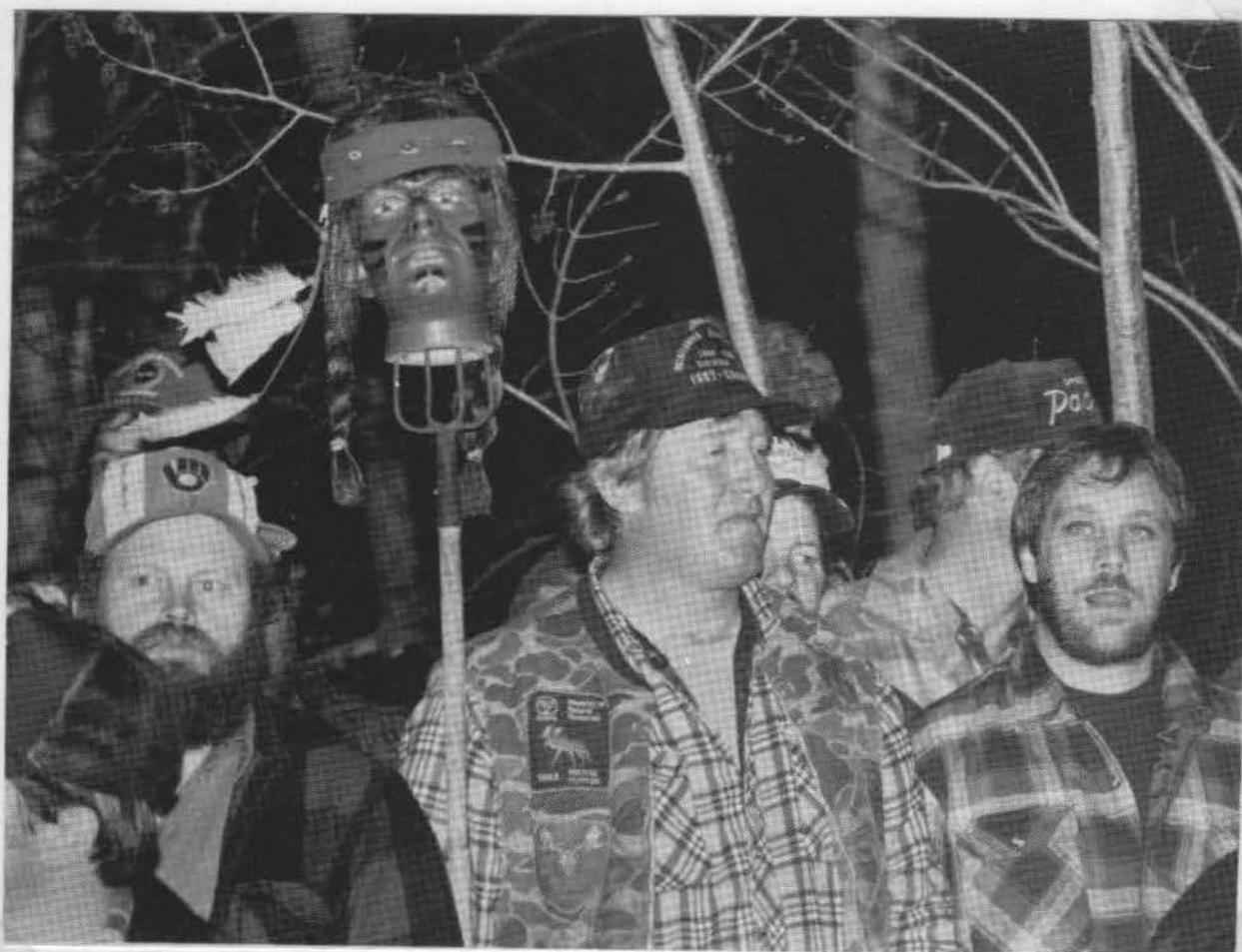


Moving Beyond Argument

Racism & Treaty Rights



**Great Lakes Indian Fish & Wildlife Commission
Public Information Office
P.O. Box 9
Odanah, WI 54861
(715) 682-6619**

Moving beyond argument Racism and treaty rights

“Great nations like great men must keep their word. When America says something, America means it, whether a treaty or an agreement or a vow made on marble steps.” (from the inaugural address of President George Bush)

Introduction

While President Bush has vowed to honor this nation’s treaties and the U.S. Constitution declares treaties to be the “supreme law of the land,” controversy has been waging over the abrogation of Indian treaty rights for years. This not only has occurred in Wisconsin, but in states throughout the nation where Indian treaty rights have been re-affirmed through our federal courts.

Unfortunately, the debate has frequently disintegrated into overt displays of racism with Indian people as the target. It is the concern of the Great Lakes Indian Fish and Wildlife Commission that individuals and organizations begin to recognize and confront racially-motivated actions. It is our hope that the following booklet will provide some basis for understanding both the treaty issues, the nature of racism and the impact of racism in and on our communities.

The debate and beyond

The Chippewa Indians in Wisconsin have been exercising their court-affirmed treaty rights to hunt, fish and gather on off-reservation ceded territories for six years. From the onset of their off-reservation harvest, protest has been heard and witnessed in many guises in Wisconsin. Protest has centered around claims of resource depletion, adverse economic impact and "unequal rights" for non-Indians.

Debate has raged on many levels through the years since the United States Supreme Court of Appeals refused to hear the state of Wisconsin's appeal of the "Voigt Decision," which re-affirmed Chippewa treaty rights, in 1983 (see Appendix I). That refusal signaled that the conclusions of the three judge panel of the United States 7th Circuit Court of Appeals, which recognized the usufructuary rights of the Chippewa, would stand. Since that time issues have been debated in legitimate forums, including courts, political debate, and discussion among the general public through meetings or the media. However, all too frequently, the argument on the issues has been abandoned and protest has taken the form of violence, hate, racial slurs and mob action.

Legal argument

Since the 1983 Voigt Decision much has had to be determined through further court hearings. These court proceedings have been entitled phases of the Voigt trial and have defined the scope of the rights and the regulation of each season. Tribal and state attorneys have met on numerous occasions in the court-room to argue the case, bringing expert testimony from both sides. While the state has pushed to minimize the scope of the rights, the tribes' position has naturally been one to maximize the rights. Issues debated in court have included the kind of species which are harvestable, the amount of given species, the degree of state regulation required, and allowable methods of harvest. Litigation is still on-going and represents one level of debate on treaty issues.

