffs in the pending suit of the Tlingit and Haida Tribes against the United States, withdrawing all claims of the said tribes or either of them or any town, village, community, land, clan, family, or other subdivision of either of the plaintiff tribes, to a present possessory interest outside of the area herein reserved and within an area of approximately 905,000 acres hitherto claimed by the natives of the village of Hydaburg, which area is more specifically described in the petition of the said natives filed with the Secretary of the Interior on June 28, 1944, and amended on September 18, 1944.

I hope that our native brothers throughout Alaska can profit by our mistakes and some very glaring ones by the Bureau of Indian Affairs.

This reservation was invalidated by a judgement and decree of the District Court of the Territory of Alaska in the case entitled United States of America vs. Libby, McNeill and Libby.

Why was it not carried to the Supreme Court? Could be that the Department of the Interior was caught with their hands in the cookie jar. . .

I thank you Mr. Rock and as you probably know, our little town of Hydaburg introduced the resolution in the A.N.B. convention to affiliate with the A.F.N. and as exhibit 25-page 47 will affirm, Hydaburg is the only Haida community left and may come into the A.F.N. as a complete ethnic group.

Yours very truly,
VICTOR HALDANE
President, A.N.B. Camp No. 6