

“SUBSISTENCE” AND THE MYTH OF SETTLER BELONGING: ALASKA NATIVE TRADITIONAL FOODS AS A SITE OF COMPETING SOVEREIGNTIES

Forest S. Haven

University of Alaska Southeast, School of Arts and Sciences, 11066 Auke Lake Way, Juneau, AK 99801; fhaven1@alaska.edu

ABSTRACT

While for most non-Native Alaska residents, the “subsistence issue,” so heavily debated in the 1970s, ’80s, and ’90s may seem settled, for many Alaska Natives the fighting has not ceased. Contemporary battles are not just about access to traditional foods but our capacity to protect them. This article begins with a focus on organized efforts by Alaska Native peoples to protect traditional food resources, in order to draw attention to the inadequacies of state management regimes. I then discuss the rhetorical strategies employed by settler urban hunters and fishers in the 1970s and ’80s to successfully transform Native traditional food practices into “subsistence,” effectively working to extend those rights to all Alaskans. These rhetorical strategies and logics enacted contemporary legal regimes, shaping how “subsistence” is currently managed, regulated, and understood. Contemporary ethnographic research with fisheries management officials and commercial industry lobbyists demonstrates how those same rhetorical strategies continue to be mobilized by White settlers today in public debates over subsistence management concerns. Drawing out this connection highlights how many Alaska settlers continuously work to delegitimize Native claims to subsistence—and thus to sovereignty—by appealing to multiculturalist ideologies, using frameworks of White settler loss, and employing rhetoric that conflates Alaska Native and settler belonging.

INTRODUCTION

Sovereignty, in relation to Indigenous people,¹ has been broadly debated, analyzed, theorized, and critiqued (see, e.g., Alfred 2005; Biolsi 2005; Bruyneel 2007; Cattelino 2006; Richland 2011; Rifkin 2009, 2017; Simpson 2008, 2010, 2014). Tribal sovereignty within the United States is generally understood as the inherent aboriginal right to self-govern, predating the formation of the United States, and is commonly understood to be tied to land. Although many tribes in the contiguous United States were (often violently) removed from their ancestral territories onto reservation lands, these reserves granted tribes some land over which to express their (semi-) sovereign authority as domestic dependent nations. The lands granted to Alaska

Native peoples through the 1971 Alaska Native Claims Settlement Act (ANCSA), however, are not federal trust lands—commonly called “Indian Country”—thus removing a critical component of a tribe’s capacity to express their sovereign authority.² While landless tribal sovereignty creates myriad complex issues, one of especially critical import is that of access to traditional foods. Despite the stated intention of Congress that the State of Alaska should protect Alaska Native peoples’ aboriginal hunting and fishing rights (Case and Voluck 2012) dissolved in ANCSA, strong opposition by settler urban sport hunters and fishers against such protections emerged—voiced primarily by figurehead Sam McDowell—claiming

“equal hunting and fishing rights for all” (Williams 1982). Eventually, the subsistence use category was developed, granting all Alaskan residents the right to hunt and fish for themselves and their families.

It is outside the scope of this paper to discuss the intricacies of ANCSA, but a basic understanding of the legislation is critical to the overall argument. ANCSA was a landmark settlement that extinguished all existing Alaska Native land claims—including their aboriginal hunting and fishing right—in exchange for land and money to be used in the establishment of Native-owned corporations. Historically, federal Indian policy oscillated between establishing or dissolving reservations and (semi-)sovereign tribal nations, depending on whether the current administration was in support of self-determination or assimilation. ANCSA, however, was a wholly new form of federal Indian policy meant to propel Alaska Native peoples into the “modern” world through a complex process of corporatization.

Rather than making the various tribes of Alaska their own nations through tribal recognition³ and the establishment of reservations, ANCSA transformed Alaska Natives into corporate shareholders whose access to—and utilization of—the land and its resources became partially mediated by the state and by regional corporate interests. What is crucial to understand for the purposes of this paper is that because ANCSA dissolved aboriginal title, including aboriginal hunting and fishing rights, it essentially foreclosed the possibility of establishing Indian Country during this era, which would have removed such lands from state jurisdiction and allowed for tribal control of traditional hunting and fishing areas. Instead, with few exceptions, this essentially gave the State of Alaska jurisdiction over state land *and* ANCSA land, including most Native villages and their traditional hunting and fishing areas. Further, because ANCSA lands are not considered Indian Country, the state does not have to mandate tribal consultation for fish and game allocation and management decisions. The decades following thus saw the transformation of Alaska Native traditional hunting and fishing rights into the “subsistence” use category that is now the right of all Alaska residents (Haven 2022; Wheeler and Thornton 2005). What at first blush appears to be an equitable compromise rooted in multiculturalism is, as will be argued here, a settler-colonial strategy used time and again to strip Indigenous tribes of their very sovereignty.

TRIBAL SOVEREIGNTY AND SETTLER COLONIALISM

To understand Alaska’s relationship with Native peoples, however, requires an understanding of the fundamental tenets of settler colonialism. With imperial colonialism, an imperial metropole sets up a colony of citizens in a region from which it wishes to extract resources. With settler colonialism, however, the land itself is the resource desired, often as a means of disconnecting from an imperial metropole and establishing a new nation (Veracini 2010; Wolfe 1999). This seemingly small variation has vastly different implications, especially with regards to the resulting system of relations between settlers and Indigenous populations. Within imperial colonialism, the metropole maintains its position of political and economic power, only building infrastructure and inserting what force is necessary to control access to a desired resource. Power is maintained, as Patrick Wolfe (1999) notes, by creating a hierarchical system of relations between the colonizers and the indigenes wherein the Indigenous population is subjugated but indispensable as a source of labor. Settler colonialism, however, is grounded in the construction of a very different form of social relation. Because the goal of the settler colony is to acquire land for settlement, it is “at base a winner-take-all project” (Wolfe 1999:163) in which the legitimacy of the newly formed nation can only be established through elimination of the Indigenous population and their already existing nations. This process of elimination requires more than the physical removal or death of the indigene; it requires ideological, legal, economic, political, and cultural structuring that legitimizes settler claims to space through the delegitimization of Indigenous claims. This, Wolfe (1999:163) notes, is what makes settler colonialism “a structure, not an event.” Recognizing settler colonialism as the structural foundation upon which the settler nation is built means that in order to understand its articulations, we must look at the myriad points of tension that manifest within relationships between the settler state and Indigenous peoples.

Although tribal sovereignty is already complicated in Alaska, it is made even more complex when analyzed within the context of settler colonialism. That is, tribal sovereignty in such a context comes to stand for much more than simple self-rule or tribal, state, or institutional expressions of judiciary power. It is, especially with regard to the settler-Indigenous relationship, also about

the creation and re-creation of boundaries for sovereign expression. This takes place via the construction of competing temporalities of belonging and the (re)configuration of racialized relations and rhetoric. These boundaries of sovereign expression are always in flux and are entwined with both cultural and personal ideologies that may be expressed in everyday actions. As such, “sovereignty” has various meanings with multitudinous implications dependent upon the time, place, and subject group in question.

The fluctuating boundaries and expressions of sovereignty have important implications within Alaska, where tribal sovereignty is not articulated through treaties and reservation lands. Rather, it manifests through nascent legal solidifications of tribal authority boundaries, intertribal coalitions like the Alaska Federation of Natives (AFN), and Alaska Native regional corporations. That is, because of the lack of Indian Country in Alaska,⁴ *sovereignty at the sociopolitical level must be expressed within and through the settler-colonial state's political and economic system*. This sociopolitical reality has unique implications for quotidian expressions of sovereignty by Alaska Native individuals and groups. Such expressions of tribal sovereignty are—with near ubiquity—positioned against the unceasing and multivalent strategies utilized by settlers and the settler state to justify colonial violence through paternalism, which solidifies settler concepts of belonging. This paper thus seeks to better understand the complex ways that sovereignty is expressed and negotiated by Alaskan settlers and the settler state, and by Alaska Native peoples via an ethnographic analysis of the mobilization of settler rhetoric utilized in the regulation and management of subsistence.⁵

