and Russia by prohibiting citizens and subjects of the United States from killing fur seals, but by sections 8 and 11 natives of the islands were permitted to kill annually a sufficient number of male seals to provide food and clothing.

As early as 1902 Congress passed conservation legislation containing special provisions for the natives of Alaska, and the white residents. The Act of June 7, 1902, as amended by the Act of May 11, 1908, prohibits the wanton destruction of wild game animals; or wild birds for the purpose of shipment from Alaska. It also provides that:

Nothing in this Act shall prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during closed season shall not be sold or offered for sale.

Section 1 of the Act of June 14, 1908, as amended by the Act of June 25, 1938, without changing the provisions respecting natives, prohibits all companies, corporations, or associations not authorized to transact business under federal, state, or territorial laws and aliens without, first papers, from catching or killing except with rod, spear, or gaff, any fish of any kind or species in any of the waters of Alaska under the jurisdiction of the United States. By amendments to section 4 of the act for the protection and regulation of the fisheries of Alaska, commercial fishing of any species of salmon except by rod, hand, spear, or gaff in any streams of Alaska or near their mouth, is unlawful excepting in the Karluk, Ugashik, Yukon, and Kuskokwim Rivers. The exception of the two last-named rivers is applicable only to native Indians and permanent white inhabitants taking king salmon, under conditions prescribed by the Secretary of Commerce (now by the Secretary of the Interior).

Article II, clause 3, of the treaty between the United States and Great Britain for the protection of migratory birds in the United States and Canada provides:

The close season on other migratory nongame birds shall continue throughout the year, except that Eskimos and Indians may take at any season auks, guillemots, murres, and puffins, and their eggs, for food and their skins for clothing, but the birds and eggs so taken shall not be sold or offered for sale.

Regulations prohibiting the killing of whales, walruses, and sea lions have special provisions regarding natives. Many other rules regarding refuges and hunting of migratory birds grant special privileges to the natives.

The Alaska Game Law regulates the taking of food game during the regular season, but exempts the natives from the necessity of securing hunting and trapping or fur dealers licenses. Native cooperative or mission stores are also exempt.

And, subject to regulations of the Secretary of the Interior regarding animals whose extinction is imminent, the law permits them, to take game during the closed season when in absolute need of food and other game is not available. Section 3 empowers the Secretary of Agriculture, now Secretary of the Interior, to safeguard the livelihood of the natives and conserve the fur animals requiring nonresident trappers to reside 3 years in the territory instead of one, before becoming eligible for resident trapping license.

B. REINDEER OWNERSHIP

Reindeer constitute one of the most valuable assets of the natives, supplying them with food and clothing and acting as:

6. 1911. Prohibited by Russia October 22, 1911. Ratifications exchanged December 12, 1911. Proclaimed December 14, 1911. A treaty between the United States and Great Britain, concluded February 7, 1911, 37 Stat. 1538, providing for the preservation and protection of fur seals, became effective on December 11, 1911, the date of the proclamation of the treaty between the United States, Great Britain, Japan, and Russia.

135 Stat. 102. Sec. 10 of the Alaska Game Law, Act of January 13, 1925. 43 Stat. 739, amended Act of February 14, 1931, 46 Stat. 1111, and Act of June 25, 1938, 52 Stat. 1169. empowers the Secretary of Agriculture to make, regulations for taking game animals etc., upon consultation with the Alaska Game Commission, but except as provided such regulations shall not prohibit: any Indian or Eskimo, prospector or traveler to take animals or birds during the closed season when he is in absolute need of food and other food is not available. but the shipment of sale of any animals or birds or parts thereof so taken shall not be sold or offered for sale, except that the hides of animals so taken may be sold within the territory.

134 Stat. 263.

135 52 Stat. 1174.