Political debate

Political argument is another level of debate and occurs both on and off reservations. The role of the federal and state governments in implementation of treaty rights and negotiations has involved political leaders from various parties. Po-

Excerpted from "Social Structure and Cultural Pattern," The Nature of Prejudice by Gordon Allport.

"... there are many economic, international, and ideological conflicts that represent a genuine clash of interests. Most of the rivalries that result, however, take on a great amount of excess baggage. Prejudice, by clouding the issue, retards a realistic solution of the core conflict. ...

Realistic conflict is like a note on an organ. It sets all prejudices that are attuned to it into simultaneous vibration. The listener can scarcely distinguish the pure note from the surrounding jangle."

litical argument has centered on state involvement in enforcement at spearfishing landings, negotiated settlement with the tribes, and or abrogation of treaties. Typically in the past six years, Chippewa treaty rights have been a "hot potato" politically, with political figures caught between upset and vocal anti-treaty constituents and the court-affirmed rights of the Chippewa people.

Some political leaders agree with anti-treaty activists and support a movement to abrogate (or break) the treaties through an act of Congress, the only course which can circumvent the court. An abrogation bill (see page 3) was actually proposed by Rep. James Sensenbrenner in 1987 and has been used as a tool to "encourage" tribes to relent on the exercise of their legal rights. Other political leaders have pressed for negotiations and settlement between tribes and the state of Wisconsin, while a few have supported the Chippewa in the regulated exercise of their rights. Some leaders have threatened to diminish tribal programs unless tribes negotiate (see letter from congressional delegation on opposite page).

Debate has also regularly occurred between state and tribal leaders in terms of negotiating "interim" harvests of deer, fish, and other species. More recently, some tribes have been negotiating with state officials over an agreement which may lease some of the retained rights. These debates have typically occurred over a negotiating table and involve the advice of resource management experts from both tribes and state, tribal and state political leaders, and attorneys who can aid in

(continued on page 6)

(The following letter was sent to Wisconsin Chippewa Chairmen from the Wisconsin Delegation and is indicative of political pressure exerted on the tribes to diminish the exercise of their rights.)

We are writing to express our deep concern regarding what we understand to be tribal intentions to engage in a heavy harvest of walleye from up to 254 lakes in northern Wisconsin.

We fully understand that courts have determined that the tribes have certain rights with regard to hunting and fishing in the ceded territory, but we are greatly concerned that the tribes exercise those rights in a manner that does not create a danger to the livelihood of anyone else, or unfairly impinge on the ability of others to also use the resource in a given area.

The court has provided ample authority for the tribes to exercise their court-determined rights in a manner that would not in fact shut down lakes in the ceded territories to non-tribal fishing. We urge the tribes to be sensitive enough to exercise restraint sufficient to prevent individual lakes from being limited only to "catch and release" fishing for other people who also have a right to share the resource — especially when, as we understand it, many of the lakes would not even have walleye if it were not for state stocking programs financed by license revenue. It is our understanding that some tribes appear to be exhibiting such restraint in their planning, but that others may not be.

The tribes have a legal right to exercise rights defined for them by the courts. But, common decency and fairness require that those rights be exercised in a manner which does not eliminate the rights of others to share in the resource or threaten the livelihood of resort owners on individual lakes because of the refusal to share that resource on any given lake.

Obviously, if the tribes choose, they can legally exercise these rights without exhibiting due sensitivity to the needs of other groups. But, the tribes will then have to appreciate that if they do engage in tribal activities that needlessly inflame the situation and needlessly abuse the rights of other groups to share in the resource, then members of the congressional delegation will certainly have to take into account the tribes' lack of cooperation and their lack of sensitivity in assessing tribal requests for federal grants and projects.

It is important to all of Wisconsin that tribal members, non-tribal fishermen and government officials all approach this issue in a cooperative, balanced and restrained manner.

The congressional delegation is committed to the proposition that all citizens must conduct themselves in a manner which does not cause undue hardship to other groups and parties. Common sense as well as common fairness dictates that. The delegation will be paying very close attention to which tribes demonstrate the sensitivity required in this situation and which tribes don't.

Sincerely,

A collection of handwritten signatures arranged in two columns. The signatures are: (left column) a large stylized signature, Herb Doherty, W. A. (with a large 'A' circled), Boby Roth, and Tom Moody; (right column) Rick Koval, Jim Deanehamer, Tom Pat, Steve G. (with a large 'G'), and Bob Kesterman. Below these columns is a signature for Russ D. Keyka.

Sensenbrenner's abrogation bill

H.R. 2058

IN THE HOUSE OF REPRESENTATIVES
April 18, 1989

Mr. Sensenbrenner introduced the following bill; which was referred to the Committee on Interior and Insular Affairs

A BILL

To abrogate off-reservation, usufructuary rights of Indian tribes to hunt, fish, and gather in the State of Wisconsin.

Be it enacted by the Senate and House of Representatives of the United States of American in Congress assembled,

SECTION 1. ABROGATION OF OFF-RESERVATION USUFRUCTUARY RIGHTS OF INDIAN TRIBES IN THE STATE OF WISCONSIN.

Any off-reservation, usufructuary right to hunt, fish, and gather granted to any Indian tribe by any treaty, law, Executive order, or Federal court order which may be exercised in the State of Wisconsin is hereby abrogated.

SECTION 2. DEFINITIONS.

For the purposes of this Act—

(1) the term "Indian tribe" means any tribe, band, nation, or other organized group or community of Indians which is recognized by the Federal Government as eligible for special programs and services provided to Indians because of their status as Indians; and

(2) the term "reservation" means any lands held in trust by the Secretary of the Interior for the use and benefit of an Indian tribe.

(This resolution was passed by the Ashland City Council on May 12, 1987. It is an example of local political pressure to abrogate treaty rights.)

RESOLUTION

RESOLUTION TO REQUEST FEDERAL REVIEW, REVISION, OR ELIMINATION OF INDIAN TREATIES

WHEREAS, treaties between the Federal government and the Indian tribes perpetuate a state of different rights for different Americans; and,

WHEREAS, the issue of treaty rights has been very destructive to racial harmony; and,

WHEREAS, treaties adopted decades ago may not be realistic with today's conditions and attitudes; and,

WHEREAS, the granting of special rights to any citizen based on ancestry goes against the philosophy of "equal justice under law" and the notion that all Americans are equal in the eyes of the law and have equal rights and responsibilities to this nation.

