

State discriminated against fishermen

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In a landmark ruling, the state Human Rights Commission has concluded the Alaska Department of Fish and Game discriminated against Natives in regulating the salmon fishery in the Yakutat area.

The commission says unless ADF&G appeals the decision and gets a judge to block it, Natives will be allowed to set their nets in the surf at the mouth of the Alsek River beginning June 20.

Executive Director Janet Bradley said this is the first time in the commission's 20-year history that it had ruled the activities of a state agency were illegal.

ADF&G officials said the closure of beach fishing in the area was necessary to protect unstable sockeye salmon populations because surf fishermen would seal the mouth of a river and choke off the run.

But the commission said the department could have chosen different methods of protection. It said closing only the surf fishery while leaving the upper river open was discriminatory because for the most part Natives fish the beach and whites fish upstream.

"Violence is the probable consequence of closing the surf at the East and Alsek rivers," the commission warned.

The commission singled out

the comments of Alex Brogle, a department employee in Yakutat since 1961, as indicative of the prejudice.

"Brogle's contempt for the Natives is apparent," the commission said in a May 27 decision that was not released until this afternoon. "His prejudice infected the entire process."

The commission quoted extensively from Brogle's weekly reports, including a passage where he wrote that seagulls interbreed "for the same reason why a white man jumps on a squaw."

"Brogle's reports also contained unflattering remarks about the Pope, nuns, blacks,

Jews, Japanese and possibly other religious or ethnic groups," the commission said.

By dismissing the remarks as "a little humor" and failing to correct him, the ADF&G "tacitly endorsed these biases," the commission concluded.

His supervisors noted that local salmon runs have been restored to health during his tenure. Brogle could not be reached for comment.

"We feel pretty good about it," said Walter Johnson, the fisherman who filed the complaint with the commission in July 1980 after the beach fishery was shut down temporarily.

"If we wanted to, we could

have gone in there and started a minor war," Johnson said. "We decided to hold back and let the courts and Human Rights Commission settle it."

Natives reported gunshots were fired over their skiffs and into their campsites, and their tents were towed away.

Johnson said several Natives have quit the fishery in recent years, and most found their catch reduced because they were unaccustomed to fishing on the riverbanks where the best sites already were taken.

Sixteen fishermen have filed suit in Superior Court, seeking damages from the state for taking away their livelihood.