



Appendix A, B, and C





The Alaska Native Claims Settlement Act: Relationship with the Environment

Appendix A: The Transfer of Alaska from Russian to the United States (Treaty of Cession, 15 State. 539)

Treaty concerning the Cession of the Russian Possessions in North America by his Majesty the Emperor of all the Russias to the United States of America; Concluded March 30, 1867; Ratified by the United States May 28, 1867; Exchanged June 20, 1867; Proclaimed by the United States June 20, 1867.

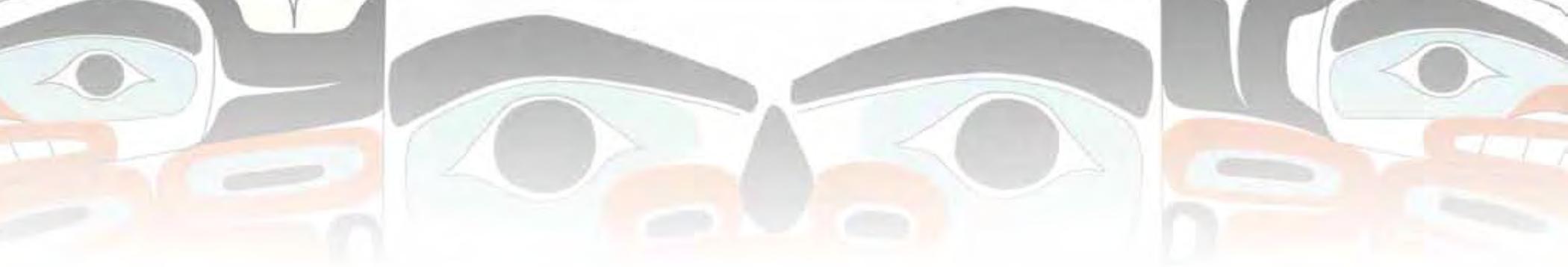
BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

Whereas, a treaty between the United States of America and his Majesty the Emperor of all the Russias was concluded and signed by their respective plenipotentiaries at the city of Washington, on the thirtieth day of March, last, which treaty, being in the English and French languages, is, word for word, as follows:

The United States of America and his Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their Plenipotentiaries: the President of the United States, William H. Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Councillor Edward de Stoeckl his Envoy Extraordinary and Minister Plenipotentiary to the United States.

And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have



agreed upon and signed the following articles:

ARTICLE I

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to wit: The eastern limit is the line of demarcation between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28 - 16, 1825, and described in Articles III and IV of said convention, in the following terms:

III. "Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and the 133d degree of west longitude (meridian of Greenwich,) the said line shall ascend to the north along the channel called Portland channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point, the line of demarcation shall follow the summit of the mountains situated parallel to the coast as far as the point of intersection of the 141st degree of west longitude (of the same meridian;) and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen ocean.

IV. "With reference to the line of demarcation laid down in the preceding article, it is understood -

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now, by this cession, to the United States.)

"2nd. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th

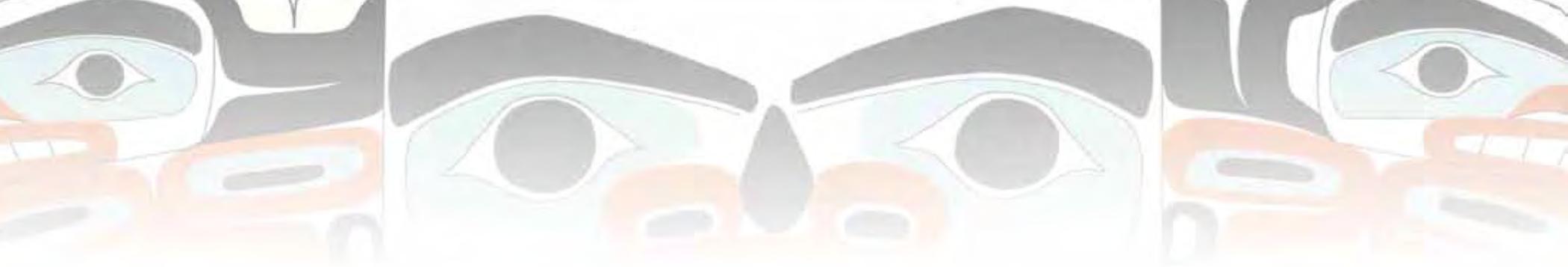


degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned (that is to say, the limit to the possessions ceded by this convention) shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom.”

