

Continuous Use of Lands

By William L. Paul, Sr.

That was the sole right of the King who then gave to his favorites vast areas some of which stretched as alleged in the charter from the Atlantic Ocean to the Pacific, lands which the early settlers could in no wise dispossess the Indians. But that made no difference. The claim was written and preserved perhaps like the allegation of the Israelites that all of Canaan was given to them by their God. An incident that occurred in Yakutat was the basis of Baranof's claiming all of that area and to this, he said, the Indians agreed by accepting a plaque representing the Czar. When he returned a year later however and asked to see the plaque, the chief replied, "I traded it to the Indians beyond that mountain." It meant nothing to the Indians.

In time however, the white man's nation became strong enough to enforce this claim and it did. The facts of history were forgotten. The claim of suzerainty was based on the language of the discoverer who wrote of the event to glorify himself.

In Alaska, the Russians made no attempt to change the land tenure system of the Indians. At Yakutat they made a formal treaty with the Indians, for a price, in 1799 which they promptly broke and were then driven off in 1805.

At Sitka, the Russians bought the land "just enough for my warehouse," Baranof added. But when the United States bought Alaska, there began a systematic effort to regard the natives as squatters. The pioneers of the white race told the Indians and Eskimos, "You are not a citizen," which as you can easily guess makes them a man without a country.

The American gunboats came in "to enforce order" they said—not to protect the rights of the Indians, but to support the greedy men who came to Alaska to make a fortune in a few days and then to return to wife and home in the States....And many of them did return leaving a common-law Indian wife and half-breed children behind whose lot was even harder because such children were despised by the white people and by the Indian. I

know for I was one of them. However, I learned much later, that God has a way of using people for His own purposes.

In Alaska summary justice was the rule of the gunboats whose definition for the word justice was not taken from Webster's Dictionary. The Indian village of Angoon, 60 miles from the present capital, was destroyed, twenty of their large canoes broken up, coal oil was poured on their community houses and burned in October after priceless artifacts were plundered by emulating Achan the son of Carmi, son of Zabdi, son of Zerah, of the tribe of Judah, who took some of the devoted things which were found hidden in his tent with the silver under neat. But God did not punish these sailors of our sovereign king.

At Wrangell, at the first Christmas, the soldiers shot a man who was trying to get his wife away from the soldiers who were dispensating the social inspiration from a bottle. An Indian retaliated and ran away, but the gunboat bombarded the village because the chief was unable to return the Indian promptly. My mother was in one of those houses.

At first, the natural resources were purchased from the Indians but soon, as the white business men gained power, this was dispensed with and the excuse was, "This is government land" and to this the Indian could only remember the gunboats at Angoon, Wrangell and Kake. He could do no more. He had no friends in government.

You who have never been confronted by a charge that you are not a citizen will never know how completely this neutralized the Indian. Not a citizen? Hence he must look not to the marshals and judges in the land but to the Indian Bureau in Washington D.C. No right to attend the public schools; no right to stake mining claims; no right to take up trade and manufacturing sites as the cannerymen and mining men were doing; no right to take up a homestead. All he could do was to watch the white man take up land cleared by the Indian except

a close line surveyed by the land office around the Indian houses. You can see an example of this in Juneau where two villages are being wiped out by such literal interpretation of the word "occupation" that the Indian got nothing while the land office promoted what he called "progress."

At last came the straw that broke the camel's back. An Indian discovered what later was known to be the richest gold mine in Alaska and because the Indian believed what he was told, namely, that he was not a citizen and could not stake a mining claim, he had to give 3/4ths of it away to a white man for staking.

Then it was that a group of eleven men and one woman gathered together in 1912 and organized what they called the Alaska Native Brotherhood. Its objective being to study citizenship against the time when they might become citizens of these United States. Too bad that I don't have the time to tell you how they expressed their love for this nation. It came out in a trial at Ketchikan where the head chief of the Stikine tribe in defense of his citizenship said "I give money to the red cross; my wife give money to the red cross; my sick son give money to the red cross; and my dog give money to the red cross; too bad I'm too old to fight for my country too."

This society however drifted along till I returned to my home in 1920, took the bar examination and was admitted to practice in 1921. Then began my study of the land question and I discovered that the Indian title does not come from any treaty, statute or executive order but that it is embedded in international law whose principles were first published by Francesco Vitoria, adopted by England and Spain, and written into our common law by the Supreme court of the United States. John Marshall presiding in three cases Johnson versus McIntosh (8 Wheat. 543) in 1823; Worcester vs. Georgia (6 Pet. 515) in 1832; and Mitchell vs. United States (9 Pet. 711) in 1935.

(to be continued)