

Department of History  
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Changing the System: *Tobeluk v. Lind* and the  
Alaskan Boarding School System

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Research Capstone

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**Abstract**

This paper focuses on comparing and contrasting the American Indian and Alaskan Native boarding school systems and experiences of the students in the continental United States and the state of Alaska. The Alaskan boarding school system was much different than the continental United States in which it eventually changed to help its students, and didn't just try to "kill the Indian." Included in this research is a background on boarding schools, why they were created, and how they affected the American Indian and Alaskan Native populations. Boarding schools like Mt. Edgecumbe and the Wrangell Institute will be looked at more closely in regards to boarding schools in Alaska and how they were administered. The main focus of the paper is the *Tobeluk v. Lind* case that occurred in Alaska in 1972. This case regarded the schooling that was supposed to be available to Alaskan Natives that the Alaskan government had promised, but did not provide. This court case was the turning point in the Alaskan boarding school system and what it would become. With this change in schooling being made better for Alaskan Native students, these students were able to learn the "system" and "fight" back for what was rightfully theirs. The Alaskan Native Claims Settlement Act is an example of how some Alaskan Native students were able to do this. *Tobeluk v. Lind* had a huge effect on the Alaskan boarding school system, and allowed Alaskan Native students to take control of their education and use it to their advantage unlike many of the boarding schools in the continental United States.

**Narrative Selection**

*“I was eight years old, and my brother was six, when we were sent away to Wrangell Institute Boarding School in the fall of 1955. I was 18 years old when I graduated from Mt. Edgecumbe boarding school in 1965, and was on my own. I had spent ten long years in the government’s boarding school system...Boarding school taught me that everything I knew about my culture, language, and world view were evil and must be pushed away. Wrangell Institute Elementary school did its best to eradicate everything I identified with as an Inupiaq. After six years at Wrangell, graduating at age 14 in 1961, I was happy to get away from a place of routine punishments and abuse....As a young child I witnessed countless acts of cruelty against other children. There was emotional abuse, psychological abuse, physical abuse, and sexual abuse...I saw a grown man beat a twelve year old boy into unconsciousness... Blocking the doorway, the matron grabbed a fire hose nearby, turned it on and directed the beam of spray towards me and my friend. The matron just laughed at our pain and yelling. Clearly, he was enjoying inflicting pain on two little boys... I felt the trauma of those assaults well into adulthood. Yet I could not or would not talk about what had happened to me for many years...Mt. Edgecumbe was a continuation of Wrangell except without the violence and punishment. Yet we were prevented from going home on holidays or funerals... We learned world, European, and American History from a Western perspective...As an Alaska Native, I drank to have a good time...Over the years I began to realize the underlying causes of my self-*

*destructive behavior; it was the many unresolved traumas that I had experienced while in Wrangell Institute.”<sup>1</sup>*

## **Introduction**

The boarding school era is a crucial part of our country’s history and the history of the Indigenous cultures of our country. The first part of my capstone is to give a background on the history of the boarding schools in the United States, the trauma that it caused and how they affected the loss of culture in many of the Indigenous cultures. From there my capstone looks at the Alaskan Boarding school system and how it compared and contrasted to the boarding schools in the continental United States. Personal accounts and research on Mt. Edgecumbe and the Wrangell Institute in Alaska will be used in this comparison. These schools are being focused more on in this capstone because of how different they were than each other. The Wrangell Institute was created with the purpose of “killing the Indian, but saving the man.” Mt. Edgecumbe was a new boarding school era school, where the schools began to work for their students and not against them. Assimilation was not the main focus of the school. This leads up to the *Tobeluk v. Lind* court case in 1972 and how it changed the Alaskan Boarding School system for the better. Another part of my research will focus on how some individuals were able to use their schooling to their advantage in spite of all the trauma and hardship of the boarding school system. The Alaskan Native Claims Settlement Act was in part created and passed by graduates from Alaskan boarding schools, who went on to further their education to help their families and their people. They were able to do this partial because of how the boarding schools

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<sup>1</sup> Jim La, Belle. “Boarding School: Historical Trauma among Alaska’s Native People.” *National Resource Center for American Indian, Alaska Native and Native Hawaiian Elders*, October 2005: 9-11. This is a personal entry of Jim La Belle’s experiences at the Wrangell Institute Elementary School in Alaska.

in Alaska were run compared to the ones in the continental United States. The capstone includes both aspects of personal experiences and scholarly works. It is meant to show how even though the boarding school era was destructive and traumatizing for the American Indian population and Alaskan Natives, some were able to use the system to their advantage and fight back for their rights, land, and their culture.

### **Historiography**

This research aligns with other scholars looking at the history of the boarding school era in the United States, but this research will add to the research already completed by looking at the boarding school era from a different angle than most scholars have before. Boarding schools were traumatic and destroyed many American Indian and Alaskan Native cultures, however my capstone will look into how in some cases, the students of these boarding schools were able to survive.

