



CENTRAL COUNCIL
Tlingit and Haida Indian Tribes of Alaska
Office of the President • Edward K. Thomas Building
9097 Glacier Highway • Juneau, Alaska 99801

WRITTEN COMMENTS

OF

CENTRAL COUNCIL OF TLINGIT & HAIDA INDIAN TRIBES OF ALASKA

Submitted for the record

**August 1, 2018 (Public) Listening Session and August 3, 2018 Tribal Consultation
Regarding the Acknowledgement Provisions of the Indian Reorganization Act**

August 9, 2018

Gunalchéesh/Háw'aa. My name is Richard Chalyee Éesh Peterson, I am Tlingit from the Kaagwaantaan clan, Eagle's Nest House. I grew up in Kasaan, Alaska. I was recently unanimously re-elected President of the Central Council of Tlingit & Haida Indian Tribes of Alaska (hereinafter "Tlingit & Haida" or "Tribe") by the over 100 delegates that make up Tlingit & Haida's governing body. I have held that post since 2014.

Tlingit & Haida is a federally-recognized regional tribe as confirmed by the U.S. Congress by statute in 1994 (25 U.S.C. 1212) and as originating pursuant to the Act of June 19, 1935 (49 Stat. 388, as amended, commonly referred to as the "Jurisdiction Act").

The July 2, 2018 letter announcing this consultation and setting forth the questions for consideration was less than clear in its description of the purpose and intention of these consultations on Section 16 of the Indian Reorganization Act (I.R.A.). Was the purpose to determine how best to recognize and acknowledge new groups of American Indians and Alaska Natives as new tribes under Section 16? Or was the purpose to re-raise well-settled questions about the tribal status of existing, long-recognized and long-organized Section 16 I.R.A. tribal governments in Alaska? If it is the latter, Tlingit & Haida strongly objects and is offended by the very idea that this or any other Administration would dare to call into question the legal status of its sister tribes in an ill-considered declaration of war on tribal status in Alaska.

If, on the other hand, as the body of the July 2, 2018 letter seems to indicate,¹ these consultations are designed solely to address how the Department might fairly respond to unorganized groups seeking to organize and be recognized as new Section 16 tribes, then Tlingit & Haida has the following comments:

¹ "In an effort to provide more clarity and transparency to those groups seeking to organize under the Alaska IRA, I am pleased to announce a listening session and series of consultations to be held in Alaska in the upcoming months to discuss how the Department might better implement the statute's acknowledgement provision."

- The Central Council of Tlingit & Haida Indian Tribes of Alaska is not a Section 16 I.R.A. Tribe.
- Tlingit & Haida, as a tribal government recognized by Congress pursuant to the Acts of 1935 and 1994, shares common aspirations and concerns with the Section 16 I.R.A. tribes in our region. We work closely together. Many of our tribal citizens maintain dual tribal citizenship in their Tlingit & Haida Tribe and their I.R.A. village tribe.
- Our only concern is that any procedures for the acknowledgement of new groups of American Indians and Alaska Natives as recognized tribes pursuant to 25 U.S.C. 5119 should be done in a way that does not disrupt existing authorities and relationships of existing tribes.
- We see no reason why the existing Federal Acknowledgement Process in 25 CFR Part 83 cannot continue to be applied to any new groups petitioning for tribal recognition in Alaska, pursuant to 25 U.S.C. 5119, in the same way that Part 83 is applied to new groups in the Lower 48.
- The 1994 Amendments to the I.R.A. requires the Department to avoid creating two different classes of tribes and separate procedures for tribes or groups in Alaska.
- The questions for consideration included in the July 2, 2018 letter erroneously refer only to a “common bond of occupation”, but that is but just one of three disjunctive factors set forth in 25 U.S.C. 5119. The statute refers also to a common bond of “association” or “residence”. This is not unlike many Lower 48 tribes who were recognized by the United States although they were comprised of many different kinds of indigenous people, some of whom shared a common bond of occupation, some of residence, some of political or cultural or ethnic association, or some combination of these three bonds. Groups of indigenous people in Alaska are no different than those on the Colville Indian Reservation in Washington, the Mandan, Hidatsa, and Arikira on the Fort Berthold Reservation in North Dakota, and many other reservations and rancherias in California, Oregon, Montana, and Oklahoma.

In conclusion, Tlingit & Haida believes that under the I.R.A., as amended in 1994, the Department may not need create a special exception for the recognition and acknowledgment of new groups of indigenous people in Alaska. Such exceptions always end up hurting tribes in Alaska.

Gunalchéesh / Haw'aa,



Richard J. Peterson
President