Underlying settler-colonial rhetoric and structures of governance are ideologies rooted in White supremacy that are, especially in Alaska, tied to the narrative myth of the frontier. Lorenzo Veracini (2013) notes that the concept of the “settler” began as a formation separate from colonialism and locates its origins within early-twentieth-century Americanist literature on pioneering and the frontier and contemporaneous historiographies of colonialism. Note that the rise of popular literature focused on the frontier came at a time when “the frontier”—that is, land imagined to be empty and wild, requiring order, exploration, and cultivation—and the “pioneering” efforts that went with it were diminished to the point of vanishing, leaving only the fringes: those places that would never be settled yet would contain within them the Indigenous peoples that had been removed from White-settled space. Where

once the frontier facilitated pioneering and its accompanying ideology of “a gendered order, a focus on mononuclear familial relations and reproduction, and the *production* of assets transferable across generations,” all that remained at the start of the twentieth century were the fringes that “set the limits of the settler project” (Veracini 2013:315). The acquisition of Alaska thus happened at a time when settlement in the reckonings of the contiguous U.S. was nearly over, a dream of the past in the face of a land where no more “wild spaces” were left. In these narratives, “the frontier” was not only about land as a space yet to be explored and settled but also about the maintenance of a particular American liberal ideology, for it provided the mythical foundations upon which one could become a self-made, property-owning citizen. It was, in essence, a moral imperative fostered by the settler state to tame and bring order to the “wild frontier” (Seed 2001). Alaska, often—and still—referred to as “the last frontier,” thus offers that “final” space in which to inscribe upon oneself the visage of the persevering, self-made settler so intimately tied to the frontier myth.

The “last frontier” ideology, however, is not simply a historic phenomenon that at one time motivated settler expansion into Alaska; it is an ongoing and contemporary ideological formation that continues to rhetorically eliminate Alaska Native peoples from the historic landscape. The frontier ideology also underscores many settler identities and is reinscribed through the mobilization of “equal rights” rhetoric, especially as it pertains to legal categories of subsistence foods. Although some of the language has shifted, the ideologies remain the same and have been and continue to be used as a means of dispossessing Alaska Native peoples not only of access to our lands and waters but also our capacity to protect them. While initial dispossession came through encroachment, land theft, and assimilationist boarding schools, it now takes the form of multiculturalism and equal rights rhetoric, shifting baselines of temporality that conflate settler belonging with Native belonging, and the paternalistic management of Alaska Native peoples’ access to lands, waters, culture, and each other. In these ways, settlers and the settler state enact and reenact their purported sovereignty, even in the face of all knowledge of Alaska Native peoples’ inherent sovereign rights. These enactments work to perpetuate the myth of a “settled” state in which liberal logics are made to seem natural.

As will be shown, however, Alaska Native peoples have consistently refused the narrative of a “settled” Alaska.

Through numerous actions—both quotidian and strategically organized—Alaska Native peoples have always sought to express their sovereignty, and currently these expressions are often materialized specifically over traditional food struggles. What follows, then, is an autoethnographic vignette of experiences during a recent *Yaaw Ku.èex* (herring potlatch).⁶ This now-annual *Ku.èex* is an example of how Native people are turning to alternative means of expressing their sovereign authority to address concerns over mismanagement of important animal species by the state. I will then return to a discussion of the legal and public renderings of subsistence during the 1970s and 1980s in order to draw attention to the specific settler-colonial rhetorical strategies mobilized during that era. Finally, I will discuss testimony from recent Board of Fisheries meetings to demonstrate how these same rhetorical strategies continue to be used to reify the state's continuous efforts and practices of settler expansion, belonging, and dominion.

HERRING EGG FRENZY: SHARING, LOVE, AND RESPECT AS PROTEST

I imagine it must be difficult for people to understand how *yaaw* (Pacific herring, *Clupea pallasii*), an eight-inch-long silvery fish, could have such dynamic significance. Various species of herring have had economic importance throughout the world, and at one time Alaska was one of those places. Herring used to spawn along significant portions of coastline in the southeast region (Moss et al. 2011; Thornton et al. 2010; Thornton and Moss 2021), but over a century of intensive fishing has reduced the primary spawn area to one place: Sitka Sound. There are a few small spawns left outside of Sitka,⁷ but if you have a commercial or subsistence interest in herring, Sitka is the place to go. Alaska herring is prized by the commercial industry for its sac roe, which is shipped to Japan and sold as a culinary delicacy. Many Alaska Native peoples also prize the roe, but eggs desired for subsistence are harvested and consumed after the herring have already released them⁸ and are shared with Native families all over the state (Thornton 2019a). In recent decades, however, not only has the market for herring sac roe begun to decline but so, too, has the spawn in Sitka Sound. The result is an increasingly contentious battle over herring management rooted in long-standing tensions between the Alaska Department of Fish and Game (ADFG), the commercial fishing industry, and Alaska Native peoples

who are fighting to maintain access to—and the health of—traditional foods.

In most places, herring is designated as a forage fish. This means that herring is recognized as a keystone species upon which a multitude of ocean- and land-dwelling species rely. Because of their significance to the ecosystem, forage fish must be managed conservatively in order to ensure their abundance remains plentiful for both their more-than-human and human predators. Alaska, however, is a special case as the ADFG is one of the only government agencies that has not designated herring as a forage fish (Thornton 2019a). Anthropologist and regional herring expert Thomas Thornton deems this fact “both a scientific and legal absurdity” (2019b). The absurdity of herring fishery management politics, it turns out, would be the catalyst for my first experience with the frenzy of subsistence herring egg distribution.

Although born in Sitka with Ts'msyen, Tlingit, and European ancestry, I was raised in Metlakatla, thus I predominantly identify with my Ts'msyen heritage. As far back as I can remember, however, my grandparents would annually receive two 50-pound fish boxes brimming with herring eggs on hemlock branches, sent lovingly to Metlakatla from our Tlingit *Kiks.ádi* relatives in Sitka. This event would bring our entire family together, first to help with broader distribution and then for a feast. These memories are deeply etched in my mind and created a long-standing desire to experience the Sitka subsistence herring egg harvest.

On my third trip to Sitka for the continuation of my dissertation research in the early spring of 2019, I was finally going to be lucky enough to see the spawn. I had been in touch with various friends and family before my arrival to see if it might happen while I was there. I had tried to witness the spawn the year before but had left disappointed because the herring spawn was exceptionally weak that year. The commercial fishery shut down early, and the subsistence herring egg harvesters were in a dire mood because barely anyone got eggs. Those who did complained of poor quality and thin egg distribution on the branches. Most felt bad because the little they did get was not enough to distribute to their family and friends around the state who relied on them for their eggs each year. This year, it seemed, things would turn out a bit better, if only for the subsistence harvesters.

It was early April in 2019, and I had flown from California to Sitka for the week to attend the *Yaaw Ku.èex*,

a herring potlatch hosted by the Tlingit *Kiks.ádi* clan from *Sheet'ka Kwaan* (Sitka). This was to be the second year this particular *Ku.èex'* would be held. The previous year, the *Kiks.ádi* hosted the event in January—far too early for the herring but just in time for the Board of Fisheries meeting where competing proposals for herring management were up for discussion. For years the Sitka Tribe of Alaska, along with several other tribal organizations and Alaska Native individuals, had been pleading with the ADFG Board of Fisheries to reduce the guideline harvest levels used to determine the number of herring the commercial fishers can catch. Each year, however, both industry lobbyists and ADFG scientists would testify that the herring stocks were fine and the reason for “apparent” reduced numbers was that “fish move.”

If you ask most local Sitkans, they will tell you the herring spawn has changed drastically. They describe how the bay once exploded with life when the herring arrived, accompanied by the birds and sea mammals who also take nourishment from the spawn. The entirety of Sitka Sound would turn foamy white as the herring spawn began, and, I have been told, you could just walk down to the beach and pick fresh eggs off the rocks. However, those who argue against a change in the herring fishery—mainly members of the Southeast Herring Conservation Alliance⁹ and Silver Bay Seafoods¹⁰—are quick to dismiss this testimony as anecdotal, pointing to the soundness of fisheries science and repeated statements that Alaska fisheries are the best managed fisheries in the world.¹¹ The *Yaaw Ku.èex'* was thus established as an Alaska Native protest organized by the *Kiks.ádi* to draw attention to the repeated refusal of the Board of Fisheries to adequately respond to concerns over the decreasing herring population.

