



# United States Department of the Interior

OFFICE OF THE SECRETARY  
Washington, DC 20240

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The Honorable Amos Philemonoff, Sr.  
President, Aleut Community of St. Paul Island  
P.O. Box 86  
St. Paul Island, Alaska 99660

The Honorable Christopher Mercurief  
President, Aleut Community of St. George Island  
P.O. Box 940  
St. George Island, Alaska 99591

Dear Presidents Philemonoff and Mercurief:

A number of years ago, the Aleuts residing on the Pribilof Islands of St. Paul and St. George (Communities) requested that the Department of the Interior (Department) consider the nature and extent of fishing rights protected by the United States for the Communities' benefit and use. The Department understands that fishing is central to the sustenance and livelihood of the Aleuts and therefore the request before us is one of extreme importance. First, I think it is important to set forth the unique history of the Pribilof Aleuts.

## History of the Pribilof Aleuts.

### a. Russian rule.

The Pribilof Islands are a five-island archipelago that "occup[ies] a remote portion of the Bering sea, lying 214 miles northwest of Unalaska Island in the Aleutians and 309 miles southwest of Cape Newenham on the Alaska mainland."<sup>1</sup> The two main islands, St. Paul and St. George, are about forty miles apart. Three small islets – Otter Island, Walrus Island, and Sea Lion Rock – lie near St. Paul Island.

The Pribilofs are rocky, thin-soiled, and treeless.<sup>2</sup> They are less suited to human habitation than the Aleutian Islands farther south, having a harsher climate, more sea ice, less fresh water, no streams to support traditional Aleut dietary staples of salmon and trout, and smooth coastlines without protected harbors.<sup>3</sup> Aleutian oral tradition indicated that the Aleutian

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<sup>1</sup> Findings of Fact, Indian Claims Commission Docket 352 and 369 at 48 ¶ 13, *Aleut Cmty v. United States*, 42 Ind. Cl. Comm. 1 (1978) [hereinafter "Findings of Fact"].

<sup>2</sup> *Id.* at 46 ¶ 7.

<sup>3</sup> *Id.* at 48 ¶¶ 17-18.

Islanders knew of the existence of the Pribilof Islands, but “[n]o ethnohistoric or archeological evidence points to the use or occupation of the Pribilof Islands, north of the Aleutian archipelago, by any native people prior to the Russian period in Alaska.”<sup>4</sup>

In the late eighteenth century, Russian traders forcibly settled groups of Aleuts on the Pribilof Islands to kill fur seals, which use the Pribilofs as a rookery, and process their skins and furs.<sup>5</sup> Scholars describe the relationship between the Russian sealers and the Aleutian natives in plain terms:

The custom of the [Russians] after establishing themselves on an island, was to divide the command into small parties, each of which was stationed in the immediate vicinity of a native village, whose chief was induced by presents to assist in compelling his people to hunt, on the pretext perhaps that the empress [Elizabeth, daughter of Peter the Great] who, although a woman, was the greatest and most benignant being on earth, required such service of them. When they returned their catch was taken and a few trifling presents made them, such as beads and tobacco-leaf. Two objects were at once accomplished by the cunning [Russians]. While all the able-bodied men were thus away gathering skins for them, they were having their own way with the women of the villages. Actual trade or exchange of Russian manufacturers for skins was carried on only where the natives refused to hunt for the Russians without reward. All kinds of outrages were constantly practiced on the timid islanders by the ruffianly taskmasters.<sup>6</sup>

Similar stories of injustices and abuses committed against the Pribilof Aleuts spurred Russian authorities to exert control over expeditions to Alaska by the formation of privileged companies.<sup>7</sup> The license or charter given to the first such company noted that a recent voyage had “committed indescribable outrages and abuses on the inhabitants, and even were guilty of murder, inciting the natives to bloody reprisals.”<sup>8</sup> The license enjoined the master of the voyage “to see that no such barbarities, plunder, and ravaging of women are committed under any circumstances.”<sup>9</sup> Nevertheless, scholars in the late nineteenth century described Aleuts under Russian rule as being “mere slaves, without the slightest redress from any insolence or injury which their masters might see fit . . . to inflict upon them. Here they lived and died, unnoticed and uncared for, in large barracoons half under ground and dirt roofed, cold, and filthy.”<sup>10</sup>