The western limit within which the territories and dominion conveyed, are contained, passes through a point in Behring’s straits on the parallel of sixty-five degrees thirty minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern, or Inaglook, and the island of Ratmanoff, or Noonarbook, and proceeds due north, without limitation, into the same Frozen ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest through Behring’s straits and Behring’s sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of one hundred and seventy-two west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper island of the Kormandorski couplet or group in the North Pacific ocean, to the meridian of one hundred and ninety-three degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian islands east of that meridian.

ARTICLE II

In the cession of territory and dominion made by the preceding article are included the right of property in all public lots and squares, vacant lands, and all public buildings, fortifications, barracks, and other edifices which are not private individual property. It is, however, understood and agreed, that the churches which have been built in the ceded territory by the Russian government, shall remain the property of such members of the Greek Oriental Church resident in the territory, as may choose to worship therein. Any government archives, papers and documents relative to the territory and dominion aforesaid, which may be now existing there, will be left in the possession of the agent of the United States; but an authenticated copy of such of them as may be required, will be, at all times, given by the



United States to the Russian government, or to such Russian officers or subjects as they may apply for.

ARTICLE III

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property, and religion. 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.

ARTICLE IV

His Majesty the Emperor of all the Russias shall appoint, with convenient despatch, an agent or agents for the purpose of formally delivering to a similar agent or agents appointed on behalf of the United States, the territory, dominion, property, dependencies and appurtenances which are ceded as above, and for doing any other act which may be necessary in regard thereto. But the cession, with the right of immediate possession, is nevertheless to be deemed complete and absolute on the exchange of ratifications, without waiting for such formal delivery.

ARTICLE V

Immediately after the exchange of the ratifications of this convention, any fortifications or military posts which may be in the ceded territory shall be delivered to the agent of the United States, and any Russian troops which may be in the territory shall be withdrawn as soon as may be reasonably and conveniently practicable.

ARTICLE VI



In consideration of the cession aforesaid, the United States agree to pay at the treasury in Washington, within ten months after the exchange of the ratifications of this convention, to the diplomatic representative or other agent of his Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. The cession of territory and dominion herein made is hereby declared to be free and unencumbered by any reservations, privileges, franchises, grants, or possessions, by any associated companies, whether corporate or incorporate, Russian or any other, or by any parties, except merely private individual property holders; and the cession hereby made, conveys all the rights, franchises, and privileges now belonging to Russia in the said territory or dominion, and appurtenances thereto.

ARTICLE VII

When this convention shall have been duly ratified by the President of the United States, by and with the advice and consent of the Senate, on the one part, and on the other by his Majesty the Emperor of all the Russias, the ratifications shall be exchanged at Washington within three months from the date hereof, or sooner if possible.

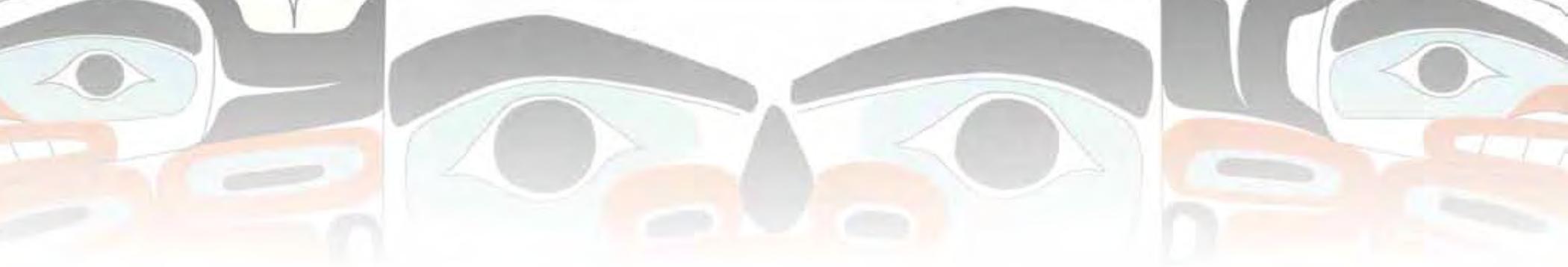
In faith whereof, the respective plenipotentiaries have signed this convention, and thereto affixed the seals of their arms.