The event started in the morning, as a large red cedar dugout canoe holding nine men and women paddled into the harbor about a half a mile from the Alaska Native Brotherhood (ANB) hall where the *Ku.èex'* was to take place. Drummers and singers in full Tlingit regalia—red and black felt button blankets, priceless Chilkat robes, and skin drums—sang and drummed as the canoe came in. Along with about 50 or 60 other spectators, I was there with my *Kiks.ádi* friend Jay,¹² who had loaned me his mother’s woven red cedar bark hat to wear during the procession to the ANB hall. We stood on each side of the boat launch as the occupants climbed out of the large cedar canoe, singing along. Once the canoe was emptied of its occupants, we began the slow procession through the streets of downtown Sitka, singing, drumming, and hold-

ing “protect the herring” signs. Typically, over the last few years, there is an often-grave seriousness that accompanies Alaska Native peoples’ discussion of herring. Today, however, the energy was high, and people were in good spirits. This atmosphere was certainly connected to the celebratory nature of the gathering but was also due to the fact that the subsistence herring egg harvest was better this year than it had been for a while. Upon entering the small, crowded hall, my eye was immediately drawn to a row of large tables about 10 feet long, covered in Visqueen plastic and piled three feet high with herring eggs on branches. Jay and I found places to sit and watched as people at the table trimmed the branches. They lifted the large hemlock branches covered in eggs, then clipped them into smaller portions to fit into gallon Ziploc bags. As I watched them place the bags into large plastic totes, I realized they were preparing them to be distributed to the *Ku.èex'* guests.

Although Jay and I had both come to Sitka to attend the *Ku.èex'* and lend our support, we were also there in hopes of scoring herring eggs for our friends and families. It had been several years since anyone in my own family had gotten any, and I had already received several gentle nudges from my mother to keep my eye out while I was there. Jay and I both decided before we arrived in Sitka that we would pool our resources and try to find as much as we could together. We each contacted as many people as we knew and waited hopefully for responses from our harvester connections. Shortly after our arrival at the *Ku.èex'*, and after display of the clan *at.oow*¹³ and herring blanket, I received a call from my Haida salmon fishing friend, Michael. He had just returned from pulling his branches and had stashed about 50 pounds of herring eggs in a large black trash bag under the dock ramp for me. I scanned the crowd and quickly found Jay, who was talking with one of the clan elders. “We gotta go! I’ve got some eggs waiting for us.” Jay immediately excused himself from the conversation, and we found someone to loan us a car to pick up our stash. It was cold enough outside that we could keep the eggs on a friend’s porch, so we returned to the celebration and kept checking our phones. An hour or so later, Jay got a call from one of his connections, so we were off again. All day, we were in and out of the *Ku.èex'*, borrowing cars and stockpiling eggs as different people called us upon returning from the spawning grounds. Throughout, if we knew someone had more to share, we were sending our own text messages and making phone calls to send other seekers their way. We did this for over 10 hours.

I've never experienced anything like it. I've hunted, fished, and gathered with various peoples all over Southeast Alaska for years. Although people express their love for all the traditional foods that are of this place, there is something different about herring eggs. Sharing has always been integral to my experiences with traditional food harvesting, but with herring eggs the desire for them, and to share them, feels more urgent. At one point during the frenzy of distribution, I posted a picture of myself on Facebook holding a large branch covered in eggs (Fig. 1). Within the hour at least half a dozen people, some of whom I barely knew, had contacted me to see if I would send them eggs. As much as I wanted to help, this wasn't my harvest. The eggs I received were given to me by others, and it felt greedy to ask for more. In the end, Jay and I had accumulated about 250 pounds. Jay gave some to his Sitka family but brought about 100 pounds back to Juneau, where they are very difficult for most local Native people to come by.¹⁴ I sent a 50-pound box to my aunt in Ketchikan, who would then distribute them to the rest of our family, and another 50-pound box to some elders who lived in my home village of Metlakatla and were lifelong friends of my late grandparents. For myself, I kept one gallon-size freezer bag to bring back to California for when my mother was coming to visit, and I was perfectly happy with that. The day felt immensely successful, like I had been able to do something important for people.

During my fieldwork in Sitka the previous year, I had worked as a research assistant for the Sealaska

Heritage Institute's Herring Egg Distribution Project. The topic overlapped well with my own research goals and allowed me to interview a large number of people who were known to be lifelong herring egg harvesters. Upon revisiting those interviews after my experiences acquiring eggs with Jay, people's passion for the food and for the safety of the species makes even more



Figure 1: The author holding herring eggs on hemlock branches posted on social media during 2019 Yaaw Ku.èex. Sitka, Alaska. Photograph by interlocutor.

sense. I have eaten this food my entire life, knowing its significance for our traditional family feasts, but until this trip I didn't fully understand the imperative to share that accompanies the process of distribution.

The sharing imperative of herring eggs, however, is not only associated with distribution; it is also critical that they be consumed with others. In fact, it wasn't until I moved to California for graduate school that I realized I had never in my life eaten herring eggs alone. About a year after I moved there, my partner sent me two small bags of frozen herring eggs. He knew I was missing foods from home and sent this loving care package as a remedy for my homesickness. I was utterly thrilled to receive the box and could not wait to have it for dinner. I went through much the same process as would have happened when eating with family: preparing potatoes with eulachon (also called "hooligan" or "oolichan," *Thaleichthys pacificus*) grease, steaming smoked salmon, and preparing the water to warm the eggs. Normally there would be a vast array of traditional foods prepared by the whole family, but this meal had a bit less variety as there was only one mouth to feed. With great anticipation I prepared my dinner, the familiar ocean and earth odor of herring eggs on hemlock branches and eulachon grease filling my body, and sat down in my apartment to begin eating. Although I was excited about this meal, something did not feel right. The olfactory indicators were present, but the auditory and visual components were wrong. There was no laughter, there were no stories, my family was not there to tease me in their loving way. And that wonderful moment of non-silence when we all stop talking and hear only the melody of herring egg consumption was absent. It was only me, alone with the sounds of Southern California. The food, which is normally one of my favorite meals, tasted flat, almost as if there was something wrong, either with my taste buds or with the eggs themselves. In hindsight, the flavor *was* different, but it wasn't the fault of the food or of my deceitful taste buds. It was, rather, the unconscious knowledge that the setting was not right; this was not how it was supposed to be. The experience was wrong. These foods are not meant to be eaten alone.

Experiencing the unusual event of eating alone, taken together with the stories of the many herring egg harvesters and my own first experience with distribution, bolstered my understanding of what is at stake with regards to the protection of the herring. When I conducted interviews with high-volume herring egg harvesters, their discussions of sharing were data-driven. It was information regarding

the channels of distribution: How much is sent out during peak harvest years versus low harvest years? How is distribution prioritized? What happens to patterns of distribution when the harvest is low? All this information painted a picture of a complex web of relations that are created or nurtured because of the herring. That much was easy to glean. But it was not until I found myself involved with the sharing and distributive dynamics of herring eggs that I began to really understand why harvesters are so deeply troubled by the increasing precarity of the herring egg harvest. In the words of Tlingit herring egg harvester Matt:

Kusteyix. It's our way of life. It's who we are. It sustains us, it... breathes our ancestors into us when we eat it. When I eat [herring eggs] I think of my grandparents. I think of all the people that came before me that harvested and gave it to me. When I eat it I think of Sitka.... [Sharing] is just a part of... it's ingrained in a lot of people that are born traditionally Native. It's just what we do. We share with others. We take care of each other. We don't let anybody go hungry. (Walters 2018)

Traditional foods are a critical component of how we demonstrate our love, care, and respect for each other. By sharing our food with others to whom it has similar value, we are fulfilling obligations of care that are integral to our identities as Alaska Native peoples. Sharing for high-volume harvesters is thus motivated by such obligations to demonstrate and perpetuate caring intention.

The sense of urgency to protect the herring, and the profound loss felt by the Tlingit, Haida, and Ts'msyen communities when they can't give or receive herring eggs, are strongly evidenced during the Board of Fisheries public comment process. Every three years, the Sitka Tribe submits several proposals to the BOF requesting the commercial fishery be more conservatively managed. In response, the commercial fishermen, processors, and their lobbying groups submit counterproposals (and counternarratives).¹⁵ Dozens of Native people testify about the importance of herring to our way of life. The BOF is a process, however, that is unable to attend to or even comprehend what herring means to Alaska Native peoples. Despite BOF members' stated attempts to reach decisions that are "best for everyone," it will ultimately never be a process that works to protect the interests of Alaska Native peoples because it is on one level about competing ideologies surrounding where the significance of herring (and "subsistence") actually lies and, on another more fundamental level, it is also about competing expressions of sovereignty.