NOW, THEREFORE, the Ashland City Council respectfully asks our Federal delegation to take positive action to have a review, revision or elimination of treaties.

PASSED: 5/12/87

APPROVED: 5/13/87

ATTEST: /s/ Jane S. Smith, City Clerk

/s/Daniel O. Theno, Mayor

(The article below illustrates the struggle between political leaders and their reluctance to deal with overt racism in regard to treaty issues.)

Stitt fans the flames over spearing, racism

Is State Sen. Donald K. Stitt, R-Port Washington, trying to build a constituency in northern Wisconsin?

That's certainly the way it seems, judging from his criticism of a fellow state legislator, Rep. James Holperin, D-Eagle River, over spearfishing. On a public radio program this week, Holperin said he was sometimes ashamed to represent the people in his district who are violently demonstrating against Indian spearfishing and retaliating with racist remarks against the Chipewas.

That comment riled Stitt, who has sided with the protesters.

"Certainly, the racist statements made at the landings are regrettable," Stitt said, but added that Holperin might not fully understand

the strong feelings of many of his constituents.

Regrettable? Pardon us, Mr. Stitt, but racism is much more than just "regrettable." It's a poison, whether it's overt or subtle. Holperin was in no way out of line for commenting on racist remarks and attitudes that have seeped into his district and much of the rest of the state.

In Boulder Junction, drawings of a giant fish sticking a spear through the head of an Indian were circulated at an elementary school.

That isn't racist?

Holperin should be applauded for having the courage to speak out, and Stitt should be ashamed of himself for his out-of-line comments that do nothing but fan the fires of hatred that are already out of control in the northwoods.

determining seasons, quotas, and/or worth of tribal off-reservation harvests.

Argument amongst the general public

Debate has also occurred at the public level, with arguments flaring at kitchen tables among families, in restaurants, or through letters to the editor which sometimes vehemently oppose or support treaty rights. Frequently, participants at this level have lacked the information available in the other forums for argument. Nevertheless, genuine issues for discussion are apparent. For instance, resource depletion, adverse economic impact, and the legality of the treaties have all been subjects of contention for the past six years, and are all subjects which can be legitimately argued or discussed.

Much of the argument, however, carries emotional overtones. But, feelings often do not pertain to the issue and reduce the argument to one of personal preference, like preferring apple to blueberry pie. This can become the cutting edge where solid discussion and disagreement move into hostilities which reflect prejudice rather than reason. This is where racism enters the picture as Wisconsin confronts treaty-related issues. Unfortunately it is observable in both the general public and state leaders.

Racist argument

Some members of the general public have exceeded the bounds of discussion and debate since the Chippewa first began the exercise of their treaty rights. (see cover picture of protester at a spearfishing landing in April, 1989) They have chosen to express their opinion with death threats, racial slurs and acts of violence. White Rights groups have formed in the state with the single purpose of abrogating the treaties. Protests have escalated into mobs harassing and threatening Indian people, as well as injuring Indian people and their property. To label mob harassment either as "protest" or "debate" is euphemistic. Rather it avoids the forum of discussion and disregards both the law and legal rights. This is a fearsome phenomenon. Actions with the intention of prohibiting the Chippewa from exercising legal rights, such as blocking landings, overturning or rocking Chippewa boats, and inflicting bodily harm also go beyond legitimate "protest" by disregarding the law.

When people move beyond the argument,

avoid legitimate discussion and rely on racial slurs, violence and force, it is time to look more closely at what is occurring in Wisconsin and why.

Understanding Racism

Excerpt from, "The Condensation of Attitudes around Visible Cues," The Nature of Prejudice by Gordon Allport

"Whatever the reason, skin color to a white person is a salient feature, as visible as a shooting star, and symbolically important. On the whole, the colored people of the world make less of the matter. Skin color to them in general seems more or less irrelevant to the basic problems of life. A Negro woman was plaintiff in a case involving a restrictive covenant. The lawyer for the defense questioned her, "What is your race?" "The human race," she replied. "And what is your skin color?" "Natural color," she answered.

Racism is the result of prejudice combined with power. In our society power is usually held by the white majority. Consequently, our concerns with racism are most often with white racism, which is reflected in individuals as well as our major social institutions. However, this does not mean that racism, and more typically, prejudices, are not held by members of all races. Nor does it mean that all white people are racists. The critical factor is the power of prejudiced people to detrimentally impact other races because of those prejudices, and ultimately, whether decisions are based on facts or prejudice. Our job is to both understand racism as it operates in our society and to sort out prejudice from the argument in order to form a healthy basis for discussion.

