From Brotherhood to Federation: Native Alaskan Organizing, Citizenship, and Land Claims

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History

Richard Nixon, in his taped address on December 18, 1971, told the Alaskan Federation of Natives (AFN) that he had "just signed the Alaska Native Claims Settlement Act," (ANCSA).¹ Nixon hailed ANCSA as a victory for Alaska Natives.² However, ANCSA's passage resulted from decades of activism by Alaska Natives to assert their rights within settler frameworks while pushing for their land rights, not a benign paternalistic government. This builds upon three ideas: Paul C. Rosier's assertation that Native activists stressed a dual identity as both Native and U.S. citizens, Edward Valandra's (Sicangu Lakota) insistence on examining the role of state governments in Native history, and Daniel Immerwahr's reorientation of U.S. history and imperialism to include U.S. colonies and territories. Immerwahr's position calls for incorporating Native Alaskans and Hawaiians into broader U.S. and Native historiography.³

This article engages with broad arguments about whether citizenship provides a path for Native people to maintain their sovereignty and argues that, in Alaska, Citizenship was used successfully to protect sovereignty. Concurrently it connects Alaska Native activism from the early twentieth century to activism in the 1960s, showing the continuities and changes in Alaska Native activist priorities and how it changed over time to more strongly emphasize land claims. Overall, this paper will show how Native activism helped maintain and grow Alaska Native political power in the territory and state of Alaska. It will also explore how this activism allowed Alaska Natives to avoid the worst effects of Termination, where Native land claims in the United States unilaterally terminated by the Federal Government.⁴

During the twentieth century, Alaska Native groups such as the Alaskan Native

Brotherhood (ANB) and the Alaska Federation of Natives (AFN) advocated for Native land
rights. These groups built cross-regional alliances through a meticulous campaign to influence

Alaskan politics and development, and reached a settlement that left them 40 million acres of
land, royalties from federal mineral leases, and a billion dollars distributed among twelve Nativeowned corporations established by ANCSA.⁵ This paper explores how Native Alaskan activists
worked towards this settlement through coalition building, a large-scale influence campaign, and
by working within Alaska's unique relationship to the federal government. In Alaska,

Citizenship was used as a tool to advance native land rights and land claims

Alaska Native activism originated in Russia's cessation of Alaska to the United States in 1867. The treaty stated that the "uncivilized tribes will be subject to such laws and regulations as the United States may, from time to time, adopt in regard to aboriginal tribes of that country." While this language appeared to presage the destruction of Alaska Native sovereignty, it contradicted U.S. legal precedent. The United States' theft of indigenous lands normally accompanied treaties with Native people, yet a treaty did not exist between Alaska Natives and the U.S. In the 1960s, Native leaders such as William Hensley (Iñupiat) used the lack of a treaty to argue that the U.S.-Russia agreement was invalid concerning Alaska Native lands.

Since Russia treated Alaska as a commercial enterprise and had not displaced Alaska Natives, Natives maintained unsettled land claims after 1867. The fight to secure these land claims followed Alaska Native propensities to work within the structures imposed by Alaska's settler population. In 1898 Tlingit chief Kah-du-shan petitioned Washington and the Alaskan territorial government to "give [Tlingits] a ground where [they could] raise vegetables and places where [they could] hunt and prepare fish," rather than the "whole of Alaska." His approach

showed the pragmatism of nineteenth-century Native Alaskan leaders, who made concessions to the U.S. due to their limited bargaining power. Alaska Natives thus advocated in a manner that balanced between assimilation and independence.

