

Alaska Native Policy Center

= FAST FACTS =

Alaska Native Perspectives on the Civil Rights Struggle

As we engage in our research and policy work, the Alaska Native Policy Center at First Alaskans Institute sometimes collects quick information from readily available sources that others may also find useful. Although we cannot do it all the time, when we do we will share it via our website and social networks for others to access. We make no guarantees about the accuracy or currency of the information, but will make sure to include citation and important dates for others to pursue if they are interested.

Framing the Topic

- Civil Rights are an ever advancing state of governmental understanding and practice to build equity into the systems that operate all around us and create the web of ‘civilization’ our society is supposedly built around here in the US
- Civil Rights on one side has to do with how the government behaves, while racial equity is about what society allows and how we behave with one another. Civil Rights then become the enforcement measure to ensure protected populations are indeed ‘protected’.
 - For Alaska Natives, Civil Rights have been an ever advancing work in progress and are critically linked to racial equity.
- While there have been advances, moving us away from very overt actions against Alaska Natives (e.g., the “No Dogs or Natives Allowed” signs, or being barred from ‘Pioneer Homes’, etc.), there have also been set-backs that continue to highlight the extreme difference in the results of government, as seen by its impacts on the various people supposedly ‘protected’ by Civil Rights and racial equality. One need only look to the statistics of Alaska’s population to get a true sense of the challenges we are facing
 - Alaska’s Constitution recognizes only the ‘pioneers and those who came after’ in the preamble.
 - In the Alaska justice system:
 - Despite being 19.5% of the overall state population, according to the AK Dept. of Corrections 2011 Offender Profile, as of December 31,2011, 36.23% of offenders in institutions were Alaska Native <http://www.correct.state.ak.us/admin/docs/2011Profile06.pdf>
 - By gender, Alaska Natives represented 36.57% of total male offenders in institutions, and 33.33% of total females.
 - Consider also the “Fairbanks Four,” those arrested for subsistence hunting and fishing violations, etc...
 - In the education system:
 - We continue to fight for equal support for the education of Native families and the communities/areas where they live (and have lived for thousands of years in many instances).

- However, discussions are again surfacing that the only way to educate our Native kids is to take them away from their families (through the reopening of regional boarding schools), even though those institutions were largely responsible for many of our social ills in the first place.
- With regard to health and wellness:
 - The Alaska Department of Children’s Services (OCS) reported that for the month of December 2012 (and this trend extends to most of the period reported), 62% of children in foster care were Alaska Native <http://hss.state.ak.us/ocs/Statistics/race.htm>
 - By gender, Alaska Natives males tend to account for 30.1% of children in foster care, females 31.9%
- In terms of energy practices:
 - The cost of energy in the villages is mind-boggling, yet the question has been asked: If the populations were switched where (non-Native) urban people were living in rural villages, would the energy crisis be tolerated?
- And in terms of politics:
 - During the recent redistricting shuffle, despite the fact that the state’s Native population is growing, we lost representation in the legislature
 - Furthermore, the Alaska Governor is pursuing a course of legal action – suing the US Government over the recent redistricting measures – that would do away with the veil of protection Alaska Natives have under the Voting Rights Act preclearance requirements.
- It’s important to understand the history of some of these issues and their very long tentacles here in Alaska today.

Historical Overview of Civil Rights struggles among Alaska Natives

- Under Russian rule at the time of the Treaty of Cession in 1867, there were three groups that were considered Russian subjects: Russian colonists, creoles (a.k.a., “half-breeds”) and members of the “civilized” tribes (i.e., those classed as “dependent” by the Russian government, primarily those designated “Aleut” as well as certain other groups living near Russian trading posts).¹
 - Members of these three groups could become US citizens after the transition of power if they remained in Alaska for 3 years after the Treaty of Cession; members of “uncivilized tribes” (i.e., almost all Alaska Natives) would not become citizens, but would be subject to the same laws the governed the Lower 48 Indian tribes.¹
- The Mining act of 1874 essentially laid out a policy that, at least as enacted, barred Alaska Natives from submitting mining claims.³
 - As written, the Act states claims can only be filed by citizens or immigrants in good standing; when Alaska Natives tried to file claims, they were challenged by Whites on the grounds that they were neither citizens nor immigrants in good standing.³
 - Since the primary wealth of the territory was mineral, this Act substantially limited the economic development (and hence political power) of Alaska Natives.³
- In 1884, the US “Commissioner of Education banned Native languages in Indian schools and declared an English only policy.”³
 - The Nelson Act of 1905 established a racially discriminatory school system in Alaska, allowing for the funding of a state-run school system for white children and “civilized” half-breeds, while requiring that all other Indians and Eskimos must attend federally-run BIA boarding schools.²

