

Testimony before the Petersburg Borough Assembly Meeting of Dec. 7, 2020

by Charles Smythe, Ph.D.

RE: "Unrecognized SE AK Native Communities Recognition and Compensation Act"

I was one of the Principal Investigators for the ISER research report, *A Study of Five SE AK Communities*, and I would like to provide clarification about that research.

The objectives of the report were to present the available factual evidence on why the five study communities were omitted from ANCSA, and how the historical circumstances and conditions of the study communities compare with those Southeast communities that were recognized under ANCSA.

First, it should be noted that aboriginal title in Southeast Alaska was recognized by the federal court of claims in 1959 and 1968 (Tlingit and Haida land claims), and by Congress in 1971 (ANCSA). Petersburg was included in the former but not in ANCSA. Aboriginal title is defined as title by virtue of aboriginal use and occupancy.

Regarding village eligibility criteria: To be considered eligible for ANCSA benefits, Native villages had to have at least 25 Natives in residence, not be of modern and urban in character, and have a majority Native population.

Southeast villages were treated differently from other regions due to their participation in the earlier land settlement. They were listed in a separate section (#16). Unlike earlier sections that dealt with villages in other regions, this section did not include a provision for unlisted villages to become eligible. Furthermore, Southeast corporations received only one township of land (23,040 acres) while most other villages received between 3 and 6 townships each, depending on their populations (p. 91).

ANCSA also included a special provision for 4 communities that were not small rural Native villages. Under this provision, Juneau and Sitka (along with Kodiak and Kenai) were allowed to establish urban corporations. This provision was introduced by Sen. Stevens in the final bill during its consideration by the conference committee. No one objected to the 4 communities gaining eligibility at the last minute, but "the sense of the conference committee was that no more communities would be accepted for urban corporation status." So, during the passage of ANCSA, 4 communities that were of modern and urban in character were given special recognition, but the remainder were cut off from consideration. The study did not discover any record of criteria or evaluation that was used to determine if these communities were more qualified than the others.

The criteria for what constituted "modern and urban character" was not defined until 1974: see p. 20

Before turning to the comparison of Petersburg with other Native communities in Southeast recognized as Native villages, I would like to point out a statement from the Federal Field Committee report, *Alaska Natives and the Land*, which was a significant precursor to ANCSA. In this report, Petersburg is described as a Native town, along with Wrangell, Kenai and Seward,

and contrasted with six urban places: Anchorage, Fairbanks, Juneau, Ketchikan, Kodiak and Sitka.

Historical Comparisons:

Indian Occupancy of Petersburg: Petersburg was a Native family fishing settlement when white settlers arrived at the turn of the century. Two homesteads acquired by the first white settler, Peter Buschmann, were located on either side of the Native fish camp on Hammer Slough. Other Native fish camps were south of town, in the Wrangell Narrows. The site of a former village was located across the Narrows at the mouth of Petersburg Creek.

Early in the 20th century a cannery was opened at Petersburg. In 1900, during its first year of operation, 24 Indians fished for the cannery. Natives continued to fish and work in the cannery in subsequent years. The early Native residents of Petersburg came from small settlements in the area and from Kake and Wrangell. Natives lived and moored their boats in an area of small cabins next to the cannery and on the north side of Hammer Slough, up the hill behind the waterfront. That latter area became the center of the Native community in Petersburg and was known as “Indian Street” or “Indian Bridge.”

Bell rings, end of testimony.