THE MYTH OF ELIZABETH:

HISTORY, MEMORY, AND RACE IN ALASKA, 1867–2020

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Abstract

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This dissertation examines a pivotal moment in the history of Alaska Native civil rights, the enactment of an anti-discrimination law in 1945 that guaranteed equal access to public facilities without regard to color or race, to show how such stories become mythologized in public memory. Sponsored by the Alaska Native Brotherhood, an Indigenous rights organization comprised of Tlingit, Haida, and Tsimshian peoples of Southeast Alaska, the law passed following a contentious debate in the territorial legislature in which Elizabeth Peratrovich (Tlingit) delivered impassioned testimony that refuted the bigotry of anti-equal rights legislators. Rightfully canonized as a civil rights hero, Peratrovich is today the most famous woman in Alaska history with a state holiday in her honor. As with other figures from historically marginalized groups, such as Sacagawea, Harriet Tubman, and Rosa Parks, however, the story of Peratrovich's heroism has been exaggerated, embellished, and even falsified for the purpose of turning it into a myth, a term that in this context refers to a people's collective memory about their past, which helps to sustain certain beliefs about the world and their place in it. Accordingly, the story of Alaska's anti-discrimination law has been coopted by numerous groups and individuals for the purpose of validating social and political imperatives of the present moment in which the story was being told. In particular, White Alaskans have cited Peratrovich as evidence of White-Native reconciliation and the supposed achievement of full equality for all, both of which function to erase Indigeneity from the historical record, justify the settler colonial appropriation of Native lands, and perpetuate the marginalization of Natives from state institutions. Drawing on both Native testimonies and records of Alaska's White-dominated political institutions, this dissertation shows how Indigenous histories are regularly framed according to settler colonial prerogatives and shaped by the interaction of myth, memory, and history.

TABLE OF CONTENTS

Introduction 1

PART ONE: The Vocabulary of Race

Chapter 1: Alaska Native Citizenship and Voting Rights in the Territorial Period 27

Chapter 2: The Alaska Native Brotherhood and World War II 91

Chapter 3: The United States of America v. Rudy P. Hill 129

Chapter 4: Black Alaskans and the Fight for Fair Employment 152

Chapter 5: Alaska Native Land Claims and the Statehood Movement 188

Chapter 6: The Voting Rights Act in Alaska 244

PART TWO: Forgetting and Remembering

Chapter 7: Constructing the Myth 268

Chapter 8: What Did Elizabeth Say? 312

Chapter 9: No Dogs or Natives Allowed 358

Chapter 10: The Politics of Respectability and Preservation of White Racial Innocence 393

Epilogue 429

Bibliography 460

Introduction

On Monday, February 5, 1945, sixteen members of the Alaska Territorial Senate filed into the capitol building in Juneau to conduct the day's business. All were White, and all were male. Among the items on the docket that day was House Bill 14, better known as the Equal Rights Bill or the Anti-Discrimination Bill. Introduced at the behest of the Alaska Native Brotherhood, whose Tlingit, Haida, and Tsimshian members regularly faced discrimination in diners, bars, theatres, beauty parlors, swimming pools, and other accommodations, the bill would guarantee "full and equal enjoyment" of public facilities to all citizens. Anyone who denied access to a patron on the basis of race would be guilty of a misdemeanor, punishable by a fine or jail time or both. The bill had already passed the House by a vote of 19 to 5, and Governor Ernest Gruening, a firm proponent of racial equality, was eager to sign the measure should it come to his desk. Thus, for all intents and purposes, the pending vote in the Senate would determine whether or not the bill became law.

Despite the support in the House and governor's office, the bill faced vocal opposition in the Senate. "This bill will aggravate, rather than allay, the little feeling that now exists," predicted Allen Shattuck of Juneau. Looking to the Alaska Natives in the gallery who supported the bill, the senator grumbled, "Who are these people, barely out of savagery, who want to associate with us whites, with 5,000 years of recorded civilization behind us?" Another senator, foreseeing the lawsuits he believed would multiply as a result of the bill, called it a "lawyer's dream." A third lamented that hard liquor and what he called "mixed breeds," those of White and Native parentage, had created the problem of discrimination. Only segregating the races from

one another was the solution, he opined.[1]

When each senator who wished to speak had had his turn, the Senate president looked to the gallery and asked whether any members of the public wished to testify. A Tlingit woman, mother of three, and president of the Alaska Native Sisterhood, whose intelligence, beauty, and composure caused many to note her almost regal bearing, raised her hand. She'd been knitting throughout the hearing, the constant motion of the needles serving as a sort of therapy that calmed her while listening to White men disparage her people. Upon being recognized, she set down her knitting, rose from her seat, stepped down from the gallery to the Senate floor, and opened her mouth to speak.

What happened next is one of the most well-known—yet profoundly misunderstood—moments in Alaska history. According to the conventional version of the story, Elizabeth Peratrovich delivered eloquent, moving testimony that not only rebuffed the senators' bigoted statements but also articulated a vision of racial equality that has inspired Alaskans to the present day. In direct rebuttal to Shattuck—and in what is perhaps the most quoted line in all of Alaska history—Peratrovich stated, "I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded civilization behind them of our Bill of Rights."[2] Her testimony was met with rousing applause, and the equal rights bill, which seemed to be headed for defeat just moments before, now passed by a vote of 11 to 5. Signs reading "No Dogs or Natives Allowed," which heretofore could be observed in every hotel, restaurant, and tavern from Ketchikan to Nome, all started coming down that very afternoon.

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[1] Fr. Michael Oleksa, "Elizabeth Wanamaker Peratrovich and Roy Peratrovich, Sr.," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa kusteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 536-37; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 329.

[2] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 330.

And that evening, Peratrovich and her husband Roy went dancing at the Baranof Hotel, enjoying for the first time a ballroom to which they previously had been denied entry because of their race. The events of the day went straight into the history books and even passed into legend before the last dance of the night was over. According to Gruening, "A new era in Alaska's racial relations had begun."[3]

That is the commonly told history of how the equal rights law came to be enacted. Since 1973, when pieces of the story first appeared in print, the tale of Peratrovich's heroism has appeared in countless newspapers, magazines, children's books, documentary films, and stage productions. It has been told and retold dozens of times in poems, paintings, murals, museum exhibits, and even sculpture. The inspiring story of how she stared down bigoted senators and delivered impassioned testimony for equal rights would become known to every Alaskan, and in 1988 a state holiday was enacted in her honor. Today she is revered by all as a symbol of courage and equality.

The problem with the story, however, is that parts of it are simply not true. At best, they are embellishments with some basis in fact but little or no historical evidence backing them up. At worst, they are outright fabrications. Like many historical fables, the story does have a seed of truth at its core: Peratrovich delivered stirring testimony, applause rang out in the Senate chamber, and the bill did indeed pass. These are all historical facts supported by contemporaneous records. But the signs equating Natives with dogs? A fiction. No such signs ever existed in the territory. The notion that the bill was headed for defeat until her testimony saved it? Also not true. A majority of senators were on record supporting the bill before the hearing even began. The Baranof Hotel ballroom? The Peratroviches were regulars and had

[3] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 330.

dined and danced there many times before. Peratrovich's famous testimony? The truth of what she actually said that day remains unknown and, unfortunately, always will. She left no written copy of her speech, and the legislature in those years made no audio recordings and kept no stenographic record of its floor sessions. Only a few lines of her testimony were noted at the time, transcribed by a reporter and printed in the next day's newspaper. The rest of the speech was written decades later by at least three different people, two of whom were not yet born in 1945.

The conventional history of the Anti-Discrimination Act is therefore best described as a myth, a term that in this context does not necessarily mean falsehood, even though certain aspects of the story were indeed invented from whole cloth. Rather, the term is used here for its anthropological definition: a people's collective memory about their past, which helps to sustain certain beliefs about the world and their place in it. The notion that Peratrovich and the equal rights law put Alaska on the track toward full racial equality has been enshrined in public memory, but in order to uphold that belief and sustain its prescience over time, the story has had to be revised again and again. It has undergone almost constant modification over the decades, as indicated by the embellishments listed above along with many others to be discussed in this dissertation. Like all historical myths, the "myth of Elizabeth," as I call it, did not arise organically from a known set of facts but had to be constructed by many hands, piece by piece, across many years, in response to shifting political circumstances and social mores.

This dissertation examines how the history of the equal rights act was forgotten, later remembered, and finally constructed as the myth so widely known today.

Myth, according to Richard Slotkin, refers to "the language in which a society remembers its history." Patricia Nelson Limerick finds that for any particular group, historical myth

functions as "a tale explaining where its members came from and why they are special, chosen by providence for a special destiny."[4] In this sense, the Peratrovich myth represents a foundational tale for both Native and non-Native Alaskans, one that validates the supposed inclusiveness of the statehood era, a time when Natives had achieved significant political gains and became more integrated into mainstream society than ever before. Peratrovich's example suggested that such egalitarianism was nothing new but had, in fact, been part of White-Native relations for many decades. The history of the Anti-Discrimination Act was comforting in that it told Alaskans something they wanted to believe about themselves. Like all myths of this type, the story evolved not for its own sake but to express an ideology, to narrate ideals that connected the present to the past. And, as with so many other revisionist fables in American history, the temptation to exaggerate Peratrovich's story, to enhance certain aspects so as to make her accomplishments even grander, proved too enticing for the mythmakers to resist.

In this respect, the historical figure Peratrovich most resembles is Harriet Tubman. Nicknamed Moses for leading dozens of runaway slaves to freedom as a conductor on the Underground Railroad, Tubman is one of the most well-known and admired women in American history. Today she is the subject of numerous children's books, and many elementary schools have been named for her. In 1978 Tubman became the first African American woman to appear on a U.S. postage stamp, and in 2015 the Treasury Department announced her image would appear on a redesigned $20 bill. Even an asteroid, one discovered in 2010 and otherwise known by the ID number 241528, was named for the abolitionist. And yet, according to historian Milton C. Sernett, who calls Tubman "America's most malleable icon," she was not always so famous

[4] Richard Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (New York: Harper Collins, 1992), 655; Patricia Nelson Limerick, *The Legacy of Conquest: The Unbroken Past of the American West* (New York: W.W. Norton, 1987), 322.

or so beloved. Her name and her life story faded from public memory at times, even while she was still alive. Tubman's symbolic importance declined in the years after the Civil War as Americans tried to forget the trauma of the conflict, rose again in the 1890s when she became involved in the women's suffrage movement, then declined once more after her death in 1913. For the next three decades, until the publication of a biography in 1943, Tubman was a minor historical figure, her name remembered only by congregants at her church in Auburn, New York.[5]

What Sernett calls "the interaction of the myth, memory, and history" helps to explain why Tubman has been memorialized at certain times and all but forgotten at others. It has little to do with Tubman the person but rather with the uses to which others throughout history have been able to put her name and memory. Myth serves to convey status to the myth tellers within their own social environment, Sernett notes, and in this respect Tubman "was very useful as different segments of American society struggled to achieve parity at the table. Whether it's women or African Americans or the disabled, it's amazing the variety of different groups who have adopted her as their symbol."[6] That Tubman left no personal papers and the fact that public records of the time contain limited information about her only facilitated the process. Those who wished to transform her into a symbol for whatever purpose did so largely unrestrained by historical fact. Written accounts of Tubman's life, of which there are dozens if not hundreds, trade as much in fables and embellishments as they do in documented evidence.

Take, for example, the number of escaped enslaved persons she is purported to have ushered to freedom via the Underground Railroad. In the late 1850s, Tubman herself reported

[5] Milton C. Sernett, *Harriet Tubman: Myth, Memory, and History* (Durham: Duke University Press, 2007), 3-6.
[6] Renee Gearhart Levy, "The Truths Behind the Myth of Harriet Tubman," www.maxwell.syr.edu/news.aspx?id=262 [accessed January 17, 2018].

she led about fifty or sixty to sanctuary in the North. But the first biographical account of Tubman's life, an article that appeared in an abolitionist newspaper in Boston in 1863, boosted the number to one hundred and fifty. By the time the first book-length biographies were printed, one in 1869 and another in 1886, both penned by a close friend of Tubman's, the number was given as more than three hundred. Today it is common for writers to claim that she rescued "hundreds" of persons on numerous daring expeditions throughout the Deep South. The truth, according to Tubman scholars who have scoured extant records, is that she probably led seventy family members and friends, and she gave directions to another seventy who later escaped to freedom on their own. Researchers have also determined that Tubman did not traverse the entire South, as is widely believed, but ventured no farther than Maryland's Eastern Shore, the only slave-holding region with which she was familiar.[7]

The embellishments continue. There was no dead-or-alive bounty of $40,000 on Tubman's head, as many sources claim, only a $100 reward, typical for such cases at the time, offered by the plantation owner from whom she escaped. Tubman did not follow a "quilt code"—secret messages stitched by slaves onto quilts that were hung outside at night to give directions to the next hiding place—because the quilt code itself is a fictionalized story made up by a few writers in the 1990s. Many quotes attributed to Tubman have no historical basis, including one invented in 2007 that is so treacly it might have been penned by a greeting card writer: "Always remember, you have within you the strength, the patience, and the passion to reach for the stars to change the world."[8]

[7] Kate Clifford Larson, "Five myths about Harriet Tubman," *Washington Post*, April 22, 2016.
[8] Andrew Bartholomew, "Prof. debunks Douglass myth," *Yale Daily News*, February 1, 2007; Kate Clifford Larson, "Harriet Tubman Myths and Facts," www.harriettubmanbiography.com/harriet-tubman-myths-and-facts.html [accessed April 30, 2018].

The many exaggerations and embellishments to Tubman's life story offer points of reference for understanding how Peratrovich's has been constructed. The same tension between the historical and the symbolic Tubman can be found in the mythologized persona of the Alaska Native heroine. Peratrovich left few written records herself, and passage of the equal rights bill, her signature achievement, is documented in a couple of newspaper articles and not much else. This dearth of sources was by no means limiting to later writers who wished to tell her story; rather, it provided the very leeway they needed to exaggerate details of her life and attribute to her statements that she did not make. And, like Tubman, Peratrovich has been forgotten, remembered, and transformed into not just one symbol but many. At different points in the years after her death in 1958, she has functioned as a role model for Alaska Natives, a figure of inspiration to women, an exemplar of the state's representative democracy, and evidence of Alaska's political progress in the era between World War II and statehood. It is altogether likely that her name and memory will be put to other uses in the future. To paraphrase Sernett, she is Alaska's most malleable icon. His statement about Tubman could be applied just as appropriately to Peratrovich: "The symbol had overpowered the life, had overshadowed the historical person."[9]

Still another point of historical comparison can be found in Sacagawea, the Lemhi Shoshone woman who, with her newborn son on her back, served as guide and translator for Lewis and Clark's Corps of Discovery expedition in 1805–06. Today, she is perhaps the most famous Native American woman in history. Her likeness appears on a $1 coin issued by the U.S. Mint in 2000, and more than a dozen statues of the heroine have been raised in states from Washington to Virginia and from Montana to Texas. Many geographical forms have been named

[9] Renee Gearhart Levy, "The Truths Behind the Myth of Harriet Tubman," www.maxwell.syr.edu/news.aspx?id=262 [accessed January 17, 2018].

for Sacagawea, including a river, lake, glacier, several mountain peaks, and even a caldera on the planet Venus. The subject of countless children's books that emphasize her courage and determination, Sacagawea is universally praised for her role in one of the nation's founding myths.

And yet, as with Tubman and Peratrovich, reliable information about Sacagawea's life is so scant that she exists more in folklore than history. Her name appears infrequently in the journals of the expedition, and she was almost completely forgotten for nearly a century afterward. Only in the early 1900s, when the women's suffrage movement began looking for female historical heroes who might buttress its case for gender equality, did the Shoshone woman become known to Americans. Eva Emery Dye, a suffragist who wrote about Sacagawea in her 1902 novel, *The Conquest*, explained how it happened: "I struggled along as best I could with the information I could get, trying to find a heroine. . . . I traced down every old book and scrap of paper, but still was without a real heroine. Finally, I came upon the name of Sacajawea and I screamed, 'I have found my heroine!'" Dye then "dug and scraped" for what meager information was available. "Out of a few dry bones I found in the old tales of the trip I created Sacajawea and made her a real living entity," she wrote.[10] Although first claimed by suffragists for a specific political purpose, Sacagawea, once rediscovered, was embraced by 20th-century Americans as a connection to the nation's frontier past. In time she came to embody a national identity based on White-Indian reconciliation that retroactively legitimated the taking of Indian land by Euro-American settler colonists. As Dye sentimentally puts it in her novel,

[10] Quoted in Ronald W. Taber, "Sacagawea and the Suffragettes: An Interpretation of a Myth," *Pacific Northwest Quarterly* 58, no. 1 (January 1967), 8. There are alternate spellings of Sacagawea's name, including Sacajawea and Sakakawea.

> Sacajawea's hair was neatly braided, her nose was fine and straight, and her skin pure copper like the statue in some old Florentine gallery. Madonna of her race, she had led the way to a new time. To the hands of this girl, not yet eighteen, had been intrusted [*sic*] the key that unlocked the road to Asia. . . . Across North America a Shoshone Indian Princess touched hands with Jefferson, opening her country.[11]

Romanticized depictions such as Dye's have resonated with Americans to the present day. A 2002 children's book by White authors, for instance, notes that under Sacagawea's care, the Lewis and Clark expedition "was a success [and] changed American history. It helped the United States settle a huge region."[12] A twelve-foot bronze statue of Sacagawea on the grounds of the North Dakota State Capitol in Bismarck is described by the state's historical society, which generally treats the Shoshone woman with nuance and cultural sensitivity, as "looking westward toward the country she helped to open."[13] The written work that has informed public understanding of Lewis and Clark more than any other, Stephen E. Ambrose's *Undaunted Courage*: *Meriwether Lewis, Thomas Jefferson, and the Opening of the American West*, was generally lauded by historians but still received criticism for presenting the expedition as an adventure story, a journey into virgin, untrodden, ripe-for-the-taking land. According to Patricia Nelson Limerick, the 1996 bestseller reads as a tome from an earlier, less enlightened era: "The subtitle's reference to the 'opening' of a presumably locked-up West, the celebration of the

[11] Eva Emery Dye, *The Conquest: The True Story of Lewis and Clark* (Chicago: A. C. McClurg and Company, 1902), 290.
[12] Judith Bloom Fradin and Dennis Brindell Fradin, *Who Was Sacagawea?* (New York: Penguin Workshop, 2002).
[13] "The Statues," Creating Sacagawea, online museum exhibit, historynd.gov/exhibits/sakakawea/statues1.html.

'discovery' of lands long occupied by Native Americans and the use of terms 'braves,' 'red men' and 'squaws' suggest a publication date in the 1950s."[14]

The creation of the mythologized Sacagawea depended on the scarcity of details about her life, not their abundance, and, as one historian concludes, what bits of information do exist "have been malleable enough to accommodate historical revisions and strategic shifts in national identity."[15] As will be discussed in the pages that follow, the story of Elizabeth Peratrovich was embellished and coopted by White Alaskans, Ernest Gruening foremost among them, for many of the same reasons. Gruening cited the Anti-Discrimination Act as proof of harmonious race relations and evidence that Natives desired full assimilation into White society. To the governor, the recognition of full equality for Natives was a key prerequisite for Alaska statehood, in practical terms the ultimate validation of White settlement in the form of land transfers from federal domain to state jurisdiction. If the purpose of the Sacagawea and Peratrovich myths was to prove White-Indian union, it was also no coincidence the mythmakers, in both instances, gave mention to their dignified physical appearance so as to obscure their Indigeneity and make them more palatable to White audiences. Just as Dye compared Sacagawea to a statue in an Italian museum, Gruening described Peratrovich as "a beautiful woman" whose "composure [was] faultless," with later writers calling attention to her white gloves, matching hat, olive-green dress, and perfectly styled hair.[16]

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[14] Patricia Nelson Limerick, "The Blank Page, the Final Frontier," *Los Angeles Times*, April 7, 1996. See also, John L. Allen, "Review Essay: *Undaunted Courage: Meriwether Lewis, Thomas Jefferson, and the Opening of the American West* By Stephen E. Ambrose," *Great Plains Quarterly* 16, no. 3 (Summer 1996), 199-201.
[15] Rebecca Kay Jager, *Malinche, Pocahontas, and Sacagawea: Indian Women as Cultural Intermediaries and National Symbols* (Norman: University of Oklahoma Press, 2015), 10. See also Jan C. Dawson, "Sacagawea: Pilot or Pioneer Mother?" *Pacific Northwest Quarterly* 83, no. 1 (January 1992), 22-28; Ella E. Clark and Margot Edmonds, *Sacagawea of the Lewis and Clark Expedition* (Berkeley: University of California Press, 1983).
[16] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 330; Annie Boochever with Roy Peratrovich Jr., *Fighter in Velvet Gloves: Alaska Civil Rights Hero Elizabeth Peratrovich* (Fairbanks: University of Alaska Press, 2019), 56.

The mythologizing of Alaska Native historical figures has been identified by other scholars. In researching the biographies of Tlingit elders, for example, Nora Marks Dauenhauer and Richard Dauenhauer interviewed many respondents, and they observed the myriad ways certain stories were embellished to become more grandiose over time. In the case of Chester Worthington, one of the founders of the Alaska Native Brotherhood, the one month he proudly served in jail over a subsistence fishing dispute became three months in subsequent versions told across multiple generations. Similarly, in retellings of Willie Marks's showdown with park rangers in Glacier Bay over seal hunting regulations, the fisherman's single boat turned into a flotilla of twelve. "This is a frustration for historians," the Dauenhauers conclude, "but a field day for folklorists. This process of mythologization is deserving of more detailed study."[17]

The present work intends to contribute to that study by examining the mythologized case of Elizabeth Peratrovich. In no way does this work mean to question her achievements or cast doubt on her legacy, for Peratrovich is unquestionably a giant of Alaska history who is deserving of her every commemoration. Rather, this dissertation analyzes how over time her name and story have evolved in the public mind in tandem with ever-changing social and political prerogatives.

This dissertation is organized into two parts. Part One, consisting of Chapters 1-6, examines the myriad ways Alaskans—White, Native, and, in due course, Black—perceived and articulated matters of race, citizenship, and equality at different moments in Alaska's history from 1867 to 1975. The Anti-Discrimination Act exists in public memory today mostly as a standalone moment in Natives' campaign for equal rights, but a fuller explanation of its history and significance emerges when it is examined in this larger context. Part Two, which consists of

[17] Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), xx.

Chapters 7-10, examines the myth itself: how it was constructed, by whom, for what purposes, and how it has evolved in both its telling and particulars in accordance with the political and social mores of the times in which it was told. In these chapters I discursively analyze the content, style, and tone of the myth in meticulous detail, in some instances by honing in on a single word or phrase, in order to parse the myth's multiple meanings and assess its effect on historical cognition. In testing the myth against contemporaneous records the ultimate goal is not simply to separate fact from fiction but to interrogate how myth, memory, and history interact across many decades to develop historical understandings in the public mind.

While the dramatic showdown in the Territorial Senate stands at the center of the mythology of the Anti-Discrimination Act, in order to gain a more complete understanding of the history of the law we must look beyond the three minutes during which Elizabeth Peratrovich delivered her now famous testimony. The debate did not arise sui generis, rather its participants articulated their respective views of Native rights with a vocabulary of race that had been evolving for decades since the start of American colonization in Alaska. (The perceived Otherness of Indigenous peoples by Euro-American settlers had informed such views for centuries before that.) Of the terms used in that dialogue, including *citizen*, *civilization*, *assimilation*, and *equal rights*, their meanings may have appeared to be self-evident to those who spoke them in the hearing, but, in fact, they had been contested by White and Native Alaskans for some time.

To view the Senate hearing in isolation is to mistakenly believe the participants operated in a shared historical context with a common understanding of what was at stake in the debate. But we must stretch the history back to 1867, the year of the Alaska purchase, in order to grasp how perceptions of racial difference and the language used to describe it came to be established

in the territory. For White Alaskans who controlled the political, economic, and social institutions during that period, the notion that Alaska's Indigenous peoples were not fitted for citizenship, the franchise, or other civic responsibilities until they had fully assimilated into mainstream society was taken as both prudent for Natives themselves and essential for the development of the territory. Although White Alaskans typically considered Tlingit, Athabaskan, Aleut, and other Indigenous peoples to be no different than Indians in the contiguous states, in fact Alaska Natives, who signed no treaties with the federal government and were never removed to reservations, occupied distinct legal and political statuses that complicated efforts at full assimilation.

Natives, for their part, pursued a multifaceted strategy of resistance, adaptation, and acculturation in which they maintained tribal customs, affiliations, and aboriginal legal rights while simultaneously adopting those elements of western culture, including citizenship, suffrage, and church membership, that enabled them to function in the territory's political and economic life. Thus, the 1945 hearing on the equal rights bill reflected the diverse perspectives and backgrounds of its White and Native participants, as well as the different meanings each speaker attached to the terms used in the debate.

The six chapters in Part One of this dissertation accordingly examine the larger, decades-long context of Native citizenship, voting rights, economic justice, and political activity in which the fight over integrating public spaces was but one part. Although many scholars have written insightful accounts of these historical developments—including the Alaska Purchase, Native allotment and homestead laws, the founding of the Alaska Native Brotherhood, the Literacy Act of 1925, Alaska's Constitutional Convention, and other legal cases and political acts in the first century of U.S. rule—the present work is the first to analyze them discursively in the larger

context of Alaska's vocabulary of race and the history of the Anti-Discrimination Act. The reader will find the name Elizabeth Peratrovich goes unmentioned for long stretches in Part One, but the discussion in its chapters of how notions of race permeated Alaska's political and social development is provided to contextualize her story.

We must also stretch the history of the Anti-Discrimination Act forward, all the way to the present, to examine the continuing evolution of Alaskans' understandings of race and how the law's supposed eradication of racial prejudice led White Alaskans to forswear aboriginal rights in the name of color-blind equality. As described above, Alaska's political institutions in the 19th and early 20th centuries privileged White, non-Native prerogatives at the expense of Native interests. Prior to the 1940s, White Alaskans were unabashed about this, going so far as to proclaim the territory "a white man's country" and offer that Natives required the firm, guiding hand of Whites to help them advance to a civilized state. By the time of the Second World War, however, the global fight for freedom and democracy, in which Natives participated both in uniform and on the home front, expanded opportunities for political expression and created a vocabulary of equal rights that Natives were able to deploy in the furtherance of their campaign for political and economic justice.

It was in this climate of inclusion, one that emphasized basic human rights, that passage of the anti-discrimination bill was achieved. By the 1950s, the egalitarian principles at the heart of the Alaska statehood movement had rendered obsolete the racialized, subjugating rhetoric of earlier eras, and White Alaskans endeavored to integrate Natives into the political life of the territory, in word if not always in practice. One should not presume the effort was wholly cynical or manipulative, for in many cases the responsiveness to Native concerns on the part of White Alaskans and White-controlled institutions was altogether genuine and effective. But inequalities

remained—disfranchisement, a lack of educational opportunities, and the denial of aboriginal land claims in favor of state land selections, to name three issues that will be addressed in the chapters in Part One—to which many White Alaskans evinced a race-blind myopia. They became convinced the political gains made by Natives, beginning with the Anti-Discrimination Act and continuing under statehood, demonstrated the playing field had been sufficiently leveled, so to speak, and therefore race-conscious public policies, such as voting rights protections, translating ballots into Native languages, the prioritization of subsistence privileges for rural residents, and the resolution of land claims, were not merely unnecessary but actually an affront to the very notion of equality for all.

White Alaskans, mainly conservatives but also progressives like Governor Gruening, coopted the language of equal rights, wielding the Anti-Discrimination Act as a shield against Native sovereignty. In this respect, the hagiographic treatment of the Act as a landmark achievement for racial equality overlooks the many ways it was leveraged to repudiate the very notion of Indigenous rights it was presumed to have guaranteed.

In addition, perceptions of racial difference in Alaska expanded again in the wartime and postwar eras as the burgeoning population of African Americans brought new dimensions to the fight for civil rights. Upon the founding of local chapters of the National Association for the Advancement of Colored People in Anchorage, Kodiak, and Fairbanks in the early 1950s, Black Alaskans sought full integration in public accommodations, employment, and housing. The branches mostly eschewed marches, sit-ins, boycotts, and other forms of protest, electing instead to work within the existing political structures of the territory. The NAACP aligned itself with established, mainline groups, such as chambers of commerce and labor unions, and actively lobbied the territorial government for fair employment laws and other equal protection measures.

By defining civil rights as race-neutral, color-blind inclusion into mainstream institutions, a posture meant to complement the imperatives of the statehood movement, Black Alaskans demonstrated their goals overlapped with those of Alaska Natives at times but deviated at others. The interests of the two groups merged when it came to equal access to public facilities, for instance, but historically Natives had experienced more than racial exclusion. The arrival of Euro-Americans in the 18th century initiated an ongoing process of settler colonization that dispossessed Indigenous peoples of lands, weakened tribal and cultural bonds, and threatened their survival as a people. Full assimilation—or "civilizing" the Indigene, as missionaries, schoolteachers, and other White Alaskans had long phrased it—was never the ultimate goal for Natives in that it was both culturally and politically incompatible with tribal sovereignty. The land claims movement, in particular, a decades-long struggle in which Natives fought for aboriginal title to lands they and their ancestors had occupied for millennia but saw taken from them by ever-increasing numbers of White settlers, differentiated Native political strategies from those of every other minority group. Efforts by Black Alaskans to make common cause with Natives on civil rights campaigns never materialized, in part due to their historically divergent experiences.

And yet, the Anti-Discrimination Act exists in public memory today in the context of the Black-led national movement for racial equality, with Elizabeth Peratrovich canonized alongside Dr. Martin Luther King Jr. The two figures came to be linked in the 1980s, as Alaskans engaged in a contentious debate over whether and how to celebrate the new national holiday for King. The establishment of a state holiday in Peratrovich's name grew directly from the King controversy. Once the civil rights movement had been installed in the public mind as a national tale of heroism and progress, it came to function as the benchmark against which Peratrovich's

accomplishments would be measured—so much so that both Native and non-Native celebrants of the Tlingit leader delighted in pointing out that Alaska's equal rights law was the first in the nation (which is not true) and that her victory for racial equality occurred two decades before King's (which misrepresents the history of Black activism dating back at least to the 1909 founding of the NAACP if not to Black political engagement during Reconstruction). The narrow, triumphalist context for celebrating the Anti-Discrimination Act as a singular achievement for civil rights precludes a more complete understanding of the history of Indigenous rights in Alaska in that it flattens the distinctions between the respective campaigns of Natives and Black Alaskans.

Even when the Act is taken as a groundbreaking step toward equality, the interpretation falls short. The first case under the Act was brought by a Black couple who were ejected from a bar in Fairbanks in 1946. The trial and acquittal of the bar owner revealed a drafting error in the law itself that rendered it mostly unenforceable. Of the three other prosecutions under the equal rights law, all brought between 1950 and 1953, all involved Black patrons denied service in public establishments in Anchorage. Only one resulted in a conviction, leaving Black Alaskans to complain about both the deficiencies in the law and the indifference of public officials regarding the extent of racial discrimination in the territory. Well into the 1950s, Alaska Natives themselves complained the law had failed of its purposes, an indication that the exultant commemoration of the Anti-Discrimination Act that followed in subsequent decades had little to do with historical fact but instead spoke to the sentimentalism of the present.

Part Two of the dissertation returns to the myth itself to examine how and why the celebratory interpretation of the equal rights law was constructed, a process that began almost from the moment Ernest Gruening affixed his signature to the bill. The chapters in this section

discursively analyze the many ways statehood-era Alaskans inherited the language of race, citizenship, and equality—the development of which had been ongoing since 1867—and began deploying that vocabulary, amending it themselves along the way, to write and rewrite and rewrite again the history of civil rights in Alaska.

Historical commemorations always reveal more about the moments in which they are made than the pasts they purport to remember. As introduced above, the veneration of Elizabeth Peratrovich and the Anti-Discrimination Act served to endorse the supposed inclusiveness of statehood-era Alaska, and the myth's forms and details have evolved in tandem with shifting mores, values, and political requisites. The chapters in this part of the dissertation examine these transformations and the historical contexts in which they occurred. A point of comparison can be found in the inspiring but historically tenuous story of Anne Frank. In her study of the German-Dutch girl and the many uses to which her famous diary has been put, Cynthia Ozick notes that the diary, though ostensibly a permanent, unchanging textual record, has nonetheless undergone near-constant editing, revising, and excerpting to the point that the terrors of war and indeed the very Nazis themselves have been largely scrubbed from history. A single, oft-quoted line of Frank's—"In spite of everything I still believe that people are really good at heart"—has been stripped of its context and used to frame the story as that of a plucky teenage girl who dreams about boys, has photos of movie stars pinned to her wall, and ultimately finds solace and redemption before her family's arrest. *The Diary of Anne Frank*, the title of both a 1955 Broadway play and 1959 Hollywood film adaptation—the latter directed by George Stevens, the American filmmaker who shot horrific footage at Dachau upon the Allied liberation of the concentration camp—emphasize these themes. The interpretation is lacking in countless ways, not least of which is that it elides the horror and panic that is at the heart of Frank's diary. A line

that appears a few sentences down the page from the above quoted pabulum—"I see the world being slowly transformed into a wilderness, I hear the approaching thunder that, one day, will destroy us too, feel the suffering of millions"—is, for obvious reasons, never included in accounts whose only goal is moral uplift. Ozick notes that casual interpretations abound. Insofar as the diary makes mention of menstruation, for instance, the term "Anne Frank" came to be used by Japanese adolescents as a code word for getting one's period. Argentinians in the 1970s spoke of Frank as a Roman Catholic martyr, a most perplexing attribution given it was her Judaism that marked her for death in Bergen-Belsen. In addition, a version of Frank's diary published in Germany in 1950 was scrubbed by the translator of every inimical reference to Germans. In the decades since it was first published, writes Ozick, the diary

> has been bowdlerized, distorted, transmuted, traduced, reduced; it has been infantilized, Americanized, homogenized, sentimentalized; falsified, kitschified, and, in fact, blatantly and arrogantly denied. Among the falsifiers have been dramatists and directors, translators and litigators, Anne Frank's own father, and even—or especially—the public, both readers and theatregoers, all over the world. A deeply truth-telling work has been turned into an instrument of partial truth, surrogate truth, or anti-truth. The pure has been made impure—sometimes in the name of the reverse. Almost every hand that has approached the diary with the well-meaning intention of publicizing it has contributed to the subversion of history.[18]

[18] Cynthia Ozick, "Who Owns Anne Frank?" *New Yorker*, September 28, 1997, 78.

In many adaptations, Frank becomes not a challenging figure but a comforting one, a genial girl who helps the reader avoid having to confront the evils of Nazism and contemplate a nation's tragic descent into fascism and autocracy.

Just as the many interpretations of Frank's diary distort as much as they reveal, the embellished nature of Elizabeth Peratrovich's story abounds with inspiration but leads to misapprehensions about the nature of racial exclusion in Alaska, as well as how it has morphed over time and persisted to the present day. The myth isolates racism as a problem of the past, one that has been solved. Consider the myth's most potent tropes—the open bigotry of the senators, the "No Dogs or Natives Allowed" signs, the segregated movie theatres where Natives were forced to sit in the balcony because White patrons complained about the way they smelled, and so on. The myth embeds racism in these ugly, almost otherworldly forms, and when progress is measured by their eradication, the fact that they disappeared long ago effectively obscures racism's more oblique structures. Such hateful symbols direct attention to acts of individual discrimination, where the problem can be reduced to a racist bar owner, for example, leaving unexamined the institutional discrimination that demeaned and destroyed lives in ways that were simultaneously subtler and more powerful. Alaska Natives may have won equal access to public facilities under the Anti-Discrimination Act, but in the decades that followed they still found themselves excluded from Alaska's political institutions and economic life. This was true regarding established civil rights issues such as fair employment, housing, and voting rights—but discrimination and state-sanctioned denial also prevailed in matters of Natives' aboriginal rights, including tribal recognition, sovereignty, land claims, and subsistence hunting and fishing rights. The triumphalism at the heart of the Peratrovich myth, however, functions to transform the

painful, complicated history of oppression into a more palatable story of progress and reconciliation.

In this respect, the myth represents a palliative of sorts, a feel-good exultation that has enabled White Alaskans to focus on uplifting themes of racial inclusion while safely ignoring the many ways they have historically benefitted from discriminatory systems and the unequal distribution of capital. Sociologists refer to this phenomenon as White racial innocence, a deliberate naïveté regarding entrenched systems of racial inequality that functions both to absolve the practitioners from any responsibility to confront injustice and to sanction forceful denials that keep intact their own sense of personal color-blind integrity. A willful blindness to race ensures uncomfortable questions about White institutional control go unasked. The Peratrovich myth accordingly offers a certain comfort, assuring those Alaskans inclined to embrace a narrative of progress that, for whatever evils may have been done in the past, the present climate of supposed racial fairness emerged from a long history of full Native participation in public discourse. That Natives were for centuries excluded from Euro-American political and economic structures becomes an inconvenient fact that is both relegated to the past and presumed to have left behind no legacy of inequality in the present.

The same form of racial denial has played out in the veneration of the national civil rights movement led by Dr. King, which at the time it operated in the 1950s and 1960s was viewed unfavorably by a majority of Americans but today has been eagerly folded into national myths about freedom, democracy, and equality. As will be discussed at length in the pages that follow, Peratrovich and King have been recast as emblems of post-racial progress, an interpretation that proves inspirational but that also ignores the scathing indictments each leader made of structural systems of inequality and the fact that race was the central factor in how those systems were

organized. Both leaders have been effectively deracialized in the public mind—not in the sense that their respective races have been made literally invisible, of course, but that in being heralded for their contributions to mainstream society their advocacy for Blacks and Natives, respectively, has been stripped of its racial components and transformed into a more anodyne message of universal uplift. The most oft-quoted line in King's most famous speech, in which he heralded a world where people would be judged not by the color of their skin but for the content of their character, has been coopted by those White Americans who supposed that prejudice and bigotry no longer posed obstacles to persons of color. According to Jacqueline Dowd Hall, King becomes palatable to White Americans when lauded for his vision of a color-blind society, but,

> We hear little of the King who believed that "the racial issue that we confront in America is not a sectional but a national problem" and who attacked segregation in the urban North. Erased altogether is the King who opposed the Vietnam War and linked racism at home to militarism and imperialism abroad. Gone is King the democratic socialist who advocated unionization, planned the Poor People's Campaign, and was assassinated in 1968 while supporting a sanitation workers' strike.[19]

The denial of racial classifications, an idea that stands at the core of White racial innocence, has widespread appeal, writes Hall, in that it both flatters the patriotic vanities of many Americans and resonates with cherished ideals of individualism.

For present-day Alaskans, the installation of Peratrovich as a hero of the state's march toward equality flattens racial classifications in the same way. Although the canonization of

[19] Hall, "The Long Civil Rights Movement," 1234.

Peratrovich that began in the 1970s and 1980s was promoted by several Indigenous supporters, including her husband Roy and members of the Alaska Native Sisterhood, at each stage of the mythologizing process an equal or greater number of White Alaskans participated, framing the story in ways that emphasized not Native uplift but rather White-Native reconciliation. Ernest Gruening, for instance, who told the story of the Senate hearing for the first time in his 1973 memoir, cited the equal rights law as evidence of Native assimilation into White society, the first of many such interpretations. The "fighter in velvet gloves," as the title of a recently published children's book authored by a White schoolteacher calls her, Peratrovich is a figure of inspiration as much for Whites as for Natives, revered for the more egalitarian Alaska it is believed she helped to create.[20] As with Dr. King and the discomfiting parts of his legacy that go mostly overlooked, the fact that Peratrovich's challenge for Native rights remains unfulfilled receives no mention in the myth.

In the pages that follow, the reader will find that the main themes of this dissertation are not explored apart from one another but rather become intertwined across Parts One and Two as the history of the Anti-Discrimination Act is examined from multiple perspectives in as many different contexts. History itself is never linear in the way historical myths arrange the events of the past. This study, in which nearly five hundred pages are devoted to interpreting a three-minute speech that was unwritten and unrecorded at the time it was delivered, stretches the story forward and back in time, circling back to the Senate hearing again and again to show how the history of that day is not etched in stone but continues to evolve with each new telling.

Finally, a word about the terms used in this dissertation to identify people of different races: Historians, like writers in other fields both academic and popular, have long used

[20] Annie Boochever with Roy Peratrovich Jr., *Fighter in Velvet Gloves: Alaska Civil Rights Hero Elizabeth Peratrovich* (Fairbanks: University of Alaska Press, 2019).

lowercase spellings, such as *black* and *white*, when referring to race. The 17th and current edition of *The Chicago Manual of Style* states that while names of ethnic and national groups are capitalized, such as *African American* or *Caucasian*, the terms *black* and *white* are typically lowercased. More recently, however, scholars in a variety of fields have begun capitalizing Black, recognizing the word does not simply denote a color but signifies a history, culture, and identity that is connected to the African diaspora. As W. E. B. Du Bois put it in when arguing for the capitalization of Negro in 1899, "I believe that eight million Americans are entitled to a capital letter."[21] In 2020 Nell Irvin Painter argued White should be capitalized as well. The lowercase spelling, she noted, presents White Americans with "the choice of being something vague, something unraced and separate from race. A capitalized 'White' challenges that freedom, by unmasking 'Whiteness' as an American racial identity as historically important as 'Blackness'—which it certainly is."[22] This study accordingly capitalizes both Black and White when referring to racial identity, with the exception of quoted material when the spelling is left in its original form. In addition, the term Alaska Native has its own problematic history given that it did not exist prior to Euro-American contact, whereupon it developed in ways that made no distinction between Indigenous peoples of distinct ethnic, linguistic, and cultural backgrounds. The term has gained widespread acceptance, however, in much the way American Indian, Native American, and Indigenous American are used at the prerogative of such individuals and groups. The term Alaska Native is used here to refer to Indigenous peoples of Alaska, while more specific terms such as Tlingit, Aleut, Inuit, and others are used where applicable.

[21] W. E. B. Du Bois, *The Philadelphia Negro: A Social Study* (Philadelphia: University of Pennsylvania Press, 1996), 1.
[22] Nell Irvin Painter, "Why 'White' should be capitalized, too," *Washington Post*, July 22, 2020.

PART ONE

The Vocabulary of Race

Chapter 1: Alaska Native Citizenship and Voting Rights in the Territorial Period

The first line of the Anti-Discrimination Act of 1945 stated that "all citizens" in Alaska shall be free from discrimination in public accommodations. Why citizens? Previous versions of the bill, including those drafted but not passed in 1934 and 1943, named "all persons" as being protected. The Civil Rights Law of 1875, a federal statute that served as the model for nearly every subsequent state and territorial anti-discrimination law, Alaska's included, had it both ways. Entitled "An Act to protect all citizens in their civil and legal rights," the law went on to grant full and equal access to public places to "all persons" within the jurisdiction of the United States. The author of the law, Charles Sumner, the Massachusetts senator and Radical Republican, believed such rights were guaranteed under the Fourteenth Amendment, which granted citizenship to formerly enslaved persons. "All citizens, without regard to race or color, shall have the same rights, in every State and Territory in the United States," he wrote in predicting the law would be the greatest achievement of Reconstruction. That the law extended civil rights protections to all *persons*, however, may have reflected a certain pragmatism on the part of Sumner and his Senate colleagues regarding the willingness of some states to honor Black citizenship.[23] Of the Alaska law enacted in 1945, journalist Michael Carey, writing in 2014, supposed the term *citizen* was selected as "elevated rhetoric" that embodied national ideals of freedom and equality at a time when basic rights were under attack across the globe. "Americans, about to achieve total victory in World War II," he wrote, "saw themselves as citizens of a great country (even if some did not have citizenship papers)."[24]

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[23] "Landmark Legislation: Civil Rights Act of 1875," United States Senate, www.senate.gov/artandhistory/history/common/generic/CivilRightsAct1875.htm [accessed November 13, 2020]; Sumner quoted in Alicia Rivera, "Civil Rights Act of 1875," in *Encyclopedia of African American History, 1619–1895: From the Colonial Period to the Age of Frederick Douglass*, Vol. 1, A-E, Paul Finkelman, ed. (New York: Oxford University Press, 2006), 286.

[24] Michael Carey, "Alaska's Anti-Discrimination Act: An achievement and a necessity," *Alaska Dispatch News*, August 18, 2014.

Apart from the fact that it was modeled on existing equal rights laws in states around the country, no records pertaining to the Anti-Discrimination Act indicate precisely how or why this language was chosen. The word *citizen* had particular resonance in Alaska Natives' decades-long struggle for civil rights, however, and its inclusion in the law signaled the importance they assigned to the status. At the acquisition of Alaska by the United States from Russia in 1867, Indigenous persons were not considered citizens. By the language of the treaty the two nations signed, most were not even deemed to be civilized. The subordinate status was premised on the supposed inferiority of Indigenous peoples. As one Alaska judge described the U.S. government's view of the prototypical Native, it "has always regarded him as of a benighted race, in a state of pupilage, a ward of the nation, needing care, control, protection, and education." Lyman E. Knapp, Alaska's governor from 1889 to 1893, believed such uplift would prove impossible, however, arguing Natives had been "innoculated [*sic*] with the vices but not the virtues of civilization, and they are privileged to continue their offensive customs and remain a stench in the nostrils of civilization, without interference and with little hope of reform or improvement." No less an authority than Chief Justice John Marshall spelled out the otherness of the Indigene in *Johnson v. M'Intosh*, the 1823 ruling that established the U.S. government as a conquering entity with the "sole right of acquiring the soil from the natives." Marshall found "the tribes of Indians inhabiting this country were fierce savages, whose occupation was war, and whose subsistence was drawn chiefly from the forest. To leave them in possession of their country was to leave the country a wilderness."[25]

[25] *Davis et al. v. Sitka School Board*, 3 Alaska 484-85 (D. Alaska Terr. 1908); Lyman E. Knapp, "A Study Upon the Legal and Political Status of the Natives of Alaska," *American Law Register* 39, no. 5 (May 1891), 327-28; *Johnson v. M'Intosh*, 21 U.S. (8 Wheat.) 573, 590 (1823).

The eradication of the otherness within the Native was at the heart of so-called Indian reform that took hold among missionaries, educators, and government officials in late 19th-century Alaska. In a sequence of congressional acts and legal decisions that began with the purchase treaty itself, Natives came to be provided with various mechanisms for acquiring citizenship—all of which, in addition to being onerous, inconsistent, and often contradictory, required they renounce tribal affiliation, assume the habits of White civilization, and fully assimilate into mainstream society. In time, however, Alaska Natives worked to define full political inclusion in their own terms. By the dawn of the 20th century, the Tlingit, Haida, and Tsimshian peoples of Southeast Alaska in particular, who had had sustained contact with Euro-Americans for more than a century, began utilizing western political tools and legal precepts to fight for civil rights. In 1912 the Alaska Native Brotherhood was founded for the purpose of attaining citizenship for Indigenous peoples in the territory, and over the next decade and a half the organization would secure voting rights for Natives and witness the election of one of its own leaders to the territorial legislature.

Even as these political gains accrued for Indigenous peoples, however, many White Alaskans refused to acknowledge Natives as citizens until they had abandoned aboriginal legal rights and "lifted themselves up" to the level of White civilization, an amorphous benchmark that always seemed to be placed just out of reach. That Alaska Natives had to adapt to western culture simply in order to survive as a people placed them in a subordinate position subject to the interests and prerogatives of the White Alaskans who controlled the territory's political and economic life. As Philip Drucker points out in his landmark 1958 study of the Alaska Native Brotherhood, acculturation, or the transmission of norms, mores, and other cultural elements from one group to another, always involves "some degree of compulsion toward

acceptance…exerted by the contributing culture on the recipient one." Since "complete freedom of choice, from the point of view of the recipient culture, does not exist," Alaska Natives found themselves in the often precarious position of maintaining tribal solidarity while being obligated to seek entry into a western culture whose rewards of citizenship were bestowed only upon the refutation of those same traditional lifeways.[26]

This chapter examines the often tortuous political and legal processes by which Alaska Natives gained citizenship and the right to vote. It focuses on two episodes in particular—the Alaska Native Citizenship Act of 1915 and the Literacy Act of 1925. In both instances, White Alaskans set the terms by which Natives would achieve social and political inclusion, but they were forced for the first time to reckon with, as one ANB founder put it, "Indians[']s opinions on Indian questions."[27] The contestations that resulted had profound effects on how Alaskans, White and Native, navigated the intersections of race, power, and citizenship in the decades that followed.

The Alaska Purchase and "Uncivilized Tribes"

The purchase of Alaska was negotiated in an all-night conference between Russian ambassador Edouard de Stoeckl and William Henry Seward, U.S. Secretary of State, on March 30, 1867. The two men had been secretly discussing the purchase for months, and de Stoeckl, upon receiving a telegram from St. Petersburg giving him formal approval to proceed, called on Seward at his home that evening around midnight so that clerks might be summoned to the State Department first thing in the morning. "Why wait until tomorrow, Baron?" Seward is said to

[26] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 4.
[27] Peter Simpson, "The Illiteracy Problem," *The Alaska Fisherman*, March 1925.

have replied. He set down his cards from the game of whist de Stoeckl had interrupted. "Let us make the treaty tonight."[28]

Described by one historian as "an architect of the expansion of American empire," Seward was an ardent believer in Manifest Destiny and had long prized the acquisition of Alaska. As early as 1852, Seward, then a senator from New York, recognized the northern territory's strategic location on the "great circle" route between North America and Asia. "The Pacific Ocean, its shores, its islands, and the vast regions beyond will become the chief theatre of events in the world's great hereafter," he stated. Upon becoming Secretary of State a decade later, Seward further apprehended that the purchase of Alaska would strengthen the nation's hold on North America relative to Great Britain and might even lead to the annexation of Vancouver Island and British Columbia, then populated by significant numbers of Americans who had stampeded to gold strikes on the Fraser River.[29] The secretary was therefore more than willing to halt his card game and negotiate a treaty with his Russian counterpart that very night.

The document the diplomats produced, the Treaty of Cession, provided for the sale of Russia's North American colony for $7.2 million. The treaty's third article made provisions for the territory's inhabitants. The several hundred Russians in Sitka, Kodiak, and other outposts could either return to their home country or stay in Alaska and become American citizens. Of the indigenous population, the treaty specified that "uncivilized tribes" had no such rights of citizenship but would 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." As legal scholars David S.

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[28] Michael Dunham, *The Man Who Bought Alaska: William H. Seward* (Anchorage: Todd Communications, 2016), 84-85; Michael Dunham, *The Man Who Sold Alaska: Tsar Alexander II of Russia* (Anchorage: Todd Communications, 2016), 68. See also, Lee A. Farrow, *Seward's Folly: A New Look at the Alaska Purchase* (Fairbanks: University of Alaska Press, 2016), 45-51.

[29] Stephen W. Haycox, *Alaska: An American Colony*, Second Edition (Seattle: University of Washington Press, 2020), 177-78; Ross Coen, "A statue of Seward in Juneau would also honor painful history in Alaska," *Anchorage Daily News*, March 30, 2016.

Case and David A. Voluck point out, that the treaty made explicit reference to "uncivilized tribes" implies the existence of another category or categories up to and possibly including "civilized tribes," even if such a designation was not spelled out in the treaty itself.[30]

The Russians had long made such distinctions regarding the indigenous inhabitants of the colony. The existing charter for the Russian-American Company divided Natives into three categories. Dependent Natives were those who lived in Russian communities, had adopted habits of Russian life, were perhaps married to Russians or had some Russian ancestry, and were considered subjects under the tsar. This category included Creoles, mixed-race offspring of Russian and indigenous parentage, who had a relatively exalted status that enabled them to become educated, receive vocational training, and occupy positions in the Russian Orthodox church. Semidependent Natives, according to the company charter, were those who had some contact with the Russians, such as for the purpose of trade, but who remained outside their administrative control and refused to accept the Russian Orthodox faith. The majority of Alaska's Indigenous population comprised the third category, independent tribes, designated as those entirely outside the dominion of the Russian state.[31]

Such tribal-level designations had little relevance under U.S. Indian law, however. By the legal standards of the time, write Case and Voluck, citizenship for Native Americans was not predicated on tribal relationships with the federal government but understood in terms of an individual's disassociation from his tribal community, which was itself legally ambiguous since no congressional act then specified the terms of such renunciation. Case and Voluck conclude the treaty's third article was therefore not intended to create an entire new category of "civilized

[30] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 63-64.
[31] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 63-64.

tribes," for doing so would have had the effect of denying its members aboriginal legal rights on the supposition they had collectively renounced them by adopting habits of western life. Seward himself drew no such distinctions. In a handwritten memorandum a few weeks before he and de Stoeckl negotiated the treaty, the secretary asserted Alaska's Native people were to be "on the footing of Indians domiciled in [the] U.S."[32]

In fact, Seward couldn't have been more wrong, as events in the coming decades would demonstrate. The relationship between Alaska Natives and the federal government was markedly different than that experienced by other American Indians in the contiguous states and territories. Congress ended treaty making with Indian tribes in 1871, and since Alaska Natives had never signed treaties nor been placed on reservations, their legal status under the Constitution remained uncertain. That same year, the Office of Indian Affairs declined to accept responsibility for the education and welfare of Alaska Natives, in large part because the federal government did not formally recognize the territory's Indigenous peoples to be members of Indian tribes. The Interior Secretary, Columbus Delano, found it "exceedingly doubtful" that Alaska Natives "belong to the same race or family of men as the Indians of North America." In addition, Congress made no effort to extinguish aboriginal title to lands the Natives occupied, setting up a legal process for Native land claims that would take more than a century to resolve.[33]

But all of that lay ahead when, in the summer of 1869, William H. Seward, now a private citizen, traveled to Alaska for a firsthand look at the territory he'd acquired. He sailed from San Francisco up the Pacific Coast and through the Inside Passage, going as far north as Klukwan, a

[32] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 64.
[33] Stephen W. Haycox, *Alaska: An American Colony*, Second Edition (Seattle: University of Washington Press, 2020), 186-87; Delano quoted in Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 72.

Native village on the Chilkat River where he met Tlingit leader K̲aal.áx̲ch. On the southward return, Seward's vessel called at Sitka where the townspeople asked the former secretary to give a public address. He spoke at some length about the wonders he'd seen, the economic potential of the region, the entrepreneurial spirit of those he called "the pioneers, the advanced guard," and even what he viewed as the territory's inevitable entry into the Union as one or more states. Of the Indigenous peoples of Alaska and their future under the U.S. flag, Seward was altogether cynical. Referring to them as "savage" and "barbarians," he believed Natives would never prove able to assimilate into White society but were fated to expire in the presence of a dominant settler culture, especially because what he characterized as their "jealous, ambitious, and violent" nature precluded intertribal alliances and caused them to become "divided into so many insignificant nations." The myth of the vanishing Indian was then taking hold in the public mind, and Seward predicted civilized Americans would one day come to regret that "a people so gifted by nature, so vigorous and energetic, and withal so docile and gentle in their intercourse with the white man, can neither be preserved as a distinct social community, nor incorporated into our society."[34]

On Seward's recommendation, the U.S. government had declared Alaska a military district under the jurisdiction of the Army. The authority was meant to be temporary until a civil government could be established, but with only a few hundred non-Native residents in a territory more than twice the size of Texas, Congress felt little urgency to act. The federal government also knew very little about Alaska's Native peoples at the time of the purchase. As in the western states, writes Stephen W. Haycox, "Natives were viewed by the government and the military as a

[34] William Henry Seward, *Speech of William H. Seward at Sitka, August 12, 1869*, https://alaskahistoricalsociety.org/transcription-of-sewards-speeches-on-our-north-pacific-states/ [accessed November 23, 2020]. See also Lee A. Farrow, *Seward's Folly: A New Look at the Alaska Purchase* (Fairbanks: University of Alaska Press, 2016), 155-58.

problem, one to be controlled in such a way as to facilitate white settlement and capitalist development." In the first decade and a half of American rule, the U.S. Army and later the Navy worked to segregate Natives apart from White settlers for the latter's protection. In Sitka, for example, the estimated twelve hundred Tlingit in the community lived beyond the palisade surrounding the grounds inhabited by Whites, and they were allowed to enter only at certain times of day. Military officials, in patrolling the coastline and entering Native villages, regularly identified (or attempted to) a single, esteemed elder to whom they presented a U.S. flag and a "paper"—a letter testifying the bearer was generally cooperative. According to W. A. Howard, captain of the revenue steamer *Lincoln* that sailed to Alaska in 1867, "Recognizing the chiefs in this manner gives them weight with their tribes, besides having a responsible person to appeal to." The papers might have been the first credentials issued by Whites for the purpose of assessing what they viewed as Native progress.[35]

Military commanders generally distrusted the Tlingit, who they took to be "very hostile and insolent," and they determined that regular displays of force were necessary to discourage any largescale rebellion. On the not infrequent occasions when Whites and Natives came into violent conflict, the military enforced U.S. laws with some prejudice. Following a scuffle at a Christmas party in Wrangell in 1869, in which the wife of an army officer had her hand bitten by a Tlingit man, soldiers shot and killed the man and his unarmed brother. When the Tlingit exacted retributive justice by killing a White settler that same night, the army bombed Khaachxhan.áak'w, the village outside the army's fort, for two straight days until the Tlingit assailant turned himself in. The man, a spiritual leader, was hanged, his body left on display for

[35] Stephen W. Haycox, *Alaska: An American Colony*, Second Edition (Seattle: University of Washington Press, 2020), 182; Ted C. Hinckley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800–1912* (Lanham, Maryland: University Press of America, Inc., 1996), 71.

an entire day to send a message to the tribe. The actions were in line with orders given by Major General Henry Halleck, who directed that for any offense committed by a Native against an American citizen, the entire tribe and especially its leaders should be held to account. Other violent confrontations between the Tlingit and White settlers in Kake and Angoon resulted in the bombardment and destruction of those villages as well.[36]

By the 1880s, gold strikes in the homeland of the Auk Tlingit on Gastineau Channel brought thousands of White settlers to the region and led to the founding of Juneau and Douglas, which quickly became the largest communities in the territory. Many of the arrivals became not independent prospectors but wage laborers in the industrial mines, giving rise to permanent settlements complete with local economies, families, and children. Congress responded with the Organic Act of 1884, the first major piece of legislation that addressed the need for civil government in Alaska, which provided for a presidentially appointed governor and judicial districts complete with judges, marshals, and commissioners. The act extended general mining laws to the territory and established a land office in Sitka for the purpose of recording claims, but it also mandated that Natives "shall not be disturbed in the possession of any lands actually in their use and occupation or claimed by them."[37] Finally, the law provided for the education of school-age children in the territory "without reference to race," though as Case and Voluck point out, the segregated school system that evolved reflected "the entrenched racial views of the nineteenth century."[38]

[36] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 24-26, 44-48; Zachary R. Jones, "Battlefield Alaska: The U.S. Army's 1869 Bombardment of the Tlingit village of Khaachxhan.áak'w," *Alaska History* 34, no. 1 (Spring 2019), 36.
[37] Organic Act of May 17, 1884, ch. 53, 23 Stat. 24, sec. 8.
[38] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 203.

That the Organic Act contained any mention of and protections for Native school-age children at all was due to the lobbying efforts of Sheldon Jackson, since 1877 the superintendent of Presbyterian missions in the territory. Jackson, an energetic lecturer who spent nearly all his time outside Alaska on fundraising tours around the country, believed, as did many of his fellow missionaries and government reformers of the time, that acculturation represented the best and perhaps only option for the survival of Native peoples. Named General Agent for Education under the terms of the Organic Act, Jackson accordingly established mission schools in villages across the territory where children were dressed in western clothes, instructed in English, and tutored with a curriculum that emphasized literacy, church doctrine, and vocational training deemed necessary to exist in White society. Jackson's approach differed from other mission education programs around the country in that he did not board children apart from their families but built day schools in their home villages where it was believed the western influence would rub off on their parents. While his own Presbyterian Church built and operated schools in Southeast Alaska, missionaries of other denominations, including Moravian, Catholic, and Episcopalian, established schools in every region of Alaska. Within a few years of the passage of the Organic Act, twenty-eight of the territory's forty-three schools were mission operated. Despite these efforts, dozens of Native communities still lacked schools and untold numbers of children in the territory received no education. The high rates of illiteracy among Native peoples, which even by the 1970s stood at 37 percent, would play a role in debates over citizenship and voting rights for decades to come.[39]

The Dawes Test

[39] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 199-203.

The goal of assimilating American Indians into mainstream White culture was the primary motivation of the General Allotment Act of 1887, commonly known as the Severalty Act or the Dawes Act after its main sponsor, Senator Henry Dawes of Massachusetts. Enacted on the belief that individual ownership of land was a necessary prerequisite to becoming civilized, the Act removed from Indian reservations tracts of land of between forty and one hundred sixty acres in size and granted them to Native Americans who agreed to live apart from the tribe and adopt habits of western life. Described by Theodore Roosevelt as "a mighty pulverizing engine to break up the tribal mass," the Act accomplished exactly that to devastating effect. Most allottees ended up losing their land to speculators at rock bottom prices, and by the 1930s, over 150 million acres of reservation land, an area the size of Arizona and New Mexico combined, had been lost.[40]

The Dawes Act did not apply to Alaska Natives, in part due to the uncertain legal status of the territory's Indigenous population and the absence of reservations, but also because the relatively small numbers of White settlers did not compete with Natives for lands across most of the territory.[41] At the same time, however, its basic precepts would inform the debate regarding Alaska Native citizenship in the coming years. In legal cases, such as those regarding mining claims, liquor sales, and the admission of Native children to White schools, judges in Alaska regularly applied the Dawes test to determine whether Indigenous plaintiffs had become civilized and were therefore deserving of the privileges of citizenship.

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[40] See, Frederick E. Hoxie, *A Final Promise: The Campaign to Assimilate the Indians, 1880–1920* (Lincoln: University of Nebraska Press, 1984); D. S. Otis, *The Dawes Act and the Allotment of Indian Lands* (Norman: University of Oklahoma Press, 1973); Janet A. McDonnell, *The Dispossession of the American Indian, 1887–1934* (Bloomington: Indiana University Press, 1991).

[41] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 117. Although one section of the Dawes Act provided for the allotment of lands to Indians who did not reside on a reservation or whose tribe had not been provided with a reservation by treaty, congressional action, or executive order, and therefore would appear to be applicable to Alaska Natives, in practice the Act's provisions were not exercised by any indigenous person in Alaska.

John Minook became subject to such a test in 1900, when he applied for U.S. citizenship for the purpose of protecting his mining claims. A Native man who had achieved some renown even among White miners for his expert prospecting abilities on rivers in the Interior region of the territory, Minook had recently discovered gold at Rampart on the Yukon River. His brother and brother-in-law had struck gold on Birch Creek at about the same time but were unable to hold their claims when White prospectors alleged Natives were legally prohibited from filing claims since they were not citizens. An 1897 report by the U.S. Geological Survey made clear the attitudes held by many White miners toward Natives. "[T]he Indian is not worth much as a miner or prospector," the report's authors wrote. "He lacks the perseverance and steadfastness of purpose which sustains the white man under difficulties and reverses; even when successful he has not the necessary ambition; and however willing he may be, as soon as he gets a little money he will stop work and spend his entire fortune, with no thought of to-morrow." The report went on to blithely claim that Indians "bore no ill will toward the usurpers" when their claims were invalidated "but rather took it as a matter of course that the white man should take possession."

Although the White settlers in Rampart held Minook in some esteem and recognized his claims—going so far to give the name Minook Creek to the stream on which he made the strike—the prospector knew his status was tenuous and he endeavored to become a citizen. James Wickersham, the district court judge in Fairbanks who took testimony from the applicant and received affidavits submitted on his behalf, ruled in 1904 that Minook appeared to qualify for citizenship based on his ancestry and lifestyle. Minook, whose given name was Ivan Pavlof, was the son of a Russian trader and Eskimo mother who were both members of the Russian Orthodox Church. At the time of the 1867 purchase, both parents and their son, born in 1849, resided in St. Michael, a Russian trading post near the mouth of the Yukon River, and by

remaining in Alaska following the transfer, Minook's father became a U.S. citizen under Article III of the Treaty of Cession. Most importantly, in Wickersham's view, was the fact that Minook and his Native wife "reared a family of children whom they have attempted to educate and teach the principles of the Christian religion." Minook, Wickersham continued, "has adopted the habits of civilized life, in dress, manners and habitation, has considerable knowledge of and renders obedience to the laws of the United States and speaks the English language."[42]

Although Minook had apparently met the standard for citizenship established by the Dawes Act, Wickersham went one step further in his ruling and found that the court needn't declare Minook a citizen at all because, as a former Russian subject who at the time of the purchase had not been a member of any "uncivilized tribes," he had always been a citizen under the Treaty of Cession. In researching the matter, Wickersham asked a Russian ambassador and a Russian Orthodox priest in Sitka to translate the laws and charters of the Russian-American Company, specifically the codes regarding the legal status of mixed-race Creoles and full-blooded Natives. The men reported the company's 1844 charter recognized Creoles and members of settled tribes as Russian subjects, and that the draft 1865 charter (which was never implemented due to the purchase) would have formally designated Creoles as citizens. Wickersham noted the ambassador, Count Arthur Cassini, interpreted even the 1844 charter to mean "the people from the Aleutians to Sitka and…tribes therein mentioned as citizens [were] such under Russian laws." The judge also consulted William Healey Dall, the Smithsonian naturalist whose exploration and scientific investigations of Alaska beginning in 1865 led him to

[42] Harold Beach Goodrich, "An Introductory Chapter on the History and Condition of the District to 1897," in Josiah Edward Spurr, *Geology of the Yukon Gold District, Alaska* (Washington: Government Printing Office, 1898), 120-21; James Wickersham, "In re Naturalization of John Minook," in *Alaska Reports, Volume 2, Containing the Decisions of the District Judges of Alaska Territory from January 1, 1903, to January 1, 1906*, James Wickersham, ed. (St. Paul, Minnesota: West Publishing Co., 1906), 201; William Schneider, *The Tanana Chiefs: Native Rights and Western Law* (Fairbanks: University of Alaska Press, 2018), 2-4.

be regarded as the preeminent expert on the territory's lands, resources, and peoples. Dall expressed the view that the settled tribes under Russian dominion included those in the Aleutians, Alaska Peninsula, Kodiak Island, Cook Inlet, Prince William Sound, and what he termed the "mission settlements on the Lower Yukon," leading Wickersham to conclude John Minook was indeed a Russian subject at the time of the territory's purchase by the United States.

In fact, in contradistinction to Dawes, Wickersham argued that had Minook or any other Native person held membership in an uncivilized tribe, no amount of good works would have sufficed to lift the individual above that condition absent explicit congressional approval:

> The United States and Russia are civilized nations, and every person being a citizen of either, although individually lacking in education or other civilized standards, is a civilized person. We do not recognize a legal difference between members of the same nation based on standards of culture. While one may stand at the bottom and another at the top, if they belong to the same race or nation they are classed together. The rule works both ways. Even if a member of an uncivilized native tribe were to become educated, and adopt the habits of civilized life, he could not thereby expatriate himself, and become a citizen of the nation higher in culture without its consent.

The Dawes Act extended the promise of citizenship to members of federally recognized Indian tribes, a category that at the time did not include Alaska Natives. Wickersham's ruling affirmed that for any such Indigenous person in Alaska without Minook's pedigree, obtaining U.S. citizenship was therefore possible only when the government authorized it. Wickersham believed Congress had done exactly that with Dawes and with other laws specific to Alaska, including the

Organic Act of 1884 and a recently enacted civil code, that functioned to bring Natives further into the body politic of the nation.[43]

Legal scholar Michael Schwaiger argues Wickersham's ruling was as much a political act as a judicial one in that the multiple justifications for Minook's citizenship he cited—both his Russian ancestry and his adoption of western culture—functioned to expand opportunities for Natives to become citizens and "foster Alaska's economic growth and political development within the U.S. empire." The territory was badly in need of miners, riverboat pilots, and other skilled laborers, Wickersham and Governor John Brady believed, occupations that required government-issued claims, licenses, or other certifications available only to citizens. Although many White Alaskans steadfastly opposed Native citizenship since they feared any challenge to their privileged economic standing that Native empowerment might bring, Wickersham and Brady consistently spoke in favor. Both men went so far as to advocate suffrage for Natives so they might have a means of protecting their interests.[44] (Wickersham, a driven man with political ambitions of his own who in a few years would be elected to the first of several terms as the

[43] Michael Schwaiger, "Mining for Citizens: Race, Resources, and the Republic in the Alaska Gold Rush," *Western Legal History* 24, no. 2 (2011), 195-96; James Wickersham, "In re Naturalization of John Minook," in *Alaska Reports, Volume 2, Containing the Decisions of the District Judges of Alaska Territory from January 1, 1903, to January 1, 1906*, James Wickersham, ed. (St. Paul, Minnesota: West Publishing Co., 1906), 212, 219. In 1906 Congress passed the Alaska Native Allotment Act (Act of May 17, 1906, ch. 2469, 34 Stat. 197), which, like the Dawes Act, was intended to facilitate the acquisition of title to no more than 160 acres of land by individual Alaska Natives. Unlike Dawes, the Alaska law did not require that Natives separate themselves from the tribe and adopt the habits of a civilized life in order to obtain the allotment. By the terms of the act, its benefits were open to "any Indian or Eskimo of full or mixed blood who resides in and is a native of said district, and who is head of a family or twenty-one years of age." According to Case and Voluck, few Natives availed themselves of the benefit as the law "required people who were unfamiliar with bureaucratic procedures and technical legal requirements to file a written application with an often distant government office, and to establish their use and occupancy by legally sufficient proofs in a language not their own." Ted C. Hinckley adds that in the same year the allotment act passed Congress, two of Alaska Natives' most ardent White supporters, Governor John Brady and Presbyterian missionary Sheldon Jackson, both retired, and their replacements did not promote the allotment opportunity with any vigor. See David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 113-126; Ted C. Hinckley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800–1912* (Lanham, Maryland: University Press of America, Inc., 1996), 339-40.

[44] On Brady, see Ted C. Hinckley, *Alaskan John G. Brady: Missionary, Businessman, Judge, and Governor, 1878–1918* (Columbus: Ohio State University Press, 1982).

territory's congressional delegate, no doubt supported the Native vote for personal reasons as well.) By the 1880s, Alaskan officials estimated there were more than 8,000 Creoles, Aleuts, or other Natives with some education and assimilation. The total population of Natives decreased over the next several years as settlers introduced disease and alcohol to every corner of the territory, but by the time of the Minook ruling Wickersham believed up to 7,500 Indigenous persons might have legitimate claims of citizenship. Schwaiger finds that Wickersham knowingly introduced legal and historical errors into his ruling so as to bolster the case for Native citizenship. He overstated the number of Natives who had adopted the Christian faith at the time of the purchase, for instance, and, according to Schwaiger, he "mischaracterized some Alaska Native groups and Creoles to make them more politically palatable to mainstream U.S. authorities."[45]

In addition, Wickersham did not address the glaring incongruity between the two explanations he offered for Minook's citizenship. The Treaty of Cession stood to bestow citizenship on entire groups of Natives, while the Dawes test, by definition, could be applied only to individuals. The judge believed the former qualification could be established by a simple census and the geographic record of where in the territory the Russians had built trading posts. The latter elucidation, however, was particularly ambiguous in that assessing precisely how and when an Indigenous person had sufficiently adopted the habits of a civilized life so as to qualify for citizenship remained a subjective, even arbitrary, legal standard.

The ambiguous nature of the Dawes test was next demonstrated in the case of Dora and Tillie Davis, ages 8 and 7, whose Native stepfather, Rudolph Walton, attempted to enroll them in the White school in Sitka in 1906. The year before, Congress had passed the Nelson Act, which

[45] Michael Schwaiger, "Mining for Citizens: Race, Resources, and the Republic in the Alaska Gold Rush," *Western Legal History* 24, no. 2 (2011), 205, 212.

codified the segregated educational system in the territory. The Act provided for the establishment and funding of schools in Alaska that "shall be devoted to the education of white children and children of mixed blood who lead a civilized life." Under the Act, the education of full-blooded Native children would remain the responsibility of the Interior Department and its Office of Indian Affairs. In many of the larger communities, including Juneau, Wrangell, Ketchikan, and Sitka, separate schools were operated for White and Native children.[46]

Following the closure of the Indian school due to lack of funds, Walton petitioned the Sitka school board to admit his mixed-race stepdaughters to the White school on the basis that the family had voluntarily adopted the habits of western life. He had reason to be hopeful when his petition reached Judge Royal Arch Gunnison in January 1908. Walton was one of the first graduates of the Sitka Training and Industrial School founded by Sheldon Jackson, he'd become an elder in the Presbyterian Church, and with his first wife he'd lived in "The Cottages," a neighborhood of western-style homes constructed by the church for its Native members. After his first wife's death, Walton married Mary Dick Davis, who evidently had a White ancestor, a claim ascertained by the judge by looking at a photograph. Although Walton now lived in the Indian village outside Sitka and made his living manufacturing and selling what the court referred to as "Indian curios," he and his family still had adopted certain modes of living that corresponded to White culture. Walton could speak, read, and write in English. He duly paid his business license taxes and road taxes. He rented a box in the post office. His family wore modern-style clothing, and their home was appointed with carpeted floors in the parlor and metal cutlery in the kitchen. John Brady, a Presbyterian minister before being appointed governor, vouched for Walton, noting the Native craftsman used an expensive cash register in his store.

[46] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 204.

"All who testified concerning Walton himself speak of him as an industrious, law-abiding, intelligent native," the judge observed.[47]

Such accoutrements of a civilized life played a key role in the case. Paige Raibmon writes that Judge Gunnison, as well as witnesses at an earlier hearing before the Sitka school board, placed a great deal of emphasis on "material ornaments of civilization" believing the presence (or absence) of fine crockery in the dining room and curtains in the windows, or the use of butter rather than seal oil, might be weighed against one's lineage in ascertaining the level of civilization. As with Wickersham in the Minook case, however, the ultimate test Gunnison would apply to settle the matter centered on whether the family had "turned aside from old associations," or separated themselves physically and culturally from the Native community. Walton might have adopted certain modes of civilized life, wrote the judge, but "where mixed bloods live among and associate with the uncivilized, they become subject to and influenced by their environment as naturally as water seeks it level." To what degree, Gunnison therefore wondered, had the Walton family "exchanged the old barbaric, uncivilized environment for one changed, new, and so different as to indicate an advanced and improved condition of mind, which desires and reaches out for something altogether distinct from and unlike the old life."[48]

In this respect, both the judge and townspeople opposed to the admission of his stepdaughters found Walton lacking. He'd been censured by the Presbyterian Church for participating in potlatches and other tribal ceremonies, and his eldership was suspended when his wedding to Davis in 1905 had been performed according to Tlingit social custom. Most

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[47] Ted C. Hinckley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800–1912* (Lanham, Maryland: University Press of America, Inc., 1996), 346-47; *Davis et al. v. Sitka School Board*, 3 Alaska 490-91 (D. Alaska Terr. 1908); James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 241-43.

[48] Paige Raibmon, *Authentic Indians: Episode of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005), 182; *Davis et al. v. Sitka School Board*, 3 Alaska 487-88 (D. Alaska Terr. 1908).

egregiously, in the eyes of church officials, the couple had begun living together a few days before the wedding. In addition, Gunnison called attention to the fact the Davis girls played with other Native children who lived in the Indian village. As with many Tlingit members of the Presbyterian Church of the time, writes Ishmael Hope, Walton did not so much straddle two worlds as live in them both simultaneously.[49] If the church and the territorial and federal governments demanded full assimilation to White culture, Walton and other Tlingit pursued a more adaptive path in which they borrowed useful elements of the dominant culture, such as education, English-language proficiency, and church membership, while retaining tribal bonds and obligations that connected them to traditional identity. To Walton, there was no reason the two worlds could not coexist, an understanding he could be forgiven for holding given that White tourists eagerly purchased his Native crafts and that a totem he carved had been selected for display at the World's Fair in St. Louis just a few years earlier. Gunnison nevertheless rejected Walton's petition. "Those who from choice make their homes among an uncivilized or semicivilized people and find there their sole social enjoyments and personal pleasures and associations cannot, in my opinion, be classed with those who live a civilized life," he wrote. Three other families of mixed-race children had joined Walton's suit, and the judge ruled against each one on the basis that the children's playmates were other Indians, the families fished and hunted seals with their tribal brethren, and one child's primary caregiver, her maternal grandmother, could not speak English.[50]

The Davis case demonstrated not only the arbitrary nature of the "civilized life" test but also the interconnectedness of race, color, and class within the political structure and economic

[49] Quoted in Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 16.
[50] *Davis et al. v. Sitka School Board*, 3 Alaska 490-94 (D. Alaska Terr. 1908)

life of the territory. Of the three White fathers who were co-plaintiffs with Walton, one had more or less abandoned his daughter and all had intermittent employment as laborers, dock workers, fishermen, woodcutters, or whatever other unskilled positions came available, leading Raibmon to conclude "their working-class status and their intimate associations with Tlingit women diminished the value of their testimony and cast their civility—and their Whiteness—into doubt." Gunnison acknowledged in his ruling that Walton, a literate, skilled craftsman, was "far in advance of the others" in social and economic standing despite his being Native while the other plaintiffs were White. And while the rhetoric deployed by the court was often prejudiced—as when Gunnison proclaimed the "Indian in his native state has everywhere been found to be savage, an uncivilized being, when measured by the white man's standard"—much of the community's opposition to the enrollment of the Davis girls in the White school had less to do with matters of race but stemmed from class anxieties and other more parochial concerns. Many Tlingit in Sitka in the early 1900s had at least some Russian ancestry, for instance, and it was feared the granting of Walton's petition would result in a flood of mixed-race applicants, overwhelming the school board's capacity and budget. The Creoles of Sitka, in particular, whose Russian lineage was an established fact and whose children were generally allowed to attend the White school, opposed Walton in an attempt to preserve their relatively exalted status. It was a tactic that had been in evidence for some years; from the time of the Alaska purchase, writes Sergei Kan, many Creoles sought to separate and distinguish themselves from full-blood Natives "so as to avoid being classified as 'savages' ('Siwashes') or 'wild Indians.'"[51]

The Davis case also functioned to some extent as a proxy for conflicts between powerful political and business interests both in Sitka and the territory at large. When John Brady

[51] Sergei Kan, *Memory Eternal: Tlingit Culture and Russian Orthodox Christianity through Two Centuries* (Seattle: University of Washington Press, 1999), 180-81.

supported Walton and even filed an affidavit on his behalf, his political foes, including one who'd unsuccessfully sued the governor over a failed business deal, blasted him for promoting the economic prospects of Natives over the privileged standing then enjoyed by Whites. John W. Troy, editor of the Skagway newspaper who loathed Brady so much he referred to him in print as "His Stupidity," noted of the governor's pro-Native stance, "Had Brady exerted himself on behalf of the white population of Alaska, one half as much as he has on behalf of the Indian, Alaska would today be knocking at the door for statehood." Other animosities arose over more prosaic business conflicts. W. P. Mills, a school board member who opposed Walton, ran a business selling Native baskets and was a competitor of the Tlingit merchant. That other Indian artists refused to sell their wares to Mills in the aftermath of the school board hearing further illustrated how a case ostensibly about the education of two little girls came to encompass wider issues of social and economic opportunity.[52]

The political, economic, and class-based complexities of the Davis case notwithstanding, the conflict, at its core, was about race and the line of demarcation, based on one's ancestry, between Whiteness and Indigeneity. Gunnison had concluded that any person of White and Native parentage was "deemed to be of mixed blood without regard to the source of the Indian blood." The ruling was in keeping with the "one drop" rule then understood to define the terms of racial difference, particularly among Blacks in the Jim Crow South, but it ran counter to Wickersham's assessment in the Minook case in which he ruled his Russian blood had made him eligible for citizenship. As Raibmon puts it, "Transmuting the one-drop theory of race into a cultural one-drop theory of civilization created a powerful tool for policing the social body. It

[52] Paige Raibmon, *Authentic Indians: Episode of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005), 177-78, 181; *Davis et al. v. Sitka School Board*, 3 Alaska 484-85, 494 (D. Alaska Terr. 1908); "The Alaskan Indians," *Daily Alaskan* (Skagway), September 19, 1904; "Against Brady," *Daily Alaskan* (Skagway), December 21, 1904.

could cut both ways, simultaneously doing the work of class as well as race." Moreover, Wickersham had gone to great lengths to establish that Indigenous persons from the Aleutian Islands to Sitka and at all points in between were members of settled tribes by dint of their sustained contact with the Russians. That Gunnison did not apply such a standard—in effect finding neither Rudolph Walton nor Mary Dick Davis, both born in Southeast Alaska and the latter having a White ancestor, were members of a such a tribe—speaks to the judicial vagaries in the territory at the time as well as the perpetually uncertain civil status of Alaska Natives.[53]

Still another legal case demonstrated how issues of race came to be entangled in the territory's politics and economic life. In October 1910, Thomas Nagle, the White proprietor of a tavern in Wrangell, sold liquor to a Tlingit man, Billie Hooker. The sale of alcohol to Natives was prohibited under Alaska's criminal code. Upon being tried and convicted of the charge, Nagle was sentenced to fifteen months' imprisonment at the McNeil Island penitentiary in Washington. His attorney appealed the conviction, arguing that Hooker, whether he meant to or not, had essentially satisfied the terms of the Dawes Act by living apart from his tribal brethren for his entire life and adopting the habits of White Alaskans. As such, he should be regarded as a citizen in the eyes of the law and therefore free to purchase liquor the same as any White man.[54]

Territorial officials were quick to recognize the case's implications went well beyond the saloon keeper's pending incarceration. If the appellate court agreed Hooker was a citizen, its ruling might bestow citizenship by fiat to every Native in the territory who had assimilated to some degree. The Tlingit, Haida, and Tsimshian of Southeast Alaska, in particular, were well

[53] *Davis et al. v. Sitka School Board*, 3 Alaska 486 (D. Alaska Terr. 1908); Paige Raibmon, *Authentic Indians: Episode of Encounter from the Late-Nineteenth-Century Northwest Coast* (Durham: Duke University Press, 2005), 182-83. See also James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 241-42.
[54] *Nagle v. United States*, 191 Fed. 141 (9th Circuit, 1911).

positioned for such a designation. They had experienced more than four decades of contact with American settlers to that point, not to mention a full century with the Russians before that. Natives had become integrated, at least partially if not fully, into mainstream society through missionary schooling, church attendance, wage labor, and even basketball tournaments. Many White Alaskans now feared that, if Nagle's appeal was granted, thousands of Natives might be added to voter rolls overnight, this in a territory where Whites outnumbered Natives only by a factor of 5 to 4. The territory might be obliged to grant licenses to Native engineers, mechanics, and river boat pilots, thereby upending local economies and the employment prospects of Whites who presently filled those jobs. Natives might be eligible to file mining claims or secure title to lands. And while some White Alaskans, most prominently Delegate Wickersham, former governor Brady, and Presbyterian missionaries welcomed such developments, most did not. Alaska's current governor, Walter Eli Clark, noted that a change to the territory's liquor laws might be required in order to invalidate potential claims of citizenship while still protecting Indians from what he called "the utter ruin" of the "white 'whiskey peddlers.'"[55]

"The question is far reaching," wrote Skagway's daily newspaper of Nagle's appeal, "and its decision…must grant to Indians the right of voting, the homestead privilege, and full mining rights, tenure of office and jury duty." The editors of the *Iditarod Pioneer* concurred: "It is strange that the Indian [liquor] question should be allowed to seriously disturb the business and other interests of the territory." In calling for a more deliberate process that might grant citizenship on a case-by-case basis, the Iditarod newsmen argued that "Indians have no law but

[55] Walter Eli Clark, *Report of the Governor of the District of Alaska* (Washington: General Printing Office, 1911), 20. In July 1911, Alaska's governor secured a $12,000 appropriation for the hiring of special agents to enforce the liquor laws, which in the second half of that year resulted in the arrest of about twenty White men who'd sold liquor to Natives. Over the next two years more than 135 such arrests were made, causing the governor to observe the "greatest success has attended this work, and the consequent improvement of the natives in several communities has been noticeable." See Walter Eli Clark, *Report of the Governor of the District of Alaska* (Washington: General Printing Office, 1913), 21.

that of the white man, and they ought to be equal before the law."[56] Another paper, the *Douglas Island News*, downplayed the importance of the appeal, offering that Natives were but "whiskey citizens" who had no interest in the rights and privileges of citizenship beyond the ability to purchase liquor. The double-standard galled the paper's editors, who believed Natives appeared to want all the privileges of citizenship but none of its obligations:

> We can hardly understand how the right of suffrage may be extended to the Natives of Alaska without the added responsibilities that usually accompany it. That is to say, if the Indian should be made over into a full-fledged citizen, he will no longer be entitled to the special privileges which he now enjoys, among which is to get boiling drunk and send a white man to the penitentiary in consequence. If Mr. Indian is given his portion of citizenship with the people of the world he may also be forced to shoulder the blame.[57]

The complaint was not quite new in the territory but sounded a refrain that had been made for many years. Two decades earlier, in 1891, Lyman E. Knapp, the territory's governor, penned a law review article in which he discounted the very notion of Indian sovereignty, claiming it created "a nation within a nation" that enabled Natives to secure the government's largesse while avoiding any corresponding obligations. The governor lamented that Alaska had to suffer Indigenous peoples

[56] "Important Decision Is Made," *The Daily Alaskan* (Skagway), October 4, 1911; "The Indian Question," *Iditarod Pioneer*, November 25, 1911.
[57] Untitled article, *Douglas Island News*, February 18, 1914; "Yes—But Then What," *Douglas Island News*, January 3, 1912.

> permanently residing within our borders who are not subject to our laws in all respects, but for whom we are responsible. They not only lack the homogeneity from which we expect the development of a worthy citizenship, but they sustain to us the relation of a one-sided alienism. They seem to have some of the rights of foreign nations, with the added privilege of receiving the treatment of dependent subjects. The rights are largely on one side. . . . They [Alaska Natives] have been the practical embodiment of a legalized pauperism without the restraints of return obligations. They can demand food and clothes of us, but we cannot demand of them even conforming to our laws and customs.[58]

The argument that Alaska Natives received privileges on the basis of race, benefits that were not equally available to Whites even as they were required to subsidize them in one form or another, would cast a long shadow in Alaska. For the next century, as later chapters in this dissertation will show, the "special privileges" argument would be wielded by White Alaskans aggrieved at the prospect Natives might receive title to ancestral lands, hunting and fishing rights, voting protections, and other expressions of their so-called preferred status under federal law.

At least one newspaper in the territory supported Native citizenship and hoped the Nagle appeal would advance the cause. Calling attention to the acculturated Indians of Southeast Alaska, the *Cordova Alaskan* decried the fact that "civilized and to quite a degree intelligent natives," far from receiving undue privileges, were regularly denied employment licenses and homesteading claims. That the Native right to vote would accompany citizenship was a development the paper endorsed: "When some of them who are running general stores, restaurants, pool rooms, balls and industrial plants for which they are paying their annual license

[58] Lyman E. Knapp, "A Study Upon the Legal and Political Status of the Natives of Alaska," *American Law Register* 39, no. 5 (May 1891), 327-28.

fee to the government, undertake to offer their ballots at elections for a delegate, or even a local election for officers, they are practically kicked out of the polling stations."[59]

Although Alaska's liquor laws might have been designed to protect what the federal government viewed as a vulnerable population, historians have noted that Euro-American settlers long regulated the flow of liquor to indigenous populations as a means of controlling political and economic relationships. In the 18th century, Hudson's Bay Company traders throughout northern Canada regularly gifted and traded alcohol in order to secure the services of Native fur trappers and middlemen. In Russian America, merchants taught Alaska's native population how to make *kvass*, an alcoholic drink made from grain, apples, or roots. Although the Russian government officially prohibited the sale of liquor to Natives, the ban was widely flouted in the name of exerting social control over what the settlers viewed as hostile bands of Indigenes. At the time of the Juneau, Klondike, and Nome gold rushes of the late 19th century, tens of thousands of White miners and settlers brought huge quantities of liquor into the territory. Mary F. Ehrlander finds that in this period, when alcohol consumption in Alaska was outlawed for Whites and Natives alike, the law was applied unequally to the two groups. Juries in the 1890s regularly convicted White defendants who sold liquor to Natives, but they looked the other way when both seller and purchaser were White. An 1894 report by the Alaska governor noted that not a single White man was even indicted let alone brought to trial for selling liquor to another White man.[60]

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[59] "Citizenship of Alaska Indians to be Decided," *Iditarod Pioneer*, October 14, 1911. It was common practice in this era for Alaska newspapers to reprint editorials that first appeared in other newspapers around the territory. The quotes in the text are cited to the *Iditarod Pioneer* but are drawn from a reprinted *Cordova Alaskan* column.

[60] Mary F. Ehrlander, "The Paradox of Alaska's 1916 Alcohol Referendum: A Dry Vote Within a Frontier Alcohol Culture," *Pacific Northwest Quarterly* 102, no. 1 (Winter 2010/2011), 30-31, 66-67. The governor's report for 1894, in addition to stating that no White man was charged that year with selling liquor to another White man, declared, "The law makes no distinction as to whether the vendee be an Indian or a white man, but public sentiment is so unanimously against the practice of selling or giving liquor to Indians that none but the lowest outcast will be found in the business." See James Sheakley, *Report of the Governor of the District of Alaska to the Secretary of the*

In October 1911, the appellate court overturned Thomas Nagle's conviction, finding that the district court had erred by not taking up the question of Billie Hooker's claims of citizenship. The court did not declare Hooker a citizen—the precedent-setting outcome feared by many White Alaskans—but only stated that as an Indian born within the territorial limits of the United States who had voluntarily taken up his residence apart from his tribal community and had evidently adopted the habits of western life, he possessed a legitimate claim under the Dawes Act that should have been presented to the jury. The ruling was the first to affirm the Dawes Act applied to Alaska Natives.[61] In the Minook ruling seven years earlier, Wickersham had posited that the Organic Act of 1884 and the Civil Government Act of 1900 sufficed to incorporate Alaska into the United States such that the Dawes Act would become operative. The appellate court in *Nagle v. United States* agreed: "The [Dawes Act] is so specific and far-reaching in its scope that it must be held to be general in its purpose and intendment, and to apply to every Indian within the territorial limits of the United States." The case was remanded back to district court for a new trial, but no further legal action against Thomas Nagle was taken.[62]

Interior, 1894 (Washington: Government Printing Office, 1894), 6-7. See also, Stephen Conn, *No Need of Gold: Alcohol Control Laws and the Alaska Native Population: From the Russians through the Early Years of Statehood* (Anchorage: University of Alaska, School of Justice, 1986).

[61] According to Case and Voluck, the appellate court that reversed *Nagle* reasoned the Treaty of Cession had made federal Indian laws applicable to Alaska Natives and the decision by Congress in 1871 to end the making of treaties had implemented a policy of dealing with Indians by statute. Subsequent acts, such as the General Allotment Act of 1887, were therefore federal Indian laws that applied to Alaska Natives. As Case and Voluck put it, the "logical conclusion…is that, prior to 1911, lower court cases implied there was a difference between the status of Alaska Natives and lower forty-eight Natives. After the *Nagle* decision, their status was held to be similar." See David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 117n28.

[62] *Nagle v. United States*, 191 Fed. 146 (9th Circuit, 1911). Records do not indicate why the District Court in Alaska elected not to retry Nagle, but given the controversy over Native citizenship that arose from the first trial, it seems reasonable to conclude Alaskan authorities preferred the matter be dropped altogether. Three years after *Nagle*, another White merchant charged with selling liquor to a Native was acquitted on the basis the purchaser was, as a newspaper colorfully put it, "a good Indian [who] had severed his tribal relations and could even dance the white man's dance with the exception of the tango." See Untitled article, *Douglas Island News*, February 18, 1914.

By the time of the *Nagle* ruling in 1911, there had emerged at least a theoretical pathway to citizenship for Alaska Natives that was defined by congressional action and bolstered by legal precedent. It was also ambiguous, arbitrary, arduous, individualized, and culturally debasing. Alaska's Indigenous peoples were now on the same footing as Indians in the rest of the country as far as the Dawes Act was concerned, and in the coming years the Alaska Territorial Legislature, established by a second Organic Act in 1912, would codify the terms by which Natives could obtain citizenship. The key difference between the early American period and the territorial period that followed was that in the latter, Alaska Natives themselves, largely for the first time, had a voice in the debates. Apart from the plaintiffs in the *Minook* and *Davis* cases, the views of Alaska Natives had gone almost entirely unsolicited to that point, even by those who purported to work on their behalf. The founding of the Alaska Native Brotherhood in 1912 by acculturated graduates of Sitka's mission school introduced Native perspectives on citizenship and heralded a new phase in the territory's political life.

The Alaska Native Brotherhood

On November 21, 1901, Edmond Kadashan from Kake wrote to Governor John Brady. "Will you please inform me as to whether the native-born Alaskans are citizens of the United States; and if not, what steps it is necessary to take that they may become such?" The young Tlingit man had heard it was necessary for Indians to live "like white people" in order to obtain full political equality, and he wanted to know if that was true. The following year, another Tlingit man, 26-year old Thomas Jackson from Wrangell, wrote to Brady with a similar question. Jackson, who'd attended the Carlisle Indian School in Pennsylvania and asserted that he "was almost brought up as a white person," had prospected for gold and located several promising

claims. But as a Native, he believed he had no legal right to hold the claims, and he knew only a few White men who could be trusted to file on his behalf. "I think I could do well if I could succeed in getting my citizen papers or rights for holding mineral lands in Alaska," he informed the governor. "I want you to advise me what to do to get it."[63]

In addition to John Minook's petition, the pleas for citizenship by Kadashan and Jackson were among the first by Alaska Natives in the territory. As the decade went on, more Natives began speaking out for full civic and political equality. Going forward, the appeals embodied the assimilationist ethos promoted by the Presbyterian Church since Sheldon Jackson's arrival in the territory some years earlier. Where Minook desired citizenship only for the practical purpose of securing his mining claims, the Tlingit, Haida, and Tsimshian peoples of Southeast Alaska now framed the issue of citizenship as the just reward for a people who had become civilized in exactly the manner set forth by Congress, the courts, and the church. It was never that straightforward, however, for while some Natives fully endorsed the abandonment of tribal affiliations, others retained traditional customs on which Indigenous identity was founded and viewed citizenship as a useful, supplemental tool that enabled them to simultaneously prosper in White society. Just as Rudolph Walton attended potlatches and married according to tribal custom at the same time he wore western clothing and kept sales receipts in his cash register, many lived in both Native and White worlds.[64]

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[63] Edmond Kadashan to John G. Brady, November 21, 1901, Thomas Jackson to John G. Brady, July 17, 1902, letters printed in John G. Brady, *Report of the Governor of the District of Alaska to the Secretary of the Interior, 1902* (Washington: Government Printing Office, 1902), 20. There is nothing in the historical record to indicate whether the two men obtained any form of relief from the territorial government. Given the fact their appeals were made well before the *Minook* and *Nagle* rulings, however, it appears unlikely either man was made a citizen.

[64] The notion that Indigenous peoples have historically existed in "two worlds" has long been used by scholars as both a narrative and analytical device, but the framework has come under critique in recent decades for the way it bifurcates individuals and communities according to boundaries that are themselves the product of settler colonial formulations. This work cites the two-worlds framework in historical context to illustrate how it influenced perceptions of racial difference in Alaska in the eras in which the term was used. For a critique of the two-worlds

The goal of full assimilation and renunciation of traditional ways was promoted by *The Thlinget,* a monthly newspaper started in 1908 by students at the Presbyterian-led Sitka Training and Industrial School. The paper, as it explained in its inaugural edition, was dedicated to the uplift of not merely the eponymous tribe but all Indigenous peoples. "There are between 25 and 30,000 native people in Alaska territory," the paper announced. "All are selfsupporting [*sic*]. A majority of the younger generation can read and write. Thousands of them are living in clean up to date homes. Many operate small stores. They run gas boats for hire and are earning an honest livelihood in many of the standard trades." And yet, *The Thlinget* reported, Natives were denied the rights and privileges of citizenship.[65] L. F. Jones, writing in the paper's second issue, believed critics of Indian citizenship made the mistake of comparing Natives to Whites and, upon finding the former lacking, concluded they were simply not yet ready. "The true mode of comparison," Jones wrote, "is to compare the native of today with what he was a generation or more ago." Such a view would show great advancement toward citizenship, he claimed, making clear that efforts undertaken since the Russian period and the Alaska purchase sufficed "to reclaim a people from ignorance, superstition and heathenism." William A. Kelly, the mission school superintendent who not coincidentally had represented Rudolph Walton in the hearing before the local school board two years earlier, similarly connected the citizenship appeals of the Tlingit, Haida, and Tsmishian to the 1867 treaty that had bestowed the status, in theory at least, on Creoles and Aleuts of the so-called settled tribes. "Is it asking too much that law-abiding intelligent natives should have the door of opportunity and fair competition opened to them?" he asked. Natives had "forge[d] forward as fast as their environment and education will permit," he

framework, see James Joseph Buss and C. Joseph Genetin-Pilawa, eds., *Beyond Two Worlds: Critical Conversations on Language and Power in Native North America* (Albany: State University of New York Press, 2014).