Many of the scholars that have researched this topic, like Andrea Smith, agree that the saying “kill the Indian, but save the man” was the main logic and thinking behind all of the boarding schools that were put into place.<sup>2</sup> In Wallace David Adams’ work *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928* focuses on day to day of the Indian students living in a “total institution” that was created to reconstruct them both

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<sup>2</sup> Andrea Smith, “Boarding School Abuses, Human Rights, and Reparations.” *Social Justice*, Vol. 31, No.4 (2004), 90. Andrea Smith also looks into what reparations should be given to the Indigenous population, especially the female population, and who should be held accountable for these events.

psychologically and culturally. The assault on the student's identity came in many different forms: the cutting of hair, "white" names, attacks on the students religion, patriotic, suppression of their tribal languages, and etc. Again this book reiterates the phrase of the boarding school era: "kill the Indian, but save the man."<sup>3</sup> This was the basis for why these boarding schools were created. The boarding schools experience were very diverse and ranged from student to student. No experience was the same. Many of the scholars that have written on this subject know that. "No single interpretation of this experience exists today or ever will."<sup>4</sup>

Clifford Trafzer, Jean A. Keller, and Loren Sisquoc know this which is why their book *Boarding School Blues...* is split up into different accounts from many people that went to a boarding school. They want to show that the boarding school experience was different for everyone, but to connect them all and show how much of an affect they had on these students and how it affected their own identities.

Like "Boarding School Blues..." others write about their own experiences to give an insight into what happened at these boarding schools. Adam Fortunate Eagle writes about his own experiences at the Pipestone boarding school in his book "Pipestone: My Life in an Indian Boarding School." The point of his book is to give an insight for readers to really see what the boarding school experience was like for him.<sup>5</sup> Like "Boarding School Blues..." his book is a

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<sup>3</sup>David Wallace, Adams, *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*, Lawrence, Kan.: University Press of Kansas, 1995.

<sup>4</sup>Clifford Trafzer, Jean A. Keller, and Lorene Sisquoc. *Boarding School Blues: Revisiting American Indian Educational Experiences edited and with an introduction*. Lincoln: University of Nebraska Press, 2006, XI.

<sup>5</sup> Adam Fortunate Eagle and Laurence M. Hauptman. *Pipestone: My Life in an Indian Boarding School*. Norman, Oklahoma: University of Oklahoma Press, 2010, Xiii

compilation of his own personal accounts of his experiences of what happened at Pipestone. The boarding school experience in the U.S. has had a huge effect on the Indigenous population and has contributed to the loss in culture, but everyone's story is different.

There were many boarding schools that were housed in Alaska during the boarding school era. In the late 1940's Mt. Edgecumbe boarding school was created in Sitka, Alaska. Mt. Edgecumbe was one of the bigger boarding schools that was housed in Alaska. Its purpose, at first, was like other boarding schools in the continental United States. It was meant to assimilate the Alaskan Natives, and make them ready for the working class. For the most part, as the U.S. Government focused on the Alaska territory, Alaska Natives became the beneficiary of their change in policy from the annihilation of American Indian culture to pacification and assimilation.<sup>6</sup> Cheryl Easley's, Jim La Belle's and George Charles look into the Alaskan Boarding School system more closely by examining the Wrangell Institute and Mt. Edgecumbe. They look at its history, the policies, and like Smith they focused on the trauma and the healing process that continues today. Their work focuses on the healing process that needs to occur because many of the students who went through the boarding schools are now going to be Elders of their community, and many of them have lost much of their connection with their culture and who they are as a person. Along with this, Thomas Hopkin's work "Alaskan Native Education..." looks at the structure of Mt. Edgecumbe, and how it changed over the years. This work goes more in depth about how the school was administered and the people in charge

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<sup>6</sup> Cheryl Easley and George P. Charles, "Boarding School: Historical Trauma among Alaska's Native People." *National Resource Center for American Indian, Alaska Native and Native Hawaiian Elders*, October 2005, pages 1-8, 12-15

of the school.<sup>7</sup> Works like these will provide me some of the other aspects of the story, and what happened at these schools

Mt. Edgecumbe, and many other boarding schools, provided more than just preparation for them for being members of the working class. Many of its graduates learned the system. They turned the whole boarding school experience around for their own benefit. They used the knowledge that they learned at these schools to continue their education and go on to college. The film “Our Spirits don’t Speak English,” looks into the boarding school experience by interviewing former students from all across the U.S., and also in Alaska. Those interviewed focused on their own hardships and how much it has affected them today. Towards the end of the film, many talk about how there were some success stories that came out of these boarding schools, and Mt. Edgecumbe was one of these schools where students did just that. They overcame the trauma and used their education to help their people.<sup>8</sup> Some of those students took their education and helped create and pass the Alaskan Native Claims Settlement Act.

The Alaska Native Claims Settlement Act was signed into law by President Richard M. Nixon on December 18, 1971. At the time this was the largest land claims settlement in United States history. The purpose of it was to resolve long-standing issues that involved land claims in Alaska. It was also meant to encourage economic development in Alaska.<sup>9</sup> Richard S. Jones is

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<sup>7</sup>Thomas R. Hopkins, “Alaska Native Education 1953-1973 a Professional Memoir: Mt. Edgecumbe School July 1958-December 1963,” *ANKN*, accessed 12/03/15, <http://ankn.uaf.edu/curriculum/Articles/History/TomHopkins/ANE/Edgecumbe.html>

<sup>8</sup>*Our Spirits don’t Speak English*, Directed by Chip Richie, (2008; Rich-Heape Films, 2008), DVD.

