Resolutions Committee Recommendation
Resolution #: DEN-18-016
Title: Sturgeon v. Frost

Comments:

This resolution proposes that NCAI support recognition and continued protection of Alaskan subsistence rights. The resolution also requests that in the event of a non-favorable decision by the Supreme Court in *Sturgeon v. Frost*, that NCAI advocate that Congress permanently protect Alaskan subsistence rights. Lastly, the resolution requests that NCAI continue to urge the Department of Interior to protect all federal subsistence rights in Alaska.

Recommendations:

Resolution is in order and should be forwarded to the Litigation and Governance committee and Jurisdiction and Tribal Government subcommittee for consideration. The NCAI Resolutions Committee recommends adoption.

Sponsor a member in good standing (yes/no)?: _____
TITLE: Sturgeon vs. Frost

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Katie John Subsistence Rule for subsistence fishing depends upon the federal governments ownership of an “interest” in navigable waters in Parks, Preserves, Forests, and oter federal Conservation System Units that exist across rural Alaska and;

WHEREAS, there is currently pending in the United States Supreme Court the pending case of Sturgeon vs Frost, and;

WHEREAS, Governor Walker’s and John Sturgeon’s appeal in the Sturgeon case directly attack the basis for the Katie John Subsistence Rule by asserting that the federal government does not own any “interest” in navigable waters in these Conservation System Units, and;

WHEREAS, the Supreme Court will hear oral arguments in the Sturgeon case in Washington, DC on November 5, 2018, and;

Whereas, a decision in the Supreme Court could mean the elimination of all federally protected rural subsistence fishing rights in Alaska, and;

WHEREAS, throughout the 1980’s and 1990’s the State of Alaska has proved itself repeatedly incapable of protecting subsistence rights across rural Alaska, and failed on multiple occasions to put a constitutional amendment before the voters that would have permanently protected such rights under the State Law.
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI Alaska) Indigenous peoples oppose Governor Walker’s and Sturgeon’s efforts to remove any basis for federal subsistence fishing protections in rural Alaska, the Interior Department must continue to fight to protect all federal subsistence rights in Alaska.

BE IT FURTHER RESOLVED, that the Interior Department should refuse to withdraw subsistence fishing protections in rural Alaska, regardless of the outcome in the Sturgeon case. In the event that the Supreme Court rules in favor of Governor Walker’s and Sturgeon’s favor and wipes out the basis for federal subsistence fishing protections in rural Alaska, Congress should act immediately restore those rights by appropriate legislation.

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Annual Session of the National Congress of American Indians, held at the Colorado Convention Center, October 21-26, 2018, with a quorum present.

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Jefferson Keel, President

ATTEST:

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Juana Majel Dixon, Recording Secretary
The National Congress of American Indians
Resolution #DEN-18-016

TITLE: Supporting Federal Protections for Alaskan Subsistence Rights before the Supreme Court hears Sturgeon vs. Frost

WHEREAS, we, the members of the National Congress of American Indians of the United States, invoking the divine blessing of the Creator upon our efforts and purposes, in order to preserve for ourselves and our descendants the inherent sovereign rights of our Indian nations, rights secured under Indian treaties and agreements with the United States, and all other rights and benefits to which we are entitled under the laws and Constitution of the United States and the United Nations Declaration on the Rights of Indigenous Peoples, to enlighten the public toward a better understanding of the Indian people, to preserve Indian cultural values, and otherwise promote the health, safety and welfare of the Indian people, do hereby establish and submit the following resolution; and

WHEREAS, the National Congress of American Indians (NCAI) was established in 1944 and is the oldest and largest national organization of American Indian and Alaska Native tribal governments; and

WHEREAS, the Katie John Subsistence Rule for subsistence fishing depends upon the federal governments ownership of an “interest” in navigable waters in Parks, Preserves, Forests, and other federal Conservation System Units that exist across rural Alaska; and;

WHEREAS, Governor Walker’s and John Sturgeon’s appeal in the plaintiffs in Sturgeon case directly attack the basis for the Katie John Subsistence Rule by asserting that the federal government does not own any property “interest” in navigable waters in these Conservation System Units; and;

WHEREAS, oral argument for there is currently pending in the United States Supreme Court the pending case of Sturgeon v. Frost (Sturgeon) is scheduled for November 5, 2018; and;

WHEREAS, the Supreme Court will hear oral arguments in the Sturgeon case in Washington, DC on November 5, 2018, and;

WHEREAS, throughout the 1980’s and 1990’s the State of Alaska has proved itself repeatedly incapable of protecting rural Alaskan subsistence rights across rural Alaska, and failed on multiple occasions multiple times to put-offer a constitutional amendment before the voters that would have permanently protected such these rights under the State Law; and.
NOW THEREFORE BE IT RESOLVED, that the National Congress of American Indians (NCAI Alaska Indigenous peoples oppose Governor Walker’s and Sturgeon’s efforts to remove any basis for federal protections for subsistence fishing protections in rural Alaska. NCAI also urges the Department of Interior must to continue to fight to protect all federal subsistence rights in Alaska; and-

BE IT FURTHER RESOLVED, that the NCAI urges the Department of Interior should refuse to withdraw subsistence fishing protections in rural Alaska, regardless of the outcome in the Sturgeon case. In But, in the event that the Supreme Court rules in favor of Governor Walker’s the plaintiffs and Sturgeon’s favor and wipes out the basis for federal subsistence fishing protections in rural Alaska, NCAI will urge Congress should act immediately restore those rights by appropriate legislation; and-

BE IT FURTHER RESOLVED, that this resolution shall be the policy of NCAI until it is withdrawn or modified by subsequent resolution.

CERTIFICATION

The foregoing resolution was adopted by the General Assembly at the 2018 Annual Session of the National Congress of American Indians, held at the Colorado Convention Center, October 21-26, 2018, with a quorum present.

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Jefferson Keel, President

ATTEST:

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Juana Majel Dixon, Recording Secretary