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<sup>4</sup> Douglas W. Veltre & Allen P. McCartney, *Russian Exploitation of Aleuts and Fur Seals: The Archaeology of Eighteenth- and Early-Nineteenth-Century Settlements in the Pribilof Islands, Alaska*, 36(3) HISTORICAL ARCHAEOLOGY 1, 8-17 (2002).

<sup>5</sup> *Id.* at 10-11; see also *Aleut Cmty v. United States*, 42 Ind. Cl. Comm. 1, 9 (1978).

<sup>6</sup> HUBERT HOWE BANCROFT, THE WORKS OF HUBERT HOWE BANCROFT, VOL. XXXIII 121-22 n.50 (1886) [hereinafter “BANCROFT”].

<sup>7</sup> *Id.* at 126.

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> HENRY W. ELLIOTT, THE HISTORY AND PRESENT CONDITION OF THE FISHERY INDUSTRIES: THE SEAL-ISLANDS OF ALASKA 19 (1881) [hereinafter “ELLIOTT”].

**b. As sealers for the United States Government.**

In 1867, Russia relinquished all of its North American possessions, including the Pribilofs, to the United States via the Treaty of Cession.<sup>11</sup> Article 3 of the Treaty provided that all inhabitants of the ceded lands, save the “uncivilized” tribes, were to be accorded American citizenship. Until 1924, the general policy of the United States was to treat the Pribilof Aleuts as non-citizen aboriginals.<sup>12</sup>

Long before gold or oil were discovered, and when the great distance from well-supplied markets minimized the value of Alaska’s forest resources, the high demand for fur seal furs made the Pribilofs a valuable, and well-recognized, benefit inuring to the United States government from the acquisition of Alaska. The United States accordingly continued the practice of using the Pribilof Aleuts as laborers in the sealing industry on behalf of the federal government. As part of 1870 legislation setting the parameters of the Pribilof sealing trade, Congress authorized the Secretary of the Treasury to issue a twenty year lease for private entities to hunt seals on the islands so long as such lease provided “due regard to the . . . the comfort, maintenance, and education of the natives thereof.”<sup>13</sup> The first such lease, issued to the Alaska Commercial Company, required the Company to annually furnish the Pribilof Aleuts with fish, salt, and preserving barrels, establish a school for Aleut children, provide rent-free housing with necessary fuel and oil, provide medical supplies and services, and pay the Aleuts prevailing wages for their sealing work.<sup>14</sup>

The Indian Claims Commission subsequently found that the 1870 Act and related Pribilof statutes “concerning the United States regulation of the Pribilof Islands, their native Aleut inhabitants, and the fur seals, establish a ‘special relationship’ with [the Aleuts] . . .” through which the United States assumed a duty of good faith and fair dealing.<sup>15</sup> However, life for the Pribilof Aleuts did not improve under American rule.<sup>16</sup> Rather, the United States consistently disregarded this “special relationship” and its statutory duties, failed to provide the Pribilof Aleuts with goods and services necessary to achieve a decent standard of living, and subjected the Aleuts to harsh living conditions.

For example, Federal agents routinely decried the number, size, and condition of the cottages that the United States provided to the Aleuts as housing. The cottages generally contained two rooms, one of which served as a bedroom. As many as six people were forced to sleep on the floor of a minimally furnished, 10x12’ room; at one point a St. Paul population of 196 had only forty beds.<sup>17</sup>

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<sup>11</sup> Findings of Fact at 53-54 ¶ 31.

<sup>12</sup> *Id.* at 54 ¶ 31.

<sup>13</sup> 16 Stat. 180, 181 (July 1, 1870).

<sup>14</sup> WILFRED HUDSON OSGOOD, EDWARD ALEXANDER PREBLE, & GEORGE HOWARD PARKER, THE FUR SEALS AND OTHER LIFE OF THE PRIBILOF ISLANDS, ALASKA, IN 1914 132-33 (1915).