<sup>9</sup>Richard Jones. “Alaska Native Claims Settlement Act of 1971 (Public Law 92-203): History and Analysis Together with Subsequent Amendments,” *Alaskool*, accessed 03/01/16, [http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa\\_history71.htm](http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa_history71.htm)

an Analyst in the American National Government. In an analysis of the ANCSA he not only goes over what this piece of legislation is and what it does, but he also gives a history into the conflict and land in Alaska was won back by Alaskan Natives, many of whom came from Mt. Edgecumbe and other schools in the Alaskan school system. He gives his reader the appropriate background information, but also breaks the legislation down so it is easier to understand. The official Alaska Native Claims Settlement Act is located on the University of Cornell's Law School site.<sup>10</sup> This gives the official record of what the Alaska Native Claims Settlement Act entails. This adds to the research being done because he includes the history of Alaska which gives more background to the boarding school experience.

The boarding school issue has plagued the American Indian population ever since it occurred, and even today the disastrous effects can be seen. There is no debate among scholars that the boarding school experience did not affect the Indigenous community in regards to their own culture, their identity, and their families. The debate among scholars however, comes in the discussion of the difference in boarding schools and how they treated and affected their students, what reparations these people should receive because of the harsh treatment that they received, and what good, if any, had come out of this boarding school experience. The mix of primary and secondary sources will help me analyze this debate and look into the experiences that happened at these boarding schools, like Mt. Edgecumbe and the Wrangell Institute.

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<sup>10</sup> Legal Information Institute, "43 U.S. Code Chapter 33- Alaska Native Claims Settlement," *Cornell University Law School*, accessed 10/26/15, <https://www.law.cornell.edu/uscode/text/43/chapter-33>

This capstone will add to the research already completed on the boarding school era, by looking at the Alaskan boarding school system and how it eventually was much different than the boarding school systems in the continental United States. It will do this by focusing on the *Tobeluk v. Lind* case, and looking at how specifically some graduates from some Alaskan Boarding schools (Mt. Edgecumbe) were able to take their education, receive more after the boarding school experience, and then use their higher education to help their people by helping pass the Alaska Native Claims Settlement Act. This research will give a specific example of how even after all of these traumatic and horrible things that occurred in the boarding schools, many were able to fight back and use what they had been given to their advantage.

### **Kill the Indian...Save the Man (Background)**

The American Indian boarding school era began in the late 1800's. Before this time there was "schooling" during the early stages of colonization. When Europeans first discovered North America and began colonizing, they began settlements that acted as the first cities for the new land. Many times in these cities there were religious missions as well. They were established to try and convert the Indigenous people to Christianity. These missions however were mainly voluntary, which was a vast difference compared to the boarding schools. In 1860 the Bureau of Indian Affairs established the first reservation Indian boarding school on the Yakima Indian Reservation, located in the state of Washington. All of these boarding schools were a part of a plan set up by eastern reformers Herbert Welsh and Henry Pancoast.<sup>11</sup> Welsh and Pancoast

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<sup>11</sup> American Indian Relief Council, "History and Culture: Boarding Schools," *American Indian Relief Council*, accessed 3/15/16, [http://www.nrcprograms.org/site/PageServer?pagename=airc\\_hist\\_boardingschools](http://www.nrcprograms.org/site/PageServer?pagename=airc_hist_boardingschools)

intended for the schools to destroy the students' native cultures because they viewed their culture as being clearly superior to American Indians. They most likely underestimated the long-term suffering the boarding schools would cause.

They believed that they needed to “save” the Indigenous population from their ways by converting them to Christianity and making them more “civilized.” This ideology goes back to the colonization of the United States. Manifest Destiny was the ideology used by colonists to expand across North America. Settlers believed that they were sent by God and had the right from God to redeem and remake the West in the White Christian image. They believed that the Indigenous people of North America needed to be taught the ways of Europe because they believed that they were “primitive”.<sup>12</sup> The boarding schools were meant to first strip them of their heritage and their culture. Then the schools were meant to prepare them for the working class jobs, and be a part of society and that was about it. “...*prepared Native boys for manual labor or farming and Native girls for domestic work...*”<sup>13</sup> These schools hoped to produce students who were economically self-sufficient within the dominant White society. The first priority of these schools was to provide basic education in reading, writing, and speaking English. This was the first step in assimilating the American Indian population, take away their language. Other subjects then would be taught to make them “individuals”, taking away anything that resembled their heritage and culture. These schools also strived to teach the Indigenous population about the importance of private property, wealth in terms of materials,

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<sup>12</sup> U.S. History: Pre-Columbian to New Millennium, “Manifest Destiny,” U.S. History. Org, accessed 03/02/16, <http://www.ushistory.org/us/29.asp>