Tribal sovereignty in the U.S. was never truly about recognizing the inherent authority of Indigenous peoples to govern ourselves. Rather, tribal sovereignty was about granting Indigenous people enough authority to be able to sign away our land. It was a way for colonial governing bodies to formalize land theft and paternalism over Indigenous people who were never really viewed as human in the first place. Since the signing of the Declaration of Independence, we have been conceptualized as "merciless Indian Savages" (Jefferson 1776); our cultures, values, political systems, and kinship were all deemed unintelligible and animalistic. While it would be unacceptable to say such words in public today, the racialized logics that underscore such phrases still manifest themselves in the paternalistic management of our lands and waters. The state's—and its settler population's—perpetual refusal to meaningfully recognize or protect subsistence for Alaska Native peoples based on cultural value is an example of this racialized paternalism. To do so would be to recognize that Alaska Native cultures have equal rights to exist alongside Anglo-American culture, and it would as well be an admission of Alaska Native peoples' equal sovereign authority. That is, any meaningful recognition of Native peoples' capacity to govern ourselves, and our traditional hunting and fishing areas, would in turn call into question their own authority to control the land, water, and resources.

The *Yaaw Ku.èex*' is thus a Tlingit response to the failures of settler governance structures to appropriately respond to herring issues after years of trying—and failing—to protect the herring through the BOF process. It is a community response, using relationality, love, and respect towards the herring that is illegible to settler ideologies and governance structures. Such events are becoming increasingly more common in Alaska. We have learned that the settler state has never, and will never, do anything that serves the best interests of Native peoples. This is in part because, as Laura Harjo (2019) notes, the formalities of colonial governance structures are too burdensome to support the community-oriented actions that Native peoples require. They are steeped in formalities that "foreclose the possibility of communities enacting their wishes and...can reproduce normative settler colonial governance structures that shift power from the collective of everyday folks to the elites, putting decision-making in the hands of a few" (Harjo 2019:12). Thus, more and more community-oriented expressions of sovereignty are taking place in people's everyday lives or

through community engagements that can disrupt the formalities of settler governance.

How did colonial governance of traditional foods in Alaska emerge over time to become what it is today? The next section will turn to that history, taking a more in-depth look at how the rural and urban designations came to be racially coded and to show how White supremacist ideologies underscored the rhetoric of “equality” to successfully disenfranchise Native peoples of their aboriginal hunting and fishing rights.

“SUBSISTENCE: WHO HAS THE RIGHT?” ALASKA BOARD OF FISHERIES AND THE ONGOING CONSTRUCTIONS OF SETTLER BELONGING

“Subsistence: Who Has the Right?” is an episode of an *Alaska Review* (Williams 1982) news documentary series that aired in 1982, highlighting the contentious public debates over subsistence throughout the state. The 50-minute program tacks back and forth between two main perspectives. There is the Alaska Native perspective, which argues from the position of their rights to protect their cultures and very ways of life. The other is the settler perspective, represented by then Board of Fisheries members and Sam McDowell, figurehead of the Alaskans for Equal Hunting and Fishing Rights organization. The tone of their statements sounds practical, righteous, and polished. It’s not “need” behind the fight to protect subsistence, they argue, but “greed” that underscores Native peoples’ motivations (Williams 1982).

There are several works that mention the role of urban sport hunters and fishers in shaping the state and federal governments’ efforts to define and regulate subsistence (see, e.g., Case and Voluck 2012; Haven 2022; Wheeler and Thornton 2005). There are, however, a few specific persons from this era who were the primary voices for settler rights and who successfully mobilized a *settler equal rights* rhetoric to fight against Alaska Native subsistence rights. This section will focus first on Sam McDowell in order to demonstrate the way he represents a widespread and ubiquitous settler identity. I will then draw connections between his perspective and rhetoric and that of settlers today, by discussing public testimony from recent 2018 and 2022 Board of Fisheries meetings for Southeast Alaska.

Sam McDowell was born in Missouri and moved to Anchorage shortly after World War II (*Anchorage Daily News* 2013). His 2013 obituary describes him as a “strong

advocate for public access to recreational sites” and an “active advocate for subsistence hunting and fishing rights, fighting through the courts to ensure equal rights for legal resident Alaskans through the McDowell decision guaranteeing subsistence rights for all Alaskans wherever they lived or whatever their culture. His slogan was, ‘Equal Hunting and Fishing Rights for all Alaskans’” (*Anchorage Daily News* 2013). His obituary is, of course, a valorous painted picture of a persevering Alaskan settler with a deep admiration of Alaska’s “wilderness” and a proactive and protective stance towards “equal rights.” His perspective is, on first blush, one that would be easy for the average (White) American to agree with. However, when positioned within the context of Alaska’s settler-colonial history, and within the racial tensions at play during Alaska’s post-ANCSA period, McDowell’s equal rights stance demonstrates a deeply White supremacist settler ideology, pitted squarely against the interests of Alaska Native peoples.

Throughout the *Alaska Review* documentary, Alaska Native peoples are shown struggling to practice subsistence in regions with diminishing fish runs, in constant competition with commercial and sport hunters and fishers, some even getting arrested for subsistence fishing in areas that had been closed due to diminished runs attributed to commercial fishing. At the time, and throughout the development of the post-ANCSA subsistence debates, McDowell was on the board of directors for the Alaskans for Equal Hunting and Fishing Rights. This group, funded in part by the Alaska Outdoor Council and other national sport hunting and fishing groups, represented the predominantly urban-dwelling sport users in Alaska. They orchestrated and backed the litigation brought forth by non-Natives to challenge the subsistence rulings. Initially, they were incensed at the creation of the subsistence priority established in the state subsistence statute, proposing a ballot measure to have the entire statute overturned. This ballot was soundly defeated by Alaska voters in 1982, leaving the subsistence statute in place.

Immediately, McDowell and the Alaskans for Equal Hunting and Fishing Rights sued the state on grounds that the BOF and Board of Game (BOG) did not have the authority to determine an area’s rural or urban status (i.e., where subsistence could be practiced). The state responded with an amendment to the statute granting the boards that authority, so McDowell’s group changed tack. By 1986, the state had been managing subsistence under a rural residency preference to align with the federal Alaska

National Interest Lands Conservation Act (ANILCA) mandates. McDowell and the Alaskans for Equal Hunting and Fishing Rights decided that rather than attack the subsistence use category itself, for which Alaskans had already demonstrated support, they would instead challenge the legality of the rural residency preference. The case eventually went to the Alaska Supreme Court, which in 1989 agreed that the rural residency preference was in violation of the state constitution's equal access clause.¹⁶

While McDowell and the Alaskans for Equal Hunting and Fishing Rights group are sometimes mentioned in the literature on ANCSA, ANILCA, and subsistence during that era, there are no quoted statements from him. In fact, the 1982 news documentary was my first encounter with the particularities of his argument. Because they are so representative of settler ideologies at the time, it is important to quote his statements from the documentary at length. During his interview, McDowell argues that the Alaskans for Equal Hunting and Fishing Rights are not going to let the current administration

make second class citizens out of 85% of the people. If you took Alaska and shrank it down and you showed what we had access to before the D2 [code for ANCSA land mandates] and what we had access to before the priority of subsistence, we had access to 100% [of the land and resources]. If you start eliminating the 44 million acres [the amount of land granted to the Native corporations under ANCSA], if you start eliminating all the land that was set aside for the 15% [code for the Native population], you'll see that...the balance that's left over for us [by "us" he means the White, settler population] is probably no bigger than one of the smaller states. Did we come up here for this?... We didn't come to Alaska to become second class citizens. Now 85% of the people in the state [again, code for the White settler population of Alaska] have been disenfranchised. Now what we're talking about, the message we have for the people in the state of Alaska is it's not subsistence, it's equal rights.... What we want is a professional management of the resource, not political management.... And I want you to know one thing, this is not racism to us, this is a case of equal rights, and professional management, and equal access. We support the personal consumptive use of the common property resource in this state. And we have got a long track record of proving that. For example, in 1935 it was the sportsman that stepped forward and passed the duck stamp because they knew the waterfowl in America was in trouble. We've been paying our duck stamp, and happily so, ever since. And that's

what purchased millions of acres of wetlands and that's what protects and stabilized the goose and duck population in America. There's more ducks, more geese, more wild turkey, more deer, more elk and other species of game in America today than when Columbus landed here. It wasn't rural Alaska residents [code for Native people] that put them there. It was concerned Americans and sportsmen's dollars. (Williams 1982)

As an Alaska Native person, and someone knowledgeable of the often violent and deeply racist history of the state, this man's testimony is difficult to watch. There are various egregiously inaccurate, misrepresented, or outright delusional components of his argument. Despite McDowell's efforts to protest any racist motivations, the thin veil of "equal rights" rhetoric is insufficient to the task. One could write an entire paper disarticulating and analyzing his statements. However, I will focus on just a few components in order to highlight the racist undertones and to connect them to discussions that still occur today.