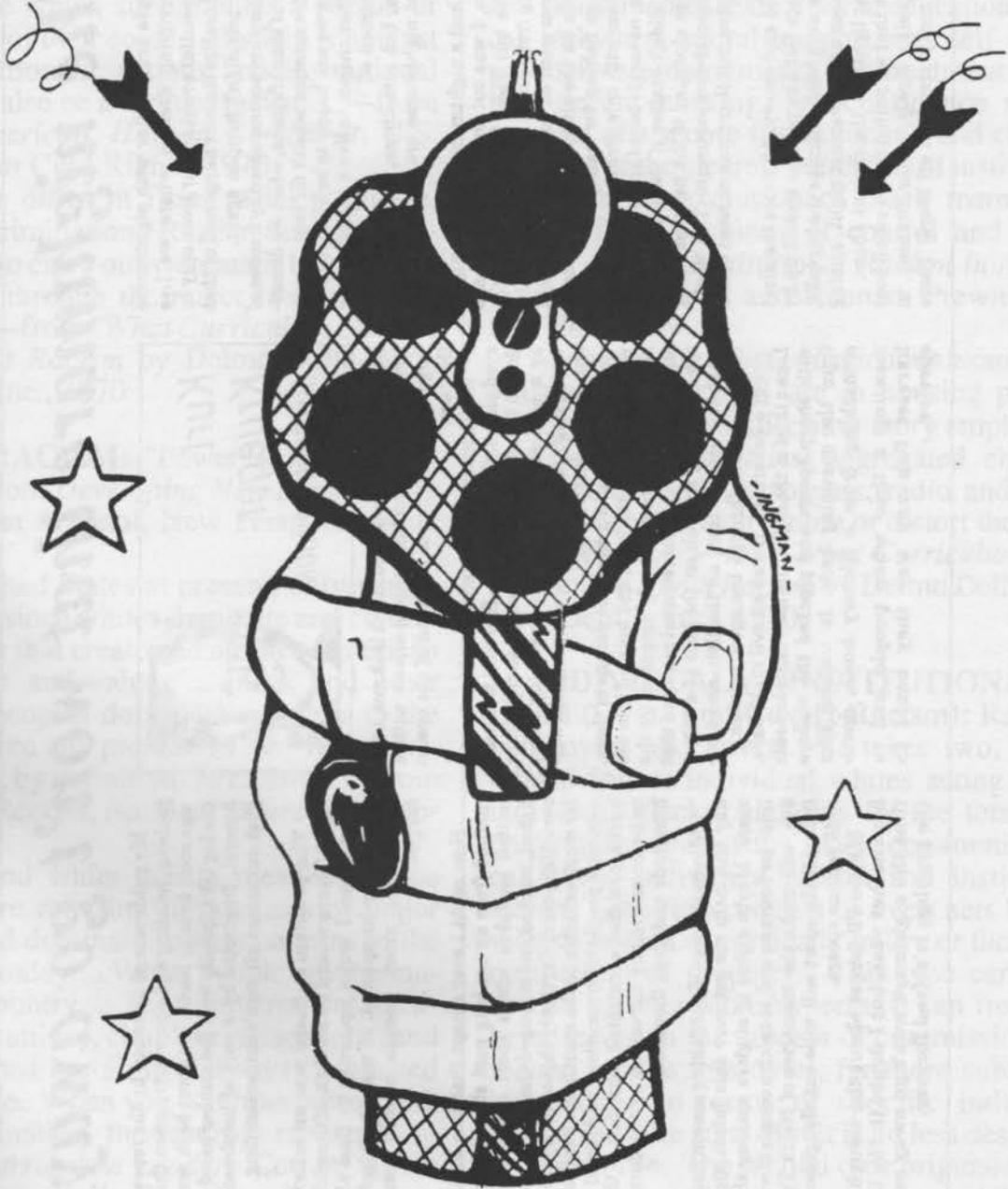
Definitions of Racism

The following definitions were taken from a brochure published by the Council on Interracial Books for Children. They are reprinted below to provide some basis on which to examine both the nature and possible extent of racism.

PREJUDICE: "Preconceived judgment or
(continued on page 9)

(This "poster" was found in an Eagle River bar and also seen on car windows at boat landings. It's a clear picture of the violence associated with the protest of treaty rights.)

SPEAR...



...THIS !!!

The nightmare that won't go away

Most people are familiar with nightmares — those terrifying dreams where we live through a dreadful event in our lives only to wake up and realize it never happened, or that a previous crisis didn't happen again.

Usually they are accompanied by a sense of relief, a sigh of thankfulness, when we discover that the devastation wasn't for real. Those are the times we are happy to be alive, happy to have another chance to live a better course than we dreamed of.

Not often, but sometimes, the things we hope are just nightmares are really happening.

I think I had a nightmare the other night. In my dream, I was out on North Twin Lake with who else but Todd Powell, a top-notch walleye guide from Eagle River. Powell is the kind of guy you want on your side when a cold front moves in on the only day of the month you have to go fishing for walleye.

The problem with this dream was — there were no poles, no tackle boxes and no bucket of minnows. It didn't matter if we brought our fishing license along, or if the net was stuck away in a special compartment. The depth finder was there, but there was no need to use it.

It was cold and snowy. At times the sleet hitting my face felt like pebbles kicked up by the wind. We were headed across the big lake, in the darkness of an overcast night, aiming for some boat lights on the distant shore.

I dreamt that we pulled near a small boat that was cruising slowly, motor running, in the shallow rocky area just off shore. There

Kurt
Krueger

OUTDOOR OPINION



were men there, men who didn't look much different than I, combing the shallows with a large light attached to the head of the one in the bow.

We watched as the lead man shined wall-eyed pike in the shallows — fish that had been driven there by a natural instinct to reproduce by a process referred to as spawning. They were mostly in a foot or two of water, and walleye were everywhere.

The fish, one at a time but dozens of them, were stabbed in the back and hoisted into the boat. Many were so deeply impaled by the sharp spear points that removal required that the man snag the fish on the side of a tub, a wash tub used to store all the fish, and force the barbs back through the open wounds.

For a fisherman, it was an evil nightmare. Like a thief in the night, the men came in boats with sharp spears and plucked the walleye from the spawning beds. It looked like something from a history book, documenting a time when people had to harvest fish any way they could to survive.

My guide was so sickened by the repeated jabbing, hoisting and spear extrication that it was soon time to leave. We went back across the big lake, quietly with the somber mood of a funeral, frustrated by a sort of helplessness that surpasses all men's understanding.

The problem is, there was no relief in sight. There would be no sigh of thankfulness when I woke up, only to find that this never happened. It was the kind of nightmare most people would never forget.

How could I ever accept that this ancient method from an era long past should be permitted on lakes where sport anglers have fished, stocked and managed the resources for over 100 years? Certainly those walleye were far more valuable to the sportfishing industry — where people take vacations and spend big bucks for a shot at catching some fish — than to be commercially harvested by the dozens, hundreds and even thousands.

Maybe the opening of fishing season Saturday will help me get over this latest nightmare. Maybe sights of anglers soaking their lines for hours on end, to catch a couple of walleye, will make the memories of North Twin fade. Maybe sport will wipe out slaughter as rods replace spears.

Maybe I'll forget about the slaughter for another year, but I doubt it. No, this time the nightmare won't go away until the problem is solved forever.