137 Pursuant to the Reorganization Act of April 3, 1930, 53 Stat. 561, Reorganization Plan No. 2 transmitted May 9, 1930, 53 Stat. 1431, and Public Resolution No. 20, 76th Cong., 1st sess., approved June 7, 1930. The Bureau of Fisheries was transferred from the Department of Commerce to the Department of the Interior, effective July 1, 1930. On the same date, the Bureau of Biological Survey was transferred to the Interior Department from the Department of Agriculture. By Plan No. 3, April 2, 1940, the two Bureaus were consolidated under the name Fish and Wildlife Service, H. Doc. No. 681, 76th Cong., 3rd sess.

138 Act of June 17, 1919, 41 Stat. 271. as amended by Act of September 1, 1919, and by Great Britain October 20; ratifications exchanged December 7 and proclaimed December 8, 1920.
beasts of burden. The animals were first introduced into Alaska from Siberia from 1901 to 1902 by Dr. Sheldon Jackson, the United States General Agent in Alaska. The original purpose of importation was to augment the dwindling source of native food supply consisting of game and fish, which had been seriously depleted by the whites.

The total importation by 1902, when shipments ceased, was about 1,290 head, and by 1938 the original stock expanded into a reindeer population estimated at 600,000 head.

The Federal Government, in recent years, has conducted numerous experiments on the cross-breeding of reindeer and native caribou on the control of predatory enemies, and on reindeer grazing.

The Federal Government has passed many statutes to protect the natives against food shortage due to periodic depletion of game or sea food and to encourage the raising of reindeer for their own subsistence and eventually for sale on the market.

The Bureau of Indian Affairs gives instructions to the natives and distributes reindeer feeders which enable them eventually to acquire a qualified ownership. The Government, however, retains a reversionary ownership so that an act of the territorial legislature imposing a tax upon each reindeer killed for market was held inapplicable to reinduced killed for market by natives of Alaska.

It has been administratively held that Congress had conferred upon the Secretary of the Interior the power to make regulations and impose restrictions upon the disposal of reindeer transferred to the natives by the Government, and these regulations may be enforced by suit to recover the animal illegally transferred or its value.

Despite the safeguards created by statute and administrative rules, by 1920 about a quarter of all the reindeer in Alaska was owned by whites.

The most important law relating to reindeer is the Act of September 1, 1937, which is designed to establish for the natives of Alaska a self-sustaining economy by acquiring for them the whole reindeer business, and to develop native activity in all branches of the industry. The Secretary of the Interior is empowered to acquire by purchase or other lawful means, including condemnation, "reindeer, reindeer-range equipment, abattoirs, cold-storage plants, warehouses, and other property, real or personal, the acquisition of which he determines to be necessary to the effectuation of the purposes of this Act" (sec. 2), and to make distribution thereof to the natives or to their organizations, under such conditions as he may prescribe (sec. 8). He is also authorized to sell male reindeer and invest the proceeds in the purchase of female reindeer for distribution by him among the natives who had not been supplied with them.

In 1929 the supervision of the reindeer was turned over to the Governor of Alaska for 1925. It was estimated that of the 54,000 reindeer, 67 percent were owned by the natives.

The Act of March 4, 1921, 41 Stat. 1367. 1406, authorizes the Commissioner of Education to sell male reindeer and invest the proceeds in the purchase of female reindeer for distribution by him among the natives who had not been supplied with them.

The following discussion by the Solicitor of the regulations given goes to the administrative system.

As has already been intimated, the absolute ownership of all reindeer in Alaska was in the Government originally and all interests in them as are held by the natives grew out of contractual relations between the individual natives and the United States based on regulations issued for that purpose. By these regulations the natives who hold reindeer are divided into two classes, one known as "apprentices" to whom a stated number of reindeer are leased in the Government from its herd, and the other as "herders." The regulations provided that the reindeer issued to these natives were subject to change in the case of the death of either an apprentice or a herder without heirs. With others who are not competent or do not manifest a desire to take charge of the herd, which involves his herd, or where a herder becomes intemperate and refuses to remain within one year, or who neglects his herd, and the members of his family are not competent to control the herd and fail to provide a competent herder.

Each apprentice and herder is required to enter into a contract with the Government, of which the regulations mentioned are a part, and in which there are other stipulations calling for the reversion of the herd to the Government under certain contingencies.

