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I would like to thank the Great Lakes Indian Fish & Wildlife Commission for inviting me back today to talk about co-management and the seeds of co-management as I've seen them in the early days as we developed the organization and how those visions of tribal leadership that resulted in the existence of initially the Great Lakes Indian Fisheries Commission and subsequently the Great Lakes Indian Fish & Wildlife Commission.

I think one of the things that is so important about the success that you see not only here today, but what has been going on over the last 25 years and I think historically is that success is shared by a lot of people. I know that for a lot of us who work anywhere, one of the foundations of support and the sources from which we gain strength, is our own families. I am glad to have my wife here with me today, along with two of our eight grandchildren, to witness some of what has been important not only in my life but in their lives too for the last 25 years. This is not only in terms of developing this organization and getting our feet on the ground when it comes to tribal governments taking their positions as governments and as managers of the resource, but also generally in my work as an attorney representing tribes not only in the natural resource area but in other areas. I too have been truly blessed by not only having a supportive family but also blessed by God, who has been able to give me the strength and the focus to work on these things.

The seeds of co-management, I believe, have always been within the tribes. We were certainly responsible in the early days for regulating members' conduct prior to contact and post-contact with the Europeans who came here. I think that at the time that we sort of lost control over that part of our management. The resources certainly have not done better. I think the record clearly reflects that the resources have been greatly burdened and we know now today that our absence during that period took away from what otherwise I think could have been a continuing ongoing presence that would be felt by the tribes continuing participation in the protection of those resources.

In 1979 and 1980, while I was in law school, I clerked up at the Red Cliff Reservation. My dad was the vice-chairman at the time. The chairman was Dick Gurnoe. I spent both of those summers in listening sessions with them. Red Cliff at that point had gone through a state law case which reaffirmed and recognized the tribe's commercial rights to fish in Lake Superior. The tribe was deeply engaged. Tom [Busiahn] was the first biologist they hired to begin developing their internal capacity to address their responsibility of protecting the resources and of developing the code and the regulations and a knowledge base. A knowledge base that the tribe could develop and use independent of what was already out there because what was already out there was information that had been developed by the state and/or the federal government and the provinces regarding the resources in Lake Superior.

What I learned in these two summers, in what I call those listening sessions, is that the easy part wasn't the affirmation of the right. The greatest challenge to those leaders and those governments was in re-emerging as governments with responsibilities over the resources. Those responsibilities were shared with other governments. And one of the things I learned in those two summers from both of those men was that we've been negotiating with the State of Wisconsin over fishing in Lake Superior, but there are other entities that are out there that are making decisions about those resources, and those entities have developed organizations that we do not have a presence in. What they felt was most important was to begin developing a capacity to reach into those organizations, create that presence and take their position amongst those

governments and be recognized as a part of the management of those resources. And I think that's really critical.

We did see this stuff here about the boat landings and those were difficult and challenging times also for tribal government and tribal leaders. The more challenging times were getting up to speed our ability to deal effectively and to be recognized as shared owners of that resource. There was sort of an internal and external part of that. The external part was dealing with the relations with the state. The internal part was convincing tribal members that they themselves were not sovereign and instead that the tribal government itself was the sovereign who owned the rights and were responsible for regulating their conduct as they exercise those rights in the ceded territory.

We talk about all the various challenges that tribal governments and tribal leaders had. There were a lot of them. But internally we also had to deal with tribal members' understanding of the treaties themselves. They had a notion of what the treaties meant and there was a difference of opinion even amongst tribal leadership and membership as to what that was. Once the tribes began adopting codes and enforcing their codes, there were greater and clearer divisions between tribal membership and tribal leadership as to what the authorities were. Those were challenges on top of building the capacity to respond to their newfound responsibility or re-emerging responsibility to participate in the decision making and to participate in the science of management and co-management.

I think to this day we agree to disagree about a lot of things. I think one of the things that we continue to disagree with the state generally in is the tribe's status as managers. And I think the courts even disagreed with us on that.

