

ALEUTS, ESKIMOS NOW 'INDIANS'

ICC Labels Aleuts and Eskimos 'Indians' that Gives Rights to Claim

The Indian Claims Commission early this month ruled that Aleuts and Eskimos can now be identified as "Indians" for claims purposes.

The ruling dispensed the argument of United States Department of Justice's Division of Land and Natural Resources that Aleuts and Eskimos are not identifiable Indian groups, and, therefore, cannot make valid claims against the United States.

The Justice Department had made such a stand when the Aleuts filed claims against the United States back in 1951 that their aboriginal title had been taken.

The department's argument stemmed from the wording of the Act of August 13, 1946 that the jurisdiction of the Indian Claims Commission was restricted to claims "on

behalf of any Indian tribe, band, or other identifiable group of American Indians residing within the territorial limits of the United States or Alaska."

When the Aleuts served a complaint on the Justice Department, that department claimed that the Aleuts were not an "identifiable group" because anthropological evidences linked them with the Eskimos.

INDIVIDUALISTIC

The Justice Department's stand began to alarm the Aleuts and along with them the Eskimos of The Native Village of Unalakleet who had found out that they might not be able to make claims against the United States because anthropologists linked Aleuts to them.

There is some irony in the Commission's ruling because

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Aleuts and Eskimos . . .

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Aleuts have been known to refuse to be classed along with Eskimos and some have said "We are not like the Eskimos. We are Aleuts."

They have also denied vehemently that they are NOT "Indians" when told they ARE because federal government in dispensing services has treated them as "Indians."

The Aleuts and Eskimos in recent past have been forced to "give" in their individualistic attitudes. This, as mentioned, was brought about by the Justice Department's refusal to recognize them as identifiable Indian groups when the Aleuts made their claims in 1951.

If the Justice Department won its argument before the Indian Claims Commission against the Aleuts and rule that they were not an identifiable Indian group, such a ruling would have far-reaching implications.

In that case, the Eskimos would have wound up as not an identifiable group of Indians either because, anthropologically, they were of the same stock as the Aleuts.

The Aleuts became alarmed as did the Eskimos of The Native Village of Unalakleet. If a ruling developed that they were not "Indians" under the generic term, Indian, there would be danger of losing services normally afforded the Indians of the United States, nor would they have rights to make claims.

ACTION

Late last year, the Aleuts sprang into action with the legal help of their attorneys, Roger Connor of Juneau and Donald H. Green of Washington, D. C.

The attorneys filed a brief on behalf of the Aleuts as petitioners 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.

Prior to leaving for Washington, D. C. to argue on behalf of the Aleut people, Roger Connor made the following statement:

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

Little over two weeks ago on May 2, the Indian Claims Commission declared a decision that the Aleuts and Eskimos were "Indians" and, therefore, can pursue their claims as do other Indians of the United States.

Three dockets were presented before the Indian Claims Commission: Docket No. 285 represented the complaints of the Unalakleet Eskimos; Docket No. 352, The Aleut Community of St. Paul Island; and Docket No. 369, the Aleut Tribe.

Although the law firm of McCutcheon, Groh and Benkert of Anchorage appeared along with John W. Hendrickson, also of Anchorage, on behalf of The Native Village of Unalakleet, no argument was made but the Commission decided to dispose of the case on the same grounds as dockets 352 and 369.

Keith Brown, along with Mr. Assistant Attorney General Clyde O. Martz, counsel for defendant, appeared for the Justice Department but their arguments on all three dockets were overruled by the Commission.