<sup>13</sup> Smith, 90

and the idea of a nuclear family. These teachings are all values of possessive individualism, meaning that they wanted to teach the students to just care for themselves and what they own and not about their family or people. All of these completely go against any American Indian culture and ideology, but the U.S. government believed that they needed to be “civilized”. By the 1880s, the U.S. government had 60 reservation schools which had around 6,000 students.<sup>14</sup>

However, even though these reservation schools were growing, to some it was not enough. At this point all of these schools were on the reservations only so the students were still with their family, their people, and their culture. Col. Richard Henry Pratt believed that the students needed to be removed more from their influences of their family and culture. In 1879 he established the most well-known off-reservation boarding school, Carlisle Indian School in Carlisle, Pennsylvania.<sup>15</sup>

The big idea behind Pratt’s boarding school was “kill the Indian, save the man.”<sup>16</sup> He thought that taking the schools off reservations, into white communities would be the final push for full assimilation. The students would no longer be living with their families, instead they would stay with a white family during the summer. The Carlisle school, and some other schools, created a “placing out system”, in which they would place the students in a white community for the summer or longer to learn valuable skills so they could “useful” in mainstream American

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<sup>14</sup> American Indian Relief Council

<sup>15</sup> Explore PA History, “Carlisle Industrial School Historical Marker.”  
<http://explorepahistory.com/hmarker.php?markerId=1-A-228> (accessed 02/29/16)

<sup>16</sup>Smith, 90

society. He hoped that many of the students would not return to their families on the reservations. However, he hoped the ones who did go back spread their new knowledge and show how these boarding schools were a “benefit” to them all and how they should assimilate to American society. Carlisle was the first of many off-reservation boarding schools that really attacked their student’s cultures. These schools really destroyed their identities. They changed how the students looked and gave them “white” names. They even had to change their diet and eating habits to fit white society. The schools on the reservations pushed for their students to learn English, but off-reservation schools like Carlisle forced them to speak only English. They would not allow their students to speak any of their native tongue, or else they would be punished for it. Discipline in these forms of boarding schools was severe and they were quite strict.<sup>17</sup> “...they took me away from all of that. They punished me for talking that. It was my first language, I didn’t know any other language. Whenever I talked it would come out, the Cree would come out and whenever I talked I would get hit. I got hit so much that I lost my tongue, I lost my native tongue. The only thing I remember is my Indian name...They beat me every day.”<sup>18</sup>

Carlisle was the start of the era of boarding schools that followed the motto “kill the Indian, save the man.” This happened all over the continent, and more and more American Indian children were taken from their homes to be assimilated to white society. Research shows that Alaskan followed suite in many of these ways at first as the boarding schools in the

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<sup>17</sup> American Indian Relief Council

<sup>18</sup> *Our Spirits don’t Speak English, Andrew Windy Boy Interview*, Directed by Chip Richie, (2008; Rich-Heape Films, 2008), DVD

Continental United States. However, as the Alaskan Boarding school system changed, it became much different in both how the schools were administered and how the schools treated the students.



Figure #1: Alaska State Village and City Map<sup>19</sup>

### From Wrangell to Mt. Edgecumbe

Within a couple of years of purchasing Alaska from Russia in 1867, the U.S. government began to exercise its educational systems over Alaskan natives. The first groups that were affected were all in Southeast Alaska, and this happened because the new U.S. government was

<sup>19</sup> Geology.com, "Map of Alaska City and Roads," Geology.com, accessed 04/17/16, <http://geology.com/cities-map/alaska.shtml>

located in Sitka, Alaska.<sup>20</sup> Before the change of the 19<sup>th</sup> century a segregated school system began to appear in Alaska. When this first started there were no laws that said that Alaskan Natives and whites had to attend separate schools, but segregation happened on its own depending on the diversity of towns. The gold rush of the late 1890s increased white population and segregation began to take place.<sup>21</sup> Gold seekers flooded Alaska, exploring the new frontier in search of this new economy. Around this time as well, churches from the continental U.S. began to send missionaries to Alaskan communities, and soon church and education mixed.<sup>22</sup> In 1903 there were nine town schools for white children and by 1918 there were fifteen. However, by 1930 there were segregated schools in at least nineteen communities in Alaska. In many of these towns the Alaskan Native schools stopped at the eighth grade, while the white schools went through to grade twelve. This created a type of “dual” school system set up in Alaska. The territorial officials took over and provided local secondary schools for the white students, while the federal government had a policy that sent the brightest Alaskan Native students to boarding schools for vocational education, but then they would be sent back to their respected villages. Most of them were sent to the continental U.S. for schooling.<sup>23</sup>

Alaskan Natives did not do well in the early boarding school programs. In the 1920's the federal government then decided to create vocational boarding school within Alaska. At this time three were created. These three schools provided the basics for high school education for

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<sup>20</sup> Easley, Charles, 2

<sup>21</sup> Stephen E. Cotton, “Alaska’s “Molly Hootch Case”: High Schools and the Village Voice.” [http://www.alaskool.org/native\\_ed/law/mhootch\\_erq.html](http://www.alaskool.org/native_ed/law/mhootch_erq.html) (accessed 03/15/16)