Survey by Department of Interior An early survey by the United States Government identified the following facts:

- The number of native and non-native herds was estimated at 5,000 in 1890.
- The estimated number of reindeer in Alaska in 1920 was 35,000.
- The number of herds owned by whites was about 100.
- The number of herds owned by non-natives was about 400.
- The total number of reindeer in Alaska in 1930 was estimated at 50,000.
- The number of herds owned by non-natives was about 2,000.
- The number of herds owned by whites was about 500.

By 1930 the number of herds owned by non-natives had increased to about 5,000, and the number of herds owned by whites had increased to about 1,000. The total number of reindeer in Alaska was estimated at 80,000.

The survey also noted that the number of herds owned by non-natives had increased at a faster rate than the number of herds owned by whites. The survey concluded that the reindeer industry was becoming increasingly dominated by non-natives.

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authorized to issue rules and regulations to prevent the transfer or devise of reindeer to non-natives (see 10), and regulate the ranging of reindeer on public lands (see 14).[14] Criminal sanctions are provided for violations of this statute (sec. 10 and 14), and $2,000,000 is authorized to be appropriated for expenditure by the Secretary of the Interior in carrying out the provisions of this act (sec. 16).[15] By the Act of May 9, 1899,[16] and June 25, 1899,[17] a total of $50,000 was appropriated for a survey and appraisal of the property and reindeer authorized to be acquired for the natives. This study has been made under the supervision of a congressional committee authorized by the Act of May 9, 1899, which recommended to Congress that funds be made available to carry out the purposes of the Reindeer Act. By the Third Deficiency Appropriation Act, fiscal year 1899,[18] $120,000 was appropriated for the purchase of reindeer, equipment, abattoirs, corrals, etc., owned by non-natives and $75,000 was appropriated for administrative expenses. Payments for reindeer are limited to an average of $4 per head.[19]

C. LANDS

Congress and administrative authorities have consistently recognized and respected the rights of the natives of Alaska in the land occupied by them.[20] The rights of the natives are in many respects the same as those generally enjoyed by the Indians residing in the United States, viz: the right of use and occupancy, with the fee in the United States.[21]

Article III of the Treaty of Cession[22] provides that the members of the civilized native tribes shall be protected in the free enjoyment of their property.

Section 8[23] of the Act of May 17, 1884,[24] establishing a civil government in Alaska and extending to it the laws of the United States relating to mining claims, is the first legislation which recognizes the rights of Alaska Indians to the possession of lands in their actual use and occupancy.[25] In interpreting this provision, the court in Heckman v. Sutter[26], said:

The prohibition contained in the act of 1884 against the disturbance of the use of possession of any Indian or other person of any land in Alaska claimed by them is sufficiently general and comprehensive to include tide lands as well as lands above high-water mark. Nor is it surprising that congress, in first dealing with the then sparsely settled country, was disposed to protect its few inhabitants in the possession of their lands, whatever their character, by means of which they eked out their hard and precarious existence. The fact that at that time the Indians and other occupants of the country largely made their living by fishing was no doubt well, known to the legislative branch of the government, as well as the fact that that business, if conducted on any substantial scale, necessitated the use of parts of the tide flats in the putting out and hauling in of the necessary seines. Congress saw proper to protect by its act of 1884 the possession by the Indians and other occupants of any land and all land in Alaska against intrusion by third persons, and so far has never deemed it wise to otherwise provide. (Pp. 88-89.)

A subsequent judicial decision[27] also stresses the importance of interpreting the statute in the light of the communal habits of the natives:

It is well known that the native Indians of this country by their peculiar habits live in villages here and there, in some of which they remain most of the year and in others during certain summer months, that while their habits are somewhat migratory, they have well-settled places of abode, and these usually are not abandoned, though they may vacate them for a few months at a time. The history of the habits of these people is well understood. (P. 239.)

It is believed that, the language of this act does not refer to lands held by Indians in generally, but as to holdings by them collectively in their villages and such places as were occupied by them; that their methods of life were well understood by the lawmaking power, and that they were understood by the Indians and other occupants of any villages where they lived, or for fishing, hunting, and like purposes.