<sup>15</sup> *Aleut Community*, 42 Ind. Cl. Comm. at 20.

<sup>16</sup> Much of the subsequent text is taken nearly verbatim from the Findings of Fact or from Mobley, where cited.

<sup>17</sup> Findings of Fact at 122 ¶ 147.

The amount of fuel provided to the Pribilof Aleuts was similarly insufficient.<sup>18</sup> The forty tons of coal allotted to the St. Paul Aleuts under the Federal sealers' lease of 1870 barely served to meet their cooking needs. Often Aleuts were forced to walk miles to collect driftwood for fuel in the middle of winter, or to double up in dwellings to save coal.<sup>19</sup> Even when fuel was available, the government-issued cooking stoves were often in disrepair. A government memo in 1916 instructed that when an Aleut family needed a new stove, a white employee should get the new stove and the Aleut family should get the employee's used stove.<sup>20</sup> These issues were compounded by the fact that the Aleuts were issued cheap, scanty garments that were inadequate for the severe Pribilof climate, and were often forced to go without footwear and outer coats altogether.<sup>21</sup>

Food quality and scarcity was another ongoing problem. Aleut children under two years of age were issued only milk, and nothing else. From ages two to four, children were issued only milk and cereal. In an attempt to stave off starvation, Aleut children on St. Paul would congregate around the white mess kitchen after every meal to pick out edible food from the refuse.<sup>22</sup> At one point, a visiting medical commission determined that malnutrition had stunted the growth of the Aleut children, subjected nearly every child to malnutrition related-ailments, and resulted in pediatric dental carries to the point that seventy-five percent were expected to have no teeth by age twenty.<sup>23</sup>

Despite the difficult manual labor for which they were responsible, food was not appreciably better for Aleut adults. In 1914-15, naval officers at a federal mess hall on St. Paul reported that the entire population of the village gathered daily to beg for food. While the Federal government maintained dairy cattle, a vegetable greenhouse, and meat on the hoof on the Pribilofs, these provisions were reserved almost exclusively for whites.<sup>24</sup> When food was available at all, a day's ration might be bread and coffee for breakfast, bread and tea for lunch, and potatoes and rice for dinner.<sup>25</sup> While the Federal agents attempted to augment the Aleut diet with seal meat, the Aleuts had difficulty digesting the foul-tasting meat and often would go hungry rather than consume it in order to avoid illness.<sup>26</sup>

Much like food, the Aleut water supply was equally insufficient. The Pribilofs' sources of water were located at considerable distances from the villages and were at times contaminated. These sources were often cut off altogether by winter weather, forcing the Aleuts to melt snow for drinking water and precluding an adequate supply for personal or household cleanliness.<sup>27</sup> Water quality was further degraded by poor sanitation. The Aleuts were afforded inadequate numbers of outhouses or privies, few or no indoor toilets, and a sewage system that

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<sup>18</sup> *Id.* at 128 ¶ 189.

<sup>19</sup> *Id.* at 129 ¶ 190.

<sup>20</sup> *Id.* at 137 ¶ 206.

<sup>21</sup> *Id.* at 137 ¶ 205.

<sup>22</sup> *Id.* at 135 ¶ 201.

<sup>23</sup> *Id.* at 135 ¶ 201.

<sup>24</sup> *Id.* at 136 ¶ 203.

<sup>25</sup> *Id.* at 135-36 ¶ 202.

<sup>26</sup> *Id.* at 136-37 ¶ 204.