<sup>22</sup> Easley, Charles, 2

<sup>23</sup> Cotton

rural Alaskan Natives for twenty years until the schools began to fall apart. Then in 1947 the Bureau of Indian Affairs consolidated all three of the schools into one larger program. This was called Mt. Edgecumbe. It was created at a former naval air station in Sitka, Alaska. This school was the basis for any other boarding school programs created in Alaska. Even though it is located in the Southeast Panhandle of Alaska, very far from most communities, it was the only tax-supported high school from 1947-1965 that was available to Alaskan Native children. For white students there were almost always local secondary schools that were provided for them.<sup>24</sup>

By the 1960s the enrollment at Mt. Edgecumbe increased, however the federal government continued to send Alaskan Native children out of Alaska to boarding schools in the continental U.S. The two main boarding schools that they were sent to was on BIA high school in Chemawa, Oregon and Chilocco, Oklahoma. This “outsourcing” of Alaskan Native students to boarding schools in the continental U.S. was just as bad as when the federal government tried to do it in the 1920’s. So the Alaskan government wanted to make some changes to their education of their native students. Alaska’s new policy, created in 1966, involved two programs. The first program was a Boarding Home Program. This is where the state of Alaska compensated families for providing food and housing for students who moved so that they could attend high school. These home programs were set up in Anchorage, Bethel, Fairbanks, Juneau, Kodiak, and many other communities and towns across Alaska. The second program, which was also created in 1966, was the creation and establishment of regional schools. Before creating these schools the Alaskan government hired consultants to conduct studies so that they could

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<sup>24</sup> Ibid.

figure out the best location to place these schools and how to best accommodate the communities. They hired the Training Corporation of America from Falls Church, Virginia. However, much of the studies concluded that these schools needed to have a large student population and needed to reflect a more technological, urban society. This basically meant the destruction of smaller communities and towns. They made this conclusion by saying that it would put an end to the isolated communities and connect everyone together.<sup>25</sup> Just like the first reservation schools in the continental U.S., in theory it would be beneficial to the Alaskan Natives, but in reality it destroyed some of their culture.

After these studies were completed, the state of Alaska opened the Beltz boarding school in the city of Nome in 1966, and then in 1967 another boarding school was opened in Kodiak. From here the state planned on opening a high school/dormitory campus in Bethel, with a new schooling program in 1972. The state did intend on creating another three boarding schools, recommended by the TCA studies, but they had to focus all of their attention on their three regional schools already in place because they were failing miserably. In the first two years of the opening of the Bethel regional school, 65% freshman had either dropped out or transferred to another school. The school also had a high rate of drinking, vandalism, violence, and suicide attempts. The recommendation was to close down the boarding school programs and create high schools in each of the villages.<sup>26</sup> *“Native children are taken from small villages and placed in regional towns, which usually have much higher rates of social problems than the surrounding*

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<sup>25</sup> Cotton.

<sup>26</sup> Ibid.

*villages*"<sup>27</sup> Again this all occurred because of the destruction of native culture and tradition. Trying to change how Alaskan Natives lived caused more problems than actual good.

By 1970, the State of Alaska began to construct high schools in the larger villages and communities. These schools would serve several surrounding villages each and the students would have to live in the dormitories or stay with families.<sup>28</sup> These schools were heading in the same direction as the boarding schools set up before them and, something needed to change. Alaskan Natives needed to take control of their schooling and fight back for what was rightfully theirs. Many former students of the BIA schools were already in the process of taking control and fighting the system. This can be seen in the fight for land, which would ultimately show that Alaskan Natives are a legitimate people who deserve to be treated fairly and should be allowed to keep what was rightfully there. In one year Alaskan Natives would get back much of the land that was taken away from them when the U.S. received Alaska from Russia. This would be known as the Alaskan Native Claims Settlement Act of 1971.

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<sup>27</sup> Kleinfeld, J., & Bloom, J, *A long way from home: Effects of public high schools on village children away from home*. Fairbanks: Center of Northern Educational Research and Institute of Social, Economic and Government Research, University of Alaska, 1973, page 12

<sup>28</sup> Cotton.