[65] *The Thlinget*, January 1912. The quoted text appears as a standalone headline on the first page of the issue.

believed, and they had "readily imbibed the spirit of American institutions." Such progress had been achieved by the Tlingit, Haida, and Tsmishian that Kelly claimed those groups now surpassed the Creoles and Aleuts in education and preparedness for citizenship and were better qualified for the credential than nine-tenths of the foreigners who were naturalized each year by the courts.[66]

Among the most ardent advocates of full assimilation was Peter Simpson, Tsimshian from Metlakatla acclaimed as "one of the most inspired prophets produced among the Native people in modern times." In the late 1880s, Simpson graduated from Sheldon Jackson's mission school in Sitka, whereupon he operated a sawmill on Gravina Island near Ketchikan, believed to be the first business started by Natives in the territory. By 1911 he was working as a boat builder in Sitka and serving as an elder in the Presbyterian Church. Observing the young students at his alma mater who read Christian doctrine during school hours but practiced Native customs at other times, he exhorted them to choose the former and disavow the latter. "No man can serve two masters," he wrote in a letter published in *The Thlinget*. To older Natives, he suggested ancestral pride was backward-looking and only hindered the progress of the younger generation. "[D]o not tell them that your grandfather was thus and thus, and your name is a high name, and you are high caste, &c.," he wrote, "but argue them to complete their education and make themselves to be useful men and women, and build their character good." As long as Natives clung to traditional customs, Simpson believed, "our young people will be enslaved and pull us back from reaching civilized life and fitting ourselves to become American citizens."[67]

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[66] L. F. Jones, "The Right Point of View," Wm. A. Kelly, "Citizenship," *The Thlinget*, September 1, 1908; "A Word From W. A. Kelly, the Best Informed Man on This Subject in Alaska," *The Thlinget*, April 1912.
[67] Gertrude Mather Johnson, "Peter Simspon," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa kusteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 665; P. Simpson, "As An Alaskan Sees It," *The Thlinget*, December 1911.

One summer, Simpson and several young men who lacked the funds to return to their home villages were given permission to remain on campus in return for day work. As described by Simpson's biographer, Gertrude Mather Johnson, herself a Tsimshian elder, the men worked during the day and spent the evenings playing table games and conversing. "Gradually," Johnson writes, "their casual visiting turned to serious discussions on the plight of their Native people because of the encroachment of the European-Americans." Simpson organized the group into a men's club complete with a constitution and by-laws. Meetings were held according to Robert's Rules of Order, and the men became expert parliamentarians.[68]

In late 1912, Simpson, along with eleven Tlingit men and one woman, attended an education conference in Juneau with W. G. Beattie, the superintendent of Native schools in Southeast Alaska. Beattie sought the counsel of the assimilated Indians, all members of either Presbyterian or Russian Orthodox congregations and most of whom were graduates of Sitka's mission school (recently renamed Sheldon Jackson School in honor of its founder), so as to develop curricula that would bring about the assimilation of Native students. At the close of the conference, the Natives held a separate meeting for themselves and founded the Alaska Native Brotherhood, an organization dedicated to the uplift of Native peoples. Simpson, the only Tsimshian in the group, drew on his experience with the Sitka men's club and insisted the new group embody western political structure and norms. "[W]ithout such an organization, one founded on rules of procedure and with parliamentary disciplines," he stated, "we could never become a part of the white man's world."[69]

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[68] Gertrude Mather Johnson, "Peter Simspon," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 669.
[69] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 193-94; "Peter Simpson," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 669-70.

At its founding, the Alaska Native Brotherhood advanced the progressive ideology of Americanization, as evidenced by the first article of its constitution:

> The purpose of this organization shall be to assist and encourage the Native in his advancement from his native state to his place among the cultivated races of the world, to oppose, discourage, and overcome the narrow injustice of race prejudice, and to aid in the development of the Territory of Alaska, and in making it worthy of a place among the States of North America.[70]

The issues of Native rights and political engagement defined the organization's purpose, but in terms of its structure and operation the founders were influenced by church-affiliated societies that had been established in several Presbyterian missions in the region, such as the New Covenant Legion in Sitka, the Brotherhood of Klawock, and the Women's Village Improvement Society in Kake (which served as a model for the Alaska Native Sisterhood, established as an auxiliary to the ANB in 1915). One founder, Paul Liberty, had been instrumental in establishing a Russian Orthodox brotherhood, St. Gabriel's, which also served as model for the ANB. The church societies were overseen by elected officers, both White and Native, and meetings were held according to rules of parliamentary procedure, which provided an important training ground on which Natives acquired familiarity with White techniques of social and political organization. With its strong Presbyterian influence, the ANB conducted its business in English, required its members disavow tribal gatherings such as potlatches, and opened each meeting with a rousing rendition of "Onward Christian Soldiers." The first of its local chapters, called "camps," were

[70] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 165.

started by the founders in Sitka, Juneau, and Douglas, and by the 1920s nearly every community in Southeast Alaska had a local branch. The camps came together each year at a Grand Convention, held in part to develop intercommunity solidarity and achieve, as minutes from the 1920 meeting in Wrangell put it, "a more rapid change from the ties of harmful customs to the practices of a better civilization." In his 1958 study of the ANB, Philip Drucker describes the assimilationist platform of the organization's early years: "At a time when the aboriginal way of life had been disrupted beyond repair by white civilization, and when the Indian appeared to have but two choices—to become acculturated or to become extinct—this type of group organization, itself white-approved, offered a ready-made mode of attacking the Indian's problems."[71]

Even as the ANB fought for citizenship and full political equality, many of its members and even some of the founders did not wholly abandon tribal ways. They continued speaking Native languages and maintained their roles as clan leaders. The construction of an ANB hall on the Sitka waterfront, for example, was located on clan-owned land donated by K'alyáan, with the women of the Russian Orthodox St. Gabriel's Brotherhood preparing food for the builders. In another instance of the blending of the traditional and the western, the ANB negotiated the resolution of a bitter, decades-old conflict between Tlingit in Sitka and Wrangell with a peace treaty that was written in English, drawn up according to western legal precepts, but signed in a ceremony that featured aboriginal peacemaking rituals. Sergei Kan notes that while many young "progressive" Tlingit of the era learned to operate within American political and legal systems,

[71] "Minutes, 1920," Box 1, Series 2, Mss 7, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau; Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 17-18. On the founding of the ANB, see also Sergei Kan, 454-67; Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 13-19.

their "traditionalist" parents did not want them to lose the skills and customs of Native life, and they encouraged young people to sneak away from school from time to time in order to "acquire the necessary knowledge of the ceremonial language, ancestral myths and legends, and the ritual protocol to assume the traditional leadership roles when their time came to do so."[72]

Alaska Native Citizenship Act

Despite the Dawes Act and the support of officials including James Wickersham, John Brady, and Sheldon Jackson, the issue of Alaska Native citizenship had long been controversial among the territory's political elite. Alfred P. Swineford, governor from 1885 to 1889, expressed his belief that Alaska's Indigenous peoples "are no more fitted for citizenship than were the Apaches, the Flatheads or any of the other tribes of Indians which inhabited the country from the Atlantic to the Pacific." Observing that citizenship would grant Natives the right to vote, he bellowed, "Pray enumerate the qualifications of the ordinary Alaskan siwash to pass upon the merits of a candidate for congress! In the name of all that is reasonable what good use could an average Indian make of the elective franchise?" Swineford's successor, Lyman E. Knapp, described the prospect of Native voting as "disastrous," writing in 1891 that Natives "are yet children in many respects, and would only become tools in the hands of demagogues. They do not understand our language. Many of them are still in barbarism and savagery." Others at the turn of the century held similar views. John W. Troy, himself a future governor, held that enabling the Native "to care for himself" required not citizenship but only a bit of vocational training. "That was what was done with the Indians of the plains and that is what should be done

[72] Sergei Kan, *Memory Eternal: Tlingit Culture and Russian Orthodox Christianity through Two Centuries* (Seattle: University of Washington Press, 1999), 458, 464; Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 21.

for those of the north."[73] M. C. Brown, judge of the First District Court in Juneau, argued against the integration of Natives into White society, believing instead that "the only way of benefitting these Indians is to sever them as much as possible from connection with the white population of the country." Brown did not use the word *reservation* in his remarks, but he recommended the government "set aside certain portions of the country, or certain lands or islands, where [Natives] may take their lands in severalty and have absolute ownership of the same." Alfred S. Moore, judge of the territory's Second District in Nome, similarly called for the segregation of the races. The "kind, docile, and dutiful" Eskimo, in his observation, reached a degenerated state when he left his home village and ventured into the White man's world. "They are apt learners of the vices of the whites," he stated, "and if left to pursue their own industries, separated from the whites, they would give the administrators of the law but little trouble."[74]

Attitudes began to shift in the early part of the century, however, especially as Natives came to be more fully integrated into the wage-labor economy of the territory. In 1903 James W. Witten of the General Land Office conducted an investigation of Alaska's natural resource potential, which included an assessment of Native conditions. After corresponding with judges, teachers, missionaries, postal clerks, cannery owners, businessmen, and other White residents in every region of the territory—but evidently not with any Indigenous peoples themselves—Witten concluded Natives should be empowered to secure mining and homestead claims, the latter with which an agricultural industry might develop. He also recommended they should be granted licenses to pilot boats as their superior knowledge of uncharted waters would be a boon

[73] Swineford quoted in Ted C. Hinckley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800–1912* (Lanham, Maryland: University Press of America, Inc., 1996), 345; Lyman E. Knapp, *Report of the Governor of Alaska for the Fiscal Year 1891* (Washington: Government Printing Office, 1891), 40; "The Alaskan Indians," *Daily Alaskan* (Skagway), September 19, 1904.
[74] Brown and Moore quoted in James W. Witten, *Report on the Agricultural Prospects, Natives, Salmon Fisheries, Coal Prospects and Development, and Timber and Lumber Interests of Alaska* (Washington: Government Printing Office, 1904), 45, 46.

to transportation. The inspector did not believe Natives should be granted the right to vote—especially as the franchise would almost certainly "bring them into conflict with the whites…in all incorporated towns where they [Natives] were in the majority"—but he called for them to be "clothed with all the other rights of American citizenship."[75] One year later, George T. Emmons, a Navy lieutenant commissioned to advise President Theodore Roosevelt on matters related to Alaska, reported that gold rushes, salmon canneries, and lumber mills had all provided Natives with employment opportunities and hastened their integration into western culture. At the same time, Emmons noted, the ambiguous legal status of Natives worked to their detriment, and he advocated citizenship for those who proved themselves qualified. In a subsequent message to Congress, Roosevelt approvingly noted that those Alaska Natives "who have come under the influence of civilization…have proved their capability of becoming self-supporting, self-respecting citizens, and ask only for the just enforcement of the law and intelligent instruction and supervision."[76]

At the time of its founding in 1912, the Alaska Native Brotherhood prioritized the acquisition of citizenship, as well as voting rights and employment opportunities for Natives. In a petition submitted to the Office of Indian Affairs, the founders called attention to the "paradoxical position" then occupied by Natives. They were not citizens, alien residents, or, like other American Indians, government wards, and the ANB believed it was a "gross injustice" that they should be left in such an "indefinite position."[77] At the organization's Grand Convention in Sitka in 1914, its twenty-three members formally adopted a resolution calling for the granting of

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[75] James W. Witten, *Report on the Agricultural Prospects, Natives, Salmon Fisheries, Coal Prospects and Development, and Timber and Lumber Interests of Alaska* (Washington: Government Printing Office, 1904), 43.
[76] Ted C. Hinckley, *The Canoe Rocks: Alaska's Tlingit and the Euramerican Frontier, 1800–1912* (Lanham, Maryland: University Press of America, Inc., 1996), 311, 347; David E. Conrad, "Emmons of Alaska," *Pacific Northwest Quarterly* 69, no. 2 (April 1978), 55-59.
[77] Quoted in Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 197.

citizenship to those English-speaking Natives who had proven themselves deserving of the status.

In March 1915, one week before the start of the territorial legislature, Representative Arthur Shoup from Sitka spoke to the students of Sheldon Jackson School and announced his intent to introduce a Native citizenship bill.[78] "A very important part of your business here in this school is to prepare yourselves for the duties and responsibilities of citizenship," he began. Shoup made clear the task before Natives was about more than changing outward appearances. "Adopting the habits of civilized life doesn't mean using white man's furniture and wearing white man's clothes," he stated, "but it means settling your differences with white man's laws following the practices of civilized religion, educating native children by civilized standards." By the same degree, Shoup identified the taking up of one's residence apart from the tribe as a key prerequisite, but by this he meant not merely physical isolation, such as building a house in a new neighborhood, but "separating himself from any obligations for many tribal or clan laws or customs." The ultimate test, he admonished, "means not only living as civilized people, but thinking as civilized people."[79]

With assistance from James Wickersham and W. G. Beattie, Shoup drafted a bill that set forth straightforward if onerous procedures by which Alaska Natives could acquire citizenship. Petitioners first had to apply at a federal, territorial, or municipal school and undergo an "examination" by a majority of teachers at that school as to his or her qualifications. The bill listed three such criteria: "intelligent exercise of the obligations of suffrage, a total abandonment of any tribal customs or relationship, and the…adoption of the habits of a civilized life."

[78] In 1912 Congress passed an Organic Act for Alaska that established an elected, twenty-four-member territorial legislature.
[79] "A. G. Shoup Talks Government and History to Indians," *Alaska Daily Empire* (Juneau), March 8, 1915.

Following a positive report from the examiners, the applicant next needed to obtain the signatures of five White citizens who had been in residence in Alaska for at least one year and who were personally acquainted with the applicant such that they could attest to the same qualifications. The applicant's final step in the process was to appear before a U.S. District Court judge—at a publicly announced hearing at which any White citizen had standing to testify—and take an oath forever renouncing all tribal affiliation.[80] Although the procedure itself was clear-cut, the standards in Shoup's bill for evaluating Native uplift were just as arbitrary as those employed by judges in earlier cases, such as *Minook, Davis*, and *Nagle*. The bill offered no definitions of its terms and no instructions to guide examiners in assessing whether an applicant had satisfactorily met the requirements.

Charles Sulzer, a miner from Prince of Wales Island, introduced the Senate version of the bill. Calling Indian citizenship "one of the most important matters that can be considered by our present legislature," the senator echoed the ANB's lament regarding the precarious position of Natives. "At the present time," Sulzer stated, "he appears to be in sort of a twilight zone, dangling in the air, unable to get a clear foot hold either above or below." Like many White Alaskans at the time, Suzler favored citizenship for certain individual Natives, but not for all. He believed those who had proven themselves deserving of citizenship should be provided with clear means of obtaining it—else a movement arise to bestow the status by decree to every Native regardless of qualifications. Franklin Knight Lane, Interior Secretary under President Woodrow Wilson, had raised some alarm in Alaska a few months earlier when he implied the federal government might endow entire tribes with political rights. "[I]t would be unwise at this time to have a wholesale movement in this direction," Sulzer noted, in that the granting of

[80] Ch. 24, Session Laws Alaska, 1915.

citizenship to all Natives at once "would cause much confusion, controversy, and difficulty with election boards and in many other ways." The intent of the bill introduced by Shoup and Sulzer in their respective chambers was to regulate, slowly and methodically, the flow of Natives into the body politic of the territory. In effect, it was designed as much to withhold citizenship from some Natives as grant it to others.[81]

In later years, many White Alaskans would oppose the Alaska Native Brotherhood, particularly on controversial issues such as aboriginal land claims they believed only fomented racial animosities. But at its founding, the organization and its promotion of citizenship received widespread acclaim. The bill, offered the *Weekly Alaska Dispatch*, "will arouse [Natives'] ambitions and bring out the best there is in them." Juneau's *Alaska Daily Empire*, which otherwise opposed governmental relief for Natives and regularly referred to them in bigoted, prejudiced terms, called citizenship "the ultimate destiny of the Indians of Alaska" and "the prize that should be held up by the white race as an inducement for the Indians of the North to adjust themselves to the fast changing conditions in this Territory." J. W. Bell, clerk of the district court in Juneau who would certify any petitions that might be filed should the bill become law, expressed his view that Natives "whose intelligence is on a high plane" merited the privileged status. Frank A. Boyle of the federal land office approvingly noted that as citizens, Natives would be able to obtain title to land, resulting in the development of the territory. As the bill came up for hearings in the legislature, a number of White Alaskans, including a customs official, medical doctor, newspaper publisher, miner, and storekeeper all spoke in favor. As one

[81] "Sulzer Pleads Indian Cause," *Alaska Daily Empire* (Juneau), March 20, 1915; "Bill to Give Natives Vote," *Seward Gateway*, March 20, 1915; "Is the Indian Fit for Citizenship?" *Alaska Daily Empire* (Juneau), January 19, 1915.

testifier put it, Indians were not only capable of running gas boats but "could do it without swearing" and therefore deserved to be considered for citizenship.[82]

The support of White Alaskans was entirely predicated on Alaska Natives' renunciation of their culture, an action that served to deracialize the issue. The abandonment of tribal affiliation made Natives functionally White so far as the law was concerned, fully assimilating them into mainstream society and rendering void any privileged standing it was believed (or feared) they held under federal law with regard to race. The *Douglas Island News*, for instance, a daily paper that opposed any government program for Natives as a matter of course, welcomed the citizenship bill if only as a means for ending what it viewed as the special treatment afforded to Indigenous peoples. "The white man is spending more money in Alaska for the education and elevation of the native than it is spending on the whites," the paper blustered. "The strict laws that are passed to govern the white man are almost always waived aside in the case of the Indian. . . . The Indian is given reserves where the white man may not come, but there are no reserves from which the Indian may be legally excluded." The *Cordova Daily Times* criticized the debate over the citizenship bill, blasting the "unthinking sentimentalists" and their "twaddle…about the poor, down-trodden Indians." The paper did not necessarily oppose Native citizenship, but it resented the charge that Natives suffered at the hands of the American settlers who brought to Alaska the very civilization the Indigenes now purported to want. "In spite of all that has been said," the paper wrote, "the lot of the native Alaskan has been greatly improved by the association with the white race."[83]

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[82] "Legislature to Provide Badge of Citizenship for Natives," *Weekly Alaska Dispatch* (Juneau) editorial reprinted in *Cordova Daily Times*, March 23, 1915; "Alaskan Indians and Citizenship," *Alaska Daily Empire* (Juneau), February 17, 1914; "Indians May Have Road to Citizenship," *Alaska Daily Empire* (Juneau), April 5, 1915.
[83] "Fact Versus Sentiment in Regard to Condition of Natives in Alaska," *Cordova Daily Times*, April 14, 1915. The *Douglas Island News* editorial was reprinted in this column in the Cordova paper.

Scholars today recognize “Whiteness” as a socially constructed category with definitions of membership that evolve and are contingent to specific times and places in history. White Alaskans of the early 1900s who beheld their civilization as the standard to which Natives should aspire wielded the term without such distinctions, however. Territorial officials welcomed any form of non-Native settlement and were disinclined to distinguish between Euro-American immigrants who contributed to the overall development of the territory. The non-Native population of Alaska jumped from 430 in 1880 to 4,298 in 1890. By 1900 the number of non-Natives exploded to 30,450, largely as a result of gold rushes, and the transient nature of immigrants tended to flatten ethnic distinctions except with regard to occupation. While White men of every ethnic background worked in the mining industry, other occupations became more stratified. American-born men were more likely than foreign-born immigrants to work as clerks and businessmen, for instance, while Irish immigrants were overrepresented in railroad labor, Germans dominated the skilled craftwork industries, and many Scandinavians worked as commercial fishermen. There were very few Blacks in the territory, just 168 in 1900, and of the 3,100 Chinese, nearly all were seasonal cannery workers who were not considered bona fide residents. James H. Ducker, in his statistical analysis of the 1900 census, finds that only 3.7 percent of Alaska’s non-Native population had been born in the territory. About half of the American-born Whites had come from the Upper Midwest (Ohio to the Dakotas). Of the remainder, emigrants came from the North Atlantic states and the West. Few were from the South. In the gold rush town of Skagway, 94 percent of residents had arrived in just the previous three years, while even in the more established community of Sitka, only 25 percent had been there for more than a decade. Of foreign-born residents, Canada had supplied the greatest number, with Germany, England, and Ireland next in line. In Sitka, individuals of Russian

ancestry naturally predominated. In Treadwell, a company mining town just outside Douglas, 15 percent of residents had been born in Austria, with many others from Sweden, Finland, and Norway. By 1910 the White population of the territory increased again by nearly 20 percent, with the number of foreign-born Whites more than doubling. Although certain occupations came to reflect ethnic distinctions, each of the Euro-American immigrant groups was considered to be "White," a catch-all definition that functioned primarily to distinguish the settler community from Indigenous peoples in terms of political, economic, and social status.[84]

For many White Alaskans the greatest risk of Native citizenship was to be found at the ballot box. Many Natives already voted at the discretion of local election officials, but it was believed wholescale Native enfranchisement stood to upend the territory's political systems. Whites feared newly enfranchised Native citizens might band together and cast their ballots as a bloc. The *Nome Daily Nugget* offered that Native voters would be "extremely susceptible" to the influence of "unscrupulous whites in a way which may result in almost irreparable harm." (As if to prove the point, James Wickersham and Charles Sulzer, who ran against one another for territorial delegate in 1916 and 1918, each accused the other of coercing votes in Native communities. In both elections, Wickersham challenged the vote tally in Klawock and Hydaburg, villages where Sulzer's supporters controlled the polling stations, while Sulzer protested the votes from Wickersham's strongholds of Afognak, Seldovia, Koggiung, and Unalakleet. Sulzer was declared the winner in 1916 by nineteen votes, and in 1918 by thirty-

[84] James H. Ducker, "Gold Rushers North: A Census Study of the Yukon and Alaskan Gold Rushes, 1896–1900," in *An Alaska Anthology: Interpreting the Past*, Stephen W. Haycox and Mary Childers Mangusso, eds. (Seattle: University of Washington Press, 1996), 211-14.

three votes—but Wickersham's challenges convinced the U.S. House of Representatives to recertify him as the winner in both years.[85])

Other White Alaskans used the example of the South during Reconstruction to assess the perils of Native suffrage. John W. Troy, the Skagway newspaperman who was now the editor of Juneau's *Alaska Daily Empire*, argued the welfare of both Whites and Natives "demands that we should profit by the bitter experience of the South from the premature enfranchisement of a race unaccustomed to self-government." Characterizing the challenges facing Alaska as "demand[ing] more of citizens than most of the Indians are qualified to render," the editor suggested it would be "a cruel injustice to them to place burdens upon them that they are not prepared for." On another occasion Troy remarked the "Alaskan Indian with the ballot would be a more complete failure than has been the Negro in the cotton belt. It is a weapon he would not understand and its use by him would mean self-destruction."[86] Even if Native citizens exercised the franchise independent of racial solidarity, it was feared they would be unable to vote judiciously, notwithstanding the fact they had proven their education as part of the application process. The *Alaska Daily Empire*, which professed itself in favor of citizenship, editorialized that "no real friend of the Indians should urge that the franchise be granted to them until they are ready to use it intelligently." Alaska had just recently acquired territorial status, which included an elected legislature, and the paper spied statehood on the horizon. "The work that lies before us is not that which should be performed by a race that is just emerging from conditions of barbarism," it claimed.[87]

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[85] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 212-13.
[86] *Nome Daily Nugget* editorial reprinted in "Elective Franchise to the Natives," *Cordova Daily Alaskan*, April 27, 1915; "Alaskan Indians and Citizenship," *Alaska Daily Empire* (Juneau), February 17, 1914; "The Alaskan Indians," *Daily Alaskan* (Skagway), September 19, 1904.
[87] "Alaskan Indians and Citizenship," *Alaska Daily Empire* (Juneau), February 17, 1914.

The citizenship bill came up for a hearing in the Senate Judiciary Committee, of which Sulzer was a member, on April 3, 1915. It had already been read twice in committee, but this third hearing, held on a Saturday, was deemed necessary so that the Reverend Edward Marsden, recently arrived from Metlakatla, could testify. Marsden, a Tsimshian and Presbyterian missionary who had obtained his U.S. citizenship two decades earlier while a seminary student in Ohio, was widely regarded by White Alaskans as the embodiment of the civilized Indian. Sulzer and Beattie had consulted the minister while drafting the bill. According to a stirring account of the hearing provided by Beattie in his biography of Marsden published decades after the events in question,

> The Indian minister rose, courteously addressed the committee and thanked them for the privilege of appearing before them in behalf of his people. Then, for ten or twelve minutes, speaking in fluent, cogent English, he reviewed the deprivations suffered by those Indians who were citizens in the light of Court decisions but were not recognized as such because they had no legal paper to show such recognition[.] He pleaded for a better understanding between whites and Indians, holding that his people too were men and women with minds and hearts; that they were trained in the crafts and customs of their fathers, but the majority of them were ignorant of the white man's background and were unschooled in his form of government; that a law such as the one proposed for those Indians already qualified for citizenship would encourage them to accept its responsibilities as well as its privileges.

The *Alaska Daily Empire,* in its coverage two days after the hearing, reported Marsden spoke for two minutes—not the ten or twelve claimed by Beattie—but the paper concurred that his testimony "sounded like the declamation of a statesman." At the close of Marsden's remarks, B. F. Millard, a senator from Valdez who had been opposed to the bill but whose "eyes seemed to widen in increasing wonderment" as the Tsimshian spoke, asked the minister how many Natives in Alaska were civilized. Marsden estimated that of the five thousand in Southeast Alaska, one thousand could speak English, five hundred were literate, and perhaps one hundred and twenty-five were then qualified for citizenship or would become so in due course once encouraged by the passage of the bill. According to Beattie, Millard shook Marsden's hand when the hearing adjourned and exclaimed, "I shall support the bill. You have convinced me. I want you to know that none of the others who appeared could have done it. You alone have won my support."[88] The bill passed the legislature three weeks later, and the Alaska Native Citizenship Act was signed into law by Governor John F. A. Strong.

It is not unreasonable to surmise that the dramatic story of Edward Marsden's appearance before the Senate might have attained the same iconic status as that of Elizabeth Peratrovich. As the Tlingit heroine would do three decades later, Marsden spoke passionately and movingly on an issue of Native civil rights. The gifted orator swayed solons who had been opposed to the bill at the start of the hearing, and he won accolades in the press for his "eloquent" testimony that caused the committee to be "immediately on the Indian's side of the case." Cyrus Peck, son of one of the first Tlingit to obtain his citizenship via the new law, called Marsden "the wedge that split the block which so long hindered our people," exactly the sort of clever turn of phrase that

[88] William Gilbert Beattie, *Marsden of Alaska: A Modern Indian, Minister, Missionary, Musician, Engineer, Pilot, Boat Builder and Church Builder* (New York: Vintage Press, 1955), 153-54; "Indians May Have Road to Citizenship," *Alaska Daily Empire* (Juneau), April 5, 1915.

might have entered the canon of historical remembrance.[89] Marsden is very much like Peratrovich in still another respect: Although there exists no verbatim copy of his testimony—only a few select quotes in a newspaper article and the recollection of a witness set to paper decades after the fact—enough is known of the hearing, its principal participants, and the minister's rhetorical style that a writer of some talent could easily construct a moving script that would bring readers to tears. That Marsden's achievement has been forgotten while Peratrovich has a state holiday in her honor speaks to the vicissitudes of historical memory and the constructed nature of historical commemoration.

The First Citizens

On April 25, 1916, nearly one year to the day after the bill passed the legislature, David P. Howard and Cyrus E. Peck, both of Sitka, became the first individuals to file for citizenship under the new law.[90] Both men were examined by teachers at the Native school in Sitka and obtained the signatures of the requisite five White citizens who vouched for their character. Two other Native men filed applications that spring—David Stuteen and Seward Kunz, the latter one of the founders of the ANB—and the hearing for all four was scheduled for September 18 before Judge Robert W. Jennings of the U.S. District Court in Juneau. Jennings, who had previously expressed himself amenable to citizenship for acculturated Natives of his district but opposed it for "the various nomads,…the tent dwellers, the salmon smellers, the witch doctors, the almost

[89] William Gilbert Beattie, *Marsden of Alaska: A Modern Indian, Minister, Missionary, Musician, Engineer, Pilot, Boat Builder and Church Builder* (New York: Vintage Press, 1955), 241n5.
[90] Records of all citizenship cases in Alaska's First Judicial District can be found in Box 41, Group AS29459, Series SR62, Batch RC, Records of District and Territorial Court System, First Division (Juneau), Alaska State Archives, Juneau.

pristine savages" of other parts of Alaska, found no cause to deny Howard, Peck, and Kunz, and he approved their petitions.[91]

The judge deferred action on Stuteen's for reasons not listed in the file, though a letter of protest filed three years later by the Presbyterian minister in Kake may shed light on the matter as well as illustrate the cultural accommodation practiced by many Tlingit. The clergyman, J. R. Fitzgerald, wrote the District Court to allege Stuteen had recently attended a Native gathering and contributed ten dollars to help a Native man pay restitution for an offense committed against another Native some years earlier. Fitzgerald said he warned Stuteen against such associations, but that the Tlingit man rebuffed him. "His attitude shows a continual grievance toward me," wrote the minister, "and I just feel that he would violate his oath [of U.S. citizenship] again. I therefore think it best not to issue citizenship papers to him under these circumstances." A talented artist, Stuteen produced and sold Native crafts, another practice that may have weakened his claim for citizenship.[92]

Between 1916 and 1922, a total of 128 Natives, 13 of whom were women, filed applications for citizenship with the District Court in Juneau. Of the total, fifty completed the process and became citizens.[93] Of those whose petitions were rejected, a lack of proficiency in English was often the primary cause. Applicants were encouraged and advised by Presbyterian ministers, schoolteachers, and other Natives, including those who had submitted applications themselves. Teachers in several communities offered citizenship classes, resulting in multiple

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[91] Robert W. Jennings to James Wickersham, January 12, 1912, letter printed in "Judge Jennings' Letter," *Alaska Daily Empire* (Juneau), October 2, 1914. Although the hearing for the four applicants was scheduled to take place on September 18, 1916, only Kunz, a resident of Juneau, was able to attend. The other three men were delayed, presumably due to transportation problems, and they appeared before Jennings in subsequent days. See "Alaska Natives Given Papers of Citizenship," *Alaska Daily Empire* (Juneau), September 18, 1916.

[92] J. R. Fitzgerald to J. W. Bell, January 27, 1919, Box 41, Group AS29459, Series SR62, Batch RC, Records of District and Territorial Court System, First Division (Juneau), Alaska State Archives, Juneau.

[93] Record of Indian Citizenship by Naturalization, 1916-1922, SR62, OS41, Alaska District Court, First Division (Juneau), Alaska State Archives, Juneau.

applications being submitted in the same week or even on the same day. In January 1919, for instance, Isabel A. Gilman, the teacher at the Native school in Haines, instructed adult residents on the application process, resulting in petitions from nineteen individuals over a five-week period. That same month, Seward Kunz, who'd been awarded his certificate of citizenship the previous September, held a meeting of the Alaska Native Brotherhood at his home in Juneau. The Spanish flu quarantine had recently been lifted, and this was the first gathering of the organization in many months. There is no record of what was said at Kunz's home that day, but fifty-four Natives filed citizenship applications in the four weeks following the meeting, including fifteen from Klawock, all on February 1, and twenty from Sitka, all on February 11.[94] (Among the applicants from Sitka were Andrew and Jean Wanamaker, Elizabeth Peratrovich's parents, both of whom received their citizenship papers a little more than two months later.)

In addition to Kunz, three other ANB founders applied for citizenship: James Watson of Juneau, George Field of Klawock, and Chester Worthington of Wrangell. Of the three, only Watson received his certificate. Records do not indicate the reasons the other two were rejected, but, as with Rudolph Walton, David Stuteen, and many other Natives, Worthington stands as a prime example of a Native man who desired entry to White society but simultaneously lived in the Native world. Born in Wrangell in July 1868, Worthington, according to his biographers, is remembered "as a true Tlingit nobleman who commanded respect among all the Native people of Southeast Alaska [and] as being a peacemaker, trying to help the Tlingit people settle old differences so that they could move forward with a united front to face the new challenges

[94] "Haines Giving Many Names of New Citizent [sic]," *Alaska Daily Empire* (Juneau), February 3, 1919; "Notice, A.N.B," *Alaska Daily Empire* (Juneau), January 27, 1919.

entering their history."[95] His continued role as a tribal leader may have been the cause his citizenship application was rejected.

In 1924 Congress passed the Indian Citizenship Act, a federal law that bestowed the status to all Native Americans and rendered the Alaska law obsolete. On paper at least, the territory's aboriginal peoples now enjoyed all the privileges of citizenship, including the right to vote. But the rhetoric of racialized exclusion hardly changed, and many in the territory's White political establishment continued to insist that Natives, individually and as a people, must advance to the level of White civilization before their rights would be fully recognized. The argument next took the form of a voter literacy test.

The Literacy Test

In 1925, one year after the federal citizenship act, the Alaska territorial legislature enacted a literacy law that made voter eligibility contingent on one's ability to read and write English. As Stephen Haycox explains, the restrictive law resembled other such discriminatory qualifications throughout the country in that it was "a direct response to the growing political power and social mobility of [Alaska Natives], and was based on assumptions of racial inferiority, as well as a desire to maintain a social stability which accepted a subordinate role for minorities."[96] Natives were voting in ever greater numbers by the 1920s, and on more than one occasion their ballots provided the deciding margins in close races. Although many White Alaskans had been willing to support Native citizenship, especially as it stood to expand mining, homesteading, and other forms of economic development that benefitted the territory, the

[95] "Chester Worthington / Gunáak'w," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa kusteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 681.
[96] Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 17.

prospect of Native voting discomfited those same erstwhile allies. An Indian with a certificate of citizenship in his hand was proof of assimilation and evidence that racial difference had been eliminated; one with a ballot in his hand, however, was deemed a threat to White political control.

The ANB's fight over voting rights began with a case in Wrangell in 1922. In November of that year, Charley Jones, the seventh incumbent of the Chief Shakes title, attempted to vote in the general election. Although he was not a citizen and knew only a few words of English, the Tlingit elder had been allowed to vote in previous elections, likely due to his esteemed status among both Whites and Indians. On this occasion, however, the election official turned Jones away. Tillie Paul Tamaree, an educated Tlingit woman, heard of the incident and, believing a simple mistake had been made due to Jones's limited command of English, escorted him back to the polling place. After some protestations by Tamaree, Jones was given a ballot. Four months later, both were arrested for violating the territory's voter eligibility laws. Authorities alleged they had perjured themselves in asserting Jones led a civilized life apart from other Indians. That he was illiterate and lived in an unpainted house in the Indian village was taken as evidence of precisely the opposite.[97]

"The case," according to Philip Drucker, "seemed made to order to test citizenship rights and the franchise for Indians in Alaska."[98] William Lewis Paul, Tamaree's son and the first

[97] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 214-15. In a newspaper column that referred to Paul in the third person but was almost certainly written by Paul himself, he speculated his mother's arrest was to some extent a politically motivated attack by his enemies. "Is it not enough to down a man if possible without dragging in a woman?" he wrote. "Has the war come to this that the fair name of Paul's mother, for thirty[-]five years a missionary among her people, a woman who lost her husband in the services of the church, to be dragged into jail merely to humiliate the secretary of the Alaska Native Brotherhood? Do Paul's enemies think that they can make him stop his warfare on the fish trust and other exploiters by attacking his womenfolk?" See "War On Womenfolk," *The Alaska Fisherman*, April 11, 1923.

[98] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 46.

Alaska Native admitted to the bar, defended the pair in court with assistance from the ANB. A ruling by Juneau's district attorney five years earlier held that Indians would be permitted to vote so long as they testified to election officials they had separated themselves from the tribe and led a civilized life. Possession of a certificate under the 1915 Native citizenship law might "serve the Indian's convenience" whenever they had occasion to exercise their rights, the district attorney noted, but it was not required as a qualification to vote.[99] Paul accordingly countered that Jones had demonstrated his civilized habits any number of ways. With the assistance of an interpreter, Jones testified that he purchased war bonds, donated to the Red Cross, and dutifully paid city taxes even when Indians were not required to do so. He'd voted in previous elections, he told the court, because he believed doing so was the responsibility of every good citizen. Paul went one step further in presenting his case; he argued all Native Americans born in the United States were citizens by virtue of the Fourteenth Amendment. It was a novel theory at the time, but the judge appeared to be convinced when he instructed the jury to consider the point. The jury acquitted Jones. For Paul, the verdict established Native citizenship and suffrage in the territory. Although his Fourteenth Amendment argument was never tested in court, the outcome of the case was widely understood as a political victory for the ANB.[100]

At the time of the Jones trial, Paul, along with his brother Louis, was transforming the ANB from a mostly self-help Native association into a political organization of some influence. Born in Tongass Village in 1885, Paul had been raised in an acculturated household. His mother worked as a seamstress at the Presbyterian school in Sitka, quickly becoming a teacher and elder

[99] "Natives May Vote if They Are Citizens," *Alaska Daily Empire* (Juneau), November 5, 1918.
[100] "Indian Citizenship Tested," *The Alaska Fisherman*, January 1924. The article contains no byline, but as with many such columns in *The Alaska Fisherman*, it was almost certainly written by William Paul. See also, Stephen Haycox, "William Lewis Paul / Shgúndi [Shquindy]," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 511.

who translated hymns and prayers into Tlingit, often weaving Christian allegory into traditional folktales in ways that made church doctrine more accessible and intelligible to Natives.[101] Paul learned to speak English as a child, not Tlingit, and, after imbibing the missionary culture of the Sitka school in his formative years, he attended the Carlisle Academy in Pennsylvania and Whitworth College in Spokane, Washington. In 1920, upon returning to the territory with a law degree earned via correspondence courses from LaSalle University, Paul joined the ANB on his brother's invitation and was promptly elected Grand Secretary, the first of many positions he would hold over the decades. With Louis as Grand President, the brothers organized camps in nearly every community in Southeast Alaska, and they entered the fray of territorial politics by working on voting rights, aboriginal land claims, welfare reform, fishing regulations, and school desegregation. As Haycox puts it, the Paul brothers "molded the ANB into a potent political and social force, a focal point for Alaska Native concerns and interests, and an effective body advocating and securing recognition of Alaska Native equality and rights."[102]

Paul also involved the ANB in electoral politics. In 1922, in the same election at which Jones was turned away from the polls, William Paul organized a bloc of Native voters, giving each of them a cardboard stencil that when placed over the ballot showed only the ANB-approved candidates and where the voter should make the marks. Although such cutouts did not violate any election laws—White candidates had been supplying supporters with them for several years, arousing little attention or concern—in Paul's hands the tactic offended those who believed an informed, free-thinking electorate was the bedrock of democracy. "These Indians,

[101] On Tillie Paul Tamaree's mission work, see Nancy J. Ricketts, "Matilda Kinnon Paul Tamaree / Kahtahah, Kah-tli-yudt," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 485-502.
[102] Stephen Haycox, "William Lewis Paul / Shgúndi [Shquindy]," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 503.

having but a vague knowledge of our institutions and government, lend themselves readily to the machinations of political charlatans," proclaimed H. R. Shepard, territorial legislator from Juneau.[103] That William Paul might be able to not merely influence territorial elections but determine their very outcomes by manipulating thousands of Native voters was a terrifying prospect to Shepard and others.

When the territorial legislature convened in March 1923, Representative Frank Foster of Cordova introduced a literacy bill that was clearly intended to weaken Paul's political clout. The bill would restrict voter eligibility to only those individuals who could read the U.S. Constitution and write the English language. Foster's proposal garnered immediate support in many quarters. The *Daily Alaska Empire,* the Juneau newspaper that had long favored citizenship for Natives who had assimilated into White society, editorialized that the Indians under Paul's sway "should be taught to look upon citizenship and its privileges as something too sacred to be cheaply bestowed. They should be taught that the franchise belongs to the individuals who have earned the right to exercise it." The marching of illiterate droves to the polls, the paper continued, "does not teach the principles of democratic government, a government based upon 'one person one vote.'" Eiler Hansen of the American Legion in Sitka made reference to the Great War, calling the literacy test "another step toward achieving the principle for which we fought during the war, of making this country safe for Democracy."[104] Although many of the bill's proponents spoke of suffrage and Americanism in such reverent terms, the debate also featured a great deal of racialized rhetoric. Representative Shepard called Alaska a "white man's country," while Joseph

[103] "Interest Deepening in Foster Literacy Test," *Seward Daily Gateway*, March 17, 1923; "Literacy Bill Gets Unfavorable Report," *Cordova Daily Times*, March 16, 1923. On the cardboard cutouts distributed by William Paul, see Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 20; James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 250-51.
[104] "The Foster Literacy Bill," *Alaska Daily Empire* (Juneau) editorial reprinted in *Cordova Daily Times*, March 24, 1923; "Drastic Change Recommended in Grier Measure," *Alaska Daily Empire* (Juneau), April 10, 1925.

Murray, a two-term House member from McCarthy, believed the ultimate question before legislators was whether or not the territory "shall remain white." Fred Ayer, a mining engineer who represented Nome in the Senate, concurred: "We do not want to be ruled by an inferior race, nor dominated by an illiterate one."[105] The *Cordova Daily Times* referred to "the ignorant mass vote of the Indian" and characterized the literacy test as "the least qualification which common sense and a decent concern for the dignity of the electorate should impose." Others spoke of the intolerable double-standard, claiming that Indians who maintained fidelity to the tribal unit, even the civilized individuals who were members of the ANB, had effectively forfeited the right to have a say in territorial matters.[106]

Supporters of the literacy bill also framed the issue in the context of the territory's political development. Alaskans had long chafed against corporate control of the fishing and mining industries, as well as what they viewed as the domineering presence of the federal government. Allowing uneducated Indians to vote, the Cordova paper argued, "presents a poor argument in favor of the self-government for which Alaskans are clamoring. Cleanness in electoral methods and insistence upon an intelligent vote will go a long way toward substantiating the claims of the people for the right to conduct their own affairs." E. J. "Stroller" White, a Klondike stampeder and renowned newsman who for more than twenty years had written for papers from Juneau to Whitehorse, agreed: "If Alaska is to progress it is necessary that her ship of state be piloted by those who have her interests at heart instead of by the illiterate and non-progressive. Otherwise wreck, ruin and disaster will be her portion." Not to be outdone, Juneau attorney H. L. Faulkner spoke in dire terms of the direction in which he believed

[105] Shepard, Murray, and Ayer quoted in Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 22, 24.
[106] "The Literacy Bill," *Cordova Daily Times*, March 21, 1923; "Voting Status of Indians," *Stroller's Weekly*, March 17, 1923.

uneducated voters were taking the territory: "There is nothing in all history that justifies any belief that our civilization is any more immune from destruction than were those of Babylon, Carthage and Phoenicia."[107]

The literacy bill passed the House by a vote of 10 to 6, but failed in the eight-member Senate on a tie vote. Of those opposed to the bill, some expressed discomfort with its blatantly discriminatory nature. Not only was the measure explicitly directed at Alaska Natives, but the subjective nature of the test led critics to fear it would be applied unequally and with whatever personal prejudice local election officials might hold. "It would make czars out of the judges," said John Dunn, senator from Ruby.[108] A Presbyterian minister from Juneau offered that Natives did not necessarily have to be literate in order to discern which candidates best represented their political interests. That illiteracy among Natives resulted in large part from the inadequate schooling the government had historically provided further illustrated to many the inequities behind the measure. Education was "the only solution" to the problem of illiteracy, wrote ANB founder Peter Simpson. William Paul called attention to the fact that Native children in larger communities were routinely denied admission to better-funded White schools, while dozens of Native villages across the territory had no school whatsoever. That lawmakers were focused on limiting the franchise, not helping children learn how to read and write, indicated to Paul their misplaced priorities. "Why should we submit to illiteracy at all[?]" he asked.[109]

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[107] "The Literacy Bill," *Cordova Daily Times*, March 21, 1923; "That Literacy Bill," *Stroller's Weekly* editorial reprinted in *Cordova Daily Times*, March 23, 1923; "Illiteracy Is Grave Problem, Says Faulkner," *Alaska Daily Empire* (Juneau), November 11, 1924. On the intense professional and personal animosity between H. L. Faulkner and William Paul, see Pamela Cravez, *The Biggest Damned Hat: Tales from Alaska's Territorial Lawyers and Judges* (Fairbanks: University of Alaska Press, 2017), 47-50.

[108] "Literacy Bill Fails to Pass On Final Vote," *Alaska Daily Empire* (Juneau), April 4, 1923.

[109] Peter Simpson, "The Illiteracy Problem," *The Alaska Fisherman*, March 1925; "The Teachers and the Literacy Bill," *The Alaska Fisherman*, September 1924.

The defeat of the literacy bill in 1923, by the narrowest of margins, no less, only ensured the issue would remain a priority for those who supported it. This was especially true when William Paul filed as a candidate for the House one year later. Although the ANB leader had broadened his appeal by calling for stringent fisheries regulation and higher taxes on the canned salmon industry, positions favored by most Whites in the territory, his opponents still made Native suffrage the main issue of the campaign. "Keep Alaska and Its Schools Free From Indian Control" shouted a political advertisement placed in the Juneau newspaper by the Democrats of the First District. "This ticket pledges itself to put a literacy test law on the territorial statutes," the candidates continued. (Curiously, one of the anti-Native candidates, N. R. Walker from Ketchikan, would be a driving force behind the Anti-Discrimination Act two decades later.) Another advertisement warned that Indians were on the march for "all the privileges of whites" including voting rights, jury service, and the right "to send their children to the white schools to mingle, regardless of physical condition, with white children."[110] Paul responded to the advertisements in a column in *The Alaska Fisherman,* a monthly newspaper he and his brother Louis started a year earlier to serve Natives throughout Southeast Alaska. His political opponents, Paul wrote, "are not so much against an Indian in the legislature as they are against an Indian therein who cannot be controlled by them. If I would kiss the feet of that bunch…they would gladly advertise my merits in the [*Daily Alaska*] *Empire* at the rate of $11.50 per day or more." The practice of dangling citizenship, suffrage, or any other privilege before Natives as an inducement to their self-improvement, Paul continued, was merely a red herring designed to keep them in a subordinate position.[111]

[110] Advertisements, *Alaska Daily Empire* (Juneau), March 17, November 3, 1924.
[111] "Principles of Correct Advertising," *The Alaska Fisherman,* April 1924.

Paul's campaign consisted primarily of visiting Native communities and instructing people how to vote, again with sample ballots and cardboard cutouts. He advanced easily through the May primary to the general election that November, whereupon attacks on the "menace of Mr. Paul," as the *Alaska Daily Empire* put it, only increased. The Juneau paper believed any racial animosities that might exist in Alaska did not result from the demonstrable inequities in territorial institutions but rather had been stirred up by Paul for his own self-serving purposes. "If racial feeling should develop between whites and Indians in Alaska," the paper averred, "the responsibility for it will lie with those who are giving the Indians either vicious or foolish advice." Paul's actions had created a "chasm between the races" that would segregate the territory into "a white man's country or an Indian's country for many years to come." For his part, Paul consistently rebutted such arguments by alleging it was his opponents who "feed what race prejudice there is [and] nourish it because it serves their purpose."[112]

Despite the vocal and widespread opposition, Paul was still popular with many White Alaskans. He'd aligned himself with James Wickersham and "Fighting Dan" Sullivan, the current congressional delegate, both of whom were forceful personalities who enjoyed the support of progressive Republicans and political independents. In addition, Paul's strident antagonism of the Outside-owned canned salmon industry endeared him to the territory's working class. Paul won election to the House by thirty-four votes. His Democratic opponent outpolled him in Juneau and Ketchikan by hundreds of votes, but Paul managed to pull slightly ahead in Sitka and Wrangell. His margin of victory was to be found in the villages, however. In Yakutat, Klawock, Killisnoo, Angoon, Hydaburg, and half a dozen other primarily Native communities, Paul garnered 615 votes to his opponent's 65. Whether from the presence of a

[112] "The Menace of Mr. Paul," *Alaska Daily Empire* (Juneau), October 7, 1924; "Not Aiding the Indians," *Alaska Daily Empire* (Juneau), October 3, 1924; "The Race Problem in Alaska," *The Alaska Fisherman*, May 1924.

Tlingit candidate on ballot or the federal citizenship law that enfranchised all aboriginal peoples that year, Native turnout in the 1924 election broke records. In Hoonah, 103 votes were cast compared to just 35 in 1920. In Kake, where only 11 individuals voted in 1920, 104 went to the polls four years later.[113]

To no one's surprise, the literacy bill was reintroduced on the first day of the 1925 legislative session. The rhetoric offered during debate fell into well-worn grooves, with supporters of the bill decrying the "illiterate hordes" who would spell the territory's demise. Governor Scott C. Bone, in his opening message to the legislature, gave his endorsement to the literacy bill. "Knowledge is the very essence of citizenship. Education is its base," he stated. "Ability to read and write should be made the essential prerequisite of the franchise. Otherwise it becomes a mockery and a travesty."[114] As in many previous debates over Native rights, the argument that Indians enjoyed the privileges of government wardship but bore none of the obligations of citizenship was again raised. Stroller White advanced the claim in a blistering column under the headline, "Lo, the Po' Indian":

> There is danger that some of these days Uncle Sam will conclude that if the Alaska Indians are so all-fired competent to exercise the rights of citizenship, they are competent to care for themselves and he will withdraw the nearly half a million dollars he is spending annually to educate and care for them physically as well as spiritually. The truth of the matter is that Alaska Indians are better off today than they have ever been before

[113] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 217; Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 36n8.
[114] "The People Be Damned," *Stroller's Weekly*, April 25, 1925; "Alaska's Governor Urges Literacy Test," *Ketchikan Alaska Chronicle*, March 4, 1925.

> and if they were left alone and not given false ideas as to their rights and privileges by their breed relations and the missionaries, they would not be laying up for themselves that which cannot but redound to their undoing in the future.[115]

Petitions arrived in lawmakers' offices from groups in favor of the measure, including school boards, chambers of commerce, women's clubs, and parent-teacher associations. The Douglas PTA, for instance, adopted a resolution affirming that "intelligence should at all times prevail over ignorance" and calling for passage of the bill so as to repel "the danger to our cherished institutions that must necessarily result from extending the right of franchise to those of any race or color who are unable to understand the principles of government of our country."[116]

The literacy bill, sponsored by Benjamin Grier of Anchorage, was identical to the previous version, but in committee it was amended by progressive lawmakers (with newly seated Representative Paul working behind the scenes) so that anyone who had voted in a previous territorial election would be exempt. The grandfather clause had the effect of enfranchising all of Paul's Native supporters who had voted the previous November.[117] Supporters of the original, more stringent bill were furious. "We must have a white man's party," asserted John W. Troy in the *Alaska Daily Empire*, "not alone for the protection of the white people…but because the welfare of the Indians demands it." The editor went on to lament that what he viewed as decades of progress in civilizing Alaska Natives had been reversed in just a few short years. "The whites and Indians lived in friendship, and the whites were always helpful," Troy proclaimed. "Already

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[115] "Lo, the Po' Indian," *Stroller's Weekly*, April 18, 1925.
[116] "Advocates of Literacy Bill are Pouring in Petitions Asking for Passage—Sharp Contest Certain," *Seward Daily Gateway*, April 10, 1925; "Chamber Favors Literacy Test for All Voters," *Alaska Daily Empire* (Juneau), April 17, 1925.
[117] "Teeth Drawn From Grier Literacy Bill," *Ketchikan Alaska Chronicle*, April 11, 1925; "Legislature Passes Literacy Bill," *Cordova Daily Times*, April 15, 1925; Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 28-30.

the feeling is different. By fanning to life among the Indians a race consciousness and a desire to direct the course of government as an Indian bloc, rather than the desire to cooperate as individuals with the whites, the seeds of racial feeling and distrust have been sown."[118]

Despite the heated rhetoric, the compromise bill passed the House 14 to 2 with no floor debate, and just six days later it passed the Senate unanimously. Alaska finally had a literacy law, one that would remain on the books until 1970, but it was mostly toothless and rarely enforced. Comprehensive voter records were not always kept in many communities, and as time went on local election officials had little appetite for investigating whether prospective voters who stood before them had indeed cast a ballot prior to 1925. No court challenges testing the law were ever brought. Perhaps most significantly, William Paul left the legislature in 1928, and seventeen years would pass before another Alaska Native lawmaker was seated in the capitol. The hyperbolic threat of total Indian control over territorial government never materialized the way doomsayers predicted, and the literacy law was quickly forgotten.

The Native Citizenship Act of 1915 and Literacy Act of 1925 helped to define the contours of public discourse regarding race in Alaska in the early territorial period, a time when the political and economic prerogatives of White settlers predominated and yet Natives were becoming more politically organized and assertive than ever before. In the case of both laws, the promise of civic and political inclusion was held before the territory's Indigenous peoples as a reward to be earned through individual betterment and complete assimilation to White society.

Why did many White Alaskans welcome Native citizenship on the one hand but vigorously oppose Native suffrage on the other? William Paul provided an answer when he noted that what his opponents feared most was not Indian participation in government per se, but

[118] "A White Man's Party is Necessary," *Alaska Daily Empire* (Juneau), April 21, 1925.

Indian leaders and organizations that could not be readily controlled. The Alaska Native Brotherhood, whose educated, Christian, coat-and-tie-wearing members were celebrated as models of assimilation at the group's founding in 1912, came to be called a "dangerous organization" led by a "self-appointed dictator" a decade later when the group deigned to assert itself on issues of concern and participate in the territory's political gamesmanship as equals.[119] In his study of the literacy test, Stephen Haycox finds the "shrill consternation" offered by many politicians, newspaper editors, and others in the territory had little to do with the integrity of elections but instead reflected the general anxieties of Whites whose longstanding control of social and political structures was being challenged for the first time. "Many responded in a fashion lamentably common in American politics of the age, impugning the motives and the capability of their opposition and injecting the issue of race into territorial politics," he writes. "In so doing, they manifested the transfer to America's newest frontier of some of the culture's oldest and most destructive prejudices."[120]

Native citizenship and the right to vote were established facts by 1925, and yet, in the decades that followed, many White Alaskans continued to believe that political rights for Natives were contingent on the repudiation of tribal ways and the full assimilation into western political, economic, and social institutions. Where the rhetoric used to voice such beliefs in the early territorial period was highly racialized, with many referring to Natives as "savage," "ignorant," "heathenistic," and "uncivilized," such attitudes and language became increasingly untenable as time went on, in part due to shifting societal norms but also because by the World War II and statehood eras, White Alaskans found it politically advantageous to bring Natives further into the

[119] Peter Simpson, "The Illiteracy Problem," *The Alaska Fisherman*, March 1925; "War On Womenfolk," *The Alaska Fisherman*, April 11, 1923.
[120] Stephen W. Haycox, "William Paul, Sr., and the Alaska Voters' Literacy Act of 1925," *Alaska History* 2, no. 1 (Winter 1986/87), 34.

body politic of Alaska. As the following chapters of this dissertation will show, Alaska Natives and White Alaskans came to be engaged in an ongoing dialogue of social and political inclusion/exclusion, the terms of which illustrated both the ever-increasing political power of the Native community and the resultant unease of many White Alaskans who saw in those developments the erosion of their authority. The language of race might have shifted and evolved over time, but the fact of racial difference would continue to define the course of Alaska's history.

Chapter 2: The Alaska Native Brotherhood and World War II

Roy and Elizabeth Peratrovich had had enough. While attending the annual convention of the Alaska Native Brotherhood in Hydaburg in November 1941, they heard about a sign posted in a restaurant in Douglas. "No Natives Allowed," it read. It was certainly disappointing to the Tlingit couple, but not particularly surprising. Such signs had been posted in businesses in Southeast Alaska for years, and the Peratroviches, like all Native people, had experienced discrimination many times. Restaurants refused them service. Beauty parlors would not style Native women's hair. Movie theatres had segregated seating, oftentimes forcing Natives to the balcony. Roy fumed every time he was refused first class passage on a steamship.[121]

When the Peratroviches returned home to Juneau, Roy fired off a letter to Governor Ernest Gruening: "My attention has been called to a business establishment in Douglas, namely, 'Douglas Inn,' which has a sign on the door which reads, 'No Natives Allowed.'" Roy and Elizabeth had been elected presidents of the Alaska Native Brotherhood and Alaska Native Sisterhood the year before, and, in order to serve their people more effectively, especially on matters related to the territorial government, they moved from Klawock to the capital city of Juneau. The issue of discrimination was exactly the sort of problem they had positioned themselves to address. "We as Indians consider this an outrage because we are the real Natives of Alaska by reason of our ancestors who have guarded these shores and woods for years past," Peratrovich wrote. "We will still be here to guard our beloved country while hordes of uninterested whites will be fleeing South." Peratrovich's letter indicated that while the acculturated members of the ANB would continue to fight in the courts and the legislature for

[121] "Resolution No. 5," Mss 7, Series 2, Box 1, Folder "1941," Walter A Soboleff Papers, Sealaska Heritage Institute, Juneau.

Natives' political and legal rights, the group's aboriginal rights harkened back to the pre-contact era and the sovereignty of Indigenous peoples. The Tlingit leader closed his letter by asking the governor to use his influence to eliminate discrimination in the territory.[122]

The letter marked the start of a legislative campaign for equal rights that would culminate a few years later in the passage of the Anti-Discrimination Act. The Peratroviches astutely positioned the effort in the context of the global struggle against fascism then being waged across Europe and in the Pacific—an Alaska Native take, of sorts, on African Americans' Double V campaign that correlated the fight for democracy abroad with the struggle for civil rights at home. Roy Peratrovich, in his letter to Gruening, referred to the entry that very month of the United States into the war: "In the present emergency our Native boys are being called upon to defend our beloved country, just as the White boys. There is no distinction being made there but yet when we try to patronize some business establishments we are told in most cases that Natives are not allowed." The proprietor of the Douglas Inn, Peratrovich noted, "does not seem to realize that our Native boys are just as willing as the White boys to lay down their lives to protect the freedom that he enjoys. Instead he shows his appreciation by having a 'No Natives Allowed' [sign] on his door."[123] In other letters and speeches over the next few years, Peratrovich consistently invoked Natives' full participation in the war effort as evidence of their civic and political aspirations. Service in the armed forces not only presented Alaska Natives with employment and training opportunities they might not otherwise have enjoyed in a territory where discrimination was rampant, but it also elevated the social and political standing of the larger Native community such that the Peratroviches, themselves in positions of authority and

[122] Roy Peratrovich to Ernest Gruening, December 30, 1941, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[123] Roy Peratrovich to Ernest Gruening, December 30, 1941, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.

influence that were not common for Natives at the time, possessed a voice in the public arena they were able to use in advocating for Native rights. In addition to serving in uniform, Natives joined territorial guard units, enthusiastically purchased war bonds, and sponsored funding drives for organizations such as the Red Cross—actions that further bespoke a commitment to the territory and the nation, one they shrewdly demanded be reciprocated in the form of an anti-discrimination law.

The impact of World War II on Alaska was enormous. As Gerald D. Nash and Carlos Schwantes have respectively written of the American West and the Pacific Northwest, the war resulted in dramatic changes to the politics, economy, and social life of Alaska, in effect modernizing the territory and drawing it more fully into twentieth-century America.[124] Population growth, federal spending, an increased military presence, infrastructure development, and the expansion of commercial opportunities transformed the territory from a sparsely populated, geographically isolated, and economically underdeveloped frontier to a strategic stronghold of a nation that was becoming a global superpower. "World War II completely, profoundly, and permanently changed Alaska," writes Stephen W. Haycox. John S. Whitehead concurs, but notes that the war "did not so much transform and change an old Alaska as it created a new modern Alaska with very few remnants from the past."[125] In 1939 there were just 524 military personnel in the territory, but by the time of the attack on Pearl Harbor in late 1941, more than 34,000 army and navy personnel were stationed in Alaska, which had a civilian population before the war of just 72,000. In 1943 the number of military personnel reached

[124] Gerald D. Nash, *The American West Transformed: The Impact of the Second World War* (Lincoln: University of Nebraska Press, 1990); Carlos Schwantes, *The Pacific Northwest: An Interpretive History* (Lincoln: University of Nebraska Press, 1989).
[125] Stephen W. Haycox, *Alaska: An American Colony*, Second Edition (Seattle: University of Washington Press, 2020), 283; John S. Whitehead, *Completing the Union: Alaska, Hawai'i, and the Battle for Statehood* (Albuquerque: University of New Mexico Press, 2004), 98.

150,000, and over the course of the war more than 300,000 served at newly established military installations in every region of the territory, from naval bases in Sitka and Kodiak to cold weather testing facilities in Fairbanks to airfields on the westernmost of the Aleutian Islands barely 1,500 miles from Japan. In Anchorage, then quickly becoming the territory's largest city with a peak wartime population of 25,000, people and goods "poured into town as water from a flooding torrent," writes Haycox. Anchorageites were wholeheartedly patriotic, he concludes, cooperating with blackouts and accepting food rationing without complaint. The war, according to Haycox,

> brought many more of the earmarks of the western culture that would allow the townspeople to think of themselves as fully modern and up-to-date. The water, light, telephone, and sewage systems were upgraded; the War Labor Board ran an employment bureau; newspaper circulation climbed beyond the capacity of the outdated press. Everywhere there was an abundance of what the townspeople had learned to call progress, for the money flowed like rain.[126]

The federal government spent about $3 billion in Alaska during the war, much of it on the construction of roads, bridges, docks, airfields, and communications systems that facilitated both military operations and private commercial development. Although these trends were in evidence to some degree prior to the war—the territory took advantage of New Deal programs to build public works and to develop forestry and agricultural industries, for instance—the territory's

[126] Stephen Haycox, "Mining the Federal Government: The War and the All-America City," in *Alaska at War, 1941–1945: The Forgotten War Remembered*, Fern Chandonnet, ed. (Anchorage: Alaska at War Committee, 1995), 206-07.

geopolitical position on circumpolar and trans-Pacific air and marine routes hastened events considerably.[127]

The shifts in Alaska's social landscape were just as profound. The population of the territory grew to 128,000 in 1950, an increase of 77 percent from a decade earlier. Anchorage and Fairbanks, where permanent army and air force bases were established during the war, both experienced increases in population of more than 200 percent from 1939 to 1952. Many of the newcomers were young people who either had families or started them when they arrived; the number of children under 5 and the number of residents ages 20 to 39 both more than doubled in the 1940s, outpacing the growth rate of every other age group and lowering the territory's median age a full two years to 25. The number of non-White, non-Native persons—defined by the Census Bureau as mainly Black, Chinese, Japanese, and Filipino—also more than doubled during the war, from 896 to 1,972. Although the Census Bureau did not tabulate African Americans as a separate category, it is clear that the group contributed the greatest number to the increase. The migration continued after the war, and by the 1950s, an estimated 3,000 African Americans lived in the greater Anchorage area alone. Population growth in urban areas far outpaced that in rural districts, and no fewer than thirty predominantly Alaska Native villages actually lost population throughout the 1940s—indications that Native people may have left for military service or migrated to cities to take advantage of employment opportunities. The war resulted in significant social impacts to Native communities, according to Sergei Kan. Many men did not return to the villages at the end of the war, he writes, and some who did found themselves unable to readjust to the traditional ways of their elders. A number of Native men married non-Native women, and many Tlingit women married Euro-American and Asian-American men,

[127] Haycox, *Alaska: An American Colony*, 276-78. For information on the New Deal in Alaska, see Orlando W. Miller, *The Frontier in Alaska and the Matanuska Colony* (Fairbanks: University of Alaska Press, 2009).

especially Filipinos who arrived to work in the territory's salmon canneries. Social problems stemming from the influx of military personnel and other emigrants to the territory, including alcohol abuse and out-of-wedlock births, also affected Native villages.[128]

Historians have concluded that wartime mobilization and the migrations of Americans around the country resulted in less racially homogeneous societies, especially in the western states, leading to widespread changes in the politics and economies of those regions. Migrants often encountered entrenched patterns of racial discrimination wherever they went, and some scholars, including Catherine Lutz, Beth Bailey, and David Farber, have determined the impact of the military on social and political life in communities was often deleterious, especially for women and racial minorities.[129] Carol Lynn McKibben, on the other hand, in her study of racial diversity at Fort Ord in Seaside, California, notes that the desegregation of the U.S. military that began during World War II resulted in personnel and their families living and working alongside people of other races and ethnicities, experiences that were mostly absent for civilians living in isolation from one another in cities and suburbs. Such societal transformations, she writes, opened new avenues for political expression, especially among non-White military personnel whose service gave them stable employment and enabled them to achieve statuses unavailable in other institutions at that time. This was particularly true in the American West, McKibben argues, "where race was not a simple divide between blacks and whites but also included Mexicans, other Hispanic peoples, and multiple Asian communities."[130]

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[128] Sergei Kan, *Memory Eternal: Tlingit Culture and Russian Orthodox Christianity through Two Centuries* (Seattle: University of Washington Press, 1999), 500-01.
[129] Catherine Lutz, *Homefront: A Military City and the American 20th Century* (Boston: Beacon Press, 2001); Beth Bailey and David Farber, *The First Strange Place: Race and Sex in World War II Hawaii* (Baltimore: Johns Hopkins University Press, 1992).
[130] Carol Lynn McKibben, *Racial Beachhead: Diversity and Democracy in a Military Town: Seaside, California* (Stanford: University Press, 2012), 3-5, 7.

The increased contact and interaction between peoples of different races that occurred during and after the war facilitated new brands of politics in the West, and the Allied victory over fascism supplied both a context and vocabulary of freedom and opportunity in which political arguments by different actors could be voiced. As Daniel Martinez HoSang writes in his study of California's postwar racial politics, individuals and groups from across the political spectrum defined their positions and goals in terms that had emerged from the global conflict: "Rights and opportunity became leading narratives within California political culture during this period, expressing…a liberal creed conferring rights and privileges without regard to religion, gender, race, or national origin."[131]

The campaign for equal rights waged by the Alaska Native Brotherhood must be understood in the context of the wartime dialogue regarding rights, opportunities, freedoms, and civic obligations. The organization, which had been politically dormant for much of the 1930s following the departure of William Paul from the group's executive board, reemerged in the war years under the leadership of Roy and Elizabeth Peratrovich. The war functioned to expand opportunities for political expression in Alaska, and the ANB took full advantage. Although today the Anti-Discrimination Act is the most well-known of its achievements, there were several additional pieces of legislation the organization sponsored and supported, each of which reflected Native aims to be more fully and more equally admitted into the territory's political structure and economic life. The ANB fought for, and won, legislation that expanded public

[131] Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010), 6. In the extensive literature on the racial politics of the American West in the twentieth century, selected works include, Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010); Quintard Taylor, *In Search of the Racial Frontier: African Americans in the American West, 1528–1990* (New York: W.W. Norton & Company, 1998); Scott Kurashige, *The Shifting Grounds of Race: Black and Japanese Americans in the Making of Multiethnic Los Angeles* (Princeton: University Press, 2008); Kevin Allen Leonard, *The Battle for Los Angeles: Racial Ideology and World War II* (Albuquerque: University of New Mexico Press, 2006).

welfare payments to Native widows and orphans. It also secured amendments to existing juvenile welfare codes that brought parity to the treatment of Native and White neglected children. The organization persuaded the legislature to move the date of the general election from September, when subsistence activities drew scores of Natives to rural camps, to the second Tuesday in October, a date on which more Natives would be at their registered address and therefore able to cast a ballot. These achievements, all made in the span of a few weeks during the 1945 legislative session after years of advocacy by the ANB, represented the most significant political gains for Natives in the territory since the right to vote had been secured two decades before. The ANB also joined with the territory's political establishment in a campaign to abolish fish traps, the weirs used by the canned salmon industry that came to represent corporate dominance and economic subjugation of resident fishermen, White and Native alike. As Whitehead notes, "Native groups, who had been effectively marginalized in Alaska's political and economic life before the war, were brought into the mainstream of territorial life and affairs."[132]

This chapter examines the equal rights campaigns of the Alaska Native Brotherhood in the wartime era, finding that the political engagement and military service of Natives contributed to shifts in how Alaskans, both Native and White, perceived and articulated ideas of race, citizenship, and equality. While many White Alaskans continued to espouse the notion that Natives must "lift themselves up" to the level of White civilization in order to qualify for the benefits of citizenship, such attitudes and the language used to pronounce them became increasingly incompatible with wartime doctrines regarding freedom, democracy, and antifascism. Alaska's territorial governor, congressional delegate, and the Office of Indian Affairs, a federal agency under the Interior Department, all disavowed the exclusion of Natives

[132] John S. Whitehead, *Completing the Union: Alaska, Hawai'i, and the Battle for Statehood* (Albuquerque: University of New Mexico Press, 2004), 99.

from public life and advised the Peratroviches on their rights under the law. Although Natives continued to experience widespread discrimination, even those in uniform whose White officers, many of them segregationists from the Lower 48, regarded all non-White enlistees as inferior, the political culture of Alaska nevertheless had shifted such that Native voices and perspectives were welcomed in a way they had not been previously. In addition, Native candidates were themselves elected to territorial office with none of the controversy that had accompanied William Paul's electoral runs two decades earlier. The war, whose transformational impacts on every aspect of Alaska's politics, economy, and social life has been documented by historians, had just as remarkable effects on Alaska Native opportunity and rights.

The Origins of the Anti-Discrimination Act

The movement to end segregation in public facilities in Alaska began with a movie theatre boycott in 1930. On a visit to Juneau, Frank Johnson, a grand officer in the Alaska Native Brotherhood, was denied admission to the main floor of the Coliseum Theatre. The usher directed him to the balcony where Natives were allowed to sit. Johnson, a Tlingit from Kake who a decade and a half later would be elected to the territorial legislature, described the incident in an oral history recorded in 1975:

> We went into the Coliseum Theater. Isaac Katasse of Klawock and myself. We started to walk into the main floor and they stopped us. They said "You can't go in there." "Why?" I asked. I said, "We paid our fare, our admission." "Well, you can't." She just kept repeating it. It happened to be a young woman. "You can't go in there." So I demanded to see the manager. "He's not around now," she said. I said, "Well, you better give us back

> our admission price, and we're not staying here." She wanted to give us a ticket for a later show. I told them, "It's not that," I told her, "You're going to hear about this. If the manager were here we'd talk to him. But you're going to hear about this in time."[133]

Johnson went to see Louis Shotridge, the newly elected Grand President of the ANB, and the men, in consultation with the group's executive committee, resolved to boycott the entire chain of Coliseum Theatres in communities throughout Southeast Alaska. Although many businesses in the territory refused admission to Natives or forced them into segregated seating, the ANB believed the theatre company would be especially vulnerable to a boycott given its multiple locations and the fact that Native filmgoers comprised a significant share of its business. Such a campaign would also unify the ANB's many camps under a common goal. As the boycott began, some local camps, such as the one in Wrangell, posted an ANB member just outside the theatre entrance and reminded any Natives who moved to enter that they should withhold their patronage from businesses that discriminated. Those who entered anyway faced being fined one dollar by their local camp. In Petersburg, Amy Hallingstad, a Tlingit mother of six who became active in the Alaska Native Sisterhood when Native children were denied admission to the village's White school, personally enforced the boycott of not only the theatre but other segregated businesses as well, at times personally removing the "No Natives Allowed" signs that

[133] Frank Johnson interviewed by Vesta Johnson, March 20, 1975, quoted in Ishmael Hope, "You're Going to Hear About This: Frank Johnson, Louis Shotridge, and Civil Rights," blog post, August 24, 2011, www.goldbeltheritage.org/wp-content/uploads/2014/03/24a-Other-Notable-Tlingit-Civil-Rights.pdf [accessed October 19, 2020]. Few records of the ANB's movie theatre boycott have survived. The only record located by this author is a torn fragment of a letter written by Louis Shotridge regarding the Coliseum Theatre in Sitka. See Louis Shotridge to Mr. Katanook, January 25, 1931, Mss7, Series 1, Box 1, Folder 2, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau.

were posted there. Frank Johnson reported that some sympathetic non-Natives joined the boycott, resulting in "terrific losses in attendance" at the theatres.[134]

The theatre chain relented after only a few weeks. The discriminatory signs were removed, Natives were permitted to sit where they liked, and some theatres offered free admission for a time in the hopes of getting back the business of a key clientele. As Smithsonian anthropologist Philip Drucker put it in his account of the episode, "Apparently many white businessmen became aware for the first time of the strength and effectiveness of the [Alaska Native] Brotherhood." Drucker reported that other theatres in Southeast Alaska felt obliged to follow suit, thus leading to "a gradual disappearance" of discriminatory signs in those businesses.[135]

Segregationist practices continued in other public establishments, however, and some signs remained on display. Although acts of discrimination doubtlessly happened in all corners of Alaska wherever Whites and Natives were in contact, nearly all documented cases in this period occurred in Southeast, where the ANB, the territory's only Native political organization, kept at least an anecdotal record of instances. The exclusion of Native basketball teams from a sports arena in Juneau, for instance, was recorded in the minutes of the local ANB camp's monthly meetings.[136] Even as the ANB spoke out against discrimination, it also took care to

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[134] Rosita Worl, "The Birth of the Civil Rights Movement," *Alaska Native News* (November 1983), 12; Research notes, undated, Box 2, Volume 1, Philip Drucker Papers, Smithsonian National Anthropological Archives, Suitland, Maryland; "Alaska Native Sisterhood Human Rights Leader Amy Hallingstad—A Glimpse to 1947," September 9, 2011, http://shispecialcollections.blogspot.com/2011/09/alaska-native-sisterhood-civil-rights.html [accessed October 22, 2020].

[135] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 70-71.

[136] Although the ANB's campaign against discrimination was entirely peaceful, Philip Drucker, in his 1958 book, describes one incident of violence: "It was said that in Juneau in the mid-1930's a group of Indians, incensed at being refused admission to an ice-cream parlor, entered forcibly and did considerable damage to the place with the intention of creating a test case. They were not, however, arrested. However, such procedures were never sanctioned by the [Alaska Native] Brotherhood." While there is no particular reason to doubt Drucker or the informant who provided him with this information, this author has found no records of this incident despite extensive searching. See

instruct its members to behave publicly in ways that would give White Alaskans no cause to take offense. Drucker's Tlingit informants pointed out "that people should change clothes before attending a movie after they had been handling fish in the local cannery, or shellfish in one of the town packing plants, because many white people objected to the fish odors." Elizabeth Peratrovich, who chaired the Sisterhood's school committee, advised parents to make sure their children were clean and neatly dressed when they went to school. "Appearances often control discrimination," she noted. "Haircutting helps."[137]

In 1934, four years after the movie theatre boycott, William Paul drafted a bill to prohibit racial discrimination in public facilities. He did so at the request of ANB Grand President Frank Booth, who also asked Paul to identify a legislator who might introduce it at the next session. The bill stipulated that all persons in Alaska

> shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities, and privileges of inns, public conveyances on land or water, theatres, other public places of amusement, and restaurants; subject only to the conditions and limitations established by law, and applicable alike to citizens of every race and color, regardless of any previous condition of servitude.[138]

In drafting the bill, Paul copied nearly verbatim the text of the Civil Rights Act of 1875, a federal law that had been drafted by Senator Charles Sumner of Massachusetts, the Radical Republican

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Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 72.

[137] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 71-72; Untitled minutes, December 6, 1943, ANB/ANS Camp 2 ledger, Mss 7, Series 2, Box 19, Folder 1, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau.

[138] "A Bill," undated but circa February 1934, Mss 7, Series 1, Box 12, Folder 1, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau.

and abolitionist (hence the bill's reference to "any previous condition of servitude"). The law had been declared unconstitutional by the Supreme Court in 1883, on the basis that only states and local governments, not Congress, could prohibit discrimination by private individuals. The ruling opened the door for states to enact such laws, which more than a dozen states did over the next decade. Paul accordingly transmitted his bill to the ANB Executive Committee with the assurance that action on the part of the territorial government would be constitutional. Paul also instructed Judson Brown, the ANB secretary, to send a copy of the bill to all legislative candidates of both the Democratic and Republican parties asking if they supported it and would be willing to introduce it. There is no record of any responses received by the ANB, and the bill was not introduced in the next legislative session.[139]

The matter was not raised again for several years, but at the ANB annual convention in Hydaburg in November 1941, at which the Douglas Inn sign was a topic of conversation, Roy and Elizabeth Peratrovich urged delegates to consider a resolution calling on the legislature to enact an anti-discrimination law. Richard Newton from Klawock was the first to speak in favor of the resolution, stating that he'd witnessed discrimination in barber shops, hotels, steamships, and other places. It all appeared rather arbitrary, he observed, with certain Natives being denied entry to those establishments while others were admitted. That such dehumanizing behavior occurred at the apparent whim of the proprietor provoked intense feelings of unease even among those Natives who were regularly allowed access to public spaces. Newton's wife, Henrietta, a White woman of Swiss ancestry, followed with a personal story. While on a trip to Juneau for groceries and winter supplies, she phoned a beauty parlor and made an appointment for the following day. The owner of the salon then saw Henrietta walking with her Tlingit sister-in-law

[139] William L. Paul to Judson Brown, February 15, 1943, Mss 7, Series 1, Box 12, Folder 1, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau.

and, assuming she was also Native, canceled the appointment. When Newton arrived at the beauty parlor the next day and was turned away, she angrily informed the owner that she wouldn't accept the perm she'd requested even if it was provided free of charge. The resolution, which closed by calling for action that would "equal our Citizenship privileges with the whiteman," passed unanimously.[140]

It was six weeks later that the Peratroviches wrote to Ernest Gruening complaining about the "No Natives Allowed" sign at the Douglas Inn. The appeal could not have found a more receptive audience. Gruening was an ardent civil rights advocate who'd been honing his commitment to racial equality for decades. As the editor of Boston's daily newspaper *The Traveler* in 1914, he implemented a policy that an individual's race was not to be mentioned in a story, especially ones about crime, so as to treat non-White peoples, African Americans in particular, "with approximately the same fairness that we accord other racial groups in the community." An early member of the National Association for the Advancement of Colored People, he considered the country's treatment of its Black citizens "the worst blot on a nation that in every other way I admired." He wrote numerous editorials on segregation, discrimination, lynching, and antisemitism, and he lambasted the Boston mayor for refusing to block a screening of *The Birth of a Nation*, a virulently racist film that glorified the Ku Klux Klan. (The actions earned the notice and gratitude of the NAACP, which offered Gruening a job in its New York office. He declined.) Gruening also acted on his beliefs, once questioning the manager of a Boston department store why it failed to hire Black sales clerks.[141]

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[140] "Resolution No. 5," undated; "Minutes," convention minutes, November 13, 1941, Box 18, Folder 22, William Lewis Paul Papers, 1885-007, Special Collections, Suzzallo-Allen Libraries, University of Washington, Seattle; Central Council of Tlingit and Haida Indian Tribes of Alaska, "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," August 1991, 15.

[141] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 51-52,58.

More than two decades later, after he'd left journalism, entered government service as a New Deal Democrat, and been appointed governor of Alaska, Gruening brought the same devotion to civil rights to the far northern territory. He even brought some of the same tactics, urging the *Daily Alaska Empire* in Juneau to refrain from identifying persons as Native (the paper did not comply) and personally inveighing with business owners to desegregate their establishments. After receiving Peratrovich's letter, Gruening, as he recounted in his memoir, visited the Douglas Inn and asked to speak to John Marin, the owner. "I can't have a lot of dirty, drunken natives in my place," he reported Marin as saying when the governor requested the sign be taken down. "You can't have, and needn't have, *any* people who are dirty or drunk," Gruening replied. "But why call them 'natives'? . . . If any person, native or white, is drunk, disorderly, or otherwise objectionable, you can exclude him—but as a person, not as a member of a race." It was a point Peratrovich had made in his letter, that when a Norwegian, Swede, or Irishman made a fool of himself, that person would be rightly ejected from the premises but was not considered representative of his entire group. Gruening implored Marin to consider the reason the very Native soldiers he excluded from his restaurant were then being sent to Europe. "[W]e're at war now," the governor stated. "We're fighting a government which propagates the idea that one 'master race' is superior to all others. The United States is opposed to that idea and all that goes with it. So I urge you to paint out that sign." Marin at first agreed, but six months later the sign was still on display. Recognizing he had no legal recourse in the matter, Gruening concluded a bill prohibiting discrimination should be introduced in the next session of the legislature, and he encouraged Peratrovich and the ANB to draft one.[142]

[142] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 318-19, emphasis in original. In his memoir, Gruening writes about another restaurant that displayed a discriminatory sign, the Anchorage Grill. In that case, his plea to the owner was successful and the sign was removed. See also, Roy

The governor, like Peratrovich, viewed the issue of equal rights in terms of the present military conflict and what was at stake in the global fight against fascism. The discriminatory signs posted at certain business establishments in the territory, he wrote, were "distinctly destructive of morale and furnish, to say the least, a psychological impediment to the war effort. They are in effect a replica of Hitlerist policies and cannot be justified." In an address to the ANB, Gruening offered that discrimination was particularly inexcusable "when we are engaged in a great war for liberty and equality, and waging that war against enemies who boast of discrimination in varying degrees against all other races and peoples. It seemed to me infamous that we should have such a practice here."[143]

Although Gruening would later take credit for convincing the ANB of the need for anti-discrimination legislation, Roy Peratrovich had been contemplating such a bill for some time. In late 1942, with the territorial legislature set to convene in January of the new year, Peratrovich wrote to Anthony Dimond, Alaska's congressional delegate, to ask for his assistance in obtaining copies of any equal rights laws then in effect at the state level. Anti-discrimination and public accommodations laws had been enacted in the United States as early as 1865, and Dimond was able to respond with a list of more than two dozen, many of which were substantially similar if not identical to one another in their language. Dimond further reported that many anti-discrimination bills had been introduced in state legislatures across the country in just the

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Peratrovich to Ernest Gruening, June 24, 1952; "Memorandum for the files," June 26, 1942, Reel 273, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934-1953).

[143] Ernest Gruening to Guy J. Swope, July 30, 1942, Papers of the Office of the District and Territorial Governor, Alaska State Archives, Juneau; Ernest Gruening, "Message to the Thirtieth Annual Convention of the Alaska Native Brotherhood at Hoonah," November 8-13, 1943, Mss 7, Series 1, Box 12, Folder 4, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau. Like Gruening, an Anchorage newspaper raised comparisons to Nazi Germany. *Frontier* editorialized that the discriminatory signs posted in certain businesses in Alaska were no different than "the 'Juden' of soap-marked windows in Dark Age Germany." See "Unamerican—Unalaskan," *Frontier*, May 1940, newspaper clipping, Box 6, William Lackey Paul Papers, Acc. No. 4246-001, Special Collections, Suzzallo-Allen Libraries, University of Washington, Seattle.

previous decade, a response to both the rise of fascism in Europe and growing economic inequality in the United States, which was exacerbating racial tensions. The ANB also had in its files the bill William Paul had written in 1934, and Peratrovich asked Fred Paul, William's son and himself an accomplished attorney, to draft a bill that drew from the copies in hand. Fred Paul quickly authored "An act to provide for full and equal accommodations, advantages, facilities and privileges in places of public accommodation," which was nearly a carbon copy of the laws in New York, Pennsylvania, Ohio, Illinois, Iowa, Colorado, and California. Gruening persuaded Senator Norman R. Walker of Ketchikan and House Speaker James V. Davis of Juneau, two men with whom he had an otherwise frosty relationship regarding his legislative priorities, to introduce the bill in their respective chambers. Walker convinced the governor not to speak publicly of his support for the bill given that, as he put it, "legislators don't like to have the governor tell them what to do"[144]

As the bill came up for hearings in both the House and Senate, Roy Peratrovich testified by again framing the issue in the context of the war. The legislators who supported the bill, he observed, recognized that in order to show wartime unity "they would first clean their own back yard before shouting Democarcy [*sic*] [and] equal rights for all races." The ANB president called attention to Major General Clarence L. Tinker, an Osage Indian from Oklahoma who was killed in the Battle of Midway the year before, and Lieutenant Bertrand Leask of Metlakatla, an Alaska Native who had participated in the bombing and sinking of an Axis tanker in the Mediterranean. "Many more could be referred to," Peratrovich wrote, "but the fair-minded citizen knows that the Indian, being the original American and knowing no other land, is inherently patriotic." Since

[144] Anthony Dimond to Roy Peratrovich, October 15, 1942, Folder 1, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 320.

young men and women of every race and ethnic background were then fighting for the preservation of democracy, he argued, "let us not make a mockery of it by denying it at home to certain racial groups whose ancestors were in this great land before Columbus came."[145]

The House bill was the first to be brought to a floor vote. Against Gruening's advice, Speaker Davis had amended the ANB's draft bill to include schools on the list of public facilities in which discrimination on the basis of race would be prohibited. The amendment had the effect of weakening support for the bill, as the issue of school integration had long been controversial in the territory. R. E. Robertson, the president of the school board in Juneau, testified against the bill on the grounds that admitting Native students from the federally supported Indian schools, in effect transferring the cost and responsibility for their education to the territory, would bankrupt his school district and likely others. The bill was defeated on a 9-7 vote. The Senate then considered Walker's version, which said nothing about schools, and it passed the bill by a vote of 7 to 1. When the bill came over to the House, it appeared at first that it would pass. As Roy Peratrovich explained years later, what happened next was his first lesson in "cut-throat" politics:

> I talked with a Representative from Anchorage [Harvey Smith] who was a key man in getting votes to put over our bill. I approached him at the door of the Chambers and he assured me he would support our bill. I was so elated I informed my friends in the gallery that the bill would pass. On a roll call vote, lo and behold, this new found [*sic*] friend of mine from Anchorage switched votes and killed the bill on a tie vote.[146]

[145] Roy Peratrovich to Sid Charles, March 12, 1943, Folder 2, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[146] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

Understandably upset about the defeat of the bill, Peratrovich was just as dismayed by the arguments that had been made against it. None had any foundation beyond base prejudice, he believed. H. L. Faulkner, the Juneau attorney who twenty years earlier had championed the literacy bill and who Peratrovich sarcastically called a "church pillar," told the ANB president it would take Natives a few decades and perhaps a full century of civic maturation before they could expect to associate with Whites. Gruening, in a letter to Interior Secretary Harold Ickes following the defeat of the bill, reiterated his shock and disappointment "that in this international crisis the Alaska Legislature should put itself on record before the whole world as in favor of discrimination—an incident which may well be utilized by enemy propagandists."[147]

That November, in his address to the ANB annual convention in Hoonah, Gruening offered a suggestion that he believed might help to end the legislative stalemate on equal rights. He encouraged Native candidates to run for office. No Alaska Native had served in the legislature since William Paul's two terms in the 1920s, but the governor informed the ANB members that the recent expansion of the body from twenty-four total members to forty opened new opportunities for entrants from predominantly Indian, Eskimo, and Aleut regions. The territorial legislature, since its establishment in 1912, had been comprised of eight members in the Senate and sixteen in the House, all drawn from the territory's four judicial districts. In practical terms, this meant that the salmon and mining interests, whose political influence was enormous in towns like Ketchikan, Wrangell, and Cordova where the local economies depended heavily on those industries, needed just four senators to achieve a tie vote (and thus defeat) every piece of legislation they opposed. From his arrival in Juneau in late 1939, Gruening watched his

[147] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 320; Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.03, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau; Ernest Gruening to Harold L. Ickes, March 17, 1943, Papers of the Office of the District and Territorial Governor, Alaska State Archives, Juneau.

legislative agenda of tax reform and more stringent resource regulation go down to defeat again and again. Both Gruening and Anthony Dimond recognized that expanding the size of the legislature was the only means of breaking the stranglehold. Dimond further observed that the huge population growth in the Third and Fourth Judicial Districts, which encompassed Anchorage and Fairbanks, necessitated a reapportionment of the legislature so as to achieve more equitable representation. In 1943 the delegate achieved passage of a bill in Congress that doubled the number of senators to sixteen and increased membership in the House to twenty-four. The bill also provided for the drawing of multiple election districts such that White residents in urban centers would no longer dominate the vote. As a politically astute organization with three decades of experience and an established communications network in rural villages, the ANB was uniquely poised to take advantage of the changes. Four members of the ANB ran for House seats in 1944, and two, Andrew Hope and Frank Peratrovich (Roy's brother), were elected. When the next legislative session convened in 1945, the Tlingit men would take their seats and each would have a vote on the next version of the anti-discrimination bill.[148]

In addition to its legislative efforts at the territorial level, the ANB appealed to the federal government on a matter under its jurisdiction. Beginning in 1942, Native women were denied entry to United Service Organization dances in Sitka, Ketchikan, and Juneau, even while their brothers served in uniform. The policy "to prohibit the association of [White] soldiers with native women" originated with the Alaska Defense Command in Anchorage and was implemented, the department claimed, in order to protect the virtue of the young women. Walter Soboleff, a Presbyterian minister who would later serve as a chaplain in the Alaska National Guard, complained to the Army that while the measure might have been made with good

[148] Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 49; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 321.

intentions, the "result has been one of abuse and embarrassment." Native women "who in many respects command a character without reproach" were lumped into the same category as undesirable ruffians simply because of their race, he wrote. Roy Peratrovich spoke again of the many Native soldiers then serving abroad: "These men…say to you in dealing with their wives, sisters and mothers 'Remember Us.' They say to you that their wives and sisters are entitled to the same rights as are being fought for in China, Europe and Africa." The director of the USO club in Sitka offered to designate one evening a week when Natives would be allowed to enter, causing one woman to retort, "Wouldn't it be fine if the United States Army could set aside one day when only Indian boys could be killed in the War?"[149]

The ANB's letters of complaint soon reached the Interior Department, which oversaw the Office of Indian Affairs, and Secretary Ickes entreated the War Department to investigate. The discriminatory policy, Ickes wrote, constituted "a most serious breach of faith with one of the most fundamental tenets of the democratic ideal we are now defending on the battlefields of the world."[150] Robert Patterson, the Under Secretary of War, responded that the War Department was in full accord with such a view. He was unwilling to issue a blanket reversal of the USO policy, however, arguing that no single set of rules could effectively apply to every military installation and that he trusted the individual post commanders to handle local situations in accordance with local conditions, especially regarding "the delicate matters involving social relationships between military personnel and the civilians of communities adjacent to Army

[149] E. J. Will to E. H. Craven, May 11, 1943, Walter A Soboleff to Simon B. Buckner, June 24, 1943, Roy Peratrovich to Board of Directors, February 16, 1943, Folder 2, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 320; Ruth Gruber to Secretary, June 2, 1943, Box 3374, Department of the Interior, Office of the Secretary (RG 48), Central Classified Files, 1937–1953, National Archives and Records Administration, College Park, Maryland.

[150] Harold L. Ickes to Frank Knox, December 8, 1943, Box 3374, Department of the Interior, Office of the Secretary (RG 48), Central Classified Files, 1937–1953, National Archives and Records Administration, College Park, Maryland.

posts and camps." Patterson did agree to raise the matter with Simon Bolivar Buckner, the commanding general of the Alaska command, an empty gesture given that the policy had been devised by Buckner, a committed segregationist who attempted to keep African American troops out of Alaska and who one historian described as "blatantly racist." In the end, Governor Gruening had to petition the White House to overturn the order and end the discriminatory practice.[151]

Although the Alaska Native Brotherhood was in the forefront of the equal rights campaign, the Sisterhood, under the leadership of Elizabeth Peratrovich, supported both that movement and the war effort in a number of ways. Peratrovich reported that a federally funded nursery school in Klawock, her husband's home village, enabled many mothers to spend more time on their Victory Gardens and to work extra shifts in the village cannery. Much of the tinned salmon produced in Alaska was requisitioned by the military for troops serving abroad, leading the ANS president to conclude the "most important result of the nursery school was its promotion of the war effort." In addition, in a March 1944 letter to all camps, she announced the Sisterhood's participation in a nationwide fundraising campaign for the American Red Cross. She encouraged each member to donate $2.50, double what they had given in the previous year's funding drive, to ensure that "your boy…in the service" received adequate medical care. "And if he becomes a prisoner of war," she continued, "his only consolation may be a package…that he knows the Red Cross will not fail to send him." Peratrovich closed the letter with an appeal that

[151] Robert P. Patterson to Anthony J. Dimond, July 20, 1943, Folder 2, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau; Lael Morgan, "Minority Troops and the Alaskan Advantage During World War II," in *Alaska at War, 1941–1945: The Forgotten War Remembered*, Fern Chandonnet, ed. (Anchorage: Alaska at War Committee, 1995), 271; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 321. In a letter to the Alaska Native Brotherhood, the director of the USO in Juneau, John S. Cowgill, offered an explanation identical to that made by Patterson. Cowgill wrote that while he personally detested any form of racial discrimination, the policy of excluding Native women from the club was established by local military officials. See John S. Cowgill to Louis F. Paul, February 18, 1943, Mss 7, Series 1, Box 7, Folder 5, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

connected the soldiers' cause abroad with the struggle for Native rights at home: "You and I have done a lot of talking about the rights of each and every one of us. Let us show that we can adequately take care of such rights by first backing our Armed Forces through the American Red Cross."[152]

The Tundra Army

The four companies of the Alaska National Guard were activated into federal service in September 1941, providing Ernest Gruening with an opportunity he'd been contemplating for some time. Believing Alaska's vast coastline and open rural spaces were vulnerable to Japanese invasion, the governor sought to organize a territorial guard, comprised of what he termed "every able-bodied male" not already enlisted or engaged in essential war duties, that would function as a first-line defense and reconnaissance force. "We visualized the possibility of Japanese landings in Alaska and were determined that they would meet guerilla resistance every step of the way," he wrote. The Alaska Territorial Guard was established in June 1942—the same month the Japanese bombed Dutch Harbor and occupied Attu and Kiska, islands in the Aleutian chain—and over the duration of the war more than 6,000 men (and a significant number of women) served in 103 units from Metlakatla at the southern tip of the Panhandle to Barrow on the Arctic coast. The majority of the enlistees were Natives recruited by Major Marvin "Muktuk" Marston, the guard's commanding officer, who traveled to quite literally every village in western Alaska, often by dogsled, and personally enlisted men and women ages sixteen to seventy into what he liked to call the Tundra Army. Ever the assimilationist, Gruening was determined to use the territorial

[152] Elizabeth Peratrovich to W. H. Cheney, May 20, 1944, Elizabeth Peratrovich to Sisters and Brothers, March 1, 1944, Papers of the Office of the District and Territorial Governor, Alaska State Archives, Juneau.

guard to bring Native peoples more fully into Alaska's mainstream institutions. It was "time the Natives learned about politics, and this is a fine way for them to find out," he stated.[153]

The Alaska Defense Command, a U.S. Army formation headquartered at Fort Richardson in Anchorage, supplied the villagers with surplus rifles from World War I, provided a modicum of training, and asked them to be on the alert for any suspicious activity. The ATG members embraced the duty and did well more than the army required. Until its disbanding in 1947, the ATG trained regularly, established and maintained hundreds of miles of trails, conducted rescue missions, constructed armories, surveilled the coastline, guarded a platinum deposit the military considered essential, and performed countless other daily duties, all of which generated inestimable pride in those who served. After a long history of oppression by Russian traders, American gold rushers, missionaries, bureaucrats, and others who sought to impose their own cultural mores on Native life, the ATG represented the first time the federal and territorial governments dealt with Alaska Natives on anything remotely resembling an equal basis. In distributing rifles and asking Indians, Eskimos, and Aleuts for their help defending the country, Gruening's and Marston's simple but important gesture had profound effects. Gruening traveled to several Native villages, something no previous territorial governor had ever done, where he personally enlisted men and women into the ATG. Andrew Oenga of Barrow later recalled the governor met every enlistee and repeated over and over the only Inupiaq word he knew: "*Quyanaq*" (thank you).[154] "The act of swearing them in and giving them guns built up their loyalty and made them proud to be 'Uncle Sam man,' as they put it," reported Marston at the end

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[153] Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 308; Quoted in Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 124. For information on the Japanese invasion of the Aleutians and the American campaign to retake the occupied islands, see Brian Garfield, *The Thousand-Mile War: World War II in Alaska and the Aleutians* (Fairbanks: University of Alaska Press, 1995).

[154] Chris Wooley and Mike Martz, "The Tundra Army: Patriots of Arctic Alaska," in *Alaska at War, 1941–1945: The Forgotten War Remembered*, Fern Chandonnet, ed. (Anchorage: Alaska at War Committee, 1995), 158.

of the war. “The act of making them soldiers caused them to realize their citizenship more than anything the U.S. Government has done in the past.”[155] That Marston drew connections between Natives’ military service and their citizenship, implicitly finding that earlier government actions such as those described in the previous chapter were deficient, further illustrated the malleable and contested nature of the status.

Although Marston was very much a man of his time and thus given to such triumphalist and paternalistic rhetoric, his statements accurately presaged those made later by Natives who believed the culture of self-determination and political inclusion incubated by the ATG played a significant role in the Native sovereignty and land claims movements that matured in subsequent years. “Almost all leaders in western and northern Alaska came out of the [Alaska Territorial] Guard, a whole generation of leadership,” stated John Schaeffer Jr. of Kotzebue, Adjutant General of the Alaska National Guard in the 1980s. Schaeffer’s father and uncles had all served in the ATG under Marston, whom he credited with rebuilding the *kashim*, also called *kashgee*, a community hall that functioned as a gathering place as well as a training ground for Native leaders. “He built the village armories which provided a place for our men to meet,” said Schaeffer in a 1993 interview. “This gave our guys a base. They started to take a little more control and there was a political reawakening.” In their study of the social and political legacy of the ATG, Chris Wooley and Mike Martz find that many servicemen became active in village government and business after the war: “The leadership skills, interpersonal contacts, and sense of ethnic identity which the Territorial Guard and, later, National Guard, helped form were

[155] Marvin R. Marston, “Report on the Tundra Army (ATG),” October 11, 1945, Series 16, Box 18, Folder 294, Otto Geist Collection, Alaska and Polar Regions, Rasmuson Library, University of Alaska Fairbanks.

important sociopolitical tools which Native people later used to help establish local forms of government and social programs for the citizens of their regions."[156]

The impact of these developments was particularly acute in the villages of northern and western Alaska, which at the time had the least contact with government institutions of any in the territory. By the outbreak of the war, the Tlingit and Haida of Southeast Alaska had more than two centuries of interaction with Euro-American settlers, familiarity with western political culture, and integration into wage-labor economies, all of which enabled them to wield at least some political authority within the dominant White society even when they represented a minority of the voting-age population. In contrast, wrote George W. Rogers, a Harvard-trained economist who arrived in Alaska in early 1945 and became an adviser to Governor Gruening, the Eskimo, Aleut, and Indians of the Interior "exerted limited political influence even in elections in regions where they were overwhelmingly in the majority" due to "their geographical and social isolation, their remoteness from major economic developments prior to World War II and their lack of traditions of strong leadership and cooperative action beyond small family units." The war connected residents of isolated communities to the rest of the territory and to the nation. When a Native man joined the ATG, Rogers wrote, he was "for the first time seriously instructed in the nature and rights of his position as a United States citizen."[157]

The Anti-Discrimination Act Becomes Law

[156] Ross Coen, "'If One Should Come Your Way, Shoot It Down': The Alaska Territorial Guard and the Japanese Balloon Bomb Attack of World War II," *Alaska History* 25, no. 2 (Fall 2010), 1-19; Chris Wooley and Mike Martz, "The Tundra Army: Patriots of Arctic Alaska," in *Alaska at War, 1941–1945: The Forgotten War Remembered*, Fern Chandonnet, ed. (Anchorage: Alaska at War Committee, 1995), 155-60. On the history, activities, and social and political impacts of the Alaska Territorial Guard, see also, Charles Hendricks, "The Eskimos and the Defense of Alaska," *Pacific Historical Review* 54, no. 3 (August 1985), 271-95.
[157] George W. Rogers, "Goodbye, Great White Father-Figure," *Anthropologica* 13, nos. 1/2 (1971), 294.