No doubt I think exists as to the rights of those Indians who had occupied some particular tract of land solely and exclusively by himself, and had actually occupied the same continuously before and at the time of the act of May 17, 1884. He could maintain his possessory right to this property by virtue of this act, and the rights of the native might and should have protected under the same, the same as the Indians who occupied the land in dispute, if they occupied it exclusively and continuously, if they were in the actual undisputed possession thereof at the time the act of 1884 went into effect, were occupying it as a village, where a number had settled, and were there as common occupants, and not as individual, claimants to any particular portion of the same. If they occupied the same exclusively as a village or otherwise, their right to the same must be protected; if possessed at all, under their common title, and referred to. If the Congress of the United States have made no provision for this class of residents acquiring title to lands since the act of 1884, then they may not obtain title. (Pp. 239-240.)

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[14] Of the estimated 315,000 square miles of grazing land in Alaska, 200,000 square miles are considered suitable only for reindeer grazing Alaska, its Resources and Development, op. cit., pp. 123, 126.

[15] Ibid.


[18] Hearings before the Subcommittee of the House Committee on Appropriations, 76th Cong., 1st session on the Interior Department Appropriation bill for 1940, pt. 11, pp. 537 of seq. Also see hearings before same committee on the bill for 1941, pt. 11, pp. 463, et seq.


[21] United States v. Borrigan, 2 Alaska, 442, 448 (1905); 13 L. D. 120 (1891); 23 L. D. 335 (1896); 20 L. D. 517 (1898); 28 L. D. 427 (1899); 37 L. D. 334 (1908); 50 L. D. 315 (1924); 52 L. D. 597 (1929); 53 L. D. 194 (1930); 53 L. D. 593 (1932).

[22] The following acts of Congress contain provisions protecting the Alaskan natives in the use and occupancy of land occupied by them at the time.


[24] For a discussion of the power of Congress over land, see sec. 4, supra and Chapter 5, sec. 5.


[26] 15 Stat. 539, 542 (1867): The full text of this provision is set forth in section 3 of this chapter.

[27] This section provides in part: That the Indians or other persons in said district shall not be disturbed in the possession of any lands actually in their use, occupation or now claimed by them but the terms under which such persons may acquire title to such lands is reserved for future legislation by Congress.

Section 12 empowers the Secretary of the Interior to select two officers who together with the Governor shall constitute a Commission to examine and report on the condition of the Indians, "what lands, if any, should be reserved for their use," etc.

This act protects land held by Indians and other persons in Alaska at the time of its passage and not lands subsequently acquired, nor land occupied within a public reservation. The Act of March 3, 1891, which extends the Homestead Law to Alaska and provides for the acquisition by an individual group or association of 200 acres of land for trade or manufacturing purposes, accepts "any lands. * * * to which the natives of Alaska have prior rights by virtue of actual occupancy. * * * The possession rights of the natives cannot be infringed by the granting of townsite..."

Section 27 of the Act of June 6, 1900, establishing a civil government for Alaska, provides that—

The Indians * * * shall not be disturbed in the possession of any lands now actually in their use or occupation. * * * *

The case of United States v. Berrigan held that this statute not only prohibits an entry, under the land laws, upon land occupied by the natives but also forbids any other action which will disturb their possession and renders void any attempt to dispossess them by contract. The court also held that the United States, and not an individual Indian, was the proper party to sue in an action of trespass on Indian land.

Under the Act of May 17, 1906, the Secretary of the Interior may allot noninvalual land not exceeding 160 acres to any native who is the head of a family or who is 21 years of age. It also provides that such allotment shall be deemed the homestead of the allottee and his heirs forever and shall be inalienable and nontaxable until Congress provides otherwise.

Title remains in the United States, and moneys received from trespass on timber on such allotted land is not paid to the allottee, but must be deposited in the public funds of the United States.