<sup>27</sup> *Id.* at 143-44 ¶ 211.

was in such disrepair as to constitute a health hazard.<sup>28</sup> While there were certain facilities with running water and modern plumbing and sanitation on the Pribilofs, they were reserved exclusively for whites.<sup>29</sup>

On the work front, the Federal government denied the Aleuts the right to bargain over conditions of their nominal “employment” and prohibited them from trading with anyone other than the sealskin operators.<sup>30</sup> Because they were technically Federal employees, Pribilof Aleuts were considered ineligible for state minimum wage, hour, unemployment, retirement, and disability benefits that were gradually afforded workers in the late nineteenth and early twentieth centuries. However, the Aleuts were also denied Federal benefits such as workmen’s compensation, retirement and annual leave.<sup>31</sup> And since the paramount Federal concern with the Pribilofs was the retention of a productive sealing force on the islands, Aleuts were prohibited from leaving the islands without permission from the government agents, which was rarely granted.<sup>32</sup>

The cumulative result of these abuses was that the Pribilof Aleuts not only had a lower life expectancy under American rule than in the precontact and Russian periods, but also had a lower life expectancy than their Aleut contemporaries living on the Aleutian chain. For the period as a whole, infant mortality was a major problem and those who survived infancy rarely lived to old age.<sup>33</sup> These conditions persisted from the time that the Pribilof Aleuts came under the guardianship of the United States in 1868 until the outbreak of World War II.

### c. Relocation during World War II.

Nominally seeking to protect the Pribilof Aleuts and other Alaskans from a Japanese invasion during World War II, the United States evacuated the Pribilof Islanders to Funter Bay on Alaska’s Admiralty Island on June 15, 1942. The Pribilof Aleuts were only given a few hours’ notice and were not told of their ultimate destination, and were generally only able to pack a light bunch of clothes before being forced to board the federal ship.<sup>34</sup> Once at Funter Bay, the Aleuts were housed in an abandoned fish cannery and a mine.<sup>35</sup>

Conditions in Funter Bay were difficult. Despite near freezing temperatures, many of the Pribilof Aleuts lived in tents prior to the construction of bunkhouses.<sup>36</sup> Potable water was often in short supply due to freezing, poor pipes, inadequate flow, and contamination,<sup>37</sup> while food preparation was complicated by the lack of adequate kitchen facilities, subsistence foods, and

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<sup>28</sup> *Id.* at 144-45 ¶ 213.

<sup>29</sup> *Id.* at 144 ¶ 211.

<sup>30</sup> *Id.* at 58 ¶ 39.

<sup>31</sup> *Id.* at 59 ¶ 42.

<sup>32</sup> *Id.* at 58 ¶ 40.

<sup>33</sup> *Id.* at 57 ¶ 38.

<sup>34</sup> CHARLES M. MOBLEY, WORLD WAR II ALEUT RELOCATION CAMPS IN SOUTHEAST ALASKA 6-7 (2012) [hereinafter “MOBLEY”].

<sup>35</sup> U.S. DEP’T OF INTERIOR, PRIBILOF ISLAND SURVEY REPORTS 6-7 (Oct. 8, 1949); Findings of Fact at 60 ¶ 46.

<sup>36</sup> MOBLEY at 29.

<sup>37</sup> *Id.*

heating and cooking oil.<sup>38</sup> Federal officials reported having only limited success in obtaining needed food, medicine, and supplies.<sup>39</sup> Food, water, and shelter shortcomings resulted in significant medical problems, particularly tuberculosis and dental ailments, which often required evacuation to Juneau or Seattle.<sup>40</sup>

Contemporary reports document the substandard living conditions. For example, a 1943 physician's report includes the following:

As we entered the first bunkhouse, the odor of human excreta and waste was so pungent that I could hardly make the grade. . . . The buildings were in total darkness except for a few candles here and there which I considered distinct fire hazards since the partitions between rooms were made mostly by hangings of wool blankets. The overcrowded housing condition is really beyond description since mother and as many as three or four children were found in several beds and two of three children in one bunk.<sup>41</sup>