- In essence, the Territorial Act (like the Dawes Act before it) made the categories “Alaska Native” and “US citizen” mutually exclusive. In many cases, during this era Alaska Native people lived a double life, appearing Westernized in public but maintaining their Native heritage “underground” (i.e., secretly eating Native foods, talking their Native language, performing their Native songs and dances, etc.).
- In 1922, a traditional Tlingit gentleman and person of rank among his tribe, Charlie Jones, who had been accustomed to voting regularly, was prevented from voting by – apparently – an anti-Indian activist election official who had Mr. Jones arrested on the grounds that he was “voting ‘at a time when and a place where he was not eligible to vote,’ a felony” charge. Tlingit lawyer William Paul, along with the ANB (of which he was a member), fought the case – which had also drawn in his mother, Mrs. Tamaree, as an accomplice because she had attempted to act as a translator and advocate for Mr. Jones – and in 1922, he won the case, and thereby won the right for all Alaska Natives to vote in Territorial elections.⁴
 - Two years later (in 1924), the Federal Government passed a law that admitted all American Indians and Alaska Natives (who were not yet citizens) into the Union as citizens; that same year (in 1924 and again in 1926) William Paul was elected to the Territorial legislature based partially on the strength of the collective voting power of an organized Alaska Native bloc (the bloc remained strong through the early half of the 20th century, managing to elect three other Tlingit congressmen into the Territorial House in 1950 and one to the Territorial Senate in 1948).⁴
 - These early victories were, however, undermined by the Territorial legislature, which in 1925 enacted a law conditioning the right to vote on the ability to pass a literacy test [this was a common tactic of disenfranchising minorities]; that law remained in effect until the Alaska constitution was ratified in 1956.⁵
- In 1941, Elizabeth Peratrovich was elected president of the ANS, and Roy was elected president of the ANB; that year, they also moved to Juneau, and were “shocked to discover even the relatively cosmopolitan city of Juneau had significant issues with racial discrimination. Many businesses in Juneau had ‘No Natives allowed’ policies.”⁶
 - In 1943, they attempted to get an Anti-Discrimination Act through the Territorial legislature, but were blocked.⁶
 - In 1944, Alberta Schenck, who was already an outspoken advocate for Alaska Native rights, was arrested for attempting to sit in the “Whites Only” section of the Dream Theatre in Nome (with her white boyfriend). At the urging of Major Marvin “Muktuk” Marston, she sent a telegram to Gov. Gruening detailing her experiences, and Gruening was able to leverage that letter into a second attempt to pass an Anti-Discrimination Act in 1945.⁹
 - Despite stiff resistance, the Act passed, due in no small part to a passionate speech given by Elizabeth before the territorial legislature. Many opponents claimed the proposed law could not end discrimination (i.e., legislative actions could not alter people’s thoughts or beliefs), but Elizabeth countered that it did not have to: to paraphrase her speech, laws against murder and theft do not prevent all instances of those crimes, but they send the message that as a society, we are opposed to those activities (and they also provide some form of legal assistance for the victims).⁶
 - The Act outlawed overtly discriminatory practices like the posting of signs such as the infamous, “No Dogs, No Natives Allowed.” Diane Benson [who authored a play about Elizabeth Peratrovich’s life and struggle, and portrayed her in a recent

biopic titled *For the Rights of All: Ending Jim Crow in Alaska* (2009)] called that sign in particular one of the most hurtful sentiments of that era.⁵