Vilas Co. News
4-3-89

opinion; an adverse opinion or learning formed without just grounds or before sufficient knowledge; ... an irrational attitude of hostility directed against an individual, a group, a race, or their supposed characteristics." —from *Websters Ninth New Collegiate Dictionary*, Merriam-Webster, 1983

RACISM: "Any attitude, action or institutional structure which subordinates a person or group because of their color ... Racism is not just a matter of attitudes: actions and institutional structures can also be a form of racism." —from *Racism in American, How to Combat it*, U.S. Commission on Civil Rights, 1970

"Racism is different from racial prejudice, hatred, or discrimination. Racism involves having the power to carry out systematic discriminatory practices through the major institutions of our society." —from *What Curriculum Leaders Can Do About Racism* by Delmo Della-Dora, New Detroit, Inc., 1970

WHITE RACISM: "Power + Prejudice = Racism." —from *Developing New Perspectives on Race* by Pat A Bidol, New Perspectives on Race, 1972

"In the United States at present, only whites can be racists, since whites dominate and control the institutions that create and enforce American cultural norms and values ... black and other Third World peoples do not have access to the power to enforce any prejudices they may have, so they cannot, by definition, be racists." —from *Education & Racism, National Education Association*, 1973

"Racism and white racism mean the same thing, if we are referring to practices of major institutions and dominant society patterns in the United States today ... White people are the majority in the country ... Thus, government, business, industry, unions, churches, educational and other institutions are almost always dominated by white people. When you combine power with racial discrimination, the result is racism." —from *What Curriculum Leaders Can do About Racism* by Delmo Della-Dora, New Detroit, Inc. 1970

INSTITUTIONS: Relatively stable social arrangements and practices through which collective actions are taken. Examples of institu-

tions are government, business, unions, schools, churches, courts and police.

INSTITUTIONAL RACISM: "Institutions have great power to reward and penalize. They reward by providing career opportunities for some people and foreclosing them for others. They reward as well by the way social goods are distributed—by deciding who receives training and skills, medical care, formal education, political influence, moral support and self-respect, productive employment, fair treatment by the law, decent housing, self-confidence and the promise of a secure future for self and children.

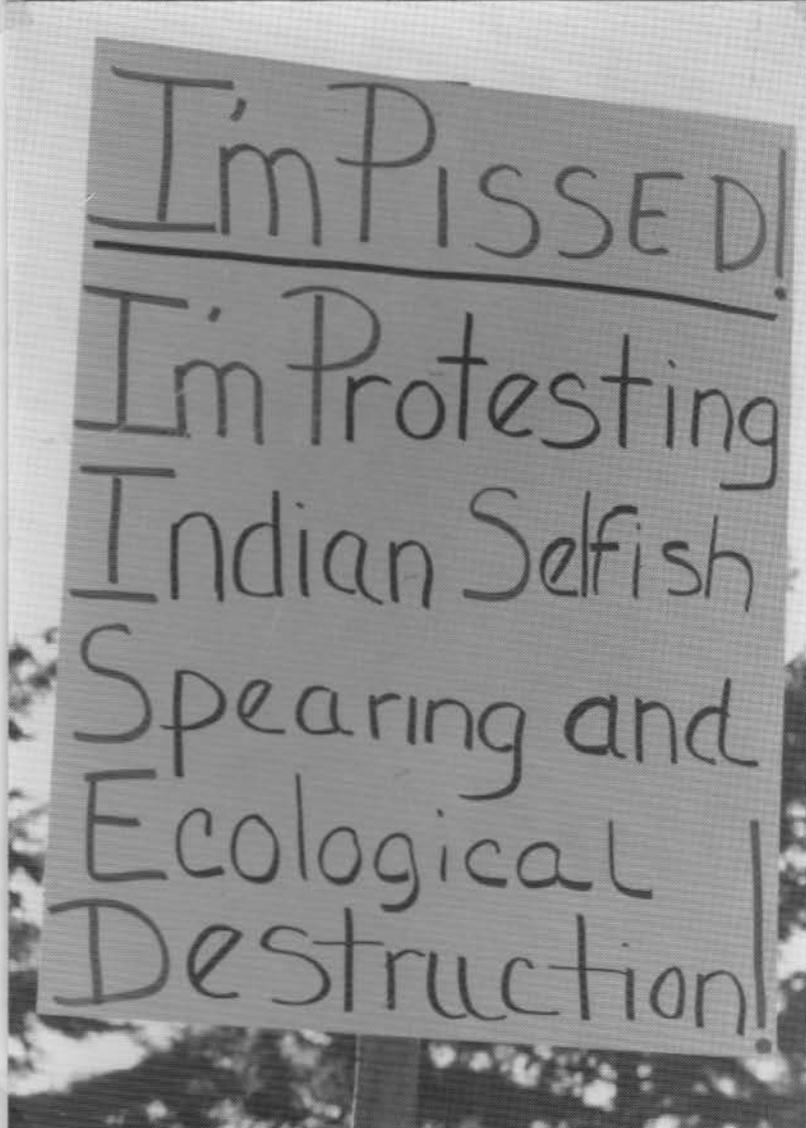
"One of the clearest indicators of institutional racism is the exclusion of black members of society from positions of control and leadership." —from *Institutional Racism in America* by Louis Knowles and Kenneth Prewitt, Prentice-Hall, 1969

"Some of the most conspicuous examples of {institutional racism} are in housing patterns; segregated schools; discriminatory employment and promotion policies; segregated churches; white control of newspapers, radio and TV; ... and textbooks which ignore or distort the role of black people." —from *What Curriculum Leaders Can Do About Racism* by Delmo Della-Dora, New Detroit, Inc., 1970

INDIVIDUAL VS. INSTITUTIONAL RACISM (Overt and Covert Racism): Racism is both overt and covert. It takes two, closely related forms; individual whites acting against individual blacks, and acts by the total white community against the black community. We call these individual racism and institutional racism. The first consists of overt acts by individuals, which cause death, injury or the violent destruction of property. This type can be recorded by television cameras; it can frequently be observed in the process of commission. The second type is less overt, far more subtle, less identifiable in terms of specific individuals committing the acts. But it is no less destructive of human life. The second type originates in the operation of established and respected forces in the society, and thus receives far less public condemnation. ...

