

Tlingit-Haida Central Council Questions Citizen's Outrage on Land Claims

TLINGIT AND HAIDA INDIANS OF ALASKA
CENTRAL COUNCIL
21 February 1967

Editors,
Alaskan newspapers
Gentlemen:

Native land claims has been rated one of the big news-stories of the past year - and little wonder. How can any responsible citizen help being outraged by native land claims as presented in published reports? Newsstories have pictured these as groundless irresponsible claims, and yet the very furor they have caused should indicate that there is some basis for making them. If groundless, they would be disregarded.

Under the Alaska Statehood Act, the State was given the right to select 103 million acres of federal land within Alaska's boundaries and was allowed twenty-five years to complete the land selection program. This has been reported and the people of Alaska must be aware of this.

Section 4 of that same Statehood Act also provides that the "State and its people do agree and declare that they forever disclaim all right and title...to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos or Aleuts (hereinafter called natives) or is held by the United States in trust for said natives."

If this clearly stated provision of the law of the United States carries the same weight as other provisions of the law, then the State Government has no more right to select your offices or your homes for the State of Alaska without due process of law and just compensation. If we, the people of Alaska accepted the terms of statehood in good faith, how is any attempt to breach the law justified? Certainly state financial needs do not justify this.

The question may be asked, "Why are the natives singled out for this protection?" A review of the nature of the laws of the United States regarding aborigines reveals the genesis of the approach. Our basic law, the Constitution, did not accord citizenship outright to the Indians. The Emancipation Proclamation - the document resulting from the Civil War that supposedly meant equality and justice for all - also left the Indians out. We were well into the twentieth century before the first citizens of America were given the recognition of United States citizenship.

By then the right of the Indians to any portion of their continent had faded, and possession had been taken by the Federal Government for itself. The Indians were subjected to scores of years of ill-considered legislation, treaties and broken promises. Treaties and provisions of law dealing with Indians always have a nice sound when initially brought into existence and might, if adhered to, be equitable. The history of such enactments, however, is one of subjection to "let's change the rules" enforcement as soon as the rights left the Indians are coveted by what one must, under the circumstances, refer to as the "immigrant American population."

One of the darkest pages in the history of American justice is in the abrogation of native rights. And yet the people who perpetrated these great wrongs were not conniving villains; they were just good American people that "needed" what the Indians had. Legislation subsequent to Indian citizenship recognized that the Federal Government may have been wrong and attempted to correct those wrongs if they, indeed, existed.

Our Alaskan newspapers clamor for a swift settlement of land claims, (one that would put the native people in their place), pointing out with some alarm that eight of the twenty-five years for land selections are now passed. But please note that the first documented claim of the Tlingit and Haida Indians is now 98 years old, and that our first Indian emissary went to Washington on land matters in 1899. His plea for a little plot of land for each Indian was ignored. The plea for action didn't warrant public attention or concern until someone other than natives felt a direct involvement. Such indifference seems to be an erosion of the basic principle that while the majority rules, the right of the minorities must be observed and protected.

The matter of native rights, largely unresolved, is much too complex to outline in this or any single letter. The very complexity lands itself to gravely stated accounts and series of accounts that are unabashedly against the natives' retaining historic rights.

To discuss the issue in the light of the state's financial needs is unfair: No citizen's rights should be sacrificed to that end. To discuss it on the basis of size is equally unfair: Can we arbitrarily take away millions from a Rockefeller because he has so many of them?

Alaska's natives seek justice and equity in the matter of their claims to their traditional lands. To disinherit the natives in the name of progress is to disregard justice. We, too, want progress, but surely no American wants "progress" at the price of a sellout of the principles of our Constitution, both as in regard to the property rights of a citizen of the United States and his right to human dignity.

Sincerely,
TLINGIT AND HAIDA INDIANS OF ALASKA
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