First, and most apparent, is the settler ideology of belonging, ownership, and unfair acquiescence that underscores his argument. The beginning of his statement asks the viewer to envision Alaska as a White settler should—a vast land, devoid of Native peoples and ownership, its resources free and available for settler exploitation. Then, the viewer must reenvision Alaska after the signing of ANCSA and the development of the subsistence statute. It is now minuscule, lessened, pictured as something akin "to one of the smaller states." McDowell's words almost effortlessly remove the deep temporal history of Alaska's Native inhabitants, restarting the clock of rightful belonging to the moment of settler acquisition. He then reframes the land *returned* to Alaska Native peoples through ANCSA as a loss for White settlers, such that it is *they* who are losing rights to land, not the Native peoples. His next move is to use White settler loss to frame his primary argument: land loss and subsistence protections are, in actuality, disenfranchising the White population, pandering to the needs of the few "rural" (read: Alaska Native) residents.¹⁷

This transformation of the language of loss and the construction of an Alaska settler temporality, all framed within the logics of liberal multiculturalism, are still utilized in contemporary arguments against Alaska Native subsistence interests. Such tactics are often employed at the Board of Fisheries meetings during public testimony on pro-subsistence proposals submitted by tribes. During the most recent meetings for Southeast Alaska

in the spring of 2022, the first few days were specifically meant to deliberate on the competing herring fisheries management proposals submitted for the Sitka Sound fishery. The Sitka Tribe has been fighting for many years to have the fishery restricted in order to protect the herring, and the commercial fishermen have been fighting back equally as hard to continue fishing. What usually happens is the tribe submits several proposals to reduce the fishing quota, and the commercial industry lobbyists respond by submitting proposals that would restrict or limit the subsistence herring egg harvest. This has been happening for over two decades.¹⁸

Public testimony at BOF meetings, much like the 1982 news documentary, falls into two opposing camps: the predominantly—but not exclusively—Alaska Native testimony that supports a reduction of the fishery; and the predominantly—but not exclusively—non-Native testimony that opposes any changes to the fishery and instead wants to limit subsistence herring egg harvesters. The opposing sides echo much of the tone of the news documentary as well: the Native peoples talk about their inherent right to continue cultural practices, to express their tribal sovereignty and Indigenous rights, and to protect the herring who “are leaving us” because they have been abused. The settler population, not all of whom are fishermen, talk of having already “given up” so much to the subsistence users and of how their “economic way of life” is being threatened. Alaskan settler temporality is often used as well, with many White testimonials situating their expertise as third- or fourth-generation Alaskans and fishermen, which is presumed to hold weight against the “anecdotal evidence” of tribal members who are speaking from over 10,000 years of Indigenous knowledge and science.

Indeed, one-time Alaska Native BOF member Ronald discusses his frustration with the use of the term “anecdotal evidence,” which comes up often in BOF testimony across regions: “The way Western science works is they try to disprove everything, but for us it’s not so much disproving anything, it’s some things are just true. They’re fact and I think they try to discount our knowledge by saying, ‘Well, that’s just [anecdotal].’ . . . I really don’t like that word. It’s so their word! And it’s like, you know, I get so disappointed when I hear it at a meeting, it’s like, that’s your word!” (Ronald Meyers, undated interview).¹⁹ The term “anecdotal evidence” in these instances is thus an apparently benign but racially coded term that allows White settlers and scientists to effortlessly discredit Indigenous knowledge. It is used throughout the BOF meetings as a

ubiquitous retaliatory measure against Native testimony that in any way seeks to limit a commercial fishery.

During the most recent 2022 meetings, a representative of the Southeast Herring Conservation Alliance—and the man whose name is on most proposals submitted in retaliation to the tribe’s proposals—stated: “I understand 9000 years of heritage, living close to the land, the sense of possession without boundaries and the pain of feeling displaced. Herring fishermen, many of whom are Alaska Native, feel the same way” (Reifenstuhl 2022). Here the displacement and loss narratives are entwined with settler temporality and belonging in order to conflate the vast differences between Alaska Native subsistence users and commercial industries. Others make statements warning the board “not to lose sight of the similarities between commercial and subsistence: one for an economic way of life, and one for a cultural way of life” (Minors 2018) in order to conflate the spheres of value being discussed. Still others urge the board not to give in to the pressure of a “special interest group that has no sound science” (Warren 2018). The “special interest groups” he speaks of here are the Alaska Native peoples.

The above excerpts are only a few samples from what is sometimes days of testimony in which White settlers repeatedly employ obfuscation and conflation to mark their “rightful place” in Alaska. As Grant Farred (2008) notes, temporality and conflation are implicit in many conceptualizations of the settler self. In Farred’s reckoning, settlement on previously inhabited land presents a sort of “infinity” in that there will always exist for the settler a time prior to settlement in which the land was not theirs. For the settler

institutionalizing ‘civilization’ is a necropolitical act because it marks a historic death. Civilization marks not only the end of a mode of life (what the settler derisorily labels “tradition”) but the death of a political so that it unsettles precisely because the land and its wealth are being expropriated—and, of course, redistributed. That is why the settler has to explain, in both critical and routine political moments, how it—as a polity—lives with the time before, the time that is not native to it in a land that does not and can never (fully) belong to it . . . the past is never at peace with itself. The past is the time and place to which unselement traces its haunting origins, making the past, in a canny way, the only time that matters. (Farred 2008:799)

Thus, despite all efforts, it is not just the Indigenous person who is defined by a specific temporality but the settler

as well. This is because time always sets a limit for the settler, a preexisting moment that, regardless of all attempts to justify and obfuscate the violence of settler dispossession, will always remain as a challenge to the settlers' claim to lands and waters. Temporality, employed often in White settler testimony during BOF meetings, comes to be a critical mnemonic device that, through repetition, orients attention away from Alaska Native peoples' temporally based claims to land and knowledge. Such well-worn and time-tested practices all in some way seek to reinforce a settler temporality that relegates Alaska Native cultures, sovereignty, knowledge, and peoples to an era of pre-civilization: a time before the contemporary truth, knowledge, and supremacy of Whiteness.

The hours of testimonials against Alaska Native subsistence protection proposals are rife with statements like those above. Although the dispossession of Native lands and waters is rarely discussed openly, there are slippages in my interviews with people from the White settler perspective.²⁰ Most often, BOF members and others are careful to use language that aligns with state laws in a way that alludes to Native issues but does not explicitly frame them as such. Occasionally, however, their language will slip. For example, when interviewing White BOF members and commercial fisheries lobbyists, I sometimes heard them say "Native foods" but then quickly correct themselves with "subsistence foods." Or, after they've relaxed in the interview, they'll also relax their defense of the settler perspective and make statements that bely an understanding of Alaska Native rights issues. For example, Aaron Smith, a White settler heavily involved with commercial fisheries and fisheries politics, at first talks around the subsistence issue, blaming the tribe for their unwillingness to compromise, or noting they're trying to "shut the whole fishery down"²¹ (Smith 2016). Later in the interview, when I ask him why the topic of herring is so contentious, he states:

Well, I mean... I think that Alaska Natives [have] been here for 9000 years and then White men came in only the last couple hundred years and now that new culture is the dominant culture. And I think that there's part of the community that resents that and I think that there's always in our/in Western/ in America, you know, with the free-market system there's winners and losers. There's people that have way too much money and there's people that don't have near enough and I think that in the communities in Alaska, it probably appears, and I think it's probably true that the White culture tends to have more of the resources than the Native communites.

ties. Or even within a community. There's certainly exceptions to that. I mean [J. C.] is a millionaire, a multi-millionaire. But I mean I think there's some of that human nature and history that's part of it and so there's anger. There's historical anger, and so fighting for control of that in other ways is a way to kind of push back. (Smith 2016)

Although Smith does not discuss the racism, land theft, and violent assimilation efforts it took to facilitate the rise of the "new...dominant culture," he does—in a racist and obfuscated way that blames unequal distributions of wealth on the "free market" rather than settler violence—recognize that part of the issue is related to Native peoples fighting to express and assert their sovereignty.