Also in 1943, an assistant supervisor of the Fish and Wildlife Service wrote that unless conditions improved before the winter "it is more than a possibility that the death toll from tuberculosis, pneumonia, influenza, and other diseases will so decimate the ranks of the natives that will survive to return to the islands." The same supervisor reported that "the Aleuts were herded into quarters unfit for pigs, denied adequate medical attention; lack of healthful diet and even facilities to keep warm and are virtually prisoners of the Government though theoretically possessing the status of citizenship."<sup>42</sup> Another report noted that it was "impossible to heat the houses and quarters occupied by the Natives. At night they have huddled around the stoves and in the dining room getting what little sleep possible. Most of the water pipes are still frozen and there still is no water in the reservoir behind the dam."<sup>43</sup> Ultimately, thirty-two Aleuts died while in federal care at Funter Bay.<sup>44</sup>

Although most of the Pribilof Aleuts remained in Funter Bay until May of 1944, Federal agents organized sealing gangs in 1943 to return to the Pribilofs and continue the Federal sealing

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<sup>38</sup> *Id.* at 30-31.

<sup>39</sup> *Id.* at 31.

<sup>40</sup> *Id.* at 32.

<sup>41</sup> U.S. Dep't of Fish and Wildlife Service Records, N. Berneta Block, M.D., Director, Division of Maternal and Child Health and Crippled Children's Services, Alaska Division of Health, "Report of Trip to Funter Bay, October 2-6, 1943." (quoted in DOROTHY KNEE JONES, *CENTURY OF SERVITUDE: PRIBILOF ALEUTS UNDER UNITED STATES RULE*, ch. 6, available at <http://arcticcircle.uconn.edu/HistoryCulture/Aleut/Jones/ch6.html> (last visited January 5, 2017) [hereinafter "JONES, ch. 6"]). Pribilof Aleuts relocated to the Funter Bay Mine, rather than the cannery, faced additional hardships. Old cords and bare wires created electrical hazards, the assay office and mill contained poisonous chemicals, the existing sewage system consisted of only two outhouses on pilings over the beach, and drinking water was not piped to any of the buildings. MOBLEY at 67-68.

<sup>42</sup> Findings of Fact at 60-61 ¶ 46.

<sup>43</sup> MOBLEY at 31.

<sup>44</sup> National Park Service, "Aleutian World War II: Evacuation and Internment," available at <https://www.nps.gov/aleu/learn/historyculture/unangan-internment.htm> (last visited Jan. 5, 2017).

harvest.<sup>45</sup> When the Aleuts objected, the federal agents threatened to refuse them permission to return to their homes in the Pribilof Islands. As the then-Federal superintendent noted:

If any workman remains in Juneau or deserts his post during the summer (he) will forfeit any share of the sealing division. Also I will seriously consider recommending that he be denied return to St. Paul for residence. As St. George is being rehabilitated, any workman who refuses to return this spring will not share in the sealing division and will not be allowed to return at any later date if I can help it. This will include his immediate family.<sup>46</sup>

Upon the Pribilof Aleuts' ultimate return to the Pribilof Islands in 1944, they discovered that American soldiers stationed in the Pribilofs had ransacked many of their homes and stolen or damaged their possessions.<sup>47</sup> As Jones reports, a contemporary described the scene as follows:

Inspection of St. Paul village disclosed conditions which were difficult to believe. . . . Most of the buildings, including the native houses, bore evidence of having been ransacked. . . . Doors had been left open and windows were broken, and snow drifts were still piled high inside these openings. Snow which had drifted through and melted had flooded the basements of various buildings. . . . Plumbing, water lines and tanks were broken in all parts of the village. . . . In many buildings losses could be attributed to actual looting or vandalism. Boxes and chests of personal belongings had been opened by prying off locks and other fastenings, and contents were scattered in the search for things of value. Furniture was marred or broken, overstuffed pieces were torn or rendered unserviceable, and household fixtures had been removed or damaged. Warehouses and storerooms showed that there had been complete disregard for the value of stores. . . . The carpenter shop did not contain any tools, and a survey of machine shop and garage showed that a large proportion of valuable tools had disappeared.<sup>48</sup>

It would not be until 1988 that Congress passed the Aleut Restitution Act and formally recognized Federal mistreatment of the Aleuts during World War II.<sup>49</sup> Among other things, the Act recognized that:

- Aleuts remained relocated long past the date where Alaska was vulnerable for Japanese attacks;
- The United States had failed to protect Aleut property and provide reasonable care for the Aleuts during the War; and
- The United States had not adequately compensated the Aleuts for their mistreatment.<sup>50</sup>

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<sup>45</sup> National Oceanic and Atmospheric Administration, "Pribilof Islands: Island History," available at <http://pribilof.noaa.gov/island-history.html> (last visited Jan. 5, 2017) [hereinafter "NOAA History"].

