

Subsistence debate becomes idiotic

by Paul Swetzof
for the Tundra Times

The debate over the "rural" subsistence issue gets stranger by the hour.

Gov. Steve Cowper and Sen. Arliss Sturgulewski, R-Alaska, had a private contest over who could offer the most watered down version of a proposed subsistence amendment to the Alaska Constitution.

The state Senate passed a proposed amendment that Sturgulewski essentially wrote and Cowper went along with, which called for the state to ask the U.S. Congress to amend Title VIII of the Alaska National Interest Lands Conservation Act to meet the state definition of subsistence and rural, among other unacceptable provisions.

The state House of Representatives refused to pass anything, including a new proposed amendment offered by Cowper which states that nothing in the proposed amendment is meant to override the so-called state bill of rights, whatever that means.

Sen. Frank Murkowski, R-Alaska, decided to oppose Sen. Ted Stevens, R-Alaska, and Rep. Don Young, R-Alaska, in calling for the state to challenge Title VIII of ANILCA. Stevens came to Juneau to argue for an amendment to the state constitution providing a rural preference.

Some of our big-shot Native lobbyists, primarily affiliated with the Alaska Federation of Natives, ran around the Capitol pretending to be the saviors of our cultures by lobbying for whatever AFN lobbied for.

Meanwhile, AFN applied its muscle to support whatever Cowper wanted, regardless of the marching orders we gave to them by consensus at the subsistence summit. The summit, ironically, was sponsored by AFN.

The end result of the special legislative session to "solve" the subsistence "dilemma" was that nothing was passed, which — considering the junk they were considering — is a good thing for us.

To add to the noise, Craig Medred, the sportswriter for the *Anchorage Daily News*, in his Sunday column of July 8, repeated what gubernatorial candidate Tony Knowles stated at an Alaska Native Coalition board meeting, which is that urban whites, orientals, blacks and other races have as much of a cultural stake in subsistence hunting and fishing as Alaska Natives, completely ignoring the fact that these are our homelands and the seat of our cultures.

As if one more dose of confusion was needed, a small band of Native and non-Native Alaskan residents from different areas of the state who hang out together incessantly call the news media to watch them in action.

They seem intent on making sure that we all know their names, together with a couple of very strange Outside Natives who show up on the beaches of the Kenai River with a net and claim to be fighting for the so-called right of "all Alaskan residents" to subsistence fish.

They had previously stated they were fighting for tribal rights, then Native rights, and when all of this

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didn't get a rise out of us, they were suddenly protecting the subsistence rights of "all Alaskans."

This bunch then declares that the local Indian tribe with jurisdiction on the Kenai (Kenaitze) no longer has the authority to tell them what to do. They then announce that the village of Chickaloon, located about 130 air miles north of the Kenai Peninsula, has issued them permits to fish in the Kenai.

To make life even more interesting, some of these very same people somehow convince a village near Dillingham that they have the right to declare hunting and fishing jurisdiction over all the lands and waters from Norton Sound north of Unalakleet to Port Moller by the Aleutian Islands.

Using their unique logic, they completely ignore the other villages which are in their path and justify their action by using the all-encompassing word "sovereign," which is used by non-Native Hank Ostrosky to justify anything.

Is all of this getting strange enough for you?

There is one, and only one, solution to this idiocy. We must lobby Congress to amend Title VIII of ANILCA, or pass new legislation which guarantees a hunting and fishing preference on all federal and state lands for Alaska Natives within their traditional local areas.

Congress has the power to pass

federal "Indian legislation" which pre-empts fish and game management on state lands.

It is no longer acceptable that some of us get a hunting and fishing preference while others of us don't, depending on the mood of the sport and commercial interests which dominate the state Boards of Fisheries and Game.

We all need to stand up for the survival of our respective cultures. Standing together we win, apart we lose.

I have no problem with, and support, a rural preference as well as a Native preference. I feel strongly that the lifestyle needs of our non-Native rural neighbors should be protected as much as possible.

The only condition which I would place on the rural preference is that it take a backseat to the Native preference.

Here is how this plan would work:

- The first priority would be that the viability of our fish and wildlife would be protected.

- The second priority would be that Alaska Natives, living in our local areas, have a hunting and fishing priority so that our cultures can con-

tinue to survive and thrive.

- The third priority would be that our non-Native rural friends have a hunting and fishing priority in their local areas so that they can continue to live their chosen lifestyle.

Of course, we would no longer be involved in defining "rural." Non-Natives could argue over the definition of rural for as long as they feel a need to.

Best of all, Alaska Native subsistence legislation passed by Congress would be defined as "Indian Law" and protected by the powers vested in Congress by the commerce clause of the U.S. Constitution.

Political reality being what it is, it is very unlikely that Congress would attempt to remove these protections once they were established.

The courts have already defined Title VIII of ANILCA (the subsistence section) as "Indian Law," which places it under the protection of the constitution. The federal constitution and "Indian legislation" passed by Congress supercede the state constitution and state laws.

There is no other way to go. Let's go for it. It's our only choice.