TRIBAL SOVEREIGNTY, SETTLER COLONIALISM, AND THE CONSTRUCTION OF RACE

For Indigenous peoples in settler states, racial politics is always imbricated with a particular geopolitical order focused on justifying settler land theft (Rifkin 2009). Tribal sovereignty thus serves to uniquely situate Indigenous people in a category quite distinct from other minority groups.²² As Stephanie Nohelani Teves, Andrea Smith, and Michelle H. Raheja (2015:3) state, "Native people have a distinct legal history with the U.S. court system that centers on sovereignty *between* the United States and Native nations rather than the subordination of Native people *within* the United States" (emphasis in original). Not only does this distinction get lost in public (mis)understandings about tribal citizenship—which is most often conflated with race—but the concept of Indigenous subsumption to the U.S. is conscripted into the structure of many settler arguments used to justify tribal disenfranchisement through the mobilization of equal rights rhetoric, as was shown in the previous excerpts.

Further, although Alaska Native tribes were eventually granted tribal sovereignty through federal recognition in 1994, we are unique from most tribes in the contiguous U.S. due to the fact that there is still very little federal trust land over which to express that sovereignty. The result is that tribal sovereignty can only be expressed over and through our own tribal citizens, leaving tribes essentially powerless with regards to land and water management decisions. The result is a circumvention of major components of the federal trust responsibility, namely the federal government's responsibility to support management of tribal

lands and waters for the benefit of tribes. Alaska Native peoples are instead forced to rely on state processes, which because of constitutionally mandated equality are unable to make laws for the benefit of any one group. On a broad scale, the conflation of tribes as nations with tribes as races allows the state to shirk responsibility for protecting Alaska Native peoples' traditional food areas and species. On a local scale, such racial conflation also allows White settlers to mobilize the equal rights rhetoric in support of their own interests when those interests conflict with those of the tribes.

Although racism is certainly connected to the mistreatment of Indigenous populations, the concept of sovereignty within settler colonialism immediately alters the terms of the relationship between White and Indigenous peoples. This is because what is at stake is not just a desire for social "equality" but Indigenous people's capacity to express our sovereignty, which always disrupts the legitimacy of settler sovereignty claims. Richard Day (2001) points out that Indigenous articulations of sovereignty are about recognizing and maintaining an unbroken continuum of sovereign expression prior to and since European colonization. It is this desire that most often motivates Alaska Native peoples' fight for subsistence rights. Sovereignty is what motivated the start of the now annual *Yaaw Ku.èex'* that began in Sitka in 2018, sovereignty is expressly stated in Native people's testimony at the BOF meetings, and sovereignty has been threaded through Native protests to protect traditional hunting and fishing practices since the beginning of U.S. settler encroachment in the nineteenth century.

Settler attempts throughout the decades to paint their actions against Alaska Native interests as a fight for "equal rights" not only demonstrates a denial of tribal sovereign expression; it also works to illuminate their own White supremacy. Charles K. Taylor and colleagues (1994) note that "difference-blind" multiculturalism is by its very nature homogenizing because its goal is to position all members of society on an equal footing, making it antithetical to individuality. However, what is at stake from the Native perspective is not a threat to individual identity but rather the way "difference-blind" multiculturalism, glossed as "equal rights," effectively uses liberal individualism to disenfranchise an entire cultural group. Further, the norm of equal recognition in the context of liberal democracy only recognizes those qualities considered to be *universally* shared (Taylor et al. 1994), thus excluding the possibility for expression of group-specific traits that fall outside of

that boundary. The construction and regulation of the subsistence user group category is a prime example of the incommensurability of liberal equal rights with the collective nature of Alaska Native traditional food practices. It is the settler's individual identity—and individual rights—that are threatened by Alaska Native peoples' collective expression of sovereignty over their traditional foods.

Indeed, Will Kymlicka (2007) points out that multiculturalism is unable to address the collective rights-based agenda of Indigenous people *because* of its foundations in liberalism. Further, Glenn Coulthard (2014) rightly points out that supporters of the multiculturalist model leave unquestioned or implicitly accept the authority of the state to determine the legitimate boundaries of what can be acceptably recognized. That is, it is inherently problematic for the state to have the authority to recognize Indigenous rights when it is also the polity that is responsible for their dispossession (Coulthard 2014). As Harjo notes, the problems with state recognition are why many Native people are forgoing state governance structures altogether, because:

The onus is upon Indigenous troops to either lodge credible claims against the state or to defend themselves against actions of the state. There are two pursuits here: one is appealing to the structures that created the problem in the first place, and the other is crafting reductive spatial representations of the Indigenous community. The first pursuit is existence in a constant state of survival and action in response to larger structures that are producing the inequalities; the other is the production of narratives directed at the state apparatus for use in grievance claims that are stripped of the complexity of Indigenous communities, space, and places. In the first pursuit, Indigenous groups hurtle through the politics of recognition, arguing before the state in ways and in a language that the state will understand. A politics-of-recognition narrative requires Indigenous people to discuss themselves in terms of Western knowledge and taxonomies of land. These are hollowed-out narratives about Indigenous places that over time become naturalized stories and commonly received knowledge. Consequently, when communities structure their accounts within the terms of the politics of recognition, narratives of poverty, income, educational levels, etc. are retold and retrenched, sustaining a simplified and damage-based narrative about the community. (Harjo 2019:24)

Harjo could very well be describing the issues with state management of subsistence in Alaska. Not only are

Indigenous knowledge systems and communal values illegible—and thus unrecognizable—to subsistence management regimes, Alaska Native peoples' only recourse for protecting their lands and waters is to appeal to the governance structures that are complicit in species decline in the first place.²³

Ultimately, the “recognition” that accompanies tribal sovereignty within multicultural narratives must also be concerned with the ways that liberal pluralism is imbricated with the broader processes of Indigenous elimination. This is significant in that it forces a critical analysis of the motivations behind—and effects of—recognition by the settler state. Subsistence in Alaska is reflective of the process of Indigenous elimination par excellence. It is a user-group category that only exists because Alaska Native people have been fighting to protect their villages and traditional food territories since the Treaty of Cession. Indeed, the only way the state and federal government would allow for the protection of Alaska Native peoples’ traditional foods is if its very indigeneity was eliminated, and by transforming it into an equal right—and an equal identity—for settlers.

Brenna Bhandar (2011:227) notes that “the native subject, a creation of the settler, was (and remains) caught within relations of dispossession, alienation and ownership that do not allow, in the absence of a dramatic rupture, for mutual recognition.” This is because recognition within the settler-colonial context is always bound up in a hierarchical formulation of state politics, which in turn works to maintain its own spatial and temporal orders both upon and against those of Indigenous people. Indeed, as has been demonstrated, the conflation of race with issues of sovereignty is a form of settler-colonial oppression because it draws attention away from the ways that Indigenous people are continually fighting against dispossession and assumes “a level playing field” (Byrd 2014:178). Such discursive tactics portray a desired image of settler normativity: that of a settled and sovereign United States, free of conflict with its “prior” inhabitants, that disavows the historic and ongoing acts of settler violence through “replay[ing] dispossession and settlement on a mnemonic loop” (Bruyneel 2015:351). The subsistence use category, and all the narratives mobilized to conscript it into the rhetoric of White settler equal rights, or against it to conflate settler belonging with that of Indigenous people, is an Alaskan snapshot of a larger portrait of the United States’ mnemonic processes of settler identity, belonging, and normativity.