After the approval of an allotment, the allottee's rights are...
not defeated by, a subsequent, reservation by Executive order of a tract of land, which includes the allotment. In the words of a recent administrative holding: 160

That Congress did not intend that an allottee’s right should be less than a “vested right,” or be subject to extinction at the pleasure of the Executive branch of the Government, is very clearly shown by the fact that it went further in the Act conferring that right than it has done in other kindred statutes by declaring in emphatic words that “the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity.”

Actual occupancy and continuous use of a tract of land by a native, prior to its inclusion within a national forest, confers upon the occupant a preference right to an allotment, even though the application for an allotment was filed subsequent to the creation of a reservation. 170

The Allotment Act does not limit the use of the land by the allottee nor the duration of his occupancy; nor the character of his improvements. 171

The Secretary of the Interior was empowered by section 2 of the Act of May 1, 1906: 172

... to designate as an Indian reservation any area of land which has been reserved for the use and occupancy of Indians or Eskimos by section 8 of the Act of May 17, 1884 (23 Stat. 201), or by section 14 or section 15 of the Act of March 3, 1891 (26 Stat. 1101), or which has been heretofore reserved under any executive order and placed under the jurisdiction of the Department of the Interior or any bureau thereof, together with additional public lands adjacent thereto, within the Territory of Alaska, or any other public lands which are actually occupied by Indians or Eskimos within said Territory: Provided, That the designation by the Secretary of the Interior of any such area of land as a reservation shall be effective only upon its approval by the vote, by secret ballot, of a majority of the Indian or Eskimo residents thereof who vote at a special election duly called by the Secretary of the Interior upon thirty, days’ notice: Provided, however, That in each instance the total vote cast shall not be less than 30 per centum of those entitled to vote.

A provision is also made that this act shall not affect existing rights.

There have already been a number of administrative interpretations of this act. It has been held that a reservation may include sufficient water frontage to protect and provide for the fishing occupations of the Indians. 173 Although water in connection with the reservation of the uplands cannot be independently reserved under section 2, waters adjacent to any lands already reserved or being reserved may be reserved for the natives occupying the rest of the reservation. 174 Waters may not be withdrawn as far from the shore as the territorial limits of Alaska.

Adopting the test formulated by the Supreme Court in the Alaska Pacific Fisheries case, 175 it was held to be the intent of Congress that under section 2 only those adjacent waters may be reserved which are essential for the effective use and are an integral part of the reserved land. A recent opinion 176 on this question advised:

It appears that for all practical purposes the extent of water designated by the President in connection with the Annette Islands Reservation, namely, 3,000 feet from the shore at mean low tide; should be used as the standard and even as the maximum unless it is shown that the natives have been using and actually need a further area. (Pp. 9–10.)

The principal part of each reservation must be land upon which the natives are actually residing. 177

Indian villages have been organized under the Municipal Incorporation Law of Alaska 178 and the Indian Village Act. 179 It is reported that some Indian villages not organized under either of these laws have an informal organization with a council, usually elected annually. 180

Section 19 of the Act of June 18, 1934, 181 provides that Eskimos and other aboriginal peoples of Alaska shall be considered Indians for the purpose of the act, and section 13 provides that sections 9, 10, 11, 12, and 16 shall apply to the Territory of the Alaska. These provisions relate to tribal organization, loans for economic development and for tuition in vocational schools, and preference to Indians for positions in the Indian Service. The Act of May 1, 1936, 182 extends to Alaska all the remaining sections except sections 2, 3, 4, and 18, relating to tribal lands and reservations, which are largely inapplicable to this territory. This act offered a new source of federal protection to the natives “who in the past,” according to Commissioner of Indian Affairs Collier, “have seen their land rights almost universally disregarded, their fishing rights increasingly invaded, and their economic situation grow each year more desperate.” 183

The Act of May 1, 1936, was passed to remedy the failure of the Act of June 18, 1934 to extend the incorporation and credit privileges of that act to the organizations in Alaska, and, what was equally important, to authorize a type of organization more suited to the existing native groupings and activities than the organizations authorized for Indians in the States.