The founding of the ANB and its pursuit of citizenship

The ANB—a group that pressed for Indigenous citizenship and later for Indigenous civil and land rights— illustrates this dichotomy. The ANB championed an assimilationist vision of indigenous activism, but it gradually abandoned assimilationist inclinations. ¹¹ It was founded in 1912, fourteen years after Kah-Du-Shan petitioned the U.S. government and white settlers to be merciful towards Alaskan peoples. Influenced by Christian missionaries, the ANB's founding members, including Peter Simpson (Tsimshian) and William Paul (Tlingit), embraced a doctrine of assimilation that stressed the "abolition of aboriginal customs" and argued for Alaska Natives to be "model middle-class Americans." ¹²

While the ANB's assimilationist arguments faded, they pushed Alaska Native rights forward. However, it is questioned whether the group was assimilationist or just cognizant of the need to coexist within two separate cultural spheres. The group's first victory was a 1915 act that gave citizenship to Native Alaskans who "severed all tribal relationship and adopted the habits of civilized life." This law fit within assimilationist goals of the early ANB and the broader goals of the assimilationist period of Federal Indian policy. The ANB's priorities reflected that its leadership emerged out of missionary schools and coexisted among white settlers in Alaska's southeast; as such, they conceived of citizenship as adapting to settler structures.

The ANB's ideological underpinnings mirrored Thomas Sloan (Omaha) and the Society of American Indians (SAI).¹⁷ The SAI, like the ANB, believed citizenship would lead to Native

equality in U.S. society, while allowing Natives to assert themselves as both Native and American. ¹⁸ The ANB was considered a regional group that met with the SAI at its annual conferences. ¹⁹ Thus the assimilationist strategy was common; however, it found unique success in Alaska, where the size of the Alaska Native population gave them a greater influence once granted citizenship. The benefits of citizenship in Alaska differed from other indigenous groups whom Frederick Hoxie notes did not gain power from citizenship. ²⁰

Initially the ANB stressed assimilation but, the 1924 Snyder Act "granted citizenship to any Indian born within the territorial limits of the United States," which allowed the ANB to move away from assimilation and allowed Alaska Natives to maintain indigenous languages and customs while gaining citizenship's benefits.²¹ With citizenship achieved—and the political power that accompanied it— the ANB stopped focusing on assimilation and advocated for indigenous political participation.²² The ANB began to focus on Native rights both as sovereign people and as U.S. citizens.

Under the leadership of William and Louis Paul (Tlingit) in the 1920s the ANB focused on land claims, civil rights, and political representation.²³ Alaska Natives' preexisting political participation, due to the 1914 Alaska Citizenship Act, and the election of William Paul to the territorial legislature, allowed Natives to successfully fight off attempts to implement literacy tests for voting.²⁴ Thus, Alaska Natives ensured they held an enduring influence in state politics.

The ANB's newly secured political power shifted the group towards pursuing indigenous economic and civil rights. Peter Simpson became known as "the Father of land claims," because he pushed younger ANB members to pursue Alaskan land rights. Simpson inspired William Paul Sr. to establish indigenous land claims throughout Alaska, or, at least, for the Tlingit-Haida in Alaska's southeast. As a lawyer, William Paul pursued indigenous land rights through the

courts, and guided the ANB towards legal activism.²⁷ Paul's belief that the legal system offered redress to Alaska Natives came out of his education, which ranged from the Carlisle Indian School, Whitworth College, and Philadelphia's LaSalle University.²⁸ He was the first Alaska Native to pass Alaska's Bar exam and was elected to Alaska's territorial legislature.²⁹

In *The Southern Workman*, Paul said that the ANB's mission was advancing Native Alaskans, morally, intellectually, commercially, and politically.³⁰ Stating that "unfair legislation has compelled our Natives to an active participation in politics," Paul characterized his stewardship of the ANB toward politics as necessary to combat settler prejudice.³¹ Paul emphasized that Alaska Natives comprised "more than one-half of the population of Alaska" and that they "love[d] our country even though badly treated by it up to the present time."³² This characterized Alaska Natives as U.S. citizens who deserved equal rights and, by discussing demographic size, implied that Natives should use politics to advocate for Native issues.

Paul pursued a land claim settlement for the Tlingit-Haida by advocating for Congress to pass a law granting the Tlingit-Haida the right to sue the state for compensation for the Tongrass National Forest's development.³³ Partnering with Anthony Dimond, Alaska's Territorial Delegate to Congress and a supporter "of Alaska Native interests," Paul helped get a Jurisdictional Act passed that permitted the Tlingit-Haida to sue.³⁴ Passed in June 1935, the act "conferred upon" the courts the ability to hear Tlingit-Haida claims.³⁵ Through legal advocacy, Paul thus advanced the capacity of Alaska Natives to have their voices heard in U.S. courts.