The final push that resulted in the enactment of an anti-discrimination law in Alaska began at the ANB Grand Convention in Kake in November 1944. As at previous conventions, delegates unanimously passed a resolution finding that "the Indians of Alaska are discriminated against and are denied full and equal enjoyment of hotels, restaurants, transportation companies and other public conveniences." Attached to the resolution was an equal rights bill drafted by the ANB, which the organization called on the legislature to enact into law.[158] The bill guaranteed equal access to public accommodations and declared the denial of same to be a misdemeanor punishable by up to thirty days in jail and a $250 fine.

At the start of the legislative session in January 1945, two lawmakers from Nome, Edward Anderson in the House and O. D. Cochran in the Senate, stepped forward to introduce the bill. While an identical measure had failed by the narrowest of margins two years earlier, there were a number of factors that indicated the bill would pass this time around. Several legislators, not just Anderson and Cochran, had offered to introduce the bills, and based on the public statements and voting records of a number of members it was clear the measure had widespread support in both the House and Senate. Governor Gruening was also firmly behind the bill. Most importantly, Roy and Elizabeth Peratrovich made themselves fixtures in the halls of the Capitol, and they'd lined up the votes for the bill's passage before the 1945 session had even begun. Although the bill would face opposition from a handful of senators, the expansion of the legislature to forty total members had weakened the ability of a minority in a single chamber to block bills that otherwise had popular support. Frank Peratrovich, the newly elected legislator from Klawock, recognized the bill was all but certain to pass. He and Andrew Hope, the other Native legislator, declined to take stewardship of the bill so that it might be presented not as

[158] "Resolution No. 2," undated but circa November 1944, Box 4, Folder 6, William Lewis Paul Papers, 1885-007, Special Collections, Suzzallo-Allen Libraries, University of Washington, Seattle.

special interest legislation but as a matter of consequence to the territory at large. Accordingly, they agreed to allow Anderson, Cochran, and Gruening to be its public face. The ANB was so confident of the bill's passage that it devoted the bulk of its limited resources to lobbying for other measures, in particular welfare reform for widows and orphans and the juvenile code bill. (The archival records of the Alaska Native Brotherhood, today housed at Sealaska Heritage Institute in Juneau, and those of the Alaska Indian Service at the National Archives contain multiple files of letters, memoranda, legal briefs, and other documents related to welfare reform and the juvenile code—but almost none regarding the anti-discrimination bill.) In 1952 Frank Peratrovich was interviewed by Smithsonian anthropologist Philip Drucker and acknowledged that while the ANB first put forth the idea for the anti-discrimination bill, the organization "actually didn't force [the bill] much" and "let [Edward] Anderson do [the work]" of shepherding it into law. Although today the history of the Anti-Discrimination Act is presented as a singular achievement and the triumph of Elizabeth Peratrovich over seemingly insurmountable odds, the historical record indicates the bill was neither as controversial nor as contested as is widely believed. In addition, given that the bill was one of more than two dozen anti-discrimination bills introduced in state legislatures across the country that decade, as well as the fact it was modeled on equal rights laws then in effect in more than twenty states, the Alaska legislation was not quite as exceptional as the present-day myth supposes.[159]

The bill, House Bill 14, came up for its first hearing in that chamber on January 30, 1945. It had been amended slightly from the version the ANB had drawn up at its Kake convention the previous November. Language prohibiting the posting of discriminatory signs had been added to the penalty clause (an action that, as will be described in the following chapter, severely limited

[159] Research notes, undated, Box 2, Volume 1, Philip Drucker Papers, Smithsonian National Anthropological Archives, Suitland, Maryland.

the law's enforceability). Once introduced in the House, the bill aroused spirited debate. Two legislators, Mike Walsh of Nome and Alaska Linck of Fairbanks, spoke in opposition. Walsh claimed no discrimination of any kind existed in his district, while Linck characterized the bill as superfluous since the Fourteenth Amendment already granted equality to all persons. Several legislators rose in support of the bill and bore witness to discriminations they had observed in every corner of public life. Cochran spoke of an incident in Nome the year before where a Native teenager was forcibly ejected from a movie theatre for sitting in the section reserved for Whites. Norman R. Walker of Ketchikan, the senator who had introduced the equal rights bill in 1943 and who now testified in the House at its invitation, invoked a derogatory slur he'd observed directed at Alaska Natives: "I'm tired of hearing the word 'siwash.' Let's put an end to this." When the floor was opened to testimony from the public, legislators first invited Roy Peratrovich. The ANB president, who had been reelected to his fifth one-year term the previous November, jokingly introduced himself as doing "one better" than Franklin Roosevelt, then beginning his fourth term as the nation's president. Peratrovich called attention to the discriminatory signs in area businesses, characterizing them as "a disgrace to the Democratic form of Government." At the close of the hearing, the House voted 19 to 5 to advance the bill to a second reading to be held two days later. Governor Gruening sat in the gallery for the hearing, and in a note to E. L. "Bob" Bartlett, the newly elected congressional delegate, proclaimed himself pleased with both the debate and the bill's prospects.[160]

The statements of some legislators and witnesses raised the subject of assimilation, even if the word itself was not used in the hearing. Representative Chris Hennings of Juneau spoke in

[160] "Packed House Hears Debate Equal Rights," *Daily Alaska Empire*, January 31, 1945, 8; Ernest Gruening to Bob [presumably Bartlett], January 30, 1945, Series 3, Box 22, Folder 76, Ernest Gruening Papers, Alaska and Polar Regions Collections, University of Alaska Fairbanks.

favor of the bill, noting that to support equal rights for Alaska's indigenous peoples was to admit them into a political tradition that included the Declaration of Independence and the Emancipation Proclamation, the order issued by Abraham Lincoln that freed enslaved persons in the South. Hennings also invoked the present war against fascism, imploring that America's commitment to freedom for all peoples of the world, Alaska Natives included, must be universal. Edward Anderson concurred that what was at stake was not so much Native rights as the very principles of American democracy, and to vote against the bill was to shut the door to the political life of the territory on a full third of the population.[161] Indeed, the equal rights campaign of the ANB in the war years was understood by Ernest Gruening as the organization's desire to be assimilated into mainstream territorial institutions. His support for the anti-discrimination bill stemmed from his political philosophy that every citizen of Alaska had the same rights as every other citizen and none should be denied or granted any advantages or privileges on the basis of race. For as much as the governor welcomed the so-called Native vote that put Andrew Hope and Frank Peratrovich in office, for instance, he also foresaw the day when such racial categories would be made obsolete. "I do not like or believe in voting by race," he stated in his address to the ANB annual convention in 1946. "I hope the time will come, and come soon, when Americans in Alaska and elsewhere will no longer think in terms of the 'native' vote, or the white vote, but will vote for individuals on their merit."[162]

The issue was not that simple for the Peratroviches and the ANB, however, for even as they sought equal treatment under the law they did not covet full assimilation to White society, which would require the abandonment of their Native cultures. Although the ANB had been

[161] "Packed House Hears Debate Equal Rights," *Daily Alaska Empire*, January 31, 1945, 8.
[162] "Minutes," November 11, 1946, Mss 7, Series 1, Box 12, Folder 4, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau. Gruening was unavailable at the time of the ANB convention, and his address was delivered by Lew Williams, Acting Governor.

founded three decades earlier as an assimilationist organization, its platform shifted to acculturation almost from the start as members recognized they might adopt useful aspects of western culture, such as citizenship and voting rights, while still retaining indigeneity in the form of norms, traditions, cultures, and aboriginal title to lands Natives had occupied for millennia. By 1948 the ANB constitution, which in its original form renounced tribal affiliation in favor of full assimilation, had been amended such that among the organization's purposes were "to commemorate the fine qualities of the Native races of North America [and] to preserve their history, lore, art, and virtues."[163] Sergei Kan, in his study of Tlingit culture and political development, writes that many of his Tlingit informants argued the founders of the ANB "used this language of assimilation simply as rhetoric aimed at attracting non-Native allies and forcing the dominant society to take the organization's 'real agenda' (economic and civil rights) more seriously." Kan concludes there may be some truth to the argument, the founders' earnest and well-established adherence to western norms and Presbyterian doctrine notwithstanding.[164]

By the first hearing on the equal rights bill, Roy Peratrovich similarly deployed the language of assimilation to garner support for his cause. The ANB president informed legislators that Harold Ickes, the Interior Secretary widely reviled in Alaska for his land management policies, had made "tempting propositions" to the Natives regarding reservations. Few issues at the time raised the ire of White Alaskans more than aboriginal land claims. They were confounded by the notion that Natives might be granted reservations, huge tracts of lands and coastal waters that would effectively stymie the territory's plans to develop valuable resources such as timber, ores, and fish. Peratrovich now assured the House members that he was on their

[163] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 169.
[164] Sergei Kan, *Memory Eternal: Tlingit Culture and Russian Orthodox Christianity through Two Centuries* (Seattle: University of Washington Press, 1999), 463.

side. “We have opposed reservations nonetheless,” he stated. “We are opposed to accepting any form of special privilege. We want to take our chances with the white man.” At the same time, Peratrovich delivered what the Juneau newspaper characterized as an “implied threat” when he made Native allyship conditional on White Alaskans’ support of equal rights: “I dare not prophecy what will happen if you folks do not pass [the anti-discrimination] bill—we cannot stand beside you and aid you in your fight against Ickes unless you accept us as one of you.”[165]

Peratrovich had hinted at assimilationism in the context of equal rights before. In a June 1942 letter protesting the exclusion of Native women from USO dances, he invoked the recent battles in the Philippines, among the bloodiest engagements in the war, in which Filipinos joined Allied troops in resisting, unsuccessfully, the Japanese invasion. “For a good many years the white people have looked down on the Filipinos,” Peratrovich wrote, “but they proved their ability and measured up to the whites during their heroic defense of their Native land. The situation might have been complicated if they had refused to cooperate because of discriminations they were subjected to before the war.”[166] In one respect, the statement validated what many White Alaskans had been arguing for decades, that Alaska Natives, like the Filipinos in Peratrovich’s telling, had to “prove their ability” and “measure up” to Whites before they could be accepted as equals. Every time Peratrovich referred to Native enlistees in the armed forces, however, he shrewdly used the example of their service as evidence that Natives had met the standard Whites themselves had established for assessing their progress. In effect, the ANB president wielded the vocabulary of inclusion without endorsing the subjugating nature of assimilationism itself.

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[165] “Packed House Hears Debate Equal Rights,” *Daily Alaska Empire*, January 31, 1945, 8.
[166] Roy Peratrovich to Commanding Officer, June 19, 1942, Folder 1, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.

The anti-discrimination bill was brought before the House for its second reading on February 1. Also on the docket that day was a bill to set the voting age in the territory at 18. The two measures brought what the *Daily Alaska Empire* described as "a flood of oratory…that marked the body as perhaps more deserving of the term 'a people's House' more [*sic*] than any other in the history of the Alaska Legislature." A civics class from Juneau High School was in the gallery to observe debate on the voting age bill, and lawmakers invited one of its members, Bill Carlson, a 17-year old junior, to speak. The newspaper described the scene: "In rolled up shirt sleeves, hands thrust nervously in his pants pockets, young Carlson stuck his chin out and declared: 'I think if a boy is old enough to fight and die he is old enough to vote.'" The student received thanks and applause from the legislators, who then voted overwhelmingly to pass the bill. With a spirit of egalitarianism in the air and the chamber now primed for debate on equal rights, the anti-discrimination bill was brought to the floor and passed by the same 19-to-5 margin as it had received two days earlier. Representative Curtis Shattuck received permission to speak after the vote in order to explain why he'd voted against the bill. Apart from expressing his belief that the measure would "accentuate the very discrimination we seek to cure," there is little record of what Shattuck said in his testimony. The Juneau newspaper did report, however, that House members by their applause regarded his oration "as one of the best of the session." Frank Peratrovich proved magnanimous in his response, stating, "There is no hard feelings on the part of any of us against those who voted negative. We must all exercise our ballot to what we feel are the best interests of the Territory. I admire Mr. Shattuck for standing on his two feet and voting his conscience."[167]

[167] "Youths 18 May Vote; Bill Wins," *Daily Alaska Empire*, February 2, 1945, 2.

As the equal rights bill moved to the Senate, its opponents honed their attack with a few key arguments. Like Shattuck, Juneau's *Daily Alaska Empire* acknowledged discrimination existed in the territory but argued the bill would do little to address the problem and might actually worsen the situation. "No law can force a member of one race to take a member of another race into his home or into his social set against his will," the paper's editors wrote. "No law can force a member of one race to speak to a member of another race on the street. No law can force a businessman, who is of one race, to deal pleasantly with a customer who happens to be of another race." Discrimination manifested in countless ways, the editors believed, and by clamping down on racial exclusion in public places the bill would bring about more varied and numerous expressions of racial animus in other areas. In lieu of legislation, the newspaper averred that gradual social change would spell the end of discrimination in the territory. The integration of movie theatres, for example, achieved by the ANB's boycott a decade and a half earlier, was cited by the newspaper as a model of progress: "This lessening of discrimination was not accomplished by law but by the passage of time and a gradual recognition and acceptance of the fact that all of the seats of theatre are open to all who pay, regardless of race."[168] That the desegregation of theatres did not simply occur on its own but had to be forced by a politically marginalized group went unmentioned by the paper.

Members of the Senate echoed those arguments when the bill came up for debate the following week. Allen Shattuck, Curtis's father, argued the bill would "aggravate, rather than allay" discrimination in the territory by stirring up bitterness on all sides. Expressing his belief that Natives had "10 centuries of white civilization to encompass in a few decades," he seconded the newspaper's finding that discrimination could not be legislated out of existence but would

[168] "Discrimination, Racial," *Daily Alaska* (Juneau) *Empire*, January 31, 1945, 4.

naturally ebb as Natives became more integrated into mainstream society. "I believe that considerable progress has already been made, particularly in the last 50 years," he stated. The bill's other opponents offered that Whites and Natives simply should not be in contact with one another and that the only beneficiaries of the measure would be lawyers who stood to profit from the lawsuits certain to result. A "perpetual paystreak" for attorneys, one senator called it. In a separate hearing, Leo Rogge of Fairbanks claimed that while he wanted Natives "to have all their rights," he knew of no incident of racial exclusion in his district. "Why bring this matter up?" he asked.[169]

Before the packed gallery in the Senate chambers, Roy Peratrovich was invited to speak. He began by reminding the body that the governor and several lawmakers in the room had signed on to the equal rights plank of the Democratic Party at a recent convention—a statement likely directed at Shattuck, Rogge, Frank Whaley, Grenold Collins, and Tolbert Scott, all Democrats who were on record opposing the equal rights bill. Peratrovich went on to note that twenty-eight states then had anti-discrimination laws in effect, statutes that served as models for the Alaska bill presently before the chamber. "Only an Indian can know how it feels to be discriminated against," he testified. Finally, the ANB president noted the stark nature of the choice before lawmakers: "Either you are for discrimination or you are against it."

Elizabeth Peratrovich followed her husband to the floor of the chambers a short while later and set out to refute the bigoted statements Shattuck and his colleagues had made moments earlier. She condemned their "super race" attitude and recited instances of discrimination she and other Natives had faced. The absence of an equal rights law would force every Native in the

[169] "Super Race Theory Hit in Hearing," *Daily Alaska (Juneau) Empire*, February 6, 1945, 8; "Legislative Highlights," *Alaska Fishing News* (Ketchikan), February 9, 1945, 4; "'Equal Rights' Bill Wins 'Yes' Vote in Senate," *Daily Alaska (Juneau) Empire*, February 8, 1945, 2.

territory to associate with people she called "white trash." In response to the claim that no statute could eliminate discrimination, she offered a pointed riposte: "[D]o your laws against larceny and even murder prevent those crimes? No law will eliminate crimes but, at least, you as legislators, can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination."[170]

Peratrovich's testimony was acknowledged by all as the high point of the debate. "Opposition that had appeared to speak with a strong voice was forced to a defensive whisper," reported the *Daily Alaska Empire*. The volley of applause from senators and spectators alike indicated to the bill's opponents that the bill was surely going to pass, and in a subsequent hearing they offered amendments intended to blunt its impact. Shattuck attempted to weaken the penalty for violating the law by reducing both the maximum jail sentence and monetary fine. Frank Whaley of Nome proposed an amendment whose text is lost to history but was described in the newspaper as "a precaution concerned mainly with health aspects." Both proposals were rejected following vigorous opposition by the bill's sponsors. The final vote of 11 to 5 came off as rather anticlimactic, according to the Juneau newspaper, which noted that "most all ammunition appeared to have been fired when the measure was brought up for final passage."[171]

Ernest Gruening, who signed the bill into law a week later while flanked on either side by Roy and Elizabeth Peratrovich, characterized the equal rights act as "a milestone in Alaskan history." The governor firmly believed—and would forever claim, much evidence to the contrary—that the law successfully eliminated discrimination in the territory and resulted in

[170] "Super Race Theory Hit in Hearing," *Daily Alaska (Juneau) Empire*, February 6, 1945, 8; Central Council of Tlingit and Haida Indian Tribes of Alaska, "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," August 1991, 19-23.
[171] "'Rights' Bill Tops Hurdle, Upper House," *Daily Alaska (Juneau) Empire*, February 8, 1945, 8; "'Equal Rights' Bill Wins 'Yes' Vote in Senate," *Daily Alaska (Juneau) Empire*, February 8, 1945, 2.

improved relations between the races. Bob Bartlett said to a reporter upon learning of the bill's passage, "No prejudice can be justified, yet prejudice against Indians and Eskimos is the most unjustifiable of all. We live in the native land of these people. Can we discriminate against them in their own country? That is certainly adding insult to injury. I am delighted that the Alaska Legislature has taken this great forward step."[172]

The passage of the anti-discrimination bill, along with the other equal rights measures secured by the ANB in the 1945 legislative session, demonstrated the organization's shrewdness and political acumen. As World War II wrought major transformations to the economy, social life, and political landscape of Alaska, the ANB wielded the wartime dialogue of freedom and democracy to advance its legislative agenda of equal rights. The avenue for political participation remained open for Natives after the war to some degree as Communism replaced fascism and Nazism as the ideological foe against whom the national rhetoric of freedom and patriotism would be directed. "We feel that the American soil nearest that of Russia should set a real example for the dignified and fair treatment of minorities," said Ernest Gruening in 1949. He cheered the recent election of another four Native men to the legislature, three of whom were Eskimos from the northwest part of the territory. "Prominent Alaskans look with favor on the new social, economic and political prestige of the native population," wrote Richard Neuberger, a freelance reporter who had served in Alaska and the Yukon during World War II. "They regard the [Native legislators] as a happy symbol, particularly in a world where the Soviet Union is trying to gain the allegiance of the natives of Indonesia, Burma, India and China by stressing discrimination under the American flag."[173]

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[172] Richard L. Neuberger, "Alaskan Statute: Equal Rights for Natives," *Washington Post,* March 26, 1945, 6.
[173] Richard L. Neuberger, "Alaska's Natives Advance Their Role In North," unpublished manuscript, circa 1949, Box 39, Richard Neuberger Papers, Ax 078, Special Collections & University Archives, University of Oregon

By the 1950s, Alaska Natives had become more fully integrated into the territory's mainstream institutions than ever before, but full political inclusion remained an elusive goal. Natives played only a minor role in the statehood movement, for instance, the issue that dominated political discourse in the territory that decade. On the issues of aboriginal land claims, tribal sovereignty, and subsistence hunting and fishing rights, Natives met resistance from Alaska's White political establishment, including many who had enthusiastically supported the anti-discrimination bill, Ernest Gruening among them. In addition, the burgeoning population of African Americans in postwar Alaska brought new perspectives on civil rights, both how to define them and fight for them. If Alaskans thought that enacting an equal rights law would settle the matter of racial exclusion, the dialogue of race only grew more varied and complex in the coming years.

Libraries, Eugene, Oregon. See also Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: University Press, 2000).

Chapter 3: The United States of America v. Rudy P. Hill

On October 8, 1946, voters in Alaska went to the polls and, by a tally of 9,630 to 6,822, approved a resolution calling for Alaska statehood. Five days later, a couple on a date was ejected from a lounge in Fairbanks by a bartender who told them he would not serve Black patrons in his establishment. These seemingly unrelated events actually became intertwined in the coming years as the Alaska statehood movement gained steam. In lobbying Congress for Alaska's admission to the union, statehood advocates presented the territory as modern and progressive. Governor Ernest Gruening regularly cited the recently enacted Anti-Discrimination Act as proof of the territory's social development. Indeed, he began championing this idea from the moment he signed the bill. At a conference of western governors only a few weeks later, he proclaimed the equal rights law "will do much to build up the morale of the native people, the feeling that they belong, that they are not outcasts in their own country." His words harkened back to the discourse on Native citizenship of the 1910s and 1920s, echoing longstanding promises of civic inclusion that proved illusory in the long run. In his memoir he wrote of the bill that a "new era" in the territory's history had begun, and to a publisher of children's books who in 1951 expressed interest in Alaska's civil rights laws, Gruening assessed the impact of the Anti-Discrimination Act directly, writing, "The [equal rights law] has been entirely effective. Discrimination of the kind that existed in a few places previously has vanished and I know of no unpleasant incident that has followed the enactment of this legislation."[174] The elimination of racial prejudice, Gruening believed, represented a key prerequisite for Alaska statehood.

[174] "Discussion following Governor Gruening's Speech," undated interview transcript, vilda.alaska.edu/cdm/ref/collection/cdmg41/id/730 [accessed July 31, 2018]; Gruening, *Many Battles*, 329-330; Ernest Gruening to Edith J. Agnew, November 23, 1951, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934-1953).

The removal of the Black couple from the Fairbanks bar, however, complicated this pro-statehood narrative of tolerance and inclusion. Discrimination in public facilities continued throughout the territory following the enactment of the equal rights law, particularly against the increasing population of African Americans in the postwar boom. Contrary to Gruening's claims, four "unpleasant incident[s]"—the row in the Fairbanks bar and another three cases in Anchorage—resulted in prosecutions under the Anti-Discrimination Act. The governor had been made aware of these incidents; he'd even met personally with the Fairbanks couple. Thus, the rosy picture of race relations he offered was seemingly motivated by the desire to promote Alaska as a modern, democratic territory, whatever evidence existed to the contrary. The history of civil rights in postwar Alaska, for both African Americans and Alaska Natives, must be viewed in the context of the statehood movement, whose claims of liberty and republicanism for all citizens framed how those issues would be understood, articulated, contested, and, in some cases, ignored.

This chapter examines the impact of the Anti-Discrimination Act in the years after its enactment. It looks at the act itself and how it was enforced at the time. The chapter asks what the act did and did not accomplish. Of the four prosecutions brought under the law, three failed to result in convictions. The Fairbanks case, in particular, proved particularly disappointing as it revealed a drafting error in the language of the law itself that made it unenforceable in most instances. Even the one and only successful prosecution underwhelmed because the complainant in that case was not a person of color at all but rather the White District Attorney in Anchorage.

This mixed record complicates our understanding of the Anti-Discrimination Act. Today, the law has attained iconic status in Alaska, yet the fact it was enforced just a handful of times, mostly unsuccessfully, reveals its power to have been symbolic rather than functional.

Throughout the 1950s and 1960s, the Act was not seen as a breakthrough achievement for civil rights, in part because the experience of Black Alaskans so definitively proved otherwise. Native leaders in this era acknowledged that almost nothing had changed with regard to discrimination, telling one reporter the act only "papered over" the problem.[175] Even Elizabeth Peratrovich's grandnephew recalled listening to men in the 1950s "speaking angrily about how it [the Anti-Discrimination Act] had not changed how Natives were being treated."[176] These facts in no way diminish the heroism of Roy and Elizabeth Peratrovich, for the law was unquestionably an important step toward equality, but they do force present-day Alaskans to reexamine this history that has so profoundly shaped how they see themselves and the racial fairness they espouse. A selective and triumphalist view of history tells only part of the story, and when the parts that do not support such a narrative, such as the three complainants' failed pursuit of justice, are ignored, one is left with the misapprehension that the problems of history have been solved, when, in fact, they linger and simmer and even erupt anew from time to time before our very eyes.

"…because you are colored"

All they really wanted was a highball.

Robert and Beatrice Coleman stepped out of the Lacey Street Theatre in Fairbanks on the evening of Sunday, October 13, 1946. The married couple had just watched John Wayne get even with swindlers, scoundrels, and land barons in Joseph Kane's *Dakota*, and now, with the unseasonably brisk autumn night getting colder by the minute, they went arm-in-arm to Hill's Cocktail Lounge across the street. The couple was enjoying themselves, happy to stay out a bit

[175] Vern Metcalfe, "Voice of the Raven," undated manuscript, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[176] Randy Wanamaker, "Elizabeth Wanamaker Peratrovich Remembered," *Juneau Empire*, February 15, 2016.

longer while their three-year old daughter was safe at home with a sitter. They sat at a table in Hill's, leaning toward each other to talk in the intimate way that couples do, and several minutes went by before they noticed no waitress had come to take their order. Beatrice caught the eye of the bartender. It wasn't difficult since he'd been staring at them since they entered. Rudy Hill marched over to the couple. He was blunt. "I have a license that gives me the right to refuse service to anyone I see fit to not serve," he hissed, "and my reason for not serving you is because you are colored."[177] The proprietor showed the Colemans to the door.

In a legal process that played out over the next two and a half years, the incident in Hill's Bar would put to the test the Anti-Discrimination Act that had been enacted by the territorial legislature one year earlier. The case against Rudy Hill would be the first time the act was enforced—not in Juneau, where the Peratroviches lived and faced discrimination on a daily basis, but in Fairbanks, where the Colemans had moved a few years earlier during the wartime boom. The military buildup in Alaska, which began during World War II and was now continuing in the early years of the Cold War, was making the territory a more racially, ethnically, and culturally diverse place. Census records show that just 141 Black people lived in all of Alaska in 1939, but by 1952, an estimated 3,000 lived in Anchorage alone.[178] The population of the territory grew by 77 percent in the same period, with Fairbanks showing an astounding 202 percent population increase. Urban areas, defined by the Census Bureau as cities of at least 2,500 persons, nearly doubled in population. These rapid demographic shifts resulted in sweeping changes to the societal fabric of Alaska's cities. For newcomers like the Colemans,

[177] Beatrice Coleman to Sir, October 17, 1946, Legal File, "Discrimination, Restaurants, Alaska, 1946-48," NAACP Records, Manuscript Division, Library of Congress [hereafter cited as NAACP].
[178] On Black migration to Alaska in the 1940s, see Ian C. Hartman and David Reader, "A 'Far North Dixie Land': Black Settlement, Discrimination, and Community in Urban Alaska," *Western Historical Quarterly* 51 (Spring 2020), 29-48.

those changes included increased contact between people of different races and the creation an uncertain and often hostile racial terrain that they, likely no strangers to discrimination in the Lower 48, were now forced to navigate in Alaska.

A few days after the humiliating encounter in Hill's Bar, Beatrice Coleman went to see Warren Taylor, a territorial legislator and pillar of the Fairbanks legal community. Taylor warmly welcomed Coleman to his office, boasting that he had voted for the equal rights bill the year before and that he'd be happy to take her case. He noted, however, that her chances of suing Hill for damages in civil court would be improved if a criminal conviction came first. Taylor sent Coleman to Harry O. Arend, the U.S. Attorney and future Alaska Supreme Court justice. To her surprise and disappointment, Arend dissuaded her from filing a criminal complaint saying there was nothing he could do. A bar, he explained, was looked on as private property, which the owner could manage as he saw fit, even to the point of ejecting persons for any reason whatsoever.

With assistance from the NAACP in New York (the first Alaska chapter of the NAACP would not be established until 1951), Coleman directed Arend's attention to Chap. 2, S.L.A. 1945, the legal designation for the Anti-Discrimination Act. A bar was not private property at all but a public facility, Coleman noted by pointing to the language in the law, and she insisted Arend file charges against Hill. She also presented another Black resident, Emmet Roberts, who had once been kicked out of Hill's Bar and was now willing to testify in a trial. The U.S. Attorney relented and filed a warrant for Hill's arrest.[179]

Coleman had every reason to believe that when the case reached the courts, Hill would face justice. The facts of the case were not really in dispute. Hill had ejected the Black couple

[179] Criminal complaint no. 3231 (1946), Fairbanks Criminal Case Files, 1946-1955, Alaska State Archives, Juneau.

from his establishment, explicitly citing their race as the reason for doing so. This was precisely the sort of discrimination the law had been enacted to address. On November 26, 1946, the Colemans arrived at the court house for the trial and saw Warren Taylor, the man Beatrice believed to be her lawyer, standing at the defense table. "I've been talking to Mr. Hill," Taylor explained to a stunned Beatrice, "and I don't think there is any too much damage on your part, that [the incident] wasn't as you say, and so I do not want the civil case."[180] Taylor now planned to defend Hill in the criminal trial.

The story Hill told Taylor to convince him to switch sides, a tale he would repeat on the witness stand in a few moments, was that the Colemans were drunk when they entered his bar that Sunday evening and he refused to serve them on account they might have become rowdy and a danger to themselves or others. Hill was asked if he had discriminated against the Colemans on the basis of their skin color. No, he replied. The U.S. Commissioner saw through Hill's transparent ploy—especially when other witnesses testified the Colemans had been quiet and sober in the movie theatre earlier that evening—and Hill was convicted of the misdemeanor of "refusing to provide full and equal accommodations, facilities and privileges" under the Anti-Discrimination Act. He was fined $50.[181]

If the Colemans celebrated the verdict, their joy was short lived. Taylor immediately filed an appeal in the form of a demurrer, a legal term for a claim in which the defendant challenges the basis for the court's action while not disputing the central facts of the case. In Hill's case, Taylor claimed that even if the bar owner discriminated against the Colemans on the basis of

[180] Coleman to Sir, November 26, 1946, NAACP. Although the statements attributed to Taylor and descriptions of his actions come from Coleman's account of the incident, and therefore cannot be verified with records produced by Taylor himself, there is little reason to doubt Coleman's version of events. Court records show that the manner with which the legal process played out accords with her account.
[181] "Transcript to District Court, No. 3231," in "Hill, R. P., Offense: Failure to Provide Full and Equal Accomdation [sic]," Fairbanks Criminal Case Files, 1946-1955, Alaska State Archives, Juneau.

race, his actions did not actually constitute a violation of the Anti-Discrimination Act's penalty clause.

He found a loophole in the law, in other words.

A nervous Beatrice Coleman wrote a letter to Governor Ernest Gruening. Was Taylor correct? Was Hill going to get away with discriminating against Blacks because the law was inadequate? "I regret to inform you," replied Attorney General Ralph Rivers on behalf of the governor, that the law "makes it an offense only to display a sign indicating a discrimination on racial grounds." Rivers noted the bill might have had "a good psychological effect" for those who opposed racism but that the law itself was lacking. "I have had my fingers crossed regarding its sufficiency," he wrote. Although the law broadly declared any denial of full and equal access to be a misdemeanor, Section 2, the penalty clause, referred directly and exclusively to signs:

> [A]ny person who shall display any printed or written sign indicating a discrimination on racial grounds of said full and equal enjoyment, for each day for which said sign is displayed shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished by imprisonment in jail for not more than thirty (30) days or fined no more than two hundred fifty ($250.00) dollars, or both.

So long as Hill, or any other business owner for that matter, did not post signs in his bar he could deny service to whomever he chose and face no penalty under the law. "According to this view," Rivers sheepishly informed Coleman, "any violation would be a misdemeanor, but it would only

be in cases where a sign was displayed that each day of such display would constitute a [punishable] offense."[182]

While they awaited the outcome of Hill's demurrer claim, the Colemans made contact with other Black Fairbanksans and collected information about local bars and restaurants. They found all but two establishments discouraged or actively refused to serve Blacks and/or Natives. One bar owner was overheard to say that fifty dollars, the amount of the fine levied against Hill, was just the cost of doing business to keep the Blacks out.[183] (Will Maslow of the American Jewish Congress, writing in 1946, the same year the Colemans were removed from Hill's bar, commented on the inadequacies of anti-discrimination statutes: "Since jail sentences are almost never imposed and fines are small, the prevailing attitude among those subject to these laws is to treat the fine as a business expense, to take pains to avoid being detected, and to continue discriminating."[184]) Even when not denied access to public spaces, Blacks in Fairbanks received clear signals they were not welcome. Beatrice once went back to Hill's Bar and, while not removed from the premises, was charged the exorbitant price of two dollars for a Coke, a beverage that normally sold for a nickel.

On November 7, 1947, nearly one year after the first trial, the district court overturned Hill's conviction. The order consisted of just one sentence: "Good cause appearing therefore, defendant's demurrer to the complaint in this cause is hereby sustained and the cause is dismissed."[185] (As with the original conviction, the appeal was not covered by the local

[182] Ralph J. Rivers to Beatrice L. Coleman, October 14, 1947, NAACP; Chap. 2, S.L.A. 1945; Ernest Gruening to Ralph Rivers, February 1, 1949, Series 3, Box 25, Folder 121, Ernest Gruening Papers, Alaska and Polar Regions Collections, University of Alaska Fairbanks.
[183] Coleman to Franklin Williams, March 28 and November 26, 1947, NAACP.
[184] Will Maslow, "The Law and Race Relations," *The Annals of the American Academy of Political and Social Science* 244 (March 1946), 76.
[185] "Order, No. 1304 Cr." November 7, 1947, Fairbanks Criminal Case Files, 1946-1955, Alaska State Archives, Juneau.

newspaper—but the next day's edition did feature an advertisement for Hill's Cocktail Lounge inviting Fairbanksans to come and enjoy the bar's "Generous Atmosphere."[186])

Beatrice Coleman was disappointed, though perhaps not surprised. "I guess the problem of this town on segregation will not be solved and the situation is a little bit worse now," she informed the NAACP. "The trial is ended and things are much worse for the colored people." Coleman's correspondence with Franklin H. Williams of the NAACP makes clear that while justifiably angry with Rudy Hill, her real disappointment was with the governments of Alaska and the United States, which, in her view, had proven themselves so weak and ineffective they'd been outwitted by a racist bartender and his duplicitous lawyer. The case pointed to the troubling intersection of individual and institutional discrimination, a complicated space where a man such as Hill could put his bigotry on full display and where, more significantly, the very structure of the society presented obstacles to those such as the Colemans who, like other Blacks in the territory, desired equal access to the freedoms and opportunities their fellow White citizens enjoyed. "I'd give a lot to know why Washington, D.C. sends blacks up here [in the military]," Coleman complained, "when the law is not worth the paper it is written on."[187]

Perhaps the only Alaskan more disgusted than Beatrice Coleman was Representative Edward Anderson of Nome, the legislator who had introduced the equal rights bill in 1945. At the opening of the next territorial legislature in January 1949, Anderson introduced a bill to amend to the Anti-Discrimination Act in two ways. First, it revised the penalty clause such that any person "who shall violate or aid or incite a violation" of the law would be guilty of a misdemeanor regardless of the posting of signs. Second, the amendment deleted the phrase "for each day for which said sign is displayed." The new language resolved the ambiguity that freed

[186] *Fairbanks Daily News-Miner*, November 8, 1947.
[187] Coleman to Williams, December 9, 1947, Coleman to Williams, November 26, 1947, NAACP.

Rudy Hill and made the Act broadly enforceable against any act of racial discrimination. The amendment passed the Senate 16-0 and the House 18-3. Warren Taylor cast one of the no votes.[188]

Drafting the Equal Rights Bill

How did the issue of discriminatory signs come to dominate the Anti-Discrimination Act to the point the act was rendered unenforceable in their absence? A close examination of the iterative process by which the law was written is essential to understanding the subject in full. This must also include a forthright discussion of how the flawed penalty clause came to be included in the act.

The first draft of a bill targeting discrimination against Alaska Natives was written by William L. Paul in 1934. Four years earlier, as described in the previous chapter, ANB members had boycotted a chain of movie theatres that forced Natives into segregated balconies. The boycott resulted in "For Natives Only" signs in theatres being removed, but the problem of discrimination in other public spaces still lingered. Paul, then the ANB's general counsel, authored an anti-discrimination bill that, he noted, "contains the essence of what we have been fighting for," and he attempted to find a friendly legislator to introduce it at the next session. The draft was similar to what would pass the legislature eleven years later: It consisted of two

[188] Ernest Gruening to Ralph Rivers, February 1, 1949, Series 3, Box 25, Folder 121, Ernest Gruening Papers, Alaska and Polar Regions, University of Alaska Fairbanks. In addition to Warren Taylor, one of the no votes was cast by Andrew Hope, an Alaska Native legislator from Sitka. The author has found no records that explain why Hope voted no, a perplexing move that undermined the cause of equal rights his fellow Native leaders had worked so hard to advance. Gruening remained silent on the matter of the amendment, likely because supporting it only would have called attention to the deficiencies in the original law of which he was so boastful. Once the amendment passed, Gruening wrote to Harry O. Arend, the U.S. Attorney who had prosecuted the Hill case, to inform him the revised statute had been cured of its defect: "I feel that I should call this matter to your attention should cases of discrimination be brought to you for action." See Gruening to Harry O. Arend, March 4, 1949, Series 3, Box 25, Folder 122, Ernest Gruening Papers, Alaska and Polar Regions, University of Alaska Fairbanks.

sections, the first finding that all people regardless of race "shall be entitled to the full and equal enjoyment" of public places, and the second making the denial of access a misdemeanor punishable by a $500 fine. The bill said nothing about discriminatory signs, however.[189]

Paul's bill was not introduced in the next legislative session or any thereafter, and the issue was dropped for the time being. In 1941, when Roy Peratrovich was ANB president, the problem of discrimination in public accommodations was again discussed at the group's convention in Hydaburg. Delegates instructed each camp to gather information about discriminatory practices in their communities and submit their findings to the ANB Executive Committee for action. Two years later, when the ANB decided to draft an anti-discrimination bill, Fred Paul dusted off the copy his father had written almost a decade earlier, made a few revisions, and submitted it for approval. The bill, which was introduced in the 1943 legislature but did not pass, contained no language about discriminatory signs.[190]

By the time the bill was introduced in the 1945 session, however, it had been revised so that the display of "any printed or written sign indicating a discrimination on racial grounds" was the only punishable offense. It is clear from the historical record the change was made sometime between November 1944 and January 1945. At the ANB convention in Kake, which began on November 13, 1944, delegates drafted an anti-discrimination bill that included the most comprehensive list of public accommodations offered to date: "public inns, restaurants, eating houses, hotels, soda fountains, soft drink parlors, taverns, roadhouses, barber shops, beauty parlors, bathrooms, resthouses, theaters, skating rinks, cafes, ice cream parlors, transportation

[189] William L. Paul to Judson Brown, February 15, 1943, Mss 7, Series 1, Box 12, Folder 1, Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau.
[190] Minutes, November 13, 1941, Mss 7, Series 2, Box 1, Folder "1941," Walter A. Soboleff Papers, Sealaska Heritage Institute, Juneau; Executive Committee Minutes, January 28, 1943, microfilm, Acc 2076-002, William Lewis Paul Papers, Special Collections, Suzzallo-Allen Libraries, University of Washington. The author has found no records of the community reports referred to in the text.

companies, and all other public conveyances and amusements." Section 2 of the bill, the penalty clause, stated quite simply that any person "who shall violate or aid or incite such violation shall be deemed guilty of a misdemeanor." As with every version before it, the Kake bill said nothing about signs. Convention delegates approved the bill and unanimously passed a resolution calling for it to be introduced at the next legislative session.[191]

Two months later, in January 1945, newly elected House member Edward Anderson of Nome agreed to introduce the ANB's bill. House Bill 14, which would pass following Elizabeth's iconic speech and with Gruening's signature become the Anti-Discrimination Act, was identical to the Kake bill in nearly every respect. Its first section duplicated to the letter the list of public conveyances, right down to the soda fountains, roadhouses, barber shops, skating rinks, and all the rest. Section 2, however, looked quite different. Where the Kake bill said nothing about signs, Anderson's House Bill 14 included the crucial phrase that two years later would let Rudy Hill off the hook: "[A]ny person who shall display any printed or written sign indicating a discrimination on racial grounds of said full and equal enjoyment, for each day for which said sign is displayed shall be deemed guilty of a misdemeanor."

How did that phrase come to be added to the bill in the ten weeks between the Kake resolution that passed on November 14, 1944, and the start of the legislative session on January 22, 1945? Who made the change? The historical record does not definitively answer these questions, but the nature of the public debate leading up to the bill's passage suggests it was Roy

[191] "Resolution No. 2," undated but circa November 14, 1944, Box 4, Folder 6, William Lewis Paul Papers, Acc. 1885-001, Special Collections, Suzzallo-Allen Libraries, University of Washington. It is impossible to know how the ANB delegates who drafted the bill came up with the exhaustive list of public accommodations, but it's possible they consulted and drew inspiration from an anti-discrimination law that had been enacted in New York in 1939. The list of public accommodations in that law consisted of more than 250 words, and covered everything from airdromes, roof gardens, and race courses to bowling alleys, shooting galleries, and establishments where beverages consisting of ice, fruit, and/or fruit derivatives were sold. See *Legislative Attempts to Eliminate Racial and Religious Discrimination*, 39 Colum. L. Rev. 997-998 (1939), note 72.

Peratrovich who inserted the fateful language. In both private correspondence and public utterance, Peratrovich consistently cited discriminatory signs as his main concern, ranking them as an offense on par with discrimination itself. While testifying before the legislature in March 1943, for example, Peratrovich stated, "Indians resent seeing posted signs in certain places that 'no Indians are allowed[.]'"[192] In a letter to Ketchikan's *Alaska Fishing News* following the defeat of the equal rights bill that same week, Peratrovich wrote, "There are two or more signs in Juneau and Douglas reading 'No Natives Allowed.' We tried everything possible to remove these signs but did not succeed. In view of this failure, we felt the only way to remove these signs would be by law. The result of course was the introduction of the so called equal rights bill."[193]

In his testimony before the House in 1945, Peratrovich again framed the issue in terms of signs, going so far as to name the offending businesses and proprietors "who discriminate against Native trade."[194] Peratrovich's stance on signs reflected an attitude held by many ANB members that the presumption of racial inferiority implicit in the signs' language rankled more than the actual practice of exclusion. When it came to segregated seating in movie theatres, for example, ANB members interviewed by Philip Drucker in the early 1950s offered a nuanced view. "A number of people commented that actually it was the idea that was offensive to the Indians—not the fact of being seated in one particular place," Drucker reported. "They pointed out that in most cases Indian members of the audience tend to sit together anyhow even now."[195] Given this attitude, along with the defeat of the 1943 version of the bill that did not mention signs, it is

[192] A.B. Cain, "A.B. Cain Gives the Highlights of the Present Legislature," *Alaska Fishing News* (Ketchikan), March 12, 1943, 1.
[193] Roy Peratrovich to Sid Charles, March 12, 1943, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[194] "Packed House Hears Debate Equal Rights," *Daily Alaska Empire (Juneau)*, January 31, 1945, 8.
[195] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 71.

reasonable to hypothesize that Roy Peratrovich, in his capacity as ANB president, introduced the language about signs in the 1945 version. It may have been a calculated move in that the signs were the most tangible symbol of the territory's bigotry and therefore functioned as a particularly powerful lobbying tool. Whatever the reason, the unintended consequence of amending the bill was that it weakened the law.

In the 1970s and 1980s Peratrovich continued to characterize the equal rights law less in terms of ending discrimination and more as a hard-won victory that got rid of the signs. In a 1988 interview, for instance, when asked if things changed after the bill was passed, Peratrovich responded, "Well, the signs were taken down." In a 1977 letter to the *Anchorage Daily Times*, he characterized the impact of the law this way: "We were fully aware that the passage of this law would not erase prejudice of race; however, we did accomplish one thing—that of having these signs removed and for those who practice racial discrimination a just punishment by providing a way of imposing a fine and jail sentence for violators."[196] Other letters written by Peratrovich at that time put the issue in identical terms. It is clear from the historical record that throughout his life he conceptualized the issue first and foremost in terms of the signs, a strong indication that the insertion of the fateful language to the 1945 version of the bill was his.

"Not an untoward incident was reported…"

The second case prosecuted under the equal rights law occurred in Anchorage in the spring of 1950. James Simpson entered the Scandinavian Club on Fourth Avenue and C Street on

[196] Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, HMC-1099, Archives and Special Collections, Consortium Library, University of Alaska Anchorage; Roy Peratrovich, "Rowan Poll on Natives," *Anchorage Daily Times*, January 27, 1977. For other examples of how Peratrovich prioritized the removal of discriminatory signs, see Roy Peratrovich, "A Close Look at the ANB," *Anchorage Daily News*, December 10, 1971; Roy Peratrovich, "King Didn't Help Alaska," *Anchorage Daily News*, October 21, 1987; Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

February 16, 1950—coincidentally five years to the day that Ernest Gruening signed the Anti-Discrimination Act—whereupon the bartender, Royal McRoberts, refused to serve the Black man "a drink of intoxicating liquor," as the indictment put it.[197] McRoberts was arraigned on the charge of refusing full and equal enjoyment of a public facility to a citizen. Having been amended in 1949 to remove the language about signs, the Act was now broadly applicable to all acts of racial exclusion—but the law proved unenforceable yet again. Just as Warren Taylor had done a few years earlier, Ralph Cottis, the attorney representing McRoberts, parsed the language of the anti-discrimination law looking for a loophole. Observing that the word "bar" did not appear in the statute, Cottis asked for the charge to be dismissed. Judge Anthony J. Dimond allowed the case to proceed, however, finding that the term "tavern," which did appear in the law, was sufficient to cover any dispensary of alcoholic beverages. Cottis subsequently argued that the bartender's refusal to serve Simpson was not due to his race at all but because his companion, a white man named Alvin Jacobson, had been ejected from the Scandinavian Club previously for aggressively cadging drinks from other patrons. The argument proved persuasive to the jury, and in a three-day trial McRoberts was acquitted.[198]

The outcome could have been foreseen given that the unenforceability of anti-discrimination laws was widely acknowledged in the legal profession at the time. In 1939 the *Columbia Law Review* concluded "discrimination is not easy to prove," particularly when the offending proprietor had a range of plausible excuses at his disposal. The *University of Chicago Law Review* determined the same in a 1949 article: "The difficulty arises because [the alleged discriminator] may use whatever objective or subjective standards he chooses other than those

[197] Criminal complaint no. 2319 Cr. (1950), Records of the District Court, Territory of Alaska, Third Division, Alaska State Archives, Juneau
[198] Mary Stevenson, "Man Freed In Race Case," *Anchorage Daily Times*, May 3, 1950; "Judge Rules Bars Cannot Discriminate," *Anchorage Daily Times*, May 2, 1950.

outlawed by the state." Cottis was therefore deploying a sound legal strategy, one that had worked in other courts around the country, when he claimed McRoberts had ejected Simpson only due to the uncouth manner of his companion. Rudy Hill had attempted the same basic maneuver a few years earlier by alleging the Colemans were already intoxicated and posed a threat to public safety the night they entered his bar. That the ploy worked for McRoberts but failed for Hill speaks to the vicissitudes of the courts in interpreting anti-discrimination statutes. The *Columbia Law Review* further noted that courts not infrequently limited the application of anti-discrimination laws "on dubious grounds." A court in Illinois in 1913, for example, dismissed a case because the word "cemetery" did not appear in the statute's list of public accommodations and amusements. The same situation occurred in Minnesota in 1898 over the word "saloon." In 1920 an Indiana court construed the term "eating house" to refer to a place where cooked meals were served, and it therefore held the law did not apply to an ice cream parlor. Such semantic machinating had occurred as early as 1881, when a New York restaurant owner justified his refusal of service to a Black man by pointing out the law only prohibited discrimination in "inns." Whether Ralph Cottis was aware of such precedents cannot be known, but his assertion that the absence of the word "bar" from the Alaska law should have nullified the charge against his client, although unsuccessful, was not on its face unfeasible.[199]

The third case brought under the Anti-Discrimination Act took place in the fall of 1951, again in Anchorage. Melvin Ward, an African American man from Kodiak, had been

[199] *Legislative Attempts to Eliminate Racial and Religious Discrimination*, 39 Colum. L. Rev. 1002 (1939); *An American Legal Dilemma: Proof of Discrimination*, 17 U. Chi. L. Rev. 119 (1949); Charles S. Mangum, Jr., *The Legal Status of the Negro* (Chapel Hill: University of North Carolina Press, 1940), 156. In the Minnesota case, the court theorized the state legislature may have omitted saloons from coverage for a deliberate reason: "It is a well-known fact that, owing to an unreasonable race prejudice which still exists to some extent, the promiscuous entertainment of persons of different races in places where intoxicating drink are sold not infrequently result in personal conflicts, especially when the passions of men are inflamed by liquor." The legislature refuted the notion by adding the word "saloons" to the law the following year. See Gilbert Thomas Stephenson, *Race Distinctions in American Law* (New York: D. Appleton and Co., 1910), 127, 132.

subpoenaed to appear in court as a witness in an unrelated case. Upon arriving in the city, he attempted to get a room at the Parsons Hotel but was denied service by Bruce Kendall, the hotel manager. Ward wandered the streets all night. When District Attorney Earl Cooper learned the next morning how his witness had been treated, he charged Kendall with the crime of discrimination. Kendall pleaded nolo contendere and was fined $250, the maximum monetary penalty. A 30-day jail sentence was suspended.[200]

The fourth and what would be the final case brought under the Act occurred in Anchorage in June 1953. Four African Americans—one of whom was Blanche McSmith, a founder of the local NAACP chapter about whom more will be said in the next chapter—entered the mostly empty Pagoda Café late one night and seated themselves at one of the many open tables. As they stated in the complaint they would later file with the district attorney, a waitress then picked up several "Reserved" signs, proceeded to place one on every table in the restaurant, and informed the party they could not be served because they lacked a reservation. The group sat in silent protest for the next two hours, watching as White customers entered and were served without delay. One of the complainants, Eura Dell Porter, noted that the "atmosphere of uneasiness" and the "arrogant and derogatory" behavior of the waitstaff left no doubt as to why they were denied service. The jury in the subsequent criminal trial disagreed, however, and the

[200] Criminal complaint no. 2580 (1951), Records of the District Court, Territory of Alaska, Third Division, Alaska State Archives, Juneau; "Court Fines Hotelman $250," *Anchorage Daily Times*, November 8, 1951, 8. Bruce Kendall would later be elected to the Alaska State House of Representatives, serving from 1959 to 1966. He was Speaker of the House for one term, in 1963–64. See "Bruce Kendall was larger than life," *Anchorage Daily News*, July 14, 2012. According to Everett Louis Overstreet, a newspaper columnist and civil rights activist who collected oral histories of African Americans in Alaska in the post-WWII era, the Polar Hotel on the outskirts of downtown Anchorage was the city's only hotel willing to provide lodging for blacks well into the 1950s. The Polar Hotel at that time advertised in *The Alaska Spotlight*, a newspaper published by a member of the Anchorage NAACP and targeted at an African American readership. See Everett Louis Overstreet, *Black On a Background of White: A Chronicle of Afro-Americans' Involvement in America's Last Frontier, Alaska* (Fairbanks: Alaska Black Caucus, 1988), 32.

named defendants—owner Violet Bingo, bartender Ted Langai, and waitress Betty Machnicki—were all acquitted.[201]

In the years after the enactment of the equal rights law, acts of discrimination continued in Alaska seemingly unabated. When the first NAACP chapters in Alaska were founded in Kodiak and Anchorage in 1951, the group set about collecting reports of discrimination against Blacks. The file of complaints grew to hundreds of pages in just the chapters' first two years of existence and was essentially indistinguishable from what one might have found in Detroit, Chicago, or Newark. Black residents reported being denied service at restaurants, beauty parlors, and other public accommodations. One restaurant posted a sign announcing it reserved the right to deny service to "anyone," an ambiguous phrase that sidestepped the anti-discrimination law but that the manager admitted was intended only for Blacks. Blacks who telephoned apartment managers were told to come by to view the open rentals, but then were turned away when they showed up in person. In one particularly dehumanizing case, an Anchorage café was known to stir horseradish into bowls of oatmeal ordered by Black customers in order to discourage their patronage.[202]

NAACP officials regularly protested to authorities, but, despite sympathetic replies from judges and district attorneys, not a single criminal charge was brought as a result of their efforts. Bruce Kendall's 1951 conviction was the first, last, and only successful prosecution under the Anti-Discrimination Act. Even that conviction rung a bit hollow since the complaint had not been filed by the Black victim at all. The case proceeded only because a powerful White man, the Anchorage District Attorney, was himself inconvenienced by Kendall's action. Had Melvin

[201] "Race Discrimination Charges Flare in Anchorage Court," *Fairbanks Daily News-Miner*, June 16, 1953; "Jury Clears Café Staff of Count on Discrimination," *Anchorage Daily Times*, July 1, 1953.
[202] Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Branch File, Anchorage, Alaska, 1947-55, NAACP.

Ward been denied accommodation while on personal business, it is extremely unlikely any legal action would have been brought against Kendall. In this sense, the successful prosecution actually reaffirmed the racial inequities of the time.

The insouciance of federal and territorial officials in this era rendered discrimination more or less invisible to all but those minorities who directly suffered its indignities. Ernest Gruening exhibited such myopia in his 1954 book, *The State of Alaska*. Referring to segregated movie theatres, discriminatory signs, and Native women being banned from USO dances, Gruening proudly noted such "practices were now outlawed, with resulting improved native morale and better relationship between the races."[203] Not surprisingly, he made no mention of Beatrice Coleman or Rudy Hill. He made no mention of Melvin Ward or Bruce Kendall. He made no mention of James Simpson or Royal McRoberts. He made no mention of the Pagoda Café. He made no mention of the numerous letters he'd received from African Americans pleading with him to do something about housing and employment discrimination. He made no mention of the fact that a survey of 1,700 Black residents of Alaska, conducted by the NAACP in 1952, revealed numerous cases of discrimination in every corner of public life.[204]

In the summer of 1950, following the acquittal of Royal McRoberts in the Scandinavian Club case, Madeline Holmes of Anchorage wrote a series of letters to Governor Gruening, Interior Secretary Oscar Chapman, and California congresswoman Helen Gahagan Douglas, whose stance on racial equality was an inspiration to Holmes. "I, along with many other Negroes of Anchorage, am sick to death of the racial discrimination and prejudice that is becoming more

[203] Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 377.
[204] Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Branch File, Anchorage, Alaska, 1947-55, NAACP; Audrey Clemons to Ernest Gruening, August 15, 1952, Madeline Holmes to Ernest Gruening, September 9, 1950, Earle W. Fisher to Ernest Gruening, October 12, 1950, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).

ra[m]pant here each day," she informed Gruening. Holmes cited several instances where Black residents experienced housing and employment discrimination, yet she saved her sharpest words for a condemnation of city officials, including the mayor, city manager, and police chief, who she claimed ignored her repeated requests for help. "I was not due any protection from the City when [acts of discrimination] occurred because my skin happens to be of a different color than theirs," wrote Holmes, "but I notice there has been no color on the money they've collected from me for taxes." In her letter to Congresswoman Douglas, Holmes took direct aim at Gruening and other statehood backers whose commitment to equality she viewed as insincere: "My reason for writing to you is to let you know what kind of people you have demanding Statehood. If Alaska becomes a State now you will have a State compared to those below the Mason-Dixon line." Of the Anti-Discrimination Act so vaunted by Gruening, she concluded, "It is a huge joke."[205]

Gruening made no public comments on the McRoberts acquittal, but rebuked Holmes's claims in a letter to Chapman:

> We cannot…assume that because one jury in one particular case found as this one did, that the conditions are as extreme as Mrs. Holmes alleges they are. For her to say that the anti-discrimination act "is a huge joke" is pretty striking evidence of her lack of perspective and her exaggerated view. That act has very definitely stopped discrimination. Isolated instances will, of course, recur and whenever they are called to my attention I shall do my best to see that proper legal action follows.[206]

[205] Madeline Holmes to Ernest Gruening, September 9, 1950, Madeline Holmes to HGD [Helen Gahagan Douglas], 1950, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).
[206] Ernest Gruening to Oscar Chapman, August 22, 1950, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).

Gruening's rather blithe attitude regarding the McRoberts case demonstrated that his view of racial discrimination was both individual in its cause, rather than systemic or institutional, and isolated in its occurrence. His commitment to intervene personally in such cases, however well-intentioned, similarly appeared to limit redress to individual initiative. While the strident and accusatory tone Holmes deployed in her letters may have alienated the very officials to whom she was appealing for relief, she made clear the problems faced by the Black community went beyond a few racist bartenders and hotel clerks, as Gruening was wont to characterize things. Blacks were denied employment opportunities in government service, Holmes noted, while racial housing covenants prevented them from purchasing homes in nice neighborhoods or even securing well-apportioned apartments. Discriminatory policies were built into the territory's economic systems, she argued.

The chasm between Holmes's complaints and Gruening's perception of the problem was typical of the national discourse regarding racial exclusion at the time. According to Carol A. Horton, "Postwar liberals believed that the legal prohibition of discrimination would be sufficient to address racial inequality and were unaware of the importance of more complex factors, such as diminishing employment opportunities and ghettoization."[207] As more and more African Americans migrated to Alaska in the 1950s, they pressed the territorial and federal governments to address discrimination on these wider, societal fronts.

Ernest Gruening consistently stretched the truth of the anti-discrimination law in both his private and public communications. In his book, which he fervently hoped would lay the groundwork for Alaska statehood, he boasted, "Not an untoward incident was reported

[207] Carol A. Horton, *Race and the Making of American Liberalism* (Oxford: University Press, 2005), 140.

subsequent to the enactment of the 'equal-treatment bill.'" It was a powerful claim about the territory's social progress—but one he knew to be false. He'd met personally with the Colemans six years before, and as governor he'd been fully briefed on the cases involving James Simpson and Melvin Ward.[208]

Although Gruening championed the rights of minorities throughout his career, he viewed such matters in the 1940s and 1950s solely through the lens of Alaska statehood. His simplistic notion for how Natives would become equal members of Alaska society prevented him from grasping the importance of larger issues such as aboriginal land claims and sovereignty. In effect, it simply was not possible for the governor to see Native concerns through Native eyes, nor could he comprehend the discrimination Black Alaskans experienced and brought to his attention. In embellishing the history and effectiveness of the Anti-Discrimination Act, Gruening demonstrated his willingness to dissemble when in service of a larger goal. When considered alongside the many exaggerations made by Gruening and others about the law in later decades, his boasts also pointed to the fundamental nature of the myth itself: the details of what the act accomplished could always be stretched, shaped, and translated into whatever meanings those telling the story wished to emphasize and in support of whatever goals they hoped to achieve.

The habit extended to Roy Peratrovich. In a 1974 interview, he claimed the Anti-Discrimination Act represented a milestone for racial equality, stating, "I understand that bill is still the best in the United States," and calling it "twenty years ahead of its time"—boasts that are difficult to square with the act's decidedly mixed record.[209] Well into the 1980s, as Natives despaired of the law they said only papered over the problem, Peratrovich regularly noted in

[208] Gruening met with the Colemans in January 1948, while he was in Fairbanks for the Democrat Party's territorial convention.
[209] Donn Liston, "Gruening rights fight recalled," *Anchorage Daily News*, June 28, 1974, 2.

letters and speeches that not a single case of discrimination against Natives was brought under the law, evidence of its apparent effectiveness. "Only two [*sic*] have been filed to date," he said in a 1977 speech, "and those were filed by blacks who were denied accommodations in hotels or apartments and had the proprietors convicted of violation of the Anti-Discrimination Act."[210] Contrary to his claim, no convictions resulted in the cases filed by Black complainants. Like Gruening before him, Peratrovich embellished and exaggerated the history for a higher purpose, in his case to validate the achievements of his late wife. It hardly mattered whether or not he knew the law failed in three of its four applications, nor if he was aware the conviction of Rudy Hill had been thrown out due to the faulty language he himself had inserted into the equal rights bill. What mattered was that in order to build a narrative that bolstered the statehood movement and enshrined the equal rights law as a landmark achievement, deleting the Colemans, James Simpson, Melvin Ward, and the Pagoda Café patrons from Alaska's history of racial discrimination was an unfortunate but necessary step.

The mythologization of the Anti-Discrimination Act had begun.

[210] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

Chapter 4: Black Alaskans and the Fight for Fair Employment

Like many of the estimated three thousand African Americans living in Anchorage in the early 1950s, Willard Bowman was a recent arrival. Born in Michigan in 1919, he served in the U.S. Navy during World War II and, following the war, emigrated to Alaska to work as a laborer and union organizer. He also became active in local politics, serving as president of the Association for Local Improvement, a group modeled after the National Urban League, whose motto—"Progress through Perseverance"—signaled its commitment to seeing the city's Black residents become more fully integrated into civic and economic life. On March 26, 1952, Bowman wrote to Governor Ernest Gruening to inquire whether the territory maintained fair employment protections on federally funded construction projects. Bowman noted the association was aware of "any number of instances wherein contractors have time after time either refused to accept Negro workers, or else hired them for a day, and then sent them home." The most egregious instance of employment discrimination, according to Black laborers in Anchorage, occurred at the Eklutna Dam, a hydroelectric project then being upgraded to meet the city's ever-increasing power demands. Housing camps for White laborers had been constructed at the remote site forty miles north of Anchorage, but Black workers, when they were hired at all, were denied housing, forcing them to commute back and forth each day. Although the territory's construction season was short and its labor force therefore relatively transient, Bowman insisted the African American community was ready to plant permanent roots in Alaska—but only if employment opportunities were equitably available to all regardless of race or color. His organization was "composed of men who are trying to make the territory their home, and we cannot stand idly by, while being subjugated to discriminatory practices." The time was not far

off, Bowman informed Gruening, when the Black community "may be called upon to take whatever steps are necessary" to achieve some measure of economic justice in what was quickly becoming Alaska's largest city.[211]

Even as Bowman pressed the governor on the matter, however, his letter struck a compliant, even conciliatory tone. His group had no immediate desire to file a formal complaint, wishing first to collect information about the territory's employment laws and its procedures for resolving disputes within established channels at the labor department. Wrote Bowman, "Since we know this can turn into quite an upheaval, we are waiting until we know just where we stand[.]"[212] As it turned out, the Association for Local Improvement would not sue the territory over employment discrimination, choosing instead to build alliances with the local branch of the National Association for the Advancement of Colored People, on whose board Bowman also served, and the Central Labor Council, which represented twenty-two unions in the territory. In lieu of litigation, the coalition sponsored a Fair Employment Practices bill that was introduced in the legislature the following year. While the members of the coalition were overwhelmingly Democratic, the NAACP had the foresight to send its most prominent Republican member, a Baptist minister, to lobby the legislature's conservative majority, a group of lawmakers who otherwise held both civil rights groups and labor unions in little esteem. The bill, which prohibited employment discrimination in both the public and private sectors on the basis of race, religion, color, or national origin, passed easily by combined House and Senate votes of thirty-seven to two.

[211] W. L. Bowman to Ernest Gruening, March 26, 1952, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).
[212] W. L. Bowman to Ernest Gruening, March 26, 1952, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).

The focus on fair employment protections and an institutionalist approach to enshrine them in law were both features of the postwar civil rights strategy pursued by African Americans outside the South, where eliminating Jim Crow segregation was a higher priority.[213] Legislation to prohibit employment discrimination was introduced in more than twenty state legislatures in 1945 alone, matched by a dozen separate bills in Congress, and over the next two decades such laws would be enacted in twenty-four states. Civil rights reformers in non-southern states from New York to California were strategic and pragmatic when pursuing such goals, writes Mark Brilliant, in that they sought "to leverage change through the legal and political systems [by] prioritizing litigation and legislation choices based on a tactical sense of what was possible in particular times and venues."[214] In Alaska, the coalition of civil rights groups and labor unions behind the 1953 fair employment act embodied such institutionalism. Activists staged no pickets, boycotts, or lunch counter sit-ins to protest segregation, still a pressing problem in Alaska, recognizing that, unlike their brethren in the South, they enjoyed comparatively (but not completely) unrestrained access to the political apparatus and therefore might successfully petition federal and territorial authorities for civil rights protections on matters of employment, education, and housing. (Alaska Natives were not part of the fair employment coalition, in part because at the time there existed no Native political organization in Anchorage, where the effort was organized, and the Alaska Native Brotherhood was then focused primarily on land claims litigation.)

Scholars such as Brilliant, Daniel Martinez HoSang, Nikhil P. Singh, and Paul Spickard have concluded that civil rights campaigns in different regions of the country varied decidedly in

[213] Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010), 5.
[214] Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010), 7.

their tone, tactics, coalitions, and goals, and thus they cannot be understood without thorough examinations of their distinctiveness. Although Black Alaskans encountered the same or similar forms of resistance, bigotry, and exclusion as Black Americans elsewhere, the Alaska NAACP in the 1950s and 1960s pursued an institutionalist, legislative-based strategy that deviated significantly from the protest- and litigation-based agendas of the national organization in the Deep South and other parts of the country. Today the history of civil rights in the postwar era is remembered largely for the movement's effective use of litigation in landmark cases such as *Brown v. Board of Education*, but legal historian David Freeman Engstrom argues that on the issue of fair employment, mainline civil rights groups just as often aligned themselves with labor unions and preferred institutionalism to litigation "because it entrenched a gradualist, individualized, and negotiation-based approach that fit better with the organizational imperatives and strategic goals of both groups."[215] The Anchorage chapter of the NAACP lacked the legal resources of the national organization, and throughout the 1950s the group and its local allies eschewed the courts, instead working within existing administrative structures and shrewdly aligning their concerns with the democratic ideals of postwar liberalism and the full employment policies of the federal government. The strategy sought to create statutory rights Black Alaskans hoped would prove administratively enforceable and lead to the integration of racial minorities into the territory's political and economic life.[216]

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[215] David Freeman Engstrom, "The Lost Origins of American Fair Employment Law: Regulatory Choice and the Making of Modern Civil Rights, 1943–1972," *Stanford Law Review* 63, no. 5 (May 2011), 1075.

[216] See Mark Brilliant, *The Color of America Has Changed: How Racial Diversity Shaped Civil Rights Reform in California, 1941–1978* (New York: Oxford University Press, 2010); Daniel Martinez HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California* (Berkeley: University of California Press, 2010); Nikhil P. Singh, *Black Is a Country: Race and the Unfinished Struggle for Democracy* (Cambridge: Harvard University Press, 2004); Paul Spickard, *Almost All Aliens: Immigration, Race, and Colonialism in American History and Identity* (New York: Routledge, 2007). In his study of African Americans in Alaska, Ian C. Hartman argues that the struggles faced by Black Alaskans and the social movements they founded in the post-WWII era were of a similar if not identical character to those elsewhere in the United States: "True, it [Alaska] was not the Deep South or the large cities of the Lower 48, but the battle for civil rights under the glow of the northern lights demonstrates a continuity

African Americans in Alaska petitioning for civil rights in this era had still another channel of opportunity that enabled them to frame their appeals within the mainstream political culture: the burgeoning statehood movement and the ideals of representative democracy espoused by its (mostly White) proponents. Although statehood for Alaska had been on the minds of the territory's residents since congressional delegate James Wickersham introduced the first statehood bill in 1916, the movement really got going in the wartime and postwar eras when the population boomed with new arrivals who came to realize territorial status deprived them of the self-government they had known in their home states. In addition, Alaska's valuable natural resources, including salmon, timber, coal, and oil, were all managed by federal regulators—or rather *mis*-managed, as many in the territory put it. Pro-statehood Alaskans came to believe economic prosperity would be achieved only under statehood once they were able to gain more control over the pace and form of resource development themselves.

Ernest Gruening, Alaska's governor from 1939 to 1953, and one of the territory's most vocal and effective champions for statehood, emphasized in his many speeches and writings on the issue that Alaskans felt like "second-class citizens." They could not vote for president. They could not vote for their governor, who was a presidential appointee. They had no representation in Congress beyond a single territorial delegate in the House who had no vote. Gruening, who offered the list of complaints with no mention of the fact that Alaska Natives and African Americans were quite literally second-class citizens who had long been denied the benefits of citizenship and full political equality in vastly more detrimental respects, held that statehood was

in the nation's black freedom struggle, be it in the North, the South, or Alaska. The struggle for equality transcended latitude and distance, and in Alaska as elsewhere the black community forged one of the nation's greatest social movements." In framing the Alaska history squarely within the conventional and popular history of the national civil rights movement, Hartman prioritizes the themes the two have in common but does not distinguish between exigencies and circumstances unique to Alaska. See Ian C. Hartman, *Black History in the Last Frontier* (Anchorage: National Park Service, 2020), 90, 93-94.

the only solution. "We meet to validate the most basic of American principles, the principle of 'government by consent of the governed,'" Gruening stated in his keynote address to the 1955 convention at which fifty-five delegates from across the territory met to draft a state constitution. Characterizing the federal government's undemocratic rule of Alaska as *colonialism*—but again neglecting to observe that Natives had experienced colonialism of a different order at the hands of White settlers for more than two hundred years—Gruening nevertheless preached political establishmentarianism: "But our faith in American institutions, our reverence for American traditions, are not only undimmed but intensified by our continuing deprivation of them. Our cause is not merely Alaskans'; it is the cause of all Americans. So, we are gathered here…to do our part to 'show the world that America practices what it preaches.'"[217]

Black Alaskans then promoting racial liberalism in the territory astutely recited the rhetoric of equality back to Gruening et al. "A basic tenet of the American idea," wrote NAACP president Blanche L. McSmith in a February 1953 letter to legislators then debating the fair employment bill, "is that opportunity for citizenship, and equal opportunity to work is the inalienable right of every American, a right that may not be abridged or threatened because of color, religious faith, or national origin."[218] Throughout the 1950s, as civil rights reformers framed their appeals as being conjoined with the democratic ideals of the statehood movement, the letters they sent to territorial and federal officials were replete with references to the high voter turnout among African Americans, participation in electoral campaigns, lobbying efforts,

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[217] Ernest Gruening, "Let Us End American Colonialism!" November 9, 1955, https://vilda.alaska.edu/digital/collection/cdmg22/id/7 [accessed March 18, 2020]. For additional information on the Alaska statehood movement, see Ernest Gruening, *The State of Alaska: A Definitive History of America's Northernmost Frontier* (New York: Random House, 1954); John S. Whitehead, *Completing the Union: Alaska, Hawai'i, and the Battle for Statehood* (Albuquerque: University of New Mexico Press, 2004); Terrence Cole, *Fighting for the Forty-Ninth Star: C. W. Snedden and the Crusade for Alaska Statehood* (Fairbanks: University of Alaska Press, 2010).

[218] Blanche L. McSmith to Waino R. Hendrickson, February 4, 1953, General Office File, Fair Employment Practices Committee, Alaska, 1953, NAACP Records, Manuscript Division, Library of Congress.

and other evidence of civic engagement. Many Blacks who resided in Alaska in the postwar years, including Willard Bowman, Blanche L. McSmith, and Robert and Beatrice Coleman, had arrived as members of the military or in defense-related industries, and, much like in the Double V campaign of the Second World War, they expressed the desire for freedom both abroad and at home. As Earle W. Fisher of the NAACP's New York office put it to Gruening in 1950, the civil rights organization "favors statehood for Alaska but would not welcome the admission to statehood of an area which would be inclined to uphold the racial practices of the south."[219]

The Alaska NAACP regularly presented itself as a group whose members hoped to make the territory their permanent home, a commitment that required authorities take seriously the eradication of racial prejudice. Referring to the discrimination experienced by Black laborers on the Eklutna Dam project, for example, McSmith pointed out that the territory as a whole also suffered for their treatment: "This type of injustice not only reduced the workers [*sic*] output but placed a stranglehold upon the growth and development of Alaska by not using its manpower to the fullest capacity."[220] It was a charge Gruening could hardly ignore as he regularly sounded the same refrain, noting that the territory's economic stagnation under federal control was damaging not just to Alaska but to the nation at large.

This chapter examines the civil rights activism of Alaska's African American community in the context of the statehood movement in the 1940s and 1950s, finding that its institutionalist

[219] Earle W. Fisher to Ernest Gruening, October 12, 1950, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953). As their extant correspondence indicates, Gruening apparently replied to Fisher on October 26 with a letter that does not exist in the file cited above. In a separate letter to Fisher more than a year later, Gruening refuted the suggestion that racial discrimination was as prevalent as the NAACP suggested, noting that "race prejudice exists and that people coming from various parts of union to Anchorage bring it with them, but that everything was being done as far as government could do it in Alaska to promote a policy of non-discrimination and equal treatment." See Ernest Gruening to Earle W. Fisher, December 10, 1951.

[220] Blanche L. McSmith to Waino R. Hendrickson, February 4, 1953, General Office File, Fair Employment Practices Committee, Alaska, 1953, NAACP Records, Manuscript Division, Library of Congress.

approach reflected an overall faith in the territory's political systems. For Black Alaskans, the struggle for equality in public life, especially in areas of employment, voting rights, and housing, illustrated the desire to be folded into mainstream society. In this respect their civil rights campaigns resembled those waged by the Alaska Native Brotherhood in the 1940s, when the ANB, under the leadership of Roy and Elizabeth Peratrovich, devised legislative strategies and obtained passage of a number of bills that brought Natives further into the body politic of the territory. At the same time, however, Natives did not quite desire full assimilation to western culture. On aboriginal land claims and subsistence hunting and fishing, for instance, Alaska's Indigenous peoples sought to maintain tribal sovereignty. As this chapter and the next describe, the campaigns of Black Alaskans and Alaska Natives aligned in particular ways but diverged in others. Together they illustrate the evolving nature of the dialogue of race in the statehood era.

Fair Employment in Alaska

The first Alaska chapter of the National Association for the Advancement of Colored People was established in Anchorage in 1951. Four years earlier, a local carpenter named Harold Brown had written to the NAACP's New York office asking for assistance. Brown had been in Alaska for several years at that point, and he observed "such a change in the people of late," adding that discrimination and mistreatment of Blacks had not been in evidence prior to the wartime boom. "This sort of thing is something entirely new here in Alaska and can be blamed directly on the great influx of southerners that are coming into the country," he wrote. The population of Anchorage had grown to 11,254 in 1950, an increase of more than 220 percent from a decade earlier. If one counted the outlying communities (several of which would be annexed to the city in the coming years) the population totaled more than thirty-two thousand, of

which an estimated three thousand, or roughly 9 percent, were Black. And while Brown's description of a prewar territory free of racial hostility was almost certainly an exaggeration, the culture and mores of Alaska were indeed changing with each new arrival.[221] (For the sake of comparison, the population of African Americans in other parts of the Pacific Northwest also increased dramatically in the war years. From 1940 to 1950, the number of Black residents of Seattle increased from 3,800 to 15,700. In Portland the Black population in the same period jumped from 1,900 to 9,500. The numbers represented just over 2 percent of the total population of the cities in 1950. Of all cities on the West Coast, only Oakland had a higher number of Black residents as a percentage of the total population—12 percent—than Anchorage.)

Other Black Alaskans wrote to the NAACP in the late 1940s, but momentum for a local chapter did not reach critical mass until an incident of violence shocked the Black community into action. In 1950 Alvin Campbell purchased a housing lot in the all-White Rogers Park neighborhood of Anchorage, directly challenging the racial covenants that prohibited the sale of homes to anyone of a race other than Caucasian. When Campbell began construction of his home, one White resident threatened, "You might finish the house, but you will never enjoy living in it." The night before he and his family planned to move in, a fire of what the newspaper called "unknown origin" destroyed the structure as firefighters stood by and watched. Local authorities declined to investigate the incident, and the Campbells moved to a homestead in the Matanuska-Susitna Valley forty miles north of Anchorage. "If they would do so much harm, burning the house down," said Campbell's terrified wife, "what would they do to my baby?" Blanche L. McSmith, who would go on to serve as president of the local NAACP branch and become the face of the civil rights movement in Alaska, said of the fire, "A few people both

[221] Harold Brown to Walter White, July 18, 1947, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress.

white and colored felt that this was not the kind of justice desired in this community and saw the need of a chapter of the NAACP who could investigate such injustices." Captain Silas M. Jenkins, then stationed at Elmendorf Air Force Base just outside Anchorage, spearheaded the effort and by the fall of 1951, Alaska had its first chartered branch of the NAACP. Chapters were subsequently established in Kodiak and Fairbanks, both communities with military installations and significant Black populations.[222]

The introduction of the Fair Employment Practices bill in the territorial legislature in 1953 spoke to the fact that economic opportunity (along with fair housing) was the primary civil rights priority of Alaska's growing Black population at the time. According to Ian C. Hartman and David Reamer, "The competing presence of racism on the one hand and opportunity on the other succinctly conveys the experience of African Americans in urban Alaska during the postwar decades[.]" Some three thousand Blacks lived in Anchorage in the early 1950s, a number that swelled to as many as five thousand in the summer months when seasonal workers arrived to take jobs in construction. Nearly all lived in the segregated Fairview, Chester Creek, and Eastchester Flats neighborhoods, where a number of Black-owned businesses were clustered: a grocery store, liquor store, hotel, radio shop, dry cleaners, beauty parlor, three real estate offices, three barber shops, and fifteen cafes, bars, and nightclubs. The close-knit neighborhoods and thriving business districts emerged due to racial restrictions in housing and

[222] Olivia Harding to NAACP, September 27, 1948, Madeline Holmes to Gloster B. Current, June 9, 1950, Blanche McSmith to Walter White, June 28, no year listed, Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Captain Silas M. Jenkins to Walter White, April 20, 1951, Gloster B. Current to Silas M. Jenkins, June 13, 1951, Gloster B. Current to J. C. Nicholson, August 3, 1951, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress; Ian C. Hartman, "'A Bonanza for Blacks?': Limits and Opportunities for African Americans in Southcentral Alaska," in *Imagining Anchorage: The Making of America's Northernmost Metropolis*, James K. Barnett and Ian C. Hartman, eds. (Fairbanks: University of Alaska Press, 2018), 363-64; Ian C. Hartman and David Reader, "A 'Far North Dixie Land': Black Settlement, Discrimination, and Community in Urban Alaska," *Western Historical Quarterly* 51 (Spring 2020), 29-30, 48.

employment that confined the Black population to certain locales within the city. Residents were able to forge vibrant social, political, and economic cultures not despite segregation but in large part because of it, according to Hartman and Reader. Even as Alaska featured "deep pockets of hostility and…harsh discrimination," they conclude, Black migrants who settled in the territory in the postwar years "also cultivated resistance and often times seized upon freedoms unimaginable in the places they left behind."[223]

At the same time, however, the Black community faced limited economic opportunities. No Black doctors, dentists, lawyers, or teachers were employed in Anchorage, and, according to a survey of more than 1,700 Black residents conducted by the NAACP in 1952, the majority of Black men in the city worked construction jobs (not counting those who served in the military, who were not surveyed). More than 90 percent of respondents had arrived in Alaska within the previous three years, while fewer than 6 percent had any education beyond high school, findings that spoke to the postwar mobility of the nation's Black population as well as the territory's need for manual labor. Of those who worked as carpenters, bricklayers, concrete finishers, and the like, nearly all affirmed their jobs matched their skills and experience. Just over one hundred respondents admitted they were underemployed but remained in Alaska for the wages that were higher than what they might earn elsewhere. Most Black women employed outside the home were also underemployed, working only as janitors or dayworkers, while what the survey called an "amazing number of unattached women" listed their occupation as dancer or entertainer, almost certainly in the city's bustling nightclub trade where stripping and even prostitution were not uncommon. In the estimation of the NAACP, the survey indicated that although African Americans could find employment in the territory, which was then experiencing a construction

[223] Ian C. Hartman and David Reader, "A 'Far North Dixie Land': Black Settlement, Discrimination, and Community in Urban Alaska," *Western Historical Quarterly* 51 (Spring 2020), 30-31.

boom due to Cold War military spending, they were mostly limited to the blue-collar sector. Professional and managerial opportunities for Black workers were few. The survey, McSmith believed, "would perhaps be no different if taken of any other racial group in Anchorage"—by which she likely meant Alaska Natives, a group that faced similar restrictions on housing and economic opportunity. She further noted the survey "indicates the need for professional and skilled people to migrate to Anchorage," though, she added, "the reception given their applications remains to be seen."[224]

From its founding, the Anchorage NAACP objected to mistreatment by civic authorities regarding economic opportunity. Black-owned bars and nightclubs were regularly subject to so-called vice raids where city police entered unannounced and cited patrons for offenses related to drinking, gambling, and prostitution. The NAACP made clear it had no desire to defend such criminal activities but protested when it appeared police disproportionately targeted establishments frequented by Blacks, looking the other way when the same infringements occurred in White-owned nightclubs.[225] Harassment of legitimate businesses occurred as well. The NAACP claimed police officers parked their squad cars in front of Black-owned cafes without cause or reason, occasionally entering to direct White patrons to leave or to gratuitously inspect the establishment's business license. Both the Anchorage city manager and police chief denied the allegations, the former stating in response to an NAACP complaint in August 1954, "there are no privileges given to or discrimination of any individuals or organizations." The city's postmaster, when queried by the NAACP as to why no Blacks had been hired as letter

[224] Blanche L. McSmith to Gloster B. Current, October 24, 1952, Branch File, Geographical File, Anchorage, 1947–1955, NAACP Records, Manuscript Division, Library of Congress; Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress.
[225] Clarence Coleman to NAACP Legal Department, August 24, 1954, Gloster B. Current to Dolores Watson, September 7, 1954, George C. Anderson to Gloster B. Current, September 18, 1954, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress.

carriers, cited the position's stringent qualifications, adding, "We certainly don't practice racial discrimination."[226]

In early 1953, as the territorial legislature was convening in Juneau for its biennial session, the NAACP and its ally, the Central Labor Council, drafted a one-page fair employment bill that would prohibit direct exclusion, defined as the refusal to hire or the discharge from employment, on the basis of race, religion, color, or national origin. Apart from the stated intent of fair employment, the coalition further hoped to achieve the broader goal of building a more equitable culture where the rights of all peoples would be respected. As McSmith put it, unfair practices by employers "must be eliminated to furnish the right background for better citizenship and a more effective democracy." The bill contained no specific language regarding enforcement, stating only that the territory's labor commissioner would be granted the authority to "effectuate the purposes of this act." The NAACP, Central Labor Council, and a handful of interested organizations and individuals contributed a total of $421 in order to send Reverend Giles Trammel to Juneau to lobby for the bill.[227]

Just as the coalition was preparing to identify a friendly legislator to sponsor the bill, however, a more comprehensive fair employment bill, one complete with carefully articulated enforcement measures, was introduced by Wendell Kay. A Democrat from Anchorage and one of the three dozen or so White members of the local NAACP chapter, Kay modeled his bill on the fair employment laws in Oregon, New Jersey, and Massachusetts, all of which had been on the books for at least four years at that point and had been successfully enforced in different

[226] "Negroes Appeal to Capital," *Anchorage Times*, August 21, 1954, 1; "Shannon, Miller Deny Discrimination Charges," *Anchorage Times*, August 23, 1954, 1; "Postal Officer Denies Charges Made By Negro," *Anchorage Times*, August 24, 1954, 1.

[227] Blanche L. McSmith to Waino R. Hendrickson, February 4, 1953, Blanche L. McSmith to Gloster B. Current, February 27, 1953, "An act relating to and providing for the elimination of certain practices of discrimination in employment because of race, religion, color or national origin," undated (circa February 1953), General Office File, Fair Employment Practices Committee, Alaska, 1953, NAACP Records, Manuscript Division, Library of Congress.

cases. Kay's bill went farther than the NAACP's version in a number of respects. At a time when employers typically required prospective applicants to submit a photograph of themselves with their applications, the bill prohibited any such practice that might represent a limitation or qualification on the basis of race, skin color, or general appearance. The bill empowered the labor commissioner to receive, initiate, investigate, adjudicate, and resolve complaints, whether informally by persuasion or more directly in the form of cease-and-desist orders enforceable by the courts. It also would establish a three-person advisory committee, with representatives from labor, business, and the general public, to assist the commissioner in enforcement of the act. Finally, Kay's bill stated that willful resistance on the part of an employer, or interference with the labor department in the performance of its duties under the act, constituted a misdemeanor punishable by one year of imprisonment or a $500 fine or both.

The measure was firmly in line with the economic tenets of Ernest Gruening's governorship, then entering its fourteenth and final year. (Having served under Democratic administrations since his appointment by Franklin D. Roosevelt in 1939, Gruening would be replaced at the prerogative of Dwight D. Eisenhower, the new Republican president, in April 1953.) After serving in the Interior Department's Office of Territories and Island Possessions in the 1930s, Gruening came to Alaska at the end of the decade as a faithful New Dealer, recognizing that political liberty meant little if not coupled with economic opportunity. At the start of his term, writes Robert David Johnson, Gruening embraced an anti-monopolist ideology, which manifested in his opposition to the absentee corporations that dominated the territory's fishing and mining industries without, in the estimation of the governor, adequate taxation or regulation. By the time of Truman's Fair Deal and its focus on civil rights and full employment, Johnson argues, Gruening had enlarged his reformist agenda to include protections for individual

workers. In 1949, with the strong backing of the governor, the legislature strengthened the territory's anti-discrimination statutes with a slate of bills that prohibited wage differentials based on gender, enhanced the ability of employees to sue for wage discrimination, empowered the territorial government to enforce equal rights laws, and created a system of retirement benefits for public employees. That was also the landmark session in which Gruening, along with the bipartisan coalition of senators and representatives he'd spent nearly a decade assembling, overhauled the territory's antiquated revenue system with new taxes on personal income, property, and business licenses. The sweeping reform measures, which Claus-M. Naske concludes "finally put the territory's financial house in order," were made possible due to Gruening's ability to persuade Democrats and Republicans alike. Indeed, the territory's political culture had been upended by Gruening insofar as he'd carved out a space between the two major parties, largely by force of his personality rather than ideology. The liberal New Dealer bonded with middle-of-the-road Republicans like Steve McCutcheon, Andrew Nerland, and John Butrovich, while at the same time earning the enmity of conservative Democrats including Howard Lyng and Norman Walker.[228]

Kay and his allies well knew that party affiliation still counted for a lot, however, and they believed the fair employment bill would face opposition in the Republican-led legislature. Although Alaska had long been a predominantly Democratic territory and the party had controlled the legislature more or less continuously since the New Deal era, GOP candidates swept into office on Eisenhower's coattails in 1952, and they now assumed the leadership of both legislative chambers. Kay was still hopeful regarding the bill's prospects, however,

[228] Robert David Johnson, *Ernest Gruening and the American Dissenting Tradition* (Cambridge: Harvard University Press, 1998), 156, 170-72; Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 139-40.

recognizing that conservative lawmakers, a group not otherwise amenable to civil rights or labor protections, fully supported the flow of federal appropriations into the territory, especially for infrastructure development that created thousands of seasonal construction jobs. During World War II the federal government spent more than $3 billion in the territory on military projects, for instance, and after the war, appropriations related to national defense continued at an annual rate of between $250 and $500 million through 1953. Bringing the territory's labor laws in line with federal non-discriminatory employment policies was therefore viewed as propitious to the continued building of roads, bridges, docks, airports, and other infrastructure. As Kay put it in a letter to his NAACP allies, "Many of them [Republican legislators] are secretly 'allergic' to the bill, but won't dare vote against it if it is up there on the calendar staring them in the face."[229]

Many Republican legislators were also swayed by the ever-pressing need to demonstrate Alaska's preparedness for statehood. One of the bill's leading sponsors, Theodore Duffield, a Democrat from Nome, pressed his colleagues across the aisle on this point, observing that enacting a fair employment law stood to bolster the chances for Alaska's admission to the union by showing the territory took seriously the equal rights of all citizens. Howard Pollock, a Republican from Anchorage, agreed, noting the bill presented his party with "its first opportunity in many years to prove indeed that it intends to champion the cause of minority groups."[230] Although not every GOP legislator favored statehood—some arrived in Juneau that year intending (but not succeeding) to abolish the Alaska Statehood Committee, a quasi-governmental

[229] Wendell Kay to Blanche L. McSmith, February 23, 1953, General Office File, Fair Employment Practices Committee, Alaska, 1953, NAACP Records, Manuscript Division, Library of Congress.
[230] "Alaska Legislature Passes Fair Employment Practices Act, March 12, 1953, unpublished press release, General Office File, Fair Employment Practices Committee, Alaska, 1953, NAACP Records, Manuscript Division, Library of Congress; Robert David Johnson, *Ernest Gruening and the American Dissenting Tradition* (Cambridge: Harvard University Press, 1998), 163, 181.

body established by the Democrat-led legislature in 1949—those who did found in the fair employment bill an opportunity to fortify the cause.[231]

Support for the bill also came from the two most powerful and influential Republicans in the territory, who were not politicians at all: Robert Atwood, publisher of the *Anchorage Times*, the territory's largest newspaper, and his wife Evangeline, chairperson of the Alaska Statehood Association, which she founded in 1946 (not to be confused with the Statehood Committee established by the legislature three years later). The party's most ardent supporters of statehood, the Atwoods regularly exhorted their GOP colleagues to support policies that would demonstrate the territory's social development and political maturity. Evangeline in particular regularly button-holed public officials to endorse her nomination of Anchorage for the "All-America City" award, for several years her pet project, urging them to exhibit the requisite civic engagement and inclusiveness at all times and on every issue. (The city finally received the award in 1956.) *Anchorage: All-America City*, the book she authored as part of the award application, contains in its final pages a *cri de coeur* that Black Alaskans took as a promise. "The city's attitude toward newcomers helps make it a dynamic city," Atwood wrote. "Anybody with a new idea or new energy for existing ideas, finds ready acceptance for himself and his friends. . . . Newcomers find little tradition or inertia that they must overcome." And although his newspaper was avowedly, at times even stridently, conservative, Robert Atwood himself exhibited a pragmatism on issues related to Alaska development that often transcended his political affiliation. A staunch ally of the progressive Ernest Gruening, Atwood supported much of the governor's agenda, including his tax reform proposals, believing statehood could only be achieved once Congress was convinced the territory was on a stable social, political, and economic footing. As was typical for

[231] Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 167.

most liberal policies supported by leftist groups, however, Atwood provided no coverage of the fair employment bill in his newspaper and printed no editorials on the subject, lest credit accrue to his political rivals. But behind the scenes he and Evangeline promoted the bill for what one historian called "the importance of making a good show regarding normality."[232]

The surfeit of bipartisan support behind the fair employment bill assured its passage, but not before it was amended in one significant respect. The three-person advisory commission called for in Kay's original version of the bill was removed, leaving the labor commissioner as the sole authority for investigation and enforcement, a development the NAACP would come to rue. As Engstrom explains in his study of fair employment laws, Republicans on both the state and federal level might have been willing to support employment protections—even Robert Taft, the archconservative senator from Ohio, endorsed certain proposals—but the commission model proved unpalatable as it represented an expansion of the New Deal administrative state.[233] The amended bill passed the House by a vote of 22-2, whereupon Percy Ipalook, an Inupiat who represented Nome in the Senate and who recognized that Native peoples might also benefit from anti-discrimination statutes, shepherded the bill through the upper chamber by a unanimous vote.

The success of the fair employment bill raises an important question about the history of African Americans in postwar Alaska. Did the bill's passage speak to the presence of the Black community as a voting bloc of some influence, or did the proponents of the bill simply capitalize on the fortuitous statehood context in which opposition to an equal rights measure was politically untenable at that particular time? The answer is perhaps a little of both.

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[232] Evangeline Atwood, *Anchorage: All-America City* (Portland, Oregon: Binfords & Mort, 1957), 106-07; Stephen Haycox to author, e-mail communication, February 18, 2020.
[233] David Freeman Engstrom, "The Lost Origins of American Fair Employment Law: Regulatory Choice and the Making of Modern Civil Rights, 1943–1972," *Stanford Law Review* 63, no. 5 (May 2011), 1139.

As noted above, Hartman and Reader conclude the geographic proximity of Anchorage's Black population, produced by segregation and urbanization, facilitated the development of a distinct social and political culture, of which the local NAACP chapter was a significant part. Although the estimated three thousand Blacks in Anchorage represented not even 10 percent of the city's total population, in the electoral precincts of Fairview, Chester Creek, and Eastchester Flats, at least, city and territorial officials could not altogether ignore Black voters and their concerns. According to Carol A. Horton, the racial liberalism that emerged nationally during the New Deal and continued through the Truman administration resulted in part from the not insignificant political clout achieved by Blacks who settled in cities in the North during the Great Migration and cast their votes for candidates sympathetic to their interests. Three of every four Black voters cast a ballot for Franklin Roosevelt in 1936, turning away from their longtime allegiance to the party of Lincoln, a shift widely cited as a turning point in the calculus of civil rights and national politics. In Alaska, Black voters overwhelmingly supported Democrats in legislative races, even while the *Alaska Spotlight*, the territory's only Black-owned newspaper, was published by a Republican NAACP member and consistently endorsed the GOP platform. "As the two major parties consequently began to compete for this suddenly important bloc of support," writes Horton, "the political climate became more receptive to ideas of racially equalitarian reform."[234]

At the same time, however, Black Alaskans in the pre-statehood era did not enjoy unfettered access to the ballot. In April 1952, Black Anchorageites experienced a voter fraud probe that both targeted individuals and discouraged the community's continued participation in electoral politics. A sales tax measure, the estimated $3.1 million in revenue from which would

[234] Carol A. Horton, *Race and the Making of American Liberalism* (Oxford: University Press, 2005), 123.

be used for street improvements and new school construction, was narrowly defeated in that month's municipal election. The measure, which had the support of the city council, school board, and prominent public officials, polled well in mostly White and relatively affluent precincts. When election results showed margins of defeat in the Eastchester, Mountain View, and Spenard neighborhoods where most of the city's African Americans lived, however, the League of Women Voters launched an investigation. Voter rolls from those precincts were checked against public utility, driver's license, and school tax records to determine whether voters actually resided in those districts and had done so for the requisite thirty days prior to the election. The group identified over one hundred cases that appeared suspect. A parallel probe by the city found seventy-three possible violations in those districts, which it turned over to the police department for further investigation. In the end, four individuals were charged with unlawful voting. All four were Black and members of a union, leading both the NAACP and labor leaders to allege discrimination. They pointed out that police investigators had asked the defendants how they had voted prior to their arrest (all four had voted against the sales tax) and that one man, when it appeared he could neither read nor write, was charged with violating the territory's literacy act, a blatantly discriminatory law that had been on the books for almost thirty years but had been rarely if ever enforced. The NAACP further noted that no charges were brought against voters who were either White or resided in precincts where the sales tax measure passed. City officials disavowed the charge of discrimination but acknowledged the investigation could have been handled better. As the *Anchorage Times* put it in an editorial, "It was stupid of city authorities to haul four Negroes into court as the first defendants when it is well known that whites are among the offenders." The Central Labor Council subsequently placed a quarter-page advertisement in the newspaper headlined "American Justice—Anchorage Version" in which it

posed a series of provocative and discomfiting questions: "Does the law apply to only a specially selected group or does it apply to everyone? What was the purpose of this investigation? Was it to secure abstract justice or was it to create intimidation? Would the investigation have been held if the sales tax had passed?" The investigation was quickly dropped, and city officials seemed eager to put the whole matter behind them.[235]

The election investigation—or "illegal voting probe," as the NAACP took to calling it—may have disheartened Anchorage's Black community regarding its progress toward racial equality, but it did not diminish its faith in the territory's institutions, and the group continued working within established political structures to advance its agenda. In the aftermath of the probe, the NAACP undertook a door-to-door survey of the city's Black population, referenced earlier in this chapter, in order to fully ascertain how long residents had lived in Anchorage, if they planned to stay, the jobs they held, whether their families were with them or back in the Lower 48 states, whether they were renting apartments or buying homes, and other demographic information. The charges brought against the four Black men in the voting probe all resulted from the transient nature of their employment and housing—to wit, they had voted in the wrong precinct having lived there an insufficient length of time—and the NAACP believed a comprehensive tally of the living and working conditions of African Americans might help explain the structural inequalities that resulted from such transitory lifestyles.[236]

Alaska's Constitutional Convention

[235] "Man Pleads Guilty to Election Fraud," *Anchorage Daily Times*, May 8, 1952; "Vote Study Reveals 110 'Questionable,'" *Anchorage Daily Times*, May 10, 1952; "Registration Check Finds 73 Votes Invalid," *Anchorage Daily Times*, May 13, 1952; "Probe Should Be a Joint Effort," *Anchorage Daily Times*, May 14, 1952; "American Justice—Anchorage Version," [advertisement], *Anchorage Daily Times*, May 26, 1952; "Facts Missing from Ad, City Manager Says," *Anchorage Daily Times*, May 27, 1952.

[236] Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress.

By 1955 the Alaska statehood movement was in full gear. The legislature had appropriated funds for a constitutional convention to be held that winter in Fairbanks. It also adopted the "Tennessee Plan," so named for the process by which that territory had entered the union in 1796, where voters elected a shadow delegation of two senators and one representative to stalk the halls of Congress and demonstrate the territory's readiness for statehood.

