

Sarah Palin's Record on Alaska Native and Tribal Issues

1. Palin has attacked Alaska Native Subsistence Fishing

Perhaps no issue is of greater importance to Alaska Native peoples as the right to hunt and fish according to ancient customary and traditional practices, and to carry on the subsistence way of life for future generations.

Governor Sarah Palin has consistently opposed those rights.

Once in office, Governor Palin decided to continue litigation that seeks to overturn every subsistence fishing determination the federal government has ever made in Alaska. (State of Alaska v. Norton, 3:05-cv-0158-HRH (D. Ak).) In pressing this case, Palin decided against using the Attorney General (which usually handles State litigation) and instead continued contracting with Senator Ted Stevens' brother-in-law's law firm (Birch, Horton, Bittner & Cherot).

The goal of Palin's law suit is to invalidate all the subsistence fishing regulations the federal government has issued to date to protect Native fishing, and to force the courts instead to take over the roll of setting subsistence regulations. Palin's law suit seeks to diminish subsistence fishing rights in order to expand sport and commercial fishing.

In May 2007, the federal court rejected the State's main challenge, holding that Congress in 1980 had expressly granted the U.S. Interior and Agriculture Departments the authority to regulate and protect Native and rural subsistence fishing activities in Alaska. (Decision entered May 15, 2007 (Dkt. No. 110).)

Notwithstanding this ruling, Palin continues to argue in the litigation that the federal subsistence protections are too broad, and should be narrowed to exclude vast areas from subsistence fishing, in favor of sport and commercial fishing. Palin opposes subsistence protections in marine waters, on many of the lands that Natives selected under their 1971 land claims settlement with the state and federal governments, and in many of the rivers where Alaska Natives customarily fish. (Alaska Complaint at 15-18.) Palin also opposes subsistence fishing protections on Alaska Native federal allotments that were deeded to individuals purposely to foster Native subsistence activities. All these issues are now pending before the federal district court.

2. Palin has attacked Alaska Native Subsistence Hunting

Palin has also sought to invalidate critical determinations the Federal Subsistence Board has made regarding customary and traditional uses of game, specifically to take hunting opportunities away from Native subsistence villagers and thereby enhance sport hunting.

Palin's attack here on subsistence has focused on the Ahtna Indian people in Chistochina. Although the federal district court has rejected Palin's challenge, she has carried on an appeal that was argued in August 2008. (State of Alaska v. Fleagle, No. 07-35723 (9th Cir.).)

In both hunting and fishing matters, Palin has continued uninterrupted the policies initiated by the former Governor Frank Murkowski Administration, challenging hunting and fishing protections that Native people depend upon for their subsistence way of life in order to enhance sport fishing and hunting opportunities. Palin's lawsuits are a direct attack on the core way of life of Native Tribes in rural Alaska.

3. Palin has attacked Alaska Tribal Sovereignty

Governor Palin opposes Alaska tribal sovereignty.

Given past court rulings affirming the federally recognized tribal status of Alaska Native villages, Palin does not technically challenge that status. But Palin argues that Alaska Tribes have no authority to act as sovereigns, despite their recognition.

So extreme is Palin on tribal sovereignty issues that she has sought to block tribes from exercising any authority whatsoever even over the welfare of Native children, adhering to a 2004 legal opinion issued by the former Murkowski Administration that no such jurisdiction exists (except when a state court transfers a matter to a tribal court).

Both the state courts and the federal courts have struck down Palin's policy of refusing to recognize the sovereign authority of Alaska Tribes to address issues involving Alaska Native children. Native Village of Tanana v. State of Alaska, 3AN-04-12194 CI (judgment entered Aug. 26, 2008) (Ak. Super. Ct.); Native Kaltag Tribal Council v. DHHS, No. 3:06-cv-00211-TMB (D. Ak.), pending on appeal No 08-35343 (9th Cir.)). Nonetheless, Palin's policy of refusing to recognize Alaska tribal sovereignty remains unchanged.

4. Palin has attacked Alaska Native Languages

Palin has refused to accord proper respect to Alaska Native languages and voters by refusing to provide language assistance to Yup'ik speaking Alaska Native voters. As a result, Palin was just ordered by a special three-judge panel of federal judges to provide various forms of voter assistance to Yup'ik voters residing in southwest Alaska. Nick v. Bethel, No. 3:07-cv-0098-TMB (D. Ak.) (Order entered July 30, 2008). Citing years of State neglect, Palin was ordered to provide trained poll workers who are bilingual in English and Yup'ik; sample ballots in written Yup'ik; a written Yup'ik glossary of election terms; consultation with local Tribes to ensure the accuracy of Yup'ik translations; a Yup'ik language coordinator; and pre-election and post-election reports to the court to track the State's efforts.

In sum, measured against some the rights that are most fundamental to Alaska Native Tribes – the subsistence way of life, tribal sovereignty and voting rights – Palin's record is a failure.