The passage of the Jurisdictional Act allowed the ANB and William Paul to start two separate lawsuits: *Tee-Hit-Ton Indians v. United States*, filed by Paul in 1951, and *Tlingit and Haida Indians v. United States*. ³⁶ Paul's case was rooted in the idea that since each individual tribe was composed of citizens, each clan needed to sue separately. ³⁷ Paul wanted his clan, the

Tee-Hit-Tons, to be compensated for Tongrass National Forest's development.³⁸ However, his case was dismissed in 1954 because the court ruled an aboriginal claim was nonexistent because no treaty had recognized a specific title for the Tee-Hit-Tons.³⁹ Despite its dismissal, the ruling was worded to recognize that aboriginal title had existed in Alaska.⁴⁰ The ruling came down after Paul had been disbarred and was ousted due to his leadership style and after being found guilty of accepting bribes from cannery companies that he had railed against for exploiting Native labor.⁴¹ Paul's estrangement from the ANB is part of the reason that the group launched a second concurrent lawsuit.

Tlingit and Haida dragged on until 1957, when the ANB, now led by Andrew P. Hope (Tlingit), argued in front of the U.S. Court of Claims. That court ruled that southeastern Alaskans had an uncompensated claim. 42 The legal recognition of the Tlingit-Haida land claim advanced Alaska Native legal rights during a time when Native peoples in the U.S. faced termination, a set of policies aimed at ending Native land claims and breaking apart reservations. 43 The legal maneuvers of Alaska Natives allowed them to push against Termination's countervailing currents. 44 Thus the ANB delayed attempts to "abolish [their land] claims," at a time when the government was determined to do the opposite. 45 This delay meant that Alaska Natives' aboriginal title remained unsettled as Alaska entered statehood, a situation that magnified the Native bargaining position in the new state and with the U.S. Congress. During the 1940s, the fight against discrimination also strengthened Native Alaskan political power.

Fight for Anti-Discrimination Bills

Native Alaskans, following the passage of anti-discrimination bills in the 1940s—an effort led by ANB and Alaska Native Sisterhood (ANS) Grand Presidents Roy (Tlingit) and Elizabeth Peratrovich (Tlingit)—would establish themselves as a political force to be reckoned

with in Alaska. 46 Like the ANB, the ANS had also advocated for voting rights and citizenship but turned towards land rights and civil rights following the passage of the 1924 Snyder act. 47 According to Terrance Cole, 1930s and 40s Alaska had its own version of Jim Crow, with multiple institutions having signs with "no natives allowed" and theaters with sections "For Natives Only." This discrimination existed alongside with the lesser known Aleutian internment camps during the Second World War and a bifurcated education system that separated Native and white children. 49 In this situation, according to both Cole and Holly Guise (Iñupiaq), World War II provided native Alaskans with leverage to advance Native rights in the territory. 50

In the fight to advance their rights, according to Guise, Native Alaskans used rhetorics of patriotism to advocate for their rights, while both native men and women emphasized patriotism and service towards the United States. ⁵¹ For example, complaining about the sign saying "No Natives Allowed," the Peratroviches wrote a letter to governor complaining that "Native boys are just as willing as the White boys to lay down their lives to protect the freedom that he enjoys," and that [Alaska Natives would] still be here to guard our beloved country while hordes of uninterested whites will be fleeing South." ⁵²