CONCLUSION

Currently in Alaska, “subsistence” has come to be imbricated with a localized, liberal settler ideology regarding non-Native residents’ rights to provide for their families and to situate their belonging. Such ideologies stand in stark contrast to the relational, communal, reciprocal, and caring nature of Alaska Native traditional food practices as evidenced by the sharing of herring eggs from Sitka Sound. Knowledge and involvement with subsistence foods for many non-Native Alaskans is, as it is for many Alaska Natives, also a marker of identity. However, White settler identity is connected to the ideological formation of Alaska as “the last frontier” and thus deeply bound up with settler temporalities and narratives of perseverance and belonging in the face of a “wild,” vast, and untamable space. Further, such forms of identification with subsistence practices connect strongly to what it means for people to “be Alaskan.” That is not to say that *only* those residents who are involved with subsistence consider themselves Alaskan, but it is to say that those residents who adhere to the White settler perspective use their knowledge and practice of subsistence as a marker of their Alaskan identity. Subsistence is, in fact, for many residents who immigrated to Alaska from the contiguous U.S., how they prove they are Alaskan. This leads to a number of important points regarding state and civil expressions of settler-colonial ideologies: These settler ideologies are accorded significance over and above Alaska Native ideologies surrounding subsistence. Within subsistence management systems, land and its resources are conceptualized in a way that privileges settler ideologies over those of Alaska Natives. Myriad ideological and material tools are mobilized to conflate Native and non-Native claims to subsistence resources. Those tools work to inform (both officially and unofficially) the way state officials interact with, interpret, and respond to Native concerns over access to subsistence resources. Settler ideologies regarding who has rightful access to the land thus fundamentally shape Alaska Native peoples’ access to it. Despite all our efforts to have our concerns addressed through state processes, they are rarely, if ever, acted upon in a way that suits the best interests of Alaska Native peoples. Similar to the *Yaww Ku.èex*, Alaska Native peoples are increasingly forming nongovernmental organizations, tribal cooperative associations, and other alternative traditional means of drawing attention to those issues that the state, and its settler population, refuses to adequately address.

NOTES

1. The term “Indigenous” is used in this article when discussing Indigenous peoples in a general, nonlocalized way. Whenever possible, the names of the specific tribes will be used. However, given that the subsistence issue is experienced by all of Alaska’s Native peoples, it will be necessary at times to speak about us as a collective. The terms “Alaska Native/s” or “Native/s” are commonly used and accepted by most tribes in Alaska when speaking about Alaska Native issues in general.
2. There are several Supreme Court rulings from the early nineteenth century that set the foundations for all federal Indian law to follow. *Johnson v. M’Intosh* (1823) determined that tribes are occupants of the land rather than owners and only the federal government could adjudicate Native land claims. In a later ruling (*Worcester v. Georgia*, 1832), it was further determined that because tribes are domestic dependent nations, states do not have authority over Indian affairs, and thus cannot make Indian law.
3. Alaska Native peoples eventually did gain federal recognition in the 1994 Tribal Lists Act.
4. The one exception being the Metlakatla Indian Community in southern Southeast Alaska, which voted not to join the ANCSA land claims settlement.
5. Data for this article comes from attending or listening to recordings of Board of Fisheries (BOF) meetings for Southeast Alaska over the last three meeting cycles (2015, 2018, and 2022). The information and perspective in this article are based on an amalgamation of those three BOF meetings, as well as interviews with BOF members and Alaska Department of Fish and Game and Tribal subsistence specialists. Persons involved with subsistence fisheries, commercial fisheries, and commercial fishing lobbying groups were also interviewed.
6. A *ku.èex'* is a ceremony, often called a “potlatch,” that is part of many Indigenous cultures along the Pacific Northwest coast. The *ku.èex'* is central to Tlingit culture and is predominantly held for “spiritual healing and the removal of grief” (Dauenhauer and Dauenhauer 1990:xi). These events also serve socio-economic functions that emphasize sharing and the redistribution of wealth, as the hosts of the *ku.èex'* distribute food and gifts to attendees. These events can last for several days and are typically filled with Tlingit oratory and dance.
7. There is a fishery near Craig on Prince of Wales Island.
8. In the commercial sac roe fishery, the egg sack is pulled from female herring of a particular age and size. To do this, however, both male and female herring are killed, including juveniles, because there is no way to fish only for female herring. It is estimated that only about 12% of what is caught is used for the market. The remaining 88% are considered bycatch and are ground up into fish meal or discarded. This excessive wastefulness and disrespect of the herring is one of the reasons so many Native people oppose the sac roe fishery.
9. A herring fisheries lobbying organization funded by commercial fisherman and processors.
10. During the 2018 board meetings, approximately a dozen Silver Bay Seafoods employees, including the company cofounder and then president Troy Denkinger, attended the meetings to testify in support of the commercial herring fishery.
11. The soundness of ADFG fisheries science data depends on who you ask and what fishery is in question. However, tribal fisheries scientists and subsistence experts regularly call their data into question during BOF testimony. One argument is that the ADFG amalgamates small scattered spawn biomass areas into a single projected amount, which makes the biomass area seem larger than it actually is. Further, because of how the ADFG is funded, most scientific research conducted by the department is focused on commercial or sport use fisheries. The ADFG issues permits for subsistence, not licenses, thus acquires no monies from subsistence users. ADFG monies for commercial and sport uses comes predominantly from licenses and is part of a matching federal grant program (Pittman-Robertson and Dingell-Johnson). The federal government issues monies to states for the management of birds, mammals, fish, and other wildlife, of which states are required to pay a 25% match of the federal grant amount. A majority of funds for ADFG come from commercial and sport use, thus a majority of research funded by the department is focused on those areas.
12. The names of all participants in the author’s ethnographic research have been changed to protect their privacy. The only names that have not been changed are those who gave public testimony during Board of Fisheries meetings or spoke publicly in the *Alaska Review* documentary.

13. *At.oww* literally means “an owned or purchased object” but is a term used specifically to describe regalia, crests, and other items, stories, or songs that are communally owned clan property.
14. Juneau did once have a healthy herring spawn population, but it was eventually wiped out. The commercial fishery officially closed in 1982 and has never reopened.
15. Although individuals are given a three-minute time limit to talk during the public comment process, there is no set amount of time allotted for any one user group. Anyone who has signed up to speak is given time, and this continues until everyone who wants to comment has spoken. One of the issues in this context is there is no official subsistence lobbying group or organization because subsistence is an inherently grassroots practice. Some tribes in southeast have traditional foods programs, but they are mainly tasked with acquiring and providing traditional foods to tribal members and only in some cases will participate in the BOF process. Conversely, nearly all commercial or sport fishing industries contribute to lobbying groups that attend these meetings to support their interests.
16. Some attempts were made after this ruling to amend the constitution to allow for a rural preference, but the majority votes necessary for constitutional amendments could never be garnered.
17. Matthew Kurtz (2006) provides an excellent discussion of how throughout the process of Alaska statehood and subsequent population booms, space became racialized to code “rural” as Native and “urban” as White.
18. There are several published works that go into exhaustive detail on the herring issue. See, e.g., Thornton (2019a), Thornton et al. (2010), and Thornton and Moss (2021).
19. Although I used a pseudonym for Ronald, I have also decided not to include the date of the interview as a further measure to protect his privacy. There is typically only one Alaska Native person on the Board of Fisheries at any one time. Including the date of the interview in the citation could potentially make it too easy to determine their identity.
20. The term “White settler perspective” is used intentionally here because there are many non-Native people who are cognizant of the state’s treatment of Alaska Native peoples and are thus generally supportive of—or at least sympathetic to—Native rights issues.
21. While some testimonials at BOF meetings do ask for a complete closure of the herring fishery, most proposals have generally sought to reduce the guideline harvest level, which is the percentage of herring the fishermen are allowed to take according to the predicted spawning population, or to move the fishery farther away from the traditional herring egg harvesting areas.
22. Indeed, the Supreme Court affirmed that being Native is not a racial classification when it ruled in *Morton v. Mancari* that it was not discrimination to implement a policy of preference for Indigenous hires within the Bureau of Indian Affairs because “Native peoples” is a description of members of a nation.
23. For example, as mentioned earlier, the collapse of herring populations throughout Southeast Alaska is directly connected to massive overfishing that was allowed prior to and during the early years of ADFG fisheries management.

ACKNOWLEDGEMENTS

This paper is modified from a chapter of my Ph.D. dissertation. I would like to thank Priscilla Schulte and Daniel Monteith for their initial guidance for this research. I would also like to thank my dissertation committee chair, Kris Peterson, for her continued support and guidance over the years. Thanks also to Yoko Kugo, Michael Koskey, and the anonymous reviewers for their editorial suggestions. Finally, this work would not be possible without the many Native traditional food experts throughout Southeast Alaska who have shared their time, expertise, and traditional foods with me, especially Charlie Skultka Sr., Francis “Amps” Carle, and Mitchell Carle. Financial support for this research was provided by the University of California, Irvine, the University of California Oceans Initiative, the National Science Foundation Graduate Research Fellowship, and the Ford Foundation Predoctoral Fellowship.