Done at Washington, the thirtieth day of March, in the year of our Lord one thousand eight hundred and sixty-seven.

[SEAL]
[SEAL]

WILLIAM H. SEWARD
EDOUARD DE STOECKL

And whereas the said Treaty has been duly ratified on both parts, and the respective ratifications of the same were exchanged at Washington on this twentieth day of June, by William H. Seward, Secretary of State of the United States,



and the Privy Counsellor Edward de Stoeckl, the Envoy Extraordinary of His Majesty the Emperor of all the Russias, on the part of their respective governments,

Now, therefore, be it known that I, Andrew Johnson, President of the United States of America, have caused the said Treaty to be made public, to the end that the same and every clause and article thereof may be observed and fulfilled with good faith by the United States and the citizens thereof.

In witness whereof, I have hereunto set my hand, and caused the seal of the United States to be affixed.

Done at the city of Washington, this twentieth day of June in the year of our Lord one thousand eight hundred and sixty-seven, and of the Independence of the United States the ninety-first.

[SEAL]

ANDREW JOHNSON

By the President:

WILLIAM H. SEWARD, *Secretary of State*

Source:

United States of America. *Treaty concerning the Cession of the Russian Possessions in North America by His Majesty the Emperor of All the Russias to the United States of America : June 20, 1867. The Avalon Project: Documents in Law, History and Diplomacy.* Yale Law School: Lillian Goldman Law Library. Web. 9 Dec. 2011. <http://avalon.law.yale.edu/19th_century/treatywi.asp>.



The Alaska Native Claims Settlement Act: Relationship with the Environment

Appendix B

December 19, 1947

Mrs. Ruth Muskrat Bronson

Secretary, National Congress of American Indians

1426 35th Street. N. W.

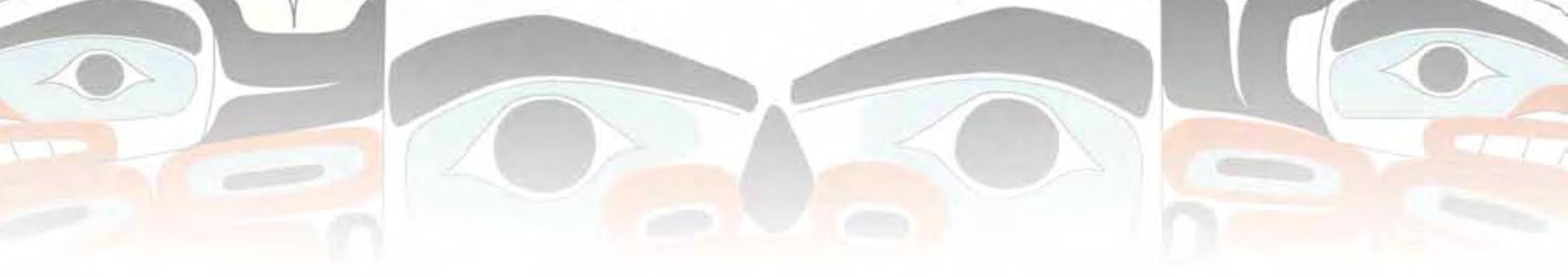
Washington, D. C.

Dear Mrs. Bronson:

Here in the land of Santa Claus, Christmas will bring little cheer to our children this year. We natives, 35,000 Eskimos, Indians and Aleuts, are half of Alaska's permanent population, and we must watch our children die of diseases that come from cold and lack of food. Our homes and lands, our fisheries and trees, our trap• lines and reindeer, everything we possess is being seized or threatened by unscrupulous white men, who tell us that what they are doing to us has been approved in Washington.