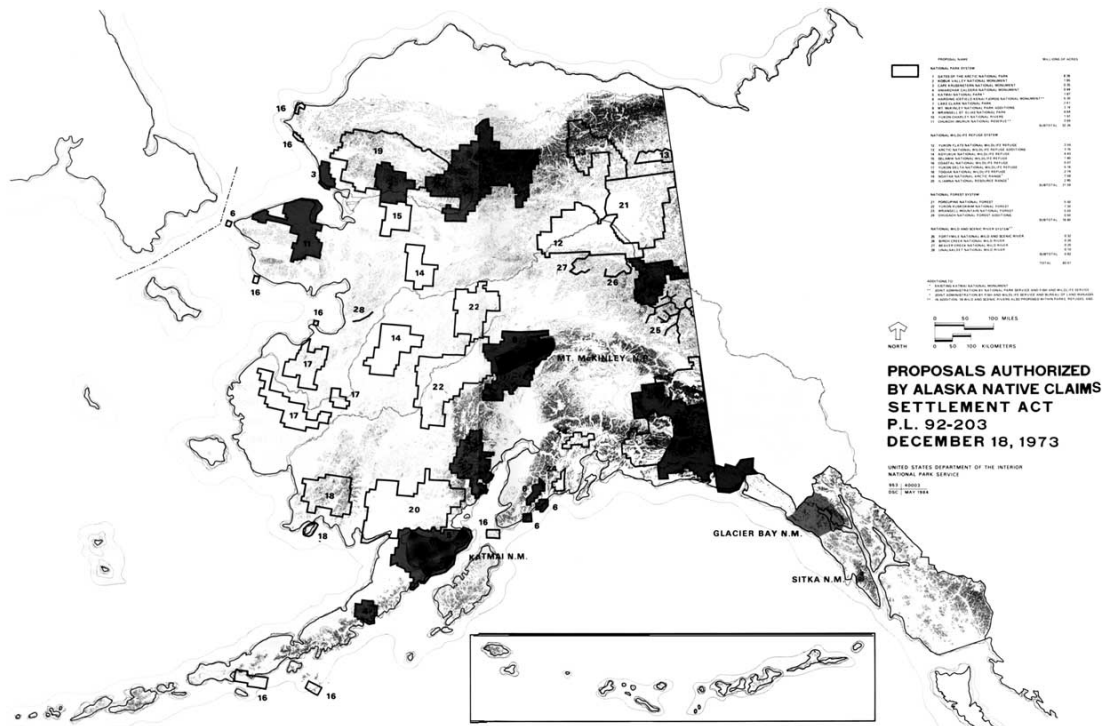


Figure 2: Alaska after the Alaska Native Claims Settlement Act<sup>29</sup>

### The Alaskan Native Claims Settlement Act

The Alaska Native Claims Settlement Act (ANCSA) was signed into law by President Richard M. Nixon on December 18, 1971. At this time it was the largest land claims settlement in U.S. history. The purpose of it was to fix long-standing issues between the U.S. government and Alaskan Natives in regards to issues of land claims in Alaska.<sup>30</sup>

<sup>29</sup> National Park History, “Withdrawals Authorized by the Alaskan Native Claims Settlement Act, March 1972,” *National Park Services*, accessed 04/17/16, <http://www.npshistory.com/publications/williss/adhicc.htm>

<sup>30</sup> Jones, Richard, “Alaska Native Claims Settlement Act of 1971 (Public Law 92-203): History and Analysis Together with Subsequent Amendments,” accessed 10/23/15, [http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa\\_history71.htm](http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa_history71.htm)

When the United States acquired the Territory of Alaska by purchase from Russia, the treaty gave the United States government control over the territory of Alaska. It gave them control of all public land and land that was not owned by individuals.<sup>31</sup> When Alaska became a state in 1959, the Alaskan Statehood Act stated that any land claims by the Indigenous population would not be affected. However, like many other treaties and laws that were created this claim was broken. The United States government was still allowed to take lands that they believed to be “vacant.” The new state leaders began to select 104 million acres that had been granted in the statehood act to Alaskan Natives because they deemed that it was “vacant” and not in use. By the 1960’s Alaskan Natives began fighting back.<sup>32</sup>

Since many Alaska Natives had been sent to BIA schools across and outside of Alaska, they met many other Indigenous people. This would turn out to be a very helpful for their fight to reclaim their land. Many of these students would become important leaders in this fight. Since they met many other native students, they learned about other cultures and their perspectives. In 1966 Native leaders from all around Alaska formed the Alaska Federation of Natives to advocate for the Alaskan Native people. This brought all Alaskan Natives together. They worked together to protest against the United States government from taking their land. They also worked together to create a settlement act for what they believed the United States government should have to give back in terms of land. Soon the Alaska Native Claims Settlement Act was signed and put into motion. The U.S. government paid \$962.5 million in

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<sup>31</sup> Jones, “Alaska Native Claims Settlement Act of 1971 (Public Law 92-203):

<sup>32</sup> Alaska Humanities Forum, “Alaska Native Claims Settlement Act,” *Alaska Humanities Forum*, accessed 04/16/16/ <http://www.akhistorycourse.org/modern-alaska/alaska-native-claims-settlement-act>

compensation so that Natives would not claim any title to the remaining land in the state. This settlement was unlike anything that had ever been established for any Native Americans in the continental United States. It proved to the United States government that these people would fight back for what was rightfully theirs.<sup>33</sup>

This was a turning point for Alaskan Natives. The leaders that helped form the settlement took pride that their people were given back the land that was rightfully theirs. They proved that they could not be taken advantage of, like American Indians in the continental United States. This proved that they could fight back, and actually win. From here on out Alaskan natives fought for what was rightfully theirs. This fight would continue for them in terms of education and schooling they were promised from the government.

### **Changing the System: Tobeluk v. Lind**

The passing of the Alaska Native Claims Settlement Act gave Alaskan Natives hope. This victory showed that they could fight the system and take back what was rightfully theirs. They won back their land, now they needed to get back to another pressing matter: the new high schools the government was putting in place. Around the time of the passing of the Alaska Native Claims Settlement Act, the Alaska Legal Services Corporation is a funded program that lends legal aid to the poor in Alaska. In 1971 one lawyer was assigned to represent low-income clients in villages in western Alaska. Christopher Cook was asked by clients in Kivalina for help to get a local high school for their village. This village is well known for substance abuse. So Cooke filed suit against the State Board of Education in a case known as SOS (Sage v. State

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<sup>33</sup> Alaska Humanities Forum, "Alaska Native Claims Settlement Act."