- Besides fighting the racially-discriminatory education system, championing the Native right to vote, and in general opposing discriminatory “Jim Crow” laws, another major focus of the ANB was the issue of Native rights to the land.⁴
 - Similarly, the Tanana Chiefs Conference was established in the aftermath of a 1915 struggle to seek compensation for the taking of Native lands during the construction of the Alaska Railroad.³
 - In the 1920s and ‘30s, the land rights issue was reinvigorated among Alaska Natives, first in the 1920s with an effort by Territorial Judge Wickersham (who served as the US Congressional Delegate for the Territory) promised the ANB he would bring legislation before Congress that would allow Alaska Natives to seek compensation for lands “taken from them” by the Americans; that legislation failed.⁴
 - After Wickersham’s attempt failed, the cause was picked up by Native leaders, including William Paul and the ANB, who tried to bring suit against the federal government for the economic loss brought about by the federal confiscation of Tlingit lands in the aftermath of the treaty of purchase – they specifically sought compensation for the economic loss entailed by the fact that the then-booming commercial fish industry was utilizing lands and water ways that were traditionally owned by Tlingit clans.⁴
 - The early attempt at bringing suit was stalled, because private citizens and private organizations did not have the legal right to sue the Federal government (that sort of suit can only be brought up on a government-to-government basis). The received assistance from the Tlingit & Haida Jurisdictional Act of 1935, proposed by Alaska Delegate A. J. Dimond, which allowed the Tlingit & Haida to organize themselves as a single tribe, thus making them eligible to bring suit under Federal law (since tribes have a similar status to say State governments, insofar as they have a government-to-government relationship with the Feds, they could then legally sue the Federal government).⁴
 - The case was fought over the course of the next several decades [although the tenor of the argument changed: Paul ultimately couldn’t argue the case from the standpoint of clan ownership and fishing rights, which he’d originally used to frame the case]. In 1967, the Tlingit & Haida won a \$35 million cash settlement from the Federal government, which paid for the land taken but did not recognize indigenous rights to the water or marine resources; the settlement also did not include title to land.^{3,4}
- While the Tlingit & Haida case was being fought in court, Alaska Natives from across the State became increasingly involved with land use and land rights issues.³
 - In Northwest Alaska, as the Atomic Energy Commission attempted to move forward with the ill-conceived Project Chariot, which proposed to blast out a deep-water harbor on Cape Thompson with nuclear detonations (an act they deemed entirely safe, and the local community of Pt. Hope felt was anything but), they were met with stiff resistance from local Inupiat leader Howard Rock, whose opposition ultimately led to his creating and publishing the *Tundra Times*, a Native newspaper whose articles served as a rallying cry for the burgeoning Land Claims movement.³

- By 1966, efforts to organize the Land Claims movement led to the creation of the Alaska Federation of Natives (AFN), whose members first helped initiate then shape the passage of the Alaska Native Land Claims Settlement Act of 1971 (ANCSA).³
 - [The Act was given urgency following the discovery of the unprecedented Prudhoe Bay oil field. After that and similar discoveries, the question arose as to what rights Alaska Natives might have to the land that the oil sat under, and other lands in the State. ANCSA offered Federal recognition – and termination – of Native land rights, sectioned off parts of the State as Native lands, State Lands, and Federal lands, and issued a cash settlement of over \$900 million to help establish the 12 regional corporations and over 200 village corporations to manage the Native lands and run businesses to contribute to the economic and cultural prosperity of Alaska Natives.]
- In 1945, when the Alaska Anti-Discrimination Act passed, Martin Luther King, Jr. was just 16 years old.⁶
 - In 1955, when he was 26, Elizabeth heard Dr. King speak about the desegregation of churches, and was reportedly very impressed with him. She died just a few years later.⁶
 - Elizabeth Peratrovich Day was established in 1988, in part due to a letter to the editor protesting the claim (presented in an earlier article printed in the Juneau Empire) that Dr. King was primarily responsible for the gains in Alaska Native Civil Rights [i.e., the article ignored the agency of Alaska Natives – through the ANB, Elizabeth Peratrovitch, etc. – in fighting for their own rights].⁶

