

# Action on subsistence just beginning for AFN

by Julie Kitka

Alaska Federation of Natives president

Enclosed in this issue of the *Tundra Times* is a copy of the Alaska Federation of Natives' recent special newsletter focusing on subsistence.

This subsistence update has been sent to all village councils, village corporations and regional Native organizations in the state. In addition, more than 50,000 copies are being mailed to individual Native heads of households.

AFN is committed to informing Native people of the serious situation which has arisen affecting Native people and hunting and fishing rights. We believe that if Native people are informed about political and legal developments which affect them, they can more effectively protect and promote their own interests and the public interest.

AFN is aware that most people — Natives and non-Natives — view politics as remote, uninteresting, and for the most part, irrelevant to their personal lives. The current situation which faces us in the area of subsistence is an exception. Subsistence remains the absolute necessity for the cultural and economic survival of Native families, and threats to the subsistence way of life require the serious attention of all Native leaders.

The current crisis is a result of a recent Alaska Supreme Court decision in the case of *McDowell V. State of Alaska*. The situation of federal and state laws governing subsistence in Alaska was abruptly upset when the Alaska Supreme Court ruled the existing Alaska subsistence law unconstitutional.

The enclosed special newsletter goes into the details of the decision as well as the history of subsistence, the continuing valid federal subsistence law, the state and federal options and proposed solutions.

Recently, the AFN Board of Directors met to discuss the current situation. They spent hours reviewing the legal situation and the range of possible solutions.

After much discussion and debate, the AFN board adopted a position statement on subsistence to begin the statewide discussion on possible solutions.

In the position statement AFN — in the strongest possible terms — reiterated the importance of subsistence to Alaska Native people and our historical reliance on the federal government to protect Native subsistence activities.

In addition, AFN advanced the position that an amendment to the Alaska Constitution to allow the Legislature greater flexibility to provide a subsistence priority than the Alaska Supreme Court recent decision allows

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## OPINION

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The AFN board went to great lengths to state that this option is a preferred solution, and AFN has not closed the door on advancing other solutions which Native people desire. The statement is highlighted in the special newsletter, and we urge you to read it carefully.

The AFN board took other actions. Among them:

- Authorized the filing of a petition for rehearing before the Alaska State Supreme Court in the *McDowell* case. The petition was filed by AFN's counsel Feb. 9.

- Endorsed the request of Interior Secretary Manuel Lujan to fulfill his obligations under Title VIII of the Alaska National Interest Lands Conservation Act, provided a solution is not reached by July 1.

- Went on record opposing any attempt to repeal Title VIII of ANILCA.

- Authorized the AFN Legislative Committee to continue working on the subsistence issue, with instructions to continue including all interested Native organizations in meetings on the subject.

- Directed the AFN Legislative Committee to review all options consistent with AFN's policy.

- Directed staff to convene a special AFN board meeting to focus specifically on subsistence, no later than 30 days prior to the end of the state legislative session.

The process for coming up with a solution to the current situation is just beginning. It will take all our best efforts, working together, to accomplish our goals.

The AFN and its member organizations are committed to protecting Native subsistence activities in the most effective and responsible way for the long term.