Alaska Native women also used patriotic language and rhetorics of domesticity following the Alberta Schenk (Iñupiaq) incident, where Schenk and Holger "Jorgy" Jorgenson (Iñupiaq) staged a sit in of a Nome theater.⁵³ The outrage towards the Schenk incident led to the proposal of the 1945 Alaska Equal rights act on the heels of the failure of the 1943 Alaska Equal Rights Act.⁵⁴ While this initial act failed, Alaska Native Women and other organizers capitalized on the outrage of the Schenk incident, and Elizabeth Peratrovich embraced language evoking Native motherhood to push for the passage of the 1945 Equal Rights Act.⁵⁵ The 1945 act ended up

passing, strengthening native power and showing the influence of Native organizing. During this confrontation, Roy Peratrovich tied the push for Alaska Native civil rights to Alaska Native land rights, a connection that presaged the next push by Alaska Native activists.⁵⁶

Statehood and the 1960s

The Alaska Statehood Act of 1958 stated that authority over land, "which may be held by any Indians, Eskimos or Aleuts[...] or is held by the United States in trust for said Natives," remained under the U.S. federal government's "absolute jurisdiction." The lack of a land claims settlement and the ANB's legal maneuvering opened the possibility that Alaska Natives owned the totality of Alaska. Hensley among others pursued this in 1968. In 1961, a Point Barrow conference on Native rights emphasized that Land Claims were an urgent issue, as the State wanted to choose land claims from what was considered federal lands, while Alaska Natives wanted to preserve their land rights. 59

Alaska Natives influenced the shape of the Alaskan political landscape, establishing the *Tundra Times*, a Native newspaper that drew readership from across the state. *Tundra Times* was published in English, which helped bridge linguistic gaps among Alaska Natives and brought disparate groups together under a common identity as Alaska Natives. Now unified, these groups coalesced into a powerful political bloc that comprised almost a fifth of the vote in the 1964 Presidential election.⁶⁰

As the 1960s began, the stage was set for new alliances that collectively argued for a final land settlement with the U.S. government that would allow Alaska Natives maintain their independence while participating in Alaskan settler structures. Land settlement proponents believed it would help Alaska Natives improve their economic conditions—a key point in the Point Barrow Conference.⁶¹ Achieving this goal required greater cooperation and representation

of all Alaska Natives. While the ANB was influential, it was comprised of Tlingits and excluded Athabaskans and Inupiat in North Alaska. The need for a statewide Native organization was stressed by leaders in 1964 and they encouraged increased involvement in state politics.⁶² Leaders understood that working together would give Natives greater influence in Alaska.⁶³

Tundra Times

Following the Point Barrow Conference and responding to Project Chariot, Howard Rock (Inupiat) founded *Tundra Times* to protect indigenous land. Project Chariot had proposed developing a nuclear testing site on Alaska Native land to create an artificial harbor in Point Hope. 64The *Tundra Times*, written in English. transcended five language families, and spread across 200 villages and 400 million acres, to unite Alaska Natives. 65Despite barriers to statewide organizing, the paper brought different Native voices together, forcing non-Natives to notice Native concerns. 66 As Emil Notti (Athabascan), the leader of Cook Inlet Native Association explained, the *Tundra Times* "supplied[...] a platform where [Native Alaskans could] voice their concerns and protests and reach a receptive audience," while "at the same time [Native Alaskans could] learn what other Native organizations... [were] doing to help in the general cause." Rock, responding to a "Letter to the Editor" opposing the call for unity, compared a united Alaska Native front to the strength of multiple sticks as opposed to an individual stick. 68 Thus *Tundra Times* helped unite Native Alaskans as a political bloc and young Democratic politicians, such as Mike Gravel, realized that they needed Native votes. 69

AFN

Tundra Times was essential to AFN's formation, a group which united Alaska Native organizations under a statewide organization. The AFN was the driving force for ANCSA, and the organization remains one of the most powerful indigenous organizations in the United States.