Historical Overview of the Civil Rights struggle among African Americans

- 14th Amendment (1868) – African Americans granted US citizenship
 - [Compare to the relevant legislation for Alaska Natives and American Indians (passed in 1877, 1915, and 1924), and the often-included additional requirement that indigenous peoples divorce themselves from their culture to become citizens.]
- 15th Amendment (1870) – race could not be used as a means to deny anyone of their vote
 - This amendment was undermined by *Williams v. Mississippi* (1898), which acknowledged the constitutionality of implementing measures, such as a “poll tax” or a literacy test, as criterion for voting – even though in reality these were thinly veiled attempts to disenfranchise Black voters (as well as poor Whites). [This tactic was also seen above in the Alaskan Territorial legislation implementing a literacy test to disenfranchise Alaska Natives.]¹⁰
 - Part of the language of this ruling also allowed for discrimination within the judicial system: Blacks were allowed to be excluded from performing jury duty when state-level legislation was passed that prohibited non-voters from being jurors [if African Americans couldn’t serve on juries, then Black defendants in court would be judged by a jury of Whites].¹⁰
- *Plessy v. Ferguson* (1896) acknowledged the constitutionality of a “Separate but Equal” school system – often taken as blanket justification for “Jim Crow” laws establishing “separate but equal” accommodations in restaurants, public bathrooms, etc.¹²
 - Ultimately overturned by *Brown v. Board of Education* (1954), which ruled that separate will always be unequal with regard to education systems.¹²
 - [It is common knowledge that despite the *Brown v. Board of Education* ruling, in Alaska “separate and unequal” was still the reality until *Tobeluk v. Lind* (1976) (a.k.a., the “Molly Hootch” case), which ruled that the old regional boarding school system was in

fact racially discriminatory insofar as the state funded high schools in urban communities, but forced rural students to leave their homes to attend regional boarding schools; since rural Alaska was overwhelmingly Alaska Native, the court ruled this resulted in a *de facto* racially discriminatory pattern of educational spending. As a consequence of *Tobeluk v. Lind*, the state was forced to build and fund K-12 school facilities for each Alaskan community.]

- The National Association for the Advancement of Colored People (NAACP) was established in 1909 by WEB Du Bois, a few other African American leaders, and a large contingent of non-African American allies (including descendants of White abolitionists). Its primary initial mission was fighting discriminatory practices like “Jim Crow” policies (i.e., “separate but equal” accommodations) and the disenfranchisement of Black voters; one of its other top projects was waging a 30-year campaign against lynching.¹¹
 - The NAACP organized rallies protesting the silent movie *The Birth of a Nation* when it was released in 1915. The Klu Klux Klan, which had been established (but subsequently waned) much earlier, was reinvigorated by the movie, and used it as a recruiting tool.^{11, 13}
 - The film rehashed old racial animosity towards African Americans by sensationalizing alleged atrocities committed by Blacks in the aftermath of the Civil War: the freed slaves [played by Whites in black makeup] were presented as rapacious, murderous mobs, whose violence could only barely be constrained by the virtuous White clansmen.¹³
 - It was the first movie ever screened at the White House, and then-President Woodrow Wilson was said to have remarked, upon viewing the film, “It’s like writing history with lightning, and my only regret is that it is all so terribly true.”¹³
 - In the 1930s, the Great Depression hit African Americans harder even than most; the NAACP called on its national board member, Eleanor Roosevelt, to ask her husband to end discrimination in the military and the new federal agencies created by the New Deal. However, President Roosevelt did not substantially open up jobs to African Americans until Black leaders, including the NAACP, threatened a major protest march in 1941.¹¹
 - In the 1950s and ‘60s, opponents of the civil rights movement terrorized civil rights advocates, including bombing the home of NAACP Florida field secretary Harry T. Moore in 1951, which killed both the secretary and his wife, and firebombing the home of Mississippi field secretary Medgar Evers in 1962; although no one was killed in the bombing, Evers was later shot to death in front of his home.¹¹
 - NAACP lawyer Robert Carter represented the plaintiffs in the Supreme Court for the *Brown v. Board of Education* case; NAACP lobbyists in DC helped encourage legislators to pass the Civil Rights Acts of 1957, 1964, and 1968, and the Voting Rights Act of 1965; and its protests helped pass the Fair Housing Act of 1968.^{11,12}
 - [The Civil Rights Act of 1964 declared it unconstitutional to discriminate against racial, ethnic, national and religious minorities, and women; ended certain inequitable voter registration requirements; and drew to a close racial segregation for schools, workplaces and public services.]
- In Montgomery, Alabama in 1955, Rosa Parks was arrested for failing to give up her seat in the front of the bus to a white bus rider (in accordance with the relevant “Jim Crow” law), which prompted Dr. Martin Luther King, Jr. to lead the Montgomery Bus Protest.
 - During the Protest, the local NAACP chapter, which was led by Dr. King, boycotted the bus system for over a year. During that time, opponents threatened Dr. King and made several attempts on his life.¹⁴