The NAACP was prepared to make its voice heard in every available forum. On October 14, 1955, Franklin H. Williams, legal assistant to Thurgood Marshall and at the time director of the NAACP's western region field office, arrived in Anchorage for a conference on civil rights and racial equality. The Constitutional Convention was due to commence in Fairbanks in just a few weeks, and the inclusion of civil rights protections in the state's founding document, as well as the role the territory's Black population might play in the statehood movement, were central topics of discussion at the gathering. The conference featured sessions on employment, housing, education, law enforcement, civil rights legislation on both the federal and territorial level, and race relations in Alaska more broadly. Although the NAACP had catalogued hundreds of complaints of discrimination in its four years of operation, the organizers of the conference meant for the gathering to focus on proactive solutions, not devolve into barrages of criticism leveled at city and territorial authorities. Referring to the near total absence of non-White employees in civic positions, for instance, Williams allowed the situation might be traced to hiring managers' unfamiliarity with non-discrimination statutes, not deliberate racial exclusion. "Many times the absence of employees belonging to a minority group is taken for discrimination by that group when actually no such discrimination exists," he granted. Blanche McSmith had long acknowledged the strides her community had made. "The picture is not all dismal," she believed, "and there are many changes being made in Anchorage by both races toward better

relationships. We have found a stage of development here in Anchorage from a frontier town to a thriving metropolis and its commercial strides have out-stripped its social growth." Like many Blacks in the territory, McSmith expressed a commitment to its future social development. "We who love it and plan to make it our home will not be satisfied until it has grown in greatness to the extent that all of the people here as well as in the States will enjoy equal opportunities."[237]

Conference attendees did not hold criticism back when they felt it was warranted, however. The NAACP blasted the labor department for what it viewed as lax enforcement of the fair employment law that had been enacted two years earlier. One hundred and sixty employment complaints had been filed with the territorial labor board in the first six months of the year, which its commissioner, Henry Benson, acknowledged represented an increase over previous years. Of that number, sixty were determined to have been violations of the Fair Employment Act. Eighty-two had been dismissed, and the remaining eighteen were not investigated. Williams pressed the labor commissioner to more vigorously prosecute cases brought to his office and to initiate investigations on his own prerogative, which it did not appear he was in the habit of doing even though the law gave him that authority. The department's investigative program was apparently limited to payroll inspections, leading the NAACP to complain that while wage discrepancies were an important issue and might be evidence of discrimination, workplace mistreatment took many forms and could only be uprooted with a more active program of oversight. Williams also expressed dismay the territory continued to allow employers to request

[237] "Conference Checks for Race Discrimination," *Anchorage Times*, October 15, 1955, 9; "Civil Rights Criticism Is Leveled at Labor Department," *Anchorage Times*, October 17, 1955, 9; Blanche L. McSmith, "Economic and Social Aspects of the American Negro," speech transcript, May 9, 1953, Branch File, Anchorage, Alaska, 1947–55, NAACP Records, Manuscript Division, Library of Congress.

photographs be included with job applications, a practice he believed lent itself to discrimination on the basis of skin color.[238]

Alaska's civic officials, while unanimously in support of the conference and its goal of racial equality, pushed back on the notion that prejudice was as significant a problem as the NAACP alleged. Anchorage Mayor Ken Hinchey, after bestowing on Williams a key to the city, disavowed the very premise of the conference, stating that in his opinion "there is no predominant thinking of racial discrimination anywhere here." Other officials sounded a similar refrain, their remarks curiously indicative of both hopefulness and indifference on the problem of racial exclusion. The Anchorage city manager explained the absence of Black police officers and firefighters by saying none had ever applied, while a school board official expressed his view that discrimination in the hiring of teachers had never occurred under his watch. Bob Bartlett, the territorial delegate to Congress and dues-paying member of the NAACP's Anchorage chapter, spoke at the conference banquet and agreed that Alaska was exceptional: "There's racial discrimination everywhere under the sun, I expect, but here perhaps it is less than in most parts of the world." Though no stranger to such insouciance from White public officials, Williams responded with incredulity: "If it's true that there is no discrimination in Anchorage or Fairbanks, then the world should know—those would be the only two cities in the entire United States where no discrimination exists."[239]

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[238] "Civil Rights Criticism Is Leveled at Labor Department," *Anchorage Times*, October 17, 1955, 9.

[239] "Conference Checks for Race Discrimination," *Anchorage Times*, October 15, 1955, 9; "NAACP Hears Del. Bartlett at Banquet," *Anchorage Times*, October 17, 1955, 9; "Speaker Lauds Alaska Act," *Anchorage Times*, October 15, 1955, 9; "Civil Rights Criticism Is Leveled at Labor Department," *Anchorage Times*, October 17, 1955, 9. Coverage of the conference in the *Anchorage Times*, the territory's largest newspaper, was generally sympathetic to the NAACP but reflected the view of municipal and territorial officials that discrimination in Alaska was not a serious problem. The opening line of one article—"To find out whether race discrimination is a problem in Anchorage is the purpose of a civil rights conference which opened today"—minimized the premise of the meeting altogether. See "Conference Checks for Race Discrimination," *Anchorage Times*, October 15, 1955, 9.

One of the more anticipated sessions at the conference was "Civil Rights Provisions of a Model State Constitution," a panel discussion at which four elected delegates to the Alaska Constitutional Convention spoke about the work ahead of them. Building on the platform of the Alaska Statehood Committee, a quasi-governmental body established in 1949, the delegates signaled their intent to enshrine basic human rights in the state's founding document by modeling the Bill of Rights in the U.S. Constitution. Indeed, the convention would later adhere to tradition in adopting the first Ten Amendments more or less verbatim, even those largely irrelevant to the modern era such as the Third Amendment's prohibition against soldiers quartering in a house in times of peace without the consent of the owner. Such superfluities notwithstanding, the delegates did not intend to enumerate every conceivable guarantee but rather planned to consider only those rights "fundamental enough to be incorporated into the Constitution." Some specific rights, such as protections against wiretapping and the so-called "right to work," or ability to accept employment without joining a union, did not rise to the level of the constitution, delegates believed, but were best left to legislative prerogative. Discrimination in housing, employment, education, and public accommodation—the very issues at the heart of the NAACP conference—were other examples of matters the delegates felt should be addressed with legislative action. "At present, we have Civil Rights Legislation in the Territorial statutes, which the legislature shall retain or improve," the convention's Bill of Rights committee would later report. "It is impossible and unwise to enumerate in this Constitution all of the places where and conditions under which civil rights must be guaranteed."[240]

[240] Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 69-75; Alaska Statehood Committee, "Bill of Rights Traditional Part of Constitution," *Anchorage Times*, October 15, 1955, 3; "Commentary on the Preamble and the Declaration of Rights," December 15, 1955, www.akleg.gov/pdf/billfiles/ConstitutionalConvention/Folder%20410.1.pdf [accessed February 5, 2020]. The four convention delegates who appeared at the NAACP conference were Victor Fischer, Barrie White, Dorothy Awes, and Seaborn Buckalew. See "Civil Rights Criticism Is Leveled at Labor Department," *Anchorage Times*, October 17, 1955, 9.

Following the conference, Marcelett C. Henry of the NAACP's Anchorage chapter wrote to Governor B. Frank Heintzleman. Expressing her hope that "persons representing minority groups should be included in the forming [of] such an important document as the Alaska Constitution," she asked that such representatives be appointed to the convention as counselors or consultants. The participation of Black Alaskans, she noted, might "help eliminate some of the discriminative practices within the territory." Heintzleman duly met with members of the NAACP's Fairbanks chapter the week the convention opened, but, as the governor was himself a lukewarm supporter of statehood, there is no evidence he did more than simply acknowledge the group's interest. Nevertheless, Black Fairbanksans regularly attended the public meetings of the convention, testified at hearings, and submitted both oral and written comments to the committee charged with drafting the Bill of Rights.[241]

Zora C. Banks, president of the NAACP's Fairbanks chapter and chairperson of Baha'i World Faith, was a regular presence at the convention, even delivering the opening prayer to the full body on November 30, 1955. In testimony to the Bill of Rights committee, Banks disagreed with its stance that civil rights provisions should be the subject of legislative action, not enumerated in the constitution itself. "Because civil liberty is a potential, not a reality in Alaska, the Alaska state constitution should explicitly forbid racial discrimination," she testified. Blacks in Fairbanks were regularly denied entry to hotels and restaurants, she claimed, and apartment managers often turned them away when they applied for housing. Perhaps because other NAACP members had previously concluded the territory's Anti-Discrimination Act of 1945 was "a huge joke" and "not worth the paper it is written on," Banks did not share the committee's faith in the legislature's ability to prohibit racial discrimination. Speaking of racial housing covenants that

[241] Marcelett C. Henry to B. Frank Heintzleman, October 31, 1955, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953).

were already outlawed, for example, Banks challenged, "Just let some Negro try to buy a house in North Pole [an incorporated town outside Fairbanks] and see what happens."[242]

Banks's position was backed up by the main office of the NAACP in New York. Jack Greenberg, a Columbia law school graduate who joined the NAACP Legal Defense Fund in 1949, and helped Thurgood Marshall argue *Brown v. Board of Education*, filed a memorandum with the convention calling for the inclusion of an article that would guarantee all persons equal access to "education, employment, housing, goods or services offered to the public, participation in sports competition, enjoyment of places of public accommodation, and rights or privileges afforded by law." Such an article would cover both private and state action, Greenberg noted, and while he acknowledged the capacity of the human mind to effect forms of discrimination not specified in the draft article, such a list would effectively put "would-be offenders clearly on notice as to what types of discrimination are prohibited."[243]

The convention delegates were not swayed by the NAACP's arguments, however. They held to their more general position, and in the end authored just two sentences on the subject, placed in Article I, Section 3: "No person is to be denied the enjoyment of any civil or political right because of race, color, creed or national origin. The legislature shall implement this section."[244]

Although Alaska's Black population was not successful in enshrining specific protections in the state constitution, the campaign again demonstrated both its commitment to

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[242] "Rights Guarantee Sought for Alaska Constitution," press release, December 12, 1955, Branch File, Geographical File, Anchorage, 1947–1955, NAACP Records, Manuscript Division, Library of Congress; Madeline Holmes to HGD [Helen Gahagan Douglas], 1950, Reel 327, National Archives microfilm (3862), General correspondence of the Alaskan Territorial Governors, Appendix 3 (1934–1953); Beatrice Coleman to Franklin Williams, November 26, 1947, Legal File, "Discrimination, Restaurants, Alaska, 1946-48," NAACP Records, Manuscript Division, Library of Congress.
[243] Jack Greenberg to National Association for the Advancement of Colored People, October 27, 1955, www.akleg.gov/pdf/billfiles/ConstitutionalConvention/Folder%20205.pdf [accessed February 6, 2020].
[244] See Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 74.

institutionalism and overall faith in the territory's political systems. At the close of the Anchorage civil rights conference, a time when Alaskans of every political stripe were talking about the soon-to-be-drafted constitution, Franklin H. Williams noted the issue of race relations was especially important at that moment because "Alaska is still in the making"—a comment that bespoke the Black community's investment in the future of the new state.

The Pancake Protest

The NAACP's earnestness in seeing Black residents of Alaska become fully integrated into mainstream culture caused it to disavow the more confrontational tactics then being utilized by civil rights activists elsewhere in the nation, especially in the Jim Crow South. While the national movement at this time featured bus boycotts, lunch counter sit-ins, marches, and other forms of protest, leaders in the Anchorage NAACP attempted to dissuade the group's more assertive members from such campaigns, believing public displays might alienate potential allies in the White community. Although the history of non-violent resistance in the national civil rights movement has been canonized in public memory, Alaska does not fit neatly into this frame. The Anchorage chapter of the NAACP would not endorse a formal protest until 1962—a week-long picket of a White-owned grocery store in the Fairview neighborhood that employed no Blacks as checkout clerks—and even that action was controversial within the Black community, with some believing the matter could have been resolved quietly by meeting with the store manager. In addition, the handful of protests in the mid-1960s were all "sympathy marches," mostly subdued gatherings held in solidarity with marchers in places like Selma and Birmingham who suffered violent repercussions by authorities. The NAACP chapter in Fairbanks also avoided protests, believing they accomplished little apart from antagonizing the

community. In August 1958, when a group of African Americans decided to picket a grocery store that had no Black clerks, the NAACP made clear it was not affiliated with the action in any way. Said the chapter president, Reverend A. A. Thomas of the First African Methodist Episcopal Church, "That's not our method of doing things…not in the radical way."[245]

In February 1959, a rift developed in the Anchorage NAACP between the group's leadership and an upstart cohort intent on protesting a Lions Club pancake breakfast where Aunt Jemima, the stereotyped mammie figure and brand symbol of the Quaker Oats company, was scheduled to appear. A portly Black slave acting as nursemaid to White children while speaking in dialect was the most degrading of stereotypes, the protesters believed. McSmith did not disagree, but since Aunt Jemima was a copyrighted trademark used on products distributed nationally, she questioned the wisdom of a local protest, uncoordinated from any wider campaign, that she believed would only antagonize many at the breakfast. Boxes of pancake mix

[245] "Racial Controversy Causes Picketing of Supermarket," *Fairbanks Daily News-Miner,* August 1, 1958, 1,3. The 1962 supermarket protest in Anchorage has been called a "watershed moment" in the history of civil rights in Alaska. Although it was a highly visible event that called to mind similar protests then happening throughout the Deep South, the protest was actually a minor event in the history of Alaska civil rights in that it resulted only in limited, isolated change in that single business establishment and did not expand or sustain the constituency of the NAACP branch. NAACP records reveal the protest was controversial within the organization, with the movement's more conservative members believing such antics served only to antagonize Anchorage's business community, whose support those members believed was essential if lasting social change was to be achieved. Although the NAACP branch president, Clarence V. Coleman, fully endorsed the protest, others in the organization opposed it. George C. Anderson, one of the few Black Republicans in Alaska and a man who openly acknowledged that many viewed him as an "Uncle Tom," believed the matter could be more effectively resolved by negotiating directly with the supermarket owner. Another NAACP member, Joseph H. Kline Jr., wrote to the organization's New York office to complain about what he saw as the heavy-handed and incompetent handling of the affair on the part of the chapter's leadership. When the formal protest initially failed to achieve its goals, Kline proposed a boycott of the store. "The president of the [Anchorage] NAACP said that if I and the community had started a boycott of the store he was going on the radio and declare that it was not a NAACP project, and that they were going to see to it that I would loose [sic] my job," he wrote. Kline continued, "This project was not to be a NAACP affair in the first place. It was planned as a community action." Coleman, the chapter president, responded to Kline's charges with incredulity, noting his complaint "was either a falsehood or he was lying to you." The merits of the respective complaints notwithstanding, that the supermarket protest both aroused such divisiveness within the organization and failed to achieve workplace equality even within the supermarket itself let alone in the community more broadly belies the assertion that it was a watershed moment. See Ian C. Hartman, *Black History in the Last Frontier* (Anchorage: National Park Service, 2020), 99; George C. Anderson to Roy Wilkins, August 14, 1962, Joseph H. Kline, Jr. to Roy Wilkins, March 3, 1963, Clarence V. Coleman to Gloster B. Current, May 21, 1963, Branch File, 1956–65, Geographical File, Anchorage, 1961–65, NAACP Records, Manuscript Division, Library of Congress.

and bottles of syrup with the offending image would remain on grocery store shelves long after the event, she noted, and shaming families who showed up wanting only to eat pancakes would be counterproductive to the group's long-term goals. "Emotions, in such situations as these, are insufficient motivation," she told the group, offering that any action "should be based only on facts." Instead of a protest, McSmith recommended some form of public relations outreach "to educate Alaskans about Negro Americans thus refuting all misinformation and setting a healthy climate which a mere appearance of a woman dressed in a costume (used in the performance of her job) could not impair." The protest went ahead as planned, however, widening the rift within the organization and resulting in heated confrontations and hurt feelings at the breakfast event. McSmith was particularly distressed to learn that the Anchorage city council and Chamber of Commerce, the very groups she believed were essential for the NAACP to have as allies, were "incensed" at the disruption. Even the actress who portrayed Aunt Jemima was said to have been shaken by the affair.[246]

The "whole community was up in arms" over the pancake breakfast, McSmith informed the NAACP's New York office. Gloster B. Current, the national branch director, informed McSmith that on several occasions in the past the national organization had adopted resolutions opposing racial stereotyping in commercial advertising. Other branches around the country had staged protests of Aunt Jemima, as well. But given the state-sanctioned violence and wholesale denial of rights then being inflicted on Blacks in certain parts of the country, Current

[246] Blanche L. McSmith, "The President's Message," *NAACP Recorder*, March 1959, Printed Matter, Anchorage, Alaska, 1951–59, NAACP Records, Manuscript Division, Library of Congress; Blanche L. McSmith to Gloster Current, May 28, 1959, NAACP Branch Department, 1956–65, Geographical File, Anchorage, Alaska, 1961–65, NAACP Records, Manuscript Division, Library of Congress.

acknowledged the time for "review[ing] our attitudes toward what we previously considered slights and insults" may have arrived.[247]

The timing of the hubbub was especially frustrating for McSmith. With the first session of the new state legislature then convening in Juneau, she was diligently researching civil rights laws in other states hoping to convince legislators to strengthen Alaska's anti-discrimination statutes.[248] Statehood, in some ways, represented a blank slate. Although nearly all territorial laws remained in effect, Alaska's governor and legislators made clear they intended to build a new state government and enact statutes in the spirit of social, political, and economic opportunity that was the very foundation of the statehood movement itself. From the NAACP's perspective, that the constitution had explicitly directed the legislature "to implement" the section on human rights represented an opportunity for the group to shape civil rights laws in the new state.

"The laws in themselves are simply not enough."

In January 1960, twenty senators and forty representatives from across Alaska assembled in the Capitol Building in Juneau for the second session of the new state legislature. Among them was Blanche L. McSmith. Appointed by Governor Bill Egan to fill the vacancy of a lawmaker who resigned from the House to take a position in the governor's cabinet, McSmith became the first African American to serve in the Alaska legislature, territorial or state. One of her first official acts was to introduce an Alaska Civil Rights bill, the first section of which

[247] Blanche L. McSmith to Gloster Current, May 28, 1959, Gloster B. Current to Blanche L. McSmith, June 23, 1959, NAACP Branch Department, 1956–65, Geographical File, Anchorage, Alaska, 1961–65, NAACP Records, Manuscript Division, Library of Congress.
[248] Blanche L. McSmith to Clarence Mitchell, January 20, 1959, NAACP Branch Department, 1956–65, Geographical File, Anchorage, Alaska, 1956–60, NAACP Records, Manuscript Division, Library of Congress.

echoed the rhetoric of equality and democracy that by that point had become part of the state's political lexicon:

> The legislature hereby finds and declares that practices of discrimination against any of its inhabitants because of race, creed, color, or national origin are a matter of State concern, that such discrimination threatens not only the rights and proper privileges of its inhabitants but menaces the institutions and foundation of a free democratic state.[249]

McSmith's bill did not pass, and one year later, having lost her reelection bid for a second term, she was out of the legislature.

A similar bill sponsored by Governor Egan passed the legislature in 1963, however. The Alaska Human Rights Act created a state commission to investigate complaints of discrimination in employment, public accommodations, and housing. Modeled after the 1953 fair employment law—so much so that certain language was copied verbatim, especially with regard to the enforcement mechanism—the Act empowered the commission to attempt to resolve complaints first through "conference, conciliation, and persuasion," resorting only if necessary to a more formal process consisting of public hearings, testimony taken under oath, and possible criminal prosecution. The Human Rights Act was markedly different from the fair employment law in one key respect, however. Where the 1953 law vested enforcement authority with the Labor Department, the new law created a five-member commission, its members representing labor, employers, minority groups, and the general public, on staggered five-year terms. (One of its first

[249] "An Act Against Discrimination," House Bill No. 382, First Legislature, Second Session, Alaska State Legislature, General Office File, Government, State, Alaska, 1963, NAACP Records, Manuscript Division, Library of Congress.

commissioners was Roy Peratrovich, the driving force, with his late wife Elizabeth, behind the territory's first anti-discrimination law.) The NAACP had insisted on such a commission. The territorial fair employment law had proven ineffective, the group believed, in part because enforcement occurred at the prerogative of the labor department, an executive branch agency headed by a commissioner who, however sympathetic and well-intentioned, may or may not have shared the Black community's sense of urgency regarding employment discrimination.[250]

Standing next to Governor Egan when he signed the human rights bill was Willard Bowman, the one-time director of Anchorage's Association for Local Improvement who a decade earlier petitioned then-governor Gruening on employment discrimination and who was now named the state commission's first director.

The institutionalist approach toward civil rights effected by Alaska's Black community in the postwar era reached its apogee when one of its most politically engaged members was placed in charge of the state's human rights commission. Bowman's appointment may have marked the beginning of a new era in the state's history of race, but his experience revealed many Alaskans remained only marginally informed on the matter. In his first year on the job, he reported at least two or three people a week came to him and asked why a commission was even necessary. Hadn't Alaska enacted a whole series of anti-discrimination laws over the last two decades? Did racial mistreatment even exist in the state any longer? Bowman's immediate instinct was to invite the questioner to his office so they might read the file of complaints and investigations, but he came to realize the inquiry reflected a blindness to race that in some ways had emerged from the very civil rights reforms he and his allies had worked so hard to enact. As the editors of the

[250] "Mrs. McSmith Named Legislator By Egan," *Anchorage Times*, May 18, 1959; Willard L. Bowman to John A. Morsell, November 30, 1962, NAACP Branch Department, 1956–65, Geographical File, Anchorage, Alaska, 1961–65, NAACP Records, Manuscript Division, Library of Congress.

Anchorage Daily News put it in a column opposing an NAACP march in 1962: "Alaska is pleasantly free from the racial friction that bedevils some other states. No doubt occasional instances of discrimination occur. But we've had an anti-discrimination law on the books since before statehood. . . . [T]here's ample machinery to deal with genuine grievances."[251]

The notion that anti-discrimination laws had themselves effectively solved the problem of discrimination was postwar liberals' most glaring blind spot, notes Carol A. Horton, and it left them unprepared for coping with the varied and complex forms that racial animus assumed over time. Horton might have been referring to Ernest Gruening and his boundless confidence in the Anti-Discrimination Act of 1945 when she concluded,

> While conceiving of racial discrimination as a problem of the white moral conscience undoubtedly provided many liberals with an important sense of urgency and legitimacy, it also concentrated attention on purely intentional forms of discrimination, rather than those that emerged out of the convergence of more impersonal, social structural factors.[252]

Or as Bowman succinctly put it, "The laws in themselves are simply not enough." Alaska was filled with decent people who would never deign to discriminate against anyone, he believed, but those earnest souls "cannot take refuge in an attitude of non-participation and hope that 'things will work themselves out.'" The state's anti-discrimination laws had "gathered dust [and] were seldom if ever applied," he lamented, but the belief on the part of many that the laws had

[251] "Dubious Battle," *Anchorage Daily News* clipping, circa May 1962, NAACP Branch Department, 1956–65, Geographical File, Anchorage, Alaska, 1961–65.
[252] Carol A. Horton, *Race and the Making of American Liberalism* (Oxford: University Press, 2005), 138.

succeeded in granting full equality to everyone now represented a barrier to convincing Alaskans of the extent of the problem—especially when the continued discrimination faced by Blacks, Natives, and other minorities was not always overt but often systemic. When a bank employed no Natives as tellers, Bowman noted, the problem could be addressed in a conversation with the bank manager. But when Alaska Natives represented 20 percent of the state's population but accounted for barely 1 percent of employees in federal service, it pointed to something much deeper: an entrenched system of recruitment, training, and retention, not to mention an entire social and economic culture more broadly, that remained inaccessible to an entire group of Alaskans.[253]

Bowman accordingly devoted himself as much to education as enforcement in his directorship of the Human Rights Commission. He accepted every invitation from groups looking for luncheon speakers, and in every speech, such as the one to the Republican Club of Anchorage on February 26, 1964, he exhorted attendees to "become actively aware that a problem DOES EXIST HERE in Alaska, with an explosive potential to affect every person in this room, and throughout Alaska." Five years into the statehood era, Bowman continued to frame the interests of minorities in the context of Alaska's entry into the union, reminding the assembled Republicans they had once advocated "the elimination of every vestige of second class citizenship, thereby making Alaska an All-American state. This one plank, alone,

[253] Willard Bowman, untitled speech, Republican Club of Anchorage, February 26, [year not listed, likely 1964], Box 1, Folder 4, [emphasis in original]; Willard Bowman, "Race Amity Day," speech, Baha'i of Anchorage, June 10, 1964, Box 1, Folder 5; Willard Bowman, "Minority Housing in Anchorage," speech, Citizens Council for Community Improvement, September 1, 1965, Box 1, Folder 6; Willard Bowman, untitled speech, Alaska Native Brotherhood, November 12, 1964, Willard Bowman Papers, Archives and Special Collections, University of Alaska Anchorage; Willard Bowman, "Nome Speech," circa 1968, Office of the Governor Papers, Alaska State Archives, Juneau, vilda.alaska.edu/digital/collection/cdmg41/id/1110/rec/12 [accessed March 25, 2020].

recognizes the removal of barriers of race, color, religion or national origin."[254] As will be shown in the following chapters, Alaskans' willingness and ability to rise to Bowman's challenge would prove uneven as time went on.

[254] Willard Bowman, untitled speech, Republican Club of Anchorage, February 26, [year not listed, circa 1964], Box 1, Folder 4, [emphasis in original], Willard Bowman Papers, Archives and Special Collections, University of Alaska Anchorage.

Chapter 5: Alaska Native Land Claims and the Statehood Movement

"Land has been the basis on which racial relations have been defined ever since the first settlers got off the boat."

—Vine Deloria Jr.[255]

Willard Bowman stepped to the podium at the Alaska Native Brotherhood annual convention in Hoonah on November 12, 1964. He'd been director of the Alaska Human Rights Commission for nearly a year and a half at that point, and he had his standard fifteen-minute conference speech down pat. He told attendees about the commission, describing how it came to be established and its processes for addressing discrimination, especially in the areas of housing and employment. To his Native audience on this day, he sought to illustrate how the racial discrimination they faced was no different than what he, a Black man, also experienced in Alaska. Bowman began by noting how at different moments in America's history "the Irish Catholic…, the Italian, the Pole, the Slav, and the Scandinavian in their turn, had to face massive resistance in their efforts to gain a foothold in jobs and living conditions." They persevered, Bowman approvingly noted, "for once they learned the language, and adopted the American dress and habits, they were able to melt into the general population." He continued,

> But what of the Negro, the Mexican, or, yes, the Indian and Eskimo. . . . The color difference, which makes them easily identifiable, [has] chained them to the outside of American life, and has condemned the great majority to a standard of living much lower

[255] Vine Deloria Jr., *Custer Died for Your Sins* (Norman: University of Oklahoma Press, 1988), 178.

> than that enjoyed by his fellow citizens. Caught in a vicious circle, the Negro, Indian, Mexican, Eskimo, and other highly visible minorities were found to be both the victims and the excuse for racial discrimination.[256]

Bowman's point was not subtle. Just as other ethnic and racial minorities had established their American identity by assimilating into mainstream White culture, so must Blacks and Alaska Natives endeavor to be integrated into Alaska society. The struggle would be all the more acute for the "color difference" of those groups. The director went on to illustrate his point with case studies where he noted the exclusion of different racial minorities had occurred in more or less the same ways. "In the past year," he explained, "our commission has uncovered statistics that indicate there is no discernable difference between the discrimination shown towards Negroes and Alaskan Natives."[257]

For Bowman to equate the experiences of Blacks and Natives, and to correlate the groups' civil rights goals as being not merely aligned but identical, had some basis in fact. For decades, both groups had been forced into segregated housing and saw their employment opportunities mostly limited to menial and temporary positions. In addition, the civil rights campaigns of African Americans in Alaska in the postwar era, in which Bowman played a leadership role, were functionally similar to those waged by the Alaska Native Brotherhood in the 1940s, in that both groups sought full and equal access to the territory's institutions. Under the leadership of Roy and Elizabeth Peratrovich, the ANB in that decade pursued legislative strategies and obtained passage of a number of bills, among them the Anti-Discrimination Act

[256] Willard Bowman, "Alaska Native Brotherhood and Sisterhood Convention," speech, November 12, 1964, Box 1, Folder 5, Willard Bowman Papers, Archives and Special Collections, University of Alaska Anchorage.
[257] Willard Bowman, "Alaska Native Brotherhood and Sisterhood Convention," speech, November 12, 1964, Box 1, Folder 5, Willard Bowman Papers, Archives and Special Collections, University of Alaska Anchorage.

and measures to achieve equity in welfare benefits, that sought no race-conscious consideration but represented only a desire to be integrated into mainstream society. One could also point to the 1920s, when William Paul challenged the territory's discriminatory election laws to gain the right to vote for Natives—a struggle for inclusion that at the time of Bowman's speech was playing out again, this time for African Americans on the streets of Selma, Birmingham, and Jackson.

In other significant respects, however, Bowman's understanding of Native perspectives and aspirations was narrow and incomplete. Where the exclusion experienced by African American emigrants to Alaska resulted from racism, Natives, while suffering racism, too, had been *colonized,* an ongoing process of physical removal and cultural oppression that threatened their very existence as a people. From the start of contact with Euro-Americans in 1741, Alaska Natives had been dispossessed of their lands and forced to compete with settlers, first Russians and later Americans, for fish, game, fur, wood, and other resources. Settler colonialism, according to Patrick Wolfe, is an ongoing, racialized process by which Indigenous peoples are removed from the land, making room for the establishment of a new colonial society on the expropriated land base. The removal takes physical forms—genocide and the placing of aboriginal peoples on reservations, for example—but historically it also has been accomplished through the elimination of culture, identity, language, custom, tradition, and other tribal bonds, all of which are then replaced by the mores of the dominant settler culture. The practice often takes the form of schooling, religious conversion, and integration into wage-labor economies, a process that in Alaska and elsewhere was referred to as "civilizing" the Native. Assimilation, or the adoption of the Indigene into the dominant culture, is therefore as much about removal as

inclusion. As Wolfe puts it, "Settler colonialism destroys to replace."[258] Bowman's suggestion that Natives and Blacks shared a common experience was true to the point that both groups regularly found themselves turned away from restaurants, bars, and hotels, and for decades Alaska's Indigenous peoples had acculturated to White society in order to defend their rights more effectively. But what the director of the human rights commission failed to grasp was that tribal sovereignty, by definition, was antithetical to the full assimilationism that he so strongly advocated. Of the differences between Native interests and those of African Americans, Wolfe writes,

> [W]hen Black people in the USA campaigned for civil rights in the 1950s and 1960s, much of their political program centered on the demand to be treated equally with Whites. At the same time, however, treating Indians the same as Whites—which is to say, assimilating them into mainstream society—was a settler-colonial strategy that the Native American political movement…was striving to resist.[259]

Wolfe echoes Vine Deloria Jr.'s classic work, *Custer Died For Your Sins*, in which he finds that for whatever civil rights goals Indians and African Americans might have had in common, their differences were just as important. "Historically each group has its own road to travel. All roads lead to personal and group affiliation," he writes. "But the obstacles faced by each group are

[258] Patrick Wolfe, "Settler colonialism and the elimination of the native," *Journal of Genocide Research* 8, no. 4 (2006), 388. See also Lorenzo Veracini, *Settler Colonialism: A Theoretical Overview* (London: Palgrave Macmillan, 2010); Kelly Lytle Hernández, *City of Inmates: Conquest, Rebellion, and the Rise of Human Caging in Los Angeles, 1771–1965* (Chapel Hill: University of North Carolina Press, 2017); Jeffrey Ostler, *Surviving Genocide: Native Nations and the United States from the American Revolution to Bleeding Kansas* (New Haven: Yale University Press, 2019).
[259] Patrick Wolfe, "The Settler Complex: An Introduction," *American Indian Culture and Research Journal* 37, no. 2 (2013), 5.

different and call for different solutions and techniques." For Deloria, the long history of broken treaties, land dispossession, and cultural repression was of another order altogether than the injustices faced by Black Americans, and he believed Native Americans would be ill-served by joining civil rights coalitions that prioritized other issues. Writing in 1969, at the height of the Red Power movement, Deloria critiqued the false equivalence: "The tragedy of the early days of the Civil Rights movement is that many people, black, white, red, and yellow, were sold a bill of goods which said that *equality* was the eventual goal of the movement. But no one had considered the implications of so simple a slogan. Equality became sameness."[260] In Alaska, Black arrivals in the wartime and postwar eras could be construed as settler colonists themselves in that they sought entry to mainstream society and were not automatic allies for Native rights and survival. Thus, Willard Bowman's limited view of racial exclusion as pertaining only to housing, employment, and public accommodations prevented him from seeing that Alaska Natives faced a very different struggle. Just as Ernest Gruening had proven himself incapable of comprehending Native interests except as they related to the political prerogatives of mainstream White society, Bowman now failed to grasp that Native concerns were connected to culture, identity, and ties to the land on which they and their ancestors had lived for generations.

It was the issue of land claims that most differentiated Natives' political activism from the civil rights campaigns of Black Alaskans in the early statehood era. Since Native occupancy of the land superseded by thousands of years the recent claims of Euro-American settlers, aboriginal title proved durable on its own and irreconcilable with the tenets of statehood. Under the Alaska Statehood Act of 1958, the state was authorized to select 104 million acres of federal land not already reserved for other uses, or just over one-quarter of the total land mass in Alaska.

[260] Vine Deloria Jr., *Custer Died for Your Sins* (Norman: University of Oklahoma Press, 1988), 179, 193, emphasis in original.

By the time Bowman delivered his speech to the ANB in 1964, the State of Alaska had selected about twelve million acres of its total allotment. For Natives, whose land claims remained not merely unresolved at the time but altogether languishing in federal court, every acre selected by the state represented an assault on their way of life.

If the statehood movement was initiated by White Alaskans in the spirit of republicanism and self-determination, for many Alaska Natives it represented something different: yet another stratagem in the settler colonial project of removing Indigenous peoples from the land. Although few Natives participated in the statehood movement and their perspectives were largely absent from public discourse at the time—no Natives testified in the many statehood hearings held by Congress, and none participated in the constitutional convention apart from Frank Peratrovich, the lone Native delegate—later generations came to recognize the racial marginalization that was written into the state's founding. Harold Napoleon, a Yup'ik Eskimo from Hooper Bay, wrote in 1995 that by the time of statehood, Alaska Natives had become "a subject people, aliens in their own lands." Maria *Shaa Tláa* Williams, a Tlingit professor of Alaska Native Studies, agreed, noting that state land selections and restrictions on Native hunting represented "the greatest threat to Native cultures" since contact with western settlers in the nineteenth century. "Throughout the first half of the twentieth century Natives experienced traumatic hardships in terms of diseases, loss of self-determination, Christian missionaries, and encroachment on their traditional lands, and, because of the Statehood Act, were now looking at the end-of-the-line in terms of cultural survival," she wrote.[261] Anthropology professor Stephen J. Langdon and Dena'ina Athabascan Aaron Leggett conclude that Alaska statehooders positioned themselves and the history of the territory within Euro-American political traditions and cultural mores

[261] Maria *Shaa Tláa* Williams, "A Brief History of Native Solidarity," in *The Alaska Native Reader: History, Culture, Politics*, Maria *Shaa Tláa* Williams, ed. (Durham: Duke University Press, 2009), 206-07.

because "the intellectual and cultural atmosphere of the mid-twentieth century viewed Native American rights and concerns as an unwanted relic to be eradicated from the political face of the United States." Erasing Natives not merely from the land but from history altogether, they argue, was a deliberate maneuver in line with settler colonial prerogatives: "[T]he tactic of promoting connection to European and American history, with no regard for its original indigenous inhabitants, was employed to raise awareness of Alaska and to create recognition of its strategic geopolitical position as a means to acquiring statehood, a status achieved in 1959."[262]

The previous two chapters of this dissertation focused on the civil rights campaigns of African Americans in the context of the Alaska statehood movement, finding that Black residents sought full inclusion in the state's social, political, and economic institutions. This chapter examines the other side of what might be called an entirely different coin: how Alaska Natives, in fighting for their land, resources, and subsistence hunting and fishing rights, resisted the assimilationist ethos of the statehood movement and instead positioned their struggle, which amounted to nothing less than the attainment of federal recognition of tribal sovereignty, outside the mainstream political culture of the state. This chapter is not intended as a comprehensive history of Native land claims, rather it means to examine how Alaskans' mid-twentieth-century ideas about race and Indigeneity both materialized in the context of the statehood debates and were themselves shaped by the supposed egalitarianism at the heart of the statehood project.[263]

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[262] Stephen J. Langdon and Aaron Leggett, "Dena'ina Heritage and Representation in Anchorage: A Collaborative Project," in *The Alaska Native Reader: History, Culture, Politics*, Maria *Shaa Tláa* Williams, ed. (Durham: Duke University Press, 2009), 165.

[263] In the extensive literature on the history of Alaska Native land claims, selected works include Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997); Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960–1971* (Fairbanks: University of Alaska Press, 2001); Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014); Willie Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009).

Jessica Leslie Arnett has written that in the 1930s and 1940s, territorial officials and others "wielded the rhetoric of citizenship, equal rights, and 'reverse discrimination' as tools of dispossession against Alaska Native land and sovereignty rights." She argues that for many White Alaskans, the full and equal citizenship proffered to Natives at that time rendered obsolete the notion of Native sovereignty, and they believed the recognition of aboriginal land rights was therefore discriminatory against non-Natives.[264] This chapter builds on Arnett's important observations by examining the discourse of equal rights—as the term was understood but also contested by White Alaskans and Alaska Natives, at least—in the context of the Alaska statehood movement. I argue that in the 1940s and 1950s, the rhetoric of citizenship was expanded to include Natives not necessarily from a sense of fairness on the part of pro-statehood White Alaskans but for their own political self-interest. The denigrations common to the dialogue of the past, which were voiced without reservation in eras during which White Alaskans openly used racial classifications to justify and maintain their hold on political power, were simply no longer tenable once statehooders—again, nearly all of them White—proclaimed their commitment to full equality as a qualification for admission to the union. In other words, the characterization of Natives as undeserving of full citizenship served a very particular purpose at one point in the territory's history, but by the mid-1940s it could no longer be wielded in the same ways because it now undermined the case for statehood.

Racial animosities themselves did not vanish in the statehood era, of course, but they did assume new rhetorical forms. As discussed earlier in this study, White Alaskans had long encouraged Natives to "lift themselves up" to the level of white civilization in order to qualify for the benefits of citizenship, and they now viewed statehood and its promise of full political

[264] Jessica Leslie Arnett, "Unsettled Rights in Territorial Alaska: Native Land, Sovereignty, and Citizenship from the Indian Reorganization Act to Termination," *Western Historical Quarterly* 48, no. 3 (Autumn 2017), 233-35.

equality for Natives as representing the welcome completion of that process. The accompanying shift in rhetoric marked that transition. Ernest Gruening, for one, believed Natives had more than proved themselves with their honorable service in the Alaska Territorial Guard, full participation in electoral politics, and, perhaps most importantly, the enactment of the equal rights law that, in his estimation, spelled the end of racial discrimination in Alaska. Indeed, the story of Elizabeth Peratrovich would reemerge and take new shapes in the campaign for statehood. Race would no longer matter in the forty-ninth state, Gruening and many others believed, and a sort of color-blind myopia came into being, one that would lead them to strenuously disavow the granting of any "special privileges"—such as aboriginal land claims—on the basis of race. But as Natives continued to press for a resolution of land claims throughout the 1950s and 1960s, the nearly unbridgeable chasm between their race-conscious outlook and the supposed colorless foundation of Alaska statehood not only marked a shift in how issues of race and racial difference would be debated in the public sphere but also facilitated a backlash that would come to be called the "urban/rural divide." If White Alaskans hoped that race would be rendered invisible now that racial classifications were no longer named in state law nor used as a qualification as had been done in the past, they would come to discover that in some ways, it mattered even more.

It was in this context that Willard Bowman stood before the Alaska Native Brotherhood and erroneously conflated the civil rights goals of Alaska Natives and African Americans as being the same. Indeed, for all his democratic credentials and genuine sympathies with Natives, Bowman continually misapprehended their interests, in another speech noting that the goal of all Alaskans should be to "speed up the processes by which our Native people are changing from a hunting, fishing, and trapping culture, to a modern-day urban society."[265] Observing that more

[265] Willard Bowman, untitled speech, 1969, Office of the Governor Papers, Alaska State Archives, Juneau, vilda.alaska.edu/digital/collection/cdmg41/id/1100/rec/5 [accessed March 24, 2020]. Although the copy of

and more Native people were then relocating to urban centers such as Anchorage, leaving behind the rural villages where economic opportunities were limited, Bowman approvingly claimed that younger Natives were beginning to reject "traditional practices [that] demand the communal sharing of everything," and that exposure to what he called "western-oriented schooling" had broadened their worldview such that they were "not content to accept these old ways."[266] Although doubtlessly meant as a compliment, Bowman's assessment of what mattered to Natives was wildly off the mark. His statements accurately reflected the statehood-era thinking of many White Alaskans in that it was widely presumed Natives, in a position to choose between the traditional and the modern, would select the latter for its supposed promise of full, color-blind, race-neutral equality. Events would show both the situation and the dialogue were far more complicated than that—for Native, White, and Black Alaskans alike.

As Bowman wrapped up his address to the ANB convention in Hoonah, he told attendees about a conversation he'd recently had with a Native elder about the Civil Rights Act signed by President Lyndon Johnson that July:

> He [the Native elder] stated he was in complete agreement with the act and wanted to see Negroes gain all their rights. In fact, he went further and said he had many friends amongst the Negro race. However, he also stated quite emphatically the Native problem was not the same thing. Though the Native has many problems which he admitted, in his

Bowman's speech carries the handwritten date of "1969" on its first page, the context of his remarks makes clear the speech was almost certainly delivered in 1967. For instance, he refers to the 1867 purchase of Alaska by the United States from Russia as "100 years ago this year."

[266] Willard Bowman, untitled speech, 1969, Office of the Governor Papers, Alaska State Archives, Juneau, vilda.alaska.edu/digital/collection/cdmg41/id/1100/rec/5 [accessed March 24, 2020]. Although the copy of Bowman's speech carries the handwritten date of "1969" on its first page, the context of his remarks makes clear the speech was almost certainly delivered in 1967. For instance, he refers to the 1867 purchase of Alaska by the United States from Russia as "100 years ago this year."

> mind discrimination and civil rights are synonymous with Negroes. This is an idea which is all too prevalent amongst the Alaska Natives.[267]

The anecdote was telling in that for Bowman, it suggested a misunderstanding on the part of Natives about the true nature of discrimination and the common challenges all peoples of color in Alaska faced. Those in the audience who had been refused accommodation at a hotel or perhaps eyed suspiciously by a poll worker while casting a vote might have agreed with Bowman up to a point. But as members of the Alaska Native Brotherhood, a politically astute organization that at that point had been working for Native rights for more than five decades, the attendees were also abundantly aware that the ongoing struggle to maintain their culture and identity as a people was not the same as the race-based discrimination faced by Black Alaskans. Some may have even smirked while listening to the human rights director, knowing that it was not quite the Native elder in his story but rather Bowman himself who had misapprehended the challenges facing Natives in the period of Alaska statehood.

The First Alaska Statehood Bill

The first Alaska statehood bill was introduced in Congress by James Wickersham in 1916. New Mexico and Arizona had entered the union as the forty-seventh and forty-eighth states just four years earlier, and the delegate, hoping Alaska would be the forty-ninth, timed the introduction of his bill for March 30, the forty-ninth anniversary of the date on which the United States purchased Alaska in 1867. Wickersham was under no illusions the bill would actually pass or even get a hearing, but, frustrated by what he viewed as a federal bureaucracy apathetic to

[267] Willard Bowman, "Alaska Native Brotherhood and Sisterhood Convention," speech, November 12, 1964, Box 1, Folder 5, Willard Bowman Papers, Archives and Special Collections, University of Alaska Anchorage.

Alaska's interests, as well as the power wielded in the territory by Outside corporations, especially fishing and mining trusts, he introduced the bill as a marker of sorts, a notice that Alaskans would not give up until they achieved self-government.[268]

The twenty-three-page bill contained boilerplate language regarding elections, congressional representation, townships, schools, jurisdiction over navigable waters, and other matters common to other statehood compacts. It contained still another provision, one related to American Indian lands, that had been inserted into every statehood bill since North Dakota, South Dakota, Montana, and Washington all entered the union in 1889. Wickersham acknowledged the question of Native land claims in Alaska had yet to be resolved, and his bill included a disclaimer to that effect. Unlike nearly all Native American tribes in the contiguous states, whose aboriginal land claims had been extinguished by treaty and the removal of Indians to reservations (not to mention settler appropriation, forced abandonment, and/or genocide), the Indigenous peoples of Alaska had never signed treaties with the federal government nor had they consented to the establishment of reservations (with a few exceptions). No one, including Wickersham, was quite sure of the extent of aboriginal land claims that Alaska Natives might assert, but it was clear that such claims had never been extinguished and therefore did exist in one form or another.

[268] According to the *Valdez Daily Prospector*, Wickersham "admitted that he did not expect the measure to pass in the near future, as at this time the Territory was not prepared to sustain a state government, but he introduced the bill as a notice to the Legislators and the country [the] people of Alaska were not content with the present form of government in the territory, and would strive to the utmost to secure statehood." See "Wick Introduces Statehood Bill," *Valdez Daily Prospector*, March 31, 1916, 1. A newspaper editor in Juneau who spoke to Wickersham as the delegate was on his way to Washington to introduce the bill reported, "Wickersham said…that Alaska is not now ready for Statehood, but that she will be ready for it by the time she gets it. He said, with truth, that campaigns for Statehood have always been long drawn out affairs, and the Alaska campaign for that boon is likely to be one that will not be won in a year or few years. For that reason, he said, it would be well to start it early." See "The Proposed Statehood Campaign," *Alaska Daily Empire* (Juneau), March 31, 1916, 4.

Wickersham, a former district court judge, knew this quite well as he himself had adjudicated Native lands cases while on the bench a decade earlier. In *United States v. Berrigan* (1905), which involved the sale of lands on the Tanana River by Athabascans to a party of white miners, Wickersham enjoined the transfer of property, finding that the Natives were, in the language of the Treaty of Cession, "uncivilized tribes" at the time of the Alaska purchase and therefore entitled to the equal protection of the law the United States afforded to tribes within its borders. Wickersham further noted that acts of Congress subsequent to the 1867 treaty affirmed the rights of Indigenous peoples. The Organic Act of 1884, for example, guaranteed that "the Indians or other persons shall not be disturbed in the possession of any lands actually in their use or occupation or now claimed by them."[269] As to the defendants' argument that Congress intended such laws to convey to Natives both the title to their lands and the ability to dispose of them, Wickersham rejected the claim, writing that such an interpretation would allow Natives to nullify federal law, leaving themselves "prey to the very evil from which Congress intended to shield him." Only the federal government had the right to dispose of such lands, Wickersham ruled. "He [the Native] is a dependent ward of the government," the judge wrote, "and his reserved lands are not subject to disposal or sale or abandonment by him."[270]

The same basic question was raised nearly a decade later in a separate case, *United States v. Cadzow*. In that case, non-Native settlers had purchased a cabin from a Native resident of Fort Yukon and planned to construct a trading post on vacant land within the village. The Alaska District Court again upheld the right of the U.S. government to protect Native title, finding that the purchase of a cabin or other structure did not convey title or property rights to the land on

[269] Organic Act of May 17, 1884, ch. 53, 23 Stat. 24, sec. 8.
[270] United States v. Berrigan, 2 Alaska 442 (1905) at 451. See also William Schneider, *The Tanana Chiefs: Native Rights and Western Law* (Fairbanks: University of Alaska Press, 2018), 4-7.

which it stood. As legal scholars David S. Case and David A. Voluck have written, the congressional acts that formed the basis for the *Berrigan* and *Cadzow* decisions did not grant new land rights to Natives but merely confirmed to them "what was always theirs under federal Indian common law—aboriginal title to the lands they occupied."[271]

Congressional statutes and legal precedents at the start of the twentieth century may have affirmed the existence of aboriginal title in a general sense, but the true status of Native land claims was still ambiguous at the moment Wickersham was drafting his statehood bill. The Organic Act, for instance, had affirmed that Natives were not to be disturbed on lands "actually in their use or occupation or now claimed by them"—but the nature and extent of aboriginal title depended entirely on how those words would be defined. The phrase "in their use" might be construed to mean not merely the lands on which Indigenous peoples lived but vast tracts of acreage on which they hunted the game that sustained them. Caribou, for example, a major food source of the Athabascan peoples of the Interior, migrate hundreds and even thousands of miles; would federal law enable, say, the Gwich'in of Arctic Village to claim the entire range of the hoofed ungulate in order to guarantee the tribe's caloric needs, never mind their cultural bonds to the land? In addition, federal law did not appear to distinguish between tribes or villages and individual Natives. That is, could title be asserted only by a sovereign or quasi-sovereign body of Indigenous peoples—or might a lone Indian himself claim a fish camp on which he did not live year-round but used seasonally as his ancestors had for generations? The authors of the Organic Act made no attempt to address these matters, noting instead that "the terms under which such

[271] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 68. See also United States v. Cadzow, 5 Alaska 125 (1914).

persons [Natives included] may acquire title to such lands is reserved for future legislation by Congress."[272]

If such questions bedeviled James Wickersham and the Alaska District Court, few non-Native emigrants to the territory knew or cared about the matter. The number of "White" people in Alaska (a defined census category at the time) was about 30,000, or roughly half of the total population, and there seemed to be more than enough room for everyone in a territory that measured well more than six hundred thousand square miles. Much of the White population was centered in Juneau, Skagway, Nome, and other towns, and there was relatively little encroachment on Native land. Except for localized conflicts over specific fishing grounds or creeks where it was believed gold might be discovered, no White settler gave much thought to whether Indians might have claims to the land.

The Indians cared deeply, however. On August 18, 1906, Chief Ivan of Crossjacket and Chief William of Tanana wrote to Secretary of War William H. Taft to formally complain about the intrusion of White settlers into their homelands. The Athabascan leaders lived in the interior of the territory near the confluence of the two largest rivers in the region, the Yukon and the Tanana, which provided ready access for miners and others to move into the area. Wishing to inform the secretary "about the troubles we are having with white people," Chief Ivan and Chief William noted the competition for resources was becoming severe:

> We used to get the game and fur all we wanted. . . . Half of [the] white people are doing nothing but trapping and fishing where we have our hunting grounds for years and now we cannot depend only on hunting, but have to cut wood, etc. . . At the present we are

[272] Organic Act of May 17, 1884, ch. 53, 23 Stat. 24, sec. 8.

> making our living by cutting wood mostly, but the white people are cutting wood all around our villages which we do not want and wish to have it stopped. We are self-supporting Indians and all we want to ask of you is to stop the whites to cut wood around our grounds.[273]

Since neither of the chiefs knew more than a few words of English, they relied on Lt. Col. Edwin B. Bolton of Fort Gibbon and an interpreter to transcribe their letter. Bolton wrote his own letter of introduction to the war secretary in which he offered some additional context for the chiefs' complaints: "[W]hite men are cutting wood around his [Chief Ivan's] house and on the grounds of his people [and] they had killed off all the fur bearing animals from which the Indians used to derive their income." The lieutenant colonel further explained that White interlopers had usurped their fishing grounds and that thefts and vandalism had recently occurred at Natives' cabins while the inhabitants were off hunting or fishing. Chief Ivan reported a wood stove had been taken from his house the previous year. Apart from the day-to-day injustices, the chiefs made clear to Bolton what was really at issue: their ancestral claims to the land. "Chief Ivan told me that he now lived on the grounds of his father before him," Bolton explained, "and that his father lived on the same grounds in the days of the Russians' occupancy of this country. He and his people thought that ought to give them legitimate possession of the grounds they occupy." The War Department took no action on the chiefs' complaints. An opinion by the judge advocate general concluded that because the military had "no duties in respect to their [Alaska Natives] support, protection, or control…the War Department is powerless to apply a remedy." When the

[273] Chief Ivan and Chief William to Secretary of War, August 18, 1906, Box 9, Folder 47-A, Record Group 22, Entry UD-91, Records of the U.S. Bureau of Fisheries, Division of Alaska Fisheries, Reports and Related Records 1869-1937, National Archives and Records Administration, College Park, Maryland.

chiefs' letter was forwarded to the Commerce Department, which had jurisdiction over fisheries, its secretary dismissed the matter out of hand: "That the Indians are prone to make complaints of this kind has long been well known, and investigation has usually shown that they are without sufficient warrant."[274] Whether the chiefs sought relief from Indian Affairs or another federal agency is not known.

The transgressions by White settlers on their homeland and the apparent indifference of the U.S. government were on the minds of Chief Ivan and Chief William in July 1915, when they joined the chiefs of other villages in the Tanana River region at a conference with James Wickersham in Fairbanks.[275] The intrusion of miners, trappers, and hunters had only increased in the intervening years, and even more emigrants would no doubt arrive now that the government was building the Alaska Railroad, a 470-mile line that would connect ports on the southcentral coast directly with the Interior. The delegation of Indigenous leaders, collectively known as the Tanana Chiefs, pressed Wickersham on, among other matters, how they might protect their lands from further encroachment. Wickersham pointed to the Alaska Allotment Act of 1906, under which title to up to 160 acres of land would be granted to Natives who demonstrated continuous use and occupancy for five years. The act had grown out of the Indian Allotment Act of 1887, known widely as the Dawes Act for its main sponsor, a federal law that disbursed allotments to Indians in an effort to break tribal bonds and endow them with the individualistic ethic that was viewed as the cornerstone of American progress and civilization. The idea of reservations was also mentioned, which Wickersham suggested might be preferable to allotments in the sense that

[274] Edwin B. Bolton to Military Secretary, August 20, 1906, Victor H. Metcalfe to Secretary of the Interior, October 23, 1906, Box 9, Folder 47-A, Record Group 22, Entry UD-91, Records of the U.S. Bureau of Fisheries, Division of Alaska Fisheries, Reports and Related Records 1869-1937, National Archives and Records Administration, College Park, Maryland.

[275] For a comprehensive political and legal history of the Tanana Chiefs conference, see William Schneider, *The Tanana Chiefs: Native Rights and Western Law* (Fairbanks: University of Alaska Press, 2018).

tribes would be able to live together communally on the same lands just as they did now. Although Wickersham had previously been opposed to reservations, he now named them as one in a limited set of options available to the chiefs:

> Oh, there are many, many white men in the United States, as many as there are trees on the hills here, and in a few years many of them are coming to Alaska, and they are going to take up land. . . . [They] are going to keep taking up this land until all the good land is gone, and the Indian people are going to have to move over. The white men are going to take all this good land, and when all the good land is gone, the white men are going to keep on taking more land. After while the Indian will have no land at all.[276]

The delegate well knew that aboriginal title represented a racial classification, both politically and legally, but he attempted to elide the issue of race altogether in recommending the Athabascans simply emulate the settlers in the acquisition of land. "You can take land just like a white man, and you are just as good in the eyes of the law as a white man," he stated. "You have just the same right under the law as a white man to take land." Wickersham may have erred in his suggestion—the Natives had no need to "take" what was already theirs—but he nevertheless struck a munificent tone in his closing statement: "We want you men to get your land before it is all gone, that is all."

[276] James Wickersham's personal copy of the thirty-three-page transcript of the Tanana Chiefs meeting, which he entitled, "Proceedings of a Council, Held in the Library Room at Fairbanks, Alaska, on July 5, 1915, between the chiefs and headmen of the bands of Indians living along the Tanana River and Delegate James Wickersham," is part of the Manuscripts collection (1884–1970s) in the James Wickersham Historic Site Papers, Alaska State Library Historical Collections, Juneau. The transcript is available at: https://library.alaska.gov/hist/fulltext/ASL-MS-0107-38-001.htm [accessed June 23, 2020].

The chiefs responded, speaking in turn, and informed Wickersham and other federal officials in attendance that allotments and reservations were incompatible with their traditional lifestyles of hunting, fishing, wood cutting, and other subsistence activities across vast tracts of land. "We don't want to go on a reservation, but wish to stay perfectly free just as we are now," responded Chief Ivan. Chief Alexander William of Tanana, who, like the other Athabascan leaders, was old enough to remember the period immediately following the Alaska purchase, stated, "When the United States purchased the land this Government left us [to] live by ourselves and did not interfere and I hope that the Government will not do anything to hurt us as we are the natives of the country. They left us alone before and we hope they will do so now." Chief Joe of Salchaket remarked, "As the whole Continent was made for you, God made Alaska for the Indian people, and all we hope is to be able to live here all the time." Chief Alexander of Tolovana sounded the same refrain: "[W]e are people that are always on the go, and I believe that if we was [*sic*] put in one place we would die off like rabbits. . . . I ask you not to let the white people come near us. Let us live our own lives in the customs we know." No formal agreements were made at the conference, but it proved momentous nonetheless in that Wickersham grasped with some clarity that Natives would not surrender their aboriginal title lightly.

There were forty-nine years of history on James Wickersham's mind as he began writing the first statehood bill in the spring of 1916. From the Treaty of Cession to *Berrigan* and *Cadzow*, and from the Organic Act of 1884 to the Tanana Chiefs conference the previous summer, Native land rights had become an established concern in the territory's political discourse. The delegate accordingly inserted a clause into his statehood bill affirming that nothing in the yet-to-be-written Alaska constitution "shall be construed to limit or impair the

rights of persons or property pertaining to the Indians of said Territory[.]" Furthermore, he added a disclaimer to the bill, one that directly acknowledged the matter of aboriginal title would have to be resolved by Congress before any transfer of public lands to a newly established State of Alaska could occur:

> [T]he people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned, or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States.[277]

As Wickersham predicted, his statehood bill went almost entirely unnoticed by Congress. Even in Alaska it made barely a ripple. Most of the territory's newspapers didn't bother to announce it on the front page, and some didn't carry the story at all.[278] Indeed, the idea of statehood for Alaska received only occasional mention over the next thirty years. But when the campaign was revived in the 1940s, the disclaimer was still there, relevant as ever. Despite repeated attempts by Alaskan officials to remove or circumvent it somehow, the disclaimer would remain a key consideration all the way through the final statehood bill that passed Congress in 1958.

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[277] A Bill to enable the people of Alaska to form a constitution and a State government, and for the admission of such State into the Union on an equal footing with the original States, H.R. 13978, 64th Cong. (1916)

[278] At least three newspapers announced the statehood bill on their front pages: "Wick Introduces Statehood Bill," *Valdez Daily Prospector*, March 31, 1916, 1; "Alaska Seeks to be a State," *The Daily Alaskan* (Skagway), April 4, 1916, 1; "Wickersham Presents Statehood Bill on Alaska Anniversary," *Alaska Daily Empire* (Juneau), March 31, 1916, 1. For articles that appeared on inside pages, see "Statehood for Alaska," *Valdez Daily Prospector*, March 31, 1916, 2; "Real Self Government," *Cordova Daily Times*, April 12, 1916, 2; "Statehood Bill Before Congress," *The Alaska Citizen* (Fairbanks), April 3, 1916, 5. At least three newspapers appear not to have covered the matter at all: *Seward Daily Gateway*, *Douglas Island News*, and *Iditarod Pioneer*.

Alaska Natives and Aboriginal Title

President Harry Truman breathed life into the Alaska statehood movement when he offered a qualified endorsement in his State of the Union address in January 1946. Noting first that Hawai'i was, in his estimation, prepared for admission to the Union, Truman then recommended "that similar action be taken with respect to Alaska as soon as it is certain that this is the desire of the people of that great Territory." That October, a referendum was placed on the ballot asking Alaska voters that very question, and the nonbinding resolution passed by a 3-to-2 margin. The result was not overwhelming—a full 40 percent of voters had answered in the negative, after all. But pro-statehood backers took the referendum as a mandate and over the next twelve years steadily built a constituency for the cause. (By 1958, when Alaskans cast an official vote on ratification of the statehood act, the measure passed by a 5-to-1 margin.)

In the decades between Wickersham's first statehood bill and the revival of the movement in the post-World War II era, a number of legal and political developments had bolstered Natives' standing on the matter of land claims. Under the leadership of William Paul, the Alaska Native Brotherhood in the 1920s asserted aboriginal claim to all of the Alexander Archipelago on which the organization's Tlingit, Haida, and Tsimshian members and their ancestors had lived for generations. The move originated with a conversation that would become legendary in the history of the ANB. Peter Simpson, one of the group's founders, famously whispered into Paul's ear, "Whose land is it, Willie?" When Paul responded it belonged to the Native people, Simpson smiled and said, "Then fight for it!"[279] At the ANB's annual convention in Haines in 1929, members formally endorsed the land claims effort and heard from James

[279] Fred Paul, *Then Fight For It!: The Largest Peaceful Redistribution of Wealth in the History of Mankind and the Creation of the North Slope Borough* (self-published, 2004).

Wickersham, then running for what would be his final term as Alaska's congressional delegate. Wickersham promised he would introduce a jurisdictional bill that would enable the Natives to sue for recognition of those claims. It would be Wickersham's successor, Anthony Dimond, who obtained passage of the act in 1935, however. The act stipulated that any compensation a future Congress might award for the taking of aboriginal lands should be paid not to individuals directly but to a "central council"—a concept that embodied the tribal foundation of the Indian Reorganization Act that passed Congress the year before. The IRA represented a dramatic shift in federal Indian policy in that it repudiated the notions of individualism and assimilation that had guided government action for decades. Instead, the IRA endorsed Indian self-determination. It ended the allotment of lands to individuals, provided for the creation of tribal governing councils, and sought to restore land to tribal ownership. The IRA initially did not apply to Alaska Natives, whose organizational unit was not tribes but villages, but an amendment authored by Dimond (with Paul's counsel and assistance) provided that Alaska's Indigenous peoples "not heretofore recognized as bands or tribes" could organize themselves based on "a common bond of occupation, or association, or residence within a well-defined neighborhood, community or rural district."[280]

The U.S. Supreme Court formally affirmed the validity of aboriginal title in a 1941 decision. In a suit brought by the federal government on behalf of the Hualapai of Arizona against the Sante Fe Pacific Railroad, the Court ruled that while Congress possessed the power to extinguish aboriginal title, it could do so only with action that announced that clear and specific intent. A land grant made to a railroad combined with the forced removal of the Hualapai to a reservation, as happened in this case, did not in and of itself constitute the extinguishment of

[280] Act of May 1, 1936, Section 1, 49 Stat. 1250, 25 U.S.C.A. 473a, quoted in Case and Voluck, 385-86.

aboriginal title. The Hualapai would keep title to lands they had used and occupied, the court declared, until Congress formally extinguished it. According to Stephen Haycox, the ruling "did not provide sufficient clarification of what [aboriginal] title might encompass, only that it existed."[281]

Official recognition of aboriginal title in Alaska came with *Tee-Hit-Ton Indians v. United States*, a case brought by William Paul in 1951. Paul argued that with the establishment of the Tongass National Forest in 1905, the federal government had appropriated land belonging to his clan, and he now sued for compensation for the taking of that property. The U.S. Supreme Court ruled against Paul on the matter of compensation, but in so doing it confirmed the existence of aboriginal title in Alaska. A separate case that decade, *Tlingit and Haida Indians of Alaska v. United States*, the suit that was authorized by Anthony Dimond's jurisdictional act of 1935 and that took more than two decades to work its way through federal courts, affirmed that finding. The U.S. Court of Claims in 1959 held that the aboriginal title of the Tlingit and Haida, established by their use and occupancy of lands in southeast Alaska, had yet to be extinguished by the federal government and thus the Indians merited compensation for the taking of those lands. Per the jurisdictional act's predilection for Native organizational units, the $7.5 million award (which would not be made for still another decade) went to the Central Council of the Tlingit and Haida Indian Tribes of Alaska, a newly established body intended to operate for the common welfare of its members.

In many ways, the geographical basis for Native political organization that emerged from the Indian Reorganization Act emulated the treaty-and-reservation system used in the Lower 48 in that the Interior Department viewed well-defined geographical and jurisdictional boundaries

[281] United States v. Sante Fe Pacific Railroad, 314 U.S. 339 (1941); Stephen Haycox, *Battleground Alaska: Fighting Federal Power in America's Last Wilderness* (Lawrence: University Press of Kansas, 2016), 60.

as vital to the competent execution of local self-government.[282] The Alaska-related amendments to the IRA did indeed provide for the establishment of reservations for those Native communities who wanted them. Although supported by the Interior Department as a mechanism for protecting Native lands and economic rights, the reservation system became mired in litigation and was vehemently opposed by many Natives who were skeptical of government paternalism. Just six reservations were ultimately established, while proposals for others were voided by the courts on technical grounds or rejected by the Natives to whom they were proffered.

Virtually all White Alaskans opposed reservations as well, mainly on the grounds that vast tracts of land might become off-limits to resource development and future state land selections. In 1943 the Interior Department authorized the creation of the 1.4-million-acre Venetie Reservation north of Fairbanks, as well as the Karluk Reservation on Kodiak Island that was intended, in part, to buffer Native fishing rights from commercial salmon operations. The moves caused great anxiety for White Alaskans. The Karluk reserve, in particular, although just 35,000 acres in size, enclosed all waters within three thousand feet from shore, thereby excluding non-Native fishermen from especially productive salmon runs. Lobbyists for the canned salmon industry prophesied that empowering Natives to regulate fisheries within their reserves and to exclude non-Natives from the fishing grounds would spell the end of an industry that was vital to Alaska's economic health. The industry employed many Natives in canneries all across the territory, industry lobbyist W. C. "Judge" Arnold boasted at a congressional hearing in 1945, and he averred that reservations would actually diminish their economic prospects and impede their integration into the territory's mainstream culture. A. K. Tichenor, the president of the Alaska Packers Association, a consortium of canners that dominated the salmon industry in the territory,

[282] Case and Voluck, 29; Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 253.

similarly viewed Karluk as the first in what he believed would be an endless series of Native reserves that would doom his operations, and he instructed company lawyers and lobbyists to block the creation of additional reservations wherever they were proposed. A group of salmon canners on Kodiak Island brought suit to challenge the Interior Department's authority to create the Karluk reserve. Another packing company did the same regarding a proposed reserve at Hydaburg in southeast Alaska. As Jessica Leslie Arnett has pointed out, while such arguments were ostensibly based on economic and political considerations, the lawyers, legislators, and corporatists who made them disavowed Natives' very Indigeneity by positing that by accepting citizenship and political equality, Natives had effectively forfeited any and all aboriginal rights they might have once held.[283]

At least one judge in Alaska agreed. George W. Folta, the district court judge who presided over the Hydaburg case, noted in his ruling that while reservations might have been a viable solution in the 19th century, the time for them had passed. In the half century since the Klondike and other gold rushes had attracted tens of thousands of White settlers to Alaska, he wrote, "the Indians of Southeastern Alaska…have not only abandoned their primitive ways and adopted the ways of civilized life but are now fully capable of competing with the whites in every field of endeavor." Reservations, he believed, would bring that progress to a halt. The judge acknowledged the rights of Indians at the time of the Alaska purchase had been unjustly trampled upon, but he held that the present reservations policy represented a misguided and unwarranted reparation, characterizing it as "an attempt…to compensate not those who suffered under the impact of civilization, but their remote descendants, and this would be done at the

[283] Jessica Leslie Arnett, "Unsettled Rights in Territorial Alaska: Native Land, Sovereignty, and Citizenship from the Indian Reorganization Act to Termination," *Western Historical Quarterly* 48, no. 3 (Autumn 2017), 243-44; Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 277-78; Case and Voluck, 29-30.

expense of the whites who followed and had nothing to do with the exploitation of the Indians." Like most other White Alaskans, Folta believed the territory was mostly free of racial animus precisely because no group, White or Native, received special privileges on the basis of race. Aboriginal land claims, he wrote in his ruling that dissolved the Hydaburg reservation in 1952, would only engender hostility between the races:

> [Reservations] are viewed as indefensible in Southeastern Alaska, and generally condemned by whites and Indians alike as racial segregation and discrimination in their worst form. So far as the relations between the whites and Indians are concerned, racial discrimination is virtually non-existent, and equality only awaits the emancipation of the Indian from wardship restrictions. Indians and Eskimos are found side by side in every walk of life, even in the legislative halls of the Territory which would be beyond their reach without the votes of whites.[284]

Although Folta invalidated the Hydaburg reserve largely on procedural grounds, he also ruled that the Indians had not used or occupied the area in a manner sufficient to justify the establishment of the reservation. That finding, along with his expressed views on the racial inequities of the federal government's reservation policy writ large, resonated with many in the territory.

No Alaskan advanced this idea more vociferously than Ernest Gruening. An ardent assimilationist, the governor believed the total integration of Natives into mainstream Euro-American institutions represented the surest path to their social, economic, and political

[284] United States v. Libby, McNeil & Libby, 107 F. Supp. 697 (D. Alaska 1952).

advancement. From the moment he assumed the governorship in 1939, Gruening worked to see integration come to fruition. In establishing the Territorial Guard in which thousands of Natives served with great pride, Gruening personally enlisted many members with a salute and a handshake, gestures nearly unthinkable from any of his predecessors. Indeed, unlike nearly every other territorial governor—who as presidential appointees never had to campaign for votes, rarely left Juneau, and gave little thought to Native interests—Gruening traveled extensively to rural villages, bringing with him notice of the array of government programs available to them. He established voting precincts in rural villages where none had existed before, and he encouraged Natives to not merely vote for legislative candidates but to run for office themselves. Nine Natives were elected to the legislature during his fourteen years in the governor's office—as opposed to just one in the previous twenty-seven years—an accomplishment for which he was not shy about taking credit. Most importantly, in Gruening's own estimation, was the Anti-Discrimination Act that he had promoted so vigorously as a means of eliminating racial exclusion throughout the territory.

For these and other reasons, Gruening considered himself the best friend in Juneau that Natives could hope to have—a sentiment he voiced openly and directly to his Indigenous constituents.[285] On the matter of aboriginal land claims, however, the governor was hostile. According to Claus-M. Naske, Gruening's biographer, "Along with most white Alaskans of that era, Gruening believed that the Native peoples were citizens like any other and not entitled to special compensation by virtue of aboriginal rights."[286] To the governor, reservations represented "a form of inverted Jim Crowism" under which White Alaskans would be segregated apart from

[285] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 115.
[286] Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 232.

lands set aside for Natives, a perilous situation he feared might arouse such racial hostility that Whites would accordingly demand the creation of districts, whether for mining, trapping, hunting, fishing, or any other activity, for their exclusive use.[287] The amity between Whites and Natives that Gruening believed existed in the territory would be threatened by such divisive measures. As he cautioned in a letter to Interior Secretary Harold Ickes, "At present any steps taken would, in my view, be ill-considered, premature, half-baked and, I fear, in many unforeseen aspects, disastrous."[288]

Ever the political pragmatist, Gruening was well aware of the relatively sound legal foundation for land claims that had been established by the time of his governorship. Accordingly, he expressed tepid support for limited recognition of aboriginal title, such as allotments for town sites, hunting and fishing camps, or other parcels directly and continuously occupied by Natives. He was also not necessarily opposed to limited compensation for Natives who could prove historical use and occupancy of ancestral lands that had been unjustly appropriated, especially if the remuneration might clear the way for additional resource development. The governor was particularly troubled by the Venetie Reservation, however, which he described as a vast swath of land set aside "for the benefit of some twenty-five Athabascan families" from which White Alaskans and even non-local Natives would be excluded. Gruening speculated that from one-third to perhaps half of Alaska's total acreage might ultimately be reserved by the Interior Department, and he most feared the "secretarial fiat"

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[287] Quoted in Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 299.
[288] Quoted in Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), 235. See also Jessica Leslie Arnett, "Unsettled Rights in Territorial Alaska: Native Land, Sovereignty, and Citizenship from the Indian Reorganization Act to Termination," *Western Historical Quarterly* 48, no. 3 (Autumn 2017), 234-35; Kenneth R. Philp, "The New Deal and Alaska Natives, 1936–1945," in *An Alaska Anthology: Interpreting the Past*, Stephen W. Haycox and Mary Mangusso, eds. (Seattle: University of Washington Press, 1996), 278.

that he believed would preempt the rights and claims of settlers whose entry and development of the country he and other Alaskan officials had long encouraged. The Interior Department's contention, Gruening lamented, "was that 'aboriginal rights' antedating even 'possessory rights' were the basis of these reservations and that they superseded and invalidated all subsequent rights."[289] In his estimation, the federal government was creating a stratified, race- and class-based society in contravention of the guarantee of social and political equality for all citizens that undergirded the drive for statehood.

The Developing Rift

As the push for Alaska statehood began in earnest following the 1946 referendum, Governor Gruening, along with E. L. "Bob" Bartlett, Alaska's territorial delegate, worked to convince members of Congress that while the question of Native land claims would need to be resolved eventually, it need not represent an immediate barrier to the territory's admission to the union. Bartlett, an effective consensus builder who was as gentlemanly and subdued as Gruening was alienating and bombastic, first attempted to sell his congressional colleagues on an agreement that they would take up Native claims as soon as statehood passed. The delegate feared any statehood bill that acknowledged aboriginal title would only delay progress on both fronts. The opponents of Alaska statehood, foremost among them the salmon canners who feared the increased taxation and regulation certain to result under home rule, made effective use of the land claims issue, which they wielded as a political cudgel. Recognizing aboriginal title as a

[289] Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 367-68.

complicated issue for which lawmakers had little appetite, Judge Arnold cleverly pressed Congress to set statehood aside until Native claims were settled.[290]

When Bartlett introduced a statehood bill in January 1947, it did not include the disclaimer that James Wickersham had felt obligated to insert into his bill more than three decades earlier. As Peter Metcalfe points out, Bartlett was not automatically opposed to land claims, and his sympathy for Native interests was uncommonly generous at a time when most White Alaskans held anti-Native views.[291] But when it came to statehood, the delegate found himself in the untenable position of weighing his Native constituents' aboriginal title, which he grasped was not simply about acreage but embodied cultural connections and ways of life, against White Alaskans' demand for political and economic self-rule that depended on the resources of those same lands. By omitting any mention of land claims from the statehood bill, Bartlett was not repudiating Native interests but hoping to sever the two issues so that they might be resolved independently of one another.[292]

His hopes were quickly dashed, however, when the absence of the disclaimer did not go unnoticed. The Alaska Native Brotherhood and the National Congress of American Indians both informed Bartlett they would oppose any statehood bill that did not recognize Native land claims. Amy Hallingstad, a Tlingit from Petersburg and at the time the president of the Alaska Native Sisterhood, demanded to know why the federal and territorial governments offered promises of full political equality that turned out to be empty:

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[290] Stephen W. Haycox, "The Uneasy Relationship of Biography and History in Alaska: Anthony Dimond, Ernest Gruening, and Bob Bartlett," *Alaska History* 34, no. 2 (Fall 2019), 56; Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 359-60.
[291] Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 58.
[292] Stephen W. Haycox, "The Uneasy Relationship of Biography and History in Alaska: Anthony Dimond, Ernest Gruening, and Bob Bartlett," *Alaska History* 34, no. 2 (Fall 2019), 56-57.

> 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.[293]

Although few White Alaskans may have cared about the ANB or any other Indigenous organization, Bartlett knew there was a strong national constituency for Indian rights, and Congress would never approve a bill opposed by those groups. When the delegate reintroduced his bill in the next Congress, he included the disclaimer, now over the objections of Gruening and certain members of Congress who demanded it be taken out.

In 1954 the Senate Committee on Interior and Insular Affairs convened hearings on Alaska statehood that focused on federal withdrawals of land—not just Indian reservations but also national parks, preserves, forests, and the like—that many lawmakers believed would stifle land selections and resource development in the future state. On the question of Native land claims, members and the Alaskan officials called to testify were nearly unanimous in the view that while some protection for Indigenous peoples was in order, aboriginal claims should not be allowed to "blanket the whole Territory." According to B. Frank Heintzleman, the Eisenhower-appointed governor who had succeeded Ernest Gruening the year before, "[A]s long as these Indian claims hang like a cloud over the title to land and resources in Alaska, we will never get

[293] Amy Hallingstad to Ruth Muskrat Bronson, December 19, 1947, Box C2A, Curry-Weissbrodt Papers, 1930–1979, Sealaska Heritage Archives, Juneau. The full letter is available on the Sealaska Heritage website: http://shispecialcollections.blogspot.com/2011/09/alaska-native-sisterhood-civil-rights.html [accessed October 22, 2020].

anywhere." One senator offered that in lieu of million-acre claims, Natives should be granted title to only the villages or town sites they actually occupied. Heintzleman concurred, stating his belief that nearly all Indians, Eskimos, and Aleut lived in towns and had been assimilated such that their primary interest was not land but the proceeds from resource development that would fund schools, hospitals, and other services. "Indians have the same rights as the whites," the governor approvingly noted. "They are fast being integrated into the general population."[294]

The notion that Natives were entitled only to village lands, individual cabin sites, and other limited parcels—a narrow interpretation of the 1884 Organic Act's guarantee that Indians should not be disturbed from lands "actually in their use or occupation or now claimed by them"—resonated strongly with senators on the committee.[295] After nearly three weeks of public hearings and closed work sessions, Hugh Butler of Nebraska, the chairman of the committee, who was himself actually opposed to statehood for Alaska, delivered an amended bill that stripped from the Interior Department the authority to establish reservations and restricted the types of lands that could be conveyed to "towns, villages, building sites, cultivated fields or gardens, hunting or fishing camps, dock or landing sites, business sites, meeting places, missionary stations, burial grounds, or other like purposes." Butler also rewrote the disclaimer to define Indian lands not as ancestral in nature but as real property that had been in the possession of Natives "for a period of at least three years immediately prior to the enactment of this Act" and that was "actually in the use or occupation" of any qualifying Indigene. The bill was not

[294] *Hearings Before the Committee on Interior and Insular Affairs on S. 50: A Bill to Provide for the Admission of Alaska Into the Union*, 83rd Cong. 136, 144 (1954).
[295] Organic Act of May 17, 1884, ch. 53, 23 Stat. 24, sec. 8.

acted upon in that session, but Butler's narrow view of what constituted aboriginal title continued to inform congressional debate.[296]

Ernest Gruening left the governorship in 1953, at which time he redoubled his efforts in the statehood movement. With his wife Dorothy, he retreated to a cabin in the woods north of Juneau that he'd named Eaglerock and began working on a book he immodestly referred to as "the definitive story of Alaska." When his working title, *Alaska: Four Score and Seven Years*, was rejected by his publisher, Gruening settled on another that he came to believe would just as effectively connect the territory to the national pursuit of freedom and equality. *The State of Alaska* was published by Random House in 1954, its intentionally provocative title referring to both the state (condition) of the territory and what the author hoped was its political future in the American union. The book's opening chapters depicted Alaska's history as one long period of neglect by the U.S. government resulting in economic stagnation and colonial dependency. In the last two chapters, however, the former governor argued that Alaska had reached a level of political maturity that justified self-government in the form of statehood. These chapters featured a laundry list of achievements, most, not coincidentally, coming in the fourteen years Gruening had served as governor. The book was intended for a national audience—Gruening even arranged to have copies sent to key members of Congress—and in making the case for statehood he took deliberate care not to alienate readers on issues of national significance. The sections on Native land claims, in particular, were rather dry and technical, featuring none of the histrionics so common in his private correspondence on the matter. Gruening traced the legal foundations for aboriginal title from the Treaty of Cession forward, and he encouraged Congress to resolve

[296] *Hearings Before the Committee on Interior and Insular Affairs on S. 50: A Bill to Provide for the Admission of Alaska Into the Union*, 83rd Cong. 336-38 (1954). See also Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 368.

the matter "in justice to the native people…promptly, fairly—and finally." He betrayed little of his personal opposition to land claims, choosing instead to indict the federal government for decades of inaction (a recurring theme in the book) and to advance his view that assimilation represented the best method for "the building of full equality of economic and social opportunity without regard to race."[297]

Gruening used the tome's more than six hundred pages to marshal every conceivable argument that might bolster the statehood campaign. He especially delighted in citing the racial progress that had been achieved during his governorship. In 1944, he boasted, two Tlingit lawmakers had been elected to the territorial legislature from a district in which three-quarters of the population was non-Native. Another Tlingit candidate was elected two years later, and before long four Eskimo men from the far northwest corner of the territory were voted into office. Gruening pointed out that Natives also served on a number of territorial boards and commissions, including the veterans board, housing authority, and, lest anyone think Indigenous peoples were not on board with the present priority, the Alaska Statehood Committee. He trumpeted these accomplishments precisely because they bespoke the assimilationist ethos he so strongly advocated. To Gruening, Natives' full participation in electoral politics represented an aspiration to be folded into Alaska's mainstream society. The clearest evidence for both the territory's social progress and the positive effects of assimilation, according to the former governor, was the Anti-Discrimination Act of 1945, which ended the practice of racial exclusion in restaurants, movie theatres, and even U.S.O. dances to which Native girls were at one time refused entry. "These practices were now outlawed," Gruening wrote, "with resulting improved

[297] Robert David Johnson, *Ernest Gruening and the American Dissenting Tradition* (Cambridge: Harvard University Press, 1998), 188; Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 381.

native morale and better relationship between the races." So effective was the law, he bragged, that not a single incident of racial exclusion had been reported since it had taken effect.[298]

As shown in previous chapters of this study, Gruening exaggerated and, in certain respects, lied altogether about the effectiveness of the law. He did so in order to shore up the territory's democratic credentials, claiming that the racial harmony in Alaska signaled a key qualification for statehood. Taken in the context of Native land claims more specifically, his mendacity appears just as calculated. One of his primary arguments against the recognition of aboriginal title was that it would arouse the very anti-Native racial antagonisms that he believed had been eliminated by the equal rights law and that would remain nonexistent if only the process of full Native assimilation was allowed to continue. It was a message he'd taken to Washington and heard repeated in congressional hearings by likeminded lawmakers. Senator Butler, for instance, agreed with Gruening that reservations for the territory's Indian, Eskimo, and Aleut peoples represented a special privilege not equally available to every citizen, and such claims therefore constituted a violation of the Anti-Discrimination Act.[299] For Gruening, the law so embodied Alaska's supposed egalitarianism that he could not possibly acknowledge its inadequacies, which, at the time he published *The State of Alaska*, had been fully exposed. His book represented an early and central development in the mythmaking that in time would install the Anti-Discrimination Act in public historical memory, and his pronouncements on equal rights, whether accurate or embellished, heralded the race-neutral, color-blind rhetoric of citizenship that for White Alaskans would define the statehood era.

[298] Ernest Gruening, *The State of Alaska: A Definitive History of America's Northernmost Frontier* (New York: Random House, 1954), 377.
[299] Jessica Leslie Arnett, "Unsettled Rights in Territorial Alaska: Native Land, Sovereignty, and Citizenship from the Indian Reorganization Act to Termination," *Western Historical Quarterly* 48, no. 3 (Autumn 2017), 251.

The Constitutional Convention

In November 1955, fifty-five elected delegates from around the territory assembled at the University of Alaska in Fairbanks to write a state constitution. (The number of delegates was chosen deliberately so as to match the number at the U.S. Constitutional Convention in Philadelphia in 1787.) Congress had not yet acted on a statehood bill, but Alaskans believed the effort demonstrated their commitment and would be prudent for the day when Congress did act. Over the course of seventy-five days, the authors produced the founding document for the future state, which was ratified by voters in April 1956. The convention was described in almost messianic terms even while it was happening. Many Alaskans viewed the writing of a constitution as the purest expression of republicanism and a key accomplishment in their drive for political equality.[300]

The extinguishment of aboriginal title was entirely a federal matter. It would be resolved (or not) by the U.S. Congress and no one else. Although delegates were fully aware of the implications regarding state land selections, they believed there was little they could or should do to address the question of Native land claims. On the fifty-seventh day of the convention, however, one delegate raised the issue, suggesting the body had a moral obligation to consider what it might do for the Indigenous peoples of the territory. He'd presented his proposal numerous times at the meetings of the Resources Committee, but its members declined to take up the matter, so he now rose before the full body. "Delegates, this is the reason I came to this

[300] For the history of the Alaska Constitutional Convention, see John S. Whitehead, *Completing the Union: Alaska, Hawai'i, and the Battle for Statehood* (Albuquerque: University of New Mexico Press, 2004); Terrence Cole, *Fighting for the Forty-Ninth Star: C. W. Snedden and the Crusade for Alaska Statehood* (Fairbanks: University of Alaska Press, 2010).

Convention," he stated. "I waited two months to get here and I hope you will keep your minds and hearts open for a few minutes."[301]

Marvin R. "Muktuk" Marston, a tall man with a granite-like face who managed to be stern and genial at the same time, had commanded the Alaska Territorial Guard during World War II. As described in a previous chapter, the ATG was organized by Governor Ernest Gruening as a reconnaissance force against a possible Japanese invasion of the mainland. Consisting mostly of Alaska Native enlistees from rural villages across the territory, the guard was colloquially known as the Tundra Army or the Eskimo Scouts. Over six thousand volunteers served between 1942 and 1947, when the service was disbanded. As he recounted in his 1969 memoir, *Men of the Tundra*, Marston had to inveigh constantly against officers in the regular army who viewed Natives as incapable of military discipline and spoke of them in pejorative terms. In the five years the ATG was in service, he'd traveled extensively throughout the bush, checking on one detachment after another. Marston also spent many years before the war prospecting across Alaska and the Yukon, and he was almost certainly on a first-name basis with more Native people and had visited more of their homes than any other person in the territory, White or Native.[302]

Marston stood on the convention floor and began his address by reading a letter he'd received recently from George Lockwood in Unalakleet, an Inupiaq village on the Bering Sea. Lockwood had lost the use of his fish camp because the U.S. military was building a radar

[301] Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 137; Statement by Marvin R. Marston, January 18, 1956, 2528, Minutes of the Alaska Constitutional Convention [hereafter cited as ACC], https://akleg.gov/pages/constitutional_convention.php [accessed July 17, 2020]. The debate on Marston's amendment can be found on pages 2525-2547, 2567-2591 of the convention minutes. Records of the Alaska Constitutional Convention are archived at Alaska and Polar Regions Collections, Elmer E. Rasmuson, University of Alaska Fairbanks. This work cites the online copy of the minutes for the convenience of the reader who wishes to consult the source.

[302] Muktuk Marston, *Men of the Tundra: Eskimos at War* (New York: October House, 1969).

station in the village, and he was now asking for assistance in obtaining title to five acres. "We begin to realize that we have been put aside as Natives too long," he wrote to Marston. Lockwood did not put his request in terms of aboriginal title but rather the political equality he believed he'd been promised by federal and territorial officials for some time. "We young people would like to see our children grow up as any average American living citizen, living with equal rights as white men," he wrote. "We are just as good a human as anybody from black to white."[303]

Marston accordingly introduced an amendment that would, without jeopardizing any pending or future aboriginal rights or claims, grant title to Natives "approximately equivalent [to] homestead or other property rights" for the lands they used for hunting, fishing, and trapping. He called the Indian, Aleut, and Eskimo the true pioneers of Alaska who for thousands of years lived in the country and who now showed newcomers like himself the way. "George Lockwood is my pal and your pal, and he is pleading to you now," said the delegate, "and there are many George Lockwoods over the Arctic and in many places asking you to come and help them out. It is not their fault—they don't want anything different than anybody else. They want to be just like you and me—equal." In the end, the convention delegates declined to act on the matter, but the dialogue that followed, which lasted the better part of the afternoon and stretched well into the evening, is instructive to this study in that delegates embraced Lockwood's own view that any bestowal of land would embody not aboriginal title but rather the rights of citizenship. Marston himself expressed this view in his opening statement when he noted Lockwood deserved the same property rights as every Alaskan: "Aboriginal rights have nothing to do with it." The debate also adhered to the notion articulated in Marston's amendment and expressed in other

[303] Statement by Marvin R. Marston, January 18, 1956, 2528, ACC.

venues, especially the U.S. Congress, that Natives might deserve title to limited village and homestead allotments but nothing more. Finally, delegates came to consider the more philosophical question of whether any action on the matter might divide Alaska society into racialized classes where one group enjoyed special privileges that another did not—an outcome that in the eyes of many stood to defile the very egalitarian foundation of the convention itself. What began as a discussion about one man's five-acre fish camp evolved into a trenchant debate over the rights of all Alaskans, Native and non-Native alike.[304]

John McNees was the first to speak on Marston's amendment. Although not Native himself, he'd been born and raised on the Blackfoot Indian Reservation in Montana, and he expressed sympathy with the cause. "I do feel," he stated, "that these Native people of Alaska who have made such a contribution to our own civilization…are entitled to a voice within our constitution."[305] McNees was followed by a sequence of delegates who expressed general agreement with the intent behind the motion even as some questioned whether the state constitution was the appropriate mechanism to achieve it. Burke Riley, one of thirteen lawyers among the fifty-five delegates, called attention to the disclaimer in the statehood bill and warned the amendment might commit the state to a promise it could not keep. "I say there is no certainty the state will ever collect George Lockwood's five acres in order to give it to him," he cautioned.[306] Other delegates expressed opposition to the amendment on the grounds it would establish a new category of rights not present in current law and that its wording was so ambiguous as to obscure its stated purpose. Only hunting, fishing, and trapping rights were explicitly enumerated in Marston's motion, and some delegates stated their discomfort at the

[304] Statement by Marvin R. Marston, January 18, 1956, 2525-2530, ACC.
[305] Statement by John McNees, January 18, 1956, 2530, ACC.
[306] Statement by Burke Riley, January 18, 1956, 2535, ACC.

narrow definition of allowable activities that appeared to override the more general "use and occupation" clause in federal law.[307]

John Hellenthal, another attorney, expressed his support for the amendment, framing the issue in the terms of equal rights and moral clarity that defined the national civil rights movement of the time. The ambiguous language cited by his colleagues, he stated, "reminds me of a Southern senator discussing a civil rights bill in the North, or a Northern senator discussing an anti-lynching bill in the South. It looks like we are walking on eggs[.]" The challenges of land conveyance might be daunting, Hellenthal admitted, "but I think it would be a black mark on our conscience if we did not face this problem and solve it in our constitution."[308] Another delegate supportive of the amendment, Frank Barr, similarly put the issue in a larger national context. The federal government took Indian rights seriously, Barr argued, as evidenced by the recent establishment of reservations and other land withdrawals in the territory. Although federal Indian policy in the era was focused on termination and relocation—hardly a ringing endorsement of Native rights—Barr believed favorable action on Marston's amendment would align Alaska with national attitudes on minority rights: "When they [Congress] look at our constitution and see that we are looking out for the rights of these Natives, too, insofar as possible, then they will believe we are politically responsible, and they'll give more earnest consideration to this constitution and to statehood than they would otherwise."[309]

Frank Peratrovich, a legislator from Klawock and the only Alaska Native delegate at the convention, was then recognized by the chair. "I feel compelled to speak on this question," he said. "If I don't, I'll be a mighty poor Indian. I tried to avoid it as long as I could, but I think it

[307] See statements of George McLaughlin, 2542, and James Hurley, 2568, January 18, 1956, ACC.
[308] Statement by John Hellenthal, January 18, 1956, 2533-2534, ACC.
[309] Statement by Frank Barr, January 18, 1956, 2569, ACC.

has come to a point in where, perhaps, a little light on the question, if I can contribute to it, will be of some help." Peratrovich began by differentiating between the Indians of Southeast Alaska, of which he was one, and the Eskimos of the Arctic like George Lockwood. The Tlingit, Haida, and Tsimshian of the Alaska panhandle had experienced direct contact with Euro-Americans for more than two hundred years. They had become more acculturated to western ways than other Indigenous peoples of the territory, and, in cases where their lands had been appropriated by the federal government, the courts were then poised to award compensation for those takings. The Inupiaq of Unalakleet, by contrast, had experienced the entry of White settlers to their lands relatively recently, and no readily available mechanism yet existed for Lockwood and others to obtain title to their lands. For this reason, Peratrovich announced his intent to vote in favor of Marston's amendment. Failure to deal with the matter now—to "give this man from up North here some consideration," as the delegate put it—would only result in a repeat of the experience of his people in which decades would pass and lands would be unjustly appropriated before any meaningful resolution took place. He concurred with his fellow delegates that the amendment offered by Marston had nothing to do with aboriginal rights and would in no way jeopardize the adjudication of such rights on the federal level. It was a curious interpretation given the fact the amendment limited to relief to those "of Indian, Aleut or Eskimo ancestry," but such an argument was perhaps the only one permissible within the epistemological parameters of the statehood dialogue at the time.[310]

Peratrovich also addressed a larger theme that had dominated the overall statehood debate for some years. Many argued Native land claims and the corresponding uncertainty regarding federal land disposals had hindered economic development in the territory. Peratrovich agreed.

[310] Statement by Frank Peratrovich, January 18, 1956, 2540-2542, ACC.

"It seems to me, and I speak for, perhaps, the entire Indian population," he stated, "that the sooner this question is decided one way or the other, the better it will be for the Territory of Alaska. And, with that thought in mind, I have rendered services to the best of my ability to push this particular question so that it may be settled[.]"[311]

During a recess, Marston gathered with a few interested delegates to revise his amendment and clarify the ambiguities of the original version. The words "hunting, fishing and trapping" were deleted, replaced by the standard "occupied or used" clause. The delegates scaled back the size of the proposed allotments from homesteads to "lots and small tracts." The revised amendment also did not commit the state to conveying title, holding only that it "may" do so for "Indians, Aleuts or Eskimos…in recognition of their individual use as prior occupants."[312]

Despite these clarifying revisions, the amendment met with immediate opposition. George Sundborg introduced his own amendment calling for the words "Indians, Aleuts or Eskimos" to be replaced with "Alaskans." A longtime assistant to Ernest Gruening who worked as his aide in the governor's office and would again in the U.S. Senate in four years' time, Sundborg embraced the assimilationist ethos of his boss. He rejected any effort, Marston's amendment included, that he believed would segregate Alaskans into different categories of citizens and result in the unequal apportioning of civic privileges and obligations. "I'm against it on the very same grounds as I would be against it if it said that tracts occupied by Seventh-Day Adventists within the state public domain, or if it said tracts occupied by Chinamen," said Sundborg. "I don't believe that's right in our constitution. We should have a constitution here which applies to all men equally[.]"[313]

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[311] Statement by Frank Peratrovich, January 18, 1956, 2541, ACC.
[312] Statement by Chief Clerk, January 18, 1956, 2567, ACC.
[313] Statement by George Sundborg, January 18, 1956, 2571-2572, ACC.

The sentiment was echoed by Edward Davis, an Anchorage lawyer who shortly would be appointed to the state bench. Davis deployed the rhetoric of citizenship and political equality: "[W]e consider the Eskimo and the Indian a citizen just the same as all the rest of us. We don't consider that he is any better than we are, and we don't consider that he is any worse. He is a man just like we are; and he is entitled to all the rights and privileges and all the duties of citizenship, just as we are[.]"[314] Mildred Hermann, still another of the delegates with a law degree, agreed that to limit relief to Indians, Aleuts or Eskimos, however fair-minded and well-intentioned, represented "class legislation [that would] discriminate between one class of citizens and another."[315]

Sundborg's proposed amendment was adopted on a voice vote and initiated a rambling discussion of just what was meant by the term "Alaskans." Did the amendment now mean that any person in the state, Native or otherwise, could claim a small tract of land if a pattern of historical use could be demonstrated? Also, given the fact that most non-Native residents were born somewhere else and emigrated to Alaska later in life, at what point did an individual qualify as an "Alaskan"? After one day of residency? One month? One year? In response to these questions, Sundborg revised his amendment to specify "native-born Alaskans"—which only raised additional questions. Minnesota-born Maurice Johnson asked if that meant his young daughter, who was born in Alaska, could claim land but he could not? Mildred Hermann, born in Indiana, asked the same of her Alaska-born children. Hermann also pointed out that the convention president, William Egan, was himself born in Valdez—making him a native Alaskan but not an Alaska Native. Yule Kilcher then offered an amendment redefining qualified parcels

[314] Statement by Edward Davis, January 18, 1956, 2536-2537, ACC.
[315] Statement by Mildred Hermann, January 18, 1956, 2581, ACC.

of land as those "continuously" occupied by Alaskans "or their ancestors before the year 1900," drawing laughter from the frustrated delegates.[316]

By this point in the debate, Marston's amendment had been "twisted completely beyond its initial intent," wrote Delegate Victor Fischer in his 1975 study of the convention, and the deviations of subsequent amendments "managed to confuse the issues to the point where a clear decision on merit proved impossible." In the end, an effort to suspend the rules in order to rescind Sundborg's amendment failed, leaving delegates to vote not on Marston's original measure but on the problematic Sundborg substitute. Grateful for the discussion but disappointed at the juncture they'd come to, Marston closed the debate, stating, "If this amendment by Mr. Sundborg will give George Lockwood relief in his piece of property that he's entitled to, I'll vote for it happily." The measure failed by a more than 2-to-1 margin. The proposal for granting even limited land rights to Alaska Natives, Fischer wrote, "went down to defeat without ever coming to a direct vote on the basic issues involved."[317]

Pandora's Box

In 1958 Congress took up an Alaska statehood bill for what would be the final time. The House passed the bill on May 28, and the Senate followed a month later. Delegate Bob Bartlett had included in the bill the standard Native lands disclaimer under which the state agreed to relinquish its claim "to any lands or other property (including fishing rights), the right or title to which may be held by any Indians, Eskimos, or Aleuts."[318] After being signed by President Dwight D. Eisenhower, the act went before Alaska voters in a statehood primary on August 26.

[316] Statement by Yule Kilcher, January 18, 1956, 2583, ACC.
[317] Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 139; Statement by Marvin R. Marston, January 18, 1956, 2590, ACC.
[318] Alaska Statehood Act (72 Stat. 339) Public Law 85-508, 85th Congress, H. R. 7999, July 7, 1958.