By an oversight, apparently, of the congressional conference committee considering the Act of June 18, 1934, section 17 of that act providing for incorporation of tribes, was omitted from the list of sections made applicable to Alaska, and this resulted in the ruling that the credit funds made available by section 10 to incorporated organizations could not be made available in Alaska in the absence of the privilege of incorporation. 184 The

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161 48 L. D. 435, 437 (1922).
162 48 L. D. 362 (1921).
163 Act of May 17, 1906, c. 2469, 34 Stat. 197. Also see 48 L. D. 70 (1921), and 50 L. D. 27, 48 (1923), as modified by 51 L. D. 145 (1925).
164 52 L. D. 597 (1929).
165 C. 254, 49 Stat. 1250.
166 O P. Sol. l. D., b28978, April 19, 1937.
167 Ibid.
168 Alaska Pacific Fisheries v. United States, 248 U. S. 78 (1918), affg 240 Fed. 274 (C. C. A. 9. 1917). This case is more fully discussed in sec. 4. supra
169 48 l. D. 28973, April 19, 1937.
170 Memorandum of Secretary of Interior (1936) p. 163.
172 Compiled Laws of Alaska for 1933, ch. 44. Pursuant to this act Klawock was organized as a city of the first class and Hydaburg and Saxman, as cities of the second class.
173 Session Laws of Alaska for 1915, ch. 11; amended Session Laws of Alaska for 1917, ch. 25; repealed Session Laws of Alaska for 1929, ch. 23; villages like Angoon and Hoonaah, organized before the repeal of this law, continue to function, although their status is doubtful.
174 Most, if not all, of these villages are within the area of the Tongass National Forest Reservation.
175 C. 254, 49 Stat. 1250.
omission was remedied in the Act of 1936 by the express extension of section 17 to Alaska organizations and by the provision that the groups of Indians authorized to organize may receive charters of incorporation and credit loans in accordance with the Act of June 18, 1934.

The type of organization authorized by the latter act was the organization of Indian bands or tribes, or the Indians residing on a reservation. However, since most of the natives in Alaska do not live on reservations and are not grouped as bands or tribes, as in the States, and since most of the natives live in native villages or communities and many groups of natives work in particular kinds of Occupations or have other ties that bind their interests together, it was provided in section 1 of the Act of May 1, 1936, that groups of Indians in Alaska not heretofore recognized as bands or tribes, but having a common bond of Occupation, or association, or residence within a well-defined neighborhood, community, or rural district, may organize to adopt constitutions and bylaws and to receive charters of incorporation and Federal loans under sections 16, 17, and 10 of the Act of June 18, 1934 (48 Stat. 984).

The criterion of organization was adopted from section 9 of the Federal Credit Union Act, and the interpretation of this language by the authorities administering that act is looked to for guidance in determining the eligibility of native groups seeking to organize.

Under the interpretation and application of the Act of May 1, 1936, the Interior Department has held, as a matter of law and policy, that, like a band or tribe, a group which may organize under the Act must be a previously existing group, bound by common interests or economic ties, and not a newly formed group established solely for the purpose of receiving benefits under the Indian Reorganization Act. The Interior Department has also held that, as in the organization of a band or tribe, the group organizing acts as a unit and includes at the outset all those natives who belong to the group, although individuals may withdraw later from the organization.

The instructions on organization in Alaska, approved by the Secretary of the Interior on December 22, 1937, set forth the kinds of organization possible under the act:

(1) A group consisting of all the native residents of a locality may organize to carry on municipal and public activities as well as economic enterprises. This type of organization would be suitable for exclusively native villages. Authority for municipal activities is based on the provision of section 16 of the Act of June 18, 1934, providing that the constitutions may contain all powers of an Indian group recognized under existing law. The best example of this type of organization is the organization of the Eskimo villages.

(2) Groups comprising all the native residents of a locality may organize solely for business purposes without contemplating municipal activities. This type of organization is especially suitable in the case of Indian groups residing in white communities, which communities already provide for municipal activities. Examples of such an organization are the organizations at Craig and Sitka.