The practical reality of what has happened irrespective of these court decisions was that they had to set aside all of these legal definitions and terms and they had to find a way to work together to make this right. They understood that they had this shared resource and they understood we always had this argument over who had the ultimate management authority, but all of those arguments weren't going to protect the resource. We had to gain some knowledge. On the tribal side we had to gain some baseline knowledge that would help us and assist us in setting forth those requirements in the codes. Number one, that would most importantly protect the resource. Number two, create an opportunity for the exercise of the right by tribal members as reserved by the treaties themselves, and then to do that in the environment where there wasn't exclusive access but shared access to those resources. We had another government out there that had responsibility for those resources.

And in 1982 it's almost a 'Tale of Two Cities' sometimes when I think about this. On the one hand we were developing the Great Lakes Indian Fisheries Commission. In that context we had to deal with an international body called the Great Lakes Fishery Commission as a U.S./Canadian body that convened the governments of the states and the provinces in the Great Lakes to talk about and to develop strategies to deal with the resources of the Great Lakes. It was more genteel in those environments, even in the beginning.

On the other hand, the tale of the other city was the creation, in the first instance, of a relationship between tribal governments and the State of Wisconsin. It was a government-to-government relationship that was cast upon these bodies as a result of that decision in 1983, that said these rights exist and we're sending it back to the courts and the courts can deal with the state's and the tribes' ability to now define what that means in terms of self-regulation.

So in that context, it was a birth, I think it was a baptism by fire for both parties. There was a lot of disagreement over a lot of issues and what they had to figure out first was how do

we even talk to each other? And I think that was the major challenge in the beginning. How do we go forward?

I remember when I left the Great Lakes Indian Fishery Commission in 1984 to go to Fond du Lac. At the time the boat landing things were beginning to heat up in '84, '85, '86 and the relations between Indian people and non-Indians were rising and in the most unhealthy racist tones that you could imagine. In that environment, the leaders of both the states and the tribes and the scientists on both the state and the tribe sides had to figure out how they were going to be able to work together to address the new responsibility that they had to each other.

In the fall of 1984, a reporter from the Duluth News called and he asked, "Well, shouldn't the federal government just intervene, go in there and alleviate this whole problem?" And my response to that was, "That would be the greatest mistake that could ever occur." I said, "This is the first opportunity that the state and the tribes will have at creating a relationship as difficult as it may be perceived. If you take that away, when is the next opportunity for the states and the tribes to begin that relationship?" I didn't see any other opportunity if the federal government was just going to step in. So that's what tribal leadership also had on its plate. It was creating and establishing the sort of the statesman part of this whole process. It was reaching out recognizing the government-to-government status.

Both the tribal public and the non-Indian public were buried down with its pressures on each of the governments to do what they demanded to be done and irrespective of that the relationship was created. Irrespective of the headlines that you were reading every spring, these two bodies came together and they continued to work.

As you are aware, there was an initial injunction brought by the tribes against the state because the tribal members wanted their first deer hunt season after the case had been affirmed by the Seventh Circuit. That injunction was heard by the same judge who was reversed in the district court. Although we were very anxious and felt we had the ability to regulate such an activity in the fall, in that process we got our butts whipped in the federal district court. I think the writing was on the wall at that point, at least with the state, that they're going to have to accommodate what the tribes want to do and I think after that we immediately entered into some discussions that did result in a fall deer hunting season.

Although the seeds of management have always been there, they were renewed in the course of this court dispute. The parties had to create a relationship and it wasn't an easy relationship to create. The important thing was that they both understood that they had a shared responsibility and that shared responsibility was not to the users, but the shared responsibility was to the resource.

Now, while that was going on in the inland stuff, we were still working on the lake issues and that really, from my perspective, gave me a little better understanding of what co-management or cooperative management could be. Certainly there wasn't the kind of animosity and the kind of major dispute over the activities of tribal members in harvesting in the Great Lakes, whether it was in 1836 area or the 1854 area. And I know that when Tom Busiahn had introduced both Dick Gurnoe and my dad to the Great Lakes Fish Commission, they would attend their meetings, but they did not participate much. My dad would sit down in the front in the mornings and then go in the back in the afternoon and Dick would come down and sit in front in the afternoon. They knew somewhat of what they were doing but, they weren't as confident. But one of the things that they thought was important was simply having that presence, not even so much as the Red Cliff tribal folks being there but just tribal folks being there.