The organization was the brainchild of Emil Notti. ⁷⁰ In October 1966 Notti sent out invitations and had around 255 Native leaders attend the largest Alaska Native conference to discuss land rights. ⁷¹ This conference concluded with the founding of the AFN, led by Notti. ⁷² Notti's conference was a response to reports that the Alaska Director of the Bureau of Indian Affairs (BIA), James Bennett, wanted to settle Alaskan land claims. ⁷³ Notti realized that Alaska Natives had a unique opportunity to protect their land rights, particularly given two recent cases in which Alaska Natives settled with petroleum companies and asserted a land claim. Notti viewed a united front for a settlement as essential. ⁷⁴

In the constitution for the AFN, which was printed in the *Tundra Times*, the goals of the organization were laid out as follows:

To secure to ourselves and our descendants the rights and benefits to which [Alaskan Natives] are entitled under the laws of the United States and the state of Alaska; to enlighten the public toward a better understanding of the Native People; to preserve Native cultural values; to seek an equitable adjustment of Native claims; to seek, to secure, and to preserve our rights under existing laws of the United States; to promote the Common welfare of the Natives of Alaska to the flag of the United States and the State of Alaska.⁷⁵

The AFN's constitution asserted the organization defended Alaska Natives both as Natives and as U.S. citizens, skirting the line between Native sovereignty and integration.⁷⁶ Moreover, the AFN believed Alaskan Native groups held an inherent political power.⁷⁷ Thus, similarly to the ANB, the AFN used legal and political methods to accumulate power to force concessions from settler governments.⁷⁸ At the same time, *Tundra Time*'s influence was recognized by the Tlingit-Haida's leader, who stated that "the newspaper carved the way" for the AFN's formation.⁷⁹ Connected by *The Tundra Times* and represented by the AFN, Alaska

Natives organizers moved toward achieving a land settlement. Natives coalesced into a powerful bloc that comprised a fifth of Alaska's vote in the 1964 Presidential election.⁸⁰

AFN's Legal Actions

The AFN's legal strategies focused on the fact that the statehood bill—in combination with legal precedent—indicated that most of Alaska was conceivably under aboriginal title.⁸¹

Native Alaskans used this potential title to contest the state of Alaska's claim on one hundred million acres of Alaska.⁸² This forced Alaska and Secretary of the Interior Stewart Udall to act on indigenous land claims.⁸³ The appointment of Udall as Secretary of the Interior, an individual who had been a dues paying member of the Association on American Indian Affairs in 1954, meant that Alaska Natives could work with a sympathetic Interior secretary.⁸⁴ Udall's influence meant that Native villages were told when Alaska filed land claims, giving villages time to contest claims which put them in legal limbo.⁸⁵

During the 1960s, Alaska's government needed funds after an earthquake hit the state and thus wanted to develop Prudhoe Bay oil resources. Ref This pressured the Alaskan government and Alaska Natives to reach a quick, equitable, settlement. At this point, Udall issued a land freeze around Point Hope, which was expanded in 1968 to force Udall's successor, Walter Hinckel, to maintain the freeze. The land freeze thrilled Alaskan Native leaders such as William Hensley, because it meant the state could not "go its merry way selecting Native-claimed lands." After Udall's land freeze—with Native input—congressional momentum for a claims bill grew. In 1968 Congressional hearings began on a claims bill and Alaska elected a Native ally in Mike Gravel to the Senate, while in 1969 the AFN established a D.C. office and hired former Supreme Court Justice Arthur Goldberg as representation. The AFN used a purely legislative strategy, working U.S political structures, rather than outside of them.

In January 1968 the AFN reached its minimum demand for 40-million acres. 92 William Paul decried this number as insufficient because Native Alaskans "[owned] the land." Despite Paul's criticism, and congressional attempts to whittle it down, the ultimate settlement included the 40-million-acres. In Notti's words 40 million was "the minimum amount of land," and that while it "[would] not provide a total subsistent living," it would "allow the option for those who continue the old way of life."94 Notti also argued 40 million gave Alaska Natives an economic capacity to succeed outside Native communities, if they wanted to do so. 95 This showed that the AFN's advocacy balanced developing Native economic independence and traditional customs, with allowing Alaska Natives to engage with U.S. social and economic structures. Hearings on land claims bills continued through 1969 to 1971. ANCSA was signed in December 1971. ANCSA left Native Alaskans with a 40-million-acre settlement divided between various Native corporations. 96 In exchange, Alaska Natives ceded their claims to Alaska and a corporate structure was imposed on Native societies.⁹⁷ While not a full victory, the bill reflected the AFN's focus on maintaining independence while interacting with settler institutions while showcasing the limitations and benefits of the insider strategy utilized by the AFN.