All of the promises that have come to us from Washington are now broken.

Presidents and Secretaries of the Interior have promised us the last time was in June, 1946—that the boundaries of



all our lands would be marked out clearly so that no trespasser would take the fish and game and furs that we need to keep our children warm and well fed throughout the long Alaskan winters. Now Secretary Krug, who is supposed to be our guardian, refuses to let this promise be kept. Petitions on his desk from many native villages are still unanswered.

Secretary Krug himself promised us, on the 9th day of last December, that he would have such boundary line drawn immediately, beginning with the lands of Klukwan. That promise, too, stands broken. Our friends in the Indian Bureau have made many efforts to hold such hearings. Always Secretary Krug has stopped them.

We were promised by Secretary Krug on the same day, that our farthest north Eskimo town, Barrow, on the Arctic Ocean, would be allowed a town reserve to include its whaling grounds and the places where its men dig the coal to keep warm with through the long Arctic night. That promise, too, stands broken. We were promised by President Roosevelt, President Hoover, President Coolidge, President Wilson, and even by presidents before their days, that our possessions would always be protected. Now the men in Washington who are supposed to be our protectors say that big corporations can take our trees, our minerals and all our lands without asking our permission or paying us. One of our Eskimo boys was arrested and thrown into jail when he tried to mine jade on the lands that belong to his own people. One of our Indian men was arrested when he tried to fish in the fishing grounds that always belonged to the people of his house. Now the Agriculture Department men threaten to arrest us if we cut down our own trees. We are wondering if they expect us to live on snow and to keep warm in the winter by burning ice.

Now a bill has just been introduced in Congress by the heads of the Indian Affairs Committees, who are supposed to protect us, that would take away our reservations, which are our homes and our Promised Land. Where can we go then? We are not like white men who are always moving. Most of our homes and villages have been right where they are now for many hundreds of generations. We know this is true because animals that have not roamed on earth for thousands of years are sometimes found in the dump heaps of our villages. Taking our land from us means driving us off the face of the earth. When we were under the Russian Czars they said that nobody should take our possessions



without our consent. When they sold Alaska they did not consult us, but they asked the United States to promise that our land rights would be respected. That promise is set out in the Treaty, but it is no longer observed.

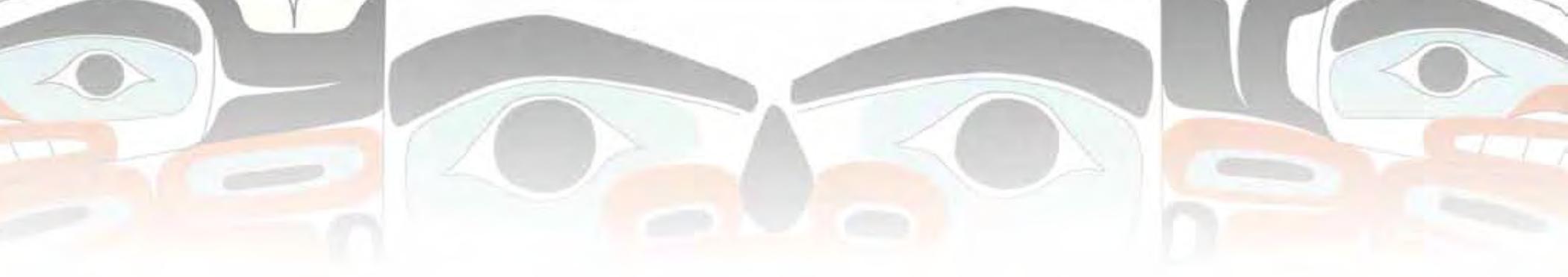
Congress in 1884 promised that the lands we claimed then should never be disturbed. In 1900 and in 1936 that promise was renewed. When a Secretary of the Interior takes his oath of office he promises to execute all the laws of the United States but now our Secretary says that he will not execute the law that Congress has passed to safeguard our possessions.