"When white terrorists bomb a black church and kill five black children, that is an act of
(continued on page 11)

(Signs at Protect Americans' Rights and Resources (PARR) rallies.)



individual racism, widely deplored by most segments of society. But when in that same city—Birmingham, Alabama—five hundred black babies dies each year because of the lack of proper food, clothing, shelter and proper medical facilities, and thousands more are destroyed or maimed physically, emotionally, and intellectually because of conditions of poverty and discrimination in the black community, that is a function of institutional racism." —from *Black Power* by Stokely Carmichael and Charles Hamilton, Vintage, 1967

ETHNOCENTRISM: "A tendency to view alien cultures with disfavor and a resulting sense of inherent superiority." —from *Webster's Third International Dictionary*, G & C Merriam, 1965

CULTURAL RACISM: "When whites use power to perpetuate their cultural heritage and impose it upon others, while at the same time destroying the culture of ethnic minorities." —from *Teaching Ethnic Studies*, national Council for the Social Studies, 1973

PATERNALISTIC RACISM: Whites, alone, set standards to which all peoples are expected to conform. These standards and decisions are made with the best of intentions, but they perpetuate the assumption of white superiority. —excerpted from *Developing New Perspectives on Race* by Pat A. Bidol, *New Perspective on Race*, 1972

RACIST SOCIETY: "Is one in which social policies, procedures, decisions, habits and acts do in fact subjugate a race of people and permit another race to maintain control over them ... No society will distribute social benefits in a perfectly equitable way. But no society need use race as a criterion to determine who will be rewarded and who punished. Any nation which permits race to affect those who benefit from social policies is racist." —from *Institutional Racism in America* by Louis Knowles and Kenneth Prewitt, Prentice-Hall, 1969

EXAMPLES OF RACISM:

1. Teacher to Native American, Puerto Rican and/or Chicano child: "For your own good, you will be punished if I ever hear you using any language but English in class."

2. A store clerk suspects that Black children in his store want to steal candy but that white children what to buy candy. He treats the Black Children as probable delinquents and the white children as probable customers.

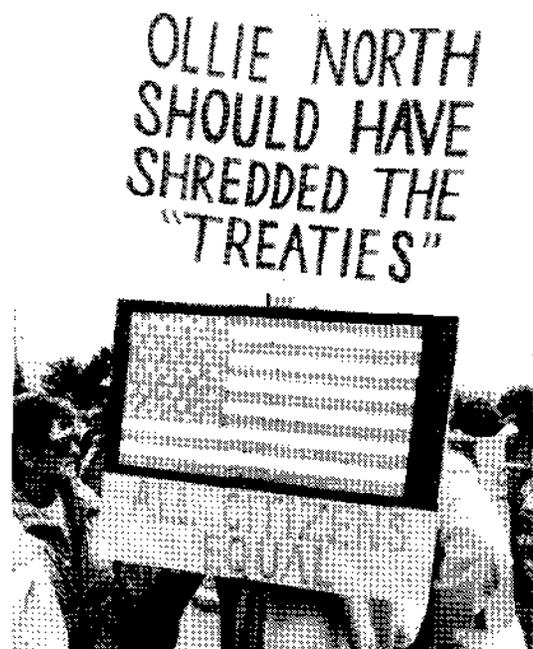
3. A suburban community passes a zoning law prohibiting low-cost multiple dwelling housing. Its official reason is to prevent overcrowding, but the effect is to prevent minorities from moving to areas where industry is expanding and jobs are available.

4. A Black and a white family both move and enroll their children in a desegregated school. Previous school records have not yet arrived. The guidance counselor puts the white child in an upper "track" class and the Black child in one of the lower "track" classes.

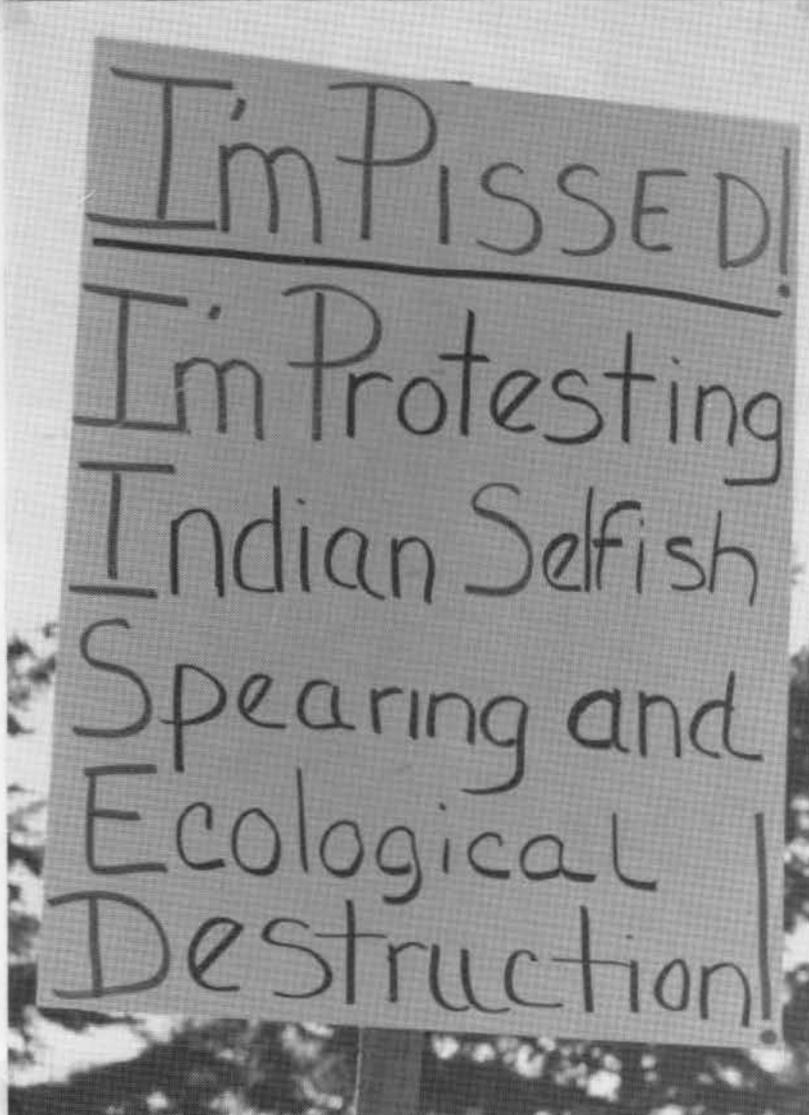
5. Text books which teach: Columbus "discovered" America ... the pioneers "settled" the West ... and have a chapter on the "The Black Problem" or "The Indian Problem," but never on "The White Problem."