Board 1971). The state settled the suit and promised to build a school in their village. This victory spurred more villages to ask for Cooke's help in getting more high schools built in Alaska. In 1972 Cooke filed a suit in the Superior Court of Anchorage. This was for three villages in the Bethel area. This was first known as Hootch v. Alaska State-Operated School System because of the first name that appeared on the list of 27 plaintiffs, which was Molly Hootch.<sup>34</sup>

The lawsuit was based on two things. The first:

*"...a civil action has been brought by Alaska Native (Eskimo, Indian and Aleut) children of secondary school age to secure the provision of secondary schools in their communities of residence,, in which plaintiffs allege (a) a pattern and practice of racial discrimination against Alaska Natives in the non-provision of local secondary schools, in violation of the constitution and laws of the United States and Alaska (U.S. Const. Amend. XIV; 42 U.S.C.1981, 3.983, 2000d; Alaska Const. Art. I 1); and (b) a disparity between the manner in which secondary education is provided, to the Plaintiffs and the manner in which such education is offered to most other Alaska school children, which unduly burdens the exercise of plaintiffs' right to a public education, which is not justified by either a rational basis or a compelling state interest, and which is therefore violative of Article I of the Alaska Constitution.*

Secondly:

*"...defendants allege that while they desire to provide secondary education facilities as set forth herein, and intend to do so within the limits of public funds, they have no constitutional obligation to provide the secondary facilities set out in this agreement."*<sup>35</sup>

In laymen's terms they were arguing that because Alaska was not providing high schools in all rural villages, they were violating the education clause of their state's constitution and they

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<sup>34</sup> Cotton

<sup>35</sup>Alaska State Archives. (1976). *Tobeluk v. Lind, the settlement of the Molly Hootch lawsuit* (No. 72-2450). Anchorage, Alaska.

were discriminating against Alaskan Natives. They also demanded that the state would follow their constitution and provide them with a proper school for secondary education. Over the next year the negotiations between the two sides was incredible and very well fought.<sup>36</sup>

In August of 1975, the Alaska State School System proposed to spend \$20 million for high schools in certain villages and to provide transportation for students outside of these villages. Cooke filed back with a proposal of one high school in every village in one payment of \$50 million. The Alaska State school system agrees and begins to draft and submit a plan for the settlement in October of 1975. A month later in December of 1975 both sides come to an agreement on the draft. This agreement doesn't last though. In January of 1976 the governor proposes an agreement for only half the amount that Cooke stated in his proposal in October. To try and fix this conflict the Alaska State School System proposes new regulations on local high schools to improve them, and again the two parties come to an agreement in May. Again in court the new draft is argued and the agreement is broken in of July 1976 when it goes to court. Finally both parties come up with a new draft and agree on it and the case is finally settled in October 1976, and was renamed *Tobeluk v. Lind*.<sup>37</sup>

The settlement consisted of two parts. The first was to create a Statement of Agreed Facts so that for future reference, there would be no need for anymore court cases regarding the

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<sup>36</sup> Cotton.

<sup>37</sup> *Ibid.*

matter of secondary schools being built. The second part was the creation of a consent decree, in which it states what the state must do to end the non-provision of local high schools.<sup>38</sup> This court case had a huge effect on the education that is now available for Alaskan Natives. For one, since the students are going to local high schools, they are still involved with their own culture and are not taken away from their families. They learn and appreciate their traditional skills and values, but they are still receiving an education so that they can succeed after their school. Another is that the next generation of Alaskan leaders are being educated further than generations before them. This court case shows the determination of these students to receive an education and to be treated fairly.

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<sup>38</sup> Ibid.

## Conclusion

The boarding school era was a devastating time in our country's history and destroyed much of American Indian culture. The effects of this era are still seen today as many American Indians struggle with their own identity, loss of language, and loss of traditions. This has been detrimental to anyone that had to go through this era. There is a silver lining though. Even though the government wanted to "kill the Indian, but save the man", some fought back, desperately holding onto their culture and identity. This research confirms that the boarding school era was devastating to the native populations of this continent, but it also confirms that some took control of the "system" and fought back for what was rightfully theirs. *Tobeluk v. Lind* and the Alaska Native Claims Settlement Act both embody this resistance. The Alaskan Native students involved in the *Tobeluk v. Lind* case were promised better education and more availability of education, and they fought to make sure they got it. The graduated Alaskan Native student involved with the passing of the Alaska Native Claims Settlement Act fought for their people. These stories are both important to know because they are the silver lining of the boarding school era. American Indians and Alaskan Natives were beaten down during the boarding school era, but some were able to fight back for themselves, their people, and for future generations of American Indians and Alaskan Natives.