(3) A group not comprising all the residents of a locality but comprising persons having a common bond of occupation or association may organize to carry on economic activities. In the case of such organizations, cooperative and democratic features in the method of organization are encouraged and as wide a share among the natives is sought as is possible in the circumstances of the case. An example of such an organization is the Hydaburg Cooperative Association, composed of resident native fishermen of Hydaburg who have a "common bond of occupation in the fish industry, including the catching, processing and selling of fish and the building of fishing boats and equipment.

As of February 1, 1941, 38 native groups had organized and received charters under the Alaska act.

Although the Alaskan Native Brotherhood is neither a tribe nor a group organized under the Act of May 1, 1936, it must be considered in any survey of native organizations. The Brotherhood was organized in the fall of 1913 with the announced objective of preparing the natives of Alaska to exercise the rights and duties of citizenship. The Brotherhood is governed by an annual convention composed of delegates from its "local camps."
Executive officers, including the Grand Secretary, who is the administrative head, are elected annually. 22

The Grand President becomes a member of a permanent "Executive Committee" which exercises the powers of the convention between sessions.

This society takes an active interest in legislation and other matters which affect the natives. 23

Unique among native communities is that of the Metlakatla Indians. Encouraged by federal officials about 800 of these Indians migrated in 1887 to the Annette Islands in southeast Alaska from their homes in Metlakatla, British Columbia. 24

A ruling of the Attorney General 25 held that the President of the United States lacked authority to establish a reservation for these Indians on the public domain without congressional sanction because they were aliens, born outside of the boundaries of the United States proper. 26 By the Act of March 3, 1891, 27 Congress created a reservation for the use of these immigrants and such other Alaskan natives as might join them, to be used in common under rules and regulations prescribed by the Secretary of the Interior. 28 By the Act of March 4, 1907, 29 Congress permitted these, Indians to be licensed as masters, pilots, and engineers of steamboats and as operators of motor boats, as if citizens of the United States. Congress granted collective naturalization by the Act of May 7, 1934, 30 to the Metlakatlans and the Indians who emigrated from British Columbia not later than January 1, 1900, and resided continuously in Annette Island.

The community has flourished; it owns a salmon cannery 31 which is operated under a lease from the Department of the Interior. Out of their receipts they have built up a large profit fund 32 in the Treasury of the United States, bearing 4 percent interest.

The community income is used by the directors of the town council for civic improvements, care of dependents, etc. From the profits, the community has built and equipped a hydroelectric plant which furnishes each house with electricity free of charge.

The privilege of joining the Metlakatla community and occupying any part of the Island is subject to vote of the Metlakatla council. To obtain membership, except by birth, requires the approval of three-fourths of the members of the town council. The land and resources of the reservation are held in common; individuals occupy land by permits from the council. Local self-government is recognized in rules and regulations of the Secretary of the Interior. 33

22 For a brief discussion of this organization, see testimony by Judge Wickersham before the Senate Committee on Indian Affairs on March 23, 1932, on S. 1196, 72nd Cong., 1st sess., pp. 10-11.

23 The significance of the Brotherhood as the representatives of an important portion of the natives is shown by the fact that the Delegate from Alaska declined to sponsor legislation extending the Wheeler-Howard Act to Alaska until learning its views. 83 Cong., Rec. pt. 9, p. 180 (1938).

At the outset a number of "local camps" and many others had vigorously opposed the provisions of the Wheeler-Howard Act referring to "Indian reservations" because they thought that these provisions would deprive them of some of their rights of citizenship. When it was demonstrated that this fear was groundless, the Executive Committee approved the measure. Ibid. 180.

24 For a brief account of the development of this colony, see Department of the Interior, The Problem of the Alaskan Development (April 1940), pp. 44-47. See also In Chemistry, 1877.


26 26 Stat. 1195, 1191-1192.

27 Secretary of the Interior Lane issued such rules and regulations on January 28, 1915, 25 C. F. R. 1-1-1.68.

28 c. 2929, 34 stat. 1411.