Indian Affairs - Office of Public Affairs

Media Contact: Ralph E. Gonzales (202) 219-4150
For Immediate Release: May 17, 1996
Print PDF

Ada E. Deer, Assistant Secretary for Indian Affairs expresses her approval that the United States Supreme Court decided Monday, May 13, 1996 not to hear the Katie John case which involves subsistence fishing rights in Alaska.

"This is a great victory for American Indians and Alaska Natives," said Ms. Deer. "Many of our people still depend on subsistence fishing and hunting as a means to provide food for their families. Subsistence living is a culturally based practice and I view it as a fundamental, aboriginal right."

The State of Alaska filed a petition for writ of certiorari requesting relief from a U.S. Court of Appeals, 9th Circuit decision authorizing the federal government to include within its subsistence management program certain navigable waters in Alaska where federal reserved water rights exist. Since most subsistence fishing takes place in navigable waters and lakes, the extension of federal management to many of these waters will help ensure protection of subsistence fishing rights for many Alaska Natives.

The case was originally filed by Ms. Katie John, Doris Charles, and others. Katie John is an upper Ahtna Athabaskan Indian from the Village of Mentasta, and Doris Charles is a tribal elder from the same area.

Katie John was denied her rights to fish for salmon at her traditional fishing camp at the confluence of Tanada Creek and the Copper River and sued first the State of Alaska and then the federal government to re-open her subsistence fishery. In the course of the litigation, the Department of the Interior agreed with Katie John that the subsistence priority should extend to those navigable waters. Other Alaska Native organizations, including the state-wide Alaska Federation of Natives, also joined Katie John in the long running litigation.

The State of Alaska initially argued that the federal government has no authority to take over management of subsistence hunting and fishing on federal public lands because it was an area of traditional State management authority. However, the State could not continue to manage in conformance with the federal rural subsistence priority contained in the Alaska National Interest Lands Conservation Act (ANILCA) after the Alaska Supreme Court ruled in 1989 that a similar subsistence priority included in State law violated the Alaska Constitution's requirement that fish and wildlife must be managed in common for the benefit of the Alaskans. In recent years, the State has amended its Constitution to bring it back into conformance with the federal rural subsistence priority required by ANILCA.

The Supreme Court's order this week clears the way for the Department to propose new subsistence regulations which will include subsistence fishing in designated navigable waters within the scope of federal subsistence protection. The Department's objective is to have regulations in place by the 1997 fishing season.

"There is a lot of work to be performed between now and the first of next year," said Ms. Deer. "We are currently conducting hearings across Alaska on proposed regulations which would implement the subsistence preference in conformity with the 9th Circuit's decision."