When asked whether to approve or reject the act, just over forty thousand Alaskans voted in the affirmative, endorsing statehood by a 5-to-1 margin.

In the weeks leading up to the statehood primary, a series of troubling rumors began to trickle in to the office of Governor Mike Stepovich. A representative from the Alaska Native Brotherhood called to ask if it was true that under statehood Natives would be removed from their homes and forced onto reservations. A separate report came in from villages above the Arctic Circle where a man who "swore the Eskimos to secrecy" was telling Natives they would be limited to one square mile each for hunting and trapping. Still another allegation arrived in a letter from Kokrines, a village on the Yukon River: "[T]here are white people who are for selfish reasons opposed to statehood, and who, because of this, are spreading false propaganda among the Natives to gain their negative votes." In addition to the rumors about reservations and hunting restrictions, the correspondent reported Natives were being warned they would "be forced to pay exorbitant taxes, that those receiving government aid will lose it, that Native hospitals will be closed, and other things equally silly."[319]

Stepovich enlisted Interior Secretary Fred Seaton to quell the unrest. Calling the stories "false and malicious," Seaton stated that Natives "have, and are entitled to, all the rights of other American citizens." The statement embodied the egalitarian vision of White Alaskans—but Natives were not, in fact, just like other American citizens. They had not been historically treated as such in Alaska, a distinction evidently lost on Seaton. Having never relinquished aboriginal land title via treaties with the U.S. government, Natives' legal and political status was far more complicated than Seaton acknowledged. Like most White Alaskans, the Secretary clearly hoped Natives would simply be absorbed into the body politic. "There is no question that the Natives

[319] "Seaton Says Statehood Helps Natives," *Anchorage Daily Times*, August 9, 1958; "The Truth Will Out," *Fairbanks Daily News-Miner*, August 14, 1958.

will be better off after Alaska becomes a state," he promised. In a separate statement solicited by Stepovich, James Hawkins, the director of the Alaska Native Service, expressed his belief that statehood would "usher in a new era for the Native people of Alaska." Hawkins pointed out that legislative representation for rural areas was bound to increase significantly under statehood when forty separate electoral districts were mapped onto the state. The territorial legislature, he noted, drew representatives from Alaska's four judicial districts, which enabled voters in Fairbanks, Nome, Anchorage, and Juneau to dominate the ballot and elect most or, in some years, all of the legislators. The *Anchorage Daily Times* agreed, calling the reapportionment of legislative districts a "bonanza for rural areas" that would result in greater representation for Natives and others who lived outside urban centers. "They will have more political power than ever before," the paper noted in an editorial that could have been taken as either a blessing or a warning. "They will have the control of the state in their hands."[320]

Seaton visited Alaska a few weeks later on the eve of the statehood vote. He participated in the dedication of a monument to James Wickersham in Fairbanks, then traveled to Anchorage, Palmer, Cordova, and Juneau, giving speeches at each stop exhorting Alaskans to vote yes. In putting the rumors of Native dispossession to rest, he was firm, but once again much too sanguine regarding Natives' civic status: "Let's get this straight: the Natives of Alaska, as any other American citizens, have a right to keep their lands. They have a right to their freedom." Seaton was as aware of the disclaimer as anyone, and he emphasized the rights of Natives not to be disturbed from lands in their possession. "Under statehood the Natives can stay where they

[320] "Seaton Hits Statehood 'Hokum,'" *Fairbanks Daily News-Miner*, August 9, 1958; "Biggest Bonanza for Rural Areas," *Anchorage Daily Times*, August 11, 1958.

are. They can use the same lands they have been using. Nobody's going to take that right away from them."[321]

Buried in the statehood act's thirty-nine pages, however, was a contradiction that would challenge the secretary's bold assurances. Section 6 of the act authorized the state to select 104 million acres of unappropriated federal land—but Section 4, the disclaimer, mandated that until Congress acted to extinguish aboriginal title, the state disclaimed all lands to which Natives held claims, which was virtually all of Alaska. The conflict between the two provisions was roundly ignored in the first few years of statehood, and the state began selecting millions of acres of resource-bearing lands. Apart from Bartlett, Gruening, the delegates at the constitutional convention, and a handful of bureaucrats in the state lands division, few White Alaskans had ever heard of the disclaimer let alone recognized its significance. The avoidance of the issue may also have been in part willful. "No one wanted to talk about the claims," wrote Mary Clay Berry of the drive for statehood. "This issue was a highly emotional Pandora's box: to open it would let out bigotry and greed and fears that were inappropriate in a group of people petitioning for admission to the democratic United States of America."[322]

By 1966 it was clear to all that the box simply could not remain closed any longer. In December of that year, Interior Secretary Stewart Udall implemented a "land freeze," halting the state's selection of lands until Native claims could be properly addressed. As he explained in a letter to Alaska Governor Walter Hickel, "In the face of the Federal guarantee that the Alaska Natives shall not be disturbed in their use and occupation of lands, I could not in good conscience allow title to pass into others' hands." Udall further noted that to permit the state to

[321] "Lie Given to 'Scare' Rumors," *Fairbanks Daily News-Miner*, August 25, 1958.
[322] Mary Clay Berry, *The Alaska Pipeline: The Politics of Oil and Native Land Claims* (Bloomington: Indiana University Press, 1975), 25. See also Stephen Haycox, *Battleground Alaska: Fighting Federal Power in America's Last Wilderness* (Lawrence: University Press of Kansas, 2016), 27-35.

acquire title to such lands would establish the state as "an adversary against whom the Natives would not have the means of protecting themselves."[323] In addition to the land freeze, Udall canceled an oil and gas lease sale on lands claimed by the Arctic Slope Native Association, forcing the state to forego an estimated $18 million in lease revenue.[324]

A number of significant developments, some not directly related to the issue of land claims, influenced Udall's actions. A 1959 proposal by the Atomic Energy Commission to excavate a deep-water harbor on Alaska's northwest coast by detonating nuclear bombs, although supported by the state's political and business elite for the economic boost it was expected to create, revealed to Natives the threats to their ways of life posed by unchecked industrialism. The radioactive fallout from the detonations would contaminate the region's flora and fauna upon which the Inupiaq peoples depended for sustenance. A second threat emerged in the form of Rampart Dam, a proposed hydroelectric project on the Yukon River that would have created a lake larger than Vermont and submerged several Native villages. Both proposals were ultimately defeated after years of protest by Native and environmental groups.[325]

On the land claims front, a conflict over the Minto Flats functioned as yet another catalyst for Native political organization. In 1961 the state selected nearly two million acres in the area northwest of Fairbanks on which it planned to develop a recreational area complete with an access road. The Native village of Minto filed a formal protest with the Bureau of Land Management on the grounds that the selection both violated their aboriginal claims and would

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[323] Stewart Udall to Walter Hickel, August 1967, quoted in "Native Land Claims," *Alaska Review of Business and Economic Conditions* 4, no. 6 (November 1967).
[324] Stephen Haycox, *Battleground Alaska: Fighting Federal Power in America's Last Wilderness* (Lawrence: University Press of Kansas, 2016), 32-33.
[325] For information on these two proposed but never enacted megaprojects, see Dan O'Neill, *The Firecracker Boys* (New York: St. Martin's Griffin, 1994); Roxanne Willis, *Alaska's Place in the West: From the Last Frontier to the Last Great Wilderness* (Lawrence: University Press of Kansas, 2010); Peter A. Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier* (Bethlehem, Pennsylvania: Lehigh University Press, 1991).

lead to the despoilment of the lands on which they hunted and fished. As Richard Frank, chief of the Minto village, put it, "A village is at stake. Ask yourself this question, is a recreation area worth the future of a village?"[326]

Numerous similar complaints from across the state began flooding the Interior Department, and within a few years more than 122 million acres, roughly one-third of the entire state, were under protest by Native claimants. By 1966, when none of the complaints had been resolved or, in some cases, even formally acknowledged by the federal government, Emil Notti, president of the Cook Inlet Native Association, called for a conference. On October 18, 1966—coincidentally the ninety-ninth anniversary of the date on which Russia formally ceded Alaska to the United States—more than four hundred Natives from across the state assembled in Anchorage and established the Alaska Federation of Natives, a statewide advocacy group that immediately superseded the Alaska Native Brotherhood as the preeminent Native political organization in the state. Willie Iggiagruk Hensley chaired the land claims committee at the founding meeting and authored the group's statement "essentially arguing that there was no 'public land' in Alaska. It was all Native land unless there had been a previous taking by the federal government for federal use. And if there had, then we were owed compensation."[327] The federation passed a resolution asking Secretary Udall to halt state land selections, an action he took not quite two months later.

Reaction among Alaska's political class was swift and negative. Ernest Gruening, by this time Alaska's junior U.S. Senator, predictably castigated the federal government for a century of inaction, the negative consequences of which he asserted were now being suffered by the state.

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[326] "The Land Claims Struggle," www.alaskool.org/projects/ancsa/landclaims/LandClaims_Unit4_Ch14.htm [accessed July 15, 2020].
[327] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 127.

He also reiterated his view that Native land claims were hindering the state's economic prospects and rested on a questionable legal foundation besides. Judge Arnold, the canned salmon lobbyist who prior to statehood had been one of Gruening's adversaries, agreed, pointing to the language in the 1884 Organic Act that pertained to "Indians or other persons" as proof that Congress never meant to grant special privileges to Indigenous peoples: "They [Natives] have the same rights under that act as any other citizen. The act has nothing to do with Indian title or native claims. It is an act for the protection of all people whether white or native." Walter Hickel, the Anchorage real estate developer who had been elected governor on a pro-development platform in 1966, critiqued the very concept of aboriginal title. "What this means," he thundered in a February 1967 speech delivered in Alaska but clearly directed at Udall, "is that if someone hunted moose around Anchorage or Fairbanks two hundred years ago or chased migratory caribou over land that no longer supports caribou grazing, a Native group could claim that land today."[328]

Few Alaskans outside government understood the land claims issue at the time of statehood, but its significance became clear in due time. The pro-development *Anchorage Daily Times* blasted the idea of aboriginal title, claiming in a 1969 editorial, "For the first time Alaskans are finding themselves divided as natives and non-natives." (The editorial was met with a blistering response by an Anchorageite who observed the paper showed "an incredible lack of

[328] "Sen. Proposes Cash Payments for Valid Native Land Claims," *Tundra Times*, April 15, 1966; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 505-06; W. C. Arnold, *Native Land Claims in Alaska* (self-published, 1967), 45; Walter Hickel, speech, February 7, 1967, quoted in Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 376. One of the only White officials in the 1960s who favored the granting of Native land title was Ted Stevens, who upon the death of Bob Bartlett in late 1968 was appointed to his seat in the U.S. Senate. Stevens, according to Donald Craig Mitchell, "understood that a generous land grant would benefit white Alaskans as much as it would Alaska Natives" in that the transfer of lands to Native organizations would remove federal control and facilitate resource development, goals nearly every White Alaskan supported. Stevens approached the issue carefully in his runs for elected office that decade, however, recognizing that many White voters would refuse to back him on the issue. See Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960–1971* (Fairbanks: University of Alaska Press, 2001), 237-38.

knowledge of the history of this state" regarding the divisions "that have existed since the first non-natives set foot" in Alaska.[329]) That the rhetoric of White resentment had seeped into the public discourse was made clear by a letter printed in the Anchorage newspaper in November 1970. A concerned resident, one who expressed his belief that Alaska Natives "are entitled to all the rights as American citizens that I am entitled to, but certainly no more," had questions regarding the pending land claims settlement that, per the terms of the debate at that time, promised to bestow to Natives millions of acres of land and many more millions of dollars. After noting the United States had purchased Alaska from the Russians in 1867 with dollars that came in part from "the efforts of my American ancestors," the correspondent wondered why another bill was now due: "I cannot recall any part in this purchase agreement that obligates the American taxpayer to again purchase this land from the Alaska natives." He continued,

> To now consider giving away huge tracts of this land, which all American citizens own, without the consent of American voters, would certainly be an injustice to all citizens. And to consider at the same time handing over a billion tax-payers' dollars to a minority of people when the government is again considering raising taxes, furnished by the majority, would border on being criminal.

The letter writer expressed no quarrel with welfare programs administered by the Bureau of Indian Affairs, but he stated his belief that if Natives insisted on pursuing the special privileges associated with land claims, the value of all aid ever provided to them by the U.S. taxpayer

[329] "Asking Too Much," *Anchorage Daily Times*, December 5, 1969; Mrs. Rosaire M. Kennedy, "Wrong Slants?" *Anchorage Daily Times*, December 17, 1969.

should, in the interest of full equality, be subtracted from the settlement. "We all have the equal right to share in this great land," he wrote.[330]

The Alaska Federation of Natives had been working towards a land claims settlement for four years at that point, and its members were well acquainted with such arguments. They recognized the sentiments, whether offered by senators, governors, or everyday White Alaskans, were not merely about taxpayers' receipts, welfare equity, or even the land itself; they were also about power. Willie Iggiagruk Hensley noted as much after a private meeting with Ernest Gruening ended badly, commenting that "after all those years of fighting for statehood, he [Gruening] would never sacrifice Alaska to an aboriginal minority." Hensley had been elected to the state legislature in 1966, and he, along with a cadre of other young, college-educated Natives, took a more assertive, even confrontational stance than that evinced by their predecessors. Although leaders such as William Paul and Frank Peratrovich had kept the issue of land claims alive in both the courts and Congress, Hensley lamented what he viewed as the previous generation's passivity. The Alaska Native Brotherhood, in particular, once a powerhouse in Alaska politics, was viewed by many young Natives at the time as more of a social club in which old-timers relived the glories of the past. "Earlier Native legislators had been Americanized, accepting of the status quo, and unwilling to fight for their people's land," Hensley wrote. "The new generation was different. Backed by passionate supporters, we were determined to use our youthful energy to make major changes." A colleague of Hensley's, Hugh Nichols of the Arctic Slope Native Association, took aim directly at Gruening, to them the embodiment of western paternalism. The senator, Nichols concluded, viewed Natives as "the faithful dog, who having been given a few pats and kind words remains wagging his tail, while his master swings a few

[330] Gerald R. Caley, "Native Claims Unfair," *Anchorage Daily Times*, November 2, 1970.

well aimed kicks at his head." Like Hensley, Nichols rejected the assimilationist tactics of the previous generation of Native leaders: "The native people have begun to grow up," he wrote, "and what they would accept gratefully without question forty years ago, they will not do so now."[331]

John Borbridge Jr., a Tlingit from Juneau who emerged as one of the most influential leaders in the land claims movement, concurred that much of the opposition directed at Natives appeared to result from their newfound outspokenness. He observed that Indians were tolerated so long as they were seen as supplicatory and dependent on federal largesse. Even the most hard-hearted reactionary in public office recognized the wardship responsibilities the government retained toward the nation's first peoples. But, Borbridge wondered in a 1969 speech, "what happens as the Alaskan Native assumes his rightful place as an equal partner in the economic, political, and other power structures of the state? This may be a threat to a very comfortable power structure and I say power structure in its highest sense."[332] His words harkened back to William Paul's observation while running for office in 1924 that what White Alaskans feared was not Indians' participation in government but independent-minded Indians who could not be controlled.

To Borbridge, the notion that Native land claims functioned to impede the state's economic fortunes rested on a false choice, one based on the presumption that Natives could not

[331] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 115, 127; Hugh Nichols, "Age of Reasoning, Questioning Come to Natives, Says Writer," *Tundra Times*, June 24, 1966, 2, 7. The power and influence of the Alaska Native Brotherhood, for decades the dominant force in Native politics, had waned by the 1960s, and although its leaders such as Roy Peratrovich would have denied it, the organization was eclipsed that decade by the Alaska Federation of Natives. A young Tlingit activist in the late 1960s angrily rebuked what he called the ANB's "foggy and fumbling leadership" under which the "old Tlingits are sometimes more willing to take a Chamber of Commerce kind of candidate from the White power structure rather than one of their own young, brilliant creations." See George W. Rogers, "Goodbye, Great White Father-Figure," *Anthropologica* 13, nos. 1/2 (1971), 293.

[332] Quoted in Mary Clay Berry, *The Alaska Pipeline: The Politics of Oil and Native Land Claims* (Bloomington: Indiana University Press, 1975), 8.

quite conform themselves to modern American life but were locked into, and in fact had purposefully limited themselves to, a primitive lifestyle of hunting, fishing, trapping, and other subsistence activities that, in the eyes of many White Alaskans, represented an underutilization of the land. More than one congressman had testified to that understanding in statehood hearings dating back to the 1940s. But Borbridge pointed out that Natives were in no way opposed to progress, and upon receiving title to ancestral lands they would be just as prepared to develop the same resources coveted by the state. The granting of title to Natives, he stated, "will not deter the development of Alaska. It will enable Alaska Natives to share in that development." He continued, "I will say to the conservationists, the sportsmen, the miners, the lumbermen, the oil men and to all who have stakes in the development of Alaska, that if they will look with enlightenment to their own interests, they will conclude that they have a great deal more in common than in conflict with the interests of the Natives."[333]

Borbridge shrewdly identified the imbalances, threats, and contestations of power between stakeholders as a principal root of the land claims conflict. When speaking to White audiences he illustrated the point by turning the conventional narrative on its head, asking his listeners to imagine it was the United States petitioning Natives for land, not the other way around. At a public lands conference in Berkeley in 1970, he stated,

> Presently the Natives are the beneficial owners of virtually the whole state. We are prepared to agree that our title to all but 60 million acres may be extinguished. In other words, our proposal contemplates our surrendering title to 300 million acres of land. And

[333] John Borbridge, "The Rights of Natives," in *America's Public Lands: Politics, Economics & Administration*, Harriet Nathan, ed. (Berkeley: Institute of Governmental Studies, 1972), 171-72.

yet this matter is still discussed as though it were a widespread social welfare program for the Natives.

Borbridge and other Native leaders objected when land grants were described as something being "given" to Indigenous peoples. The very word bespoke the inequities of power visited upon Natives from the 18th-century arrival of the first Euro-Americans. The Tlingit leader offered that when the day arrived that the settlement was agreed to and signed by all parties, the ceremony should reflect the fact that Natives were bestowing lands to the United States.[334]

For decades the land claims debate had been framed as a choice between the ancient and the modern, and what many White Alaskans consistently failed to apprehend was that Natives saw no reason they could not embrace both. As Jessica Leslie Arnett puts it in her study of Native rights in the territorial period, "Alaska Natives advanced an important vision of indigenous U.S. citizenship in which Natives' sovereignty, self-government, collective land ownership, and economic self-determination were not only compatible with but also central to their rights as U.S. citizens."[335] The implication that Natives lacked the ability to properly utilize the land was itself premised on the 19th-century notion of the uncivilized Indigene whose adherence to tribal ways worked to preclude his citizenship. This assimilationist formulation had become so firmly embedded in the state's political discourse by the statehood era that assertions of aboriginal title were viewed as a refutation of the obligations of citizenship rather than a legitimate expression of self-determination by sovereign peoples. As Borbridge stated multiple

[334] John Borbridge, "The Rights of Natives," in *America's Public Lands: Politics, Economics & Administration*, Harriet Nathan, ed. (Berkeley: Institute of Governmental Studies, 1972), 170.
[335] Jessica Leslie Arnett, "Unsettled Rights in Territorial Alaska: Native Land, Sovereignty, and Citizenship from the Indian Reorganization Act to Termination," *Western Historical Quarterly* 48, no. 3 (Autumn 2017), 235.

times in speeches and testimony, "[W]e anticipate our ability to exercise the *prerogative of choice* within the context of our needs, our goals, and our desires."[336]

In December 1971, Congress passed the Alaska Native Claims Settlement Act. In exchange for relinquishing aboriginal title to all of Alaska, Natives received 44 million acres of land and $962.5 million. The Act established twelve regional corporations and more than two hundred village corporations into which Natives would be enrolled as shareholders. Hensley called it "the most sweeping and fairest land settlement" in the nation's history.[337] Natives were now landowners, stockholders, and corporatists, and many White Alaskans, including those who had been markedly opposed to Native land claims prior to 1971, came to view the settlement act as yet another mechanism by which Natives would be assimilated into the state's mainstream western culture. In the years and decades that followed, however, racial distinctions continued to inform debates over voting rights, education funding in rural areas, subsistence hunting and fishing rights, and a host of other issues. The supposed irreconcilability between sovereignty and citizenship for Natives would remain a defining characteristic of racial discourse throughout the statehood era.

[336] John Borbridge, "The Native Alaskans' Land Rights," in *Great Documents in American Indian History*, Wayne Moquin, ed. (New York: Praeger Publishers, 1973), 373, emphasis in original. See also John Borbridge, "The Rights of Natives," in *America's Public Lands: Politics, Economics & Administration*, Harriet Nathan, ed. (Berkeley: Institute of Governmental Studies, 1972), 174.
[337] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 210.

Chapter 6: The Voting Rights Act in Alaska

On August 9, 1965, three days after President Lyndon B. Johnson signed the Voting Rights Act into law, a reporter for the *New York Times* contacted the office of Alaska Governor William A. Egan for comment regarding the state's inclusion under the act. The VRA, a sweeping civil rights law designed to protect the voting rights guaranteed under the Fourteenth and Fifteenth Amendments to the U.S. Constitution, particularly for minority populations that historically had experienced discrimination and disenfranchisement, mandated federal oversight of states or counties when certain conditions were met. One such proviso applied to jurisdictions that maintained any qualification, such as literacy tests or poll taxes, that might be used to abridge the right to vote on account of race. The VRA coverage formula would also be triggered when less than 50 percent of the voting-age population in that jurisdiction was registered or had voted in the previous presidential election. Although directed primarily at states in the Deep South with long histories of voter suppression of Black residents, the provisions also applied to counties in Arizona, Idaho, and Hawaii, as well as the entire state of Alaska.

Gerald R. Bowkett, special assistant to Governor Egan, responded that Alaska intended to fight its inclusion under the law. Although the state's literacy test had been on the books for more than four decades and was codified in the state constitution, it had been "very seldom utilized," Bowkett informed the reporter. The test, which required that a voter be able to speak or read English in order to cast a ballot, had exemptions for physical disabilities, and in the few instances over the years where an election official had doubts about the person's grasp of English, the qualification could be obtained by "briefly conversing with the election judge by the

use of simple English words." The test, Bowkett claimed, had never been deployed to deny entire groups access to the ballot.[338]

Bowkett also challenged the federal government's finding that less than 50 percent of Alaskans had voted in the last election, and he resented the inference that low turnout may have resulted from discriminatory systems, procedures, or activities. The voting-age population of Alaska included 32,000 military personnel who resided in the state but were registered to vote somewhere else, he noted. If one removed these individuals from consideration and counted only the permanent, non-military residential population, voter turnout in 1964 stood at over 62 percent. In a state where Alaska Natives and other non-white minorities constituted nearly one-quarter of the state's population, any suggestion the literacy test and voter turnout numbers were evidence of voter suppression or discrimination against those groups was unfounded, Bowkett argued.

The State of Alaska cited these arguments in a suit it filed against the federal government the following January asking to be removed from coverage. Governor Egan, in a joint statement with Alaska's senators, Bob Bartlett and Ernest Gruening, disavowed the notion that Alaska Native and other minority voters faced any discrimination. The office of Egan's attorney general had collected dozens of affidavits from members of what it called "all racial and minority groups," noting that those persons, without exception, "stated under oath that they know of no instance in which the state or one of its political subdivisions used a voting qualification test to deny a potential voter his right to vote because of his race or color." Not only did Alaska not discriminate, Egan proclaimed, but it was "foremost among the states in its efforts to protect and further the civil rights, especially the privilege of voting, of all its citizens, whatever their race or

[338] "Alaska Unconcerned Over Ban On Its Little-Used Literacy Test," *New York Times*, August 9, 1965, 16.

color." Seven months later, on August 17, 1966, a three-judge panel ruled in the state's favor, finding no evidence the literacy test had been used in the previous five years. The ruling exempted Alaska from coverage under the VRA.[339]

Alaska's challenge to electoral oversight proved successful in part due to the VRA's narrow coverage formula. With its focus on qualification tests, the act's oversight mechanism was triggered only if a jurisdiction could be shown to have actively discriminated against a particular voter group. States like Alaska could have literacy tests in statute and still be exempt from the VRA so long as they were able to demonstrate the prerequisite was not being purposefully used in an exclusionary manner. In subsequent years, however, Congress would come to understand that voter suppression might also result from more incidental factors, such as a state's passive acquiescence to established norms that, while not directly disenfranchising, still limited access to the ballot for particular populations. Congress amended the VRA in 1970 and again in 1975, redefining and expanding the coverage formula in ways that brought several new jurisdictions under federal oversight. In 1975 Alaska again found itself under consideration, this time for its long history of racially segregated schools and underfunded public education in rural areas that left many Natives without the basic literacy skills necessary to read the state's English-only election materials. In effect, Congress declared that a state need not be purposeful in

[339] "State Moves to Prove Voting Law Not Apt," *Anchorage Daily Times*, January 14, 1966, 2; "Court Keeps Voter Test in Alaska," *Washington Post*, August 18, 1966, A-3. Even as he denied any voter discrimination against Alaska Natives, Senator Ernest Gruening expressed support for minority voting rights nationwide. In March 1965, following "Bloody Sunday" in which state troopers attacked civil rights marchers with billy clubs in Selma, Alabama, Gruening spoke on the Senate floor in strident terms about the injustice, saying the events "reek to high heaven" and "outrage the conscience of mankind." Noting that the state and law enforcement agencies of Alabama were the agents of such oppression, the senator called for "more drastic action by the only authority which, under the circumstances, can remedy such infamous performances." He then introduced into the record a petition, twelve feet long, signed by over five hundred Alaskans. The leader of the petition drive and first name on the roster was Blanche McSmith of the Anchorage NAACP. See 89 Cong. Rec. 6236 (1965) (statement of Sen. Gruening).

discriminating against voters to be included under the VRA if any action or procedure it employed now or in the past had a discriminatory effect.

Alaska's governor and congressional delegation protested in 1975 just as loudly and with many of the same arguments the previous occupants of their offices had made a decade earlier. Two themes in particular emerged from the debate. First, the officials comprehended voter discrimination in terms of poll taxes, literacy tests, intimidation, and other forms of direct exclusion that were then common in certain parts of the country and in response to which the national debate over voting rights had arisen in the first place. Since no such practices were in evidence in Alaska, public officials evinced a blindness to systemic inequality in the state. "If I thought there were any discrimination against any Alaskan natives, I would support [the VRA]," thundered Don Young, the state's lone representative. "But this is an imposition, impractical and very poor legislation."[340] The congressman's comments may have reflected his genuine belief in the egalitarian nature of the statehood era, but they were belied by the demonstrable inequities of Alaska's education system that were the very foundation of the government's VRA claim. Second, as in the previous VRA debates in 1965, the officials again framed their arguments in terms of the state's ostensible commitment to color-blind equality, in effect wielding the rhetoric of inclusion as a pretext for shirking acknowledgment of the exclusionary nature of the state's political institutions. The inability of statehood-era Alaskans to recognize the fact of racial difference in how the state's education and electoral systems had been constructed contrasts sharply with how territorial-era Alaskans, such as those who enacted the first literacy test in 1925, articulated quite pointedly their views of racial difference that for them justified the political inequities of the time. The color-blind hopefulness of Don Young and his colleagues

[340] Betty Mills, "Young Seeks Exemption On Vote Act," *Anchorage Daily Times*, June 3, 1975, 6.

also contrasted with the debates at the Constitutional Convention of 1955–56 where several delegates recognized that the denial of educational opportunities limited Natives' access to the franchise. When Congress finally placed Alaska under VRA coverage in 1975, Alaskan officials displayed a myopic view of race that bespoke both the optimism and delusion of the supposed guarantee of full equality under statehood. This chapter examines the long, intertwined histories of Alaska's voter qualification tests and education systems, as well as how the perspectives and rhetoric of Native and non-Native Alaskans toward those issues shifted over time.

Literacy Tests in the Statehood Era

On December 5, 1955, delegates to the Alaska Constitutional Convention revisited the territory's literacy test that had been enacted three decades earlier. As described in a previous chapter, the law, which required citizens to be able to read and write English in order to be eligible to vote, had been enacted in 1925 in response to the emergence of the Tlingit of Southeast Alaska as a voting bloc of some influence. Although the law remained on the books throughout the territorial period, it had never been enforced in any systematic way. Now, in drafting the state constitution, convention delegates considered whether to maintain the qualification. John S. Hellenthal, an attorney from Anchorage and chair of the Committee on Suffrage, Elections, and Apportionment, believed the state should retain as much of what he called the territory's "tested and tried voting law" as practicable given that any pronounced departure "would create uncertainty and provoke needless litigation." Despite this precaution, the committee recommended two significant changes to election laws. First, it called for the voting age to be lowered from 21 to 20 (after extensive debate the delegates lowered it again to 19, where it remained until 1970 when it was lowered once more to 18). Second, the committee

recommended the literacy test be "somewhat relaxed" to require that qualified voters be able to read *or* speak the English language with no requirement that they be able to write it. The change had the effect of nullifying the literacy test, as the ability to speak English would suffice on its own to qualify an individual to vote.[341]

Frank Peratrovich, the only Native delegate at the convention, was instrumental in the change. He noted there were many Natives who could write their name and perhaps a sentence of English but nothing more. They were "good citizens" who performed their civic duty by voting in every election, but enshrining a literacy test in the constitution might empower overzealous election staff to deny them a ballot. "I am afraid if we are going to be too restrictive here that you are going to disqualify such people, citizens, from practicing the privilege of voting," he stated. Peratrovich continued that any illiteracy among Natives was "through no fault of theirs perhaps" but could be attributed to the disparities in schooling between predominantly White urban centers and rural villages where most of the territory's Native people lived. "Your school program is such that the people in the outlying districts don't get the benefits that your children have in Fairbanks, Anchorage, Juneau and other places," he argued, "and I think it is only fair that you people should take that type of citizen under consideration."[342] Peratrovich's observation presaged the arguments Congress would make two decades later in determining that voter disenfranchisement in English-only elections resulted in part from a lack of educational opportunities for racial and ethnic minorities. Legal historian James Thomas Tucker finds that while Peratrovich might not have favored an English language test, he agreed to compromise on

[341] John S. Hellenthal to William A. Egan, December 5, 1955, Minutes of the Alaska Constitutional Convention, Appendix V, www.akleg.gov/pdf/billfiles/ConstitutionalConvention/Folder%20310.1.pdf [accessed August 27, 2020]. On the matter of the voting age, see Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 76-77; Ross Coen, "Not Old Enough to Vote, But Able to Support Statehood," *Alaska History* 24, no. 1 (Spring 2009), 1-14.
[342] Statement by Frank Peratrovich, December 12, 1955, 739-40, Minutes of the Alaska Constitutional Convention [hereafter cited as ACC], https://akleg.gov/pages/constitutional_convention.php [accessed July 17, 2020].

the matter in order to avoid more oppressive restrictions. For the Tlingit delegate, modifying the phrase "read and write" from the 1925 law to "read or speak" in the constitution represented a gain for Native voters.[343]

Maurice Johnson of Fairbanks disagreed with the committee proposal, and he kicked off a heated debate with an amendment that went farther than even the 1925 law. Johnson believed qualified voters should be able to read, speak, *and* write the English language. Proponents of the literacy test expressed the view that since one must be fully informed of candidates and policies in order to vote intelligently, the ability to read and write was therefore essential. R. E. Robertson from Juneau spoke in favor of the amendment, arguing that stringent qualifications would evince the importance of the franchise, convincing more Alaskans to turn out to vote, not fewer. "Instead of lowering the bars to the right of suffrage, I think the bars should be increased," he stated.[344]

Several delegates recognized the disenfranchisement resulting from Johnson's literacy test would fall disproportionately on Natives, and, like Peratrovich, they pointed to the territory's discriminatory education systems as the cause. "These are local born citizens we are talking about," Hugh Douglas Gray implored, "and we are going to disfranchise them because the state itself has not provided them with the education in their early years." Mildred Hermann of Juneau agreed, noting that for decades the territorial government had provided no schools for Native children. "I don't think that they should be penalized now by making a requirement of voting, that they have to write in order to qualify," she stated. Hermann went on to say that some three thousand school-age children in Alaska had no access to schooling at the present time, thus a

[343] James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 254.
[344] Statement by R. E. Robertson, December 12, 1955, ACC, 742.

literacy test in the state constitution would continue to disenfranchise Natives for many years to come. Maynard Londborg of Unalakleet concluded the high voter turnout among Natives in his community was almost certainly the result of the education they had received at the school that was built in 1890. Many rural villages had established schools in just the last few years, and some had no school at all. "I think there you have your difference," Londborg said. "I can't help but feel that we do disenfranchise [Natives] by making them do something they have not had the opportunity to learn how to do."[345]

Muktuk Marston, next to Peratrovich the delegate most dedicated to Native rights, also spoke against Johnson's amendment. Folksy to a fault, Marston regularly told personal anecdotes when making a point, and this time was no different. "I am thinking right now down in Hooper Bay," he began, launching into a story of the twenty-three residents who voted in a recent election. Three were literate, he stated. "But these other 20 men, if you want to change the requirements, if Mr. Johnson's amendment goes through, will be lost to the United States. You stop a man from voting…[and] he does not belong to this country." Marston went so far as to suggest there should be no qualifications for voting beyond citizenship so as to "build the nation up and have every man who lives here a loyal patriotic citizen."[346]

Johnson countered that his intent was not to disenfranchise anyone but rather to encourage Natives to fully assimilate into the territory's political culture. "I don't see that it is so difficult to learn how to read and write the English language if you are an American citizen," he stated. "[E]very citizen who comes over from some foreign land and is naturalized must be able to read and write. Is it so much to ask that native-born American citizens should not be able to do

[345] Statements by Hugh Douglas Gray, Mildred Hermann, and Maynard Londborg, December 12, 1955, ACC, 738, 742-43.
[346] Statement by Marvin Marston, December 12, 1955, ACC, 740-41.

the same thing?"[347] Delegates rejected Johnson's amendment by a vote of 42 to 11. The following day, Robertson made a proposal that qualified voters must be able to both read *and* speak English, but that amendment was also voted down. In the end, the requirement that voters "shall be able to read or speak the English language" was enshrined in Article V, Section 1 of the state constitution.[348]

The language test became state law in 1959 when Alaska entered the union as the forty-ninth state. As with the literacy test in the territorial period, there was little evidence the qualification was ever used even on an individual basis let alone as a prerequisite to deny entire groups access to the ballot. Isolated and anecdotal reports surfaced from time to time, however. In August 1958, for instance, in the primary election at which voters approved the statehood act, polling station officials in Northway reportedly refused ballots to Natives if they couldn't read the state constitution's preamble all the way to the end without error.[349]

In June 1970, Congress passed an amendment to the VRA that banned literacy tests nationwide. In order to comply with the federal law, the State of Alaska placed a constitutional amendment on the primary ballot that August to eliminate the English language requirement. Alaskan officials, evidently set on demonstrating the state's dedication to minority voting rights, would later claim the amendment passed "overwhelmingly."[350] In fact, the measure passed by the narrowest of margins, 51 percent to 49 percent. (In contrast, each of the four other constitutional amendments on the ballot, including one to lower the voting age to 18, passed by a 2-to-1 margin.) Of the state's nineteen election districts, the measure to eliminate the English

[347] Statement by Maurice Johnson, December 12, 1955, ACC, 741.
[348] Gordon S. Harrison, "Alaska's Constitutional 'Literacy Test' and the Question of Voting Discrimination," *Alaska History* 22, nos. 1-2 (Spring/Fall 2007), 26.
[349] "Constitution Used for Vote Test," *Fairbanks Daily News-Miner*, August 27, 1958, 2.
[350] *Extension of the Voting Rights Act of 1965: Hearings on S. 407, S. 903, S. 1297, S. 1409 and S. 1443, Before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee*, 94th Cong. 526 (1975) (statement of Mike Gravel)

language test failed in six—one in Southeast and the other five in Southcentral where the majority of the state's White population resided. In Anchorage, for instance, 52 percent of voters rejected the amendment, while in Kenai, where White residents outnumbered non-Whites 3,317 to 216, the amendment was rejected by a 3-to-2 margin. Not surprisingly, the amendment fared much better in rural precincts. In Bethel and the surrounding villages on the Yukon-Kuskokwim Delta, the measure passed 1,549 to 694. Similar 2-to-1 margins in favor of the measure were recorded in other rural districts in the Interior, Northwest, and Arctic Slope.

The Voting Rights Act

By 1975 Alaska had no literacy or language tests on the books, and the state had successfully bailed out of federal oversight under the Voting Rights Act, once in 1966 and again in 1971, by demonstrating it did not discriminate against Natives at the ballot box. Nevertheless, Congress had come to recognize that voter disenfranchisement often had deep historical roots, and in reauthorizing the VRA in 1975, it amended the law to include protections for voters who spoke a language other than English. The act designated four language minority groups for inclusion—American Indian, Asian American, Alaska Native, and those of Spanish heritage. The amendment, Section 203, required that language assistance be provided to voters from those groups and that ballots and other written election materials be translated into the appropriate languages. The four groups were selected for reasons having to do with the unique historical experiences of each. For instance, the lands occupied by American Indians, Alaska Natives, and some Spanish heritage citizens had been seized by the United States, a process of colonization during which members of those groups were largely excluded from full participation in civic life. As the Senate Judiciary Committee put it in its report on the VRA amendments, "These groups

stayed on their original lands after the annexation, and while mobility certainly existed within their own cultures, opportunity for mobility within the European-dominated American culture was often denied them, most frequently by poor educational institutions and unresponsive political institutions."[351]

Congress concluded that illiteracy rates among those populations could be traced to racially discriminatory education systems. For instance, while 95 percent of the entire U.S. adult population had completed at least the fifth grade—the level deemed necessary to achieve literacy in English—it was noted that one in three Mexican Americans in Texas and nearly one in five Spanish heritage adults nationwide lacked such an education. The illiteracy rates for the covered groups were all higher than the national average—three times higher, in fact, for Chinese Americans and American Indians. The high rates of illiteracy among those racial and ethnic minorities "are not the result of choice or mere happenstance," the Senate Judiciary Committee found, but "are the product of the failure of state and local officials to afford equal educational opportunities to members of language minority groups." While it was true that members of the protected groups might not be turned away from polling stations or discriminated against in some other direct manner, the committee determined that holding elections only in English nevertheless "operates as an impediment to their access to the franchise."[352] The protections under Section 203 would be triggered when more than 5 percent of the voting-age citizens or 10,000 total persons in a given jurisdiction were members of a language minority and had limited English proficiency, and when the rate of literacy in that group was lower than national average.

[351] S. Rep. No. 94-295, at 38-39 (1975).
[352] S. Rep. No. 94-295, at 28, 48 (1975); Natalie Landreth and Moira Smith, "Voting Rights In Alaska: 1982–2006," *Review of Law and Social Justice* 17, no. 1 (2007), 101, 108.

Segregated and unequal education systems for White and Native children had existed in Alaska for the better part of a century. The Presbyterian Church began offering schooling to Natives in Southeast Alaska villages in the 1870s, and in due course schools were established in different parts of the territory by Methodist, Baptist, Episcopalian, Jesuit, and Moravian missionaries. The Organic Act of 1884 directed the Interior Department to provide for the education of the territory's school-age children "without reference to race," but a segregated school system nevertheless arose in accordance with widely held views on the supposed racial inferiority of Natives.[353] As White settlement increased, especially during the gold rushes of the era, the federal government set up all-White schools in incorporated towns including Juneau, Douglas, Wrangell, Ketchikan, and Sitka. As described earlier in this manuscript, Congress passed the Nelson Act in 1905, which formally codified a dual system of education based on race. The Act provided for the establishment of schools for "white children and children of mixed blood who lead a civilized life." Native children were statutorily excluded from so-called Nelson schools, while even those of White-Native parentage who otherwise qualified for admission were routinely turned away. The number of all-White Nelson schools increased from ten to forty-six in the decade following the passage of the act, and by 1930 there were nineteen communities in Alaska with both a White school and Native school.[354]

Desegregation of Alaska's schools began in 1929, when the family of a Native girl successfully sued to have her admitted to the White school in Ketchikan. Despite this legal victory, inequities in the education system persisted for decades. While the territorial and later

[353] Organic Act of May 17, 1884, ch. 53, 23 Stat. 24, sec. 13; David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 203.
[354] Nelson Act of January 27, 1905, ch. 277, 33 Stat. 616; David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 203-04; James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 238-40.

the state government maintained schools for White children, mostly in urban areas, responsibility for Native education rested with the Bureau of Indian Affairs. Most Native schools went only to the sixth grade with a few in larger villages going to the eighth grade but not beyond. Many villages had no school at all; in the late 1940s it was determined that 1,800 Native children lacked educational opportunities altogether. By the time of statehood in 1959, the state operated thirty-four public high schools—just six of which were located in communities in which Natives comprised at least half the population. By 1975, when Congress was beginning to consider whether discriminatory educational systems functioned as barriers to voting, over 2,600 Native children lacked daily, local access to a secondary education compared to 120 White children. The lack of educational opportunities in Native communities led many families to send their children to boarding schools, the largest of which in the state was Mt. Edgecumbe in Sitka. Other Native children were uprooted from their home villages and sent to schools in Chemewa, Oregon; Chilocco, Oklahoma; and Seymour, Tennessee. While some Native students benefitted from a secondary education they otherwise would not have acquired, for many the boarding school experience was one of isolation, homesickness, and cultural dislocation that had profoundly negative effects. Dropout rates were as high as 65 percent.[355]

Even those Native students who attended BIA schools in their home communities received a lesson in inequality. As Willie Iggiagruk Hensley wrote in his memoir, "In my entire eight years in grade school, I cannot recall a single Inupiaq school activity. When we were in the classroom, it was as if our people did not exist. The notion of having an elder come to speak to

[355] James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 243-48; Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 285.

us about life and experience didn't cross the minds of our teachers…who were trying so desperately to Westernize us."[356]

In 1972 Molly Hootch, a ninth-grade girl from Emmonak, and two dozen other Yupik children sued the State of Alaska over the lack of secondary education in rural villages. The plaintiffs pointed to the Section VII of the state constitution that declared Alaska shall maintain a public school system "open to all children of the State." Four years later in an out-of-court settlement, the state agreed to establish schools in villages with a minimum of fifteen students. The settlement resulted in the construction of nearly one hundred new, so-called Molly Hootch high schools at a cost of $133 million.[357]

Members of Congress may not have been fully aware of the state's history when they debated the inclusion of Alaska Natives under the VRA, but they clearly understood the present outcomes of its discriminatory education systems. In 1975 the illiteracy rate among Alaska Natives was 37 percent, nearly seven times higher than the national average—higher even than the illiteracy rate for African Americans in every state in the South already covered by the VRA. In the Bethel, Bristol Bay, and Kusilvak election districts in western Alaska, the region with historically the least access to public schooling, 49.8 percent of Native adults had completed fewer than five years of school. Just 10 percent of the Native adult population statewide, about 2,400 individuals total, had a high school diploma. The barriers to Native voting were in evidence in the state's overall voter turnout. In 1968 just 49.9 percent of registered voters in Alaska turned out to the polls. Four years later, the turnout shrunk to 48.2 percent. The data

[356] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 77-78.
[357] David S. Case and David A. Voluck, *Alaska Natives and American Laws*, Third Ed. (Fairbanks: University of Alaska Press, 2012), 208; Stephen Haycox, *Alaska: An American Colony* (Seattle: University of Washington Press, 2002), 285.

convinced Congress it was "obligated to intervene" to protect the voting rights of Alaska Natives.[358]

Alaska's congressional delegation pushed back—but with arguments that altogether sidestepped the issue of educational discrimination. In introducing an amendment to remove Alaska Natives from the list of protected language minority groups, Representative Don Young pointed out that more than twenty different Native languages and dialects were spoken in Alaska, and he asserted that providing written election materials in each of them would impose "an impossible burden" on the state. More than 15,000 people spoke Central Yu'pik, the most widely spoken aboriginal language in the state, but other languages were spoken by hundreds or even just dozens of mostly elderly Natives. In addition, the congressman noted the languages were oral, not written, meaning Native voters would not be able read the materials anyway. Only a handful of linguists at the state university might comprehend the ballots as they had just recently begun developing written, alphabetized forms of the languages. "English is the universal language," said Young.[359]

Mike Gravel, Alaska's junior senator, agreed that discrimination against Natives at the voting booth simply did not occur. While he acknowledged the problematic nature of the language test in the state constitution, the senator also minimized the matter, saying the provision had been allowed to "creep into the law" but was never intended to discriminate. "I do not know of a single instance where the language test was utilized to disenfranchise people," he stated. Even as he disavowed the existence of voter discrimination against Natives, Gravel nevertheless supported Alaska's inclusion under the act. To single out minority groups on a case-by-case

[358] Natalie Landreth and Moira Smith, "Voting Rights In Alaska: 1982–2006," *Review of Law and Social Justice* 17, no. 1 (2007), 101; S. Rep. No. 94-295, at 39 (1975). Prior to 2015, the Kusilvak census area was known as the Wade Hampton census area.
[359] Betty Mills, "Young Seeks Exemption On Vote Act," *Anchorage Daily Times*, June 3, 1975, 6.

basis, as the amendment offered by Young proposed to do, would only encourage southern states to wriggle out of their obligations, he believed. The senator also offered that Alaska had benefitted from the 1965 voting rights law in that it induced state officials to take voting rights seriously. Gravel pointed to state-initiated voter registration drives targeted at Native villages, as well as a recently enacted statute that directed staff at polling stations to provide assistance to voters who requested it. State and federal governments, Gravel concluded, "must not cease to seek ways in which minority political participation can be maximized. Congress must continue to take a leadership position in extending suffrage on an equal basis to all citizens."[360]

Senator Ted Stevens supported the VRA on the whole but did not believe Alaska should be included, and he set out to secure relief for his state. He first proposed that election districts be exempt from the act when the population of a language minority numbered less than 5,000 persons. The provision, which was not adopted, would have removed nearly all of the state's rural districts from coverage. Stevens noted that one Native language, Tagish, was spoken by just five living people but that election materials in the language would be required if Alaska came under the terms of the act. Echoing the arguments made by his colleague in the House, Stevens asserted that statewide coverage would require separate printings of ballots and voter pamphlets in dozens of Native languages. Not only would the cost be exorbitant—possibly forcing the state to cancel printing of pamphlets altogether, even those in English—but the entire exercise was unnecessary since every Native village already shared a common language. "I don't know anywhere in the state where the dominant language is not English," he stated. Stevens accordingly introduced an amendment to release the state from the requirement to provide

[360] Liz Dash, "Alaska Delegation Split On Inclusion In Vote Act," *Southeast Alaska Empire* (Juneau), July 28, 1975, 1; *Extension of the Voting Rights Act of 1965: Hearings on S. 407, S. 903, S. 1297, S. 1409 and S. 1443, Before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee*, 94th Cong. 526, 529 (1975) (statement of Mike Gravel).

written materials when the language in question was "not historically written." In such cases, the state would be required only "to furnish oral instructions, assistance, or other information relating to registration and voting." The amendment was adopted without objection, though since the term "historically unwritten" was not defined in the law, it complicated the matter of Native voting rights in years to come. Stevens believed a Native language had to have been written for at least fifteen years for it to be considered historically valid, but as late as late as 2007, the State of Alaska argued the Stevens amendment effectively exempted it from all written language assistance requirements.[361]

The congressional debate regarding voting discrimination against Alaska Natives was revealing in two main ways. First, although the inclusion of Natives in the VRA resulted from the demonstrable, decades-long inequities in the state's education systems, Alaskan officials ignored the matter entirely, their statements reflecting a narrow interpretation of what constituted voter discrimination, one that mostly minimized the barriers many Natives faced. The officials understood disenfranchisement primarily in terms of direct, physical exclusion from the ballot box, and since no Native voter, in their knowledge and experience, had ever been denied the opportunity to register or vote, they had difficulty comprehending Alaska's inclusion in the act. Ted Stevens, for instance, declared the Section 203 protections made "no sense" and that he was more frustrated with the bill than he'd ever been in his years in public office. "Plain and simple, Alaska does not discriminate against Alaska Natives in voting," he proclaimed. Don Young, for his part, asserted, "There is no difficulty about voting in Alaska. If you are warm, you can vote in

[361] Betty Mills, "Stevens Offers Amendments To Voting Rights Legislation," *Anchorage Daily Times*, July 24, 1975, 1, 3; 121 Cong. Rec. 24208, 24756, 24761 (1975); James Thomas Tucker, *The Battle Over Bilingual Ballots: Language Minorities and Political Access Under the Voting Rights Act* (Farnham, England: Ashgate, 2009), 93-96, 284; James Thomas Tucker et al. "'Why Should I Go Vote Without Understanding What I Am Going to Vote For?' The Impact of First Generation Voting Barriers on Alaska Natives," *Michigan Journal of Race and Law* 22, no. 2 (2017), 338-40.

Alaska." Lowell Thomas Jr., the state's lieutenant governor, in a letter to Stevens that the senator inserted into the Congressional Record, called attention to the statute that directed election officials to provide assistance to any voter who could not read, mark the ballot, or sign his or her name. "Many voters do ask for and receive assistance," Thomas approvingly wrote.[362] In addition, in 1965, 1970, and again in 1975, the state collected and submitted to the Justice Department affidavits from dozens of Alaskans—including Frank Peratrovich and other Native leaders—attesting to the fact they had no knowledge of even a single case of voter discrimination at any level of government. Elmer Rasmuson, mayor of Anchorage at the time of the state's 1965 lawsuit, for instance, wrote, "I have never heard of or received a complaint that any citizen, including members of any minority groups, has been deprived of his right to vote, either by the state, a local government, or a private citizen."

The testimonies made a strong case for the fairness of the state's election procedures, but they lacked any mention of historical injustices and their troubling legacies on which the VRA's protections were predicated. In his 2007 study of the state's inclusion under the VRA, Gordon S. Harrison concludes that what most rankled Alaskans was being "associated with southern states where hostility to Black voters was open and egregious."[363] In this respect, the VRA debate manifested the dialogue of race in the statehood era insofar as many White Alaskans believed that, irrespective of whatever injustices may have occurred in the past, the enshrinement of equality in the constitution and law had settled the matter of Native opportunity once and for all. Just twenty years earlier, several delegates to the constitutional convention conceded that

[362] 121 Cong. Rec. 16784, 24208-09, 24756 (1975); *Extension of the Voting Rights Act of 1965: Hearings on S. 407, S. 903, S. 1297, S. 1409 and S. 1443, Before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee*, 94th Cong. 942-43 (1975).
[363] Gordon S. Harrison, "Alaska's Constitutional 'Literacy Test' and the Question of Voting Discrimination," *Alaska History* 22, nos. 1-2 (Spring/Fall 2007), 27-29.

Alaska's history of racially discriminatory schooling represented a barrier to Native voting—but such acknowledgements were entirely absent in the VRA debate as Alaska's elected officials perceived discrimination only as direct, individualistic actions rooted in racial animus, not in terms of its systemic, institutional, and historic nature.

Second, the VRA debate demonstrated again the evolving nature of the vocabulary of race and the multiple, often contradictory ways the subject was understood by Alaskans of different eras. As with other policy debates in the state's history, the statehood movement represented a pivot point where the dialogue shifted. From the literacy test of 1925 through the debates at the constitutional convention three decades later, proponents of an English language prerequisite asserted that literacy was essential to being an informed voter. As Victor Fischer put it in his study of the constitutional convention, those in favor of a language test "argued that people could not vote intelligently unless they were able to read, write, and speak [English], and that understanding the ballot made reading ability a practical necessity. They argued that the goal should be to raise rather than lower voting standards."[364] By the time of the VRA debates in 1975, however, Alaska's congressional delegation took the opposite view—that the ability to read the ballot and other election materials, whether in English or one of the state's many Native languages, was not quite necessary in order to vote intelligently. Mike Gravel, for instance, noted that while he regularly needed an interpreter when speaking to Natives in rural villages, he nevertheless determined that an inability to speak or read English was not a barrier to comprehending which candidate or policy was in one's best interest. Every Alaskan, the senator claimed, "can make a decision as to whether or not he is receiving the proper moneys for public works in his community [and] whether or not he is receiving the proper amount of education for

[364] Victor Fischer, *Alaska's Constitutional Convention* (Fairbanks: University of Alaska Press, 1975), 77-78.

his children." Regardless of language ability, none would be fooled by candidates who failed to deliver on campaign promises. "[Y]ou do not have to be literate to really realize that you have been had by a person seeking office and that you can vote for somebody else on the next occasion," said Gravel. The state's elections supervisor in Juneau concurred, writing that

> the voting public, in spite of any language barrier that may or may not exist, is not an ignorant, mindless mass that must be lead [sic] step by step to the voting booth, and there, explained in simplistic form equal to that of an infant, how, why, what and who to vote for. Voters at any educational level know who they are going to vote for. They do indeed know the candidates' names and the issues at hand, and bilingual ballots are not going to sway their decisions nor change the outcome of any election—however hopeful proponents of [the VRA] may be.[365]

Such arguments contrasted sharply with those made in the 1920s, when White legislators alleged Alaska Natives were indisputably an ignorant, mindless mass that was being coerced by unscrupulous Native leaders to vote, uncomprehendingly, for candidates not of their choosing. In 1924, for instance, supporters of the literacy test argued it was necessary "to prevent the mass voting of illiterate Indians."[366] That such similar rhetoric could be deployed in one era as a justification for a discriminatory literacy test and then in another, fifty years later, as evidence of the state's political equality speaks to the malleability of racialized language in historical context.

[365] *Extension of the Voting Rights Act of 1965: Hearings on S. 407, S. 903, S. 1297, S. 1409 and S. 1443, Before the Subcommittee on Constitutional Rights of the Senate Judiciary Committee*, 94th Cong. 526 (1975) (statement of Mike Gravel); 121 Cong. Rec. 24209 (1975).
[366] *Alaska Daily Empire* (Juneau), March 17, 1924.

The Ever-shifting Dialogue of Race

Taken together, the six chapters in this section of the dissertation argue that from the start of American possession of Alaska in 1867 through the early statehood period more than a century later, Alaskans' dialogue of race, citizenship, and equality underwent significant transformations. Alaska Natives, since they had signed no treaties with the federal government and were not placed on reservations, maintained a legal status and political standing that differed markedly from those of Native Americans in the contiguous states, especially with regard to the preservation of aboriginal land title. Despite those differences, the federal and territorial governments, missionaries, educators, reformers, and White settlers who emigrated to the territory still replicated many practices and policies from the American West that were designed to end tribal sovereignty, appropriate land, and assimilate Indigenous peoples into mainstream institutions. Within the dialogue of race, terms such as *civilized*, *savage*, *citizenship*, *equality*, and *voting rights* initially came to be defined according to White settler prerogatives. As Alaska Natives contested those definitions, they alternately amended, accommodated, and discarded the dialogue's terms in ways that secured their social and political advancement within White society while still maintaining Indigenous traditions, norms, language, and culture.

Prior to World War II, White Alaskans were direct and explicit in their use of racialized rhetoric for the purpose of solidifying their hold on the territory's political, economic, and social institutions. Those attitudes began to shift in the 1940s as Natives served honorably in the U.S. military and as the Alaska Native Brotherhood fought for civil rights. At the same time, however, the population boom of the wartime years transformed both the demographics of the territory and the definitions of terms such as *equality* and *civil rights*. The arrival of thousands of African Americans in Alaska in the 1940s brought new perspectives and vocabularies regarding what it

meant to achieve equality and end discrimination in housing, employment, and other areas of social and political life. Alaska Natives and Black Alaskans in the wartime and postwar eras discovered their civil rights goals were identical on certain issues (i.e., integration of public facilities), aligned on others (i.e., fair employment), and diverged sharply on still others (i.e., aboriginal land title).

The emergence of the statehood movement signaled the most significant development behind the ever-shifting perceptions of racial difference and the vocabulary used to describe it. As the drive for admission to the union gathered momentum in the late 1940s and 1950s, White Alaskans recognized the continued marginalization of Natives worked against the movement's goals, which were based on the territory's modern, progressive, and egalitarian credentials. At that point, White Alaskans began emphasizing the political equality of Natives as guaranteed by law—all of which set the groundwork for a re-emergent backlash against so-called "special privileges" afforded to Natives on issues including aboriginal land claims, subsistence hunting and fishing rights, and federal voting protections. To the extent White Alaskans supposed Natives had become fully assimilated to western society they could believe race no longer mattered as a consideration in public policy. The historical legacies of racial discrimination lingered in the present, however, complicating the story of political and social equality that was itself the foundation of statehood. Many Alaskans—including Ernest Gruening, Muktuk Marston, Willard Bowman, Walter Hickel, Mike Gravel, Ted Stevens, and Don Young—responded by constructing narratives of progress and inclusion that spoke to their aspirations for the future.

It was in this context that the story of Elizabeth Peratrovich, heretofore forgotten and unknown by nearly all Alaskans, was revived in the 1970s and 1980s. The rediscovered Tlingit

leader was embraced by a public audience hungry for histories of equality, resilience, and reconciliation between Native and White Alaskans. Like Americans everywhere, Alaskans in those years had been conditioned by the triumphalist history of the national civil rights movement to think in terms of color-blind equality, and in Peratrovich they found a heroine who validated the supposed egalitarianism of the statehood era. Put simply, her story entered the public discourse only when Alaskans' dialogue of race had developed the vocabulary with which to tell it. If the first section of this dissertation examines how the dialogue developed moving forward across the decades, the next section turns to a discourse that mostly looks backward—how Alaskans of the statehood era examined their collective past, selected those elements that validated the story they wished to tell, and wrote and rewrote the history of equal rights.

PART TWO

Forgetting and Remembering

Chapter 7: Constructing the Myth

> Yet remembrance is always a form of forgetting, and the dominant narrative of the civil rights movement—distilled from history and memory, twisted by ideology and political contestation, and embedded in heritage tours, museums, public rituals, textbooks, and various artifacts of mass culture—distorts and suppresses as much as it reveals.
>
> —Jacqueline Dowd Hall[367]

On September 26, 1968, Bess Chamberlain sat for an interview before a public audience at a historic log cabin in downtown Fairbanks. The 71-year old woman had moved into the Pioneer Home earlier that summer, and on this night she was the guest of the local historical society, which in those years regularly made tape recorded interviews with longtime Alaskans of some renown. For over an hour, Chamberlain thrilled the audience with stories of emigrating to Alaska from her native Canada as a young woman, learning to mush a team of seven dogs, running a string of trading posts in the Arctic, and becoming engaged to Roald Amundsen, who she was on her way to marry in Norway in 1928, when the famous explorer died in a plane crash.

Towards the end of the interview, Chamberlain was asked about the single term she served in the territorial legislature. Bess Cross, as she was then known, a Democrat, represented Kotzebue in the House in 1945 and 1946. Asked if other women were involved in politics at the time, Chamberlain replied,

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[367] Jacqueline Dowd Hall, "The Long Civil Rights Movement and the Political Uses of the Past," *Journal of American History* 91, no. 4 (March 2005), 1233.

> Yes, Alaska Linck [a Democrat from Fairbanks] was there with me. Oh, we fought bitterly. I wanted equal rights for the Eskimo and Indian, and she opposed it. But we got it. . . . I thought the people were being oppressed in our part of the country because they weren't allowed to sit in the lower part of the movie theatres and couldn't go to hotels, you know, were forbidden, and now they all have the same privileges.[368]

The interviewer did not follow up on Chamberlain's mention of the equal rights bill but quickly moved on to other topics. At the close of the interview, when the floor was opened for questions from the audience, no one asked her to elaborate on discrimination against Natives. Not a single person pressed Chamberlain for more details about the Anti-Discrimination Act. The name Elizabeth Peratrovich was not mentioned in the seventy-five-minute interview.[369]

How are we to make sense of this? If a legislator who had voted for the bill was to appear on stage today, the audience of Alaskans would make the most of the opportunity. Peratrovich is all they'd want to talk about. *Did you meet her? Was she as amazing as everyone says? Did you hear her testimony? Wasn't it just awful the way those men treated her? Roald who?*

As of 1968, however, the story of Elizabeth Peratrovich and the Anti-Discrimination Act had all but vanished from public memory. The act had been mentioned in print just twice, it had been prosecuted only a handful of times (mostly without convictions), and the continued if underreported acts of discrimination against minorities in Alaska meant that by the 1950s and 1960s, there was no cause to herald the Anti-Discrimination Act even as an effective piece of

[368] Bess Chamberlain interviewed by Charles Mayse, September 26, 1968, Oral History 97-66-02, Elmer E. Rasmuson Library, University of Alaska Fairbanks. The recording is available online at: oralhistory.library.uaf.edu/97/97-66-02.mp3 [accessed January 21, 2017].
[369] An article in the local newspaper a few days later similarly made no mention of Chamberlain's comments on the Anti-Discrimination Act. See "Historical Society Speaker Tells of Early Day Trials," *Fairbanks Daily News-Miner*, September 30, 1968, 6.

legislation let alone a landmark achievement for civil rights. When Peratrovich died in December 1958, the equal rights act went unmentioned in her obituary.

Just twenty years after Bess Chamberlain's interview, however, Peratrovich was the most famous and admired woman in Alaska history with a state holiday in her honor. So what happened? How did the story of her heroism come to be not merely recovered from the dustbin of history but celebrated to the point that every February 16, Elizabeth Peratrovich Day, scores of schoolchildren dress up in Alaska Native Sisterhood regalia and perform her legendary speech before a crowd of adoring parents and teachers?

Historical commemorations, whether statues, plaques, parades, or holidays, always reveal more about those doing the commemorating than about the honored person or event. The tributes are imbued with meaning such that they speak to some present imperative, creating a particular image in which the celebrants see themselves and their values. Thus, the answers to the above questions reside not in the biography of Elizabeth Peratrovich or the history of the Anti-Discrimination Act itself—but rather in the motivations of the individuals and groups who have sought to enshrine them in public memory and leverage them to one purpose or another. By the time Peratrovich's story was revived in the 1970s and 1980s, the state's political climate and social mores had evolved such that her heroism served to validate the image Alaskans wished to have of themselves. The egalitarianism of the statehood era, as described in previous chapters of this book, set the table for reminiscences of a certain type of Native political activism. While many Native issues remained live and controversial in that era and were therefore unsuitable for triumphalist commemoration—land claims, subsistence hunting and fishing, and voting rights, to name three—equal access to public accommodations, the cause for which Peratrovich fought, had become so routine and unobjectionable that it, and she, could be neatly folded into the story

of Alaskan exceptionalism. White Alaskans, in particular, found a certain comfort in her story, one that remained unavailable in the hot-button Native rights issues of the day.

This section of the dissertation explores the contours of Alaska's commitment to political and social equality for Natives in the statehood era by examining how the history of Native activism was told. The veneration of Elizabeth Peratrovich provides a glimpse into how Alaskans desired to frame that history so as to embody democratic values, not question them. The process of honoring Peratrovich was neither smooth nor inevitable, however, and there would be contestations over what the story of equal rights meant and to whom it belonged. Just as Alaskans of different eras had assigned multiple, often contradictory meanings to terms like *civilized*, *citizen,* and *equality*, so would the story of Elizabeth Peratrovich come to encompass a range of values across the political spectrum. Liberals praised the Tlingit icon for her race-conscious progressivism that advanced Native rights, while conservatives took her as an exemplar of the color-blind equality they believed merited Natives no privileges or rights beyond what any White Alaskan enjoyed. Both groups constructed Peratrovich's story so as to support their respective visions of the state, building multiple interpretations from the same set of historical facts. In this respect, the adoration of Peratrovich was consonant with how views of racial difference evolved from the pre-World War II territorial period when her achievement was made to the statehood era in which it came to be celebrated, something that could happen only when societal attitudes shifted and aligned in particular ways.

In the chapters that follow, I examine what I call "the myth of Elizabeth" in detail so granular that it might strike some readers as overly pedantic. Only by delving into the minutiae of her story, however, can we fully understand why this particular Tlingit heroine, forgotten for decades, was rediscovered and proved so entrancing to Alaskans in later eras. Every revision and

embellishment made to the history, no matter how seemingly minor by itself, speaks to the nature of mythmaking and historical remembrance more broadly.

There was nothing inevitable about the canonization of Peratrovich as a leading figure of Alaska history, especially when equally inspiring stories could be and were told about other Native leaders and other civil rights victories. Edward Marsden, for instance, might have been venerated for his dramatic testimony that led to the passage of the Alaska Native Citizenship Act in 1915. Louis Shotridge and Frank Johnson might have received adulation for the movie theatre boycott that started the equal rights campaign. Amy Hallingstad might have been canonized as a civil rights heroine for marching into public establishments and quite literally tearing down the signs that read "No Natives Allowed." William Paul might have been celebrated for any of his numerous accomplishments. Peter Simpson, one of the ANB's founding members, might have been honored for his role in launching the land claims movement when he whispered in Paul's ear, "Is the land yours, Willie? Then fight for it!"[370] And yet these Native leaders are mostly unknown to Alaskans today. As historian David Blight has pointed out, "In the struggle over memory and meaning in any society, some stories just get lost while others attain mainstream recognition."[371] And something about Peratrovich's story resonated with Alaskans like no other. This section of the dissertation aims to explain why.

This chapter addresses how and why the myth of Elizabeth Peratrovich was created. It examines the mythmakers, their motivations, and the ever-shifting historical contexts in which they made their contributions to the myth. As Jacqueline Dowd Hall points out in the epigraph that opens this chapter, historical commemorations cannot be coterminous with the event itself.

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[370] Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 23.
[371] David Blight, "Forgetting Why We Remember," *New York Times*, May 29, 2011.

Time and distance are necessary so that stories from the past can be molded into particular forms, their details neatly arranged to complement the societal changes that occurred in the interim. Before any myth can be constructed, therefore, the history at its core has to undergo a process of being forgotten and then remembered.

The Forgetting Begins

Elizabeth Peratrovich's story, but not her name, appeared in two books while she was alive.

As was described in a previous chapter, Ernest Gruening wrote about the Anti-Discrimination Act in his 1954 book, *The State of Alaska*, whose pro-statehood arguments the author hoped would lay the groundwork for the territory's entry into the union. He described the act as a groundbreaking achievement for civil rights, one that eliminated racial exclusion in the territory. He made no mention of Peratrovich in the book because, quite frankly, there was no reason to do so at that particular moment. The statehood context was all that mattered, and the time for celebrating her had not yet arrived. The time for forgetting, in other words, had begun.

The second book to mention the equal rights law was Philip Drucker's *The Native Brotherhoods*, a study of the social and political development of Indigenous peoples of Alaska and British Columbia. An anthropologist with the Smithsonian Institution, Drucker arrived in Hoonah in November 1952, in his pocket a blank notebook and a letter of invitation to the ANB convention then being held in the village. Drucker interviewed many Native leaders over the next couple of years, and his 1958 book provides an invaluable contemporary picture of the inner workings of one of the oldest Indigenous organizations in the country. In a three-page section on racism and discrimination, Drucker discussed the movie theatre boycott, segregated military

units in which Natives served, and general attitudes of the Native community about the discrimination that was then rampant in Alaska society. On the anti-discrimination bill he wrote,

> [In 1945] the Territorial Legislature passed an antidiscrimination law. The Alaska Native Brotherhood had been urging that this step be taken and a number of its officers went to Juneau to form what actually amounted to a lobby, discussing the matter with various members of the legislature. A number of the white legislators requested permission to introduce the bill since it was felt that it would be better for one of them to do so than for one of the Indian members. It is said that it appeared at first there would be no opposition at all to the measure, but at the last moment opposition developed and formal hearings were held. Various members of the Brotherhood made themselves available as witnesses, and finally the bill was passed.[372]

Drucker was not unaware of Elizabeth Peratrovich's contributions. It had been just seven years since the equal rights bill passed the legislature, and his unpublished research notes reveal at least one interviewee informed him that Peratrovich "shone" in the effort.[373] But her name does not appear in his book. There are two plausible explanations for this. First, Drucker's report focused on the ANB as an organization—its structure, its goals, how officers were elected, and so on. Apart from a *dramatis personae* in which he listed many ANB leaders, he mentioned individuals by name only when necessary to elucidate larger themes or clarify professional and personal relationships. Frank Johnson, the ANB grand officer who led the movie theatre boycott

[372] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 72.
[373] Philip Drucker, undated research notes, Box 2, Volume 1, Philip Drucker Papers, Smithsonian National Anthropological Archives, Suitland, Maryland.

in 1930, for example, was referred to by the author not by name but as a "certain well-educated, sophisticated Indian." Drucker took seriously his role as scientist, always striving to maintain the "icy impartiality" he believed one should exhibit in conducting anthropological research, and he steadfastly approached the ANB as an organizational whole, not simply a collection of individual members.[374]

Second, Drucker's book reflected the era's patriarchal attitudes regarding gender. He deliberately studied the Brotherhood, not the Sisterhood, and he interviewed only men in the course of his research. He did mention the ANS in places, once citing the oft-repeated line that the "Sisterhood is the backbone of the Brotherhood."[375] But the ANS in those years was regularly referred to as an auxiliary, and Drucker characterized its members' roles as subordinate to those of men. The women prepared food, arranged lodging for guests, hosted social events, and so on. Today, historians recognize their efforts were much more substantial; women also served on executive committees, authored resolutions, raised funds, tracked membership rolls, recruited new members, lobbied on a range of territorial policy matters, and generally proved indispensable to the operations of both groups. It cannot be said that Drucker omitted Peratrovich's name purposefully, as he wrote in many places about contributions by men without citing them by name. But there can be little doubt that the paternalism of the era—perhaps best exemplified by the fact that in other records of the time Elizabeth was rarely identified by her own first name but was instead referred to as "Mrs. Roy Peratrovich"—played a role in the forgetting.

[374] Drucker, *The Native Brotherhoods*, 5, 70.
[375] Drucker, *The Native Brotherhoods*, 29. Drucker does, however, write about the Native Sisterhood of British Columbia. See 116-18.

Drucker's account stands as but one example of contemporaneous evidence that reveals Peratrovich's now-famous testimony was not recognized as historically significant at the time but, in fact, faded from memory rather quickly. (This is by no means unusual for famous speeches in U.S. history. Lincoln's Gettysburg Address was widely panned at the time, for instance, and Martin Luther King Jr.'s "I Have a Dream" speech was quoted by no one for many years afterward.) An ANB newsletter immediately following the act's passage credited the Peratroviches with the victory, and Governor Gruening, in his address at the next convention, celebrated the law and thanked the ANB for its support.[376] But even in the moment, Native leaders spoke of the act in cautious terms, noting it was largely symbolic and unlikely to change societal behavior. At the close of the 1945 legislature, Andrew Hope, the Native representative from Sitka then in his first term, observed to a fellow ANB member that "race discrimination can't be cured by passing a law against [it]." Although Hope steadfastly supported the equal rights bill, he also recognized its effect was entirely symbolic and that it would have little effect on Natives' day-to-day lives. "I am sure Roy knows it too," he commented.[377]

Hope's relative ambivalence about the Anti-Discrimination Act accords with Frank Peratrovich's observation, discussed previously in this dissertation, that while the ANB first put forth the idea for the equal rights bill, it did not put its full weight behind its passage but was largely content to allow Ernest Gruening and two White legislators from Nome, O. D. Cochran and Edward Anderson, to shepherd the bill through the legislature. These facts in no way suggest the Act was unimportant to these men, nor that the ANB purposefully scrubbed it from

[376] "ANB News," February 22, 1945, Box 19, Folder 34, Acc. 1885-007, William Lewis Paul Papers, Special Collections, University of Washington; "Minutes," November 11, 1946, Mss 7, Series 2, Box 2, Folder "1946," Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau. Ernest Gruening was not in attendance at the ANB convention in Wrangell in 1946; his address was read and placed in the record by Acting Governor Lew Williams.

[377] Andrew Hope to William Paul, April 11, 1945, Box 2, Folder 40, Acc. 1885-001, William Lewis Paul Papers, Special Collections, University of Washington.

institutional memory—only that Native leaders recognized its limited potential from the beginning and were therefore disinclined to characterize it as the breakthrough achievement for racial equality those in the present presume it was. When acts of discrimination in public facilities continued throughout the 1950s, leading both Natives and African Americans to acknowledge the law had proven ineffective, there simply was no cause to herald Peratrovich's testimony as historic.

By the 1950s Frank Peratrovich observed that one challenge for the ANB moving forward was getting the next generation interested and involved in Native affairs. Young people were unimpressed by the "old-timers' rambling," he noted, and local camps were then having difficulty recruiting new members.[378] Peratrovich's statement suggests that movement veterans such as himself spent little time going on about victories of the past, especially one such as the equal rights law that was a low priority at the time it was enacted and a measure Natives quickly discovered had almost no appreciable impact on their daily lives.

So forgotten was the law that when Elizabeth Peratrovich passed away in December 1958, the obituary that appeared on the front page of the ANB newspaper cited many of her accomplishments—but made no mention of the Anti-Discrimination Act or her testimony that helped it to pass.[379] The law was not viewed as significant at that time, if any thought was given to it at all. Peratrovich's name would not enter the public record for another fifteen years, and a

[378] Research notes, undated, Box 2, Volume 1, Philip Drucker Papers, Smithsonian National Anthropological Archives, Suitland, Maryland.

[379] "Elizabeth Peratrovich Dies In Seattle," *The Voice of Brotherhood*, December 1958, 1. Notice of Elizabeth's passing appeared in other Alaska newspapers, none of which mentioned the Anti-Discrimination Act. See "Mrs. Roy Peratrovich Sr. Dies in Seattle Hospital following Lengthy Illness," *Daily Alaska* (Juneau) *Empire*, December 2, 1958; "ANS Leader Dies at Seattle," *Ketchikan Daily News*, December 3, 1958; "ANS Member Dies in Sitka [sic]," *Fairbanks Daily News-Miner*, December 2, 1958. In a 2006 interview, Frank Peratrovich, Roy and Elizabeth's second-born son, stated, "In 1958, when Mom died, few yet knew the name Elizabeth Peratrovich. It was at least 20 years before her name would become widely recognized." See Frank Peratrovich with Judy Ferguson, "Civil rights battles," *Anchorage Daily News*, November 12, 2006, D-3.

full thirty would pass before Alaskans began telling her story again. Today, anyone who encounters Peratrovich in a museum exhibit or magazine article would likely presume the history emerged fully formed from the Senate chambers that day, the tale of her triumph going into the history books while the applause still echoed in the hallways. The forgetting makes clear that did not happen. The history had to be constructed many years after the fact, and in the process it was turned into myth—a people's collective memory that was actively shaped in order to validate certain beliefs about the world and their place in it.

Now the Remembering

When Ernest Gruening lost his reelection bid for the U.S. Senate in 1968, the Alaska he returned home to was a very different place from the one he first encountered more than thirty years earlier. The World War II and Cold War military build-up had altered every aspect of Alaska's social, economic, and political life. Major oil discoveries at Kenai, Cook Inlet, and the North Slope transformed the state's economy, eventually resulting in state revenues and budgets in the billions of dollars. It made Gruening's governorship of the 1940s seem quaint, when he had to fight tooth and nail for tax reform that was measured, in some cases, in the tens of thousands. In addition, the changing demographics were apparent in every corner of the state. The population had more than quadrupled since the 1930s, especially in urban areas which saw an increase of over 700 percent, and newcomers brought an ever-increasing racial and ethnic diversity to the state.

Among the most dramatic changes Gruening witnessed during his tenure of public service was the increased political and economic power of Alaska Natives, especially as exemplified by a new generation of leaders who in 1966 founded the Alaska Federation of

Natives, the first statewide organization working on behalf of every indigenous group. Within five years of its founding, AFN negotiated a land claims settlement with the state and federal governments that resulted in the formation of regional corporations and an allocation of 44 million acres of land and nearly $1 billion.

In the memoir Ernest Gruening was then writing, he narrated these many transformations from his firsthand view as governor, statehood advocate, and senator. Never shy about taking credit for achievements no matter the significance of his actual role, Gruening wrote about Alaska Native issues, signaling that his leadership and mentorship proved vital to the recent gains by Natives. On its surface, *Many Battles*, the 563-page doorstop of a memoir Gruening published in 1973, is an invaluable account of Alaska history in the modern era, what one reviewer called "the most influential Alaskan political autobiography ever written."[380] But when taken as a savvy politician's not very transparent attempt to cement his status as one of Alaska's true statesmen, the book is less an objective view of the state's history and more a series of particular interpretations that reflect favorably on its author. As with nearly all political memoirs, Gruening's is fundamentally a story of progress, one in which he contributed mightily to make Alaska the place it is today. What this means for Alaska Native issues, to take but one example, is that Gruening narrated a number of stories, arranging them in an order that showed a steady progression of achievements and the integration of Natives into Alaska's political culture.

One of those stories was about Elizabeth Peratrovich and her Senate performance. "She came to the floor, crossed it and sat next to the president on his platform," Gruening recalled. "The packed gallery was tense with expectation; clearly passage of this bill would spell profound social change in Alaska." No one had written about Peratrovich's testimony in twenty-eight

[380] Frank Norris and Bruce Merrell, eds., *The Alaska 67: A Guide to Alaska's Best History Books* (Walnut Creek, California: Hardscratch Press, 2006), 46.

years. The last time her words appeared in print was in the *Daily Alaska Empire* on February 6, 1945, the day after she spoke them. Gruening quoted Allen Shattuck's line about savages and the centuries of catching up they had to do, then set down his recollection of her testimony:

> "I would not have expected," Elizabeth Peratrovich said in a quiet, steady voice, "that I, who am barely out of savagery, would have to remind gentlemen with five thousand years of recorded civilization behind them of our Bill of Rights. When my husband and I moved to Juneau and sought a home in a nice neighborhood where our children could play happily with our neighbors' children, we found such a house and had arranged to lease it. When the owners learned that we were Indians, they said 'no.' Would we be compelled to live in the slums?"

None of these words appeared in the *Daily Alaska Empire*, but the former governor, who was in the gallery that day, recounted them from memory. (The matter of Gruening's credibility will be discussed in the next chapter.) He reported on the "wild burst of applause" that followed her speech and the 11 to 5 vote that passed the bill, announcing, "A new era in Alaska's racial relations had begun."[381]

Gruening's account was more than just a heartwarming story about a Native leader's pursuit of justice. When viewed analytically, it was part of a larger history about Alaska's mid-20th-century political development and his role in shaping it. The account appeared in a chapter entitled, "Postwar 'Progress'" that began with an epigraph from Alexis de Tocqueville: "There is nothing more arduous than the apprenticeship of liberty."[382] The theme of this and the next

[381] Gruening, *Many Battles*, 329-330.
[382] Quoted in Gruening, *Many Battles*, 328.

several chapters of his memoir was that Gruening capably guided the territory through a turbulent post-World War II era. For every victory like the Anti-Discrimination Act, there was a defeat, often at the hands of Outside corporatists who regularly convinced just enough compliant legislators to thwart his agenda. Gruening persisted and eventually cobbled together a legislative bloc that passed his taxation proposals, put the territory on stable fiscal footing, and displayed the political maturity that five years after he left office resulted in statehood for Alaska. In effect, the urbane, articulate, Harvard-educated governor presented himself to the reading public as having overseen the frontier territory's arduous apprenticeship of liberty.

For Gruening, then a memoirist looking back at a long career, progress was defined as bringing Alaska ever closer to statehood, what he considered his greatest political achievement. He believed the full assimilation of Natives into the state's mainstream political culture represented both a pivotal qualification for Alaska's admission to the union and, more broadly, the culmination of his color-blind, race-neutral, egalitarian aspirations. Gruening was able to view Native political development only within the context of the dominant, western, White culture, and he presented the story of the Anti-Discrimination Act in that frame.

In this respect, Elizabeth Peratrovich became just the latest in a line of Native American women whose histories had been coopted by Whites for the purpose of justifying settler colonization. Sacagawea, for instance, the Lemhi Shoshone woman who accompanied Meriwether Lewis and William Clark from the Dakotas to the Pacific on their famous expedition in 1805–06, is one of the most famous women in American history with dozens of statues, plaques, and other monuments around the country in her honor. The public adoration is based on her role in one of the nation's founding myths, but historians recognize her popularity among White Americans also functions to grant an imprimatur of Indigeneity to what was a colonial

enterprise. As Rebecca Kay Jager writes in her study of Sacagawea and two other Indigenous women, Malinche and Pocahontas, whose interactions with Euro-American colonists were similarly folded into settler colonial histories, the romantic, mythologized stories of these women depict them as "nurturing mothers of new civilizations [who] adopted European men and their superior culture." The sentimental creation stories, she continues, "expressed the grand theme of cross-cultural respect and admiration, established European roots in the Americas, offered membership in a shared national identity, and explained a colonial social hierarchy." Of Sacagawea specifically, Jager notes the Shoshone woman, who actually appears infrequently and often unnamed in the journals kept by expedition commanders, gained fame a century later as proof that White Americans "had a divine mission to erect a new social order on the frontier and to extend its boundaries to the continent's natural geographic borders." To those who celebrated Sacagawea as proof of Indian-White reconciliation, that she had shepherded the explorers thousands of miles while carrying her newborn mixed-race son on her back only affirmed the maternal, reproductive imperative behind Euro-American settlement. In essence, historical myths of this type fall under the rubric of what Vine Deloria Jr. identified as the Indian-grandmother complex, the troubling tendency of Whites to claim a distant Indigenous ancestor, in most cases a Cherokee Indian princess. Such claims, he posited, serve to create a "blood tie with the frontier" that legitimate the taking of land and assist Whites in avoiding whatever guilt they might bear for the historical treatment of Indians.[383] In that vein, Ernest Gruening's celebration of Elizabeth Peratrovich, coming as it did in the context of Alaska statehood and the concomitant acquisition of land and resources, coopted her story, emphasized her supposed embrace of

[383] Rebecca Kay Jager, *Malinche, Pocahontas, and Sacagawea: Indian Women as Cultural Intermediaries and National Symbols* (Norman: University of Oklahoma Press, 2015), 9-10; Vine Deloria Jr., *Custer Died For Your Sins: An Indian Manifesto* (Norman: University of Oklahoma Press, 1988), 3-4.

political assimilation, and deployed her name in order to tout themes of White-Native reconciliation and justify the Euro-American settlement of Alaska.

But for Alaskans in the 1970s encountering Peratrovich for the first time, and for those who in the 1980s would revise her story and make their own contributions to the myth, she represented something else. She was a foundational figure in Alaska Native history—not in the context of statehood, nor according to an 86-year old senator's definition of "progress," but in her own right as a champion of Native peoples. To those Alaskans, progress was defined as ending discrimination in public facilities, which, along with earlier achievements such as acquiring citizenship and securing the right to vote, supplied the context for understanding Native political ambition in the present. Peratrovich's struggle for Native rights came to be viewed as expansive and long-lasting. Gaining entrance to hotels and restaurants might have been the manifest goal of the equal rights bill, but the campaign, in showing reverence for Native dignity, proved truly historic and established a legacy of empowerment. Those Alaskans, like Gruening, who characterized the ANB's political activities in the 1940s as representing nothing more than the desire for full inclusion into White society failed to grasp its larger significance for Native peoples.

Gruening ended his book with a discussion of the Native land claims settlement, and Alaskans came to recognize it, too, as part of Peratrovich's legacy. She had inspired Natives, presented them with greater opportunities to be involved in political life, and altered the social and political landscape such that a favorable land claims settlement became possible. Although the direct impact of the equal rights law had been negligible, Alaskans beheld Peratrovich in a larger context of Native advancement because, like all myths, her story helped them to make sense of the present. It offered an explanation for Native prosperity. This was the very essence of

memoir: Just as Gruening looked to the past and retroactively interpreted events so as to validate Alaska's present standing, fans of Peratrovich looked to her triumph, disregarded the minimal impact the evidentiary record shows it had, and instead reinterpreted it from the perspective of the present in order to validate their worldview.

To put it another way, Gruening's memoir was never really about history; it was his attempt to mythologize his life and career. In the process, he mythologized Peratrovich's as well.

Construction of the myth had begun, and Gruening's account came to represent its cornerstone. He depicted the Senate hearing as a dramatic showdown between small-minded men and a "beautiful woman [whose] intelligence was obvious, her composure faultless."[384] The details he provided would be cited by later writers in their accounts of the hearing, but it was the cinematic quality of his descriptions that most influenced those who contributed to the burgeoning myth. To the present day, countless newspaper and magazine articles have duplicated Gruening's three-part narrative structure: Natives experienced discrimination in public facilities, especially in the form of exclusionary signs; the equal rights bill seemed in jeopardy once a few bigoted senators arose in opposition, each of them spewing hateful rhetoric about how Natives were uncivilized and smelled bad to boot; and then a quiet but unshakeable Tlingit woman, one whose beauty and intelligence put the lie to earlier claims of savagery, rose from the gallery and vanquished them with her eloquence. This is not to suggest the Senate hearing did not happen that way, only that the former governor's role in establishing the narrative's basic structure should be acknowledged. Every time after 1973 that Peratrovich's story was told, it reflected not verifiable historical fact but rather the storytelling skills of an 86-year old man recalling an event he had witnessed almost three decades earlier.

[384] Gruening, *Many Battles*, 330.

At the same time Gruening was staking his claim to Native civil rights history, others began doing the same. In 1972 William L. Paul, the lawyer and legislator who by that point had been fighting for Alaska Native rights for more than fifty years, received an honorary doctorate from his alma mater, Whitworth College in Spokane, Washington. In preparation for the ceremony, the school asked Paul to supply them with a short biographical sketch they might print in the student newspaper. Although they likely expected only a few paragraphs summarizing the highlights of his career, Paul responded with a 6,000-word treatise. He made no apologies for its length, telling Whitworth this actually *was* the short version. "I have left my mark on the history of Alaska," he explained without a hint of modesty. In between stories of how he secured the right to vote for Natives, integrated public schools, and launched the land claims movement, Paul boasted that he "organized the legislative fight for 'equal rights'…thus ending segregation in restaurants, theaters, transportation and schools."[385] A few years later, Paul began working on a manuscript under the ambitious title, "A History of the Alaska Native Brotherhood," which remained unfinished at the time of his death in 1977 at age ninety-one. Less a historical account of the ANB and more a memoir of his own accomplishments in the organization, the manuscript featured a detailed but problematic account of what Paul claimed was his role in the equal rights campaign:

> Probably the most dramatic exploit…was the fight to get the legislature to enact the anti-discrimination act. We had the support of Governor Ernest Gruening, but we Natives did the work. Here again, William Paul, Sr., managed the hearing. Eloquent speakers were chosen. The large audience enjoyed the high grade of oratory. One speaker, Sandy

[385] William L. Paul, untitled manuscript, September 1970, Box 1, Folder 1, Acc. 1885-007, William Lewis Paul Papers, Special Collections, University of Washington.

> Stevens, said, "If I was the savage that so many of you think I am, I would have your scalp." The members of the Alaska Senate enjoyed that. Another speaker, Margaret Brown Ridl[e]y, said, "We have been a sleeping giant," and indeed the Natives were.[386]

Simply put, Paul's account is a work of fiction. ANB records from the era contradict his every assertion. While he did testify in support of the equal rights bill in 1943, he did not oversee the hearings in either that year or in 1945. If Sandy Stevens or Margaret Brown Ridley testified before the legislature, there is nothing in the historical record to indicate it. Their names do not appear in newspaper coverage of the hearings, and they do not appear in ANB newsletters, correspondence, or memoranda regarding the equal rights campaign. Most puzzling is the reference to scalping. Although clearly meant in jest, the practice is in no way associated with Alaska Native cultures and was therefore an odd choice of metaphor. The likeliest explanation for the comment is that Paul, in inventing the episode from whole cloth, sought to usurp Peratrovich's documented refutation of the savagery slander with a colorful phrase of his own.

There is no indication Roy Peratrovich ever saw the Whitworth College newspaper or Paul's unpublished manuscript. If he had, however, the two men certainly would have had words, as Peratrovich zealously guarded his late wife's legacy with regard to the Anti-Discrimination Act. Throughout their lives, Paul and Peratrovich maintained a sometimes bitter feud that was both personal and political, even as they worked closely together on countless Native issues and called each other "brother" in their letters. Peratrovich complained in a 1988 interview that not only did Paul not lead the equal rights effort, he actively dissuaded other ANB members from spending any time on it. "William Paul laughed at me over the phone when I

[386] William L. Paul, "A History of the Alaska Native Brotherhood," unpublished manuscript, 1976, Box 17, Folder 19, Acc. 1885-007, William Lewis Paul Papers, Special Collections, University of Washington.

called him [to testify]," he remembered, further claiming the men argued for many years afterward about just who testified and who didn't.[387]

The significance of William Paul's self-aggrandizing accounts has little to do with his truthfulness or lack thereof. What matters in the context of this study is that his actions represent his unique contribution to the myth, an attempt to *own* the history of the Anti-Discrimination Act. Every foundational story, for every people, race, tribe, state, or nation throughout history, represents the terrain on which members of that community will forever grapple with one another to position themselves as its rightful inheritors. Paul's manuscript was functionally no different than Gruening's memoir. Both told embellished versions of the story that highlighted their personal roles in the events, and both represented roadmaps to the respective places in Alaska history the authors believed they occupied.

Martin Luther King Jr. Day

Gruening and Paul had had their say. Now it was Roy Peratrovich's turn, and in numerous speeches, writings, and interviews in the 1970s and 1980s he celebrated the ANB's role in Alaska's civil rights history. His advocacy reached its apotheosis with the establishment of a state holiday in Elizabeth Peratrovich's name in 1988. The canonization of his late wife is inextricably connected to the enactment a few years earlier of a national holiday for Dr. Martin Luther King Jr. and the public debate in Alaska about whether and how King should be honored. By his own admission, Roy Peratrovich began commenting on these matters in direct response to the way King was then being touted for his civil rights achievements. "What burns me up,"

[387] Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, Archives and Special Collections, Consortium Library, University of Alaska Anchorage.

Peratrovich said in a 1988 interview, "is why do the white people go crazy to name something after King? He didn't do a damn thing for us in Alaska. We did it ourselves."[388]

The movement to honor King in Alaska was controversial from the start. A proposal to rename a downtown avenue for the civil rights leader resulted in howls of protest from residents and business owners who feared the change would send their property values plummeting. In 1986, the same year Alaskans joined the rest of the nation in celebrating the first Martin Luther King Jr. Day, the Anchorage city assembly voted 10 to 1 to name the city's brand new Performing Arts Center for the civil rights icon. A backlash arose almost immediately. A group of conservative activists five hundred strong, believing King's memory to be "oriented toward the minority community and not representative of Anchorage," canvassed the city with petitions asking the assembly's decision be reversed. They collected 11,000 signatures, more than twice the number required to put the question on the municipal ballot.

The debate grew ugly at times, with overtly racist sentiments expressed by some. One city assemblyman noted he'd heard racial slurs "more times in the past three weeks than in the past 25 years."[389] Many Anchorageites questioned why King should be the person to receive such honors given the fact that he never visited Alaska and, his national civil rights achievements notwithstanding, he left no direct mark on the state's history. These arguments were by no means

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[388] Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, Archives and Special Collections, Consortium Library, University of Alaska Anchorage. In a 1979 interview, Peratrovich stated, "Always annoys me that some of our friends…seem to think that they got their rights just handed to them. Someone had to fight for them. The ANB and ANS fought for all our minorities." See Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.04, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau.

[389] "Keep Dr. King's name; vote no," *Anchorage Daily News*, October 5, 1987, B-6; David Postman, "Smith Seeking to Overturn Arts Center Name," *Anchorage Daily News*, September 19, 1986; David Postman, "Assembly Ready to Tackle the King Issue," *Anchorage Daily News*, November 18, 1986; Hal Spencer, "As Isolationism and Racism Intersect," *New York Times*, October 23, 1987, A-12; Ian C. Hartman, "'A Bonanza for Blacks?': Limits and Opportunities for African Americans in Southcentral Alaska," in *Imagining Anchorage: The Making of America's Northernmost Metropolis*, James K. Barnett and Ian C. Hartman, eds. (Fairbanks: University of Alaska Press, 2018), 357-73.

confined to Alaska at the time. Arizona, Montana, Wyoming, New Hampshire, North Dakota, and South Dakota, states with Black populations at the time of between just 1 and 3 percent, resisted implementing the national holiday into the 1990s. Residents in those states felt the honor was misplaced since they believed they had remained largely free from the stain of bigotry that King fought against in places like Birmingham and Memphis. As Jill K. Gill points out in her study of the arduous but ultimately successful effort to enact the national holiday in Idaho, many of the state's rural White residents "though abstractly aware of King's work, had difficulty seeing his relevance to Idaho and thus appreciating his universal significance."[390]

Don Smith, the conservative activist and former Anchorage assembly member who organized the signature-gathering campaign, introduced a geographic dimension to the controversy when he suggested that rather than the arts center, a civic jewel in the heart of downtown amidst gleaming office towers and luxury hotels, the community center in Fairview would be a more appropriate building to be named for King. Smith reasoned the residents of the historically Black neighborhood would appreciate the honor more than the majority White population in the rest of the city. The suggestion offended many for the fact that Fairview's racial demography resulted from race-restrictive housing covenants in the 1940s and 1950s that denied Blacks in Anchorage residential opportunities anywhere else—precisely the type of forced segregation King launched a campaign to end, the very reason he was now being honored.[391]

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[390] Jill K. Gill, "Idaho's 'Aryan' Education: Martin Luther King, Jr., Day and Racial Politics," *Pacific Northwest Quarterly* 102, no. 4 (Fall 2011), 159.

[391] Bill Borah et al., "A Report to the Anchorage Municipal Assembly on a Set of Recommendations to Name a Significant Public Facility In Honor of the Memory of Dr. Martin Luther King, Jr.," December 28, 1987, Box 1, Folder 8, Everett Louis Overstreet Papers, Special Collections, Consortium Library, University of Alaska Anchorage.

In October 1987, after a long and often rancorous debate that included attempts by the Ku Klux Klan to recruit new members in the city, Anchorage voters decided by a 3-to-1 margin to remove King's name from the arts center. (Twenty-three years later, in 2010, a newly constructed, 1.3-mile road in south Anchorage was named for King. The designation underwhelmed. A Baptist minister who worked on the arts center proposal in the 1980s, complained about its location on the periphery of the city. "It was put there because it disturbed the minimal amount of people," he surmised. A woman interviewed by a reporter as she walked her dog on the road shrugged, "It's nice, you know, but what's the significance of a street?" A construction worker on a job site nearby commented, "I guess every city has to name something for Martin Luther King these days." He called the designation "not a bad thing" but, in the vein of Don Smith and those who protested in the 1980s, stated he would rather have seen the street named "something more Alaskan." The handful of sites on the short road at the time of its naming included the state medical examiner's office, crime lab, and a number of softball fields.[392])

To the extent that Roy Peratrovich entered the King debates it was only to correct what he viewed as misinformation about the real history of civil rights in Alaska. Peratrovich admired King, but he bristled at the notion the charismatic leader did anything for Alaska Natives they hadn't done for themselves twenty years earlier. He bore his scars from the fight for the Anti-Discrimination Act proudly, and he was not about to let anyone else take ownership of his history.

In the run-up to the first King holiday, Blanche McSmith earned Peratrovich's ire by, in his view, overstating the accomplishments of the Alaska NAACP. Few Alaskans at the time were

[392] William Yardley, "An Honor for Dr. King That Leaves Few Satisfied," *New York Times*, August 18, 2010, A-13.

more qualified to speak about racism and discrimination than McSmith. One of the founding members of the state's first NAACP chapter and the first African American to serve in the state legislature, McSmith had worked for civil rights more or less since the day she arrived in Kodiak from her native Texas in 1949. Throughout her tenure in the legislature and then as director of public employment for the state, she worked to end housing and employment discrimination, at times personally counseling minority residents and helping them find jobs. During Black History Month in 1984, a short article in the *Juneau Empire* noted that McSmith "credits the NAACP of Alaska with altering the discriminatory existence of blacks."[393]

That was too much for Peratrovich. One week later, he wrote a letter to the paper seeking to "giv[e] credit where credit is due." He noted Alaska's first equal rights law was sponsored by the ANB and that the NAACP, the very existence of which he was unaware at the time, had nothing to do with it. Peratrovich wrote that despite "heavy weight" opposition in the legislature, the anti-discrimination bill passed with flying colors. "If one checks the records," he boasted, "they will find that my wife's testimony did it all."[394] (The letter was the first time Peratrovich explicitly championed Elizabeth's role in the fight to pass the equal rights bill. He had written letters and delivered speeches about the Anti-Discrimination Act dating back to 1971, but in none of them did he focus the attention on his late wife.) When a 1987 editorial in the *Anchorage Daily News* offered that Dr. King "helped banish discriminatory laws throughout the country, including Alaska," Peratrovich fired off another missive. "With all due respect to Dr. King," he

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[393] "Black History Month," *Juneau Empire*, February 9, 1984, 4.