Instead he sends doctors to investigate our chests and they report that our people are dying of tuberculosis ten times as rapidly as other people in the United States. We could have told him that a year ago when he toured Alaska, if he had stopped at our Indian villages instead of spending all his time at luncheons and parties given by Chambers of Commerce in white towns. And we could tell him now, if he asked us, that we will be able to afford decent food and clothing and better housing and bring up our children as we would like to bring them up if he would only carry out the promises that he and other Secretaries of the Interior before him have made, to protect our lands and possessions. We have gone to schools and learned how to operate sawmills and canneries in the most modern way. Now that we are attempting to do this with our own resources, everything is taken from us, and we are thrown into jail.

Why? Why are we suddenly to be made what you call “displaced persons?”

Is it because our skins are not as light as yours? But the Declaration of Independence you brought us says that all men are created equal. Your constitution promises that the property rights of all men-not just white men-shall be safeguarded. And the Bible that you brought us and translated into our native tongues says that we are all brothers and children of God. It does not say that it is all right for white men to rob from men of copper skin.

Is this done to us on the ground that we are not citizens? But your Congress passed a law in 1924 making us all citizens, and that law is still alive.



Is this done to us because Secretary Ickes tried to protect our lands and because, we are told, many people in Washington do not like him? Is that why the reservations that were established by other Secretaries of the Interior are allowed to stand, when the reservations that he marked off for us are being wiped out? But we do not pick Secretaries of the Interior, though we wish we could.

We have thought about this matter and talked about it in the long evenings of the past autumn. We have decided that the real reason why our possessions are being taken from us is that we are human beings, and not wolves or bears. The men from Washington have set aside many millions of acres on which wolves and bears may not be disturbed, and nobody objects to that. Perhaps if we were wolves or bears we could have just as much protection. But we are only human beings. There are no closed seasons when it comes to skinning Alaskan natives.

You have asked us not to lose faith in the American people, but to tell our story to those who will listen. And so we are asking Santa Claus, when he rides through Alaska this year, on his way south to gather the cries of our children and to take them with his sleigh bells to the hearts of men and women in the States who will dare to raise their voices in our behalf and to insist that their public servants in Washington shall not enrich their friends by giving away our trees, our fisheries, our traplines, our lands, and our homes. With God's help we still hope that what our parents passed on to us we may in turn pass on to our children and our children's children forever.

Respectfully yours,

AMY HALLINGSTAD,

President

Source:

<http://shispecialcollections.blogspot.com/2011/09/alaska-native-sisterhood-civil-rights.html>



The Alaska Native Claims Settlement Act: Relationship with the Environment

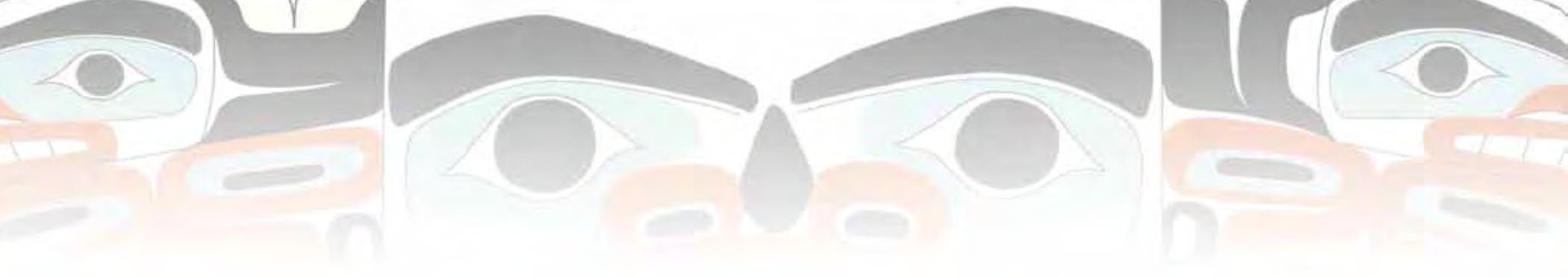
Appendix C: Old explosive opens historic wounds in Kake by Jill Burke (Alaska Dispatch)