REFERENCES

Alfred, Taiaiake
 2005 Sovereignty. In *Sovereignty Matters: Locations of Contestation and Possibility in Indigenous Struggles for Self-Determination*, edited by Joanne Barker, pp. 33–50. University of Nebraska Press, Lincoln.

Anchorage Daily News

2013 Samuel McDowell Obituary. *Anchorage Daily News*, June 23, 2013. <https://www.legacy.com/us/obituaries/adn/name/samuel-mcdowell-obituary?id=17925938>

Bhandar, Brenna

2011 Plasticity and Post-Colonial Recognition: 'Owning, Knowing and Being'. *Law Critique* (22):227–49.

Biolsi, Thomas

2005 Imagined Geographies: Sovereignty, Indigenous Space, and American Indian Struggle. *American Ethnologist* 32(2):239–59.

Bruyneel, Kevin

2007 *The Third Space of Sovereignty: The Postcolonial Politics of U.S.-Indigenous Relations*. Indigenous America Series. University of Minnesota Press, Minneapolis.

2015 Codename Geronimo: Settler Memory and the Production of American Statism. *Settler Colonial Studies* 6(4):349–64.

Byrd, Jodi A.

2014 Arriving on a Different Shore: U.S. Empire at its Horizons. *College Literature* 41(1):174–81.

Case, David S., and David A. Voluck

2012 *Alaska Natives and American Laws*. 3rd ed. University of Alaska Press, Fairbanks.

Cattelino, Jessica

2006 Florida Seminole Housing and the Social Meanings of Sovereignty. *Comparative Studies in Society and History* 48(03):699–726.

Coulthard, Glen

2014 *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. University of Minnesota Press, Minneapolis.

Dauenhauer, Nora Marks, and Richard Dauenhauer

1990 *Haa Tuwunáagu Yís, for Healing Our Spirit: Tlingit Oratory*. Sealaska Heritage Foundation, Juneau.

Day, Richard J. F.

2001 Who Is This 'We' That Gives the Gift? Native American Political Theory and the Western Tradition. *Critical Horizons* 2(2):173–201.

Farred, Grant

2008 The Unsettler. *South Atlantic Quarterly* 107(4): 791–808.

Harjo, Laura

2019 *Spiral to the Stars: Muskoke Tools of Futurity*. University of Arizona Press, Tucson.

Haven, Forest Star

2022 Alaska Native People, Traditional Foods, and the Settler State: "Subsistence" and the Narrative of Settler Belonging. Ph.D. dissertation, Department of Anthropology, University of California, Irvine.

Jefferson, Thomas

1776 The Declaration of Independence. <https://billofrightsinstitute.org/primary-sources/declaration-of-independence>

Kurtz, Matthew

2006 Ruptures and Recuperations of a Language of Racism in Alaska's Rural/Urban Divide. *Annals of the Association of American Geographers* 96(3):601–21.

Kymlicka, Will

2007 *Multicultural Odysseys: Navigating the New International Politics of Diversity*. Oxford University Press, New York.

Meyers, Ronald

n.d. Recorded interview, Sitka, Alaska. Forest Haven, interviewer. Recording and transcript on file with author.

Minors, Tom

2018 Board of Fisheries public testimony, 17 January, Sitka, Alaska. Recording located at Alaska Department of Fish and Game online meeting archives, http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2017-2018/se_audio2/index.html?mediaBasePath=/Meeting%2001-17-18%20%28Jan-26-18%209-03-24%20AM%29

Moss, Madonna L., Virginia L. Butler, and J. Tait Elder

2011 Herring Bones in Southeast Alaskan Archaeological Sites: The Record of Tlingit Use of *Yaaw* (Pacific Herring, *Clupea pallasii*). In *The Archaeology of North Pacific Fisheries*, edited by M. L. Moss and A. Cannon, pp. 281–91. University of Alaska Press, Fairbanks.

Reifenstuhl, Steve

2022 Board of Fisheries public testimony, 11 March, Anchorage, Alaska. Recording located at Alaska Department of Fish and Game online meeting archives, <http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2021-2022/se/index.html?mediaBasePath=/Meeting%2003-11-22%20%28Mar-11-22%205-01-05%20PM%29>

Richland, Justin B.

2011 Hopi Tradition as Jurisdiction: On the Potentializing Limits of Hopi Sovereignty. *Law and Social Inquiry* 36(1):201–34.

Rifkin, Mark

2009 Indigenizing Agamben: Rethinking Sovereignty in Light of the ‘Peculiar’ Status of Native Peoples. *Cultural Critique* 73:88–124.

2017 *Beyond Settler Time: Temporal Sovereignty and Indigenous Self-Determination*. Duke University Press, Durham.

Seed, Patricia

2001 *American Pentimento: The Invention of Indians and the Pursuit of Riches*. University of Minnesota Press, Minneapolis.

Simpson, Audra

2008 Subjects of Sovereignty: Indigeneity, the Revenue Rule, and Juridics of Failed Consent. *Law and Contemporary Problems* 71(191):191–215.

2010 Under the Sign of Sovereignty: Certainty, Ambivalence, and Law in Native North America and Indigenous Australia. *Wicazo Sa Review* 25 (2):107–24.

2014 *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Duke University Press, Durham.

Smith, Aaron

2016 Recorded interview, 30 August, Sitka, Alaska. Forest Haven, interviewer. Recording and transcript on file with author.

Taylor, Charles, K. Anthony Appiah, Jürgen Habermas, Steven C. Rockefeller, Michael Walzer, and Susan Wolf

1994 The Politics of Recognition. In *Multiculturalism: Examining the Politics of Recognition*, edited by Amy Gutmann, pp. 25–74. Princeton University Press, Princeton.

Teves, Stephanie Nohelani, Andrea Smith, and Michelle H. Raheja

2015 Sovereignty. In *Native Studies Keywords*, edited by Stephanie Nohelani Teves, Andrea Smith, and Michelle H. Raheja, pp. 3–17. University of Arizona Press, Tucson.

Thornton, Thomas F.

2019a *The Distribution of Subsistence Herring Eggs from Sitka Sound, Alaska*. Box of Knowledge Series. Sealaska Heritage Institute, Juneau.

2019b New Study Shows Social, Cultural, Ecological Benefits of Herring Subsistence Economy are at Risk: Study Calls on State to Reform Management of Sitka Sound Roe Fishery. November 22, 2019. Press release, University of Alaska Southeast, Juneau. <https://uas.alaska.edu/about/press-releases/2019/191122-herring-roe.html>

Thornton, Thomas F., Virginia Butler, Fritz Funk, Madonna Moss, Jamie Hebert, Tait Elder, Robi Craig, Shingo Hamada, and Adela Maciejewski Scheer

2010 *Herring Synthesis: Documenting and Modeling Herring Spawning Areas Within Socio-Ecological Systems Over Time in the Southeastern Gulf of Alaska*. Project #728. North Pacific Research Board, Anchorage. https://uas.alaska.edu/research/herringsynthesis/synthesis_index.html

Thornton, Thomas F., and Madonna Moss

2021 *Herring and People of the North Pacific: Sustaining a Keystone Species*. University of Washington Press, Seattle.

Veracini, Lorenzo

2010 *Settler Colonialism: A Theoretical Overview*. Palgrave Macmillan, New York.

2013 Settler Colonialism: Career of a Concept. *Journal of Imperial and Commonwealth History* 41(2):313–33.

Walters, Matt

2018 Recorded interview, 2 July, Sitka, Alaska. Forest Haven, interviewer. Recording and transcript on file with author.

Warren, Kelly

2018 Board of Fisheries public testimony, 17 January, Sitka, Alaska. Recording located at Alaska Department of Fish and Game online meeting archives, http://www.adfg.alaska.gov/static/regulations/regprocess/fisheriesboard/swf/2017-2018/se_audio2/index.html?mediaBasePath=/Meeting%2001-17-18%20%28Jan-26-18%209-03-24%20AM%29

Wheeler, Polly, and Thomas F. Thornton

2005 Subsistence Research in Alaska: A Thirty-year Retrospective. *Alaska Journal of Anthropology* 3(1):69–103.

Williams, Gary

1982 Subsistence: Who Has the Right? *Alaska Review* 45, aired 1982. <https://youtu.be/q73ZritQgtY?si=RTy6NCEhHljM5IjS>

Wolfe, Patrick

1999 *Settler Colonialism and the Transformation of Anthropology*. Cassell, London.