Further analysis of racism in America is provided in Appendix II, which contains several articles, "Roots: A History of Racism in America and "Learning to Hate," from a report prepared by the Southern Poverty Law Center as well as the FCNL Newsletter. Appendix III contains a speech prepared by Bishop William Wantland, Episcopalian Archdiocese of Eau Claire, which addresses more specifically racism in light of treaty issues.

(continued on page 13)



(Signs at Protect Americans' Rights and Resources (PARR) rallies.)



individual racism, widely deplored by most segments of society. But when in that same city—Birmingham, Alabama—five hundred black babies die each year because of the lack of proper food, clothing, shelter and proper medical facilities, and thousands more are destroyed or maimed physically, emotionally, and intellectually because of conditions of poverty and discrimination in the black community, that is a function of institutional racism." —from *Black Power* by Stokely Carmichael and Charles Hamilton, Vintage, 1967

ETHNOCENTRISM: "A tendency to view alien cultures with disfavor and a resulting sense of inherent superiority." —from *Webster's Third International Dictionary*, G & C Merriam, 1965

CULTURAL RACISM: "When whites use power to perpetuate their cultural heritage and impose it upon others, while at the same time destroying the culture of ethnic minorities." —from *Teaching Ethnic Studies*, National Council for the Social Studies, 1973

PATERNALISTIC RACISM: Whites, alone, set standards to which all peoples are expected to conform. These standards and decisions are made with the best of intentions, but they perpetuate the assumption of white superiority. —excerpted from *Developing New Perspectives on Race* by Pat A. Bidol, New Perspective on Race, 1972

RACIST SOCIETY: "Is one in which social policies, procedures, decisions, habits and acts do in fact subjugate a race of people and permit another race to maintain control over them ... No society will distribute social benefits in a perfectly equitable way. But no society need use race as a criterion to determine who will be rewarded and who punished. Any nation which permits race to affect those who benefit from social policies is racist." —from *Institutional Racism in America* by Louis Knowles and Kenneth Prewitt, Prentice-Hall, 1969

EXAMPLES OF RACISM:

1. Teacher to Native American, Puerto Rican and/or Chicano child: "For your own good, you will be punished if I ever hear you using any language but English in class."

2. A store clerk suspects that Black children in his store want to steal candy but that white children want to buy candy. He treats the Black Children as probable delinquents and the white children as probable customers.

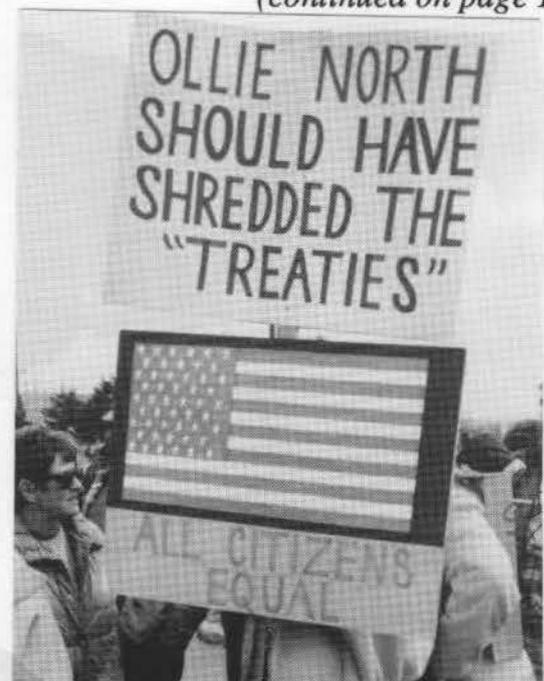
3. A suburban community passes a zoning law prohibiting low-cost multiple dwelling housing. Its official reason is to prevent overcrowding, but the effect is to prevent minorities from moving to areas where industry is expanding and jobs are available.

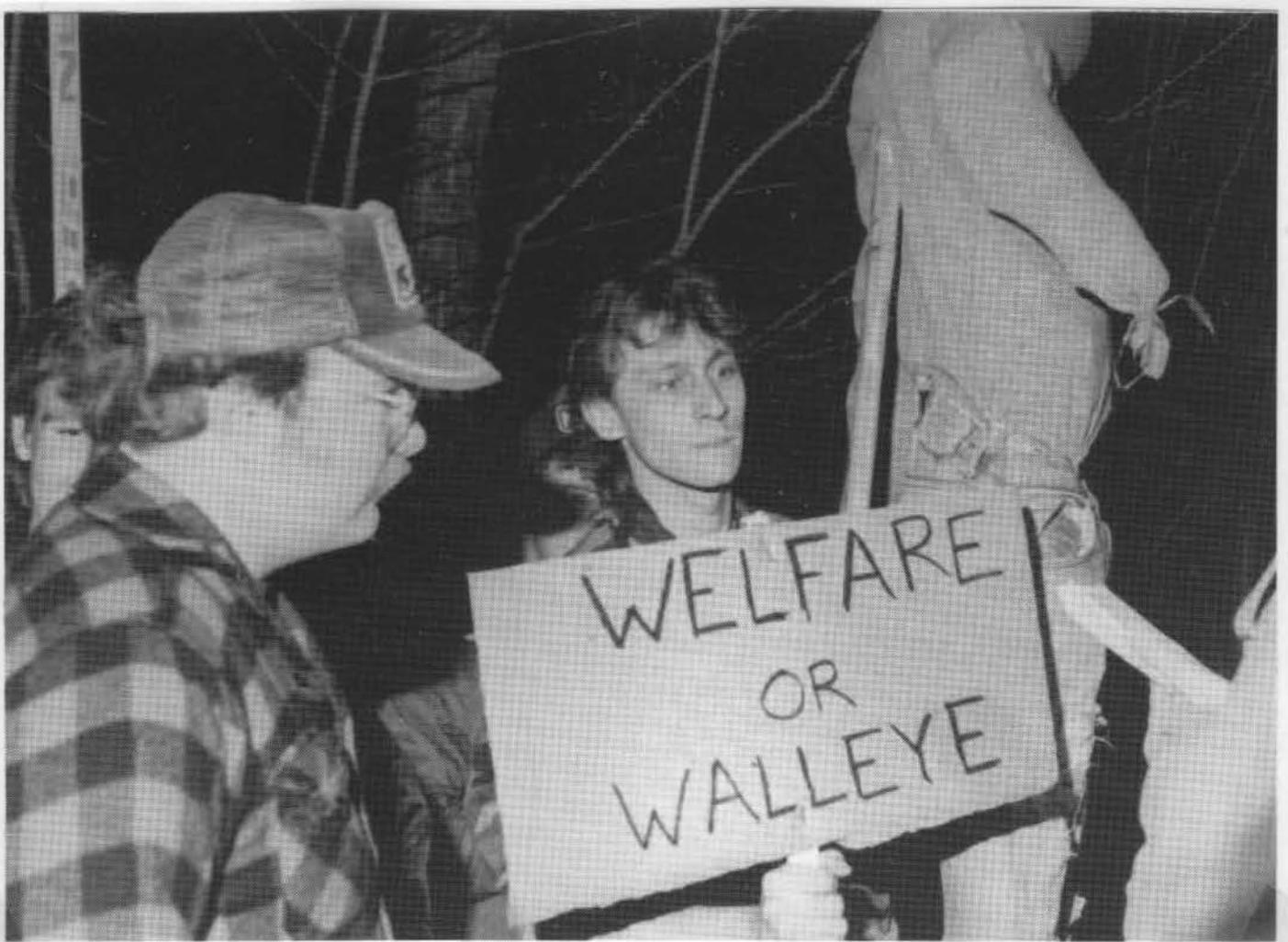
4. A Black and a white family both move and enroll their children in a desegregated school. Previous school records have not yet arrived. The guidance counselor puts the white child in an upper "track" class and the Black child in one of the lower "track" classes.