Jill Burke | Jun 24, 2011

What in the village of Kake may have at first appeared to be a simple public safety matter has overnight become symbolic of a lingering injustice in Alaska predating statehood. A remnant of U.S. military might from the Civil War era -- an unexploded artillery shell -- has forced villagers in the remote Alaskan community to seek atonement for wrongs committed against them more than a century ago by the U.S. government. They knew this time would come eventually, but they hadn't planned to have it happen so abruptly. It had, they thought, been a shelved issue they would get to when the time was right. Through a series of unexpected events, that time is now.

It started when a bomb squad from the U.S. Air Force was dispatched to the village Thursday to examine a 30 pound parrott shell, a relic from a time when the U.S. military was exploring the coastline of Alaska before Russia had even sold the territory to the United States. Times were rough and tumble. The Tlingit Indians of Kake and the surrounding region were known to be strong defenders of their home and society. They'd had run-ins with Russians and Americans alike, which escalated in 1869, resulting in the U.S. Navy's decision to bomb and plunder village and camp sites in Kake in the dead of winter.

Now, after decades of silence on what it calls "atrocities inflicted" by U.S. forces on its people, the Organized Village of Kake feels it can no longer be quiet. The U.S. has never taken steps to right the wrongs of the past and it's time to begin the process, said Mike Jackson, a tribal member.



“This is just the fingertip of the story,” Jackson said in an interview Thursday from his tribal office in Kake, explaining that the bombardment in 1869 was just one of several similar episodes in the village’s history.

But for now the community will focus on only this one issue -- the destruction of food and shelter for an entire community, dooming its people to either starve and freeze to death or leave. Villagers chose life and left their homes to go live with other tribes, only later moving back to the Kake area but not to the razed sites themselves.

The lone artillery shell -- 4 inches wide and 12 inches long -- has thus become both a symbol of Kake’s wound and a catalyst for its healing.

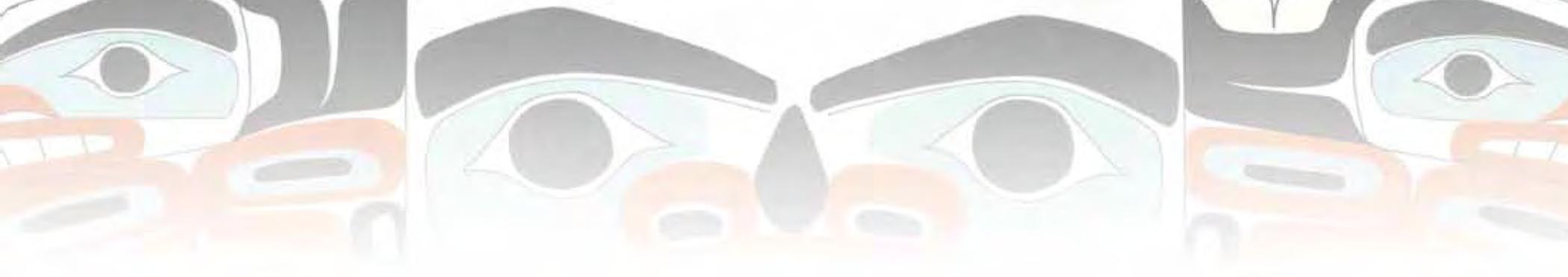
“The shell is an iconic object associated with an incredible trauma inflicted upon them,” said Stephen Langdon, a professor of anthropology at the University of Alaska who was called in to consult with the tribe about the situation.

“The bombing of the Kake people was the first act of state terrorism in Alaska,” Langdon said.

(Re)discovery

The 30-pound shell isn’t a new discovery for the village, but it was new to one of the village’s younger members, who ran across it when he was cleaning up a house he planned to rent. The shell was first discovered in the 1940s near a wooden stump, where it appeared to come to rest after driving a hole through what was left of a tree trunk. Villagers at the time decided to hang on to it and keep it safe until the time was right to do something more with it. Most recently, it had been tucked away in the home of one of a relative of Jackson’s, who died in 2005. The home sat empty for years until this week, when Jackson’s nephew made plans to move in, started cleaning, and stumbled across the shell and told the village public safety officer about it.