Criticism of ANCSA

ANCSA's passage created controversy and Paul's criticism that ANCSA was insufficient remained cogent. 98 Robert Rude considered ANCSA to be "an act of deception," that harmed Native cultures, while benefitting a tiny elite. 99 While ANCSA had many problems, several were later rectified. Specifically laws were passed to ensure that Alaska Natives had traditional hunting rights and that Native corporation stocks would remain in indigenous hands. 100 Despite this, ANCSA remains an imperfect settlement whose detractors decry its abrogation of indigenous title and the poor economic conditions of Alaska Natives. 101 Recently, Evon Peter—

a former Neetsaii Gwich'in chief—contends ANCSA was "fundamentally illegitimate legislation that resulted in the unjust appropriation of our traditional lands and resources by the United States." Peter and others believed that ANCSA gave up too much in the assumption that a halfway-decent settlement was better than no settlement.

Modern Alaskan Political Power

Despite ANCSA's flaws, Native Alaskans secured the tools to be a force in Alaska politics. The AFN remains powerful and Native groups provided 46% of Lisa Murkowski's fundraising during her successful 2010 write-in campaign for reelection to the U.S. Senate. ¹⁰³ In 2014, Bryon Mallot (Tlingit)—a former AFN president—was elected Lieutenant Governor of Alaska and was the first Native to serve statewide. ¹⁰⁴ When the AFN opposed Brett Kavanaugh's Supreme Court confirmation, Senator Murkowski was the only Republican to vote against him. While it cannot be said her vote was due to AFN opposition. Murkowski's dependence on AFN support enabled her to deviate from her party by supporting Alaska Native priorities. More recently, both Murkowski and her fellow Alaskan Republican Senator, Dan Sullivan, voted for Deb Haaland (Laguna Pueblo) to be the first Native American Secretary of the Interior. ¹⁰⁵ Murkowski's voting record and reelection in 2010 illustrated how the ANB, ANS, and AFN's activism had provided Alaska Natives with economic and political power.

The political importance of Alaska Natives, almost 50 years after ANCSA's signing, shows that land rights activism allowed Alaska Natives to maintain their political power despite their diminished share of the population. The unique structural conditions that originated from the U.S. acquisition of Alaska allowed Alaska Natives to selectively use assimilation and citizenship, alongside a unique legal situation to gain and maintain power. Alaska Native activism illustrates the importance of looking at structural differences to explore Indigenous

activism during the Assimilation and Termination eras of Federal Indian Policy, while using local approaches that flesh out distinct situations within broader Indigenous experiences.

NOTES

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- ¹² Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington D.C.: Government Printing Office, 1958), 15; Metcalfe and Ruddy, *A Dangerous Idea*, 13-14:42.
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- ¹⁴ Ronald Lautet, ed., "Alaska Natives Enfranchised (1915)," in *Alaskan Historical Documents since 1867* (Jefferson, NC; London, UK: McFarland & Company, Inc., 1989), 88–89.
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- ¹⁹ Hoxie, 254.
- ²⁰ Hoxie, 275–76.
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- ²² Metcalfe and Ruddy, A Dangerous Idea, 19.
- ²³ Gertrude Mather Johnson, "Peter Simpson, 1871-1947," in *Haa Kusteeyí*, *Our Culture: Tlingit Life Stories*, ed. Nora Marks Dauenhauer and Richard Dauenhauer, Classics of Tlingit Oral Literature 3 (Seattle, WA: University of Washington Press, 1994); Metcalfe and Ruddy, *A Dangerous Idea*, 19–20; Haycox, "Alaska Native Brotherhood Conventions: Sites and Grand Officers, 1912-19959," 40.

² Shulman.

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- ²⁸Metcalfe and Ruddy, A Dangerous Idea, 20.
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