- The incident culminated in *Browder v. Gayle* (1956), in which the US District Court ruled that the segregation of busses was unconstitutional.¹⁴
 - This successes encouraged Dr. King to lead other protests and protest marches throughout the late 1950s and early 1960s, during which time he was arrested several times, and continually threatened. During one of these periods of incarceration, he wrote the *Letter from a Birmingham Jail* (1963).¹⁴
 - Shortly thereafter, he led the “March on Washington for Jobs and Freedom,” where he gave the “I have a Dream” speech (attended by a young Alaska Native leader Willie Hensley, then at college in George Washington University).¹⁴
- Dr. King was assassinated in 1968.
 - Dr. Martin Luther King, Jr. Day was established as a National holiday in 1986.

Closing Thoughts:

Neither of these historical overviews covers the whole breadth and depth of the Alaskan or Lower 48 Civil Rights movements: for example, they somewhat arbitrarily start with the end of the Russian colonial era and the passage of the 14th Amendment, respectively, whereas a considerable amount of history, including issues pertinent to the later Civil Rights struggle, obviously preceded those events (such as enslavement, which is an issue, one might argue, that both groups were burdened by, albeit to drastically different extents). However, they do give some highlights of the struggle, and help define the characteristics of the two movements.

The Alaskan movement often preceded the efforts of the Civil Rights leaders in the Lower 48: parts of the Alaskan education system were desegregated before the Nationwide system was, our Territorial Anti-Discrimination Act was passed before the US Civil Rights Act was passed, etc. Our movement also tended more often to revolve around cultural issues, such as the mutually-exclusive nature of “American” and “Alaska Native” in the Territorial Act, or the assimilationist tendencies of the Territorial education system. Additionally, in the eyes of many Alaska Natives, rights to the land came part and parcel with culture (i.e., through subsistence practices, sacred sites, etc.), and for our leaders, land rights were an issue of civil rights and racial equity. The confiscation of our Native lands impinged on our ability to conduct ourselves in the manner proscribed by our respective cultures. Those organizations like the ANB and Tanana Chiefs Conference who mobilized action on behalf of one issue (e.g., civil rights or land claims) often also mobilized action on behalf of the other issue, as well – the ideas were inextricably linked in the minds of the people who formed those organizations and are still linked in the minds of those who run them today. Land (and water) rights also carried with them the economic benefit of natural resources, such as mineral wealth, the commercial fishery, and petroleum; hence, the land rights issue impacted the ability of Alaska Natives to participate in the economic (and therefore political) future of the State, so here again, the exclusion of Natives from just and equitable land ownership and use can be framed as an issue of racial equity and civil rights.

Many of the issues the two groups fought against were the same in the two movements (i.e., the disenfranchisement of minority voters, the segregation of the education system and other “Jim Crow” laws, etc.), and both groups benefitted greatly from non-minority allies (i.e., the Delegates Wickersham and Dimond who fought for Alaska Native land rights, or the non-minority co-founders of the NAACP). However, in contrast to the Alaskan experience, the Lower 48 Civil Rights movement was challenged by much more overt violence, and was able (and forced) to carry out its mission on a much grander scale – effecting nationwide change instead of regional change. Probably as a result of the scale of their accomplishment, the Lower 48 movement has continued to catch the popular imagination, whereas the Alaska Native victories have faded into the background to the point that, as mentioned above, Dr. King was given credit for the gains that we fought against and won for ourselves.

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