Jackson attributes the swift action that ensued to a generation gap: Young people have been taught the history, but



aren't old enough to have lived through some of the key moments themselves.

"They are too young to remember what we told them about it," he said.

Word of the unexploded shell traveled quickly, spreading to the Alaska State Troopers and on to the bomb squad at Elmendorf Air Force Base. To the displeasure of Kake's residents, within a day a team was on its way to the village to deal with the unpredictable piece of history, bringing with it a wave of emotion it may not have even known it had in hand.

On his way to Kake, Langdon was seated next to a liaison for the state troopers who had also been assigned to the mission, and as they conversed about the situation Langdon said it was clear the person didn't know what Kake had in the past suffered or that the shell was an unavoidable reminder of that pain.

"We are not dealing with historically informed people," Langdon said.

Worried that the military and law enforcement teams would either take away or destroy the shell, someone made a call to U.S. Sen. Mark Begich's office on behalf of the village. The village wanted to retain control of its artifact and the history it represented. Kake residents were also in mourning, in the process of honoring a woman who had recently died, and wanted the visit postponed. Langdon believes getting Begich involved helped clue Alaska officials in to the sensitivity of what was afoot.

"When the senator's office is calling you that heightens your attention and your willingness to understand what this object was and it's deeper context," he said. In the end, on Thursday when the team descended on Kake, he said everyone "dealt with the tribe in a very responsible manner."

The Air Force crew X-rayed the bomb and determined it was safe enough to leave with the tribe but not safe enough to let sit as a potentially live piece of artillery. It would have to be defused, and the Village of Kake agreed to hire



someone to do it.

A painful past

Located on Kupreanof Island in southeast Alaska, Kake was at one time a crossroads of the Tlinglit nation. They controlled trade routes and defended themselves from Outsiders. When Russians and Europeans began to enter the picture, the native of Kake began to engage with large Euro-American powers that were exploring Alaska.

For Langdon, who has studied the historic interactions, the U.S. forces that Kake would by 1869 come into contact with were marked by domination and subjugation. The men sent to enforce order in Alaska and in Kake were the very same men who were coming out of the U.S. Southwest campaign against the Apache Indians, and the same men who had spent time rounding up the Arapajo Indians.

The conflict in 1869 began when a U.S. sentry in Sitka shot and killed a youth from Kake. In retaliation, family members of the murdered youth killed two non-Native traders. The next show of force would come from the U.S.S. Saginaw, which over the course of two days shelled the village sites, destroying, burning and pillaging the “tribal houses and food caches in the heart of winter,” according to the village.

The account fits with Langdon’s research. Military powers had a history, not only in Kake but also in the village of Angoon, of conducting retribution so severe that it crippled a population’s ability to survive. Unlike Kake, Angoon sought reparations for a U.S. bombardment it suffered in 1882, and in 1973 won a \$90,000 settlement.

Kake has never sought a financial remedy or an apology. But it may. Village leaders are in discussion about how to proceed and have already signaled that they intend to begin talks with the U.S. Department of Defense about it. They are consulting academic, spiritual and cultural leaders, and will also review their options with attorneys, Jackson said.



“This particular situation is extraordinarily complicated,” Langdon said. “This is of enormous significance historically and culturally.”

A prepared statement from the Organized Village of Kake sums the current situation up best: “In the words of the late Thomas Jackson Sr., ‘There will be a time this history and artillery shell will have to be brought out.’ June 2011 has become that time.”

Source: Alaska Dispatch

Jill Burke, “Old Explosive Opens Historic Wounds in Kake.” *Alaska Dispatch* (24 June 2011).. Web. 9 Dec. 2011.
<<http://www.alaskadispatch.com/article/old-explosive-opens-historic-wounds-kake?page=full>>.