## Annotated Bibliography

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*This is the official settlement and overview of the Tobeluk v. Lind aka Molly Hootch case. This document explains what the case was, who was on which side, how the actual court case occurred, the outcome, and the reparations. This was found in the Alaska State Archives.*

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*This part of the source is Easely's own experience with the boarding school system and how it affected her and who she is today. She compares it to what she has learned from the other people that she has talked to in regards to their experiences. This was found online, from the National Resource Center for American Indians, Alaska Native, and Native Hawaiian Elders.*

Legal Information Institute, "43 U.S. Code Chapter 33- Alaska Native Claims Settlement," *Cornell University Law School*, accessed 10/26/15, <https://www.law.cornell.edu/uscode/text/43/chapter-33>

*This is the full version of the ANCSA. It shows what the act is, the different amendments to the act and what it does officially for the Indigenous people of Alaska. This is the official government act, and it can be found on the website provided.*

#### **Books:**

Adam Fortunate Eagle and Laurence M. Hauptman. *Pipestone: My Life in an Indian Boarding School*. Norman, Oklahoma: University of Oklahoma Press, 2010.

*This book is a memoir of Adam Fortunate Eagle's early life as a student at the Pipestone Boarding School. He shows how even though the school system was flawed, he used it to his advantage and took advantage of the education. This is found in the McIntyre Library at UWEC.*

#### **Film/Documentaries:**

*Our Spirits don't Speak English; Andrew Windy Boy Interview*, Directed by Chip Richie, (2008; Rich-Heape Films, 2008), DVD.

*This section of Our Spirits don't Speak English includes the interview done with Andrew Windy Boy. He talks about how personally experiences in boarding schools affected him*

*personally and how they still affect him today. He goes into detail about the horrors that he had to go through when he was in the boarding schools.*

### **Secondary Sources:**

#### **Articles:**

Alaska Humanities Forum, "Alaska Native Claims Settlement Act," *Alaska Humanities Forum*, accessed 04/16/16/

<http://www.akhistorycourse.org/modern-alaska/alaska-native-claims-settlement-act>

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American Indian Relief Council, "History and Culture: Boarding Schools," *American Indian Relief Council*, accessed 03/15/16,

[http://www.nreprograms.org/site/PageServer?pagename=airc\\_hist\\_boardingschools](http://www.nreprograms.org/site/PageServer?pagename=airc_hist_boardingschools)

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*This source comes from Alaskool website. It goes over the "Molly Hootch Case" aka the Tobeluk vs. Lind case. It gives a background on the boarding school system in Alaska before this case. The source then goes into detail about what the case entailed and the settlement of the case. Along with this is also looks at the aftermath of this case and how it affected the boarding school system in Alaska.*

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*This first part of the article goes over the aspects of the trauma among Alaska's indigenous people. It talks about the Western diseases, the Western educational model, and the push for Western Christianity. It also looks at the traumatic impacts of the Wrangell Institute Boarding School and the role of the Episcopal Church of Alaska. This paper is focused for policy makers, educators, parents, and Elder health care providers. Dr. Charles and the National Resource Center for American Indian, Alaska Native and Native Hawaiian Elders helped Cheryl Easely write this section of the article.*

Explore PA History, "Carlisle Industrial School Historical Marker," *Explore PA History*, accessed 02/29/16, <http://explorepahistory.com/hmarker.php?markerId=1-A-228>

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Jones, Richard, "Alaska Native Claims Settlement Act of 1971 (Public Law 92-203): History and Analysis Together with Subsequent Amendments," *Alaskool*, accessed 10/23/15, [http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa\\_history71.htm](http://www.alaskool.org/projects/ancsa/reports/rsjones1981/ancsa_history71.htm)

*This article goes into detail of what the ANCSA is and what it did. It gives an analysis and in a way makes it easier for the reader to understand the act. No sources were given, but I imagine government documents were consulted to write this analysis.*

Kleinfeld, J., & Bloom, J., "A long way from home: Effects of public high schools on village children away from home," *Fairbanks: Center of Northern Educational Research and Institute of Social, Economic and Government Research, University of Alaska*, 1973.

*This source looks at the effects of the first public high schools/boarding schools in Alaska that took students away from their home and families. This source looks at why these schools didn't work, and why eventually these schools had to be modified to better suit the students so that they could be closer to home.*

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### **Film/Documentaries:**

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### **Maps:**

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<http://geology.com/cities-map/alaska.shtml>

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National Park History, "Withdrawals Authorized by the Alaskan Native Claims Settlement Act, March 1972," *National Park Services*, accessed 04/17/16,  
<http://www.npshistory.com/publications/williss/adhic.htm>

*This map is how Alaska was divided after the Alaska Native Claims Settlement Act was passed. It shows the land that the United States government gave back to Alaskan Natives.*

### **Books:**

Adams, Wallace David. *Education for Extinction: American Indians and the Boarding School Experience, 1875-1928*. Lawrence, Kan.: University Press of Kansas, 1995.

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*This book contains essays that focus on the American Indian boarding school experience. It addresses the issues of runaways, punishments, the push of Christianity, and many other aspects of the boarding school experience. It looks at both the good and bad issues regarding the boarding school experience. The essays contained in the book are written by many experts and scholars who are knowledgeable on the subject. Many are professors at universities.*