[394] Roy Peratrovich, "History article clarified," *Juneau Empire*, February 16, 1984. For examples of letters in which Roy discussed the Anti-Discrimination Act but did not mention his wife, see Roy Peratrovich, "A Close Look at the ANB," *Anchorage Daily News*, December 10, 1971; Roy Peratrovich, "Rowan Poll on Natives," *Anchorage Daily Times*, January 27, 1977. In one of the only instances prior to 1984 where he did mention Elizabeth, his 1977 keynote address to the ANB Convention in Hydaburg, Roy named her only in passing: "[M]y wife and I testified on behalf of this [equal rights] bill." See Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention*, Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

wrote, "not one black…stepped forth in support of the anti-discrimination bill." All credit, he insisted, belonged to the ANB and ANS, in particular himself and his late wife, "the only two who testified to support our bill."[395]

Dorothy McKinley agreed. The president of ANS Camp #3 in Douglas, McKinley read Peratrovich's letter and knew that something more had to be done. "We hear all about Martin Luther King—and he was a very wonderful man—but there are things that we've done, too, that we can be proud of," she noted. With some hesitancy but guided by Elizabeth Peratrovich's own courageous example, she launched a campaign to do for her heroine on the state level what Congress had done for King: she wanted the state legislature to enact a holiday in Peratrovich's honor. "She just inspired me so much," McKinley explained.[396]

Peratrovich and King became connected to one another in the mid-1980s in a number of ways. The arts center debate opened a conversation about which stories and heroes Alaskans believed were deserving of a place in public memory, and Peratrovich's name came to widespread attention only once her husband, McKinley, and others began telling her story. In fact, the primary objection to naming the center for King might have paved the way for the state holiday for Peratrovich. If King was undeserving of the honor because he never set foot in Alaska and supposedly left no lasting legacy, no such objections could be made about Peratrovich, making her uniquely positioned to benefit from a public discourse now oriented to favor homegrown heroes. In addition, historians have observed that founding myths resonate most strongly during times of social unrest, especially as minority groups assert themselves on issues of social justice in ways that stand to upend existing structures and hierarchies. The King

[395] "Keep Dr. King's name; vote no," *Anchorage Daily News*, October 5, 1987; Roy Peratrovich, "King didn't help Alaska," *Anchorage Daily News*, October 21, 1987.
[396] Lori Evans, "Elizabeth Peratrovich: Thursday celebration to pay tribute to work of Native civil rights activist," *Juneau Empire*, February 15, 1989, p. 15, 18.

holiday challenged both White and Native perspectives on the state's racial history—albeit in different, often contrasting ways—and thus the veneration of Peratrovich was welcomed for the uniting, uplifting story it promised to tell.

The hostile and even racist nature of the arts center debate notwithstanding, the canonization of King as a national hero was an established fact by the mid-1980s. Interest in civil rights history increased dramatically across the country in that decade. *Eyes on the Prize*, a six-part documentary about the civil rights movement that aired on PBS in 1987, reached millions of TV viewers, while two biographies of Dr. King, one by David Garrow in 1986 and the other by Taylor Branch in 1988, both won the Pulitzer Prize. Numerous books and films on other civil rights histories, from Rosa Parks and the Montgomery bus boycott to the 1955 lynching of Emmett Till, followed in quick succession, demonstrating that by the late 1980s and early 1990s, the American public was ready to revisit a painful, searing era in the nation's history and turn it into a fable of national progress. In this respect, the time was right for Elizabeth Peratrovich, whose name and story had been absent from the public record for decades, to be celebrated for her civil rights victories and to take her place in the pantheon of Alaska heroes.

At the same time, however, one should not automatically interpret the burgeoning veneration of Peratrovich as evidence of Alaska's undeniable racial progress. The acrimonious debate over putting King's name on the Anchorage arts center puts the lie to that notion and demonstrated that societal attitudes about race were complex, often contradictory, and never universally held. In this respect, King and Peratrovich are alike in still one more respect—because their respective stories are meant to be uplifting and inspirational, they have been largely scrubbed of any racial complexities that might make them ambiguous or obscure their message. As King and the movement he led came to be enshrined in public memory as evidence of the

nation's progress on civil rights, the story was sanitized, simplified, and smoothed of its rougher edges. Forgotten was the fact he was considered a divisive figure in the 1960s, with opinion polls showing a majority of Americans holding a negative view of both King and the movement. Americans in the 1980s chose instead to focus on the benevolent King, a figure of inspiration who, despite being called a Communist by many in the 1960s, was now deemed so heroic that he became the subject of children's schoolbooks and had his photograph posted on the walls of their classrooms next to those of Washington, Jefferson, and Kennedy.[397] While Peratrovich was never considered a distrustful figure the way King had been, her story nevertheless underwent a cleansing of sorts in which it was turned into a parable of the state's supposed racial progress. The failed prosecutions under the equal rights law went unmentioned, for instance, as did the continued discrimination experienced by Natives, Blacks, and other minorities. The Peratrovich story was instead transformed in numerous ways in the years and decades that followed in accordance with the social and political imperatives of the time. The legislative debate over naming a state holiday in her honor would provide the next opportunity for mythmaking.

Elizabeth Peratrovich Day

In April 1988, a few months after Dorothy McKinley began contacting legislators about honoring Elizabeth Peratrovich, the Senate Rules Committee introduced a bill to create a state holiday in her name. As it moved through each chamber and eventually passed by combined House and Senate votes of 52 to 0, public attention was actually slow to build. Only one witness, ANB Grand President Richard Stitt (Tlingit), appeared before the legislature to testify on the bill. In two House hearings, two Senate hearings, and the floor debates in both chambers—six

[397] Elahe Izadi, "Black Lives Matter and America's long history of resisting civil rights protesters," *Washington Post*, April 19, 2016.

readings that lasted a combined seventeen minutes—just six legislators made any comments whatsoever, and three of them turned on their microphones only to confirm the bill would not establish a *paid* state holiday. Said one committee chairman in a hearing that lasted exactly thirty seconds, "There is zero fiscal note, and this is just setting it up in statute. It's not going to be a legal holiday or anything."[398] Few legislators had ever heard of Peratrovich or even knew how to pronounce her name. Where it took Congress fifteen years of contentious debate to enact a holiday for Martin Luther King Jr., the Alaska legislature did the same for Peratrovich in the blink of an eye, seemingly with as much forethought—almost none, that is—as it gave to the dozens of uncontroversial memorials, proclamations, and resolutions that pass every session.

Stitt's testimony was the highlight of the legislative process. The mythologizing of Peratrovich to this point had been done mostly by Ernest Gruening, but with Stitt and McKinley joining Roy Peratrovich in telling Elizabeth's story, Native voices now predominated, and they brought new dimensions to the history. "Our Native people need visual symbols to which they can look with pride," Stitt began. In written testimony he observed the pernicious effect of Native heroes being lost to history: "A child could conclude that since there are no visible signs of recognizing the significant achievements of some of our people, that the Tlingits and Haidas do not exist and are merely a myth or a figment of someone's imagination." Stitt's statement, especially when contrasted with those made by Gruening fifteen years earlier, points to a fundamental aspect of myth: Anyone can tell the story in whatever form they choose, and because it will always ring familiar, it validates whatever purpose to which it has been put. Where Gruening told his version in the context of Alaska's political maturation, Stitt brought an altogether different perspective to the discourse. For him, it was about giving Natives, children

[398] Audio recording of Alaska State Legislature, House of Representatives, Rules Committee, May 5, 1988, www.akleg.gov/ftr/archives/1988/HRLS/21-HRLS-880505.mp3 [accessed January 16, 2018].

especially, a symbol of their value as human beings. Peratrovich's name and example would be put to other uses as time went on.

Although Elizabeth Peratrovich would come to be adored by all Alaskans regardless of race, Stitt initially framed the matter as being of interest only to the ANB, writing, "We recognize that designating and honoring our heroes is a task that matters only to us, as Native People. It is of no concern to other societies."[399] The comment, whether deliberately or not, subscribed to one of the main criticisms of King from the arts center debate, that because he was a hero primarily to the Black community, his recognition should be both physically and symbolically confined to that group.

Governor Steve Cowper signed the state holiday bill into law on May 26, 1988. The issue had received almost no media coverage to that point, but newspapers in Alaska gradually came to recognize the new holiday as a terrific story. A few reporters interviewed McKinley, as well as Roy Peratrovich and family friends. Some located the *Daily Alaska Empire* article of February 6, 1945, and mined it for details, while others went back only so far as Gruening's memoir. As the story was told and retold, it encompassed details from all these sources, developing into a mélange of verifiable fact and personal remembrance that were indistinguishable from one another. Quotes from the *Daily Alaska Empire* were placed alongside—and in some cases spliced together with—quotes from Gruening's memoir with no indication the credibility of the former far exceeded that of the latter.[400]

[399] Audio recording of Alaska State Legislature, House of Representatives, State Affairs Committee, April 18, 1988, www.akleg.gov/ftr/archives/1988/HSTA/36-HSTA-880418.mp3 [accessed January 16, 2018]; Richard Stitt to Fran Ulmer, April 6, 1988, 1987-1988 HB544, HSTA Bill File, Legislative Information Office, Juneau.
[400] For an example of how quotes from the *Juneau Empire* article were spliced together with quotes from Gruening's memoir, see John Tetpon, "In memory of a rights advocate," *Anchorage Daily News*, June 6, 1988.

The triumph of myth over history was evident in the very language of the bill, which drew directly on Roy Peratrovich's personal memory. In his 1987 letter to the *Anchorage Daily News*, the missive that spurred McKinley to action, Peratrovich wrote that the ANB and ANS "fought for three years to do away with those degrading signs." Elsewhere in the same letter he repeated that he and his wife "fought for three years to have the discrimination changed in Alaska."[401] The first sentence of the bill introduced by the Senate Rules Committee a few months later declared the ANB and ANS "had fought for three years to eliminate the racial discrimination that was evident in Alaska during the first part of the 20th century." The identical phrasing could not have been a coincidence but points to the fact that Peratrovich's letter directly informed the language in the bill, which further indicates the state holiday did not quite arise organically from a known history but was manufactured as a political act. Many holidays, including Memorial Day, Labor Day, Veterans Day, and even Martin Luther King Jr. Day itself, resulted from concerted campaigns by engaged and agenda-driven activists. But whereas the King holiday reflected a history that was known to all and encompassed demonstrable impacts on American life, the same cannot be said of the Elizabeth Peratrovich holiday. She was largely unknown to Alaskans, including most legislators, at the time the bill honoring her was introduced, and her signature achievement had proven to be entirely symbolic. Had the *Anchorage Daily News* not printed the editorial about Dr. King, or had Roy Peratrovich not written a letter in response, or had Dorothy McKinley not read the newspaper that day, there might have been no movement for an Elizabeth Peratrovich state holiday. This is not to suggest that enacting the holiday was misguided, only to show that the celebration was constructed, not spontaneous. The Anti-Discrimination Act does not contain within itself an explanation for its

[401] Roy Peratrovich, "King didn't help Alaska," *Anchorage Daily News*, October 21, 1987.

own historical significance. Alaskans recognized its importance—even its very existence, for that matter—only once King's example and his national holiday set the course. The Peratrovich holiday could not have been enacted in 1958 or 1968 or even 1978, as no context for such a commemoration existed at any of those times. By 1988, however, Alaskans had become tutored by the King holiday and arts center debate on the ways civil rights heroes might (and might not) be celebrated.

That the King holiday supplied both template and context for honoring Peratrovich is all the more remarkable when one considers the many differences and divergences between Alaska Natives' campaigns for Indigenous rights and the civil rights platform of Black Alaskans in the post- World War II era. The Peratrovich holiday tends to collapse the histories together under the broad rubric of civil rights—to the point that celebrants eagerly and regularly point out that the Tlingit heroine's achievements predated King's by nearly twenty years. (Roy Peratrovich himself boasted the Alaska law was passed "way before [King] even got out of his diapers."[402]) But conflating the histories misrepresents the exceptionality of the respective movements. As described in previous chapters, Natives fought for tribal sovereignty, aboriginal land title, fishing rights, and other issues of settler-colonial resistance that were markedly different from the full social and political equality desired by African Americans. In the late 1960s, for instance, as the land claims fight was reaching a critical juncture, the Alaska Federation of Natives declined an invitation by Black Alaskans to make common cause on civil rights, with one Eskimo leader pointing out that to Natives "discrimination is not really a big problem. We are more concerned with education, sanitation, and political action."[403] Indeed, much recent Native American

[402] Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, HMC-1099, Archives and Special Collections, Consortium Library, University of Alaska Anchorage.
[403] Quoted in Richard Austin Smith, *The Frontier States: Alaska, Hawaii* (New York: Time-Life Books, 1968), 42.

historical scholarship has focused on the distinctiveness of Indian campaigns for economic and political justice. Kent Blansett, for instance, writes that the Red Power movement of the 1960s and 1970s, so often generalized as a crusade for civil rights, must be understood in broader terms of "the ties that bind Native nations, communities, families, spaces, places, and peoples together." He continues, "Red Power was never about civil rights or equal integration into the colonial nation-state; rather, it was about protecting Indigenous human rights, especially as part of independent and sovereign nations."[404] Historical commemorations of Native sovereignty would have proven discomfiting in statehood-era Alaska, however, in that the movement did not flatter the ideals and mores of the dominant culture but rather challenged them. By contrast, Elizabeth Peratrovich was a safe choice, and she took her place alongside King as a civil rights hero whose story embodied social and political progress.

The constructed, contingent nature of the Peratrovich myth comes into even sharper relief when one reflects on how other historical figures and moments might have been elevated to the public consciousness but were not. In the 1920s, the Alaska Native Brotherhood secured the right to vote for Natives and won a court victory for desegregation of public schools. Both issues were central to the platform of the national civil rights movement, and one can easily envision the Dr. King holiday might have paved the way for the canonization of William L. Paul, the Native leader most responsible for those victories. Had Roy Peratrovich spent his later years writing letters and making speeches not about his late wife but about Paul, Alaskans might be celebrating a very different state holiday today. In the 1940s, the ANB fought for welfare reform for Native widows and orphans, equal treatment of juvenile wards, and changes to the election calendar so

[404] Kent Blansett, *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement* (New Haven: Yale University Press, 2018), 4. See also Sherry L. Smith, *Hippies, Indians, and the Fight for Red Power* (Oxford: University Press, 2012), 10-11, 152-56.

as to avoid salmon fishing season when most Natives were away at fish camp. Such parochial issues had no connection to Dr. King's movement, but the positive effects of those civil rights triumphs might have nonetheless convinced Alaskans in the 1980s to celebrate them, especially if a lobbying and letter writing campaign had emerged in support of whichever ANB or ANS member had spoken most eloquently for the passage of each. It's not difficult to imagine Amy Hallingstad, Walter Soboleff, Andrew Hope, Frank Johnson, Cyrus Peck, or another Native leader having a state holiday named in his or her honor had their victories been more closely aligned with those of Dr. King.

Hallingstad, in particular, who worked alongside Peratrovich for many years and is revered by the Tlingit as "the First Lady of the First People," is mostly unknown to non-Native Alaskans today but is unquestionably deserving of a more prominent place in Alaska's civil rights history. Described as a woman of "fire and wit" who "would not shy away from sharp words or strong actions," Hallingstad was known for barging into businesses in Petersburg in the 1930s and physically tearing down the "No Natives Allowed" signs. Such confrontational tactics set her apart from Peratrovich, however, who is celebrated today for her charm and decorum. "The difference between them," observed Betty Marvin of the Petersburg Indian Association in 1994, "was the difference between Martin Luther King and Malcolm X."[405]

Marvin's statement further illustrates how the national civil rights movement provided both context and vocabulary for comprehending the achievements of the Alaska Native Brotherhood and Sisterhood. For as much as Roy Peratrovich fumed about White Alaskans' adoration of King, the fact remains that the state holiday in his wife's name never would have happened without him.

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[405] Lori Thomson, "Two women with one mission," newspaper clipping, circa March 1994, Box 1, Folder 3, Mss 36, Amy Hallingstad Documents Collection, Sealaska Heritage Institute, Juneau.

The Elizabeth Peratrovich Gallery

On February 18, 1992, four members of the Alaska House of Representatives introduced a bill to name one of the chamber's two public galleries for Warren A. Taylor, a titan of both the territorial and state legislatures who served nine terms between 1933 and 1966, and who was the state's first Speaker of the House. Johnny Ellis, the chair of the Rules Committee to which the bill was referred, approached Fran Ulmer and asked if she had any ideas for whom the other gallery might be named. Ulmer, a representative from Juneau who had been a key supporter of the 1988 holiday bill, first considered many outstanding women who had served in the House throughout history. But when reflecting on the purpose of the gallery—a place where citizens may gather and participate in the state's representative democracy—the name Elizabeth Peratrovich came to mind. Ulmer conferred with the ten other women serving in the House, and all signed a letter asking the gallery be named for the civil rights champion.[406]

The letter and accompanying resolution exhibited a far more thorough knowledge of the history than had been in evidence during the holiday debate four years earlier. At that time, Elizabeth Peratrovich and the story of the equal rights bill was so unknown to legislators that only three offered comments during floor debate. None was particularly substantive. Ulmer simply read an excerpt of Richard Stitt's earlier testimony, while the other two members spoke in generalities about equality and progress. None spoke of the showdown between Peratrovich and the senators. Her testimony was not quoted.

[406] Audio recording of Alaska State Legislature, House of Representatives, May 1, 1992, www.akleg.gov/ftr/archives/1992/HFLR/110-HFLR-920501-1.mp3 [accessed January 17, 2018]; Ramona Barnes et al. to Johnny Ellis, April 7, 1992, 1991-1992 HR11 HRUL Bill File, Legislative Information Office, Juneau. As described in a previous chapter, Warren Taylor was Rudy Hill's defense attorney in the Beatrice Coleman case.

By the time of the gallery resolution four years later, however, every legislator knew the story by heart. The holiday had been celebrated four times to that point, and countless newspaper articles had told of the Native leader's triumph. In 1991 the Central Council of Tlingit and Haida Indian Tribes of Alaska published "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," a 36-page booklet that provided a thorough, well-researched history of Native resilience and activism going all the way back to contact with the Russians in 1741. Its chapter about the equal rights bill was the most comprehensive account to date. Although no citations were included in the booklet, it is clear from the content, context, and quoted material that the authors used every available source: the original *Daily Alaska Empire* article, Gruening's memoir, ANB records, and interviews with several of Peratrovich's family members and friends.[407]

Ulmer opened floor debate with a history of the equal rights bill lifted directly, in some places verbatim, from Gruening's memoir and the "Recollection" booklet. She spoke of how the Peratroviches had been denied a house because of their race. She noted that one senator called the bill a "lawyer's dream" and that others believed the races should be kept apart. Ulmer also quoted Peratrovich's testimony, the first time her words were spoken in the building since she

[407] Despite being the most well-researched account of the Anti-Discrimination Act at the time of its publication in 1991, "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958" is nevertheless filled with fabricated and misattributed quotes, statements not supported by contemporaneous records, and additional embellishments that contributed greatly to public misapprehensions of the history of the act. The booklet conflates testimony delivered in the 1943 hearings with that offered in 1945, for example, and it converts reportorial text found in newspaper articles into quotes supposedly delivered by the bill's opponents. The booklet erroneously states the Peratroviches were denied admission to a hotel in Juneau when Roy himself acknowledged they were regular customers. It further errs by misspelling the names of Anthony Dimond, R. E. Robertson, Grenold Collins, and Tolbert Scott. See Central Council of Tlingit and Haida Indian Tribes of Alaska, "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," August 1991, 20-21, 23.

herself delivered them forty-seven years before. With Native leaders and members of the Peratrovich family seated in the gallery, the House voted 39 to 0 in favor of the resolution.[408]

Ulmer's testimony brought new dimensions to the myth. It already embodied Gruening's context of progress and Stitt's desire for symbols of Native pride. Now, nominated with a letter signed by every woman serving in the State House, Peratrovich came to represent an icon of women's history. She would also stand as an emblem for political engagement and a role model for all Alaskans, Native and non-Native alike. Her influential testimony, Ulmer proclaimed, "offers to all of us a living legacy of what is possible when a person, a citizen, a member of the public speaking from the gallery, can do in terms of turning the hearts and minds of legislators." Ulmer observed that naming the gallery was important not only for honoring Peratrovich, but for "recognizing within each and every one of us the opportunity to do what we know is right, carry the day, and make progress for the people of Alaska."[409] In this telling, the myth was expanded to exhort Alaskans to participate in their democratic institutions.

While unobjectionable on its face, framing Peratrovich in this way represented one of the more injurious aspects of the myth. It whitewashed the history of discrimination by suggesting Alaska's political institutions of the era were essentially open and fair, and that the only thing necessary to bring such values to the fore was "a person, a citizen, a member of the public speaking from the gallery" to point it out. In fact, the territory's political structures at the time of the equal rights bill were not inclusive at all. They were racist and exclusionary. Natives were

[408] Representative Max Gruenberg of Anchorage abstained from voting on both the Taylor and Peratrovich resolutions. In an earlier committee hearing, he explained that while he respected both individuals and was appreciative of all they did for Alaska, he opposed naming the galleries as a general principle. "Once you start naming things, then there's a lot of pressure [and] you have to name every gallery, every hallway, every committee room, and everything immediately and the pressure is immense," he stated. See Audio recording, Alaska State Legislature, House of Representatives, Rules Committee, April 15, 1992, www.akleg.gov/ftr/archives/1992/HRLS/09-HRLS-920415.mp3 [accessed January 17, 2018].
[409] Audio recording, Alaska State Legislature, House of Representatives, May 1, 1992, www.akleg.gov/ftr/archives/1992/HFLR/110-HFLR-920501-1.mp3 [accessed January 17, 2018].

mostly denied the right to vote until the 1920s, only gaining the franchise after a bitter fight over literacy tests. The territorial legislature consisted almost entirely of White men for most of its history; not a single Native served in the body in the 1930s and early 1940s, even though Natives accounted for a full half of the territory's population at the time. Natives were not appointed to government boards and commissions for most of the territorial period, and, as Peratrovich's experience showed, they could expect a hostile reception whenever they dared speak about injustice. What changed the condition were indefatigable Natives who spent decades pushing back against a power structure that typically denied, rather than allowed, them access. Contrary to the uplifting stories told at the naming of the House gallery, there was nothing about Alaska's laws, elections, or political institutions that ennobled Natives "to do what [they] know is right." Naming the gallery for Peratrovich was one thing; framing the action as representative of a supposedly egalitarian past was both ahistorical and disingenuous.

Such misuses of history are in evidence on a national scale. Political scientist Jeanne Theoharis notes of the national civil rights movement that the struggle, in which countless people gave their bodies and lives for the goal of equality, has been turned into a fable about American values. Figures like Rosa Parks and Martin Luther King Jr., detested by many at the time for what was perceived as their extremism and even anti-Americanism, came to be heralded decades later as benevolent arbiters of the equality that was ostensibly built into American society at the nation's founding. Framing the civil rights movement "as testament to the power of American democracy" was appealing, according to Theoharis, in that it obscured the injustice at the nation's core, enabling White Americans to honor the movement without having to confront persistent inequities. This narrative of progress simplified and sanitized a complex, painful history, she writes, suggesting "racism derived from individual sin rather than from national

structure—and that the strength of American values, rather than the staggering challenge of a portion of its citizens, led to its change."[410]

Annette Gordon-Reed concurs, noting that King, Parks, and Harriet Tubman "have now become 'safe' in ways they never were when they were operating at the height of their powers." The reverence with which we behold these figures today obscures just how controversial they were during their lives. The discomfiting rhetoric and disruptive tactics of King and Parks have been pushed into the background by a willfully amnesiac public, Gordon-Reed writes, so that the movement they helped to lead could be "absorbed into a triumphant story of American exceptionalism" defined by "the dynamism of the supposedly inexorable wave of human progress that swept the country forward from the Declaration of Independence to the civil rights movement." So powerful is this delusion that King and Parks, now conveniently stripped of their radicalism, are "welcomed as sources of inspiration in the curricula of almost every elementary school in the country."[411]

Much of the myth of Elizabeth Peratrovich functions the same way. As an inspiring symbol of Alaska's progress, she has been transformed into the most saccharine of heroes. It is no coincidence that she, like Rosa Parks, is nearly always described as intelligent, articulate, well-dressed, and neatly coiffed, for such a portrayal makes her the exact (and probably only) type of Native activist palatable to White audiences: a genial figure whose unassuming contribution both affirmed and advanced Alaska's democratic values. Peratrovich's stand for racial equality, considered radical and even subversive by many at the time, was later rendered as a natural and inevitable adjunct of the territory's political development. That she achieved

[410] Jeanne Theoharis, *A More Beautiful and Terrible History: The Uses and Misuses of Civil Rights History* (Boston: Beacon Press, 2018), x-xi.
[411] Annette Gordon-Reed, "MLK: What We Lost," *The New York Review of Books*, November 8, 2018, 48.

passage of a mostly symbolic bill that required no fiscal appropriation does not prove the openness of the policymaking apparatus, however. On more substantial (that is, costly) matters—fishing rights, fish traps, cannery labor, education, health care, and land claims, to name but six—Natives protested for decades to no avail, consistently stymied by entrenched systems of inequality that refused to budge. The paradox of naming the House gallery for Peratrovich was that it honored an individual for the very things—speaking out, effecting change, making "progress for the people of Alaska"—that were steadfastly denied to Natives as a whole.

The same contradictions—that is, honoring Natives only when convenient and without budgetary obligation—were in evidence in the very 1992 legislative session at which House members named the gallery for Peratrovich. Lawmakers that year stubbornly defied federal mandates to extend subsistence hunting and fishing privileges to rural residents, a divisive stand widely interpreted as a refutation of what one historian called the "cultural and spiritual connotations [that] living off the land" holds for Native peoples.[412] In many ways, the naming of the gallery in Peratrovich's honor was a repeat of how the equal rights bill passed in 1945, in that even the most ambivalent legislators could vote for it because it was a symbolic act that cost the state not even a dime. But when it came to Native issues that stood to redistribute state resources, such as putting rural villagers first in line to shoot a moose or harvest salmon, the mostly urban, mostly White legislators dug in their heels, suddenly evincing great enthusiasm for the "equal treatment" of all citizens. By framing their opposition to rural subsistence as an issue of equal rights, conservative politicians coopted both the language and moral authority of the civil rights movement. As was discussed in previous chapters, Alaska Natives had long recognized such opposition as a response to their accumulation of power. Philip Deloria, the Sioux leader and

[412] Frank Norris, *Alaska Subsistence: A National Park Service Management History* (Anchorage: National Park Service, 2002).

scholar, has written of this phenomenon on a national scale, noting that White Americans have generally favored race-conscious public policies regarding Indian tribes so long as they were premised on the social and economic uplift of historically marginalized peoples. But, he adds, "anyone who wonders whether termination [complete assimilation into White culture] is still alive need only ask whether a separate Indian political and legal existence will be tolerated in this country if Indians are no longer poor or viewed by the majority as being culturally distinct. Clearly that is not going to happen."[413] His point is not hypothetical. The 1971 settlement of aboriginal land claims that significantly elevated the political and economic standing of Natives, as well as the voting rights protections for Natives based on historical oppression, were both opposed by many White Alaskans as "special privileges" on the basis of race that they believed undermined the equality and republicanism of the statehood era. The state constitution was the final word on the matter, according to this view, and subsequent appeals for an acknowledgement of racial difference gave rise to a backlash against Native rights, one manifestation of which was the opposition to the rural subsistence priority.

The paradox continued to confound. Even as Elizabeth Peratrovich Day was celebrated every year on February 16, Alaska Natives were denied access to state institutions. In 2012 the sixty-member state legislature had just six non-White delegates—five Alaska Natives and one Asian American. Redistricting that year placed two Native legislators from rural communities into urban-dominated districts, and both men lost their reelection bids to non-Native candidates. As the *Anchorage Daily News* put it, "A state that is 67 percent white is governed by a

[413] Philip S. Deloria, "The Era of Indian Self-Determination: An Overview," in *Indian Self-Rule: Firsthand Accounts of Indian-White Relations from Roosevelt to Reagan*, Kenneth R. Philp, ed. (Logan: Utah State University Press, 1995), 193.

legislature that is 90 percent white."[414] As population growth in urban centers outpaced that in rural areas, legislative districts were redrawn in ways that diluted Native representation. In 2020, for example, just four Natives served in the forty-member House, and the predominantly Native residents of villages in the Yukon Flats were represented by a non-Native legislator who lived hundreds of miles away in Fairbanks. Many of the rural villages in Southeast Alaska, including Roy Peratrovich's hometown of Klawock and Elizabeth Peratrovich's hometown of Petersburg, have been represented by non-Native legislators for most of the 2000s. A constitutional amendment put before voters in 2010 to expand the legislature from sixty to sixty-six members, which would have helped to preserve Native representation, failed by a wide margin. Only one Alaska Native has ever been elected to statewide office. Ballots have always been written in English, but the process of translating them into Native languages has been dilatory and torturous. The evidence is overwhelming: Native voices have been consistently marginalized throughout Alaska's history. As the map of legislative districts makes clear, inequality is built into the state's very systems of governance. While it's true that any citizen may sit in the Elizabeth Peratrovich Gallery, the notion that Natives have always been full and equal participants in Alaska's public life is contradicted by historical experience.

As with every other aspect of the myth, the naming of the House gallery had less to do with Peratrovich than with the desire of Alaskans of every political stripe to see themselves in her reflection and project an image of themselves as open-minded and color-blind. As Milton C. Sernett noted in his study of the many myths about Harriet Tubman, her canonization as a national hero represents "a mirror in which Americans of varying social and ethnic identities,

[414] Pat Forgey, "Election, redistricting diminishes Natives' power in Alaska legislature," *Anchorage Daily News*, December 6, 2012.

situated in differing places and times, reveal something of themselves."[415] Countless individuals and groups—including Ernest Gruening, Dorothy McKinley, Richard Stitt, Fran Ulmer, the Alaska Native Brotherhood, Central Council of Tlingit and Haida Indian Tribes, and the Alaska State Legislature—embraced Peratrovich as a role model, in the process revealing the mores of their times, places, and communities. To paraphrase Sernett, the canonization of Elizabeth Peratrovich functions as a mirror so expansive, so multifaceted, that it is capable of reflecting the idealized self-image of whichever Alaskan is doing the looking.

Alaska's Most Malleable Icon

"Myth is a story that can be retold by anyone, with infinite variation, and still be recognizable as itself. The outline of surviving myth is re-recognized in the lives of each generation. It's an instrument by which people simplify, rationalize, and retell social complexities. It's a means to haul the abstract, the global, and the relative into the realm of the concrete, the local, and the absolute."[416]

The British novelist James Meek's observations about the functions of myth came in a discussion of Robin Hood and the many uses to which his legend has been put, but they apply just as directly to Elizabeth Peratrovich. Attention to her story peaked in the four years between the establishment of the state holiday and the naming of the House gallery. Versions were published in newspapers, magazines, and books. Each one generally adhered to the outlines the earliest sources had established, but as more and more people told and retold the story, it came to exhibit what Meek called the "infinite variation" of myth. Some details were added, others taken

[415] Milton C. Sernett, *Harriet Tubman: Myth, Memory, and History* (Durham: Duke University Press, 2007), 3.
[416] James Meek, "Robin Hood in a Time of Austerity," *London Review of Books* 38 (no. 4, February 18, 2016), 3.

away, and still others shaped into new forms that revealed history, which is its own form of myth that is continually revised and reinterpreted, to be indeed as malleable as a block of clay.

In 1994, two years after the House gallery resolution, a nineteen-page biography of Peratrovich was published that doubled the length of her testimony by adding words she may or may not have actually said. Some years after that, a sequence of plays, films, poems, paintings, and other artwork further dramatized the story, creating scenes and dialogue that proved cinematically engrossing but expanded the tale beyond what could be proved with the slight body of historical evidence. Despite these superfluities, the story, as Meek would have put it, remained "recognizable as itself." The myth became an instrument that smoothed over the complexities and contradictions of history.

So ingrained is the myth in the public mind today that any attempt to separate historical fact from personal memory will likely obscure the story rather than clarify it. The simplifications, rationalizations, and embellishments cannot be simply discarded, for the story itself would fall apart without them. In effect such enhancements *are* the story. As Meek wrote in regard to the tension between the historical and the mythical Robin Hood, "If those who attempt to interpret the world do so only through the prism of professional thinkers, and ignore the persistence of myth in everyday thought and speech, the interpretations will be deficient."[417] The Peratrovich with whom Alaskans have fallen in love is not the historical figure but the remembered one, the fetishized image whose message is all the more powerful precisely because it was imperfectly recorded at the time. She is history as a block of clay, and any effort to understand her story must take seriously how she appears in the myth. The remaining chapters of

[417] Meek, "Robin Hood in a Time of Austerity," 3.

this dissertation examine not merely the content of the myth but its expansive meanings that have made her story so compelling.

Chapter 8: What Did Elizabeth Say?

"The facts of history never come to us 'pure', since they do not and cannot exist in pure form: they are always refracted through the mind of the recorder."

—E. H. Carr[418]

The 2009 documentary film, *For the Rights of All: Ending Jim Crow in Alaska*, features a reenactment of the dramatic showdown in the Territorial Senate between Elizabeth Peratrovich and the anti-equal rights senators. Peratrovich is portrayed by the playwright and actor Diane Benson, who solemnly but forcefully delivers the testimony, copied here in full:

> I would not have expected that I, who am barely out of savagery, would have to remind gentlemen with 5,000 years of recorded civilization behind them of our Bill of Rights. When my husband and I moved to Juneau we sought a home in a nice neighborhood where our children could play happily with our neighbors' children, and we found such a house and had arranged to lease it. But when the owners learned that we were Indian, they said no. Would we be compelled to live in the slums? Even now there are doors to schools closed to our children, and signs make it quite clear that I, as well as dogs, are not allowed in certain establishments. And many of the hotels and restaurants turn us away. Well, discrimination occurs in many ways, let me assure you. There are three kinds of persons who practice discrimination. First, the politician, who likes to maintain an

[418] E. H. Carr, *What Is History?* (Basingstoke: Palgrave Macmillan, 2001), 17.

> inferior minority group so that he can always promise them something. And second, the Mr. and Mrs. Jones who aren't quite sure of their social position and so are kind to you on one occasion and can't see you on the next depending on who they are with. Third, the great superman who believes in the superiority of the white race. Well it is this kind of perpetuated thought that serves to segregate and discriminate. And in answer to Senator Shattuck's earlier question, do we believe that the passage of this bill will eliminate discrimination? Well, have you eliminated larceny or murder by passing a law against it? No law will eliminate crime, but at least you as legislators can assert to the world that you recognize the evil of this present situation and speak your intent to help us overcome discrimination for all Alaskans.[419]

The testimony is the most revered, well-known moment in the history of Native equal rights, if not the most famous speech in Alaska history, and anyone who sees an actor perform it onstage or reads it in a magazine would have little reason to doubt its authenticity. The simple fact about Peratrovich's speech, however, is that we don't really know what she said. She left no written copy of her testimony, and the territorial legislature at the time made no transcripts or audio recordings of its sessions.

So where does the speech come from? How did these 301 words come to enter public memory as the definitive transcript of Peratrovich's testimony?

An article in the next day's *Daily Alaska Empire* quotes Peratrovich three times for a total of forty-nine words. The rest of the speech—or most of it, in other words—was written in subsequent decades by three different writers. The final (for now, anyway) embellishment came

[419] Jeffry Silverman, dir., *For the Rights of All: Ending Jim Crow in Alaska*, Blueberry Productions, 2009.

in 2009. In each case, the writers added some words, deleted others, and generally crafted a version of the testimony that makes for compelling reading but puts words in Peratrovich's voice that she did not say. In their role as mythmakers, these writers proved less concerned with historical accuracy and were instead responding to some social or political imperative of the time in which they were writing. As with all revisionist fables—from the Boston Tea Party to Custer's Last Stand, from Plymouth Rock to Betsy Ross sewing the first American flag—the embellishments represent an attempt to reshape history for the purpose of validating the mores of the present and connecting those who tell the story to their preferred lessons of the past.

This chapter examines how the speech came to be constructed in the decades after it was first delivered. It explores not merely the content of the embellishments, but the motivations of the writers that lay behind them and the zeal with which the public embraced them. When Alaskans began telling the story of the Anti-Discrimination Act in the 1970s, it coincided with shifts in the social life and political landscape of Alaska that made room for non-White and female heroes. The same was happening on a national scale. The gains of the national civil rights movement, even incremental ones such as school desegregation and voting rights, as well as the canonization of Martin Luther King Jr. as a national hero following his assassination in 1968, created an environment in which heretofore forgotten figures, such as Elizabeth Peratrovich, could finally be recognized, their achievements lavished with the very praise that was absent in the less enlightened eras in which they were made.

The political gains made by Natives in the 1960s and 1970s, especially the Alaska Native Land Claims Settlement Act (ANCSA), led many to reexamine Native history, hoping to find heroes of bygone eras that might represent a foundational past. Every group throughout history has looked to its own past for exemplars of its present mores, figures whose contributions to the

group's social and political advancement represent a legacy rightfully inherited. In this way, the stories of early leaders like Charlie Jones and Tillie Paul Tamaree, who fought for Native voting rights in the 1920s, were retrieved and memorialized by later generations of Alaskans. Elizabeth Peratrovich, whose activism was all but forgotten in the years after her death, came to be revered once ANCSA-era Alaskans fully comprehended her achievements for the first time. In fact, Alaskans *required* that her civil rights victories be celebrated in order to demonstrate that the current egalitarianism was nothing new but had been in evidence all along. In effect, the dialogue of race that had been developing since the start of the American period in 1867, had evolved to the point that Peratrovich's story could be told and understood with the present vocabulary of equal rights.

The process of building Peratrovich's testimony, which began in earnest three decades after she delivered it, represents the cornerstone of this effort. It is remarkably similar to that of another historical address purportedly made by an indigenous leader: Chief Seattle's 1854 speech on the occasion of a visit to his Duwamish home by the governor of Washington Territory. Commonly cited as "a powerful, bittersweet plea for respect of Native American rights and environmental values," the speech went unrecorded at the time it was delivered and was only set to paper thirty-three years later by a White settler who claimed to have been in attendance.[420] The ornate, sentimental, Victorian language with which the speech was rendered in the *Seattle Sunday Star* in 1887, strongly suggests it was more the work of the observer than the Native leader who supposedly delivered it. "Yonder sky that has wept tears of compassion on our fathers for centuries untold, and which, to us, looks eternal, may change," the speech begins. "Today it is fair, tomorrow it may be overcast with clouds. My words are like the stars that never

[420] Walt Crowley, "Chief Seattle's Speech," historylink.org/File/1427 [accessed December 13, 2017].

set. What Seattle says, the great chief, Washington…can rely upon, with as much certainty as our pale-face brothers can rely upon the return of the seasons." Chief Seattle goes on to lament that his people are bound to disappear in the face of the white settlers' God and their superior armaments, but that he trusts the "White Chief" will not forget the Indians' passing. The newcomers will never be alone, says the Suquamish and Duwamish leader, but will dwell with "the invisible dead of my tribe" and the "returning hosts that once filled and still love this beautiful land."[421]

According to Albert Furtwangler, the elegiac tone of the speech reflects the anxieties of the White Seattleites who first embraced it in the late 19th century. Increasing urbanization and industrialization led residents to lament the passing of "the voice of an Indian of the far wilderness" whose eternal wisdom they hoped to recapture. Chief Seattle's words proved resonant and comforting, and his speech came to be enshrined in public memory, its inexact provenance notwithstanding. As the years passed and the 19th century gave way to the 20th, the Chief Seattle speech underwent at least five major revisions by as many writers, and it came to encompass a wide range of meanings. By the rise of the modern environmental movement in the 1960s, the speech, or at least a tailored and translated version of it then in circulation, was being cited as an ecological warning to protect the Earth and its resources. Writes Furtwangler, "[The speech] seems to pit truth against injustice and wisdom against willful blindness, and to resonate through the decades with ever-more-evident depths of prophetic accuracy."[422] However

[421] Albert Furtwangler, *Answering Chief Seattle* (Seattle: University of Washington Press, 1997), 12-17. For a comparatively unskeptical account of Chief Seattle's speech, see David M. Buerge, *Chief Seattle and the Town That Took His Name: The Change of Worlds for the Native People and Settlers on Puget Sound* (Seattle: Sasquatch Books, 2017).
[422] Furtwangler, *Answering Chief Seattle*, 3-4.

impenetrable its origins, the Chief Seattle speech continues to lend itself to wide and varied interpretations.

Still other utterances of dubious origin by a famous historical figure illustrate the point. Abraham Lincoln is perhaps the most often quoted person in American history, yet the canon of his supposed statements contains innumerable falsehoods, including second- and even third-hand pronouncements, family lore, anonymous writings, and contemporary gossip. In their book, *Recollected Words of Abraham Lincoln*, Don E. and Virginia Fehrenbacher collect, analyze, annotate, and grade the likely veracity of almost two thousand statements attributed to the sixteenth president. The editors find that relatively few statements appear in Lincoln's own hand, while countless others were set to paper by others, in some cases decades after the president's death. The editors refer to the practice as "recollective quotation," which they define as "ultimately a constructive process in which bits and pieces of retrieved perception are fashioned into a satisfying whole. Most of the statements attributed to Lincoln in reminiscences should probably be regarded, not as literal reproduction, but as paraphrase at best." One such example is the exclamation Lincoln supposedly made upon meeting Harriet Beecher Stowe, the author of the anti-slavery novel *Uncle Tom's Cabin*: "So you're the little woman who started this great war." There is no contemporaneous evidence Lincoln said this. Stowe herself wrote no account of their meeting, and the quote did not appear in print until the Civil War had been over for decades, at which time it came to be promoted by Stowe's descendants. According to the Fehrenbachers, those looking for meaningful or even just pithy quotes by the Great Emancipator "walk on treacherous ground."[423]

[423] Don E. Fehrenbacher and Virginia Fehrenbacher, eds., *Recollected Words of Abraham Lincoln* (Palo Alto: Stanford University Press, 1996), xlvii-xlviii, 428; James M. McPherson, "Lincoln Speaks," *The Atlantic*, December 1996. See also Daniel R. Vollaro, "Lincoln, Stowe, and the 'Little Woman/Great War' Story: The Making, and

The testimony of Elizabeth Peratrovich has inspired Alaskans since its rediscovery three decades after it was delivered. The speech encompasses many meanings, especially as it has been amended, enhanced, and deployed by different writers of different eras. Although the revisions may appear to be harmless embellishments, the constructions of Peratrovich's speech mediate understanding of racism and discrimination in ways that obscure how Native lives have been demeaned and destroyed across history. The speech, as told by writers who did not witness it firsthand, limits the problem of discrimination to individuals, such as politicians, hotel managers, and "the great superman who believes in the superiority of the white race," leaving unexamined the vastly more consequential role of institutions in limiting Natives' social, political, and economic opportunities. By framing Peratrovich's story as a Manichaean contest, one in which a complicated, even contradictory story has been smoothed into a palatable fable of triumph and progress, the fictionalized scene in the Senate chambers contributes to the racial blindness of White Alaskans that defines the statehood era. This chapter examines the functions and consequences, some unintended, of the embellished speech. It also explores the continuing evolution of the language of race and equality, particularly as it came to be used in museum exhibits, public testimonies, and works of Native American history. We will never know exactly what was said in the Territorial Senate on February 5, 1945, but a close examination of what Alaskans *believe* was said and how they tell the story today gives insight to their relationship with the past.

Constructing the Testimony

Breaking, of a Great American Anecdote," *Journal of the Abraham Lincoln Association* 30, no. 1 (Winter 2009), 18-34.

On February 6, 1945, the day after the Senate showdown, an article appeared in Juneau's *Daily Alaska Empire* under the headline "Super Race Theory Hit in Hearing." Identified in the vernacular of the day as Mrs. Roy Peratrovich, Elizabeth, according to the article, ended the hearing by decrying those discriminatory practices that forced Natives to associate with "white trash" and condemning the "super race" attitude of some legislators. Responding to Senator Allen Shattuck's claim that the equal rights bill would not actually end discrimination, Peratrovich responded, "[D]o your laws against larceny and even murder prevent those crimes? No law will eliminate crimes but, at least, you as legislators, can assert to the world that you recognize the evil of the present situation and speak your intent to help us overcome discrimination."[424]

These forty-nine words are the only ones with contemporaneous evidence behind them, indicating they were most likely spoken by Peratrovich. The newspaper article carried no byline, but the unnamed reporter who filed the piece clearly had been in the gallery taking notes. For this reason, the statements attributed to Peratrovich are probably accurate.

The statements came to function as the foundation on which the edifice of the full speech would later be built. As described in the previous chapter, the speech disappeared from the public record for the next twenty-eight years. In 1973 Ernest Gruening published his memoir, *Many Battles*, and wrote about Peratrovich for the first time. Claiming to have committed her words to memory almost three decades earlier, he provided a version of the speech that nearly tripled its length from what had been quoted in the *Daily Alaska Empire*. The speech's most famous line—"I would not have expected that I, who am barely out of savagery, would have to

[424] "Super Race Theory Hit in Hearing," *Daily Alaska* (Juneau) *Empire*, February 6, 1945, 8. The article as printed in the newspaper contains closed quotation marks after the words "…prevent those crimes?". The context of the passage, however, makes clear that the subsequent sentence is part of the quote.

remind gentlemen with 5,000 years of recorded civilization behind them of our Bill of Rights"—was recorded in print for the first time in the governor's book. (In an analytical sense, Peratrovich's mention of the Bill of Rights appears odd given that the first Ten Amendments to the U.S. Constitution, which address everything from freedom of speech, religion, and public assembly to the right of a jury trial in civil cases, have no relevance whatsoever to her plea for equal access to public facilities. What seems likely is that Peratrovich called upon the founding documents of the nation so as to appeal to the senators' patriotism in a general way.)

Gruening did not merely add to the Peratrovich speech; he also took words away. The *Daily Alaska Empire* reported that the Native leader referred to "white trash" as a class of people she and her family would be forced to associate with due to housing discrimination in the city. For Gruening, including this disparaging, classist slur in his account stood to undercut the very egalitarian credentials he was attempting to burnish. Although "white trash" was a minor smear not nearly as egregious as the racist epithets regularly spewed at Natives, it nevertheless bespoke a class-based intolerance on Peratrovich's part that could not be allowed to remain in the history. Gruening changed her words accordingly, writing instead that when landlords in nice neighborhoods refused to rent to the Peratroviches, Elizabeth responded, "Would we be compelled to live in the slums?" The substitution scrubbed her classism from the record without losing the underlying point that housing discrimination degraded Natives and restricted their social and economic opportunities.

How accurate is Gruening's account? Several factors suggest his transcript of the speech was faithful to its tone and intent, perhaps even exact to the letter. Gruening had a first-rate intellect, something even his many enemies were forced to admit, and his claim to have committed the speech to memory is not implausible. As a journalist and politician with a career

that spanned seven decades, Gruening wrote countless books, articles, reports, memos, letters, diaries, and other literature—a life in letters that suggests he had a strong command of who said what and when. In addition, he and Roy Peratrovich were longtime friends who may have told and retold the story of the Senate hearing over the years. Peratrovich, who came from an oral culture where memorization of centuries-old stories was a valued skill, no doubt contributed to Gruening's memory of the event. At the time of the hearings, the Peratroviches spent long hours preparing and rehearsing testimonies, and Elizabeth's famous opening line was almost certainly scripted ahead of time.[425] Allen Shattuck's statement about Natives having to catch up to centuries of White civilization was one that he and others had made in previous hearings, and it's likely that Peratrovich, fully expecting him to repeat the slur, came prepared with her stinging rebuttal. These circumstances suggest Gruening may have transcribed at least that one line with some accuracy.

There exists another record that supports Gruening's transcript. Richard Neuberger, an Army communications officer from Oregon (and future U.S. Senator), was stationed in Alaska and the Yukon during the war. A freelance reporter, he filed dozens of stories about the territories for newspapers and magazines around the country. Neuberger became friends with Gruening, and in 1944, he wrote an admiring profile of the governor in *Collier's*. At war's end, Neuberger stayed in contact with Gruening, calling on him frequently as a source of information for articles about Alaska. In a September 1947 magazine article about Alaska Native civil rights, Neuberger described the Senate hearing at which the debate over the equal rights bill reached its

[425] Ishmael Hope, "They Won't Be Forgotten: The Leaders of the Alaska Native Brotherhood and Sisterhood," alaskanativestoryteller.com/2012/02/they-wont-be-forgotten-the-leaders-of-the-alaska-native-brotherhood-and-sisterhood/ [accessed July 14, 2018]. In a 1979 interview, Roy stated that he and Elizabeth came to the hearings armed with prepared responses for every statement they expected the anti-equal rights senators to make. See Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.03, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau.

climax. It had been just two and a half years since the bill passed, and memories were likely fresh. Neuberger had not witnessed the hearing firsthand, but with Gruening as his source, his report stands alongside the *Daily Alaska Empire* article of February 6, 1945, as one of the only semi-contemporaneous accounts of Peratrovich's testimony. The account is worth quoting at length:

> When a bill was introduced in the territorial legislature banning discrimination "on racial grounds" in any public place, a member of the territorial legislature opposed it because the white man "represented 2,000 years of civilization and culture, whereas the natives of Alaska are but fifty years removed from savagery." The member also claimed that laws could not end prejudice and intolerance. He was answered by Mrs. Roy Peratrovich, president of the Alaska Native Sisterhood. She said that seldom before had a person "but fifty years removed from savagery had the opportunity to acquaint the product of two thousand years of civilization and culture with the contents of the United States Constitution." She then read the Bill of Rights, and concluded with these words: "I know that laws will not end prejudice and intolerance. We have laws against arson and murder, and yet we still have arson and murder. But at least we let it be known that civilized people are against that sort of thing. The natives of Alaska may be only fifty years removed from savagery, but we believe that our government should let it be known that we are against prejudice and intolerance."[426]

[426] Richard L. Neuberger, "Fight for Freedom in the Arctic," *The Nation*, September 13, 1947, 255.

The quotes in Neuberger's piece were clearly supplied by Gruening, and, minor discrepancies aside, they corroborate much of the account the governor offered in his memoir three decades later.

At the same time, however, there are reasons to doubt the authenticity of the transcript. At the time he wrote *Many Battles*, Gruening was an octogenarian who had never written publicly about the three-minute speech he'd heard twenty-eight years before. His account of the hearing contains two verifiable errors. First, Gruening attributed to Allen Shattuck the line, "Far from being brought closer together…the races should be kept further apart"—but the *Daily Alaska Empire* article indicates those words were almost certainly spoken by Tolbert Scott. According to the newspaper, Scott expressed the view that "mixed-breeds" who wanted to associate with whites were the cause of the controversy. "It would have been far better," he stated, "had the Eskimos put up signs [reading] 'No Whites Allowed.'" He further opined that "white women have done their part" in keeping the races distinct, and he hoped White men would do so as well. These statements by Scott accord with the lines in Gruening's book much more closely than anything Shattuck was recorded as saying. The record shows that Shattuck actually expressed the opposite view, stating that Natives should endeavor to fully assimilate into White culture, going so far as to approvingly note, "I believe that considerable progress has already been made, particularly in the last 50 years." The intolerance of their respective points of view notwithstanding, the record indicates it was almost certainly Scott, not Shattuck, who spoke the comment at hand.[427]

Second, Gruening misattributed the line describing how the Peratroviches arranged to lease a house in Juneau but were refused once the owners learned they were Native. He credited

[427] Gruening, *Many Battles*, 329; "Super Race Theory Hit in Hearing," *Daily Alaska (Juneau) Empire*, February 6, 1945, 8.

these lines to Elizabeth, but an article in the *Alaska Fishing News* published four days after the hearing reported that "Mr. Peratrovich" had been the one who testified about housing discrimination. The article relayed the points made by Roy Peratrovich in his testimony but said nothing about Elizabeth apart from the fact that she also testified.[428] That the 86-year old Gruening forgot certain details of a hearing that took place almost three decades in the past is not difficult to surmise, and the gaffes cast further doubt on the overall veracity of his report.

Although Gruening did not write publicly about Peratrovich until 1973, the loquacious governor told and retold the story of the Senate hearing over the years. The multiple recitations contributed to his recall, perhaps not always in beneficial ways. In their study of quotes attributed to Abraham Lincoln, the Fehrenbachers identify *rehearsal*, the telling of a story from one's past again and again, as one of the "factors that intervene between the original perception and the recorded recollection." Rehearsal, they write, "perpetuates and strengthens the memory of a particular episode while often at the same time revising it." The Fehrenbachers point to the case of a Congressman who spoke with Lincoln just weeks before his assassination and then told the story of that encounter in speeches and writings in the years that followed. By the time he published an account of the meeting decades after the fact, he presented a number of details and quotations as though he had experienced them himself when, in fact, it could be shown they were provided to him by others. The habit is in evidence in Gruening's recollections of the Peratrovich story, his tellings of which contained a number of errors that through revision and repetition came to be installed in his memory as fact. For instance, the *Daily Alaska Empire* article, which stands as the most definitive record of quotations from the Senate hearing, states that Shattuck believed Natives had "10 centuries of white civilization" to catch up to—but in Gruening's

[428] "Legislative Highlights," *Alaska Fishing News* (Ketchikan), February 9, 1945, 4.

description to Richard Neuberger he inflated the number to "2,000 years," and by the time of his 1973 memoir, the former governor put the figure at "five thousand years." He also told Neuberger that Peratrovich cited "arson and murder" as crimes that were still committed despite laws prohibiting them, but she had actually named *larceny* and murder. And in a 1956 letter to Elizabeth Peratrovich herself, Gruening remembered that he had introduced the equal rights bill (he did not), that the Senate's presiding officer that day was Andrew Nerland (it was actually Joe Green), and that her testimony had elicited multiple ovations from the gallery (records show the crowd applauded just once). He repeated each of these errors in subsequent accounts. And while these are minor mistakes that do not refute the overall tone and content of the hearing, they still demonstrate that every telling of Peratrovich's story manifests the personal memory, fallible recall, and literary prerogatives of Ernest Gruening, a memoirist with a notably transparent agenda.[429]

Finally, Gruening was a legendary prevaricator given to exaggerating, embellishing, and outright fabricating stories when doing so served to magnify his influence and reputation.[430] In his later years, as the Anti-Discrimination Act was beginning to re-enter public discourse, he claimed to have personally drafted the first equal rights bill that was introduced in the legislature in 1943, a demonstrably false claim.[431] That the egomaniacal politician might have further

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[429] Don E. Fehrenbacher and Virginia Fehrenbacher, eds., *Recollected Words of Abraham Lincoln* (Palo Alto: Stanford University Press, 1996), xlviii; Super Race Theory Hit in Hearing," *Daily Alaska (Juneau) Empire*, February 6, 1945, 8; Richard L. Neuberger, "Fight for Freedom in the Arctic," *The Nation*, September 13, 1947, 255; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 329; Ernest Gruening to Elizabeth Peratrovich, June 18, 1956, copy in author's possession. The letter from Gruening to Peratrovich was provided to the author by a colleague who does not know the citation or location of the original.
[430] Robert David Johnson, *Ernest Gruening and the American Dissenting Tradition* (Cambridge: Harvard University Press, 1998), 43, 245, 249; Ross Coen, "Edna Ferber's *Ice Palace*: Gender, Race, Statehood, and the Novel as History," *Alaska History* 27, nos. 1-2 (Spring/Fall 2012), 12-13.
[431] Ernest Gruening, "Ernest Gruening and the Native People of Alaska: A Personal Account of the Record," unpublished memo, circa 1968, Series 5-A, Box 100, Folder 295, Ernest Gruening Papers, Alaska and Polar Regions, University of Alaska Fairbanks. The 10-page memo has no date, but based on its contents it appears to have been written in early 1968.

deigned to enhance Peratrovich's testimony with choice bon mots is not difficult to believe. Whatever laurels he could heap on the ANS president would accrue to himself as well, as he viewed the equal rights law as one of the signature legislative achievements of his governorship. He also attributed much of the increased political standing of Alaska Natives in that era to his own initiative, thus his praise of Peratrovich represented a form of self-praise as well.

In the end, with such paltry contemporaneous evidence of what Peratrovich actually said, we are left to conclude that Gruening's version is partially, but probably not entirely, accurate.

The same cannot be said of the renderings of the speech that followed. In 1994 Father Michael Oleksa published his own account of the Senate hearing in which he added a whole new paragraph to the speech, nearly doubling its length. His version included the monologue on the "three kinds of persons who practice discrimination"—the politician, Mr. and Mrs. Jones, and the great superman.[432] Simply put, there is no contemporaneous evidence Peratrovich said those words. The account provided by Oleksa drew from what he termed "the official Senate Record"—but no such record exists. While the territorial legislature in those years kept and published a journal of its bill referrals, committee schedules, and floor votes, it made no transcripts of testimony given by legislators or the general public. In an interview for this dissertation, Father Oleksa confirmed that his reference to an official record was a simple mistake.[433] Furthermore, in an earlier version of his article, one published in a handbook for

[432] Fr. Michael Oleksa, "Elizabeth Wanamaker Peratrovich and Roy Peratrovich, Sr.," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 525-544. The Mr. and Mrs. Jones speech first appeared in a 1988 newspaper article, but it reached its widest audience with the Dauenhauers' book, and later writers drew more on Oleksa's account than on the ephemeral newspaper article. For these reasons, this author has elected to focus on Oleksa's writings as the primary contributor to the myth. See John Tetpon, "In memory of a rights advocate," *Anchorage Daily News*, June 6, 1988.
[433] Personal communication with author, December 14, 2017. When asked about the Mr. and Mrs. Jones quote, Oleksa remembered reading it in a letter to the editor by Roy Peratrovich. Such a letter was not found in the research for this book—but even if one surfaces, the historical record indicates Roy did not begin writing about the Anti-Discrimination Act until the 1970s, which would place the quote in the realm of constructed memory, not

teachers in 1991, Oleksa intimated that the Mr. and Mrs. Jones passage was not part of the Senate hearing at all but rather something Peratrovich "once said."[434] The matter of the testimony has become such a tangle that no one will ever be able to unravel the embellishments, never mind identify the words Peratrovich actually spoke in the hearing. What is clear, however, is that the testimony as it is known today was constructed over many years from disparate parts.

The Mr. and Mrs. Jones passage appears in one other source, but its authenticity as a contemporaneous record is highly doubtful. The Peratrovich family papers that today are archived at the Alaska State Library in Juneau contain a typewritten document entitled "Juneau Empire 1945" that features the quote. The text was never published in the newspaper, its title notwithstanding. Indeed, the title itself is a red flag given that the name of the newspaper in 1945 was *Daily Alaska Empire*. The paper did not change its name to *Juneau Empire* until 1980. There would have been no reason for a reporter in 1945 to give the document that title, which suggests it was not written at that time but was almost certainly penned in the 1980s. Additionally, the unsigned document is different in both format and typography from every other 1940s-era record in the file, and, like many other documents in the family album, it features curlicue-type flourishes in the header and footer, decorative ornaments of the type commonly added to scrapbook keepsakes. The best explanation for its existence is that it was produced in the 1980s for the purpose of burnishing the myth then under construction. The writer or writers of this document may have been inspired by Peratrovich's reference to the "super race" attitude, as

contemporaneous evidence. Oleksa's source for the Mr. and Mrs. Jones quote was almost certainly the "Juneau Empire 1945" document discussed in the text.

[434] Rev. Michael J. Oleksa, *Six Alaskan Native Women Leaders: Pre-Statehood*, report of the Alaska Department of Education, January 1991, 32.

reported in the actual *Daily Alaska Empire* article, and transformed that quote into an imagined monologue about the "great superman" and others who discriminate.[435]

A close read of the family album document reveals other aspects that indicate it was not produced by a reporter in 1945. The document quotes Peratrovich saying, "Have you eliminated larceny or murder by passing a law against it?"[436] But the published *Daily Alaska Empire* article, which is known to be a more reliable record of her words, puts the line this way: "[D]o your laws against larceny and even murder prevent those crimes?" If the family album document was genuine—an "unpublished draft" by the reporter, as one archivist has theorized—why would the journalist have transcribed the same quote differently in two places? And since the document exists only in the family album with no copies in any other archive, how did the Peratrovich family obtain the reporter's notes?[437] Furthermore, the document states that Peratrovich was testifying "in behalf of the Cochran anti-discrimination bill, identical bill to that introduced by Representative Anderson from Nome." But the bill before the Senate that day *was* Anderson's House Bill 14, not Cochran's Senate version. The *Daily Alaska Empire* reported that Cochran had withdrawn his bill to put Anderson's on the calendar, making it unlikely that a reporter in 1945 would have misidentified the bill. What seems likely is that whoever wrote the family album document mistakenly assumed that since Peratrovich was testifying in the Senate, it must have been Cochran's Senate bill on the table. These discrepancies call the credibility of the document into question.

[435] In a 1988 interview, Roy Peratrovich stated that the family album was created by his son, Roy Peratrovich Jr., and his granddaughter, Betsy. See Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, Archives and Special Collections, Consortium Library, University of Alaska Anchorage.
[436] "Juneau Empire 1945," Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[437] James M. Simard to author, e-mail communication, September 3, 2015.

In both content and tone, the family album document reads not as a news article but a paean to Peratrovich of the very type being written in the 1980s. It states that she was "the first to steal the show…and set the venerable territorial senate back on its heels." Also that her testimony was "potent, neatly worded." The last sentence reads, "It was the neatest performance of any witness yet to appear before this session, and there were a few red senatorial ears as she regally left the chamber."[438] Setting aside the accuracy of the statements, there would have been no particular reason for a reporter in 1945 to frame the entire story around Peratrovich's heroism. The family album document says nothing about the hearing's other participants, arguments for and against the bill, amendments to the bill, the governor's position, and other routine facts one would expect to find in a newspaper account. The article that actually did appear in the *Daily Alaska Empire* on February 6, 1945, covers all of these issues in a straightforward, journalistic style—but the family album document is only about Peratrovich from start to finish and features the same triumphalist tone common to the myth. Its closing image, that of the regal Elizabeth leaving the chamber with humiliated senators in her wake and the echo of applause still sounding in the hallways, is a scripted scene that makes sense only in the context of the hero worship that began in the 1980s. No article from 1945 would have focused so exclusively on Peratrovich because at that time she was not the focus.

Coverage of the hearing in other newspapers underscores the point. In late January and early February 1945, the *Alaska Fishing News* in Ketchikan reported on the equal rights bill in a series of articles that were informative but dry, featuring none of the theatrics of the family album document. The paper's account of the Senate hearing appeared under the nondescript headline "Legislative Highlights." As noted above, the article records that both Roy and

[438] "Juneau Empire 1945," Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.

Elizabeth testified, but only Roy is quoted. About Elizabeth's speech the article says nothing at all, never mind portraying her as a stately heroine whose performance stole the show. Here is the full paragraph from the article:

> Roy Peratrovich, Grand President of the Alaska Native Brotherhood, and Mrs. Peratrovich, Grand President of the Alaska Native Sisterhood, appeared as witnesses and answered questions regarding the bill. Mr. Peratrovich spoke of the refusal of a property owner to rent him a house in Juneau four years ago and stated that 28 states have anti-discrimination laws.[439]

Two additional articles, one in the *Washington Post* on March 26, the other in *The Progressive* on April 30, both written by Richard Neuberger, describe the hearing without mentioning Peratrovich or her speech. In the former, Neuberger explains the equal rights law in some detail and quotes both Gruening and congressional delegate Bob Bartlett. In the latter, the writer erroneously credits the law to Gruening alone, saying nothing about the Peratroviches or the Alaska Native Brotherhood: "One man, Gov. Ernest Gruening, advocated it without cease."[440] That the articles say nothing about Peratrovich's speech further indicates that her role in the bill's passage was not recognized to the exaggerated degree found in the family album document.

[439] "Legislative Highlights," *Alaska Fishing News* (Ketchikan), February 9, 1945, 4.
[440] Richard L. Neuberger, "Alaskan Statute, Equal Rights for Natives," *Washington Post*, March 26, 1945, 6; Capt. Richard L. Neuberger, "A Shameful Chapter in American History," *The Progressive*, April 30, 1945, clipping in Box 45, Richard Neuberger Papers, Ax 078, Special Collections & University Archives, University of Oregon Libraries, Eugene, Oregon.

The hyperbolic nature of the family album document is so at odds with the dispassionate tone and forthright content of the articles published in the *Daily Alaska Empire* and the other newspapers that one is left with a single conclusion: it was produced decades later, most likely in the 1980s, when attention to Peratrovich's story was at its peak. Father Oleksa, in writing his 1994 article, quoted the document's Mr. and Mrs. Jones passage without realizing it was not genuine.[441]

The family album's embellishments proved so captivating, however, that they have been quoted in nearly every book, article, and documentary film about the hearing. The first major newspaper article about Peratrovich, "In memory of a rights advocate," by John Tetpon, printed in the *Anchorage Daily News* in June 1988, two weeks after the establishment of the state holiday, took the embroidered quotes from the family album and interwove them with those from the genuine *Daily Alaska Empire* article, as well as Gruening's memoir, to create a dramatic but stylized narrative. Three years later, the authors of "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," the booklet published by the Central Council of Tlingit and Haida Indian Tribes of Alaska, did the same, borrowing from every available source and splicing together quotes, details, and personal memories such that discerning the historical credibility of the whole was beyond the capacity of the average reader. As time went on, other writers embellished even the already embellished version of the story. Where the family album

[441] Fr. Oleksa provided no citations in either his 1991 teachers' handbook or 1994 chapter in the Dauenhauer book, so identifying his sources is an exercise in inference and intuition. The notion that he viewed the Peratrovich family album and used the "Juneau Empire 1945" document as his source for the Mr. and Mrs. Jones speech is supported by the fact that facsimile reproductions of other family album documents appear in his 1991 publication, several with the curlicue flourishes noted in the text. Two records in particular, a 1943 newspaper clipping and a 1949 legislative journal record contain these ornaments. Both records were reproduced, slightly blurry but with curlicues intact, in Oleksa's 1991 publication. The curlicue-festooned documents prove that Oleksa consulted the family album, and it is reasonable to conclude that it functioned as his source for the embellished testimony. See "The Letter Box," newspaper clipping, December 31, 1941; "Territory of Alaska, Chapter 21," Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.

document asserts that Peratrovich was "the first to steal the show," for instance, a writer in 2011 revised the line to read, "The 5'5" Indian woman stole the show." Needless to say, no contemporaneous source gives Elizabeth Peratrovich's height.[442]

Oleksa's 1994 account also features the testimonies of Roy Peratrovich and six senators—two for the bill, four against—constructed from their own piecemeal statements in the *Daily Alaska Empire*. The author drew from the article to the extent that his version accurately reflects the attitudes, if not quite the exact language, of the senators who opposed the bill. To wit: Tolbert Scott speaks of "mixed breeds" and how the races should be kept apart, Grenold Collins complains the "sale of liquor" to Natives was the source of all the trouble, Frank Whaley calls the bill a "lawyer's dream," and Allen Shattuck, in many ways the ringleader of the bill's opponents, opines that Natives have "ten centuries of white civilization" to catch up to. The statements all appear in the *Daily Alaska Empire* and are likely accurate.

Oleksa included one other bit of embellished dialogue notable for the fact that it was dropped from all subsequent versions of the story. In his account, Peratrovich responds to the claim that the equal rights bill would not eliminate discrimination by stating, "Do your laws against larceny, rape, and murder prevent those crimes?" The inclusion of the word *rape* can be traced back to a 1979 interview with Roy Peratrovich in which he listed the crimes as "murder, rape, burglary, whatever you have."[443] The word turns up again in a 1988 newspaper article.[444] Oleksa's 1994 account was the last time it appeared in print. Its usage in any of these formats is puzzling. Although rape has occurred throughout all of human history and has long been criminalized in the United States, attitudes in the early and mid-20th century ranged from

[442] Betsy Peratrovich, "Why my grandmother was so loved," *Alaska Newspapers*, July 4, 2011, 3.
[443] Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.03, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau.
[444] John Tetpon, "In memory of a rights advocate," *Anchorage Daily News*, June 6, 1988.

patronizing to paternalistic, with both law enforcement and the general public tending to focus on the blame and culpability of the victim. Only with the women's movement of the 1960s and the founding of the first rape crisis centers in the 1970s did social awareness begin to change.[445] These facts suggest it would have been jarring and highly unusual for Elizabeth Peratrovich, or anyone else in 1945, for that matter, to use the example of rape in order to contextualize the enforceability of criminal law. The insertion of the word points to societal concern that existed not in 1945, but in the 1980s when the embellishment was made, and its deletion from later accounts suggests an awareness that placing such a loaded word in Peratrovich's voice served only to distract from the main issue.

The third major revision to the testimony was made by Diane Benson, who was a researcher, writer, and actor on the 2009 documentary film, *For the Rights of All*. She portrayed Peratrovich in the Senate scene that was itself based on her play, *When My Spirit Raised Its Hands*. In that scene, immediately after Diane-as-Elizabeth asks whether her family would be compelled to live in the slums, she states, "Even now there are doors to schools closed to our children, and signs make it quite clear that I, as well as dogs, are not allowed in certain establishments. And many of the hotels and restaurants turn us away." The lines appear in no previous version of the speech, and they are an obvious reference to the "No Dogs or Natives Allowed" signs that were supposedly displayed in public places in that era. (Such signs did not exist in Alaska and, like much of Peratrovich's testimony, have been embellished for heightened effect. The subject of the signs will be taken up in the next chapter.)

According to the *Daily Alaska Empire,* Peratrovich closed her testimony with a plea to legislators to "help us overcome discrimination." In the 2009 version, however, the plea spoken

[445] Julie Bindel, "Rape: A Burning Injustice," *The Guardian*, August 13, 2013; Dean G. Kilpatrick, "Rape and Sexual Assault," report of the National Violence Against Women Prevention Research Center, 2000.

by Benson was to "help us overcome discrimination *for all Alaskans*." The revision is minor but telling nonetheless. The three major alterations—Gruening in 1973, Oleksa in 1994, and Benson in 2009—were all made at times when the social and political worlds became reoriented in ways that not only enabled Peratrovich to be rediscovered but facilitated the telling of her story once again so as to validate some present mandate. Each generation assigned new meanings to the heroine so as to accommodate changing attitudes and reflect more accurately the shifting mores of the time. For Gruening, the entry of Alaska into the union and the burgeoning political power of Natives, which culminated in the land claims agreement with the federal government in 1971, created space for him to honor Peratrovich as a foundational hero. For Oleksa, the national holiday established for Martin Luther King, Jr., in 1986, and the state holiday enacted for Peratrovich in 1988, left Alaskans clamoring for civil rights histories that validated the color-blind ethos of the era. And for Benson, the Alaska of 2009 was a far more racially and ethnically diverse place than what Peratrovich had inhabited in 1945, thus the plea for equality for Natives was enlarged to make room "for all Alaskans." As with Chief Seattle's enduring prophecies, every retelling of Peratrovich's speech has reflected the goals and aspirations of those who do the telling.

Manichaean Narratives

The cinematic portrayal of the Senate hearing, as rendered by Gruening, Oleksa, and Benson in their respective versions of the story, proved to be the myth's strongest and most enthralling element. In framing the event both literally and metaphorically as a confrontation where smallminded White men scowl on one side of the table while a lone, velvet-gloved Native woman stares back from the other, the mythmakers imbued the scene with drama and tension in

ways that made an already interesting story downright captivating. Peratrovich's victory, the passage of the bill, neatly refutes the centuries of discrimination faced by Natives and foretells their full integration into the territory's institutions. The denouement, which features a stately heroine, humiliated senators, and the sounds of applause ringing throughout the chamber, proves profoundly satisfying to all who encounter the story. Her triumph stands as a proxy for the defeat of racism it is believed the act achieved.

For those very reasons, however, the depiction also stands as the myth's most glaring historical weakness. It undermines the history of civil rights in Alaska by flattening the story into a sort of simplified morality play. In lieu of a forthright discussion of the complicated nature of racial exclusion as it had played out over centuries in Alaska, the myth substitutes a movie-of-the-week triumphalism. It reduces two hundred years of oppression, violence, and even enslavement to the anodyne symbolism of a movie theatre balcony and a beauty parlor that won't style Native women's hair. It depicts the struggle for equality as little more than a soap opera complete with cartoonish villains whose personal bigotry masks the underlying systemic inequalities that the equal rights bill, however important on its own, could not begin to address.

How might the story have been constructed differently? How might the mythmakers have avoided a Manichaean narrative in favor of a version that more accurately reflected the complicated history of both this particular debate and the matter of racial inequality in the territory more broadly?

The myth errs in advancing the idea that Peratrovich stood alone, and Gruening might have chosen to emphasize the support for racial equality that was evident in the territorial legislature. As the anti-discrimination bill moved through both chambers, no fewer than ten lawmakers—a full quarter of the entire body—spoke in support, most with similarly fervent

testimony newspapers described as "vigorous" and "spirited" and "eloquent." One House member, Chris Hennings of Juneau, felt so strongly about the bill that he summoned the sweep of American history, "pointing to 1776 and the Declaration of Independence, the Civil War and Abraham Lincoln's freeing of the slaves, the war of 1918 against a master race and the current conflict [World War II] against similar forces." The vocal participation of these ardent supporters demonstrates that Peratrovich's speech, though certainly a masterful and inspiring piece of oratory on its own, was hardly unique in the context of the overall discourse. Peratrovich was not even the only woman to receive an ovation; Kotzebue representative Bess Cross "drew the first round of applause" during floor debate "with a moving plea for equality of rights," according to the *Daily Alaska Empire*.[446] That Gruening included in his narrative each and every slander thrown at Natives by the bill's opponents—while altogether neglecting to mention the many statements of support by pro-equal rights legislators—illustrates again that his account, irrespective of historical accuracy, was designed to emphasize the hostility Peratrovich faced, not the aid.

As the mythmakers scrubbed these speakers from the story so as to enhance Peratrovich's standing, a particularly telling omission was that of O. D. Cochran. Insofar as the senator from Nome introduced the equal rights bill and was one of the driving forces behind its passage, one might expect him to feature prominently in the history books. Yet his name remains almost entirely unknown to Alaskans. One week before Peratrovich's speech, while the bill was up for a vote in the House, Ernest Gruening wrote a short note to "Bob" (presumably Bartlett, Alaska's congressional delegate) in which he approvingly reported the debate was "on a high plane and fairly moving" and the "highest spot" was Cochran speaking passionately in support of the

[446] "Packed House Hears Debate Equal Rights," *Daily Alaska Empire (Juneau)*, January 31, 1945, 8; "'Rights' Bill Tops Hurdle, Upper House," *Daily Alaska Empire (Juneau)*, February 8, 1945, 8.

bill.[447] A newspaper report on still another floor debate noted Cochran "was well launched on a spirited oration" on equal rights, so much so that one of the bill's opponents, sensing defeat, attempted to halt him with a (not sustained) point of order.[448] In fact, newspaper coverage of the equal rights bill gave many more column inches to Cochran than it did to Elizabeth Peratrovich. Roy Peratrovich himself called Cochran "the Clarence Darrow of Alaska" and later noted that his soaring oratory was key to passage of the bill.[449] Ernest Gruening was aware of all these developments, so he very easily could have decided to write in *Many Battles* that Elizabeth Peratrovich was not alone but that she enjoyed the aid of equally vociferous supporters. The former governor might have gone so far as to quote from memory Cochran's "fairly moving" House testimony and place it alongside Peratrovich's. Had he done so, the many writers who came later, foremost among them Oleksa and Benson, might have featured Cochran as a secondary hero. At the very least they would have been compelled to make editorial decisions about the role they wanted the outspoken senator from Nome to play in their respective reenactments—particularly if featuring him too prominently might have borrowed too much of Peratrovich's spotlight or perhaps undercut the narrative of Native heroism they craved. The point of this discussion is not to judge the mythmakers for their compositional choices but simply to illustrate they had many options for how to tell the story. An acknowledgement of the widespread support for the equal rights bill would have more fully contextualized Peratrovich's achievement, indicating how Alaskans' views of racial difference and the language they used to

[447] Ernest Gruening to Bob [presumably Bartlett], January 30, 1945, Series 3, Box 22, Folder 76, Ernest Gruening Papers, Alaska and Polar Regions Collections, University of Alaska Fairbanks.
[448] "'Rights' Bill Tops Hurdle, Upper House," *Daily Alaska Empire* (Juneau), February 8, 1945, 8.
[449] Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.03, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau.

describe it were undergoing significant transformations at the time and were also more sophisticated than the myth suggests.

The triumphalist version of the story stumbles again when it asserts that opposition to the equal rights bill was so strong it was headed for defeat until Peratrovich's testimony warmed the hearts of all and carried the bill to victory. In 2015 Alaska Governor Bill Walker wrote that Peratrovich faced "absolute opposition" in the Senate and that her testimony was "the deciding factor that gained passage of [the bill]."[450] The president of the Alaska Federation of Natives, also in 2015, told a version of the story in which the odds were stacked against the Tlingit woman: "Many senators spoke against equal rights [and they] refused to recognize that there was a problem[.] The tide was going against the legislation until Elizabeth Peratrovich took the floor."[451] A Sitka resident reiterated the theme while celebrating Elizabeth Peratrovich Day in 2016, claiming her testimony "inspired lawmakers who otherwise were opposed…to change their mind and vote in favor of [the bill]."[452] Other commenters have written about the "volatile atmosphere" in the chambers that day, the "intense controversy" stirred up by the bill, and that it was "violently" and "vehemently" opposed.[453] One writer in 2004 claimed the mood in the capitol was so ugly that "tears fell and sobs could be heard" as the senators' vitriol spewed forth.[454]

These latter-day assertions make for a dramatic, tension-filled scene in which Peratrovich faced a truly daunting task—but one need only count the votes to see that she had a majority of

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[450] Bill Walker to Jacob J. Lew, August 13, 2015, personal collection of author.
[451] Julie Kitka to Jacob J. Lew, August 10, 2015, personal collection of author.
[452] Brielle Schaeffer, "Sitka celebrates Elizabeth Peratrovich Day," February 17, 2016, www.kcaw.org/2016/02/17/sitka-celebrates-elizabeth-peratrovich-day/ [accessed August 23, 2018].
[453] Betsy Peratrovich, "Why my grandmother was so loved," *Alaska Newspapers, Inc.*, July 4, 2011; Gruening, *Many Battles*, 329; Rev. Michael J. Oleksa, *Six Alaskan Native Women Leaders: Pre-Statehood*, report of the Alaska Department of Education, January 1991, 32.
[454] Wanda Culp, "Peratrovich demonstrated moral courage by her actions," *Juneau Empire*, February 23, 2004, A-4. The author has located no other source that claims people in the gallery wept during the hearing.

senators behind her before the hearing even began. The Senate bill was introduced by Cochran, and five senators who had voted for an identical bill in 1943 were still in office two years later: Frank S. Gordon of Fairbanks, Edward D. Coffey and Herbert H. McCutcheon of Anchorage, and Norman R. Walker and Andrew Gunderson of Ketchikan. So there were six solid yea votes right off the bat. As the bill moved through committee, two more senators—Don Carlos Brownell of Seward and Andrew Nerland of Fairbanks—reported the bill to the full Senate with a "do pass" recommendation. Eight of the body's sixteen members were now on record supporting the bill. One more yea vote and the bill would pass. One of the remaining senators, Howard Lyng of Nome, was a pro-statehood Democrat and Alaska-born son of immigrant parents who valued his own American citizenship and spoke approvingly of Natives securing the rights of theirs. Lyng was clearly a yes vote.[455] Another senator certain to vote for the measure was John Butrovich of Fairbanks, a liberal Republican who got along well with Gruening and supported much of his agenda despite the men belonging to different parties. Butrovich had grown up, attended school, and worked alongside Natives his whole life, and he made clear his support for the bill.

What this meant was that when the penultimate Senate hearing began, anyone who'd been counting the votes, as Gruening and the Peratroviches did, knew the bill was going to pass with at least ten yea votes. When Joe Green of Hyder also voted in the affirmative, the bill passed the Senate by a vote of eleven to five. The result was not a surprise and was never in doubt. Elizabeth Peratrovich had walked the halls of the Capitol for years, button-holing legislators and pressing them on this and other issues. She was a regular presence in committee

[455] Although a Democrat, Howard Lyng was as conservative as Gruening was liberal, and the two men did not get along. Lyng nevertheless supported much of Gruening's legislative agenda. See Vern Metcalfe, "Senator Lyng," *Southeast Alaska Empire*, July 24, 1975, 2.

hearings, her knitting needles in constant motion as she tracked every bill referral, amendment, and vote. Her tireless advocacy had lined up the votes for the equal rights bill before the 1945 legislature had even convened. These facts have been omitted from the myth, however, because it made for a more dramatic telling to say Peratrovich faced insurmountable odds but still won the day with her grace and eloquence.

The notion is further contradicted by Ernest Gruening himself, who, in an interview conducted a few weeks after the close of the 1945 legislative session, stated there was "relatively little opposition" to the equal rights bill and that "the vote of 19 to 5 in the House and 11 to 5 in the Senate…indicates pretty clearly what the public sentiment was on that subject."[456] Gruening's aforementioned mendacity notwithstanding, his statement was likely the truest thing he ever said about the Anti-Discrimination Act—first, because it was made in the moment when there was not yet a legacy for him to burnish with revisionist histories, and second, because it accords with the historical record on how the votes lined up in the Territorial Senate. There is no doubt that many hateful things were said in the chamber that day; the notion Peratrovich faced "absolute opposition" and that the "tide was going against the legislation until [she] took the floor," however, is demonstrably false.

The Rosa Parks of Alaska

In 1969, four years before Ernest Gruening's memoir cast the mold for all Elizabeth Peratrovich stories that followed, another longtime Alaskan penned an autobiography that relied

[456] "Discussion following Governor Gruening's Speech," undated interview transcript, vilda.alaska.edu/cdm/ref/collection/cdmg41/id/730 [accessed July 31, 2018]. Despite the transcript being undated and having almost no identifying information, the content and context of the remarks indicate it originated at a conference of western governors that took place in Reno, Nevada, in April 1945. The other speakers identified in the transcript are Governors Herbert Maw of Utah, Edward Carville of Nevada, and Earl Warren of California. See "11 Western Governors Being Welcomed by Reno Today," *Nevada State Journal* (Reno), April 20, 1945.

upon narratives of Indian subjugation. An examination of that memoir and the story of equal rights it told is instructive to the ways Peratrovich's story was later constructed. *Men of the Tundra* by Marvin "Muktuk" Marston is an account of his years commanding the Alaska Territorial Guard during World War II. As described in a previous chapter, the ATG, or Tundra Army, as Marston liked to call it, was a reconnaissance force comprised mostly of Alaska Natives in rural western villages. In his memoir, Marston tells the story of Alberta Schenck, an Eskimo-Irish teenager who, in 1944, was fired from her usher job at the Dreamland movie theater in Nome for complaining about its segregated seating policy that forced Natives into a separate section apart from Whites. "I only truthfully know that I am one of God's children regardless of race, color, or creed," she wrote in a letter of protest published in the local newspaper.[457] A few nights later, Schenck sat in the White section while on a date with an army sergeant and was forcibly ejected when she refused to move, an act of protest that years later would cause her to be called the Rosa Parks of Alaska. The incident brought racial tensions in the community to a boiling point. Marston, Gruening, and Edward Anderson, the mayor of Nome and soon-to-be legislator who the following year would introduce the equal rights bill in the House, worked to calm everyone down while they assembled a legislative solution. Schenck's quiet acts of heroism were regularly cited the following year in debates over the bill that became the Anti-Discrimination Act, and today she is honored as something of a secondary hero to Elizabeth Peratrovich.

Schenck's story appeared for the first time in Marston's book. Although the major was a staunch supporter of Alaska Natives and a champion for equal rights, he was also a man of his time, given to base paternalism in both word and deed. Marston regularly referred to Natives as

[457] *Nome Nugget*, March 3, 1944.

"simple," "primitive," "happy," and "carefree," believing them to be masters of the tundra and forest that was their home but essentially incapable of surviving in the modern world without the guiding hand of enlightened Whites. As Marston signed up recruits for the ATG, for instance, he admired that there was "nothing subtle, scheming, selfish or treacherous about them. Here was a people strangely devoid of all the masks and complexities of our metropolitan civilization." In describing the racial climate of wartime Nome, Marston wrote the Eskimo was "a pawn to the white man's greed, lust, and prejudice," continuing, "Many an Eskimo came to Nome, clothed in beautiful warm protective fur garments and would crawl back to his igloo a drunken debauched wreck, fleeced of all his worldly goods and clothed in ragged and tattered cotton jeans, sold to him by a trader."[458] Not surprisingly, Marston's telling of the Alberta Schenck story displays this same tone, depicting Natives as easily duped victims with little agency over their own lives. As with the Peratrovich story, *Men of the Tundra* is a powerful statement for Native equality and at the same time patronizing and limiting in its discussion of Native autonomy.

A close read of Marston's book reveals that in a story ostensibly about Alberta Schenck, the real agents of change in Nome were actually himself, Gruening, Anderson, and the unnamed sergeant who took the "half-breed" girl to the movies that night. The story begins with Schenck coming to him for advice, a shy, embarrassed teenager with downcast eyes. After she hesitantly hands him an essay about equality she wrote in school, Marston recommends she submit it for publication to the local newspaper. "Oh, I wouldn't dare," he quotes the timid Schenck as responding. "They wouldn't ever print my theme."[459] Schenck's powerful letter, which was indeed published in the *Nome Nugget* on March 3, 1944, would decades later be cited as a

[458] Muktuk Marston, *Men of the Tundra: Eskimos at War* (New York: October House, 1969), 34, 48, 50, 131, 141. Marston spells Alberta's last name Skenk.
[459] Marston, *Men of the Tundra*, 134.

founding document of the equal rights movement and evidence of her courage. That Marston claims she submitted the letter not of her own accord but only because he encouraged her to do so may or may not be true, but it matters that the major chose to frame the story in a way that simultaneously celebrated and downgraded her achievement.

The practice continues. In Marston's telling of the Dreamland date, Schenck does quite literally nothing while all action is attributed to those around her. The passage is worth quoting in full:

> The moment they [Schenck and her date] were seated the manager himself strode down the aisle to their seats and in a belligerent tone said to Alberta, 'Get over there where you belong, Alberta! You can't sit here and you know it—get over there with the 'skimos.'
>
> 'Don't move, Alberta,' said the sergeant. 'Sit right where you are.'
>
> For one moment the manager stared in angry amazement. He turned and strode out of the theater. In a few minutes he returned with the chief of police in tow. Together they marched down the aisle to where Alberta sat.
>
> 'Young lady, you belong on that side of the theater. You'll have to get over there,' said the chief of police.
>
> The sergeant showed real courage when he quietly looked at the Chief and said to Alberta, 'Don't be afraid. You are my guest. Sit right where you are.' At that the police

> seized Alberta by the shoulders and literally pulled her into the aisle, pushed her down to the door, and out onto the street into the bitter cold night of the Arctic alone.[460]

Later, when Marston was summoned to the Schenck home, the scene essentially repeats itself. Where only the sergeant spoke in the Dreamland, an act the major believed showed "real courage," this time only Alberta's father, two male Eskimo friends, and Marston himself are quoted in conversation. Alberta remains mute once again. When the men agree that a telegram should be sent at once to the governor in Juneau, Marston asks the young girl for a pencil and paper. Although Alberta had proven herself more than capable of writing a moving letter just the week before, Marston himself writes a description of what happened in the theater. He hands the paper back, saying, "'Now Alberta, read this, and if it is a true and exact statement of the facts in the case, you sign it.'"[461]

The habits of assertive, confident men of dominating conversations and taking charge of tasks for which others may be better suited are well established in the present place and time, let alone rural Alaska in 1944. But the paternalistic actions of Marston reveal something deeper: an unexamined worldview in which Natives are barely participants, victims even, in their own histories. Starting in the 1990s, accounts of Schenck's heroism rightfully placed her on center stage, giving her voice and control over her own actions. In fact, she would come to be valorized for her courageous stand against racial discrimination, and in 2010, she was inducted into the Alaska Women's Hall of Fame (not surprisingly, Elizabeth Peratrovich was in the inaugural class the year before). But in Marston's time, the narrative of Indian victimization (*"Many an Eskimo…would crawl back to his igloo a drunken debauched wreck"*) was so well-established it

[460] Marston, *Men of the Tundra*, 135.
[461] Marston, *Men of the Tundra*, 136.

would have been natural for a writer to assume that perspective. Just three pages after telling Schenck's story, Marston went on to discuss the equal rights bill, first calling it sponsored by Gruening and then "passed with the full support of the Governor."[462] Both statements were technically true, but the account lacked any mention of Native leaders who actually wrote the bill and fought for its passage. It congratulated only those assertive, confident White men who, as Marston demonstrated in his handling of the Schenck case, worked obligingly on *behalf* of Natives, but not altogether *with* them.

The name Elizabeth Peratrovich appears nowhere in Marston's book, but his memoir nevertheless informed how her story would later be told. By the time *Men of the Tundra* was published, Gruening had lost his re-election bid for the U.S. Senate and was starting work on his memoir. *Many Battles* was published in 1973, and his telling of the equal rights campaign differed from Marston's in one major respect: Gruening gave full voice to Peratrovich, while Marston left Schenck mostly silent. They were otherwise very much alike. Both authors began by describing how *they* observed the problem of discrimination, not how discrimination itself was experienced by Natives. "I had found that the pure democracy and egalitarianism of Alaskans which had so impressed me was subject to one basic exception," Gruening wrote. "It did not apply to the native people."[463] In a story ostensibly about Native civil rights, the former governor wrote in the first person and gave primacy to his own views. "I put as much feeling as I knew how into an appeal for this legislation [the anti-discrimination bill]," he continued.[464] And like Marston before him, when Gruening arrived at the moment of confrontation, he narrated it as a contest between racist men and a proud Native woman. He wrote nothing about Roy

[462] Marston, *Men of the Tundra*, 139-40.
[463] Gruening, *Many Battles*, 318.
[464] Gruening, *Many Battles*, 329.

Peratrovich, the legislators who also spoke in support of the bill, or the many other Native activists who worked side-by-side with Elizabeth. He wrote nothing about the political acumen of the ANB or the years of patient and determined lobbying that set the groundwork for the passage of the equal rights bill. In Gruening's version, Elizabeth Peratrovich stood alone, bearing with grace the withering verbal vituperation of snarling men. The telling was as dramatic as it was historically limiting.

"…all the words I could get in."

As the narrative of the Alaska equal rights fight began to take shape, Roy Peratrovich exerted the most influence over how the story would be told going forward. From 1971 until his death in 1989, he spoke and wrote often about the Anti-Discrimination Act. The former ANB president borrowed tropes from the African American civil rights movement in the Lower 48, especially the convention of using attention-grabbing, strife-laden parables of personal struggle to make a complicated history more accessible. No one had a stronger claim to the history than Peratrovich, and his many letters, newspaper columns, interviews, and speeches were themselves evidence of Native agency and bespoke the importance of Native stories being told in Native voices. As with the versions offered by Gruening, Marston, and others, appraising Peratrovich's remembrances against the historical record provides insight into the process by which the past became narrativized. As the story of the Anti-Discrimination Act attained widespread attention in the 1980s, any writer wishing to craft his or her own account would have been obliged to draw upon the perspectives of Roy Peratrovich, and the Manichaean narrative he offered came to dominate how the story was told.

Peratrovich spoke about the Anti-Discrimination Act at the ANB Grand Conventions in Hydaburg in 1977, Juneau in 1983, and Sitka in 1987. In those speeches, as in the multiple letters he wrote and the interviews he gave in those years, Peratrovich told the story the same way each time, even down to the repetition of several key phrases. "To say that we had strong opposition, and animosities, would be an understatement of the year" was a fatalistic idiom he habitually used in setting the scene. His accounts consistently gave precedence to the bill's opponents. He rarely, if ever, mentioned O. D. Cochran, Edward Anderson, Norman Walker, or any other supportive legislators, choosing instead to fixate on the "heavy weight" opposition, "double-cross politics," and "cut-throat" politicians who sought to negate the ANB's efforts.

One particular anecdote he repeated nearly verbatim in several speeches and interviews concerned the deception of Harvey Smith, an Anchorage Democrat, who caused the bill's defeat in the 1943 legislature. After assuring the ANB president he would support the measure, Smith voted no and defeated the bill on a tie vote. Peratrovich also regularly repeated the story of the "church pillar," whom he identified in a 1979 interview as Juneau attorney Herbert Faulkner, who testified, "It's going to take 30 to 100 years before an Indian can associate with a white man." These stories were picked up by reporters and used in the very first articles written about the Peratrovich holiday in 1988, thereby advancing the dualistic narrative that was coming to frame how the history would be told.[465]

The theme comes across even more strongly in a speech given by Peratrovich at the ANB convention in Sitka in 1987, in which he offered a version of the story at odds with the historical

[465] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention*, Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau; Roy Peratrovich, "History article clarified," *Juneau Empire*, February 16, 1984; Donn Liston, "Gruening rights fight recalled," *Anchorage Daily News*, June 28, 1974; Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau; Roy Peratrovich, untitled recording, November 1983, History of the Alaska Native Brotherhood and Sisterhood Recording (MC 028), Sealaska Heritage Institute, Juneau.

record in a number of respects. Of the senators in the hearing room that day, Peratrovich stated, "They figured they could pick Elizabeth apart, so they put me on the stand first." He continued,

> All they asked me was, "Where was I born?" [and] "where did I go to school?" and so forth, and then I was excused; therefore, I didn't get in enough words—only one or two. I reminded them that some of the senators questioning us were members of the Democratic Convention, held shortly before in Fairbanks, where they endorsed the passage of the Anti-Discrimination Bill. I reminded them, but that's all the words I could get in.[466]

The telling conjures a hostile atmosphere in the hearing room that day, one in which the senators had little interest in anything the ANB president had to say. The account differs markedly from the description of the same event found in the lodestone of the equal rights history, the *Daily Alaska Empire* article of February 6, 1945:

> [Roy] Peratrovich was then asked to the stand by Senator N. R. Walker and, following questions that established his education, background and right to speak for the Indians, Peratrovich was invited to express his views on the question before the Senate.

[466] Roy Peratrovich, "6th Historical Segment," Minutes of the Alaska Native Brotherhood 75th Annual Convention, November 1987, Series 1, Box 2, Folder 3, Alaska Native Brotherhood Camp 2 Records (MS 29), Sealaska Heritage Institute, Juneau. Peratrovich's speech occurred at the same time the debates were happening over how to honor Dr. Martin Luther King Jr. in Alaska, and the former Grand President was adamant about the ANB's role in the civil rights movement. About the Anti-Discrimination Act, he chastised the convention attendees, "You folks have paid little attention to it; you folks don't seem to realize the importance of it." Later, he added, "I want you folks to realize you're not <u>enjoying</u> this freedom. You're <u>accepting it</u> as though it could come by earthly means, somebody had to fight for you! … And who fought for you folks? The ANB and ANS; just keep remembering that" [emphasis in original].

> He pointed out that Gov. Ernest Gruening, in his report to the Secretary of the Interior, as well as in his message to the Legislature, had recognized the existence of discrimination. He quoted the plank adopted by the Democratic Party at its Fairbanks convention, which favored action on the natives' behalf. Reading the names of the members of the committee that helped to frame that plank, he pointed out that among them were members of the present Senate body.
>
> 'Only an Indian can know how it feels to be discriminated against,' Peratrovich said. 'Either you are for discrimination or you are against it,' accordingly as you vote on this bill, he added.[467]

The newspaper article contradicts many claims later made by Peratrovich. It shows that he was invited to testify, not "put…on the stand" as a mere prequel to interrogating his wife. Peratrovich was asked biographical questions so as to establish his credentials—a common practice in hearings to the present day—not for the purpose of disqualifying him as a witness. He was invited "to express his views," not summarily dismissed after only "one or two" words, and he used the opportunity to discuss a range of issues, including the governor's position on the bill, communications with the Interior Department, and how it felt as an Indian to experience discrimination. In addition, Peratrovich well knew the Democratic senators he identified as signatories to the party's anti-discrimination plank were actually opposed to the bill, and in calling them out by name he demonstrated he would not be intimidated. It should be remembered that, according to coverage in the *Alaska Fishing News*, the ANB president also used his time

[467] "Super Race Theory Hit in Hearing," *Daily Alaska (Juneau) Empire*, February 6, 1945, 8.

before the senators to talk about being denied a house rental in Juneau and the fact that twenty-eight states then had anti-discrimination laws on the books. Furthermore, he testified at length in other hearings, including a memorable appearance in the House where he warned that a failure to pass the equal rights bill would diminish Natives' trust in the territorial government, pushing them even closer to Interior Secretary Harold Ickes, a man loathed by nearly every White Alaskan including Ernest Gruening.[468] These contemporaneous sources reveal that far from being hustled off the stand by impatient and closeminded senators, as Peratrovich implied in the dispiriting narrative he offered in Sitka in 1987, his views were regularly solicited and he participated fully in the political gamesmanship of the time.

Roy Peratrovich was unquestionably his late wife's greatest champion, but, remarkably, in many speeches, letters, and interviews, he neglected to describe or even mention Elizabeth's triumph, ostensibly the very point of telling the story in the first place. In nearly every instance, he gave considerably more words to the tie-vote double-cross, the church pillar's bigotry, exclusionary signs, segregated movie theatres, and other examples of the oppression they faced. His keynote address to the ANB convention in Hydaburg in 1977, for example, featured over two pages of examples of discrimination but just one line about the Senate hearing: "When [the equal rights bill] was brought before the legislature, my wife and I testified on behalf of this bill." In another speech to the ANB convention in Juneau six years later, Peratrovich again went on at length about discriminatory signs and the duplicitous legislators who defeated the bill in 1943, but he said nothing about his wife, her testimony, or even the fact that the 1945 version of the bill passed.[469]

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[468] "Packed House Hears Debate Equal Rights," *Daily Alaska Empire (Juneau)*, January 31, 1945, 8.
[469] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau; Untitled speech, audio recording, History of the Alaska Native Brotherhood and Sisterhood Recording (MC 028), Sealaska Heritage Institute, Juneau.

Only by the Sitka convention in November 1987 did Peratrovich describe his late wife's heroism in some detail. Anchorage voters had rejected the proposal to name the arts center for Martin Luther King Jr. just weeks before, and Dorothy McKinley's campaign for a state holiday in Elizabeth's name was then taking shape. The context for celebrating Elizabeth Peratrovich as a civil rights hero was now fully in place for the first time. Roy Peratrovich accordingly delivered his speech while holding aloft the family album stuffed with letters and newspaper clippings. "[W]hen she got through [testifying], when she stepped down, you folks should have seen that!" he exclaimed. "Soon the whole gathering was on its feet applauding. You should have seen her walk out, her head held up high, proud."[470]

The speech was the last public appearance made by Roy Peratrovich before his death on February 7, 1989, just nine days before the celebration of the first Elizabeth Peratrovich Day.