<sup>46</sup> U.S. Dep't of Fish and Wildlife Service Records E.C. Johnston to L.C. McMillin, March 17, 1943 (quoted in JONES, ch. 6).

<sup>47</sup> NOAA History.

<sup>48</sup> JONES, ch. 6.

<sup>49</sup> Pub. L. No. 100-383, 102 Stat. 903.

The Act accordingly established a \$12,000 per capita payment for any Aleut living as of the day of the Act's enactment "who, as a civilian, was relocated by authority of the United States from his or her home village on the Pribilof Islands or the Aleutian Islands west of Unimak Iland [sic] to an internment camp, or other temporary facility or location, during World War II; or who was born while his or her natural mother was subject to such relocation."<sup>51</sup> The Act also established a \$1.4 million trust fund for Aleut church property that was damaged or destroyed,<sup>52</sup> and a \$5 million trust fund for:

- The benefit of elderly, disabled, or seriously ill persons on the basis of special need;
- The benefit of students in need of scholarship assistance;
- The preservation of Aleut cultural heritage and historical records;
- The improvement of community centers in affected Aleut villages; and
- Other purposes to improve the condition of Aleut life, as determined by the trustees.<sup>53</sup>

## Discussion

The Pribilof statutes "reserved" the Islands for the United States for use as the base of a sealing operation, and were not intended to recognize or create vested Aleut fishing rights or establish an "Indian reservation." While the statutes undoubtedly establish a special relationship between the United States and the Pribilof Aleuts, this relationship has been consistently interpreted as a Federal obligation to provide for the Aleuts' wages and welfare, not an acknowledgment of Native fishing rights.

There appears to be no Congressional intent to create a reservation on behalf of the Aleuts or otherwise recognize Aleut fishing rights in any of the statutes passed related to the Pribilof Aleuts. When Congress created the "reservation" in the Pribilof Islands in 1869, it appears the intent was to prohibit the decimation of the seal population rather than for any concern related to the human beings living there. More recent statutes describe the relationship between the United States and the individual Aleuts as an economic one, with the Aleuts acting as employees of the federal government. Although Congress may have intended to assist the Communities in developing non-sealing economies, such as commercial fishing, such assistance did not include fishing rights.

It is clear that a special relationship exists between the United States and the Pribilof Aleuts due to the fact that several of the Pribilof statutes state that the Secretary provide for the Aleuts' "comfort, maintenance, education, and protection," terms which go undefined in the statutes.<sup>54</sup> The Indian Claims Commission and Congress have interpreted these provisions as a straightforward, literal requirement that the United States provide goods and services to the

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<sup>50</sup> *Id.* at 904.

<sup>51</sup> *Id.* at 911, 914.

<sup>52</sup> *Id.* at 913. This was later increased to \$4.7 million. Pub. L. No. 103-402, 108 Stat. 4174.

<sup>53</sup> 102 Stat. at 913.

<sup>54</sup> See 1870 Act at 180-81; 1910 Act at 328.



Pribilof Aleuts. Although such a requirement seems antiquated in the era of self-determination, the Department must abide by those previous determinations.

### **Conclusion**

History shows that the United States' treatment of the Pribilof Island Aleuts has been both tragic and shameful. However, the Department is precluded by statute from providing the assistance that we recognize the Communities require. The relief that the Communities seek can only be found in Congress. Thank you for your patience while we considered this important matter.

Sincerely,

A handwritten signature in black ink, appearing to read 'Ann Marie Bledsoe Downes', with a stylized, cursive script.

Ann Marie Bledsoe Downes  
Deputy Assistant Secretary – Policy and  
Economic Development