And as we proceeded on and we created the Great Lakes Indian Fishery Commission, we got the six original tribes to participate. They were Grand Portage, Fond du Lac, Red Cliff, Bad River, Keweenaw Bay and Bay Mills. We had talked to the Chippewa Ottawa Management Authority. I think that's what they were called when I first talked to them. They politely said "No, we're not interested in being a part of your organization." Wade Teeple called back later and said, "Well, I think we'd be interested, even though you're predominantly dealing with the 1842 area in Lake Superior."

We began to have more activity within the Great Lakes Fish Commission itself, and although we weren't fully accepted, there wasn't anything negative about our presence and our interest in participating. One of the things that we could have done, as I look back at it, is demanded, you know, some tribal presence on some of those committees. At the time the leadership said "Well, let's just, do what some of the others are doing. Let's roll up our sleeves, get involved in the technical committees, and work on some of these issues."

You know the neat thing about the tribal impact, whether it's co-management or natural resources, generally during this period, has been our ability. We're dealing with institutions that have been around for a couple hundred years. Their leaders decide on the top where those institutions are going to spend their money because they have limited resources also. They have the responsibility for the theories under which they are going to proceed in dealing with the resources.

Part of what we bring to the equation, is we stole from them some of their best younger minds and their biologists. These were the younger minds who had different theories than the guys who had been there for 30 years. Their theories were not given any daylight and they didn't want to wait around for 10 years or 15 years to get their theories up to the top. They became part of our staff and all of a sudden they were peers, they were colleagues, they were equals to the folks that were the head of the institutions in the states or provinces.

And we began contributing with those new theories and developing science. I think that ended up, resulting in a better understanding for management of the resources and over time a recognition that the tribes did have something to contribute. In that environment, in the Great Lakes and the international body was a little more acceptance of who we were and what we were there for. It was a little more of a fight on the other side, that's why I say it's sort of a tale of two cities.

Now, my sense is that this is one thing that the tribal leadership had to deal with. They had to build the capacity to respond to their responsibility as owners of a shared resource. They had to deal with the law enforcement. They had to deal with the judiciary, as we've heard today.

Internally, can you imagine, how many tribes would have been interested in delegating some of the authority that they originally delegated to this body, the Great Lakes Indian Fish & Wildlife Commission, to do the work that it's been doing. As sovereigns, it's a very far leap of faith, I think, to come together and delegate some of that jealously guarded sovereignty to an intertribal organization that you hope is going to do a very good job for you. Tribal leadership had the pressures of dealing with that. Once we were operational and once the codes were adopted and were being implemented, tribal members were going to be cited by GLIFWC wardens or from wardens from other Bands. They didn't like that anymore than they liked getting cited by state officers, but we had to overcome all of those things too in order to achieve what this organization has achieved.

One of the things in its period of existence that I certainly wasn't responsible for but was part of observing, was that piece that was always missing and that was making the work of this

organization relevant from a cultural perspective. Jim Schlender made the work of this organization relevant to us from a cultural perspective, and created a new purpose for us. It wasn't just about us operating at as sovereign governments in the exercise of protecting these resources. It had a different cultural meaning for us and I think that's what Jim had done for this organization. I think what that did is to the extent there were disagreements, and there will always be disagreements between tribes, is that it tightened the bond of this organization and its usefulness to tribes. I think it made it better from the perspective of doing its fundamental job, which is assisting in the management of these treaty resources.

The challenge going forward into the future is not inconsequential. I think it's even greater. We have an environment that has been degraded so much that the resources are really in jeopardy. I look forward to this organization being a part of problem-solving going forward rather than engaged in pitched battles. I believe I can say we're past the pitched battles.

But again, thank you. It's great to be here for the 25th anniversary of this organization. I think this organization will have a long life and that the tribes will continue their support. Thank you.