The Risks of Embellishment

The many embellishments to the history of the Anti-Discrimination Act, although doubtlessly made with the intent of honoring Elizabeth Peratrovich for her remarkable achievement, nevertheless function to limit understanding of how racial exclusion has operated throughout Alaska's history. The multiple versions of her speech, for instance, direct focus only to obtuse senators, nervous landlords, and Mr. and Mrs. Jones, which has the effect of obscuring the systemic inequality of the territory's social, political, and economic institutions of the era.

See also the following letters written by Peratrovich: "A close look at the ANB," *Anchorage Daily News*, December 10, 1971; "Rowan Poll on Natives," *Anchorage Times*, January 27, 1977; "King didn't help Alaska," *Anchorage Daily News*, October 21, 1987.

[470] Roy Peratrovich, "6th Historical Segment," Minutes of the Alaska Native Brotherhood 75th Annual Convention, November 1987, emphasis in original, Series 1, Box 2, Folder 3, Alaska Native Brotherhood Camp 2 Records (MS 29), Sealaska Heritage Institute, Juneau.

As described previously in this dissertation, the ANB prioritized several major issues in the 1945 legislative session, including welfare reform, treatment of juvenile wards, and fishing regulations. The organization's achievements on those matters remain entirely unknown to Alaskans today, however, in part because the history behind them does not lend itself to parables of individual triumph. The unequal distribution of welfare payments to Native widows and orphans, for instance, was precisely the sort of institutional discrimination that might have gone unchecked for years had the ANB not put its weight behind reform and nudged the territory toward equality. The same applied to the juvenile welfare code, primary elections, and fish traps. All were issues rooted not in individual bigotry but in the faceless bureaucracy of a government that did not yet recognize let alone respect the needs of minority constituents. Correcting that condition required inestimable effort by Native activists and resulted in the betterment of Natives' lives. But matters of institutional discrimination are notoriously convoluted, and issues addressed by the ANB in the era were often settled not with soaring oratory in a tension-filled hearing room but instead with statutory amendments, patient negotiation with government regulators, and a stack of dry legal briefs. For latter-day storytellers looking to astound Alaskans with inspirational tales of Native heroism, federal welfare policy simply would not do. No one was going to call for a state holiday to mark the ANB's incremental gains against the pervasive but mostly invisible discrimination articulated in the federal register and effected by a system operated by nameless government bureaucrats. It proved far easier for mythmakers to distill the Native experience down to hateful signs in hotel lobbies, bigoted café owners, and a moving speech by a regal heroine.

Historical commemorations, especially those focused on tales of individual achievement over oppositional forces, are often structured in ways that invite audiences to imagine themselves

as witnesses or even participants in the events being remembered. The National Civil Rights Museum in Memphis, Tennessee, for instance, does not sequester visitors behind velvet ropes but brings them into replicas of a segregated bus and lunch counter where they experience the history of racial exclusion firsthand. In the case of Alaska's Anti-Discrimination Act, the constructed, stylized narrative of the hearing in the Territorial Senate similarly presents the myth's consumers with the opportunity to consider which side they would have been on: *Would you stand with Elizabeth? Would you vote for the bill? Would you call Natives savages the way Allen Shattuck did? Would you complain like Frank Whaley did about the way they smelled? Would you post a "No Natives Allowed" sign in the window of your restaurant?* The socially and morally acceptable answers to these questions are obvious and therefore not particularly insightful. The questions open only the narrowest of dialogues, ones that include no discussion of the territory's social, political, and economic frameworks that dehumanized Native peoples in ways that often went unseen even as they were vastly more consequential than the exclusion effected by individuals.

In this respect, the myth asks Alaskans to remember the past but not to confront it in any meaningful way. A more detailed account of the history of discrimination would compel fair-minded Alaskans, those who would never dream of voicing epithets or ejecting Native patrons from a diner, to nevertheless reckon with their passive acquiescence of established norms that worked to their benefit. Such self-examination would result in an entirely different set of (more difficult) questions. For a White Alaskan in 1945 to truly stand with Peratrovich—by calling for the recognition of aboriginal land title, for example, or by demanding Native children be admitted to the territory's White schools—required an entirely different social and moral calculus, one for which the political structures of the time made no allowance. If questions about

Shattuck's bigotry and "No Natives Allowed" signs lead to earnest but ultimately trite statements of solidarity, a fuller examination of the workings of discriminatory systems reveals the limits the territory's institutions placed on individual prerogative.

Such an examination of the past in all its complexity would also illuminate how the territory's judicial systems of the era functioned to disempower Natives, as well as Blacks and other minorities. As described previously in this study, three of the four prosecutions bought under the Anti-Discrimination Act resulted in acquittals, despite evidence the defendants in each case likely discriminated on the basis of race. An honest reckoning with this fact need not cast doubt on Peratrovich's legacy but rather would oblige Alaskans to confront the troubling history of how relief under the territory's laws—those pertaining not only to public accommodations but also to citizenship, voting rights, and public education—was difficult to access for Native peoples. Such a reckoning remains mostly out of reach, however, when the mythologized history of the equal rights bill is limited to oversimplified tropes and triumphalist hagiography.

The embellished myth has become so embedded in public memory that it overshadows every other historical narrative of Alaska Native activism in the twentieth century. The long and varied history of the ANB itself has been compressed so as to fit inside the frame of Peratrovich's heroics. In a 2012 magazine feature on the one hundredth anniversary of the founding of the ANB, for instance, Peratrovich's name appears in the second paragraph—before the names of any of the group's founders and before any discussion of the many other equal rights successes the group achieved.[471] That such narratives open with the ANB's founding and immediately jump to the equal rights bill can only be the result of Peratrovich's story having

[471] Will Swagel, Alaska Native Brotherhood 100 Year Anniversary, a century of progress," *Alaska Business Monthly*, September 2012, 66.

thoroughly suffused the public mind. Peratrovich has become the touchstone for Alaska Native history, the lone reference point by which present-day Alaskans access the past.

The triumphalism of the myth is further in evidence in countless newspapers and magazines that took the already embellished story and exaggerated it further. Writers have credited Peratrovich with ending school segregation and securing the right to vote for Natives, achievements in which she played no role.[472] One commenter asserted that buses in Juneau were segregated before 1945, with Natives forced to sit in the back rows—a claim with no historical basis and one that was clearly borrowed from Rosa Parks and the Montgomery bus boycott.[473] It appears as though no matter the civil rights victory, Alaskans are quick to presume it must have happened because of Peratrovich. The situation is reminiscent of Kareem Abdul-Jabbar's visit to an Atlanta elementary school during Black History Month, when he reported the students "know so little about black history that they answer Harriet Tubman for everything."[474]

Such revisionism demonstrates that construction of the myth is ongoing and likely will continue for many years. It almost certainly will not hew to known historical facts but will instead veer off in myriad directions in support of whatever meaning the embellisher has in mind. The revisions may occur to the speech in particular or to the history more generally. No version of the speech in circulation today says anything about segregated swimming pools, for instance, but it is not difficult to imagine such a line being inserted into the testimony one day should it be deemed useful in order to resonate with one or more present concerns. As with Chief Seattle's unique ability to speak to the social and political circumstances of different eras, such

[472] "Civil rights champion Elizabeth Peratrovich," *NEA-AKtivist* (January 2010), 4; Kevin Gullufsen, "Elizabeth Peratrovich's example still shines for young and old," *Juneau Empire*, February 17, 2017.
[473] Dorothy McKinley interviewed by Cy Peck Jr., KTOO Public Media, Juneau, Oral History 90-22-39, Elmer E. Rasmuson Library, University of Alaska Fairbanks. The interview was done in honor of Sophie Fred Peck.
[474] Kareem Abdul-Jabbar and Alan Steinberg, *Black Profiles of Courage: A Legacy of African-American Achievement* (New York: William Morrow and Company, 1996), 92.

revisions to Peratrovich's address would blend seamlessly with the rest of the speech, causing Alaskans to marvel at the prophecy of her words.

At the same time, however, the speech and the myth began to show evidence of hardening by the 2000s. The story had been told so many times in so many venues and formats by that point that it achieved what might be called peak saturation. Once the early embellishments fulfilled their purpose of bringing the history to light, there was no particular need to riff any further. Anyone who tells the story today need only hit all the familiar highlights. In 2015, for instance, when Governor Bill Walker and several other prominent Alaskans submitted letters to the U.S. Treasury nominating Peratrovich to appear on the redesigned $10 bill, the half-dozen letters were essentially indistinguishable from one another. Each relayed the story of her heroics in identical terms. Four of the six letters quoted her opening line about savagery and the Bill of Rights. Similarly, in a 2011 special newspaper edition commemorating the centennial of Peratrovich's birth, the famous opening line was quoted in five different articles. Mention of "No Dogs or Natives Allowed" signs also appeared in five articles, and none in the entire eight-page circular deviated from the others in the details of her signature achievement. Every writer told the story the exact same way. In retrospect, the period between Gruening's 1973 memoir and the 2009 film, *For the Rights of All*, might be seen as a sort of golden age of embellishment. The tracks of the history have now been set, however, and all subsequent tellings are likely to follow the same general, sensationalized course.

There are many historical accounts that do justice to the history of Alaska Native activism, including Peter Metcalfe's *A Dangerous Idea* and Jeffry Silverman's *For the Rights of All* (its depiction of the embellished testimony notwithstanding). One of the more insightful

articles is "The Birth of the Civil Rights Movement" by Rosita Worl.[475] Published in 1983, before the myth had been fully constructed let alone taken hold, the article examines how Natives fought discrimination in the fishing industry, labor unions, and the federal government. In her discussion of the Anti-Discrimination Act, which comprises a single paragraph midway through the piece, Worl quotes only William L. Paul. The name Elizabeth Peratrovich appears nowhere in the article—evidence that as late as 1983, history had not yet been besieged by the myth. Within a few years, however, every Alaskan would know her name and her story.

[475] Rosita Worl, "The Birth of the Civil Rights Movement," *Alaska Native News*, November 1983, 11-12, 37.

Chapter 9: No Dogs or Natives Allowed

"Memory fades, memory adjusts, memory conforms to what we think we remember."

—Joan Didion[476]

Eight members of the Crow and Northern Cheyenne tribes of Big Horn County, Montana, brought a voting rights lawsuit against the county in 1983.[477] The complaint alleged the at-large elections for county commission and school board effectively enabled the majority White population to control both bodies. No Indian had ever held elected office, the plaintiffs noted, despite Native Americans accounting for 41 percent of the county's population. In the trial held in federal court, Joe Medicine Crow, an author, historian, and World War II veteran who years later at age 96 would receive the Presidential Medal of Freedom from Barack Obama, took the stand and testified about the discrimination his people faced in the 1940s: "When you would go into a restaurant the proprietor would shake his head. That means get out of here. And after being given that treatment for a while, you know where to go or where not to go." Medicine Crow continued, "In those days there were signs on restaurant doors, 'No Indians Allowed'. Or sometimes 'No Dogs or Indians Allowed'. It was harsh, very harsh, crude."[478]

No one conversant in the rhetoric of the American Indian Movement, or even just casually aware of the issue of Native rights at the time, would have blinked an eye at Medicine Crow's statement about discriminatory signs. It was widely accepted that signs equating Indians and dogs, and prohibiting both from entering shops, restaurants, and other public places, were

[476] Joan Didion, *Blue Nights* (New York: Alfred A. Knopf, 2011), 13.
[477] *Windy Boy v. County of Big Horn*, 647 F. Supp. 1002 (D. Mont. 1986).
[478] Quoted in Laughlin McDonald, *American Indians and the Fight for Equal Voting Rights* (Norman: University of Oklahoma Press, 2010), 64.

commonplace in bygone, less enlightened eras. The 1940s through the 1960s, the period of the national civil rights movement in general and just before the American Indian Movement in particular, seems to have been the heyday of "No Dogs or Indians Allowed." Indeed, there are numerous testimonies of the type offered by Medicine Crow: personal recollections of having seen such signs many years before. Stories have popped up in Taos, New Mexico (*I thought of signs that I encountered when I was a teenager: 'No Mexicans—No Dogs—No Indians'*[479]); Blackfoot, Idaho (*There were no jobs on the reservation, and the 'No Indians or Dogs Allowed' signs had barely been taken down*[480]); San Francisco, California (*A popular sign in city restaurants then proclaimed, 'No Dogs, No Indians'*[481]); and Lewiston, Montana (*I have been around long enough to remember when there were signs that read, 'No Indians or Dogs Allowed'*[482]).

Even as the era of these signs receded farther back into the past, tales of "No Dogs" still tumbled forth as individuals remembered having once seen them on beaches in Maine, just outside a reservation in Wyoming, and at restaurants along Route 66. Native Americans were not the only ones who shared memories of the signs. Ruth Bader Ginsburg, for instance, in her 1993 confirmation hearings for the U.S. Supreme Court, recalled as a child seeing "No dogs or Jews allowed" signs at a resort in Pennsylvania. Cuban refugees interviewed in 2010 remembered arriving in Miami half a century earlier and being turned away from apartments by signs reading "No blacks, no Cubans, no dogs." Speaking to a reporter in 2014, an Italian woman recalled

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[479] Kathleen Dean Moore, Kurt Peters, Ted Jojola, and Amber Lacy, eds., *How It Is: The Native American Philosophy of V. F. Cordova* (Tucson: University of Arizona Press, 2007), 193.
[480] LaNada Boyer, "Reflections of Alcatraz," in Troy Johnson, Joane Nagel, and Duane Champagne, eds., *American Indian Activism: Alcatraz to the Longest Walk* (Urbana: University of Illinois Press, 1997), 88.
[481] Joyce Hollyday, *Clothed With the Sun: Biblical Women, Social Justice, and Us* (Louisville, Kentucky: Westminster John Knox Press, 1994), 52.
[482] Karren Baird-Olson, "Reflections of an AIM Activist: Has It All Been Worth It?" in Troy Johnson, Joane Nagel, and Duane Champage, eds., *American Indian Activism: Alcatraz to the Longest Walk* (Urbana: University of Illinois Press, 1997), 234.

moving with her family to Belgium in the 1950s where they encountered "No Dogs, No Italians" signs in bars and restaurants. The list goes on. Countless other versions of "No Dogs or _____ Allowed" stories have turned up in Great Britain, Ireland, Greece, Turkey, Canada, Honduras, Algeria, Australia, China, and India.[483] Even punk rocker Johnny Rotten got into the act, titling his 1994 memoir, *No Irish, No Blacks, No Dogs*.

And then there is Alaska.

It is believed by many that signs equating Natives with dogs were commonplace in the territory prior to the enactment of the Anti-Discrimination Act in 1945. In recent years, stories of the hateful signs have become a sort of common currency used by Native elders, non-Native Alaskans, journalists, politicians, authors, educators, and really anyone who wishes to comment on the evils of racism. The instances are almost too numerous to cite, but suffice it to say, one may select at random any of the countless articles about Elizabeth Peratrovich published in the last thirty years, and the words "No Dogs or Natives Allowed" will appear no lower than the third paragraph.[484] The phrase has so thoroughly pervaded the public discourse on racism and discrimination in Alaska that it has become shorthand for that very racism and discrimination. A

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[483] Kathleen J. Fitzgerald, *Beyond White Ethnicity: Developing a Sociological Understanding of Native American Identity Reclamation* (Lanham, Maryland: Lexington Books, 2007), 35; McDonald, *American Indians and the Fight for Equal Voting Rights*, 207-08; Peter B. Dedek, *Hip to the Trip: A Cultural History of Route 66* (Albuquerque: University of New Mexico Press, 2007), 80; *Nomination of Ruth Bader Ginsburg, to be Associate Justice of the Supreme Court of the United States: Hearings Before the Senate Committee on the Judiciary*, 103rd Cong. 139 (1994); Paul Harris, "Miami's broad Cuban smile reveals the future face America will wear," *The Guardian*, April 17, 2010; Marianna Randazzo, "No Dogs, No Italians: Remembering the Marcinelle Tragedy," lideamagazine.com/dogs-italians/ [accessed March 15, 2021].

[484] For a selection of books and articles that include mention of "No Dogs" signs, see Janie Leask, "The Alaska natives special blessings," *Anchorage Daily Times*, November 29, 1987; Carolyn Brown, "Elizabeth Peratrovich, one powerful woman," *Juneau Empire*, February 14, 2011; James Mason, "Elizabeth Peratrovich, bringing light to all people," *The Arctic Sounder*, July 4, 2011; William L. Iggiagruk Hensley, "Russia gave up Alaska. Why?" *Alaska Dispatch News*, April 2, 2017; Nick Bowman, "Ketchikan theater named for Elizabeth Peratrovich," *Ketchikan Daily News*, February 17, 2017; Shannyn Moore, "First People still feel brunt of racism, subtle and overt," *Alaska Dispatch News*, November 6, 2016; Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 332-33; Claus-M. Naske, *Ernest Gruening: Alaska's Greatest Governor* (Fairbanks: University of Alaska Press, 2004), xx; Phyllis A. Fast, "Alaska at 50: Language, Tradition, and Art," in G. W. Kimura, ed., *Alaska at 50: The Past, Present, and Future of Alaska Statehood* (Fairbanks: University of Alaska Press, 2009), 77.

speaker or writer need only invoke the signs and the entire pre-1945 history of discrimination against Alaska Natives is made manifest. A Native artist in 2008, for example, no doubt confident the meaning of his display would be self-evident, installed and photographed a neon sign reading "No Indians or Dogs Allowed" in outdoor locations in Alaska.[485] The image of such a sign, even just a mental image, is visually arresting and requires no elaboration, much the way a photograph of white-hooded figures burning a cross in a clearing in the woods is not merely self-explanatory but actually explains a great deal more than what is observable in the photograph itself.

But there is a catch. "No Dogs or Natives Allowed" is a fiction. The signs never existed in Alaska. There is no contemporaneous evidence for them, and a close review of the public record reveals the phrase was first used in 1971, some three decades *after* the signs were supposedly on display. Apocryphal stories of "No Dogs or _____ Allowed" were in wide circulation around the world in the 1960s and 1970s, especially in the context of decolonization and Indigenous rights campaigns, and it appears the Alaska version of the story is a form of mimesis, the purposeful imitation of one group's speech by another group as a factor in social change. In effect, the trope of discriminatory signs comparing Natives to dogs is a collective false memory, but one whose usefulness in condemning the evils of the past ensures its

[485] www.rasmuson.org/enjoy-cat/art-collection/nicholas-galanin/ [accessed September 21, 2017]. In 2014, another Alaska Native artist participated in an exhibit honor in of Elizabeth Peratrovich with what a news article described as "a watercolor piece depicting a version of the sign that was commonly seen from that time period that read, 'No dogs, no Inuit allowed.'" The artwork's reference to "no Inuit," as opposed to "no Natives," further demonstrates the malleability of myth and the social construction of history, as it seems highly unlikely that anyone posting such a sign in the 1940s, itself a dubious proposition as this chapter makes clear, would have bothered to make ethnographic distinctions between "Inuit" and "Natives"—especially when one considers that such ethnographic precision embodies both an acknowledgment and implicit respect for Native culture and identity, qualities wholly incompatible with the very racism behind "No dogs" that the artwork was meant to convey. See Trina Landlord, "Native artists pay homage to Elizabeth Peratrovich," *Alaska Dispatch*, February 6, 2014, www.alaskadispatch.com/print/article/20140206/native-artists-pay-homage-elizabeth-peratrovich [accessed February 12, 2014].

continued employ. As Ana Lucia Araujo writes of the collective memory of a particular group, it "becomes public when it is transformed into a political instrument to build, assert, and reinforce identities" of the group's members. "In other words," she continues, "collective memory is not related to individual recollection of personal experiences and events but is about the way the past of a group is lived again in the present."[486]

This chapter examines the tangled history of "No Dogs or Natives Allowed," finding no historical basis for the claim that such signs were, as one present-day discussant put it, "common in public businesses in territorial Alaska."[487] To simply ask whether the signs ever existed, yes or no, gets one only so far, however. The more insightful question addressed in the chapter is this: When it comes to Alaskans who claim to remember the signs, what do their stories reveal about the ways myth, memory, and history interact across long stretches of time to create particular images in the public mind? Oral historians have long recognized that individual testimony regarding decades-old experiences is problematic when taken as a supposed literal reconstruction of the past "as it really was"—but that the remembrance has probative value when viewed as part of a mediated cultural process resulting in the construction of historical narratives whose purpose is often to make intelligible the complexities of lived experience. Put another way, any attempt to verify the truth of a testifier's claim is not only difficult in most cases but also not altogether pertinent to the far more important question of the intervening factors—social memberships or political expediency, for instance—that cause respondents to frame their recollections in particular ways.[488]

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[486] Ana Lucia Araujo, *Politics of Memory: Making Slavery Visible in the Public Space* (New York: Routledge, 2012), 1.
[487] Heather Kendall-Miller, "A Legacy to Aspire to," *The Arctic Sounder*, July 4, 2011, 7.
[488] See Martha Rose Beard, "Re-thinking Oral History: A Study of Narrative Performance," *Rethinking History* 21, no. 4 (December 2017), 529-31; Michael Frisch, "Oral History and Hard Times: A Review Essay," in *The Oral History Reader*, Robert Perks and Alistair Thomson, eds. (London: Routledge, 2006), 31-32.

In what is perhaps the most well-known instance of a community's collective false memory, Alessandro Portelli in the 1970s interviewed residents of Terni, a village in central Italy, about the death of Luigi Trastulli that occurred some two decades earlier. Many townspeople, even some who claimed to have witnessed the event, insisted the young steelworker died in a street fight following the layoff of thousands of his fellow laborers in 1953. The historical record revealed Trastulli actually had been killed in 1949 in a clash with police at a political demonstration. Portelli never believed his respondents were being deliberately deceitful but that the discrepancy in their accounts had been "actively and creatively generated by memory and imagination in an effort to make sense of crucial events and of history in general." Trastulli's death had traumatized the working-class community, symbolically revealing the feelings of humiliation and sense of powerlessness it experienced in the chaotic, politically polarized aftermath of World War II. The historical narrative constructed by residents of Terni functioned to heal those wounds. Portelli concluded the unreliability of collective memory was actually an asset to historical inquiry. "Indeed," he wrote, "if oral sources had given us 'accurate,' 'reliable,' factual reconstructions of the death of Luigi Trastulli, we would know much less about it."[489]

This chapter approaches the "No Dogs" myth in that analytical vein. As will be discussed in the pages that follow, memories of the signs arose at specific moments in Alaska's history when they functioned to help respondents make sense of the past or to validate some social or political prerequisite of the moment. Mention of the signs first occurred in Alaska in 1971—in the very same month, in fact, that Congress passed the Alaska Native Claims Settlement Act and at the exact moment when recollections of the signs were being offered by individuals active in

[489] Alessandro Portelli, *The Death of Luigi Trastulli and Other Stories: Form and Meaning in Oral History* (Albany: State University of New York Press, 1991), 2, 26.

civil rights and Indigenous rights movements around the world. Remembrances of the signs in Alaska then increased dramatically in oral sources starting in 1987, the year the ANB began lobbying for a state holiday in honor of Elizabeth Peratrovich.

The timing of these events was no coincidence. Both the land claims act and the state holiday campaign created new discourses on Alaska's civil rights history, and stories of the discrimination once directed against Natives proliferated from those points forward. Testimonies, which previously had been personal and exceptional, became public and universal, reflecting the terms of the new dialogue such that "No Dogs"—now an emblem of sorts that embodied the pain of racial exclusion not just for the individual but for an entire community—was voiced again and again. Respondents seized on the embellishment for a number of practical reasons. It not only allowed them to participate in the canonization of Peratrovich but empowered them to bear witness to their own experiences in a public context now oriented to take them seriously and empathically. In addition, by exaggerating the bigotry of an earlier time, the trope enabled Alaskans to quantify and grapple with the racial hostility that lingered in the present. The horror of "No Dogs" recollections actually offered comfort in that it drew bold lines between the present and the past.

For its many ameliorative benefits, however, the myth distorted the history it purported to validate. In this respect, "No Dogs" stands in the same category as the multiple versions of Elizabeth Peratrovich's testimony discussed in the previous chapter: a seemingly harmless embellishment that contributes to misapprehensions about the past and actually limits understanding of prejudice and discrimination. The "No Dogs" trope embeds racism in this menacing, loutish form, and because the signs have all been eradicated from polite society one may be lulled into the misconception that discrimination has withered as well. The signs also

direct attention to acts of individual discrimination, where the problem can be reduced to a bigoted hotel manager, for example, leaving unexamined the institutional discrimination that dehumanized Alaska Natives in ways that were simultaneously subtler and yet more powerful. As Carol Anderson notes in her book *White Rage*, when racism in the American South came to be associated solely with the Ku Klux Klan, belligerent sheriffs, bus seats, and "Colored Only" water fountains, it "helped to designate racism as an individual aberration rather than something systemic, institutional, and pervasive."[490] The misplaced focus on symbols, writes Anderson, created breathing space for liberal, well-meaning Whites to renounce such jackbooted thugs and their overt displays of bigotry even as they still benefitted from the unequal distribution of capital that was the central feature of such systems. In Anderson's view, the continued oppression of African Americans by Congress, the courts, school boards, city councils, housing authorities, and other institutions of the state goes unchecked when we cannot turn our eyes away from the spectacle of Bull Connor and his attack dogs and fire hoses. In the case of the oft-cited but nonexistent "No Dogs" signs, reducing the complex nature of discrimination in Alaska to an oversimplified trope subverts historical cognition in similar fashion. The symbol functions to preclude an honest public discussion of the systematic degradation of Alaska Natives that did not stop, or even slow down much, when Ernest Gruening signed the Anti-Discrimination Act with Elizabeth Peratrovich looking over his shoulder.

Remembering the Signs

On December 10, 1971, Roy Peratrovich wrote a letter to the editor of the *Anchorage Daily News*. A week earlier, the paper had run an article about the Alaska Native Brotherhood,

[490] Carol Anderson, *White Rage: The Unspoken Truth of Our Racial Divide* (New York: Bloomsbury, 2016), 100.

which it referred to as a "social organization." Peratrovich, who by his own admission was eager, electrified even, to set the record straight on all things Native—one colleague admiringly noted he "persists in being a burr under various saddles"[491]—responded with a missive that cited the ANB's many legislative accomplishments over the years. "Without getting into all of the many wonderful things this organization has done," he wrote, "I shall list a few which will enlighten you and perhaps the public, who may be believing the ANB is really just a social organization." In describing the equal rights bill, Peratrovich asserted, "Signs were placed…on business establishments saying, 'No Indians Allowed' or 'We cater to white trade only' and some went so far as saying, 'No Indians or dogs allowed here.'"[492]

Peratrovich's letter was the first ever mention of "No Dogs" in Alaska. Any attempt to validate his claim requires a careful examination of the public record in the years before and after 1945. If the signs had been displayed in the territory in that era, one would expect to find mention of them in contemporaneous records, such as letters, newspaper editorials, or the minutes of an ANB convention. But the records of the time, today preserved in libraries, museums, and archives in Alaska and around the country, contain not a single mention of "No Dogs." Although the ANB lobbied for the equal rights bill from 1941 to 1945, the phrase appears in none of its testimonies, letters, convention minutes, resolutions, newsletters, or legislative bulletins. One may review the collected letters of Roy Peratrovich, Walter Soboleff, Louis Shotridge, Frank Johnson, Andrew Hope, Cyrus Peck, Amy Hallingstad, William L. Paul, and other Native leaders of the time, and none mention "No Dogs." The same goes for the

[491] Vern Metcalfe, "My Turn," *Juneau Empire*, April 1, 1986.
[492] Roy Peratrovich, "A Close Look at the ANB," *Anchorage Daily News*, December 10, 1971. For a selection of additional instances where Peratrovich made the claim, see Roy Peratrovich, untitled letter, *Anchorage Daily Times*, January 27, 1977; Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention*, Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau; Roy Peratrovich, audio recording, ANB Convention, Juneau, November 1983, History of the Alaska Native Brotherhood and Sisterhood Recording (MC 028), Sealaska Heritage Institute, Juneau.

correspondence of territorial officials, including Ernest Gruening, Anthony Dimond, and Bob Bartlett. Ruth Gruber, a special assistant to Interior Secretary Harold Ickes, reported on discrimination in Alaska in the 1940s without once mentioning "No Dogs" signs—even as she hyperbolically informed federal officials that in Alaska "race prejudice is more shocking than in the South."[493] Smithsonian anthropologist Philip Drucker asked many ANB members about discrimination when he interviewed them in the 1950s, but neither his book nor his unpublished research notes say anything about the signs. No mention of the signs appears in newspapers of the era, even those that covered the legislative session at which the equal rights bill passed. No photograph has been located despite extensive searching by this writer and other scholars. One can never prove a negative, and so it's entirely possible such a document or photograph rests heretofore unexamined in a shoebox in someone's attic. There is no way to definitively prove otherwise. The many stories, however, the sheer abundance of which has led Alaskans to believe "No Dogs" signs were displayed in every public space from Ketchikan to Nome (and from Ireland to India, for that matter), are simply not sustainable for the complete lack of evidence.

Signs with other language *were* once displayed in Alaska. Extant records of the era prove it. The most well-known was described in a letter Roy Peratrovich wrote to Ernest Gruening on December 30, 1941, an eloquent plea that marked the start of the campaign to pass an equal rights bill: "My attention has been called to a business establishment in Douglas, namely, 'Douglas Inn,' which has a sign on the door which reads, 'No Natives Allowed.'"[494] Over the next four years, Peratrovich cited this case repeatedly. He wrote about the Douglas Inn sign in

[493] Ruth Gruber to John Collier, January 26, 1944, Box 3374, Department of the Interior, Office of the Secretary (RG 48), Central Classified Files, 1937–1953, National Archives and Records Administration, College Park, Maryland.
[494] Roy Peratrovich to Ernest Gruening, December 30, 1941, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.

numerous letters to public officials and newspaper editors, and he cited it in testimony before the territorial legislature on multiple occasions.[495] At no time between 1941 and 1945, however, did he make any reference to "No Dogs"—despite the fact that such a sign would have been the most hateful example of bigotry in the territory and thus an especially powerful lobbying tool.

Ernest Gruening, for his part, spoke often about the Douglas Inn sign and another he personally observed in an Anchorage restaurant, but he too failed to say a single word about the supposedly pervasive "No Dogs."[496] In his address to the ANB convention in November 1944, for instance, the governor spoke at length about the issue of discrimination, noting that "the signs which I had occasionally encountered in Alaska restaurants and other establishments saying 'no natives allowed' or 'we do not cater to native trade' were profoundly offensive not merely in themselves but for the discriminatory practice which they disclosed."[497] Gruening cited these examples at the very convention where the ANB was solidifying its lobbying campaign for the upcoming legislative session. As with Peratrovich and the other delegates, however, he made no mention of "No Dogs." Between 1944 and 1948, Gruening was quoted in a number of newspaper and magazine articles in which he referred only to the Douglas and Anchorage signs. In addition, in speeches and writings on the Anti-Discrimination Act over the next three decades, up to and including his 1973 memoir published one year before his death, the former governor did not mention "No Dogs" once. Gruening wrote at length in his memoir about his efforts to have the

[495] Roy Peratrovich, letter in *Alaska Fishing News* (Ketchikan), March 12, 1943; "Packed House Hears Debate Equal Rights," *Daily Alaska Empire*, January 31, 1945, 8; Roy Peratrovich to Anthony Dimond, April 28, 1943, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[496] Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 377; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 318-19.
[497] Ernest Gruening, "Message to the Thirty-First Annual Convention of the Alaska Native Brotherhood," November 1944, Box 12, Ms 009, Alaska Packers Association Records, Alaska State Library, Juneau. Gruening was in Washington, DC, at the time of the convention, and he submitted his message in writing.

Douglas and Anchorage signs removed, but he noted no other signs.[498] The omission is telling given Gruening's propensity for melodrama and hyperbole. Had "No Dogs" signs existed he unquestionably would have made them a central element is his telling of the story.

If we are to believe the signs were commonplace in Alaska prior to 1945, how do we explain the fact that no mention of them appears in records of that era? And how do we explain why mention suddenly abounds in the 1980s after Roy Peratrovich began speaking and writing about them? Most important, why do so many people believe something that never happened?

Language Games

In many ways the truthfulness of the claim is of secondary concern. The decades-later testimonies of Roy Peratrovich, as well as those of other Native elders who picked up on the theme, have value simply for having been shared. It does not matter whether they are "true" in the sense of being historically accurate because that is not the point. In a phenomenon widely observed first among Holocaust survivors, personal accounts of suffering become elevated in importance precisely because the associated trauma is real for the group irrespective of the veracity of individual experience. Thus, when Alaska Natives testify to their memories of "No Dogs" signs, their statements transcend basic categories of true/false and are accepted at face value for the firsthand knowledge of the pain of discrimination they impart.

In *The Postmodern Condition*, Jean-François Lyotard argues that knowledge is legitimized (or not) according to the power relationships of those doing the communicating, and

[498] Capt. Richard L. Neuberger, "A Shameful Chapter in American History," *The Progressive*, April 30, 1945, clipping in Box 45, Richard Neuberger Papers, Ax 078, Special Collections & University Archives, University of Oregon Libraries, Eugene, Oregon; Richard L. Neuberger, "Go North, Young Man!" *Collier's*, December 23, 1944, 53; Richard L. Neuberger, "Eskimo Wins Seat in House," *The Oregonian*, December 23, 1948; Ernest Gruening, *The State of Alaska* (New York: Random House, 1954), 377; Ernest Gruening, *Many Battles: The Autobiography of Ernest Gruening* (New York: Liveright, 1973), 318-19.

the statements we make are like moves in a game. Building on Wittgenstein's theory of "language games," Lyotard observes that "various categories of utterance can be defined in terms of rules specifying their properties and the uses to which they can be put—in exactly the same way as the game of chess is defined by a set of rules determining the properties of each piece, in other words, the proper way to move."[499] For Lyotard, knowledge and power are connected. Those in the elevated position of saying what the rules are—territorial senators who make bigoted statements about Alaska Natives and who may or may not then extend to them the privilege of testifying, for example—exert tremendous influence over the communication that follows. Among the seemingly infinite points of data floating in the discursive ether, those transformed into "knowledge" do so only in the course of the "game" where those players with power agree (or are forced) to recognize them as such. To extend Lyotard's chess metaphor, a pawn has within itself the ability to defeat every other piece on the board, even the king and queen, but it gets that chance—that is, its ability to act, to communicate its message—only in the rarest of circumstances when power relationships align just so.

In 1945 Alaska Native testimonies about discriminatory signs were accepted by some and rejected by others, the difference having to do with the political context in which the conversation took place. Power relationships in everyday life are rarely so neatly defined as they were by the 11-to-5 vote in the Territorial Senate, but in that case, the existence of discrimination against Natives became "knowledge" in the Lyotardian sense, particularly as it gave voice to previously marginalized peoples. Alaskans now had a vocabulary to discuss racial exclusion. In the decades that followed, the language of discriminatory signs came to represent discrimination

[499] Jean-François Lyotard, *The Postmodern Condition: A Report on Knowledge*, Geoff Bennington and Brian Massumi, trans. (Minneapolis: University of Minnesota Press, 1984), 10. See also Ulrich Baer, "What 'Snowflakes' Get Right About Free Speech," *New York Times*, April 24, 2017.

itself, thus the language was legitimized by association. Alaskans born after 1945 unhesitatingly believed in the existence of "No Dogs" signs, an impulse that derived not merely from the understandable desire to validate the elders' testimonies but also because the rules of the rhetorical playfield had been altered to a degree where dissenting from the claim was simply not possible without causing offense.

When Roy Peratrovich first inserted "No Dogs" into public discourse in 1971, his statement was basically a rhetorical thrust in the language games, the sort of move Lyotard may have had in mind when he wrote that "to speak is to fight, in the sense of playing [the game]."[500] Peratrovich's "No Dogs" statement, which in 1945 almost certainly would have been dismissed out of hand for its hyperbolic nature, received instant and unquestioning validation for a number of reasons: abhorrence of racist language in the post-Dr. King era, post-ANCSA attitudes toward Native testimonies, and, most importantly, his status as elder, husband of Elizabeth, and last surviving witness to the events in question. Who was going to suggest he might be fibbing?

Within a few years of Peratrovich's linguistic chess move, many Alaskans, who in over forty years had never said a public word about "No Dogs" signs, suddenly began remembering having seen them decades earlier. In a 1987 interview, a Tsimshian elder from Ketchikan recalled the signs, while a Native couple from Sitka did the same in 1989. George Rogers, professor and longtime state economist, was another such respondent, claiming in a 2008 interview to have seen the signs in Anchorage, Fairbanks, and Nome (but not Juneau). One Native elder recalled in a 2008 interview her memory of Sitka in the 1930s when she observed

[500] Lyotard, *The Postmodern Condition*, 10. In another example of Lyotardian logic, Dian Million asserts that testimonies of indigenous peoples, in particular Canadian First Nations and Metis women, represent "political acts in themselves that in their time exploded the measured 'objective' accounts of Canadian (and U.S.) colonial histories." She argues such testimonies upended public discourse in ways that made it possible for indigenous peoples to speak about poverty and discrimination, and be heard and understood, in many instances for the first time. See Dian Million, *Therapeutic Nations: Healing in an Age of Indigenous Human Rights* (Tucson: University of Arizona Press, 2013), 56.

signs reading, "No Colored, No dogs, No Natives"—a most curious phrasing when one considers the population of Blacks in rural Alaska was negligible at the time. Another elder remembered as a child seeing signs on Fourth Avenue in Anchorage even into the 1950s.[501] These cases demonstrate that mention of "No Dogs" occurred only in interviews conducted in or after 1987, the year the ANB began telling Elizabeth Peratrovich's story widely as part of the campaign for a state holiday. Respondents who were interviewed in the 1960s, 1970s, and even into the mid-1980s, did not mention the signs.

There are a number of insightful interviews in this regard. On March 10, 1975, Frank Johnson, the Tlingit legislator who in 1930 launched the equal rights movement by organizing a boycott of the Coliseum Theatre, sat for an interview and spoke about his early work with the ANB. Of his fateful trip to Juneau where he was refused admission to the theatre's main floor, Johnson recalled, "I had heard about those signs in the windows of restaurants and hotels and other public places. When I got there, I saw, I actually saw those signs. It went something like this: 'We Do Not Cater to Native Trade.' 'No Indians Allowed.' And so on." Johnson said nothing about "No Dogs," however.

Frank Peratrovich, Roy's brother, gave an interview to a newspaper reporter in 1976 without mentioning "No Dogs" signs. He recalled arriving in Juneau in 1945 to take his seat in

[501] Holly Miowak Guise, "Alaskan Segregation and the Paradox of Exclusion, Separation, and Integration," in *Transforming the University: Alaska Native Studies in the 21st Century*, conference proceedings (2014), 280; John Tetpon, "Between Two Worlds," *Anchorage Daily News*, May 24, 1987. The following oral history interviews are all held by the Oral History Program, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks: George Rogers interviewed by Michael Letzring, April 4, 2008, 2008-26; Reginald and Louise Dangeli, interviewer unknown, February 5, 1987, H90-06-143; Isabel and Bill Brady interviewed by Sharon Gmelch, June 5, 1989, H95-57-05; William A. Egan, Governor's Day speech, 1963, H86-162; Irene Ryan interviewed by Maria Brooks, November 6, 1980, H93-01-51 A/B; Arthur Johnson interviewed by Laurie Cropley Hill, circa 1994, H94-02; Joseph Howard interviewed by Sharon Gmelch, June 6, 1989, H95-57-06; Bertha Karras interviewed by Sharon Gmelch, June 5, 1989, H95-57-04; Charles Herbert interviewed by Claus Naske, July 22, 1981, 82-22; William Kimura interviewed by Ron Inouye, August 17, 1990, 92-06-17; Molly Ames interviewed by Jeanie Boyle, December 31, 2010, 2014-21-15; James Williams interviewed by Sarah Corbin and James Rowan, April 23, 2012, 2012-16-02.

the territorial legislature and seeing "Caucasians only" signs in the windows of some businesses.[502] (This writer has found no other reference to signs with that language, and the curious phrasing demonstrates again the malleability of racialized language in historical memory.)

Another interview in this category was one Alaska historian Claus-M. Naske conducted with John Butrovich in 1981. Butrovich represented Fairbanks in the Territorial Senate from 1945 to 1957. He was in the hearing room for Peratrovich's famous speech, and he voted for the bill. In the interview, Butrovich recalled that businesses in Fairbanks in the 1940s posted "No Natives Allowed" signs, but he said nothing about "No Dogs." In addition, in discussing the equal rights bill he made no mention of Elizabeth Peratrovich. Butrovich's statements are representative of those made by other Alaskans prior to 1987 in that they do not reflect the burgeoning but still uncompleted mythology about Peratrovich. Still another relevant interview was conducted with Charles Herbert, also by Naske in 1981. A mining engineer and legislator from Fairbanks, Herbert remembered bars in Juneau and Nome that displayed "No Natives Allowed" signs in the 1940s, but, like Butrovich, he said nothing about "No Dogs." He also neglected to mention the name Elizabeth Peratrovich, further evidence the tropes did not exist in the public mind prior to 1987.[503]

A particularly noteworthy example is found in two interviews, conducted nearly two decades apart, with Cecilia Koontz, a Tlingit woman from Juneau and close friend of Elizabeth's. In the first interview, done for a public radio program in 1974, Koontz remarked,

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[502] Stanton H. Patty, "Frank Peratrovich helped free the frontier," *Seattle Times*, December 5, 1976.
[503] Frank Johnson interviewed by Vesta Johnson, March 20, 1975, quoted in Ishmael Hope, "You're Going to Hear About This: Frank Johnson, Louis Shotridge, and Civil Rights," blog post, August 24, 2011, www.goldbeltheritage.org/wp-content/uploads/2014/03/24a-Other-Notable-Tlingit-Civil-Rights.pdf [accessed October 19, 2020]; John Butrovich interviewed by Claus-M. Naske, July 9, 1981, H82-24, Charles Herbert interviewed by Claus-M. Naske, July 22, 1981, 82-22, Oral History Program, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks.

"They had signs at certain places saying 'No Indians Allowed Here' and 'We Cater to Whites Only.'" Koontz also told the story of how she, Peratrovich, and, a few other ANS members marched downtown to the military recruitment office and insisted they post a "No Indians Allowed" sign in the window. In the second interview, this one conducted in 1992, Koontz told the same story again, but this time she stated the sign read "No Natives, No Dogs Allowed." The fact that Koontz made no reference to "No Dogs" in the first interview but did in the second may be evidence of nothing more than involuntary word choices on those particular days. It may also be evidence that in 1974, she wasn't yet aware of the nascent but burgeoning "No Dogs" trope, but that by 1992, she was.[504] (Still another remarkable moment in the 1974 interview happens when Koontz makes reference to "Mrs. Peratrovich" and the interviewer responds, "Oh, what Peratrovich was that?" He didn't know about Elizabeth because the myth had not yet been constructed at the time of the interview. When Koontz answers, "Mrs. Roy Peratrovich. Elizabeth," the interviewer, evidently hearing the name for the first time in this context, replies, "Oh.")

Koontz is by no means alone in exhibiting this type of faulty recall. Research into cognitive psychology has debunked the notion that memory works like a video recorder, where a person's experience is captured on a sort of tape within the mind that can be unerringly played back at any time. Instead, memories, at the moment of their retrieval, are reconstructed according to the individual's knowledge, beliefs, and goals, oftentimes in order to conform to social imperatives at the time the memory is recalled. As early as the 1930s, cognitive scientists recognized that individuals regularly and subconsciously supplant their memories with false data,

[504] Cecilia Koontz interviewed by Walter Johns, 1974, 88-49-13, Alaska and Polar Regions Collections, Elmer E. Rasmuson Library, University of Alaska Fairbanks; Diane E. Benson, "Being Elizabeth," *The Arctic Sounder*, July 4, 2011, 6. Koontz's name in some sources is spelled Cecelia Kunz.

bits of information culled from lived experience and retained precisely because they buttress the interpretation the memory is meant to convey. Psychologists would come to call this "binding failure," the habit of latching onto inaccurate details and, over time, coming to accept them as true. According to Henry L. Roediger III and Kurt A. DeSoto, "A person's present knowledge and goals may shape and determine how he or she remembers the past."[505]

Cognitive researchers also conclude that in conversations, especially between members of the same social group, participants often influence each other's memories, in the process promoting the formation of a shared, or collective, memory. "As a consequence," write Alin Coman and William Hirst, "both speaker and listeners come to remember—and forget—the event in a similar way."[506] In addition, the formation of collective memories is enhanced when the speaker is a person of some prominence in the group and when the memory in question involves a specific mnemonic representation that codes the recollection in language of particular relevance to the group. Both factors are in evidence regarding the "No Dogs" signs first remembered in the 1970s by Roy Peratrovich, then an esteemed elder and Grand President Emeritus of the ANB who spoke of them repeatedly before large assemblies of members. Thus, in the case of the signs, respondents who claim to remember seeing them are not lying, per se, but are simply reconstructing a personal memory out of an equally problematic collective one. They hear stories about the signs told by trusted members of their community, intuitively recognize that the image both aligns with their experience and intensifies the message they wish

[505] Henry L. Roediger III and Kurt A. DeSoto, "Psychology of Reconstructive Memory," in James D. Wright, ed., *International Encyclopedia of the Social and Behavioral Sciences*, 2nd Ed. (Amsterdam: Elsevier, 2015), 54.
[506] Alin Coman and William Hirst, "Social Identity and Socially Shared Retrieval-induced Forgetting: The Effects of Group Membership," *Journal of Experimental Psychology* 144, no. 4 (August 2015), 717-22. See also Michelle L. Meade and Henry L. Roediger III, "Explorations in the Social Contagion of Memory," *Memory & Cognition* 30, no. 7 (2002), 995-1009; William Hirst, Jeremy K. Yamashiro, and Alin Coman, "Collective Memory from a Psychological Perspective," *Trends in Cognitive Sciences* 22, no. 5 (May 2018), 438-51; Jeremy K. Yamashiro and William Hirst, "Convergence on Collective Memories: Central Speakers and Distributed Remembering," *Journal of Experimental Psychology* 149, no. 3 (March 2020), 461-81.

to impart, and so they integrate the detail into their own memory so vividly that they "remember" the experience.

The same phenomenon can be seen in the public memory of anti-Filipino signs in California in the first half of the twentieth century. In that instance, as in Alaska, a story with a kernel of truth was repeated over and over until present-day respondents came to remember something else entirely. Sometime in the 1930s a photograph was made of a sign on the door of a hotel in Stockton reading "Positively No Filipinos Allowed." Records of the era indicate such exclusion was common throughout the Golden State.[507] In 1946 Carlos Bulosan, the Filipino expatriate and labor organizer, published his classic memoir, *America Is in the Heart*, which includes this description of the state-sanctioned violence visited upon his countrymen: "It was now the year of the great hatred: the lives of Filipinos were cheaper than those of dogs."[508] Nowhere in Bulosan's book does he refer to signs reading "No Dogs or Filipinos Allowed," but today the claim is regularly attributed to him. In the years after Bulosan's untimely death at age 42 in 1956, Filipino respondents conflated his spellbinding prose and the widely reproduced Stockton hotel photograph to create an enduring but fictionalized myth. Today, it is de rigueur for Filipino Americans giving oral history interviews to mention "No Dogs or Filipinos Allowed." In Juneau, the politically active Tlingit Filipino community seized on the trope by proclaiming, "'No Natives, No Filipinos, No Dogs' signs [were] posted outside numerous Juneau restaurants, theaters, stores, hotels and taxi stands in the 1940s." As in California, the claim is not cited with a contemporaneous source.[509]

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[507] Fred Cordova, *Filipinos, Forgotten Asian Americans: A Pictorial Essay, 1763-circa 1963* (Dubuque, Iowa: Kendall/Hunt Publishing Company, 1983), 114-121.
[508] Carlos Bulosan, *America Is in the Heart: A Personal History* (Seattle: University of Washington Press, 2014), 143.
[509] See *Asian Americans: An Encyclopedia of Social, Cultural, Economic, and Political History*, Xiaojian Zhao and Edward J.W. Park, eds. (Santa Barbara, CA: Greenwood, 2013), 945; *101 Changemakers: Rebels and Radicals Who Changed U.S. History*, Michele Bollinger and Dao X. Tran, eds. (Chicago: Haymarket Books, 2012), 92; E.J.R.

Still another point of comparison can be found in Canada where today it is widely believed signs reading "No Dogs or Jews Allowed" were once common in hotels, parks, beaches, dance halls, tea rooms, and other public spaces from Toronto to Vancouver. "The phrase has burrowed into the Canadian Jewish consciousness," wrote journalist and historian Ron Csillag, who noted that community leaders, political candidates, and Jewish organizations "almost reflexively deploy the words to illustrate the horrible prejudices Jews encountered in Canada from the 1930s to the '50s." One writer in 2013 claimed the signs were "pervasive" at beaches and resorts in Ontario in the 1930s, while *The Canadian Encyclopedia* in its entry for anti-Semitism stated such signs at one time could be found on Halifax golf courses, at hotels in the Laurentians, and throughout the lake country of Manitoba and vacation lands in British Columbia. Csillag polled several Jewish historians and consulted librarians and archivists across the country, however, and found there was no proof such signs ever existed. It was no secret anti-Semitism was endemic in Canada in the years before and after the Second World War, and Csillag did discover that libraries in Montreal and Toronto held numerous photographs of signs reading "Jews Not Allowed," "No Jews Wanted," "Gentiles Only," and other discriminatory language. But there was not a bit of evidence for signs equating Jews with dogs. Csillag acknowledged the absence of evidence was not evidence of absence. "But," he continued, "logic also tells us that given the voluminous files at various archives brimming with photographic and documentary material confirming rampant anti-Semitic attitudes in Canada in that era, wouldn't there be verification of the most insulting example, the sign declaring 'No Dogs or Jews'?"[510]

David, *Filipino-American Postcolonial Psychology: Oppression, Colonial Mentality and Decolonization* (Bloomington, Indiana: AuthorHouse, 2011); Henry S. Kaiser, Jr., "Roy Peratrovich: ANB leader watches slow, steady progress of Native rights," *Senior Voice*, April 1988, 27; Dolores Stephens Feria, "Filipino Writers in Exile," in Jeffrey Arellano Cabusao, ed., *Writer in Exile/Writer in Revolt: Critical Perspectives on Carlos Bulosan* (Lanham, Maryland: University Press of America, 2016), 42.

[510] Ellen Scheinberg, "Jewish Life in Ontario Outside of the Metropolis," in *Canada's Jews: In Time, Space and Spirit*, Ira Robinson, ed. (Boston: Academic Studies Press, 2013), 225; Irving Abella, "Anti-Semitism," in *The*

Tales of the signs were repeated throughout the world in much the same way, and the trope must be considered in a global context. In effect, the Alaska case is a microcosm of what happened internationally. The sheer profusion of "No Dogs" stories in places as varied as a diner in Iowa, a hotel in London, a rooming house in Tegucigalpa, and beaches in Algiers—where French colonists reportedly proclaimed, "*Interdit aux chiens et aux indigènes*"[511]—suggests one of two things. Either it's a coincidence on an astonishing scale, evidence that bigots and xenophobes around the world somehow chose the exact same wording for their respective signs—or "No Dogs" is indeed mimetic in nature, a trope that originated in a particular time and place where the first such sign may have been displayed. As the story was told over and over again across the globe, it came to be integrated into the constructed memories of individuals eager to underscore the pain of discrimination they once faced.

Of the numerous "No Dogs" stories listed in the opening paragraphs of this chapter, many, perhaps most, are almost certainly false. In each of those cases, what was being spoken and written down was not contemporaneous evidence of "No Dogs" signs, but rather the memory of having seen such signs long ago, in some cases more than seventy years after the supposed fact. In Alaska, the delay in reporting, total lack of primary evidence, and the human mind's capacity for creating false collective memories further support the meme theory and suggest the signs either were not as prevalent as many believe or did not exist in the first place. All of which again begs the question: Why do so many people remember something that never happened?

Canadian Encyclopedia, James H. Marsh, ed. (Toronto: McClelland & Stewart, 2000), 90; Ron Csillag, "'No Dogs, No Jews'—No Evidence," *The Canadian Jewish News*, April 8, 2015. See also, Gerald J. J. Tulchinsky, *Canada's Jews: A People's Journey* (Toronto: University of Toronto Press, 2008), 311; Stephen Speisman, "Antisemitism in Ontario: The Twentieth Century," in *Antisemitism in Canada: History and Interpretation*, Alan Davies, ed. (Waterloo: Wilfred Laurier Press, 1992), 121; Allan Levine, *Seeking the Fabled City: The Canadian Jewish Experience* (Toronto: McClelland & Stewart, 2018), 392-93.

[511] Cassia Meare, *The World and I, Vol. 1* (e-book, 2017, not paginated).

Fist of Fury

It may be a collective false memory spanning several cultures, but that doesn't mean "No Dogs or _____ Allowed" was invented from whole cloth, either. There is credible historical evidence the sign, or some version of it, was displayed in parts of the United States as late as the 1950s. Historian Cynthia E. Orozco has found that in the 1930s and 1940s, signs excluding dogs, Negroes, and Mexicans (in that order) were posted in restaurants in Texas.[512] Mention of other signs turns up in Congressional reports as early as 1946. That year, in a hearing before the House Committee on Indian Affairs, Joseph B. Reddor of the Fort Peck Reservation in Montana testified that upon recently returning from wartime service he was dispirited to see "No Dogs or Indians" signs in the windows of taverns. "[W]e feel it is discriminatory for us Indian soldiers to go overseas, risk our lives, and come back to a condition which is not even—I would not call it—freedom," he stated. A 1960 Congressional report made reference to signs in the same region of the country, noting they "have disappeared only recently in Montana and North and South Dakota border areas." Another Congressional investigation concluded such signs had been posted in Idaho in the 1950s but were removed "in the heyday of civil rights during the early 60s."[513] The claims are credible for their contemporaneous timing.

These incidents do not quite explain the ubiquity of later claims, however. Incredibly, it was a 1972 Bruce Lee movie that brought the trope of discriminatory signs to a worldwide audience. *Fist of Fury* stars Lee as Chen Zhen, a martial arts student who seeks retribution

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[512] Cynthia E. Orozco, *No Mexicans, Women, or Dogs Allowed: The Rise of the Mexican American Civil Rights Movement* (Austin: University of Texas Press, 2009).

[513] *House Bills Concerning the Crow Indian Reservation and Fort Peck Reservation, Mont.: Hearings on H. R. 3061, H. R. 4002, H. R. 4983, H. R. 6195, Before the House Committee on Indian Affairs*, 79th Cong., 2nd Sess. (1946) (statement of Joseph B. Reddor); "Problems of the 'First Americans,'" *Congressional Quarterly Weekly Report* 18, no. 3 (January 15, 1960), 75. See also 107 Cong. Rec. 7292 (1961); *The Education of American Indians, Prepared for the Subcommittee on Indian Education of the Committee on Labor and Public Welfare, U.S. Senate, Vol. 2* (Washington: Government Printing Office, 1969), 144.

against those who caused his master's death. At one point in the film, Chen attempts to enter a public park but is stopped by an attendant who points to a sign reading, "No Dogs and Chinese Allowed." A group of Japanese men jeer at Chen, saying they will allow him to enter if he barks like a dog. After besting his tormenters with a series of powerful blows, Chen knocks the sign from its post and shatters it to pieces with a perfectly timed jump-kick.

According to one critic, *Fist of Fury* was "the most politically and historically charged" of Lee's many films.[514] Set during the Japanese occupation of Shanghai, the film shows Lee engaged in acts of personal resistance set within the broader context of colonial oppression. As for the famous "No Dogs and Chinese Allowed" scene, it was loosely based on the administration of Shanghai's Huangpu Park in an era when Western business interests exerted tremendous control over the city's politics and society. But here too, the history of the sign posted at the park's gate is shrouded in myth, and scholars who investigated the issue have concluded that no sign equating Chinese and dogs ever existed.

Built in 1868 next to the British consulate, Huangpu Park was closed to Chinese except for "respectable and well-dressed" city employees and servants of Westerners. Often left to the discretion of police, the ban was enforced sporadically over the new few decades. In 1894 the ban was codified with a posted sign ordering, "No Chinese shall be admitted." The text of the sign was revised at least three times over the next few decades, with park administrators adding new rules as perceived needs arose. At one point, the sign's first rule ordered "No dogs or bicycles are admitted," while the ban on Chinese was bumped to the fifth place on the list. A later version of the sign proclaimed "The Gardens are reserved for the foreign community" as the

[514] Dwayne Wong, "'No Dogs and No Chinese Allowed': The Historical Significance of Bruce Lee's *Fist of Fury*," www.huffingtonpost.com/dwayne-wong-omowale/no-dogs-and-no-chinese-al_b_9455424.html [accessed January 2, 2018].

first rule, while the prohibition on dogs and bicycles was moved down to number four. According to Robert A. Bickers and Jeffrey N. Wasserstrom, "[I]t is quite apparent that the phrase 'Chinese and Dogs Not Admitted' did not appear on any officially sanctioned sign," but that over time, as stories of the demeaning signs were told and retold, the two separate rules came to be conflated into one.[515] The notion that foreigners directly equated the Chinese with dogs, although untrue, proved such a powerful symbol of the indignities of the colonial period that the story was universally accepted as fact. *Fist of Fury* was wildly popular in China upon its release, with audiences reportedly standing and cheering when Bruce Lee smashes the "No Dogs and Chinese Allowed" sign to bits.

The Huangpu Park sign is the most well-known and the only "No Dogs" claim with extensive, albeit inconsistent, historical evidence behind it. Upon the release of *Fist of Fury*, the trope of discriminatory signs gained an ever-expanding audience as countless people around the world encountered it for the first time. The film doubtlessly influenced reports of discrimination by other minority groups. For his part, Roy Peratrovich first wrote about "No Dogs" in December 1971, three months *before* the film was released in the United States. Where Peratrovich first heard the story cannot be known, but as a politically engaged activist he would have been familiar with the references to dogs that were part of the growing lexicon of Indigenous and minority rights throughout the 1960s.

That Peratrovich's first mention of "No Dogs" occurred at the very moment Indigenous rights movements were gaining momentum around the world was in no way coincidental. Activists were then voicing similar testimonies in more than a dozen U.S. states and in countries from Cuba to Australia. Decolonization, in particular, the post-World War II global process in

[515] Robert A. Bickers and Jeffrey N. Wasserstrom, "Shanghai's 'Dogs and Chinese Not Admitted' Sign: Legend, History and Contemporary Symbol," *The China Quarterly* (no. 142, June 1995), 446.

which peoples formerly colonized by European powers asserted self-determination over their territories, resulting in the creation of dozens of new states primarily in Africa and Asia, contributed to a new discourse on human rights that newly liberated peoples used to bear witness to the discrimination they faced under colonial rule. As the wave of decolonization accelerated with a 1960 United Nations declaration calling for independence for colonized countries and peoples, stories of "No Dogs or _____ Allowed" signs began turning up across the globe. In India, for example, recollections of "No Dogs, No Indians" signs posted at private clubs during the British Raj were cited as evidence of the historical trauma that lingered after the 1947 partition of India and Pakistan. In Central America in the 1960s and 1970s, refugees fleeing armed conflict wrought by decades of colonial control by U.S. economic interests reported being barred from public spaces by signs comparing them to dogs. And in Algeria, which won its independence from France after a bloody eight-year struggle in 1962, the former guerillas who led the fight recalled their memories of "No dogs or Muslims" signs that fueled their desire for freedom.[516]

Civil rights movements in the United States made use of the discourse as well. Boxing champ Muhammad Ali, for instance, opined in 1967 that Blacks in America were "treated like dogs." In April 1968, as riots raged in many U.S. cities following the assassination of Martin Luther King Jr., a Presbyterian minister invoked his childhood memory of "No Dogs or Latins Allowed" signs on beaches in Florida in an effort to explain the fury and historical trauma of communities of color. A 1969 profile of Cesar Chavez in *The New Yorker* noted the activist's

[516] Gajendra Singh, "No dogs, no Indians: 70 years after partition, the legacy of British colonialism endures," theconversation.com/no-dogs-no-indians-70-years-after-partition-the-legacy-of-british-colonialism-endures-82489 [accessed March 13, 2021]; Amrit Dhillon, "'No Dogs or Indians': Colonial Britain still rules at India's private clubs," *Sydney Morning Herald*, June 30, 2017; Norman Pearlstine, "Central American Roadblock: Honduras-El Salvador Tension Continues to Hold Up Economic Growth in the Area," *Wall Street Journal*, January 27, 1970; Chloe Arnold, "Algeria's revolution: A child bomber with 'no regrets,'" BBC News, bbc.com/news/magazine-18631608 [accessed March 14, 2021].

childhood memory of "No Dogs or Mexicans Allowed" signs, while the Native American activists who began their nineteen-month occupation of Alcatraz Island that same year made reference in their protestations to erstwhile signs in the western states reading "No Dogs and Indians Allowed." The signs gained marked recognition in the era, with even members of Congress and other public officials mentioning them in their appeals for an end to discrimination. A U.S. Senator remembered "No Dogs or Jews Allowed" signs from his youth in Maine, while a city councilman in Maryland recalled seeing a "No Dogs or [racial epithet] Allowed" sign at a Texaco station some years before. With mention of the signs becoming a fixture of the rhetoric of Indigenous rights in the 1960s and 1970s, it was hardly surprising that the trope would eventually be voiced in Alaska, especially given the state's documented history of discriminatory signs. Peratrovich's first mentions of "No Dogs"—one in the aforementioned December 1971 letter to the *Anchorage Daily News* and another to a reporter for the *Seattle Daily Times* in April 1972—were made in the context of the Native land claims act recently passed by Congress, and both functioned to underscore the progress on Indigenous rights that Natives had achieved in just thirty years.[517]

The most likely source for Roy Peratrovich's claim was Helen Peterson, the director of the National Congress of American Indians (NCAI) from 1953 to 1961. The Peratroviches became active in the NCAI when they moved to Oklahoma in 1955, and Helen and Elizabeth came to be close friends. As indicated in the aforementioned Congressional reports, "No Dogs" signs likely had been posted in Montana and the Dakotas in the 1940s and 1950s, and Peterson,

[517] Dave Zirin, "Don't remember Muhammad Ali as a sanctified sports hero. He was a powerful, dangerous political force," *Los Angeles Times*, June 4, 2016; Peter Matthiessen, "Profiles: Organizer, II," *New Yorker*, June 28, 1969, 51; 116 Cong. Rec. 6270 (1970) (statement of George E. Brown, Jr.); 114 Cong. Rec. 12421 (1968) (statement of Olin E. Teague); 129 Cong. Rec. 33595 (1983) (statement of Mark Hatfield); 120 Cong. Rec. 27955 (1974) (statement of Robert E. Bauman); Paysha Stockton, "State honors Elizabeth Peratrovich this week," *Juneau Empire*, February 14, 1999, A-3; Stanton H. Patty, "Alaska claims: Richest roll call in history," *Seattle Daily Times*, April 17, 1972.

an Oglala Dakota (Sioux) from Pine Ridge, South Dakota, would have known about any such signs in the region. Roy Peratrovich perhaps learned of the signs from Peterson and others who experienced them firsthand.[518] Whatever the source, the Natives-as-dogs trope was in wide circulation in the era, and by 1971, Peratrovich had transposed the history to Alaska, mentioning the signs in letters, speeches, and interviews throughout the decade. By the time of the 1987–88 campaign to enact a state holiday in Elizabeth's name, the conceit of "No Dogs" was widely accepted. Today it is nearly impossible to locate an article about the history of discrimination in Alaska that does not include the phrase.

The Fictions Continue

Every telling of the equal rights story is, at its most fundamental level, an attempt to "own" the history. Although the ostensible purpose in recounting the history is simply to honor Peratrovich, acts of remembrance always say more about the person or persons doing the remembering. In part, Alaskans tell the story in order to demonstrate they live today in a more tolerant society where no one speaks of Natives the way that Allen Shattuck and Tolbert Scott once did. The story proves comforting because it relegates discrimination to the past, alleviating the emotional burden and cognitive errand of grappling with racial inequality in the present.

The fact that Peratrovich's story has been revised and even fictionalized over the years is therefore not at all surprising. The tale actually becomes easier to digest the greater its indignities given the emotional distance such horrors create—which helps to explain why every revision to the story of the Anti-Discrimination Act works to amplify the discrimination Natives faced,

[518] Peter Metcalfe, *A Dangerous Idea: The Alaska Native Brotherhood and the Struggle for Indigenous Rights* (Fairbanks: University of Alaska Press, 2014), 80-82, 117n173.

never to soften or modulate it. The embellishments are like a ratchet that turns in only one direction.

The "No Dogs" trope is an obvious example. The revisions to Peratrovich's testimony discussed in the previous chapter are another. There are many others. There is no historical evidence that Native children were at one time denied entry to movie theatres, for instance, but the claim has found its way into the myth because it underscores the pain of discrimination more dramatically than the truth, which is that Native children were admitted to theatres but forced into segregated seating, still a vile practice.[519] The notion that Juneau city buses were segregated, with Natives forced to sit in special sections, is another example of an embellishment with no historical evidence behind it but that has nonetheless proven useful in creating distance between the present and the past.[520] Still another fiction contends that Peratrovich equated the prejudice in Alaska to the "'master race' claim of the Nazis," a phrase that Peratrovich did not say and a comparison that she did not make.[521]

The fictions continue. In several published versions of the myth, Roy and Elizabeth Peratrovich celebrated the passage of the equal rights bill with a night of dancing in the ballroom at Juneau's Baranof Hotel. "The day before the lounge had been off limits to Native Alaskans," read one account.[522] The hotel "had just taken down its 'No Natives Allowed' sign a few hours

[519] "Civil rights champion Elizabeth Peratrovich," *NEA-AKtivist* (January 2010), 4.
[520] Dorothy McKinley interviewed by Cy Peck Jr., KTOO Public Media, Juneau, Oral History 90-22-39, Elmer E. Rasmuson Library, University of Alaska Fairbanks. The interview was done in honor of Sophie Fred Peck.
[521] Mike Dunham, "Native Sisterhood played key role in fight for rights," *Juneau Empire*, February 14, 1999, A-3. Although Roy Peratrovich referenced the plight of European Jews in a 1941 letter to Governor Ernest Gruening, at no point did Elizabeth Peratrovich in her public statements draw explicit comparisons between the discrimination in Alaska and the genocidal campaign of the Nazis then happening in Europe. See Roy Peratrovich to Ernest Gruening, December 30, 1941, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau.
[522] Dave Kiffer, "Alaska Civil Rights Pioneer Elizabeth Peratrovich Celebrated," www.sitnews.us/0218News/021718/021718_peratrovich.html [accessed July 31, 2018]. See also Frank Peratrovich with Judy Ferguson, "Civil rights battles," *Anchorage Daily News*, November 12, 2006, D-3.

earlier," stated another.[523] Lisa Murkowski, in a speech on the floor of the U.S. Senate in 2005, said of the Peratroviches' outing, "They danced among people they didn't know. They danced in a place where the day before they were not welcome."[524] The vignette effectively dramatized the history—but it's simply not true. In a 1979 interview, Peratrovich remembered that he and his wife were regulars at the Baranof and had dined and danced there often. They were never turned away. On one occasion they observed a young Native couple being ignored by the wait staff, and a furious Elizabeth complained to Edward O'Brien, the hotel manager with whom she was friendly. O'Brien assured the Peratroviches that the situation would not happen again. In a subsequent conversation with Ernest Gruening, O'Brien informed the governor the matter had been handled. He also guaranteed that no signs were or ever would be posted in the window of the hotel.[525]

Still another embellishment holds that the Anti-Discrimination Act was the first of its kind in the nation, coming a full two decades before the national civil rights and voting rights acts of the 1960s. Of the many sources making this claim, one published in 2020 is as representative as it is direct: "[I]n 1945 Alaska became the first American state or territory to pass an anti-discrimination act." Another commenter in 2015 pointed out that Peratrovich's triumph occurred when Martin Luther King Jr. was still in high school. Still another boasted of the Anti-Discrimination Act, "Signed ten years before *Brown v. Board of Education*, it is

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[523] Tonei Glavinic, "Remembering Elizabeth Peratrovich: Alaska's Civil Rights Legacy," www.alaskacommons.com/2014/02/17/remembering-elizabeth-peratrovich/ [accessed January 13, 2018]. See also Shannon Haugland, "Sitka to Pay Tribute to Elizabeth Peratrovich," *Daily Sitka Sentinel*, February 16, 2013.
[524] 151 Cong. Rec. S2796 (daily ed. February 17, 2005). Senator Murkowski's source for the Baranof Hotel story was almost certainly Central Council of Tlingit and Haida Indian Tribes of Alaska, "A Recollection of Civil Rights Leader Elizabeth Peratrovich, 1911–1958," August 1991, which on page 23 states, "That evening [February 8, 1945, the date the bill passed the Senate], Mr. and Mrs. Roy Peratrovich could be seen at the Baranoff [sic] Hotel, dancing all night long. Dancing amongst people they did not personally know, dancing in an accommodation where the day before they were not welcome. They celebrated. They were happy. They belonged."
[525] Roy Peratrovich interviewed by Cy Peck Jr., circa 1979, recording 02201.06, Sealaska Project Jukebox Collection (MC 020), Sealaska Heritage Institute, Juneau.

considered by many to be an early milestone in the national civil rights movement that would sweep the country in the decades to come." The intent of these stories is clear: they cast Peratrovich as a pioneer for civil rights, a visionary who was the first in the nation to make a stand. They emphasize that the Tlingit heroine blazed a trail of racial equality for others to follow, bolstering her husband's repeated insistence that King did nothing for Alaska Natives that they hadn't already done for themselves.[526]

But is it true? Was Alaska's the first anti-discrimination law in the nation? Quite simply, no. Not by eighty years.

Massachusetts enacted a public accommodations law on May 16, 1865, just one month after the end of the Civil War, which declared there should be no distinction, discrimination, or restriction in any public place on account of race or color.[527] The District of Columbia did the same in 1869. New York and Kansas followed suit in 1874. Fifteen additional states, all outside the South, enacted anti-discrimination laws in the 1880s and 1890s—efforts stimulated by a U.S.

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[526] Ian C. Hartman, *Black History in the Last Frontier* (Anchorage: National Park Service, 2020), 90; "Who Is Elizabeth Peratrovich?" elizabethperatrovich.blogspot.com/2015/01/who-was-elizabeth-peratrovich.html [accessed August 1, 2018]; Julie Kitka to Jacob J. Lew, August 10, 2015, personal collection of author. On the claim that Alaska's anti-discrimination law was the first in the United States, see also Sharon Attia, "Goodbye, Women's History Month. Here Are 15 Women We Shouldn't Forget," *New York Times*, March 29, 2019. For other sources that address how the Anti-Discrimination Act predated Dr. King's work and the national civil rights movement, see Nick Bowman, "Ketchikan theater named for Elizabeth Peratrovich," *Ketchikan Daily News*, February 17, 2017; Jess Field, "Elizabeth Peratrovich Day Parade an emotional affair," *Petersburg Pilot*, February 18, 2016; Eric Morrison et al. to Jacob J. Lew, August 10, 2015, personal collection of author; James Mason, "Elizabeth Peratrovich, bringing light to all people," *Alaska Newspapers, Inc.*, July 4, 2011; Mark Begich, "Ahead of her time—remembering Elizabeth Peratrovich," *Alaska Newspapers, Inc.*, July 4, 2011; Dave Kiffer, "Alaska Celebrates Civil Rights Pioneer, Peratrovich's efforts pre-dated Martin Luther King," www.sitnews.us/Kiffer/Peratrovich/021808_e_peratrovich.html [accessed August 1, 2018]; Shannon Haugland, "Sitka to Pay Tribute to Elizabeth Peratrovich," *Sitka Sentinel*, February 16, 2013; Paysha Stockton, "State honors Elizabeth Peratrovich this week," *Juneau Empire*, February 14, 1999, A-3.

[527] Interestingly, the Massachusetts law failed in one of its first applications. In 1866, after a black man was refused admission to a billiards room, the Supreme Court ruled the anti-discrimination law did not apply because the room was unlicensed and therefore did not qualify as a public accommodation. See Gilbert Thomas Stephenson, *Race Distinctions in American Law* (New York: D. Appleton and Co., 1910), 112, 131-32; Millington W. Bergeson-Lockwood, "'In Accordance with the Spirit of the Times': African American Citizenship and the Civil Rights Act of 1866 in New England Law and Politics," in *The Greatest and the Grandest Act: The Civil Rights Act of 1866 from Reconstruction to Today*, Christian G. Samito, ed. (Carbondale: Southern Illinois University Press, 2018), 106.

Supreme Court ruling in 1883 that only states and local governments, not the federal government, had the power to prohibit discrimination by private individuals and entities. (During Reconstruction, Florida, North Carolina, Louisiana, and Arkansas all enacted some form of civil rights law that respected people of every race and color, but those statutes were either repealed or ignored by authorities once segregationist Democrats regained control of state governments after 1877.) The 19th-century statutes varied in their specific language, but Indiana's law, enacted in 1885, was typical: "All persons within the jurisdiction of said state shall be entitled to the full and equal enjoyment of the accommodations, advantages, facilities and privileges of inns, restaurants, eating houses, barber shops, public conveyances on land and water, theatres and all other places of public accommodations and amusements…regardless of color or race."[528]

The fervor for such laws quieted in the early twentieth century, but by the 1930s, the need and admissibility for civil rights protections again became recognized. In 1939 the *Columbia Law Review* reported the economic depression in the United States "has accentuated the precarious position of racial minorities," adding that the rise of fascism in Europe "has produced an awareness in many people of the dangers to our democratic government inherent in the spread of such practices [racial and religious discrimination], and has led to a variety of legislative proposals to eliminate them." Accordingly, at least twenty-three anti-discrimination bills and resolutions were introduced at the federal, state, and municipal levels in 1939 alone. Fourteen states, including Minnesota, Nebraska, Pennsylvania, and New Jersey, as well as the territory of Puerto Rico, enacted or revised some form of anti-discrimination statute around that time.[529] This

[528] Quoted in L. M. G., *Legislation*, 84 U. Pa. L. Rev. 75 (1935). Gilbert Thomas Stephenson concludes that the similarities in the language of the postbellum laws resulted from the fact that lawmakers in most states simply copied the federal civil rights law of 1875. See Gilbert Thomas Stephenson, *Race Distinctions in American Law* (New York: D. Appleton and Co., 1910), 121-24.

[529] Wallace F. Caldwell, *State Public Accommodations Laws, Fundamental Liberties and Enforcement Programs*, 40 Wash. L. Rev. 841 (1965); *Legislative Attempts to Eliminate Racial and Religious Discrimination*, 39 Colum. L. Rev. 986 (1939).

flurry of action meant that by the time legislators in Alaska began debating an anti-discrimination bill in 1945, a full twenty-eight states already had such laws on the books.

Roy Peratrovich himself testified to the fact before the legislature on February 5, 1945—in the very same hearing where in a few moments his wife would secure her place in history. Three years earlier, Peratrovich reached out to Anthony Dimond, Alaska's congressional delegate, for help in ascertaining what laws existed around the country. After conferring with the Library of Congress, Dimond supplied Peratrovich with a summarized list. As Peratrovich later explained, "We researched these laws and put together ideas obtained from this source and had a bill drawn up."[530] Peratrovich learned that in Arkansas, for example, the state constitution affirmed that the "equality of all persons before the law is recognized" and mandated that no citizen shall be deprived of any right "on account of race, color, or previous condition." In Texas, a resolution granting Mexican immigrants "full and equal access" to public accommodations had passed the legislature in 1943.[531]

Civil rights laws were not unknown north of the border, either. In the early 1930s, Canadian Jews experiencing rampant anti-Semitism, exclusion from public spaces, and

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[530] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau. In a 1988 interview, Roy said of the laws of other states provided to him by Dimond, "We picked up good ideas from that." See Roy Peratrovich interviewed by Donald Craig Mitchell, August 16, 1988, Box 2, Folder 29, HMC-1099, Donald Mitchell oral histories, Archives and Special Collections, Consortium Library, University of Alaska Anchorage.

[531] "Legislative Highlights," *Alaska Fishing News* (Ketchikan), February 9, 1945, 4; Anthony J. Dimond to Roy Peratrovich, October 15, 1942, "State Laws Prohibiting Race Discrimination," undated memorandum, Peratrovich Family Papers, MS 129, Alaska State Library Historical Collections, Juneau. That more than two dozen states had enacted anti-discrimination laws prior to 1945 does not mean such laws were enforced or even taken seriously by authorities in those states. Regarding the 1943 resolution in Texas, for instance, historians have concluded the measure was perhaps not quite the triumph of equality it may have seemed. The bill was intended to placate the Mexican government regarding the treatment of its citizens who emigrated to Texas—or, as Matthew Gritter puts it, to "ensure a large and continuous source of cheap labor from Mexico." In addition, its protections did not extend to African Americans, a deliberate calculation on the part of Governor Coke Stevenson, an avowed segregationist. See Matthew Gritter, *Mexican Inclusion: The Origins of Anti-Discrimination Policy in Texas and the Southwest* (College Station: Texas A&M University Press, 2012), 113; Matt S. Meier and Feliciano Ribera, *Mexican Americans/American Mexicans: From Conquistadors to Chicanos* (New York: Hill and Wang, 1993), 176-77; Roberto Suro, "A 1940's Texan Rides High, in a Book," *New York Times*, March 22, 1990.

discrimination in business and insurance contracts began calling for legal protections. The provinces of British Columbia and Ontario enacted anti-discrimination laws in 1932. Manitoba acted two years later by passing a landmark libel law that allowed any member of a religious or racial group that was being defamed to sue the author or publisher for an injunction and damages. And in 1944, Ontario prohibited the display of signs expressing racial or religious hatred.[532]

At the time of his Senate testimony, Peratrovich emphasized the ubiquity of such statutes for a very practical reason. The many laws, even in states like Arkansas and Texas where Jim Crow segregation was firmly in place, showed there was nothing particularly radical about the ANB's equal rights bill. Alaska's solons could take comfort in the fact that more than half the states in the union had already passed such bills. There would have been no reason for Peratrovich in 1945 to claim the Alaska bill was "first" because doing so might have made legislators skittish. But forty years later, once Americans had enshrined the civil rights movement as a national triumph, Alaskans exulted in calling Elizabeth Peratrovich a trailblazer who beat Rosa Parks and Dr. King to the punch. That the claim is altogether false has in no way impeded its widespread acceptance. It represents only another turn on the ratchet of embellishments.

Why Embellishments Matter

Cataloguing the embellishments listed above may seem like the most pedantic of exercises. On their own, embellishments that make for a more engaging story might appear to be of little consequence, especially if in their dramatization they enable a wider distribution of an

[532] Lita-Rose Betcherman, "The Early History of Canada's Anti-Discrimination Law," *Patterns of Prejudice* 7, no. 6 (1973), 19-23.

important story than might otherwise occur. What does it really matter that a few fictional details were added for effect? Isn't that basically what poets and storytellers from Homer to Shakespeare to Steven Spielberg have done? In the context of Alaskans' attitudes about racial difference, however, these misapprehensions of history have a nontrivial pernicious effect.

One of the central assumptions of this dissertation is that perceptions of race and the language used to discuss it are social constructions. They emerge from historical antecedents even as they are shaped by the social mores and political circumstances of the times in which they occur. To that end, the history of Native civil rights has been constructed, in part, to flatter present-day Alaskans' beneficent self-image. But if stories from the past are to be treated as markers that quantify the progress of the intervening years, any embellishment that skews those markers, however slightly, stands to upend the entire works. The "No Dogs" trope, for example, although unquestionably potent as a narrative device, flattens the history of racial exclusion and so dominates how the public perceives and engages with the past that it limits understanding of the myriad ways institutional discrimination operated in midcentury Alaska. The other fictions listed above, while perhaps minor by themselves, add to the accumulated heft of those misapprehensions. If good history is a good foundation for a better present and future, as the distinguished historian John Hope Franklin famously stated, the reverse, sadly, may also be true.

People of every background tell stories to make sense of their past, and, whether consciously or not, they often polish those remembrances in order to make the meanings clear. Primo Levi, who through his writings ensured the terrible memory of the Nazi concentration camps would never be forgotten, recognized the fallibility of the human mind when it came to recalling one's own experiences. "[A] memory evoked too often, and expressed in the form of a story," he wrote, "tends to become fixed in stereotype…crystallized, perfected, adorned,

installing itself in the place of the raw memory and growing at its expense."[533] The phenomenon can be observed quite readily in how Roy Peratrovich, toward the end of his life, told and retold the story of the Anti-Discrimination Act in numerous speeches, letters, and interviews. He recounted the events of 1945 so many times that his story took on a furbished, rehearsed quality. Certain phrases were repeated verbatim time after time, and the arc of the story settled into such well-worn grooves that many who'd read one of his letters in the newspaper or heard him speak at an ANB convention began using the same words and phrases when telling the story themselves. "No Dogs" is one of those details that, although fictional, through sheer repetition came to accepted as fact.

Narratives of the past often become ritualized, embedding themselves so firmly in collective memory that they ensure longstanding fidelity to a favored interpretation. Memories unique to the individual are gradually displaced as the perfected story takes hold. Levi himself observed the unfortunate but understandable tendency of his fellow Holocaust survivors to offer firsthand remembrances of well-known atrocities despite records proving they were hundreds of miles away at the time. The impulse to communicate the weight of historical trauma obscures personal memory. Extraneous, invented details facilitate the process, but in presenting a false picture of the past they inculcate misapprehensions of history in the present.

[533] Primo Levi, *The Drowned and the Saved* (New York: Summit Books, 1988), 24.

Chapter 10: The Politics of Respectability and Preservation of White Racial Innocence

Construction of Alaska Native civil rights history began when Roy Peratrovich, William Paul, and Ernest Gruening began telling their respective versions of how the Anti-Discrimination Act came to be enacted, and it was no coincidence the three men began staking their ownership claims within a few years of each other in the 1970s. The Red Power movement of the time was leading to a growing sense of pan-Indian identity across America, while protests such as the occupation of Alcatraz Island by Native activists in 1969–71, and the 1973 standoff between Indians and the FBI at Wounded Knee, South Dakota, garnered worldwide attention to Native issues. Shifts in societal attitudes about Native Americans were reflected in books like Dee Brown's *Bury My Heart At Wounded Knee* and in films such as *Little Big Man* and *Soldier Blue*. The Vietnam War had caused many Americans to grapple with their country's long history of colonialism and oppression of minority peoples, resulting in renewed appreciation for Indigenous history and culture. As Sherry L. Smith writes of the "cross-fertilization of ideas, techniques, and partnerships" that underpinned Indians' struggles for economic and political justice in the era, "The particular confluence of contemporary issues made Indians especially interesting, appealing, and relevant to the nation's restless, reform-oriented, discontented, outraged, and alienated souls. Native Americans—or perhaps more accurately peoples' rather fuzzy 'understandings' of Native Americanness—suddenly had particular panache."[534]

[534] Sherry L. Smith, *Hippies, Indians, and the Fight for Red Power* (Oxford: University Press, 2012), 5-6. On the rise of Native American political activism in the 1960s and beyond, see Paul Chaat Smith and Robert Allen Warrior, *Like a Hurricane: The Indian Movement from Alcatraz to Wounded Knee* (New York: The New Press, 1996); Daniel M. Cobb, *Native Activism in Cold War America: The Struggle for Sovereignty* (Lawrence: University Press of Kansas, 2008); Kent Blansett, *A Journey to Freedom: Richard Oakes, Alcatraz, and the Red Power Movement* (New Haven: Yale University Press, 2018).

And in Alaska, the land claims settlement that passed Congress in 1971 granted significantly more than just the forty-four million acres of land and $962.5 million specified in the act; it elevated the political, economic, and social standing of Alaska Natives within the dominant western culture of the state. As Roy Peratrovich himself said in 1977, "Nowadays, it has become popular to be an Indian."[535]

These and other transformations of the era created an environment of societal acceptance in which the story of Elizabeth Peratrovich, which had gone untold for decades to that point, could be resurrected. And if Roy Peratrovich, William Paul, and Ernest Gruening felt emboldened by the new mores to tell their respective versions of the story, the public received them with an enthusiasm and appreciation born of those same transformations. White Alaskans, in particular, came to revere the Tlingit activist, in much the way White Americans in the same era developed favorable views of Martin Luther King Jr., many for the first time. As described elsewhere in this manuscript and as will be examined in still greater detail below, the histories and mythologies of the two civil rights champions came to be intertwined to a remarkable degree. One reason Peratrovich's story resonated so powerfully with White Alaskans was that, like King's, it embodied the politics of respectability, an organizing principle in which minority activists framed their values as being compatible, not in conflict, with those of mainstream society. While challenging the powers that be, as King and Peratrovich unquestionably did, their campaigns featured respectful dialogue, a general acceptance of authority and institutional norms, and even conventional dress and manners. Although vilified by many during his lifetime, King came to be seen in death as an honorable man who worked within the system. His clean-cut, besuited image helped White America reconcile the societal changes that had happened

[535] Roy Peratrovich, "Keynote Address," *Minutes of the Proceedings of the 65th Annual Convention,* Mss 7, Series 2, Box 6, Walter A. Soboleff Papers, Sealaska Heritage Institute Archives, Juneau.

seemingly overnight. King became a comforting figure, in contrast to radicals and militants such as Malcolm X, Stokely Carmichael, Huey Newton, and Bobby Seale who many White Americans believed wanted only to burn the country to the ground.

Elizabeth Peratrovich offered similar comfort to White Alaskans. In addition to the economic power they now wielded under ANCSA, Alaska Natives by the 1970s were becoming more integrated into the state's politics than ever before. Where only eleven Natives had served in the legislature in the entire territorial period from 1912 to 1959, thirty-six were elected in the first decade and a half of statehood, and they came to Juneau determined to, as Kotzebue representative Willie Hensley put it, shake up the status quo.[536] Militant activists such as Charlie "Etok" Edwardsen protested the North Slope oil development so prized by many Alaskans, while even mainstream Native envoys regularly discomfited the state's political elite by asserting themselves on land claims, subsistence hunting and fishing rights, whaling quotas, Native hire, construction of the oil pipeline, and other issues. As White Alaskans adjusted to this new multicultural reality, they took comfort in Peratrovich's respectability politics. Her demands for social change may have seemed threatening at the time she made them, but once those values had become integrated into mainstream society she was transformed into an exemplar of the "right" way to effect change. She was a model Indian in their eyes, reasonable and pragmatic in ways that enabled Whites to avoid any mention of race, hers or theirs.

In this way, White Alaskans' embrace of respectability politics contributed to the racial innocence that emerged from the statehood era and its promise that, since equality for Natives supposedly had been realized, racial difference now ceased to matter. White racial innocence functioned as a form of myopia, a useful delusion that relegated racism and discrimination to the

[536] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 127.

past and thereby absolved its adherents of the responsibility of confronting the inequities that persisted in Alaska society. This was never more evident than in the disconnect between the post-ANCSA statewide celebrations of Native culture and the perpetuation of what Natives themselves perceived as anti-rural, anti-Native attitudes and policies that left rural communities alienated from the very institutions the state claimed were open to them. A 1999 report by the Alaska Commission on Rural Governance and Empowerment, for example, found that Natives felt disconnected from a state government they perceived as "cold, distant, hidden, uninformed about life at the local level, and controlled by somebody else." On the often bitter political divides between rural and urban residents, especially having to do with subsistence hunting and fishing, Natives lamented the way their values and cultures were regularly scorned. "The great challenge is not to make everyone the same," the report's authors noted, "but to celebrate differences by building tolerance, flexibility and imagination into the public life of our state."[537] That such a celebration of difference was beyond the capacity of Alaska's mainstream culture was perhaps most clearly reflected in its embrace of Native respectability politics on the one hand and, on the other, its simultaneous refusal to recognize tribal sovereignty, translate ballots into Native languages, expand rural legislative representation, elect Natives to statewide office, recognize subsistence as a cultural practice, provide adequate funding for rural schools, and so on.

If the findings of the Rural Governance and Empowerment Commission surprised White Alaskans, the statements of one of its co-chairpersons proved downright shocking. Byron Mallott, a Tlingit from Yakutat, sent shock waves through the state when he commented upon the release of the committee's report, "It's not a good time to be a Native Alaskan." Natives were

[537] "Final Report to the Governor," Alaska Commission on Rural Governance and Empowerment, June 1999, 12-13.

more than just discriminated against, he argued in a column in the *Anchorage Daily News*. They were rendered invisible and denied a meaningful voice in the state's political discourse. Mainstream society, he wrote, "only dimly comprehends [Natives'] existence and seems more and more unwilling to accept—let alone celebrate—the Native place in Alaska."[538] No issue exemplified the discord at the time more than the unwillingness of the state to recognize federal subsistence mandates that sought to prioritize the rights of rural, mostly Native residents to harvest fish and game. In a state that had long prided itself on supposedly harmonious relations between Whites and Natives, Mallott's words stung. Many could not comprehend his anguish given that Natives were CEOs of million-dollar corporations, served at every level of government, and held leadership positions in law, finance, health care, education, the arts, and every other sector of public life in Alaska. Mallott himself was director of the Alaska Permanent Fund Corporation, which managed billions of dollars of the state's oil wealth. How could anyone claim, as Mallott did, "there has not been a worse moment in Alaska's recent history for Alaska's Native peoples than now"?

The answer, in part, could be found not merely in the anti-Native attitudes and policies catalogued by Mallott's commission, but in the silence of those White Alaskans whom Natives took to be allies. "What has always kept me enthusiastic and positive about Alaska," he wrote, "has been the belief that the majority of Alaskans are good and decent people who recognize the value of the first inhabitants of this land being full partners in the state's future. I am beginning to question that belief, for their voice, if truly it is there, is not being heard." Epithets might be no longer hurled at Natives and no signs existed to bar their entry to public spaces, but, for Mallott,

[538] Byron I. Mallott, "It's not a good time to be a Native Alaskan," *Anchorage Daily News*, May 3, 1999, B-8, emphasis added.

the racial blindness exhibited by many White Alaskans meant that the color-blind idealism they promised, the notion that Natives were full partners in the state's affairs, was also illusory.

In 1977 Roy Peratrovich observed it was suddenly "popular" to be an Indian. Twenty-two years later, Byron Mallott concluded it wasn't. And in between, the State of Alaska enacted a holiday in honor of Elizabeth Peratrovich. These events are connected by the politics of respectability and the preservation of White racial innocence. This final chapter explores those connections.

The Politics of Respectability

Dr. Martin Luther King Jr.'s "I have a dream" speech, delivered on the steps of the Lincoln Memorial at the March on Washington on August 28, 1963, was not universally praised at the time. Gallup polls showed two-thirds of Americans disapproved of the march, with even greater numbers holding negative opinions of King himself. President John F. Kennedy, fearing disruptions that might derail his pending civil rights legislation, tried to get King to cancel the event, and Robert Kennedy, the attorney general and president's brother, arranged to have an official seated next to the sound system, ready to pull the plug if the speeches became too inflammatory. Southern Democrats in Congress, including ardent segregationists Russell Long of Louisiana and Strom Thurmond of South Carolina, tried to discredit the movement and its leaders. FBI director J. Edgar Hoover denounced the March on Washington as a Communist plot.

There was criticism even within the civil rights movement itself. While the Kennedy administration felt King was moving too fast and asking for too much, many activists despaired at what they viewed as the movement's slow pace and incremental gains. Many were

disappointed that King and the movement's more conservative leaders made certain concessions to Kennedy in organizing the march. Student activists in particular objected to the censoring of John Lewis. Chairman of the Student Nonviolent Coordinating Committee and at twenty-three the youngest speaker on the dais, Lewis planned to call out Kennedy for failing to live up to his promises on civil rights, but organizers forced him to delete those remarks from his speech. One attendee, an activist who'd traveled to Washington from rural Mississippi, complained afterward that she'd heard too much about dreaming and not enough about leading. "I sat there thinking that in Canton we never had time to sleep, much less dream," she commented. Malcolm X called it the "Farce on Washington," while Bill Russell, the basketball legend and otherwise strong ally of King's, agreed the effort to appease Kennedy and appeal to mainstream white America had diminished the march's potential, turning it into what he called a "mere picnic."[539]

Although today considered among the most inspirational pieces of oratory in American history, King's "I have a dream" speech was considered unremarkable for years. It all but vanished from public discourse within days of the march. His words were rarely quoted, and mention of the speech was almost entirely absent from congressional debates on the Civil Rights Act of 1964, which constitute almost 64,000 pages of the Congressional Record.[540] According to Gary Younge, "The speech was marginalized because, in the last few years of his life, King himself was marginalized, and few who had the power to elevate his speech to iconic status had any self-interest in doing so."[541] By speaking out against poverty and opposing the Vietnam War, King lost the support of the White House, Congress, and many of his White and more

[539] Gary Younge, "Martin Luther King: the story behind his 'I have a dream' speech," *The Guardian*, August 9, 2013; Louis Moore, "The NFL has officially whitewashed Colin Kaepernick's protest," www.vox.com/first-person/2017/9/28/16379618/nfl-take-a-knee-protest-colin-kaepernick [accessed September 28, 2017].
[540] Drew D. Hansen, *The Dream: Martin Luther King, Jr., and the Speech that Inspired a Nation* (New York: Ecco, 2003).
[541] Gary Younge, "Martin Luther King: the story behind his 'I have a dream' speech," *The Guardian*, August 9, 2013.

conservative supporters around the country. His branding of the United States as "the greatest purveyor of violence in the world today" earned him the opprobrium of many, including *Life* magazine who called that 1967 speech "a script for Radio Hanoi."[542] Indeed, King was very nearly a pariah, booed on occasion even by Black audiences in the last years of his life.

Only after his death by an assassin's bullet in 1968 did Americans begin to embrace the speech as a way of honoring the slain civil rights leader and his vision for a more equal society. Certain phrases in particular became popular for the way they seemed to validate the American patriotic mythology. The image of "little black boys and black girls [joining] hands with little white boys and white girls as sisters as brothers," for example, neatly embodied the nation's founding ideals. The speech's most often quoted line—"I have a dream that my four little children will one day live in a nation where they will not be judged by the color of their skin but by the content of their character"—similarly could be invoked in order to emphasize progress and discard racism as a relic of the past.

Such blandishments overlook the theme of injustice at the core of the speech, however. "The speech is profoundly and willfully misunderstood," according to Vincent Harding, King's longtime ally and speechwriter. "People take the parts that require the least inquiry, the least change, the least work. Our country has chosen what they consider to be the easier way to work with King."[543] By focusing only on uplifting images of children holding hands, Americans have been able to recast King's address as an expression of hope and progress rather than the searing indictment of racial exclusion that it actually was. "One hundred years [after the end of slavery], the Negro still is not free," the speech's third paragraph begins.

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[542] Quoted in Younge, "Martin Luther King: the story behind his 'I have a dream' speech."
[543] Quoted in Gary Younge, "The Speech," *The Nation*, September 2-9, 2013, 14.

> One hundred years later, the life of the Negro is still sadly crippled by the manacles of segregation and the chains of discrimination. One hundred years later, the Negro lives on a lonely island of poverty in the midst of a vast ocean of material prosperity. One hundred years later, the Negro is still languished in the corners of American society and finds himself in exile in his own land. And so we've come here today to dramatize a shameful condition.

King excoriated America for failing to live up to its own ideals, for defaulting on what he termed "a promissory note…that all men, yes, black men as well as white men, would be guaranteed the unalienable rights of life, liberty, and the pursuit of happiness." He proclaimed there would be "neither rest nor tranquility in America" while Black people remained oppressed, warning "the whirlwinds of revolt will continue to shake the foundations of our nation until the bright day of justice emerges." Needless to say, none of the above passages are quoted today in books or articles celebrating King's legacy, even though the issues he raised in the speech—poverty, unemployment, police brutality, voting rights, ghettoization of the black community, and so on—are as relevant today as ever. Indeed, it is precisely *because* those issues still plague the nation in the present that they are deliberately excluded from remembrances of King. Such problems remain "live, divisive and urgent," writes Younge, and to associate King with them "would not raise him above the fray but insert him into it, leaving him as controversial in death as in life."[544] And so America has chosen the mythologized King, stripping him of his radicalism and turning him into a symbol of the nation's supposed greatness.

[544] Younge, "The Speech," 14.

This version of the civil rights leader appeals to both liberals and conservatives, who deploy language from "I have a dream" to support their respective arguments about race. Conservatives invoke the "content of their character" passage to justify their opposition to affirmative action and voting rights laws. Liberals counter that King's many speeches and writings make clear he believed such race-conscious measures were entirely necessary to redress historical imbalances. "This seemingly universal desire to accept King has come at a cost," writes Annette Gordon-Reed. "Making him all things to everyone fogs the clarity of his moral vision and severely undervalues the contributions he made to this country."[545] The revisionism has worked, however, as King has become universally beloved. By 1999 Gallup polls showed he was one of the most admired Americans of the twentieth century, a near complete turnaround from three decades earlier when he was widely reviled. A memorial to King featuring a thirty-foot granite statue with inspirational quotes chiseled into its base was unveiled in 2011 on the National Mall in Washington DC, placing him both historically and literally alongside revered heroes Washington, Jefferson, Lincoln, and Roosevelt. Perhaps nothing demonstrates how mainstream, not to mention anodyne, a figure he had become better than the automaker Dodge using a sermon delivered by King as the voice-over in a Super Bowl ad in 2018.

The revisionism to which King's memory was subjected helped Americans make sense of the societal upheavals of the post- World War II era. He was not the only controversial figure whose memory and legacy proved malleable in the service of soothing racial anxieties. For refusing to enter the U.S. armed forces in 1966, Muhammad Ali was stripped of his boxing titles, surveilled illegally by the FBI and National Security Agency, and earned the enmity of most Americans. Like King, Ali connected the war in Vietnam to the injustices faced by Blacks in

[545] Annette Gordon-Reed, "MLK: What We Lost," *The New York Review of Books*, November 8, 2018, 48.

