

TLINGIT-HAIDA GROUP GIRDERS FOR WORK ON CLAIMS ISSUE

Central Council Sets Anchorage Office as Base On Issue Actions

The battle for settlement of \$500 million in native land claims was stepped up this week with the opening of an Anchorage office by the Central Council of Tlingit and Haida Indians.

John Borbridge, Jr. president of the council, which represents more than 14,000 Tlingit and Haida Indians, says Anchorage was selected as the site for the new office because of its proximity to the federal and state agencies with which the Native group has worked.

The Central Council, which was awarded a \$7.5 million settlement last January in a separate claim, is affiliated with the Alaska Federation of Natives, as are 18 other Native groups. Borbridge is first vice-president of the A.F.N.

The A.F.N. is the statewide organization which is representing Alaska's 54,000 natives in their land claim which seeks title to 40 million acres of land including the mineral rights and \$500 million in compensation for relinquishing their Indian Title to another 240 million acres of land.

"It is clearly recognized," Borbridge explains, "that Alaska Natives collectively do hold Indian title to 290 million acres of Alaska land—the major portion

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Tlingit-Haida Girds . . .

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of Alaska—and could litigate on this.”

“But we offered the compromise claim, as we, too, want to see Alaska develop both economically and industrially. Thus, we are seeking a politically negotiated settlement through the Congress of the United States, which under established law is the only legal body in the U.S. which may extinguish aboriginal Indian ownership.”

Indian Title, the basis of the whole land claims issue, has been explained in a United States Supreme Court decision:

“Aboriginal Indian title to lands embraces the complete beneficial ownership based on the right of perpetual and exclusive use and occupancy. Such title also carries with it the right of the tribe or native group to be protected fully by the United States in such exclusive occupancy against any interference or conflicting use or taking by all others including protection against the state governments. In short . . . aboriginal Indian ownership is as sacred as the white man's ownership.”

Natives in over 150 villages in Alaska are on the same land as was occupied and used by their families centuries before the white man ever set foot on the North American continent, thus, they clearly have legal rights, Borbridge says.

Besides being part of the AFN land claims, the Tlingits and Haidas have a separate three-phase suit pending in the Indian

Claims Commission.

The three causes of action are: (1) reparation for the bombing, burning and looting of the village of Angoon in 1882 by the U.S. Navy, (2) the seeking of compensation for “certain tidelands in Southeastern Alaska taken between 1935 and 1946,” and (3) an appeal relative to the fisheries there.

Compensation for the fisheries suit was denied in the U.S. Court of Claims. It is now being appealed before the Indian Claims Commission under the Fair and Honorable Dealings clause.

General Counsel for over 15 years for the Tlingit and Haida group is I.S. Weissbrodt, of Washington, D.C.

Why all the legal suits now for the grievances of the past? The approval for the Tlingit-Haida Indians to sue the U.S. Government was not given until 1935, Borbridge explains, when the U.S. Government, as a sovereign consented to allow itself to be sued by these Southeast Indians through the U.S. Court of Claims.

The Central Council, recognized by the federal government and Congress as the official agent of the Tlingit and Haida Indians was awarded the \$7.5 million settlement last year for 16 million acres of land taken by the federal government for establishment of Tongass National Forest, Glacier Bay National Monument and Annette Island Reserve.

Litigation for this settlement began in 1947, yet was not decided until 1968—another cause for careful compromise in the future, Borbridge adds.

Because of the interest monies earned just during 1968, the Tlingit and Haida Central Council is now a solid organization with very substantial assets, able to hire the best professional help, hold firm on all of the claims, “and dedicate ourselves to the betterment of the natives through self-determination.”

Borbridge, who recently resigned as Chief Officer of Native Affairs under the U.S. Public Health Service, is one of the first Alaskan natives to serve on a policy making level.

He is a graduate of the University of Michigan with a major in political science and taught on the secondary level in Southeast Alaska schools for twelve years. He is also a member of the Alaska Native Brotherhood.

The Central Council offices are in the Kaloa Building, 1675 C St. A Central Council office will be opened later this year in Southeastern Alaska.