



# NATIONAL CONGRESS OF AMERICAN INDIANS

## THE NATIONAL CONGRESS OF AMERICAN INDIANS

### RESOLUTION #MSH-01-004

**Title: In Support of the Request by Alaska's Tribes to the Honorable Tony Knowles, in the Matter of *Katie John v. State of Alaska (and U.S. Department of the Interior)***

**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 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, largest, and most representative national American Indian and Alaska Native tribal government organization; and

**WHEREAS**, Katie John, an Athabaskan tribal member of the Native Village of Mentasta Lake in Alaska, sued the State of Alaska and the United States to enforce the Alaska National Interest Lands Conservation Act of 1980's priority for subsistence fishing on Alaska's federal public lands and waters; and

**WHEREAS**, the U.S. Ninth Circuit Court of appeals ruled in her favor and ordered the federal government to comply with Title VIII of ANILCA and provide a priority for subsistence fisheries on federal public lands in Alaska; and

**WHEREAS**, in 1999 the U.S. Secretary of Interior assumed federal management of subsistence fishing on Alaska's federal public lands and navigable waters; and

**WHEREAS**, in January 2000 the State of Alaska petitioned the Appellate Court for a re-hearing *en banc*; the request was granted and the hearing took place in December, 2000; and

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A. Bruce Jones  
Lumbee

NCAI HEADQUARTERS  
1301 Connecticut Ave., NW  
Suite 200  
Washington, DC 20036  
202.466.7767  
202.466.7797 fax  
www.ncai.org

**WHEREAS**, on May 7, 2001, the Ninth Circuit affirmed the Ninth Circuit Court's favorable ruling, saying, "The judgment rendered by the prior panel, and adopted by the district court, should not be disturbed or altered by the en banc court"; and

**WHEREAS**, the tribal peoples of Alaska have, from the first day, supported Katie John in her lawsuit because for most Alaskan Tribes, fish provide up to sixty percent of their traditional food and the customs, traditions, values and laws associated with the fishery harvest in Alaska are vital to the maintenance of their traditional cultures and tribal way of life; and

**WHEREAS**, the Alaska Native community has been outspoken in its condemnation of the State's action in seeking a reversal of the *Katie John* decision, and the Honorable Governor, Tony Knowles, has indicated his awareness of the concerns of Alaska's Native community in this regard; and

**WHEREAS**, on September 29, 2000, Governor Knowles signed Administrative Order No. 186 to formally recognize the status, rights, and authority of Alaska's federally recognized Tribes following months of government-to-government dialogue with Alaska's tribal leaders; and

**WHEREAS**, on April 10, 2001, Governor Knowles signed the Millennium Agreement which provides for the implementation of Administrative Order No. 186, further providing that the State of Alaska will consult on a government-to-government basis with Alaska's Tribes on all matters affecting their social, economic, cultural, and tribal interests; and

**WHEREAS**, of all such matters, the right of Alaska's Tribes to support themselves, their families and their communities through hunting, fishing, and gathering the bounty of the Creator's wild resources is paramount in Tribal minds and hearts; and

**WHEREAS**, Alaska's Tribes are calling upon the Honorable Tony Knowles to bring closure to the *Katie John* lawsuit and peace to the hearts of Alaska's First Nations by use of his authority as Governor of the State of Alaska to drop the State of Alaska's appeal in the case of *Katie John*; and

**WHEREAS**, the tribal membership of the NCAI heard the concerns of NCAI's Alaskan Tribal Members at the Annual NCAI Mid-Year Session held on the Mashantucket Pequot Reservation in Connecticut.

**NOW THEREFORE BE IT RESOLVED**, that NCAI does hereby fully support and endorse the position taken by Alaska's Tribes in this matter; and

**BE IT FURTHER RESOLVED**, that NCAI does hereby support this resolution and calls upon the Governor of the State of Alaska, the Honorable Tony Knowles, to grant the request of Alaska's Tribes to drop the State's appeal in the case of *Katie John v. State of Alaska (and the U.S. Department of Interior)*; and

**BE IT FURTHER RESOLVED**, that the Governor of Alaska is respectfully asked to refrain from using its public monies in legal actions against the livelihood of the First Alaskans.

**BE IT FINALLY RESOLVED**, that should the State of Alaska elect to seek a petition for certiorari before the United States Supreme Court, the NCAI will request the Honorable Gail Norton, as Secretary of the Interior, to act as trustee and defend Katie John's Ninth Circuit victory against appeal.

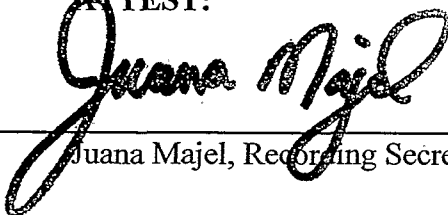
**CERTIFICATION**

The foregoing resolution was adopted at the 2001 Mid-Year Session of the National Congress of American Indians, held at Foxwoods Resort Casino in Mashantucket, Connecticut on May 13-16, 2001, with a quorum present.



Susan Masten, President

ATTEST:



Juana Majel, Recording Secretary

Adopted by the General Assembly during the 2001 Mid-Year Session of the National Congress of American Indians, held in Mashantucket, Connecticut on May 13-16, 2001.