



NATIONAL CONGRESS OF AMERICAN INDIANS

The National Congress of American Indians Resolution #SAC-12-070

TITLE: Support for the Yupit Fourteen in the Exercise of Their Inherent Rights to Fish

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, 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, it has been the long standing policy of the NCAI to advocate for member Tribal Governments, and their sovereign status from time immemorial, to protect our traditional lands and rights; and

WHEREAS, the Alaska Native peoples have a right to our unique heritage, languages, and cultures, and this right has been reaffirmed by our Federal Recognition as tribes, and by the United States recent signatory to the United Nations Declaration on the Rights of Indigenous People; and

WHEREAS, these sovereign nations express that they retain all their rights, status and territory; and

WHEREAS, our member Tribes traditional territory and status was stripped with the passage of the Alaska Native Claims Settlement Act of 1971; and

WHEREAS, our member Tribes also want Indian Country in Alaska to be recognized, to both protect our lands and our Tribal Members' Indigenous hunting and fishing rights; and

WHEREAS, on June 21, 2012, sixty one Alaska Native fishermen were cited by Alaska State Troopers and their nets seized while exercising their subsistence rights to catch salmon on the Kuskokwim River, thereby violating their inherent rights as "first people" with innate knowledge of living upon the land and being sustained by its resources; and

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NCAI HEADQUARTERS

1516 P Street, N.W.
Washington, DC 20005
202.466.7767
202.466.7797 fax
www.ncai.org

WHEREAS, there is great cultural strife and legal entanglements experienced by the Natives in their effort to gather food, express their culture and pursue their way of life in the State of Alaska, such that the state's highest elected officials have recently criticized the state and the U.S. Fish and Wildlife Service for causing salmon fisherman to forfeit their nets and face fines, (as well as a Tlingit artist who recently faced federal charges for using bird feathers to make a traditional mask); and

WHEREAS, Senator Murkowski declared at the 2012 AFN Convention: "This has been an embarrassment for how our government and federal agencies ignore the traditions and culture of our first people...Fishermen cited for breaking a subsistence fishing ban on the Kuskokwim River should never have been fined We should not be making criminals out of artists;" and

WHEREAS, the state of Alaska's own statistics from the Alaska Department of Fish and Game demonstrate that granting Alaska Natives stewardship of fish and game on their lands has minimal impact on state resources. The Department's 2010 publication shows that 98.3 percent of all harvested resources were by commercial interests. Subsistence and personal use accounted for only 1.1 percent and sports use a mere 0.6 percent. In 2010, pollock boats and other fishermen in the Gulf of Alaska caught an estimated 58,336 King Salmon as "bycatch" alone. These are considered "incidental" fish that are scooped up in big nets in the pursuit for pollock. These "incidental" salmon are the mainstay food source for all Alaska Natives and their recent disappearance from the Alaska rivers systems is seen by many "first people" as a major threat to their human rights; and

WHEREAS, fourteen Kuskokwim fishermen have refused to accept fines, confiscation of their nets and one year probation and, instead, have chosen to seek public trials starting Monday, October 29, 2012 in conscientious assertion of their sovereign tribal rights.

NOW THEREFORE BE IT RESOLVED, that NCAI voices its support of the Yupiit Fourteen and their families in their courageous resolve to contest the charges now pending in against them in a state court in Bethel, Alaska; and

BE IT FURTHER RESOLVED, Alaska State trial court sitting in Bethel, Alaska to exercise its inherent equitable jurisdiction by dismissing and/or reversing the convictions of all sixty one subsistence fishermen; and

BE IT FINALLY 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 2012 Annual Session of the National Congress of American Indians, held at the Sacramento Convention Center from October 21-26, 2012 in Sacramento, California, with a quorum present.



President

ATTEST:



Recording Secretary