

Tlingit and Haida Lay Claims to Fisheries Loss

"The Tlingit and Haida Indians have taken action to renew and vindicate their claims

for damages against the United States for the invasion and exploitation of the salmon and other fishing grounds in Southeastern Alaska, owned by the Tlingit and Haida Indians under their tribal and clan laws.

"Also, as pertains to tidelands in Southeast Alaska owned by the Tlingit and Haida, claims are being made for fair compensation for the taking and use by the United States of certain parcels during the years between 1935 and 1946."

Thus stated John Borbridge,

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president of the Tlingit and Haida Central Council, this week.

He said that these claims are being pressed in suits on file with the Indian Claims Commission in Washington, D. C.

Borbridge pointed out that in a different suit earlier this year, the United States Court of Claims awarded to the Tlingit and Haida Indians a recovery of \$7.5 million for the taking and use by the United States of certain of the tribal lands, primarily forest lands, above the high water mark.

"In that suit, however, the Court of Claims denied any recovery to the Tlingit and Haida for the invasion of the fisheries," declared Borbridge.

He further pointed out that in denying any recovery to the Tlingit and Haida for the fisheries in the earlier suit, the Court of Claims decided that the congressional statute which authorized that particular suit gave the Court jurisdiction to make an award for lands but not for fisheries.

Also, the Court of Claims ruled that no citizen has any ownership right in migratory fish or in fishing waters under established principles of U. S. law.

"However, the present Tlingit and Haida suit for the fisheries is brought under a different statute passed by Congress," Borbridge said. "This statute gives the Indian Claims Commission jurisdiction to make awards on the novel theory of 'claims based on fair and honorable dealings that are not recognized' by previously established principles of law."

Borbridge said that over the years, white industries have taken many millions of dollars worth of fish from waters which constituted the recognized exclusive fishing grounds of the Tlingit and Haida from time immemorial.

"It is the position of the Tlingit and Haida that when the federal government permitted, encouraged and assisted the white industries to invade the fishing grounds which were the natives' principal source of food and which, under Tlingit and Haida laws, belonged to their tribes and clans, such conduct was a violation of 'fair and honorable dealings,' and that the Tlingit and Haida are entitled in the present suit to full redress for all the losses suffered by them as a result of the invasion of their fisheries," declared John Borbridge.

Borbridge stated that while it may be correct that under U. S. law citizens do not have exclusive fishing rights in waterways, the Tlingit and Haida and their neighboring native groups recognized such rights under their laws in their local clans and tribes for many thousands of years before the white men moved into their territory.

The invasion by the non-Natives of the Tlingit and Haida fisheries, with the assistance and protection of the Government and without compensation to the Tlingit and Haida, was a breach of fair and honorable dealings.

"The Tlingit and Haida are prepared to go to trial promptly on these claims and are waiting for the Indian Claims Commission to schedule a trial date," stated Borbridge.