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Katie John, who sued state, US over Native subsistence rights, dies

By MIKE DUNHAM

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Katie John near her fishwheel on the Copper River in Alaska in a 1994 file photo.
ERIK HILL — Anchorage Daily News

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Athabascan elder Katie John of Mentasta Lake, a powerful and effective advocate for subsistence rights, died early Friday at the Alaska Native Medical Center in Anchorage. A statement from Ahtna Inc., the regional Native corporation of which she was a member, gave her age as 97.

John gained fame as the lead plaintiff in a series of lawsuits aimed at ensuring Alaska Native fishing and rights. Her legal actions polarized public opinion between those who believed she was entitled to take salmon from her traditional land, which the state had closed to fishing, and others arguing that such taking amounted to special treatment. The resulting court rulings led to major changes in how wildlife is allocated in Alaska.

The "Katie John Case" (actually several cases) involved a traditional fish camp, Batzulnetas, now part of Wrangell-St. Elias National Park and Preserve. John had grown up near that spot. Fishing was closed there in 1964. Twenty years later, John and another elder, Doris Charles, petitioned the state to allow them to fish there. When they were denied, the Colorado-based Native American Rights Fund took up their cause.

Robert Anderson, now a professor of law and director of the Native American Law Center at the University of Washington, represented the pair. He recalled being impressed by the force of John's personality.

"She had an innate leadership quality that affected everybody around her," he said. "She was inspirational to work for."

NARF sued the state to reopen Batzulnetas to fishing in 1985. A federal court agreed, and, in time, the federal government took over management of game on federal lands in Alaska. Those regulations, however, excluded fishing.

A new suit was brought, this time against the U.S. secretaries of interior and agriculture. In 1994, a federal judge ruled that Washington, not the state, had authority over both public land and navigable waters in Alaska.

A federal appeals court upheld John's claim. Appeals for reconsideration were made and dismissed until 2001, when a final opportunity to appeal to the U.S. Supreme Court came to the desk of then-Gov. Tony Knowles.

While weighing his options, Knowles visited John at Batzulnetas. Among those present was Heather Kendall-Miller, now senior staff attorney with NARF's Anchorage office.

"Her strength was apparent as she described how she had raised and fed 20 children (including 6 adopted children) by the generations-old customary and traditional subsistence practices that she had learned from her parents," Kendall-Miller wrote. "She was determined that her children and grandchildren would carry on those practices as well."

"I learned more that day than is written in all the boxes of legal briefs in this long lasting court battle," Knowles later said.

On Aug. 27, he called John to say the state would not pursue the appeal.

"We must stop a losing legal strategy that threatens to make a permanent divide among Alaskans," he said at the time. "I cannot continue to oppose in court what I know in my heart to be right."

Legalities were far from over, however. In 2005, NARF again represented John challenging the federal agencies' implementation of previous rulings as too limited. The matter again went to the Ninth Circuit Court. A decision is still pending.

Doris Charles died in 2002.

With news of John's passing, tributes quickly accumulated.

"She was known and respected throughout Alaska and the world," said Ahtna President Michelle Anderson in a press release. "She lived what she believed. If not for Katie John and her fighter spirit, we would not have the subsistence rights we are still fighting to retain today."

"She was unafraid to challenge any bureaucrat standing between her Native people and their opportunity to fish, whether that was a State of Alaska ... or a National Park Ranger," wrote Sen. Lisa Murkowski, who described John as "a piece of Alaska's soul."

John's granddaughter, Kathryn Martin, said her legacy was teaching "honesty, trust, love and forgiveness" to her family: "Her grandchildren, great-grandchildren and great-great-grandchildren are the reason she fought for her fishing rights, to make sure her family would have a way to feed themselves forever."

Anderson recalled her bright sense of humor. He told of hiking into Batzulnetas with John shortly after taking her case. He was a young and obviously unarmed city lawyer, not quite knowing what to expect in the wilderness where the tenacious older woman was leading him.

"There was a huge bear track in the middle of the trail," he said. "She looked at me and said, 'Big bear track. You got a gun?' "

He might have been scared at that moment but he saw the twinkle in her eye and they both laughed.

"She was a cool person," he said. "She's an appropriate centerpiece for the Native subsistence movement to protect hunting and fishing rights."

Ahtna officials said John was born and raised in Slana and Batzulnetas to Chief Charley (also called Sanford Charley) and Sarah Sanford. She married Mentasta Traditional Chief Fred John Sr. when she was 16. At the time of her death, she counted more than 250 descendants. Passionate about preserving Athabascan culture and language, she helped create the alphabet for the Ahtna dialect. She received an honorary doctor of laws degree from the University of Alaska Fairbanks in 2011.

Funeral arrangements are pending. Those seeking additional details or wishing to make a donation should contact Kathryn Martin at 907-360-7476 or at kmartin@ahtna-inc.com.

A detailed chronology of Katie John's legal battles and photos are posted at the Native American Rights Fund website.

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