America: “Why should they ask me to put on a uniform and go 10,000 miles from home and drop bombs and bullets on brown people in Vietnam while so-called Negro people in Louisville are treated like dogs and denied simple human rights?”[546] His outspokenness, conversion to Islam, and influence among black Americans and peoples of color worldwide were deeply threatening to the status quo—but years later, once Ali’s vision of freedom and equality had become accepted by most Americans, marginalizing him was no longer in anyone’s self-interest and he became an emblem of the country’s promise and progress. When the fifty-four-year old Ali, stooped and suffering from Parkinson’s disease, lit the flame at the Olympic Games in Atlanta in 1996, his genial manner and open smile contrasted markedly to the image of the angry Black man that many Americans had long held of the boxer. Upon his death in 2016, Ali was universally praised as a humanitarian.

Robin DiAngelo offers another explanation for why White America has come to embrace once controversial Black sports heroes such as Ali and Jackie Robinson. Their uplifting stories help to preserve White racial innocence by rendering White privilege and racist institutions invisible. Robinson is celebrated today as the man who in 1947 broke baseball’s color barrier. Telling the story this way suggests the ballplayer’s unique character and extraordinary talents enabled him to achieve both on-the-field success for himself and social progress for the nation as a whole. But DiAngelo points out that if we rephrase things, if we say not that Robinson was the first Black man to play baseball but that he was “the first black man *whites allowed* to play major-league baseball” it now becomes a fraught and discomfiting story about White control. “This version makes a critical distinction,” she writes, “because no matter how fantastic a player Robinson was, he simply could not play in the major leagues if whites—who controlled the

[546] Quoted in Dave Zirin, “Don’t remember Muhammad Ali as a sanctified sports hero. He was a powerful, dangerous political force,” *Los Angeles Times*, June 4, 2016.

institution—did not allow it."[547] Her point is not hypothetical; countless Black ballplayers of the era, among them Josh Gibson, Ray Dandridge, and Cool Papa Bell, many considered to be as or more talented than Robinson, never donned a major league uniform because the institution did not allow them to. Satchell Paige, widely regarded as one of the greatest pitchers in baseball history, spent his prime years in the Negro Leagues, only making his major league debut in 1948 at the age of forty-two. The same goes for Ali. Saying that he regained and defended his heavyweight titles in legendary bouts with Joe Frazier, George Foreman, Ken Norton, and Leon Spinks frames his victories as personal achievements and testifies to his unparalleled athletic prowess. But the story has a different meaning altogether if we say that Ali won championships only when the White-dominated worlds of sports, media, and the law (it took a ruling by the U.S. Supreme Court in 1971 to restore his boxing license) allowed him to.

Sports was always more than just a game for Black athletes, according to Howard Bryant, author of *The Heritage*, his study of patriotism and politics in sports. "The scoreboard served as a metaphor for the meritocracy America always considered itself," he writes, "and sports was the barometer for where African Americans stood in the larger culture, how American they would be allowed to be."[548] Simply taking the field has always been a political act for Black athletes, Bryant observes, and some, but not all, have used their voices off the field to advocate for social change. The phenomenon is perhaps most clearly illustrated by those Black athletes whose on-the-field triumphs might have been celebrated by fans but who remained personally marginalized for reasons related to their activism. Tommie Smith and John Carlos, for example, medalists at

[547] Robin DiAngelo, *White Fragility: Why It's So Hard for White People to Talk About Racism* (Boston: Beacon Press, 2018), 26, emphasis added. For another study of how Robinson has been framed in terms of American progress, see David Naze, *Reclaiming 42: Public Memory and the Reframing of Jackie Robinson's Radical Legacy* (Lincoln: University of Nebraska Press, 2019).
[548] Howard Bryant, *The Heritage: Black Athletes, a Divided America, and the Politics of Patriotism* (Boston: Beacon Press, 2018), ix.

the 1968 Summer Olympics in Mexico City who raised black-gloved fists on the podium, remained controversial for decades because their protest could not be deracialized. Jack Johnson, Jim Brown, Kareem Abdul-Jabbar, Curt Flood, and Paul Robeson (he played two years of professional football before turning to acting and singing) are but a few of the non-White athletes whose activism kept them from being fully assimilated into the story of American progress. Bill Russell, despite winning eleven basketball championships with the Boston Celtics and being awarded the Presidential Medal of Freedom by Barack Obama in 2011, has a lukewarm relationship with Bostonians to the present day, not merely for the way he defiantly called out the racism he faced throughout his career but for the simple fact that he rarely gave interviews and never autographs, leading many to label him surly. No Black athlete in America today is as alternately admired by some and reviled by others as Colin Kaepernick, the quarterback who protested racial inequality by kneeling during the pre-game playing of the national anthem. Whether Kaepernick will be accepted as a mainstream hero in the mold of Muhammad Ali and Jackie Robinson will not be known for many years. If it does happen, it will have little to do with his own actions and attitudes, and more to do with whether and how society evolves to the point his protest can be seen as upholding, not threatening, America's democratic ideals.[549]

Radical/Respectable

The historical revisionism that transformed King, Ali, and Robinson into comforting, mainstream figures has played out in Alaska over the same era. For many decades, White Alaskans have celebrated the integration of Natives into the state's political, economic, and

[549] In a 2019 interview, Ta-Nehisi Coates said of Kaepernick, "I don't know how things will be looked at 20, 30 years from now. . . . When he's no longer dangerous, when he's no longer trying to get a job, when he's 40, when he's 50, a lot of people will be standing up to honor him." See Zak Cheney-Rice, "Ta-Nehisi Coates: Race defined the decade," *New York*, November 25-December 8, 2019, 35.

social institutions. People once considered militant and ideas once considered radical have been neatly folded into the mythology of Alaskan exceptionalism. Elizabeth Peratrovich is the most obvious example. Howard Rock, an Inupiat from Point Hope, is another figure universally admired today but widely distrusted by the political establishment in the 1960s when his newspaper, *Tundra Times*, was deeply critical of state and federal Native policies. The Alaska Federation of Natives was viewed with suspicion by many when it was founded in 1966 to work on a Native land claims settlement, an idea long considered controversial even among otherwise friendly officials such as Bob Bartlett and Ernest Gruening who feared Native title might stymie economic development. Today, however, AFN and ANCSA's twelve regional and more than two hundred village corporations are established features of the state's political and economic landscape. These and countless other Native issues, organizations, and people have proven themselves "safe" precisely because, like King's "I have a dream" speech and Robinson's breaking of baseball's color barrier, they lend themselves to histories of progress. The facts of White institutional control recede into the background when the stories can be framed in terms of uniquely talented Natives achieving extraordinary things not just for themselves but for the state as well. Race might be present in these stories, but only to demonstrate how little it supposedly matters in modern, progressive, color-blind Alaska.

No figure better exemplifies the transition from radical to respectable than Willie Iggiagruk Hensley. Born and raised in Kotzebue in 1941, Hensley was sent to a Tennessee boarding school as a child and later graduated from George Washington University. He returned to Alaska in his early twenties as, by his own admission, an angry young man. In those early years of statehood, Hensley witnessed bureaucrats selecting his people's ancestral lands as part of the state's land grant, all from the comfort of their climate-controlled offices hundreds of

miles away in Juneau. He observed oil companies surveying his land, eager to extract resources worth millions. He listened to officials from the Atomic Energy Commission announce plans to conduct nuclear testing in a corner of Alaska they viewed as empty and remote but to Hensley was his home.[550] And all the while, his Inupiaq people languished in poverty and had no meaningful political voice to assert themselves.

Frustrated by his own powerlessness in the face of the many problems his people faced and government bureaucrats who did nothing to solve them, Hensley developed a hard edge. "There were times when I was angry to the point of tears about the conditions we were trying to change and the urban legislators who would not budge," he wrote in his 2009 memoir. In 1966 Hensley enrolled in constitutional law courses at the university in Fairbanks where he studied under state supreme court justice Jay Rabinowitz. His term paper, "What Rights to Land Have the Alaska Natives?", articulated a case for indigenous land claims and was considered an opening salvo in the campaign that over the next five years led to the Alaska Native Claims Settlement Act.

Upon being elected to the State House in 1966, Hensley took his seat alongside the same White, urban representatives whose unresponsiveness had so infuriated him, and he vowed to be more aggressive than previous Native legislators he felt "had been Americanized, accepting of the status quo." His mainstream credentials notwithstanding, Hensley regularly unnerved the political establishment with his off-putting manner and uncompromising attitudes about Native rights. Rabinowitz, who held his former student in the highest esteem, still called Hensley a rebel

[550] On the oil industry's exploration of Alaska's North Slope in this era and the Atomic Energy Commission's plans to test nuclear bombs in northwest Alaska, see Peter A. Coates, *The Trans-Alaska Pipeline Controversy: Technology, Conservation, and the Frontier* (Fairbanks: University of Alaska Press, 1993); Ross Coen, *Breaking Ice for Arctic Oil: The Epic Voyage of the SS* Manhattan *through the Northwest Passage* (Fairbanks: University of Alaska Press, 2012); Dan O'Neill, *The Firecracker Boys* (New York: St. Martin's Press, 1994).

and a militant. One municipal official said Hensley "was so prickly and abrasive and combative that it was hard to have a discussion with him on almost anything." Others denigrated him as an "opportunist" who they believed actually cared little for Native issues but only wanted to keep controversies—and thus his own political career—"at a boil." "It was tough in Juneau," Hensley later said about his arrival as a new state representative. "I felt like I didn't look right and I didn't know who to trust. People thought I was aloof, that I disliked whites. I never let people get close to me then."[551]

That the young Inupiat politician would bow to no one in his pursuit of Native rights was made clear in a contentious 1966 meeting with Ernest Gruening, then Alaska's senator who was fifty-four years Hensley's senior. Hensley had written Gruening a pointed letter following the publication of a column in the *Tundra Times* in which the senator lamented the way Native land claims were holding up resource development to the detriment of the state. The senator further offered that the very notion of aboriginal claims rested on a dubious legal foundation.[552] For Gruening, the many political gains of Natives in the preceding decades, which he believed occurred under his benevolent tutelage, spoke to the fact that Natives had achieved full equality and therefore should neither be denied the rights of any other citizen nor receive any special rights on the basis of race. Homesteads and allotments for individual Natives were one thing, he believed, but conveying title to millions of acres of land to the entire Native community contravened the classless foundations of statehood. According to a lawyer who worked on land

[551] William Iggiagruk Hensley, *Fifty Miles from Tomorrow: A Memoir of Alaska and the Real People* (New York: Farrar, Straus and Giroux, 2009), 127, 133; Susan Hackley Johnson, "Willie Hensley," *Alaska Journal* (Spring 1979), 26-33; Harold Pomeroy interviewed by Claus Naske, June 30, 1981, Oral History 82-35, Alaska and Polar Regions Collections, University of Alaska Fairbanks; Richard Austin Smith, *The Frontier States: Alaska, Hawaii* (New York: Time-Life Books, 1968), 41-42.

[552] "Sen. Proposes Cash Payments for Valid Native Land Claims," *Tundra Times*, April 15, 1966. Hensley's letter to Gruening was published as "U of A Native Student Answers Gruening," *Tundra Times*, April 22, 1966. See also "Gruening Says Natives' Claims Holding Up State Land Selection," *Fairbanks Daily News-Miner*, April 13, 1966; Tom Snapp, "Gruening Clarifies Position On Native Land Claims," *Tundra Times*, April 29, 1966.

claims litigation for Natives, Gruening was "a total assimilationist. Natives should just pass into the mainstream in Alaska. He felt any kind of special treatment was going backwards."[553]

Gruening requested an audience with this young Native man who wrote the letter, and the two met at the Nordale Hotel in Fairbanks. As Hensley describes in his memoir, Gruening opened the conversation by boasting that he had ended discrimination against Natives with the equal rights act in 1945, and that Natives' current political standing resulted from the fact he had personally convinced Natives to begin seeking elective public office. His point was not subtle: he was a friend to the Natives and could be trusted to act in their best interests. If the senator expected Hensley to be impressed into silence, he was mistaken. Hensley came to the meeting prepared to talk about land claims, but Gruening seemed to think he could just rehash old history and earn the younger man's gratitude. After pointing out that Natives stood to suffer one hundred million acres of ancestral lands being stolen from them by the state and an acquiescent federal government, Hensley exclaimed, "We can't let that happen!" The conference quickly fell apart, and Hensley left feeling "a little queasy" knowing Gruening would never be an ally on the issue.[554]

Hensley's initial rejection of respectability politics might have marginalized him permanently, but within a few years of the start of his public career, he softened his demeanor and found ways to advocate for Native issues while working within the system. As state representative and later senator, founding director of Alaska's first Native-owned bank, and president of NANA, one of the ANCSA regional corporations, Hensley sat at the center of the state's political and economic power structure while still in his 30s. The young man born twenty-

[553] Arthur Lazarus, quoted in Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960–1971* (Fairbanks: University of Alaska Press, 2001), 105.
[554] Hensley, *Fifty Miles from Tomorrow*, 115.

nine miles north of the Arctic Circle became in time the archetypal Brooks Brothers Native—a cosmopolitan Eskimo in a three-piece suit who could speak the language of both Wall Street and Washington DC. "In the white man's society, we need white man's tools" was more than the theme of the Alaska Federation of Natives conference the year ANCSA passed; it became a guiding principle for the new generation of college-educated Native leaders like Hensley.

The White Alaskan establishment that was ready to reject the militant Hensley in 1966, came to embrace the corporate Hensley within just a few years. Insofar as the transformation was predicated on the politics of respectability, however, the embrace was not quite the proof of racial reconciliation it might have seemed. Harold Pomeroy, the municipal official who once called Hensley prickly, abrasive, and combative, appreciated the new, more "reasonable" Native leader that emerged in time. Their relationship improved, Pomeroy boasted in a 1981 interview, once he "finally broke through his [Hensley's] crust and he understood, well, I was just treating him as a citizen." Although doubtlessly intended as a compliment to Hensley and proof of White-Native reconciliation, Pomeroy's comment reflects the paternalistic view that effective communication between the races would occur only when race was altogether eliminated from the interaction, when the Native both regarded himself and was regarded by others as a citizen first, a Native second if at all.

And it wasn't just Hensley and it wasn't just Pomeroy. ANCSA functioned to deracialize Natives more broadly, solidifying the link between respectability politics and White racial innocence. As state economist George W. Rogers noted with some irony of the treatment suddenly afforded the officers of Native corporations, "White bankers and businessmen, who before would never have admitted them into their offices, now seek their patronage. . . . Suddenly, they are respectable in the eyes of the white community simply because they are

wealthier on a per capita basis."[555] Prior to 1971, a majority of White Alaskans steadfastly opposed Native land claims—but once faced with the realities of ANCSA, they concluded the best way to make sense of it all was to deliberately ignore race and enrobe the movement's more respectable Native leaders in ideals of citizenship and civilization. Ernest Gruening expressed his hope for a deracialized Alaska as early as 1947, in comments that would prove remarkably similar to the "content of their character" passage in Dr. King's most famous speech: "I hope…that the day may follow when men and women will be regarded as people, as Americans, as Alaskans, on a basis of character and ability only, and not as either 'whites' or 'natives.'"[556]

Harold Pomeroy, in the 1981 interview cited above, was asked about the state of White-Native relations more broadly. "We see them [Natives] evolving effectively in the communities, effectively, considering where they started from, in their operation of [ANCSA] corporations and the emerging of Natives as just responsible citizens not any different from anybody else," he responded with approval. "There is a great deal being done among Natives themselves to bring their people along in responsibilities of citizenship."[557] Although a central argument of this dissertation is that the language of race has shifted over time in accordance with the changing social and political circumstances of every era, Pomeroy's comments were functionally the same as those spoken by White Alaskans throughout history who had encouraged Natives to advance to the level of Whites. In this way, assimilationism is the through-line that connects different eras in Alaska's history going back to 1867.

Many White Alaskans had long believed citizenship for Natives could only be acquired with the complete repudiation of tribal ways and the full assimilation into mainstream culture.

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[555] George W. Rogers, "Goodbye, Great White Father-Figure," *Anthropologica* 13, nos. 1/2 (1971), 300-01.
[556] Richard L. Neuberger, "Fight for Freedom in the Arctic," *The Nation*, September 13, 1947, 256.
[557] Harold Pomeroy interviewed by Claus Naske, June 30, 1981.

Each successive historical development that functioned to bring Natives further into the body politic of Alaska—including the Native Citizenship Act of 1915, Anti-Discrimination Act of 1945, and now the land claims settlement in 1971—was viewed by Whites as a step toward that goal, and they interpreted any continuing assertion of Indigenous rights as antithetical to that process. White Alaskans came to embrace Elizabeth Peratrovich so enthusiastically in part for that very reason: her achievement embodied both the desire by Natives to be folded into mainstream society and the willingness of Whites to do the folding.

The term "Brooks Brothers Native" was often invoked with a sneer by rural Natives who felt their urban, college-educated brethren lost the common touch once they were ensconced in board rooms and private jets. But for White Alaskans, the term was further proof of the value of assimilation. The three-piece suit represented a credential that elided race by indicating its wearer could be trusted to behave honorably in interactions with Whites. As Donald Craig Mitchell noted of Hensley and other mainstream Native leaders, such as John Borbridge and Don Wright, "They were coated-and-tied citizens who just happened to be Alaska Natives who had a grievance; they were reasonable men with whom members of Congress and their staffs felt socially comfortable doing business."[558] The suit was functionally no different than the "papers" described in the first chapter of this study—letters testifying to the bearer's credibility that U.S. military commanders issued to Natives they believed were trustworthy at the time of the Alaska purchase in 1867.

The embrace of the Brooks Brothers Native by Alaska's political elite bespeaks the same form of paternalism once exhibited by Ernest Gruening toward Elizabeth Peratrovich. When

[558] Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960–1971* (Fairbanks: University of Alaska Press, 2001), 481. See also, Naske and Slotnick, 215; Clive S. Thomas, ed., *Alaska Politics and Public Policy: The Dynamics of Beliefs, Institutions, Personalities, and Power* (Fairbanks: University of Alaska Press, 2016), 285.

Gruening wrote about the Tlingit leader for the first time in his 1973 memoir, he described her as "a beautiful woman," further noting that "her intelligence was obvious, her composure faultless."[559] Nowhere in his writings did Gruening believe it necessary to describe White Alaskans this way, and his use of such code words, whether done consciously or not, endorsed the notion that Natives would be most effective in the political arena not by fighting for their own traditions but when they "played White" and aligned themselves with the values of the dominant culture. Peratrovich's presentable appearance has been noted in nearly every version of the story that followed Gruening's, underscoring the supposed primacy and normativity of White western culture. Although one should never confuse Gruening's egalitarianism for Allen Shattuck's bigotry, in this context the two men operated in the same rhetorical plane. Shattuck demanded Natives lift themselves up to the level of White civilization; Gruening framed the story to show that Peratrovich, prized for her beauty, poise, and intelligence, had accomplished precisely that. By implicitly accepting Shattuck's criteria for assessing Native development, Gruening validated respectability politics. Every writer who followed similarly made note of Peratrovich's regal bearing and dignified appearance, honorifics whose supposed regard is undercut by the fact they would never be applied to White officials no matter how snappy their suits or fancy their cufflinks.

The power of respectability politics becomes especially clear when one considers its opposite. Had Peratrovich dressed in Tlingit regalia that day and introduced herself as Kaaxgal.aat (her Tlingit name) of the Lukaax.ádi clan of the Raven moiety, her reception almost certainly would have been very different. A plea for equal rights from a Native woman in a patterned dress, velvet gloves, and a hair-do fresh from the salon was seen in 1945 as affirming

[559] Gruening, *Many Battles*, 330.

the territory's mainstream values. It represented a willingness on the part of Natives to bend their culture to the mores of the sixteen White men who would shortly vote on the bill. The same request from Kaaxgal.aat in her native language would have been interpreted as an encroachment on the mainstream culture, an unreasonable demand of White Alaskans that they expand both the body politic of the territory and their own personal views about racial and ethnic difference. (Interestingly, by the 2000s, the widespread acceptance of displays of Indigeneity meant that the Peratrovich story could be revised and told with such accoutrements. In Diane Benson's one-woman play, *When My Spirit Raised Its Hands*, the actress takes the stage as Peratrovich clad in a Tlingit button blanket, which, after the completion of a dance, is placed at the front of the stage where it remains throughout the performance. As one awestruck critic noted of the blanket, "It is a big, bright splash of red and black and mother-of-pearl, and it never lets the audience forget that Elizabeth Peratrovich was a proud Tlingit Indian of Southeast Alaska."[560])

The same phenomenon can be observed in depictions of Peratrovich's historical doppelgänger, Harriet Tubman. In 2016, after it was announced that Tubman's image would appear on the redesigned $20 bill, Philip Kennicott asked a pointed question: "Which Tubman? The antebellum abolitionist who supported John Brown and criticized Lincoln for his incrementalist approach to abolishing slavery, or the post-war figure of legend who was the subject of sentimental biographies?" The art critic noted the best-known images of Tubman depict her as a primly dressed old woman. One of the most widely reproduced photographs, a Victorian studio portrait taken by H. Seymour Squyer in 1885, shows Tubman in a black dress with a wrap on her head. The photo and others like it instilled a grandmotherly image in the public mind, softening her story and memory. But the Tubman who led enslaved persons to

[560] Dana Stabenow, "Heroine," *Alaska*, May-June 2003, 18.

freedom on the Underground Railroad was a stern, ferociously brave woman, writes Kennicott, and the first biographies of her featured an engraving that shows the abolitionist holding a rifle. It is "a shockingly confrontational image," he notes, that presents Tubman as a revolutionary figure. The image is rarely reproduced today, and for the $20 bill the Treasury selected one of the grandmotherly images. That audiences prefer the genial, elderly Tubman to the armed firebrand illustrates the power of respectability politics.[561]

The willful and unending intransigence of another Alaska Native leader underscores the point. By every conventional measure, William L. Paul should stand as a giant of Alaska history. As described earlier in this dissertation, Paul was the first Alaska Native to pass the bar, first to serve in the territorial legislature, and almost single-handedly transformed the Alaska Native Brotherhood into a political force in the 1920s, organizing chapters of the organization in nearly every village in Southeast Alaska. Paul, whose Tlingit name was Shgúndi, gained the right to vote for Natives in 1923, with a legal strategy that used carefully selected test cases to challenge existing law, a shrewd tactic other civil rights organizations would emulate nationally. With his brother Louis, he fought to end the territory's segregated school system, and in the 1930s he worked with Congress to enact legislation that provided for tribal governments in the territory. Believing the federal government should recognize Native land title and that compensation must be made to Natives for the taking of aboriginal lands, Paul filed a sequence of lawsuits that, while not always successful, laid the legal groundwork for what became the 44-million-acre land claims settlement in 1971. With these and other accomplishments, made in a political and legal career that spanned six decades, Paul left an imprint on Alaska history that few can match. And just as Dr. King, Rosa Parks, and Elizabeth Peratrovich came to be celebrated once the general

[561] Philip Kennicott, "Harriet Tubman is perfect for the $20 bill, but which Tubman?" *Washington Post*, April 20, 2016.

public caught up to their egalitarian vision, Paul's every achievement, though radical and widely unpopular at the time, today could be embroidered without difficulty into the story of American/Alaskan exceptionalism. When Alaskans in the 1970s and 1980s looked to the past for Native heroes to venerate, they might well have selected Paul, the western educated, perpetually besuited lawyer who was thirty years ahead of *Brown v. Board of Education* and forty ahead of the Voting Rights Act of 1965.

Yet despite those inestimable credentials, William Paul is virtually unknown today, even to many Alaska Natives. The reasons are not difficult to discern. Described by legal historian Donald Craig Mitchell as an "indefatigable pedagogue" and a man with a "near-pathological predisposition for mendacious misjudgment," Paul made many enemies and alienated even his allies with his brusque, arrogant, and even deceitful manner. Previous chapters in this book explained how Paul was distrusted and loathed by Alaska's White political elite in the 1920s, but, as Mitchell points out, he only became more insufferable as time went on: "At sixty-four, Paul was more obdurate in old age than he had been when young in his certitude that he was at all times right about everything, and anyone who disagreed with him was wrong." Stephen Haycox agrees: "During his [Paul's] career he took many stands and pursued many issues which were unpopular with virtually every group he worked with: white politicians and businessmen, federal bureaucrats, other Native leaders, and the leadership and rank and file of his own organization." Throughout his career Paul feuded with judges presiding over his cases, earning more than one contempt charge along the way. He was consistently hostile, never solicitous, in the way he pitted Native interests against Alaska's political establishment, leading one federal

official to note Paul "has succeeded in arousing some hitherto undeveloped racial antagonism."[562]

William Paul was disbarred in 1937 for embezzling funds from his Native clients, fishermen owed back wages in the village of Kake. It was a deserved punishment for his avarice and unethical behavior, but Haycox points out the question may be raised whether the charges were personal in nature. Legal standards were regulated differently and less stringently at the time than they would be later, he notes, and it was not unheard of for lawyers to appropriate fees from their clients the way Paul did. "[M]any attorneys likely could have been charged with similar offenses," Haycox writes, "but were not."[563] Paul did himself no favors by refusing to attend the disbarment hearing, calling the proceedings a plot by his political enemies, and by blaming the ANB for not paying him well enough over the years, a transparent attempt to justify his act of thievery. Twenty-one years later, when Paul petitioned the Alaska Bar Association to have his license reinstated, he remained defiant. A White attorney from Juneau who had tangled with Paul many times in the past stepped forward to testify against him. When the committee nevertheless decided to readmit Paul to the bar, it did so largely as a symbolic gesture believing the then seventy-three-year-old would not bother to actually practice law. Paul responded by

[562] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 248, 355; Stephen Haycox, "William Lewis Paul / Shgúndi [Shquindy]," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 505.

[563] Stephen Haycox, "William Lewis Paul / Shgúndi [Shquindy]," in Nora Marks Dauenhauer and Richard Dauenhauer, eds., *Haa k̲usteeyí, Our Culture: Tlingit Life Stories* (Seattle: University of Washington Press, 1994), 517. In a letter dated March 4, 1977, the day William Paul died, his grandson, Blair F. Paul, wrote that Paul's disbarment may have indeed been an act of retribution by his political adversaries: "There are many who believe his disbarment was the result of his radical fights before the courts, more than any apparent need for discipline." See Blair F. Paul to Emmett Watson, March 4, 1977, Box 1, Folder 1, William Lewis Paul Papers, 1885-007, Special Collections, Suzzallo-Allen Libraries, University of Washington, Seattle.

signing up new clients to challenge the federal government on Native land claims, the one issue certain to earn the ire of Alaska's political establishment.[564]

If Paul was doubted by White Alaskans, Natives often shared in the antipathy. Philip Drucker, the Smithsonian anthropologist who interviewed members of the Alaska Native Brotherhood in the 1950s, learned that Paul, who spent most of his formative years at schools outside Alaska, regularly caused offense to other Natives due to his lack of familiarity with tribal norms and his inability to speak Tlingit fluently. The strict parliamentarian, wrote Drucker, "habitually utilizes many of the typical aggressive mannerisms of the trial lawyer, which are by no means congenial to traditionalist Tlingit." Paul often interrupted elders whom he believed were speaking too long, an almost unpardonable offense. In addition, as one of the only Natives with a western education in the first years of the ANB, Paul secured for himself most of the group's salaried positions, including secretary and newspaper publisher, leaving himself "open to accusations of self-interest by fellow Indians with whom he had fallen out, or who were jealous of his prestige."[565]

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[564] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 245-48, 381-82. The White attorney who testified against Paul was Norman Banfield, law partner of H. L. Faulkner. As described in the first chapter of this book, Faulkner and Paul came into conflict in the 1923 fight over the literacy bill, which Faulkner heartily endorsed. The two men came to dislike each other immensely. Throughout their careers, Faulkner and Banfield represented many fishing, mining, and utility companies—the very corporate entities Paul opposed in both his legal and political work. In a 1982 interview, Banfield criticized Paul in harsh terms, calling him a "public relations man for the Natives" who "should not have been practicing law because he never read a law book." See Pamela Cravez, *The Biggest Damned Hat: Tales from Alaska's Territorial Lawyers and Judges* (Fairbanks: University of Alaska Press, 2017), 48.

[565] Philip Drucker, *The Native Brotherhoods: Modern Intertribal Organizations on the Northwest Coast* (Washington: Government Printing Office, 1958), 38-39. In 1959, one year after Drucker's book was published, William Paul wrote an eleven-page, single-spaced letter to colleagues at the Indian Rights Association in Philadelphia in which he provided an almost line-by-line critique, correcting what he viewed as errors and misstatements by the author. In a separate, undated, unpublished memorandum, Paul writes, "Dr. Drucker summarizes my opposition as being due to my 'arrogant and dictatorial manner', and that is the only charge ever made against me. The people who make it forget that it is only by my pushing that the ANB has gotten things done. The evidence of this is the fact that EVERYTHING for which the ANB claims credit and justifies its support was my work. The only thing the ANB contributed was its name without which [C]ongress and others would not have listened to me, a lone person." See William L. Paul to Indian Rights Association, October 22, 1959, Box 3, Folder 52; untitled memorandum, undated, emphasis in original, Box 2, Folder 15, William Lewis Paul Papers, 1885-007, Special Collections, Suzzallo-Allen Libraries, University of Washington, Seattle.

By the time of the 1971 land claims settlement, Paul was an octogenarian who had worked on the issue for five decades. One might think he would relish the prospect of a generous, multibillion-dollar land grant for Alaska Natives, but in the run-up to the settlement Paul isolated himself from the Native community with his insistence that any compromise represented defeat. "We own the land!" he thundered in an October 1971 speech to the Alaska Federation of Natives who was then meeting to approve final negotiations with Congress. With the organization's directors seated right in front of him, Paul excoriated the group for what he perceived as its lack of both vision and courage. "It seems to me that your leaders are coming before you as though they were afraid. As though they are bargaining from weakness," he began. "I'm not going to go before Congress and tell them I want only forty million acres. I want three hundred and seventy-five million, not eighty million, or sixty million, or forty million."[566] Upon the passage of ANCSA two months later, when Natives received forty-four million acres of land, Paul was incensed. His resentment of the federal government for stealing 90 percent of aboriginal land was matched only by his fury toward his fellow Natives who let it happen. He allowed himself to be called the "father of Native land claims" only because his incalculable ego would not let him refuse the honor.

William L. Paul lacked the warmth and generosity of Elizabeth Peratrovich, the pragmatism and prudence of Willie Hensley, and in the years after his death at age ninety-one in 1977, Alaskans both Native and White had great cause but zero enthusiasm for enshrining him in the pantheon of civil rights heroes. According to Mitchell, Alaska Natives, then busy running the newly established ANCSA corporations, "paid little mind to the passing of the man who was

[566] "We Own the Land: Statement by William L. Paul, Sr., to the AFN Board of Directors, Alaska Federation of Natives Convention, Fairbanks, Alaska, October, 1971," *Alaska Native News Magazine* (August 1984), 18, available at: alaskool.org/projects/ancsa/testimony/afn_paul/we_own_the_land.htm [accessed January 22, 2020].

their most important link to their historic past." Paul had proven himself unsafe and more than controversial enough to make for an uneasy fit in the story of Alaska's political and social progress. When many of his prescient criticisms of the land claims settlement came to pass, including the relinquishment of Native sovereignty and threats to subsistence hunting and fishing rights, it stood to further complicate any effort that might have been undertaken to honor him. As the example of King, Parks, and Peratrovich had shown, civil rights commemorations only worked when the injustices in question could be relegated to the past. That Paul's opposition to ANCSA centered on issues that remained divisive long after his death functioned to preclude his canonization by White Alaskans. His antagonism of other Native leaders doomed him to the margins of public memory in his own community. The tragedy of William Paul was perhaps best summed up by Roy Peratrovich who noted of his longtime friend and rival, "If he'd handled it right, we'd still be carrying him on a pedestal."[567]

'Time to stop thinking with your race…'

Throughout the 1970s, as Native corporations formed under ANCSA and Natives registered as shareholders, non-Native Alaskans came to grips with the many changes occurring to the state's political and economic institutions. Land use debates in Alaska did not end with ANCSA. In recognition of the fact that all Americans held a lasting and substantial interest in the management of federal lands in the northernmost state, Congress inserted into the act language

[567] Donald Craig Mitchell, *Sold American: The Story of Alaska Natives and Their Land, 1867–1959* (Hanover: University Press of New England, 1997), 249, 385. Notice of Paul's death on March 4, 1977, appeared on the front pages of none of Alaska's major newspapers. The *Southeast Alaska Empire* featured a short notice on page 3, while the *Fairbanks Daily News-Miner* printed an even shorter notice, just twelve lines long, that appeared not even as a standalone article but rather a blurb in the "Briefly" column on page 2. The state's largest newspaper, the *Anchorage Times*, whose avowedly conservative editor and publisher had opposed much of Paul's platform for decades, did not print an article at all but noted Paul's passing only with a standard obituary that appeared on page 39. See "Paul Dies in Seattle," *Southeast Alaska Empire* (Juneau), March 4, 1977, 3.

that directed the Interior Department to withdraw up to eighty million acres for designation as national parks, monuments, forests, fish and wildlife refuges, and the like. The process, which played out over the next nine years, resulted in national debates about wilderness values and environmental protection. It infuriated many Alaskans. The state had already watched forty-four million acres of valuable resource-bearing lands go to Native corporations, and now the federal government looked to "lock up" millions more, all before the state could complete its own land selections authorized under the 1958 statehood act. For development-minded Alaskans, their worst fears were realized with the passage of the Alaska National Interest Lands Conservation Act (ANILCA) in 1980, which placed one hundred and four million acres into conservation units, over half of which was designated as wilderness.[568]

One provision in ANILCA set off still another lands controversy that would tear Alaskans apart for the next two decades. The law required that rural residents be granted preferential subsistence hunting and fishing privileges in times of resource scarcity. The mandate reflected the federal government's acknowledgment that for Alaska Natives the harvest and consumption of fish, game, berries, and other natural foods was about more than caloric intake; it was deeply rooted in cultural traditions and identity. As the state moved to implement the rural priority in statute, however, legal challenges from urban hunters and sportsmen's groups alleged the rural preference violated the Alaska constitution, which held that all resources shall be shared equally by residents without distinction. Twice the Alaska Supreme Court struck down the rural subsistence priority, and throughout the 1990s the state legislature refused to intervene, the body's conservative majority going so far as to appropriate funds to actively fight the federal

[568] See Timo Christopher Allan, "Locked Up!: A History of the Resistance to the Creation of National Parks in Alaska," Ph.D. diss., Washington State University, 2010; James Morton Turner, *The Promise of Wilderness: American Environmental Politics Since 1964* (Seattle: University of Washington Press, 2012), 141-81.

mandate. The state in that decade also sued the federal government to limit Native sovereignty by declaring Indian Country, where tribal and federal law supersede state law, did not exist in Alaska. The legislature also slashed education funding for rural schools. In 1998 a conservative senator from an Anchorage suburb proposed zeroing out $11 million in education funding to the North Slope Borough, part of a $36 million cut to rural schools statewide, and redirecting a majority of those funds to school districts in urban centers. That the final spending bill only cut the North Slope's funding by $1.6 million was a hollow victory. The legislature reduced funding for village municipal governments, welfare benefits, and subsidies for rural electric utilities, and it eliminated altogether the state agency that administered programs for rural development. In addition, voters in 1998 overwhelmingly approved a ballot measure that made English the official state language, a declaration widely interpreted as a refutation of Native linguistic diversity. For many Natives, the action was yet another example of how the state was turning its back on its Indigenous peoples.[569]

It was in this context that, in 1999, Byron Mallott and the Alaska Commission on Rural Governance and Empowerment he co-chaired reported on Natives' deep distrust of state institutions. While Natives were disappointed the rural subsistence priority had not been implemented, the divisive nature of the debate, which downplayed their cultural connection to the land, stung just as deeply. What made Mallott's comment that it was "not a good time" to be Native so shocking was that his words shattered the White racial innocence that mainstream Alaska society had been clinging to for decades. His column put the lie to the comforting notion that Natives, for whatever injustices may have been done to them in the past, no longer had any

[569] See Stephen Haycox, *Frigid Embrace: Politics, Economics, and Environment in Alaska* (Corvallis: Oregon State University Press, 2002), 152-57; Donald Craig Mitchell, *Take My Land, Take My Life: The Story of Congress's Historic Settlement of Alaska Native Land Claims, 1960–1971* (Fairbanks: University of Alaska Press, 2001), 538-39.

reason for being bitter. While White Alaskans had come to terms with land claims, Native CEOs, and all the rest, and therefore luxuriated in their own color-blind self-satisfaction, Mallott indecorously identified a suite of unresolved issues in which racial disparities could not be ignored because race *was* the disparity. The heated subsistence debates were defined, in a strictly legal sense, in terms of urban and rural user groups, but only the most willfully obtuse failed to see it was really about the resentment White sport hunters harbored toward Natives' preferred standing under federal law. Mallott also named a political culture "that does not seem to include us [Natives] in a meaningful way, that allows public policy and programs to be developed without our real participation and to move in directions that marginalize our existence and are not responsive to our circumstance." While not explicitly endorsing the idea, he even envisioned a future where Natives might "dissociate from the rest of Alaska" both physically and socially.[570]

Mallott put race front and center in the public discourse in a way no prominent Native leader had done in some time, and he made visible the racial hierarchies that many had spent years denying even existed. His column made it impossible for White Alaskans to cling any longer to the notion of racial innocence. Not that some didn't try. Wayne Heimer, a Fairbanks wildlife biologist and regular columnist in the local newspaper, attempted to reclaim the illusion of color-blindness. He first scolded Mallott for even identifying as "Native," suggesting that "arbitrary groupings, whether they be Native, white, black, Christian, or Muslim," served only to factionalize people by grievance and deny the common humanity of all. Heimer went on to lecture Mallott on what he saw as the perils of granting special rights based on racial and ethnic distinctions: "History shows creation of a privileged class inevitably leads to fear, envy, jealousy,

[570] Mallott, "It's not a good time to be a Native Alaskan."

hatred, social divisions, revolution, and often genocide. It's human nature."[571] Alex Gimarc of Anchorage agreed: "Race-baiting, name-calling, us vs. them, rural vs. urban, etc., are all excellent techniques used to stir up the public [and] get folks fighting among one another. . . . Time to stop thinking with your race. Time to start thinking as an American first and as an Alaskan second." Beverly Masek, an Alaska Native legislator from Willow who stood apart from the Native community in her opposition to a rural subsistence priority, similarly chastised Mallott for emphasizing racial distinctions. "Let's help lead Alaska into an era where there are no 'rural Alaskans' and 'urban Alaskans,' but merely Alaskans," she wrote.[572]

Other commenters referred directly to the rural subsistence priority as an example of the special privileges afforded to Natives that undermined the cause of equality. A White fisherman and hunter from Chugiak framed his objection in terms that harkened back to the debates over Indian reservations from sixty years earlier and the Native citizenship laws from thirty years before that. Natives could have traditional tribal rights or modern political equality but not both, he stated. And if they were sincere in practicing their cultural traditions, they should do exactly as did their ancestors. Subsistence hunting and fishing "should be accomplished…without modern conveniences like snowmachines, four-wheelers, motorboats, and automatic weapons," he opined. "Furthermore, we should eliminate their fuel subsidies, mail subsidies, and special treatment at the Alaska Native hospital." The decision to live in rural villages, where the cost of living was significantly higher than in urban areas, was a choice, many urban Alaskans believed, and they resented being asked to subsidize the lifestyles of others whether through state

[571] Wayne Heimer, "Why not aspire to equality under law?" *Fairbanks Daily News-Miner*, May 22, 1999, A-4. Heimer struck an identical tone in a 2015 column in which he argued against Native sovereignty by stating that any governmental effort to establish "Indian Country" in Alaska would "permanently institutionalize the 'urban/rural divide' and racial tensions most Alaskans have worked so diligently to heal for the last 40 years." See Wayne Heimer, "Silent struggle for Alaska's soul," *Fairbanks Daily News-Miner*, July 23, 2015.
[572] Alex Gimarc, "Divisiveness not the answer," *Anchorage Daily News*, May 13, 1999, B-8; Beverly Masek, "All is not dismal for Native Alaskans," *Anchorage Daily News*, May 11, 1999, B-6.

appropriations for public services or hunting and fishing regulations that prioritized rural residents. A commenter from Anchorage proclaimed himself "angry at even the thought that I will be treated differently and/or unfairly" under the rural subsistence priority. "I am under no obligation to support a culture, a tradition, nor a religious practice," he wrote. "My only obligation is to treat people equally. I ask for nothing less."[573]

In the 1920s, White Alaskans who wished to call out William Paul for his obduracy regarding Native voting rights had no qualms about citing his race as a factor in their opposition. No one downplayed the fact of racial difference. It was readily acknowledged as a key consideration in how White Alaskans believed the territory's fledgling political institutions should be constructed. Seven decades later, however, following momentous changes in the social and political standing of Natives, the respondents to Mallott's missive sought to avoid any discussion of race, believing divisiveness resided not in the actual practice of racial exclusion but rather in the naming of racial distinctions themselves. "White racial innocence meanders across time and political context," writes anthropologist and cultural critic Rich Benjamin. In the decades since Dr. King's "content of their character" dictum supplied a pretext for racial blindness, Benjamin notes, White Americans developed a knack for "giddily talk[ing] up a color-blind America. They would avoid discussing race out of a sincere ethical desire to wash the stain of racial differentiation from our nation. These types saw (and still see) themselves as Reverend King's disciples."[574] What the commenters failed to grasp, but that Mallott understood quite fully, was that racial difference *did* still matter in Alaska in 1999, even, or especially, if conservatives like Heimer, Gimarc, Masek, and others preferred to ignore it.

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[573] Bill Draughn, "If Natives want subsistence right, they can give up modern tools," *Anchorage Daily News*, August 22, 2001, B-8; Clyde Baxley, "America treats all citizens equally; rural subsistence priority does not," *Anchorage Daily News*, August 23, 2001, B-8.
[574] Rich Benjamin, "*Get Out* and the Death of White Racial Innocence," *New Yorker*, March 27, 2017.

Mallott also recognized that pure individualism, the ability to write one's own destiny, was a privilege regularly afforded to Whites but rarely to peoples of color. The ability to "stop thinking with your race," as Gimarc counseled, was a luxury enjoyed only by White Alaskans because whiteness scans as a neutral form of racelessness, and no White person walking down the sidewalk was reduced to stereotypes the way Natives regularly were. If Heimer bemoaned the "creation of a privileged class" and reprimanded Mallott for pursuing the establishment of one, the lament qualified as both an earnest expression of colorblindness and an inability to process that the allocation of social capital on the basis of racial hierarchies was a fact of American life and had been for hundreds of years. That Mallott himself had achieved mainstream success did not disprove racial exclusion in Alaska any more than statehood had made Natives equal participants in political life or ANCSA had signaled an end to Native economic impoverishment.

Not surprisingly, Elizabeth Peratrovich, Alaska's most malleable icon, the heroine-for-all who could be summoned to embody whatever meaning or lesson the storyteller wished to convey, was brought into the debate. Wrote Heimer, "Mallott's vague characterization of Alaska Native aspirations is different from mine and that of Native icon, Elizabeth Peratrovich." Just as conservatives had long cited King's color-blind rhetoric to justify their support of race-neutral policies, Heimer now seized upon Peratrovich's plea for equality in order to malign Mallott's race-conscious views:

> In her famous speech from the gallery of the Alaska Territorial Legislature, Ms. Peratrovich scolded the Legislature for failing to honor equal rights for all. In those simpler times, Ms. Peratrovich was not speaking of Native Rights, but the U.S.

> Constitution's aspiration to equal rights for everyone. I share this aspiration for all Alaskans with Ms. Peratrovich. Mr. Mallott apparently doesn't.

The error in Heimer's historical revisionism is clear. Peratrovich always framed her activism as a struggle for Native dignity as well as rights, just as King, never the color-blind utopian conservatives made him out to be, consistently endorsed racial preferences as a means of correcting historical imbalances. In *Why We Can't Wait*, a book King published in 1964 that mapped out the progress the civil rights movement hoped to achieve going forward, he wrote that the nation must reckon with the handicaps blacks had inherited from the past, analogizing that a man taking the starting line of a race three hundred years after his competitor had begun running would be unlikely to ever catch up. "It is impossible to create a formula for the future which does not take into account that our society has been doing something special *against* the Negro for hundreds of years," King wrote. "How then can he be absorbed into the mainstream of American life if we do not do something special *for* him now, in order to balance the equation and equip him to compete on a just and equal basis?"[575]

Heimer's misapprehension about the history of the equal rights act notwithstanding, his deployment of Peratrovich's name in the furtherance of his argument was entirely in line with how her story had been used by others over the years. In fact, his rhetoric was functionally identical to how *progressives* had honored Peratrovich for decades. At the naming of the House gallery in 1992, for example, Fran Ulmer spoke movingly of "the future of all Alaskans," a phrase of unintentional ambiguity that stripped the story of its race-specific dimension. Similarly, Diane Benson, the actor who portrayed Peratrovich numerous times on stage and screen, praised

[575] Martin Luther King, Jr., *Why We Can't Wait* (New York: Harper and Row, 1964), 146-47, emphasis in original.

her heroine for seeking "a safer, more just society, believing in liberty and equality for all people"—the very things Wayne Heimer and other conservatives who coopted the language of civil rights treasured just as deeply. Indeed, from Ernest Gruening's 1973 memoir to the present, every telling of the Peratrovich story traded in broad themes of humanity and egalitarianism, vitally important ideals but also blandishments whose exact definitions were often up for grabs among politically oppositional parties who saw themselves as the rightful inheritors of Peratrovich's legacy. The malleable nature of myth was never more apparent than when Alaskans of every political stripe claimed Peratrovich as their own.

Epilogue

On the night of January 14, 2001, three White teenage boys drove fifteen miles from their homes in Eagle River, a quiet bedroom community north of Anchorage, into the city. While one 17-year old drove, another the same age sat in the passenger seat with a paintball gun, loading it with paintballs that had frozen solid from being left outside. The 19-year old in the backseat turned on a video camera. "We're going to Anchorage," one of the boys says on the tape. "We're going to nail some Eskimos, also known as muktuks" (skin and blubber of a whale eaten as food but in this context a racial epithet for Alaska Natives). Upon reaching Mountain View and Fairview, two economically depressed, mostly minority neighborhoods on the outskirts of downtown, the teens began circling the streets, calling out to pedestrians whom they believed to be Natives.

The twenty-four-minute tape, which was later seized by police and clips of which were broadcast on statewide television, shows at least ten pedestrians flinching, twisting, and shielding their faces as the teens fire paintballs at them at close range. "Are you drunk?" they say to a Native man from Nome staggering down the sidewalk. As he turns toward the car and admits his lifelong struggles with alcohol, the boys shoot him in the face and speed away, laughing derisively all the while. "Shoot him! Shoot him! You need to shoot that guy!" one says as they approach another man. "No," replies another voice on the tape. "He's Chinese." One victim, a non-Native woman struck on her torso as she walked with a friend, managed to catch sight of the license plate and call police.[576]

[576] Peter Porco, "3 teens hunted Natives with paintball guns, police say," *Anchorage Daily News*, February 24, 2001, A-1.

The incident horrified Alaskans and resulted in an ongoing, emotionally fraught public debate. Community forums were held at the university and high schools in Anchorage, one of which was broadcast on local TV, where Natives and other minority residents spoke about their experiences with racism. The issue dominated news coverage for months, with the local paper printing countless articles, letters to the editor, and opinion pieces by public officials including the mayor. The U.S. Commission on Civil Rights held public hearings that summer in Anchorage, while Governor Tony Knowles established a State Tolerance Commission, which held eleven hearings in communities across the state, taking sixty hours of testimony and receiving hundreds of letters. Both committees produced written reports, the former in its title calling Alaska "Racism's Frontier."

The public debate was remarkable not merely for the variety of forums and number of individuals who participated. It was also perhaps the most wide-ranging, forthright discussion of race, racism, and discrimination ever to occur in Alaska. While many commenters not surprisingly limited their focus to the incident and individuals at hand, many addressed the larger, societal issues typically absent from earlier debates, including systemic inequality and White racial privilege. Among the commenters who evinced progressive ideas about racial equality, some connected the paintball attacks to legacies of institutional discrimination going all the way back to 1867, the year the United States purchased Alaska from Russia. Steve Langdon, an anthropology professor at the local university, traced the paintball incident to a wider culture of political and economic oppression of Natives built into the state's very institutions. The state constitution, Langdon asserted, denies Natives their aboriginal rights to land and wildlife resources, rights they enjoyed for thousands of years but then saw trampled from the start of western contact. Echoing the subsistence debates then still in full roar, the professor testified,

"The state of Alaska in its constitution enshrines itself as an agent of ethnocide." Apnglik Kiraiuaak of the Kozee Council of Elders went back even further to the time of first contact, noting that the attacks "represent a long history of violations of Alaska Native indigenous people who have experienced these things since the coming of the Russians. It continues to take away our indigenous fundamental rights, lands, resources, and our way of life."[577]

Others characterized the paintball assault as the crudest manifestation of systemic anti-Native bias in public institutions. Julie Kitka, president of the Alaska Federation of Natives, wrote that the incident "speaks volumes about very pervasive attitudes in Alaska—a racial intolerance that also underlies many discriminatory public policies in recent years." Byron Mallott was even more direct, framing the issue in terms of a leadership vacuum in the state and calling out the legislature by name for what he called its anti-rural, anti-Native policies that fostered an environment in which individuals felt empowered to discriminate. Georgianna Lincoln, a state senator from Rampart, observed that condemning blatantly racist acts like the paintball attacks was easy, but that public concern waned when it came to "the day-to-day, year-to-year injustices and discrimination Alaska Natives and other minorities face" in the form of government institutions unresponsive to their needs.[578]

Still other Alaskans highlighted the powerful if not always readily visible impact of White privilege, to the point of acknowledging even their own. The editorial board of the *Anchorage Daily News*, the state's largest newspaper, recognized that for generations, "one of the most lasting grievances of Alaska Native peoples—and surely of other minorities as well—is

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[577] Lisa Demer, "Paint-ball attacks prompt workshop on racism," *Anchorage Daily News*, March 17, 2001, B-1; Apnglik Kiraiuaak, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 1.
[578] Liz Ruzkin, "Networks drawn to paint ball tale," *Anchorage Daily News*, February 28, 2001, A-12; Byron Mallott, "By not acting, leaders empower hatred," *Anchorage Daily News*, March 2, 2001, B-8; Georgianna Lincoln, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 9.

that members of the dominant culture, education systems, economic institutions and political structure just won't listen." One letter writer pointed out that in Alaska, "ideas of racial inferiority and superiority run so deeply that they are scarcely discussed," continuing, "We whites need to accept responsibility for enjoying the benefits of being white in a society that rewards whiteness." Underscoring the point was the irony that on the night of the attacks, a Native man who flagged down a police car to report being shot was himself promptly arrested for disorderly conduct. He served ten days in jail. The Reverend William Greene of Eagle River, who is Black, stated that Alaskans found themselves having the current conversation "because we have had our heads buried in the sand. We didn't want to hear the facts and we wanted to believe that racism does not exist." Greene actually welcomed the paintball assault in that it forced White Alaskans to finally confront an issue minorities had been talking about for many years.[579]

Not everyone proved as candid or reflective in their statements, however. White racial innocence can be achieved any number of ways, and nearly all were in evidence in the paintball debate. Some respondents alternately denied race was a factor in the attacks, denied racism existed in Alaska at all, trivialized its impact, diverted attention to other issues ("the real problem here is not racism but…"), apportioned blame to opportunists and the media for stirring things up, cited their own race or ethnicity as evidence they couldn't be racist, and alleged reverse discrimination in the form of race-conscious policies such as Native health care. Such tactics of denial and diversion were not natural, spontaneous reactions, but rather socially constructed

[579] "The work ahead," *Anchorage Daily News*, March 22, 2001, B-6; Mike Doogan, "White apathy will doom discussion of race in city," *Anchorage Daily News*, March 27, 2001, B-1; Patricia H. Partnow, "Whites must accept responsibility for benefits of white society," *Anchorage Daily News*, March 14, 2001, B-8; Reverend William Greene, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 8.

forces meant to end discussion and forestall scrutiny of racial hierarchies, the benefits of which consistently redounded to those now doing the obfuscating.

Public discourse, no matter the topic, proceeds with vocabularies and rhetorical structures that make sense to the participants, often to the exclusion of views that do not fit neatly into accepted narrative frameworks. For many Alaskans in 2001, schooled as they had been by the history of civil rights and its supposed eradication of injustice, incidents like the paintball attacks made sense only when described as aberrations, despicable acts symptomatic of nothing more than the ignorance and immorality of the perpetrators themselves. “Is Alaska like Mississippi or Alabama? I think not,” wrote one Eagle River resident hoping to isolate racism as a southern phenomenon. “I might expect something like the paintball attack to take place in the South with some good old boys who were raised with rampant racism,” seconded a Yup’ik woman from Anchorage. This focus on individual prejudice had the effect of limiting the overall debate, rendering consideration of race, otherwise the central fact of the incident, a factor in explaining the motives for the attacks but little else. For some, it wasn’t even that. Those eager to elide the issue of race characterized the attacks as “juvenile delinquency,” “pranksterism,” and “mischievous” acts committed by “malcontent youths.” Others offered that the victims might have been targeted not for their race—the boys’ commentary on the tape notwithstanding—but only because they were poor or drunk or simply pedestrians unlikely to give chase since they were on foot. The real problem, some commenters believed, was a lack of respect for others, an individual failing that could be corrected with education, and they called for after-school community service programs, exchange visits that would send urban kids to rural villages, and other self-improvement efforts designed to enlighten teens to the fact that, as one Glennallen

resident put it, "All humans—despite race, ethnicity, color or language—share some 99.99999 percent of the same genetic material."[580]

The hope for a color-blind society in which race would be rendered irrelevant—the seemingly commendable goal but actually myopic pretense that since the first misreading of Dr. King's "I have a dream" speech has enabled White racial innocence to flourish—was the theme that unified such views. "Most people I know, of whatever color, spend very little time ruminating about race on a daily basis, and why should they?" wrote conservative newspaper columnist Paul Jenkins. "To most folks, race is inconsequential. And that's the goal, right? To judge people by their character and abilities, not their skin?" In the aftermath of the paintball attacks, no subject drew more ire from conservatives than calls for hate crime legislation to be enacted in Alaska. As was the case with the rural subsistence priority, some believed legal protections on the basis of race, religion, national origin, sexual orientation, or membership in some other social group represented the creation of a particular class of people, a bestowment of special rights that undermined the very notion of equality for all. "Shouldn't a crime committed against an individual be equally as serious no matter what race you are?" asked one incredulous Alaskan. Consideration of race, a Palmer resident opined, was "the kind of absolute nonsense that has been sweeping this country since the 1960s," and he believed the punishment for any crime "should be the same whether the targets were white, black, brown, green or red." This type of color-blind rhetoric enabled White Alaskans to condemn the teenagers' display of racism—

[580] Mark Aslin, "Prosecute 'children' to the fullest extent of the law for racist attack," *Anchorage Daily News*, March 4, 2001, F-4; Margie Shively, "Strong hate crimes laws would better deter racist actions," *Anchorage Daily News*, March 5, 2001, B-6; Douglas Barker, "Media frenzy over paint ball attacks blows crimes out of proportion," *Anchorage Daily News*, March 3, 2001, B-6; Marco Pignalberi, "Crime label too hasty," *Anchorage Daily News*, March 8, 2001, B-7; Edwin Blair, "Media hype over delinquents gives Alaskans a black eye," *Anchorage Daily News*, March 14, 2001, B-8; Jake Jacobson, "Hate crimes legislation would only create more injustice," *Anchorage Daily News*, March 18, 2001, F-4; "Hate crime," *Anchorage Daily News*, March 9, 2001, B-6; Christopher Wright, "Racism is ridiculous when we consider our similarities," *Anchorage Daily News*, March 10, 2001, B-10.

i.e., punish the cowards to the fullest extent of the law—while simultaneously denying the reality of systemic racism and its effects on non-White peoples. In this formulation, color blindness was the true remedy for racism, and anyone who called attention to race was therefore the actual racist.[581]

White racial innocence crept into the state government's response to the paintball incident as well. When a resolution condemning the attacks came before the state legislature that spring, a majority of senators (including several who also opposed the rural subsistence priority) amended the measure to denounce only "unlawful" discrimination. The distinction was necessary, they claimed, because Natives regularly benefitted from what the senators called lawful discrimination, such as medical care under the Indian Health Service and the exclusive right to hold shares in Native corporations. Pete Kelly, a conservative legislator from Fairbanks, said, "I don't believe Alaska is a racist state, but I have seen this governor [Tony Knowles, who established the Tolerance Commission] pick at the scab of racism until it's a festering sore. He told [the commission] to go around the state and find everything that's wrong with the state, sometimes in isolated examples."[582] Progressives expressed first dismay and then anger that a routine, seemingly noncontroversial statement against racism would be twisted into allegations of reverse discrimination against White Alaskans. An attorney for the American Civil Liberties Union called the senators' maneuvering "very embarrassing to watch."[583]

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[581] Paul Jenkins, "No future in playing race card," *Anchorage Daily News*, March 30, 2001; Mark Slama, "Crimes should be seen as equally serious, no matter who the victim is," *Anchorage Daily News*, March 4, 2001, F-4; Charles Eunice, "'Hate crime' panel is nonsense; paint ball thugs need a good smack," *Anchorage Daily News*, March 19, 2001, B-6.

[582] Sam Howe Verhovek, "Alaska Panel Has Suggestions for Improving Race Relations," *New York Times*, December 30, 2001, A-14.

[583] Cathy Brown, "Senate alters resolution against racist attacks," *Juneau Empire*, April 12, 2001, 3; Jennifer Rudlinger, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 8.

The complicated, contradictory nature of the paintball debate was perhaps best exemplified by a comment that on its surface bespoke a commitment to racial equality but that at its core functioned to preserve White racial innocence and solidify racial hierarchies. "The best people to teach understanding of the Native community are obviously Alaska Natives," wrote Karen Rhoades, a Wasilla resident who six years later would be appointed to the state's human rights commission. "How about a traveling group made up of a storyteller, a dancer, a drummer, etc. that will perform and teach at elementary school assemblies each year? The focus would not be on showcasing their talent but a message of respect would be written into the performances."[584] The suggestion was one of many in that vein, that respect could be instilled and ignorance eradicated by exposing White, urban Alaskans to Native culture and ways of life. But the expectation that people of color should teach White people about race only reinforces problematic racial assumptions, according to Robin DiAngelo. It assumes Natives are the holders of race, that Whites cannot be expected to have any prior knowledge of it since they, secure in their color-blindness, neither see nor act upon it. It foists the risks, tensions, and burdens of dialogue entirely onto Natives, denying the fact that race and racism are parts of a relationship in which both parties have obligations—and as possessors of the greater share of social power, White Alaskans might have even greater obligations in this regard. It also ignores that for generations Natives had been shouting about these issues to almost no effect. "There are copious resources available [on racism] generated by people of color who are willing to share the information," writes DiAngelo. "Why haven't [White people] sought it out before this conversation?"[585] Calls for mandatory high school courses on Native history were similarly

[584] Karen Rhoades, "Community service, education key to changing paint ball attackers," *Anchorage Daily News*, March 3, 2001, B-6.
[585] DiAngelo, *White Fragility*, 64. For a critique of DiAngelo's writings, see John McWhorter, "*The Dehumanizing Condescension of* White Fragility," *The Atlantic*, July 15, 2020.

problematic in that they compartmentalized the Native experience as something distinct and therefore separate from "mainstream" history. Such proposals, however well-intentioned, assumed Whites had something to learn from and about Natives, something exotic and foreign that wasn't already available in lived experience. Feminist writer and culture critic Ijeoma Oluo might have been referring to Alaskans when in a 2017 essay she tersely admonished Whites who requested such exchanges, "I don't want you to understand me better; I want you to understand yourselves."[586]

Apathy and misunderstanding on the part of White Alaskans plagued the otherwise candid and far-reaching paintball debate. The many forums and workshops held in high schools, convention halls, and TV studios were attended almost exclusively by peoples of color, leaving them to shoulder the weight of a dialogue that may or may not have reached a White audience who may or may not have comprehended it even if it did. A newspaper columnist who covered one of the largest Anchorage events, a town hall meeting attended by three hundred people, lamented that in a city that was 70 percent White, the audience was just 10 percent White. "The continuing refusal of the majority of whites to engage questions of race will…stop in its tracks any effort to improve race relations," he wrote.[587] Most who testified at the state and federal hearings that summer and fall were Alaska Natives and African Americans, and they sounded a similar refrain. The public had long denied that racism existed in the state, and while the paintball attacks were themselves agonizing to people of color, the fact that so many Alaskans were shocked by them constituted a secondary insult. Multiple respondents predicted the

[586] Ijeoma Oluo, "White People: I want you to understand yourselves better," February 7, 2017, medium.com/the-establishment/white-people-i-dont-want-you-to-understand-me-better-i-want-you-to-understand-yourselves-a6fbedd42ddf [accessed December 3, 2018].
[587] Mike Doogan, "White apathy will doom discussion of race in city," *Anchorage Daily News*, March 27, 2001, B-1.

commissions' reports would never reach the White audience that needed them the most but would instead end up forgotten on a shelf—a concern borne out by the fact that of the reports' dozens of recommendations on issues related to education, economic development, subsistence, tribal sovereignty, and bridging the urban/rural divide, few were acted upon in the coming years. Georgianna Lincoln, the senator and Koyukon Athabaskan who at the time of the hearings had been working for Native rights for four decades, supplied an astute coda to the paintball debate when she observed that what lay at the heart of the matter was perhaps not bigotry but indifference.[588]

The Urban/Rural Divide

The paintball debate fully encapsulated how the language of race had evolved in the statehood era to reflect competing visions of equality. Although the dialogue of race has shifted at different moments in Alaska's history in accordance with the social and political prerequisites of the times in which those exchanges took place, those shifts did not simply materialize in the moment but were themselves both a reflection and product of the history of all that came before. When Allen Shattuck opined in 1945 that Natives had to catch up to centuries of White civilization, for instance, his remarks manifested more than his individual bigotry; they also drew upon the enduring political and legal legacies of the "uncivilized tribes" clause in the Treaty of Cession from eight decades before. When Ernest Gruening in the 1940s repeatedly expressed his hope that Natives would become fully invested in the territory's governing institutions, his position was grounded in the 19th-century logic of assimilationism that had been embraced by the Alaska Native Brotherhood at its founding in 1912. And, to cite a third example, when Willie

[588] Georgianna Lincoln, quoted in quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 49.

Iggiagruk Hensley announced the intent of Native legislators to shake up the status quo in the statehood era, the strategy had its roots in the Indian self-determination agenda of the 1930s that included the launch of the Native land claims movement. History, wrote James Baldwin in a 1965 essay, never refers only to the past: "On the contrary, the great force of history comes from the fact that we carry it within us, are unconsciously controlled by it in many ways, and history is literally *present* in all that we do. It could scarcely be otherwise, since it is to history that we owe our frames of reference, our identities, and our aspirations."[589]

The paintball debate fully echoed this observation. That Anchorageites in 2001 offered such varied and even contradictory responses to the paintball incident reflected more than individual differences of opinion; it underscored how the complexity and even volatility of racial discourse emerges from historical antecedents whose meanings themselves are contested. References to "the 1960s" and "there was a time…" and "when I was a kid…" were common during the debate, even from those who otherwise exhibited no real historical or sociological imagination. Each interpretation propounded by participants in the discourse revealed something about what the speakers valued and how their understandings of the past spoke to the present moment. Even those who avoided or actively discounted the issue of race, whether they realized it or not, were in effect drawing upon the color-blind rhetoric that arose in the statehood movement and flourished in the republicanism that followed. Nothing about the dialogue of race was sui generis. As Matthew Kurtz points out in his study of the language of racism, that the responses to the paintball attacks were remarkably varied was unsurprising, even given the total condemnation of the attackers and near unanimous agreement the incident was racist. "To some extent, the languages of racism derive their force from this variation," writes Kurtz. "Their

[589] James Baldwin, "The White Man's Guilt," *Ebony*, August 1965, 47.

charge is energized by the mobility of terms across the political spectrum, such that the same word—racism—can be harnessed to different objectives in contests for justice."[590] Just as race was never a fixed biological fact but a social construction whose meaning evolved in different historical contexts, perceptions and definitions of racism also shifted to correspond with the times in which the acts occurred. Alaskans could therefore condemn the paintball attacks as racist even as they disagreed about the true nature of racism in the present moment.

The paintball incident also demonstrated how Alaska's geography had become racialized. The teenage assailants traveled from their homes in the predominantly White, affluent suburb of Eagle River to Mountain View and Fairview, neighborhoods with large minority populations. The racial demographics of those areas resulted from redlining, housing covenants, urban renewal, and other discriminatory policies dating back to the 1940s, all of which functioned to restrict Natives, Blacks, and other racial minorities to those neighborhoods and a few others outside the core of the city. Even once these areas were annexed to the city starting in the 1950s, residents complained their tax payments did not translate to road maintenance and the extension of public utilities. Parts of Eastchester Flats, a predominantly Black section of the city that today is part of Fairview, did not have running water until the 1960s, this in an ever-growing metropolis that was named an "All-America City" a decade earlier.[591] The paintball assailants were almost certainly unaware of this history, but for them to select Mountain View and Fairview as places to locate racial minorities was itself an exercise in historical cognition.

[590] Matthew Kurtz, "Ruptures and Recuperations of a Language of Racism in Alaska's Rural/Urban Divide," *Annals of the Association of American Geographers* 96, no. 3 (2006), 615.
[591] Charles Wohlforth, "How some Anchorage neighbors redeemed the city's racist past," *Anchorage Daily News*, February 27, 2017; Ian C. Hartman and David Reader, "A 'Far North Dixie Land': Black Settlement, Discrimination, and Community in Urban Alaska," *Western Historical Quarterly* 51 (Spring 2020), 41-43.

For many, the paintball attacks bespoke the inequities of another racialized geography—the urban/rural divide. The origins of the term could be traced back to 1950, when the U.S. Census Bureau, for the first time, classified communities with a population of at least 2,500 as urban, with the remainder of the population categorized as rural. The six communities then designated as urban—Juneau, Ketchikan, Fairbanks, Anchorage, Mountain View, and Eastchester (the latter two were suburbs of Anchorage that would soon be annexed into the city)—comprised just over one-quarter of the territory's total population. As more and more non-Native emigrants settled in Alaska in the statehood era, growth in urban centers far outpaced that in rural areas. By the height of the oil boom in 1980, urban areas accounted for two-thirds of the state's population. Over 43 percent of the state's residents lived in Anchorage alone, further fueling the perception of urban areas as being mostly White, with rural villages considered mostly Native.

The term "urban/rural divide" entered into widespread use in the 1990s to describe, on one level, the physical isolation of rural, roadless, predominantly Native villages that lacked the infrastructure of urban areas. But in a deeper sense the term pointed to the disparities in state services, disregard of tribal governance, and even societal attitudes that had deleterious effects on the social, cultural, and economic conditions in off-road communities. As the Alaska Federation of Natives explained it:

> The Urban/Rural divide is rooted in the unequal treatment accorded Native villages in terms of education, law enforcement, clean water and sanitation, and the double-digit unemployment in rural communities. It is also reflected in the legislature's systematic effort to undermine federal protections for hunting and fishing rights of rural Alaskans. . .

. It ignores the huge subsidies the urban areas enjoy as a result of the wealth of resources located in rural Alaska.[592]

In the public discourse of the time, "urban/rural" became a proxy term for "White/Native." Subsistence hunting and fishing rights, to take the most volatile issue of the time, were defined according to residency, not race, but the conflict was widely understood in terms of preferential treatment for Native villagers over White urbanites. If the vocabulary of race in Alaska had been undergoing near constant revision since 1867, the "urban/rural" designation became yet another way to erase racial distinctions from public debate.

The paintball attacks may have been the motivating reason the U.S. Commission on Civil Rights convened its hearings, but Alaskans came prepared to talk about much deeper issues. The terms "rural" and "Native" were used more or less interchangeably. State aid to local governments had been reduced by 60 percent in the past eight years, it was noted, and the legislature used the provision of federal funds as an excuse to slash funding for rural communities. Across-the-board budget cuts in education, job training, and public safety impacted communities across the state, but Native leaders pointed out that rural villages took the hardest hit as their budgets depended on state funding to a proportionally greater degree. One White urban legislator concurred, "With regard to…equality of rights, I suppose we could say we have that on paper. But the fact is that so many of those rights are driven by economics and our economics are far from equal." Bonnie Jo Savland of the Alaska Native Coalition for Employment Training was blunt: "The past decade has seen state policy, controlled by the urban

[592] Alaska Federation of Natives, "Briefing on Recent Hate Crimes Against Alaska Natives and Other Acts of Discrimination," April 26, 2001, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 10.

non-Native majority, turn against Natives with a vengeance. Under a banner of fiscal austerity, the state is making political war on the poorest and most vulnerable of its citizens defined by race."[593]

The federal and state civil rights commissions cited statistical evidence that pointed to the systemic inequality many testified to. More than 63 percent of Native high school students and 56 percent of Black students in both urban and rural communities scored "Not Proficient" in benchmark literacy tests, versus just 22 percent of White students. Similar disparities were shown in mathematics and other subjects. The Anchorage School District reported in 1998 that compared to White students, Native students were two and a half times more likely to fail science, social science, and language arts courses. Just 5 percent of teachers statewide were Native, and only 1.5 percent were Black. Bettye Davis, who in 2000 became the first African American elected to the State Senate, noted that "many of these new teachers who teach our Alaska Native students know nothing about the language and culture of our communities and, therefore, our children are not being taught from their prior knowledge."[594]

The evidence continued to mount. The Governor's Office, although it had formally acknowledged the state's 226 federally recognized tribes, something no previous administration had done, still reported in 2001 that of the more than fourteen thousand permanent employees in the Executive Branch, more than 90 percent were White and just 5.3 percent were Native. Although they made up 19 percent of the state's population, Natives were underrepresented in every office of state government. The same situation existed in the municipality of Anchorage where minorities made up 23 percent of the population but accounted for just 14 percent of the

[593] Rick Halford, Bonnie Jo Savland, quoted in "Racism's Frontier: The Untold Story of Discrimination and Division in Alaska," report of the Alaska Advisory Committee to the U.S. Commission on Civil Rights, April 2002, 10, 27.
[594] "Racism's Frontier," 19-21.

work force. Scott Goldsmith, an economist at the university in Anchorage, stated that Natives were underrepresented in virtually every industry in the state, and that in some fields a 200 percent increase in the number of Native workers would be required to achieve parity.[595]

Then there was public safety and law enforcement. "Alaska Natives are more likely than any other racial or ethnic group in Alaska to be the victim of a crime," reported the federal civil rights commission. Native women made up just 5 percent of the population of Anchorage at the time but were the victims in 23 percent of reported domestic violence cases and 45 percent of reported sexual assault cases. From 1999 to 2001, six women of color (one African American and five Alaska Natives) were murdered in Anchorage. Four of the cases remained unsolved. During that same period at least five Native women were abducted and sexually assaulted in downtown Anchorage alone. Natives were overrepresented in the state's incarcerated population as well, accounting for nearly 36 percent of all prison and jail inmates in 2001, nearly twice the percentage of their population in the state as a whole. Similarly, African Americans made up 4.3 percent of the state's population but 12 percent of the number in prisons and jails. In rural Alaska, one-third of the state's villages had no local police at all, while another third were served only by village public safety officers (VPSOs) who handled lower level crimes under the supervision of the state troopers. VPSOs were paid less than troopers, and they received just 200 hours of training compared to the 1,130 hours of training given to troopers. VPSOs were not allowed to carry firearms, though a study revealed that three of every four VPSOs had found themselves responding to an armed perpetrator. One Native leader called the VPSO program a separate, unequal, and insufficient form of law enforcement. An attorney with the Native American Rights Fund, Lare Aschenbrenner, testified that at the time of statehood, the state

[595] "Racism's Frontier," 30-32.

"assumed a constitutional obligation to provide equal protection under the law to *all* its citizens, not just to white citizens on the road system, but to Native citizens off the road system as well. The State has failed to live up to these obligations."[596]

Throughout the paintball debate, many White Alaskans consistently denied there was any systemic discrimination against Natives or other minorities in the state. Isolated incidents might occur, especially when individuals like the three Eagle River youths grew bored and restless, but the constitutionalism and republicanism of the present era meant that all people, regardless of race, enjoyed equal opportunities under the law. The sentiment harkened back more than fifty years to the illimitable optimism of Ernest Gruening and the other statehood advocates who proclaimed Alaska had closed the door on its racialized past. From that point forward, any acknowledgment of racial difference constituted nothing less than a repudiation of the very progress that had facilitated the uplift of previously marginalized peoples. Like the earlier debates over reservations, land claims, voting rights, and subsistence, the paintball debate showed yet again how White Alaskans took comfort in the sometimes abstract notion of equality, believing it absolved them of any further responsibility to consider the issue of race.

That comfort was illusory, however, when structural inequities remained intact. At the height of the national civil rights movement in the 1960s, James Baldwin observed that White Americans were trapped between what they might like to be and what they actually were. For four hundred years America's institutions were built for the exclusive benefit of Whites, he noted. Even the most fair-minded White Americans who harbored no hatred for Black people still benefitted disproportionately from that system, and their refusal to stand up for a more equitable distribution of resources was itself a form of oppression. In a 1968 appearance on *The*

[596] "Racism's Frontier," 36-39, 43, emphasis in original.

Dick Cavett Show, Baldwin was challenged by a White philosophy professor from Yale who articulated an almost utopian vision of color blindness and wondered why so much fuss was being made about race. Baldwin's response must be quoted in full:

> I don't know what most white people in this country feel, but I can only conclude what they feel from the state of their institutions. I don't know if white Christians hate Negroes or not, but I know that we have a Christian church which is white and a Christian church which is black, and I know as Malcolm X once put it, the most segregated hour in American life is high noon on Sunday. It says a great deal for me about a Christian nation. It means that I can't afford to trust most white Christians and certainly cannot trust the Christian church. I don't know whether the labor unions and their bosses really hate me; that doesn't matter, but I know I'm not in their unions. I don't know whether the real estate lobby has anything against black people, but I know the real estate lobby is keeping me in the ghetto. I don't know if the board of education hates black people, but I know the textbooks they give my children to read and the schools that we have to go to. Now this is the evidence. You want me to make an act of faith, risking myself, my life, my woman, my children on some idealism which you assure me exists in America which I have never seen.[597]

Sociologist Eduardo Bonilla-Silva defines this phenomenon as racism without racists. Racial epithets and "Colored Only" signs on water fountains might have no place in polite society today, he notes, but because racial stratification is so deeply embedded in the very structures of

[597] Footage of Baldwin's appearance on *The Dick Cavett Show* appears in Raoul Peck's *I Am Not Your Negro*, Magnolia Pictures (2017).

government, economy, and society, the continued oppression of peoples of color no longer depends on overt displays of bigotry. Furthermore, White Americans' almost complete inability to grapple with the ongoing realities of racial exclusion had caused them to retreat into self-comforting but ultimately meaningless personal statements of solidarity.

The reports issued by the state and federal civil rights commissions in the aftermath of the paintball incident pointed to a similar, if not identical, situation in Alaska. Mention of the three teenage paintball assailants faded from the debate relatively quickly as participants delved into deeper examinations of inequality. As Baldwin might have said, it hardly mattered what individual White Alaskans thought or believed about individual Alaska Natives. The evidence of systemic oppression in what Baldwin called "the state of their institutions," however, emerged in the commissions' findings and in the thousands of pages of testimony from Alaskans who had experienced that oppression firsthand.

Settler Colonialism in the Last Frontier

By the 2000s, more than one Alaska Native had begun to use the term *colonialism* to refer to their experience since western contact generally but under statehood specifically. As described earlier in this manuscript, settler colonial studies emerged as an academic discipline in the 1990s as scholars "began to argue that colonies where the settlers 'came to stay' were distinctive colonial formations with specific dynamics," according to Jane Carey and Ben Silverstein. Patrick Wolfe, widely regarded as the preeminent exponent of the field, coined the phrase "the logic of elimination" to describe how Indigenous societies were replaced by those imported by the colonizers. With the primary motivation of securing land, settler colonialism does not therefore end with the depletion of resources or the closing of frontiers. Settler colonists

do not move on but establish a society that endures and evolves over time, one in which the logic of elimination requires watchfulness, leading Wolfe to refer to settler colonialism as "a structure rather than an event."[598]

The tenets of the field entered the discourse of Indigenous rights across the world, Alaska included. Evon Peter, a Gwich'in and Koyukon from Arctic Village, came to believe the Statehood Act of 1958, along with other laws and treaties enacted by the U.S. government since its purchase of Alaska in 1867, functioned as settler colonial strategies to remove Indigenous peoples from the land. Writing in 2009 on the fiftieth anniversary of statehood—during which parades and other commemorations were happening across the state—Peter called the acts "fundamentally illegitimate legislation that resulted in the unjust appropriation of our traditional lands and resources." Natives had experienced more than two and a half centuries of colonization by the Russians and Americans, leading Peter to conclude that Native people's ongoing struggle for recognition in the statehood era must be understood in the context of the global decolonization that occurred throughout Asia and Africa in the post-World War II period, a process he describes as based on "moral integrity and justice" and largely supported by even the colonial powers themselves. "The time has come for the truths of history to be acknowledged and a new discussion opened regarding the decolonization of the Indigenous nations of Alaska," he wrote.[599]

Others identified the social and economic conditions of rural villages as a direct legacy of settler colonialism. "Why do we hear so much about high rates of alcoholism, suicide, and

[598] Jane Carey and Ben Silverstein, "Thinking with and beyond settler colonial studies: new histories after the postcolonial," *Postcolonial Studies* 23, no. 1 (2020), 5; Patrick Wolfe, "Settler colonialism and the elimination of the native," *Journal of Genocide Research* 8, no. 4 (2006).
[599] Evon Peter, "Undermining Our Tribal Governments: The Stripping of Land, Resources, and Rights from Alaska Native Nations," in *The Alaska Native Reader: History, Culture, Politics*, Maria *Shaa Tláa* Williams, ed. (Durham: Duke University Press, 2009), 180-81, 183.

violence in many Alaska Native communities?" attendees at a 2009 conference in Anchorage were asked. The answer, conference organizers stated, could be found in the collective trauma of the previous three centuries where the lands, economies, and, perhaps most importantly, the religious, spiritual, educational, and linguistic systems of the colonized people suffered major disruptions. "Being forced to give up an entire way of life and adapt to a new one often results in self-destructive or destructive behaviors, as communities and individuals cope with the losses and disempowerment that attend colonization."[600]

The Alaska Commission on Rural Governance and Empowerment, first established in 1998, reconvened in 2013, and it struck a similar note. In its report, the commission wasted no time in getting to the point, asserting in the third paragraph of the executive summary, "Colonialism is not good for Alaska Natives, and it is not good for Alaska; it should not be perpetuated." Lands and resources, the commission noted in what amounted to a dictionary definition of colonialism, were managed for the benefit of people who lived far away in urban centers, not for those who called those lands home. The state's exclusion of Alaska Natives from the management of lands was therefore "a perpetuation of colonial government structures." The commission further argued that the imposition of legal and criminal justice systems with no input from rural residents "mirrors the governmental structures of the colonial era." The word *colonialism* and its derivatives did not appear once in the 139 pages of the commission's 1999 report—but in the 2013 report there were three references in the first twenty lines of the executive summary alone and another ten mentions in the full report's eighteen pages.

Accusations of colonialism were by no means new in the discourse of Alaska republicanism. The charge had been leveled by statehood advocates against the federal

[600] "Effects of Colonialism," in *Do Alaska Native People Get Free Medical Care?* Libby Roderick, ed. (Anchorage: University of Alaska Anchorage/Alaska Pacific University, 2008), 64.

government six decades before, their bill of indictments remarkably similar to what Natives would later allege against the state. On November 9, 1955, Ernest Gruening delivered the keynote address, "Let Us End American Colonialism," at the Alaska Constitutional Convention in Fairbanks. In a nearly 9,000-word stem-winder that equated Alaskans' struggle for statehood with Americans' fight for independence in 1776, Gruening enumerated a series of grievances against the federal government's rule. The United States refused to allow the territory to manage its fisheries and other natural resources, he argued. It refused to reform what Gruening called "obsolete and unworkable land laws" that denied Alaskans the chance to benefit from the development of resources. It refused to develop infrastructure in the territory, such as roads, docks, and airfields, that would facilitate economic growth. It obstructed the administration of justice by failing to provide adequate law enforcement and judicial powers. "Is there any doubt that Alaska is a colony?" the former governor and future senator asked. "Is there any question that in its maintenance of Alaska as a territory against the expressed will of its inhabitants, and subject to the accompanying political and economic disadvantages, the United States has been and is guilty of colonialism?"

Alaska Natives in the midst of the urban/rural divide controversy of the 1990s and 2000s could have lifted Gruening's address, changed "United States" to "State of Alaska," and the list of complaints would have rung familiar. The mobility and malleability of the term *colonialism* demonstrated yet again that the political and social discourse in Alaska shifts across time but always exhibits a continuity with the past. The fundamental difference between Gruening's lament and the decolonization rhetoric of Natives in the 2000s, however, rested in the respective standing of those making the argument. Nearly all land in Alaska in the 1950s was owned by the federal government, and Gruening defined colonialism as the failure of the United States to

transfer political and economic control to the settlers who desired autonomy. For Alaska Natives in the 2000s, the settlers were themselves the colonizers who had usurped lands Indigenous peoples had occupied for millennia.

Landforms and Statues

The history of colonialism is written on the landscape of Alaska. Vitus Bering, the Danish mariner commissioned by Peter the Great to explore the waters east of Siberia and the man credited as the first European to set his eyes on Alaska, rounded a point of land in the North Pacific on July 20, 1741, and named it for that day's saint. The naming of Cape Saint Elias was not finished, however. A trio of Spanish mariners named and renamed the point Santa Rosa, Españo, and Punta de Cañas between 1779 and 1796. A British captain, George Vancouver, spied the cape in 1794, and named it Hamond Point for a fellow naval officer.

From there the names piled up as countless Euro-American explorers, settlers, and government officials filled maps of the territory with designations often meant to pay homage to loved ones back home or curry favor with powerful patrons. The Wade Hampton Census District in western Alaska, for instance, was named in 1913 by a Nome judge for his father-in-law, the Confederate general from South Carolina whose fame and reputation at the time was eclipsed only by Robert E. Lee. Lieutenant Frederick Schwatka of the U.S. Army, on an 1883 expedition down the Yukon River, named dozens of landforms—virtually every lake, creek, and bluff he encountered—for superior officers, public officials, newspapermen, or other individuals that he believed might help to advance his career. Other geographic names were bestowed by White settlers to commemorate historic achievements of the day, many having nothing to do with Alaska. See, for instance, Dewey Creek in the Copper River Valley, named in 1898 by an army

captain after learning of Commodore George Dewey's naval victory in Manila. Or the Dewey Creek in Nome named in 1899 for Commodore Dewey. Or the Dewey Creek near Eagle on the U.S.-Canada border named for Commodore Dewey. Or the Dewey Creek on the Seward Peninsula named by prospectors in 1900. (There are at least eight more.)

In recent years, however, many Alaskans, both Native and non-Native, moved to restore Indigenous names to the landscape. In 2015 Wade Hampton's name was removed from what is now the Kusilvak Census District. That same year the Gwichyaa Zhee Gwich'in Tribal Government of Fort Yukon began submitting numerous applications to formally recognize the Athabascan names of rivers in the Yukon Flats, an action that has been emulated by other Native groups in the state. Most famously, the U.S. Interior Department announced in 2015 that the highest peak in North America would henceforth be recognized as Denali, an Athabascan word with at least seven variations in as many Native languages that translates roughly as "the great one" or "the high one," replacing the name Mount McKinley, assigned by a prospector in 1896 for the Republican elected president that year, a man who never visited Alaska.

And then there are the statues.

One of the first monuments to Euro-American settlement in Alaska was *The Prospector*, a 12-foot bronze statue of an anonymous gold miner dedicated in Sitka in 1949. Three years later, a bust of Felix Pedro, the prospector whose gold discovery in the Middle Tanana Valley led to the founding of Fairbanks in 1902, was unveiled on the campus of the local university. A corresponding plaque at the base of Pedro Dome where he made his strike has been rededicated every summer since during Golden Days, the community's celebration of its pioneer past. In time, Alaskans erected statues and busts of, among others, Roald Amundsen, Captain James Cook, William Henry Seward, Dwight Eisenhower, Senator Ted Stevens, newspaper publisher

Robert Atwood, Joe Redington (founder of the Iditarod sled dog race), and Charles Bunnell (first president of the University of Alaska). The state's two contributions to the National Statuary Hall Collection in the U.S. Capitol are its statehood heroes, Ernest Gruening and E. L. "Bob" Bartlett. Certainly the most heartwarming commemoration was a statue of Patsy Ann, a deaf English Bull Terrier who from 1929 to 1942 trotted down to the Juneau docks with the arrival of every ship and enthusiastically greeted every disembarking passenger. Since 1992 her bronze likeness has stood sentinel on those same docks continuing to welcome the more than one million cruise ship visitors who arrive in Juneau each year.

Not every statue has been received so warmly, however.

In 1989, two nights before Sitkans planned to dedicate a statue of Aleksandr Baranov, the first governor of the Russian-American Company from 1799 to 1818, an unknown vandal or vandals sneaked under the tarpaulins covering the statue and sawed off the governor's nose. Hacksaw marks on the statue's neck suggested the individuals first attempted to remove Baranov's head. The sculptor was on hand for the ceremony and was able to repair the damage with epoxy, and the dedication, in which the Soviet ambassador to the United States called the statue "a symbol of the glorious past" and praised Baranov as a man who promoted "peace and amity" in Alaska, went off without a hitch. It was never discovered whether the vandalism was a political act, but antipathy toward Baranov in the community was no secret. Under Baranov's rule, the Russian colonists enslaved Aleut, Alutiiq, and Tlingit, appropriated lands, decimated resources, took Native women as concubines, and asserted their dominance in an ongoing series of bloody battles with the Tlingit throughout their tenure in the territory. The much-criticized statue was vandalized on other occasions after its unveiling, once with an ax that left gouges atop the governor's bald pate.

In 2020, in the midst of a national discussion regarding Confederate statues and other monuments many believed embodied White supremacy, the Sitka City Council decided to move Baranov's statue from its open air location to the local museum where additional historical context might be provided. "Baranov is a historic figure who is responsible for murder, enslavement, rape and a perpetrator of genocide," testified Nicholas Galanin, a Tlingit and Unangax artist, at a public hearing on the matter. "This history is still felt by our Indigenous communities today. . . . Use this opportunity to be on the just side of history." Dionne Brady Howard asserted the statue inflicts historical trauma on Native peoples and called its presence in the community *kalits'ígwaa*, or "touchy subject" in Tlingit.[601]

A reckoning had arrived, and Alaskans, like Americans across the country, began grappling with the histories that are told—as well as those that are suppressed—by the many statues around the state. A statue of British explorer James Cook that since 1976 had stood in downtown Anchorage watching over the inlet that bears his name was criticized as a symbol of colonialism, particularly when it was noted the mariner and his crew spent barely a week and a half sailing the waterway that Indigenous peoples had traversed for millennia. The mayor of Anchorage, in a move celebrated by many and criticized by others, announced that the Native Village of Eklutna, on whose land Anchorage sits, would decide the statue's fate.[602]

A statue of William Henry Seward, Secretary of State to Presidents Lincoln and Johnson who in 1867 negotiated the purchase of Alaska from Russia, was the next to come under scrutiny. Erected in front of the State Capitol in Juneau in 2017 to commemorate the

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[601] Will Swagel, "Soviets Take Part in Dedication of Statue," *Sitka Daily Sentinel*, October 16, 1989; Katherine Rose and Erin McKinstry, "Sitkans gather to demand the relocation of controversial Baranov Statue," June 25, 2020, www.ktoo.org/2020/06/25/sitkans-gather-to-demand-the-relocation-of-controversial-baranov-statue/ [accessed August 4, 2020]; James Brooks, "Sitka will remove controversial Russian statue from prominent downtown spot," *Anchorage Daily News*, July 15, 2020.

[602] Aubrey Wieber, "City weighs response to calls on social media for the removal of Anchorage's statue of Captain James Cook," *Anchorage Daily News*, June 19, 2020.

sesquicentennial of the purchase, the statue depicts Seward holding the Treaty of Cession in his right hand. As a Unionist, abolitionist, and cabinet member of the president who issued the Emancipation Proclamation, Seward might not appear at first glance to be as controversial a figure as his Civil War-era contemporaries. But as Tlingit scholar Rosita Worl pointed out, "Seward embodied Manifest Destiny. His imperialistic vision was founded on white supremacy." Seward envisioned Alaska as a colonial outpost that would enable the United States to control the Pacific economically and militarily. As Secretary of State, he made clear his ambition to acquire British Columbia, too, stating that if the Canadian territory "shall be governed so as to conflict with the interests…of the United States, we all can easily foresee what will happen in that case," as close to a threat of annexation that an otherwise staid diplomat like Seward might make.[603]

Seward's personal egalitarianism notwithstanding, his vision of American imperialism reflected notions of White supremacy widely held at the time. He used the terms "savage" and "barbarians" in describing how Alaska's Indigenous peoples would almost certainly prove themselves incapable of adapting to White civilization and were therefore doomed to vanish from the earth. In a speech delivered in Sitka in 1869, Seward predicted, "The Indian tribes will do here as they seem to have done in Washington Territory and British Columbia; they will merely serve the turn until civilized white men come." And while the context of his remarks made clear he did not celebrate these developments but lamented them, for many Juneauites his legacy as an agent of American expansionism remained problematic. That an honest

[603] "Petition seeks removal of statue of William Seward," Alaska Public Media, June 23, 2020, www.alaskapublic.org/2020/06/23/petition-seeks-removal-of-statue-of-alaska-purchase-official/ [accessed August 6, 2020]; "What Raising a Statue of William Seward Means to Alaskans 150 Years Later," *Pacific Northwest Quarterly* 108, Nos. 2-3 (Spring/Summer 2017), 57-62; Ross Coen, "A statue of Seward in Juneau would also honor painful history in Alaska," *Anchorage Daily News*, March 30, 2016.

acknowledgment of Seward's complicated legacy went unnoted in the triumphalist rhetoric of the statue's proponents represented a secondary insult to Native peoples. Said Jen LaRoe, who in June 2020 launched a petition to remove the statue, "My issue is not with the person of William H. Seward, or his actions so to speak, but lie more directly with the current-day group of white people who decided it was a good idea to put up a symbol of this colonization that is so disrespectful to Alaska Native tribes and people."[604]

Amidst the statewide conversation about Messrs. Baranov, Cook, and Seward, some Alaskans offered that the solution lay not in taking those statues down but in putting others up. Inspirational stories of Native leaders abounded, and many believed their inclusion in the state's historical pantheon would only add to Alaskans' appreciation of Native peoples and cultures. K̲'alyaan, for one, the Tlingit chief who in 1804 famously wielded a blacksmith's hammer in a battle with Baranov's forces in which the governor himself was seriously injured, seemed a particularly apt choice. Such an imposing figure placed opposite the Russian commander in Sitka would represent both a historical and literal counterpoint to the history of settler colonialism. In addition, an earlier proposal for a statue of Walter Harper received renewed attention. A Koyukon Athabascan, Harper served as a loyal aide to Episcopal minister Hudson Stuck and joined his party on the first successful ascent of Denali in 1913. Although as expedition leader

[604] William Henry Seward, *Speech of William H. Seward at Sitka, August 12, 1869*, https://alaskahistoricalsociety.org/transcription-of-sewards-speeches-on-our-north-pacific-states/ [accessed November 23, 2020]; Brian P. D. Hannon, "Efforts underway in Alaska to remove statues of colonialists," *Anchorage Daily News*, July 26, 2020. For more information on the 2020 debates regarding statues in Alaska, see Steve Langdon, "Why the William Henry Seward statues should be removed," *Anchorage Daily News*, July 27, 2020; Stephen Haycox, "Let's provide context, not remove statues," *Anchorage Daily News*, July 29, 2020. In the midst of the debates, the Alaska Historical Society, the state's non-profit organization for the study of Alaska history, expressed the view that controversial statues, instead of being dismantled and discarded, should either remain in place or be moved to a location where supplemental historical context might be provided "to more completely explain the subject's life, positive and negative, from both today's perspective and from the time the person lived." See "Alaska Historical Society's Statement on Monuments and the Need for More History," *Alaska History News* 48, no. 3 (Fall 2020), 5.

Stuck's name went into the history books, it was almost certainly Harper who was the first to stand atop North America's highest peak. Doyon, the ANCSA corporation in Fairbanks, announced in July 2020 that a statue of Harper, when completed, would be installed at its headquarters on the banks of the Chena River, his gaze staring southward toward Denali on the far horizon. Marvin "Muktuk" Marston, although not Indigenous, championed Native causes throughout his life. He led Native troops in the Alaska Territorial Guard during World War II, and at the Constitutional Convention in 1956 he was the lone delegate to introduce an aboriginal land claims proposal. Marston now received favorable mention in the conversation about possible statues.

But when it came to an Indigenous leader whose likeness in bronze would stand as an inspiration to all Alaskans, one name dominated the conversation.

"I nominate Elizabeth Peratrovich, advocate for the civil rights of Alaska's native people," wrote Jerry Smetzer of Juneau. Smetzer suggested a statue of the civil rights champion should be of identical size to William Seward's and placed in the same plaza in front of the State Capitol. Win Gruening, grandson of the territorial governor who signed the equal rights act in 1945, seconded the nomination. "Elizabeth Peratrovich represents a shining example of Alaskans' determination to eliminate discrimination and establish equal rights in our state," he wrote. Carmen Mastronardo Katasse of Douglas offered that the Tlingit leader should replace Seward: "Perhaps a statue of Elizabeth Peratrovich…would be a more appropriate representation for Alaska."[605]

[605] Jerry Smetzer, "Which parts of our history should be enshrined?" *Juneau Empire*, June 24, 2020; Jerry Smetzer, "More than just Seward should be honored with statues," *Juneau Empire*, August 10, 2015; Win Gruening, "Seward statue: Preserve our history, don't tear it down," *Must Read Alaska*, June 26, 2020, mustreadalaska.com/seward-statue-preserve-our-history-don't-tear-it-down/ [accessed June 30, 2020]; Carmen Mastronardo Katasse, "Will a statue of William Seward be a reminder of Jim Crow in Alaska?" *Juneau Empire*, August 3, 2015.

Calls for an Elizabeth Peratrovich statue resounded throughout the state, evidence of Alaskans' limitless appetite for commemorations of the civil rights leader.[606] Her name already graced several locations around Alaska—including a convention hall in Juneau, theatre in Ketchikan, and park in Anchorage—and a bust sculpted by her son, Roy Jr., was displayed in the foyer of the State Capitol one floor down from the House gallery that was named for her in 1992. In addition, a mural was unveiled in her home town of Petersburg in 2020, while a large portrait in the lobby of the state museum in Juneau greets visitors as they enter. Her story reached a national audience in 2020 when the U.S. Treasury minted $1 coins featuring Peratrovich's likeness as part of its Native American Dollar Coin series. The coins proved immensely popular in Alaska and became difficult to acquire, leading the legislature to pass a resolution asking the U.S. Mint to make them more widely available. Her name was inscribed in public memory countless ways—but Alaskans wanted more. And now, in proposing that statues of the Tlingit heroine might replace those of Baranov, Cook, and Seward, they wanted her to stand as a rebuke of settler colonialism.

The myth had expanded yet again. When Ernest Gruening began the construction of the myth in his 1954 book, *The State of Alaska*, he did so believing Peratrovich's victory marked the integration of Natives into mainstream western society and also authenticated the assimilationist ethos he so strongly advocated. Seven decades later, however, the interaction of myth, memory, and history had transformed the meaning of Peratrovich's story in numerous ways, and calls for statues in her honor were now made not as celebrations of assimilation but as critiques of

[606] In 2020 the Anchorage School District decided to rename East High School for Bettye Davis, a longtime education and child welfare advocate and the first Black woman elected to the State Senate. The action proved controversial, with many believing the decision represented political correctness run amok. One Alaska Native woman protested the school should have been named for a Native civil rights leader, such as Elizabeth Peratrovich. "Yes, Ms. Davis should be honored for her work and her accomplishments," she wrote in a letter to the local newspaper, "but her work came long after the work of [Peratrovich]." See Sandra Haldane, "Sham of a school board," *Anchorage Daily News*, October 27, 2020.

colonialism. Paulette Moreno, president of the Alaska Native Sisterhood, signaled as much during the debate over Sitka's Baranov statue when she held up a roll of the Peratrovich $1 coins and offered to donate them to help pay for the removal of the Russian colonist.[607] If settler colonial societies depend on the elimination of the Native and on replacing Indigenous cultures with new ways, Moreno and others now demanded not merely a halt to that process but its reversal. Peratrovich, in the current iteration of the myth, would replace the colonizers, reinscribing Indigeneity on both the historical and physical landscapes of Alaska.

The story of Elizabeth Peratrovich has been told and retold countless times over the years, with the storytellers in each instance putting her name and memory to uses that served to validate some social or political imperative of the time. In so doing, they created a myth—a heroic narrative of a people's past that, by embodying the ideals of the present, helps to explain the world and their place in it. Much like a sculptor working in clay and bronze, the storytellers have revised the myth, smoothed its edges when necessary, shaped memories to conform to present mores, and arranged details both historical and invented in order to transform the Tlingit icon into not just one symbol but many.

The book of Elizabeth Peratrovich remains open, and there are many blank pages yet to be written. It is impossible to know just how the story will evolve going forward, only that it undoubtedly will. And as long as her story continues to entrance and inspire, Alaskans will be there, pens in hand, ready to write the next chapter and sign their names to the book.

[607] James Brooks, "Sitka will remove controversial Russian statue from prominent downtown spot," *Anchorage Daily News*, July 15, 2020.

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