

HB

33

<TARGET><BILL>HB 33</BILL><SUBJECT>HB
33</SUBJECT><COMM>HCRA30</COMM></TARGET>

Alaska House of Representatives

Rep. Neal Foster, Co-Chair
P.O. Box 1630
Nome, Alaska 99762

Phone: (907) 443-5036
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During the Legislative Session
Alaska State Capitol, Room 434
Juneau, Alaska 99801

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House Finance Co-Chair

SPONSOR STATEMENT HB 33 - Katie John Day

Athabascan elder Katie John was known for her determination and success in fighting for subsistence rights and for her traditional teachings, humor, gentle spirit and loving ways. Katie John died May 31, 2013. She was 97 years old and resided at Mentasta Lake. John was an Alaska icon who devoted her life to ensuring that her people had the opportunity to carry on traditional subsistence fishing in their ancestral homeland.

Katie John was raised in the traditional manner, living off the land under the tutelage of her mother, grandmother and other elders of her community. A consummate teacher, John was always willing to share her ancestral traditions, culture and history. She was known and respected throughout Alaska and around the world. Ahtna President Michelle Anderson said, "She taught us stories of our culture and history. She was a big part of our lives. Now her history belongs to the public, to the people."

Passionate about preserving Athabascan culture and language, Katie John has been involved with teaching her Native Language since 1974 and helped create the alphabet for the Ahtna dialect. She received an honorary doctor of laws degree from the University of Alaska Fairbanks in 2011. John and her husband, Chief Fred John, who died in 2000, raised 14 children and 6 foster children together. She leaves behind approximately 250 grandchildren, great-grandchildren and great-greatgrandchildren.

Due to the great importance of her role in shaping Alaska, HB 33 would establish the date of May 31st, as Katie John Day in her memory and honor.

Fiscal Note

State of Alaska
2017 Legislative Session

Bill Version: HB 33
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB033-DOA-DGS-04-14-17
Title: ESTABLISH MAY 31 AS KATIE JOHN DAY
Sponsor: FOSTER
Requester: House Community and Regional Affairs

Department: Department of Administration
Appropriation: Shared Services of Alaska
Allocation: Facilities
OMB Component Number: 2429

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2018 Appropriation Requested	Included in Governor's FY2018 Request	Out-Year Cost Estimates					
			FY 2018	FY 2019	FY 2020	FY 2021	FY 2022	FY 2023
OPERATING EXPENDITURES								
Personal Services								
Travel								
Services								
Commodities								
Capital Outlay								
Grants & Benefits								
Miscellaneous								
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2017) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2018) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Kevin Brooks, Director	Phone:	(907)465-4889
Division:	General Services	Date:	04/14/2017 03:00 PM
Approved By:	Sheldon Fisher, Commissioner	Date:	04/14/17
Agency:	Department of Administration		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2017 LEGISLATIVE SESSION

BILL NO. HB 33

Analysis

This bill establishes May 31 of every year to honor Katie John. The Department of Administration, Division of General Services does not anticipate any fiscal impact from the proposed legislation.

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

By MIKE DUNHAM

mdunham@adn.com May 31, 2013

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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



- **Related Links:**
- Link 1994 profile of Katie John
- **Related Stories:**
- UAF awards degree to Athabascan elder Katie John

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.

Reach Mike Dunham at mdunham@adn.com or 257-4332.

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**ALASKA FEDERATION
OF NATIVES**

December 20, 2013

Governor Sean Parnell
P.O. Box 110001
Juneau, AK 99811-0001

Dear Governor Parnell:

As you know, we lost a much respected elder last spring when Katie John passed away. Katie lived a traditional lifestyle and fought for decades to be able to pass that way of life on to her children and grandchildren. Preserving our cultures and access to food is extremely important to Alaska's Native people. When Katie was told that she couldn't live the lifestyle she grew up living, she became the lead plaintiff in a series of lawsuits that wound through the state and federal court systems. Sadly, that fight continues even though she has passed on.

At our annual convention in October, The Alaska Federation of Natives (AFN) not only honored her throughout the convention, we passed a resolution requesting the State of Alaska to declare May 31 to be "Katie John Day." The resolution is attached for your reference.

As she is an important Alaska Native leader, we hope you will take this request to heart. Please let me know if you have any questions. Thank you.

Sincerely,

Julie Kitka
President

cc: Alaska Federation of Natives Board of Directors
State of Alaska House Leadership
State of Alaska Senate Leadership
Rep. Bryce Edgmon, Bush Caucus



Alaska Federation of Natives
2013 Annual Convention
Resolution 13-1

- TITLE:** HONORING KATIE JOHN & NAMING MAY 31 AS "KATIE JOHN DAY"
- WHEREAS:** The Alaska Federation of Natives (AFN) is the largest statewide Native organization in Alaska and its membership includes 118 federally-recognized tribes, 133 village corporations, 13 regional corporations, and 11 regional nonprofit and tribal consortiums that contract and run federal and state programs; and
- WHEREAS:** The mission of AFN is to enhance and promote the cultural, economic, and political voice of the entire Alaska Native community; and
- WHEREAS:** Katie John, a respected and cherished Ahtna Elder, passed away on Friday, May 31, 2013; and
- WHEREAS:** Katie John was the champion, the leader, and the lead plaintiff in a long and tenuous legal battle addressing Native subsistence fishing rights; and
- WHEREAS:** the lawsuit endured by Katie John was filed after the State of Alaska refused her and Doris Charles, access to a long-abandoned fish camp in Wrangell-St. Elias National Park and Preserve; and
- WHEREAS:** Katie John fought not only to maintain her family's fish camp, but to pass her traditional way of life and practices to her children and grandchildren; and
- WHEREAS:** Katie John endured a decade long battle through the state and federal court systems, fighting for the subsistence hunting and fishing rights of all Alaska Natives; and
- WHEREAS:** her fight culminated in a 2001 Ninth Circuit Court of Appeals ruling stating that the subsistence fisheries protections provided under Title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) did in fact extend to all navigable waters in which the federal government owned reserved water rights, effectively allowing subsistence fishing to continue unrestricted in those areas; and
- WHEREAS:** without her persistence and unwillingness to concede, Alaska Natives as a whole would not be able to practice and enjoy traditional lifestyles, passing the ways of Native people on to the next generations, and ensuring traditional culture and heritage practices are never forgotten; and

WHEREAS: in recognition of her fighter spirit and courageous battle, the University of Alaska Fairbanks decreed Katie John with an honorary doctorate of law degree during the 2011 spring commencement ceremony, to be forever revered as Dr. Katie John.

NOW THEREFORE BE IT RESOLVED by the delegates to the 2013 Annual Convention of the Alaska Federation of Natives, Inc. honors Katie John for her lifetime of accomplishments and her contributions to Alaska Native peoples

BE IT FURTHER RESOLVED that AFN requests the State of Alaska to declare May 31 Katie John Day as this is the day the State of Alaska allows Alaska Native people to put their fishwheels in the water.

SUBMITTED BY:	ALASKA FEDERATION OF NATIVES BOARD OF DIRECTORS
COMMITTEE ACTION:	DO PASS
CONVENTION ACTION:	PASS