5. Text books which teach: Columbus "discovered" America ... the pioneers "settled" the West ... and have a chapter on the "The Black Problem" or "The Indian Problem," but never on "The White Problem."

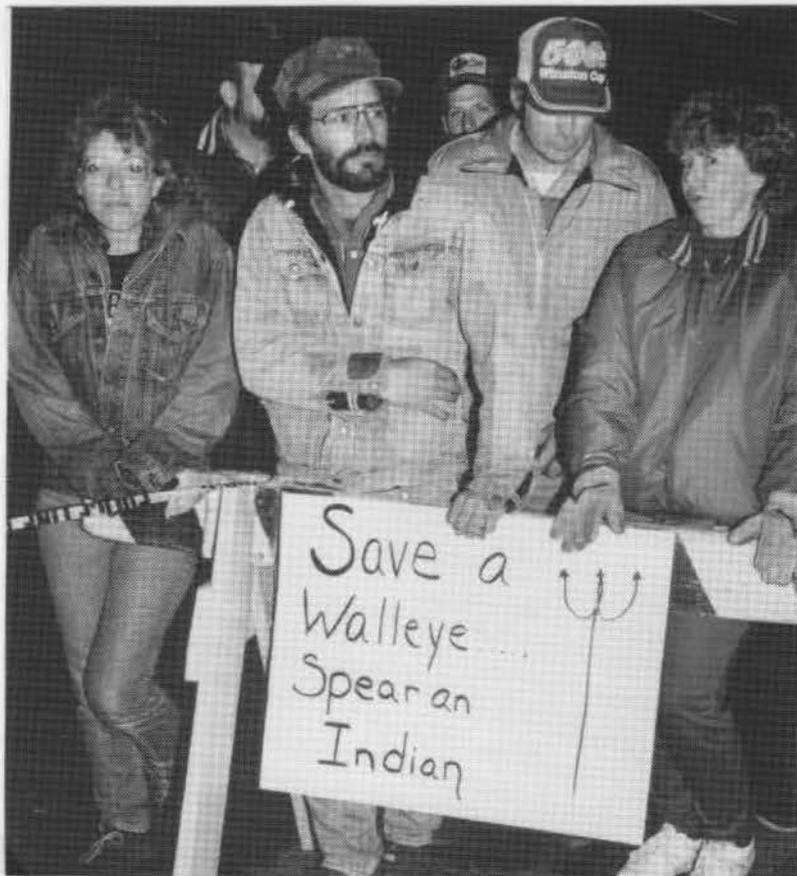
Further analysis of racism in America is provided in Appendix II, which contains several articles, "Roots: A History of Racism in America and "Learning to Hate," from a report prepared by the Southern Poverty Law Center as well as the FCNL Newsletter. Appendix III contains a speech prepared by Bishop William Wantland, Episcopalian Archdiocese of Eau Claire, which addresses more specifically racism in light of treaty issues.

(continued on page 13)





Violence was depicted graphically at boat landings through signs, effigies and actions.



Understanding the issues in treaty rights

An excerpt from "The Essential Role of Rumor," *The Nature of Prejudice* by Gordon Allport.

"We may state as a dependable law that no riot or lynching ever occurs without the aid of rumor. Rumor is found to enter into the pattern of violence at one or all of four stages.

1. The gradual building up of animosity preceding a violent outbreak is assisted by stories of the misdeeds of the out-group....

2. After preliminary rumors have done their work, new rumors may serve as a call to rioting or lynching parties. They are like a bugle to assemble the forces. 'Something is going to happen tonight by the river.' 'They'll catch that nigger tonight and whale the life out of him.' If alert to the situation the police may use these 'marshalling rumors' to forestall violence....

3. Not infrequently rumor is the spark that ignites the powder keg. Some inflammatory story flies down the street being sharpened and distorted at each telling....

Let us turn back for a moment to the suggestion that rumor provides a good barometer of group tension. In themselves, of course, rumors are mere antilocutions, expressions of verbal hostility. One hears them directed against Catholics, Negroes, refugees, government officials, big business, labor unions, the armed services, Jews, radicals, various foreign governments, and many other out-groups. The rumors without exception express hostility and give a reason for the hostility by featuring some objectionable trait."

In order to determine the role of racism and/or prejudice in the treaty controversy, one must understand some of the basic issues. While the subject is complex and diverse, some of those are briefly discussed in the following text:

The Nature of the Rights: Treaty rights are usufructuary (use and enjoyment of fruits of the

land) rights which were never relinquished and are similar to property rights. The Chippewa retained in (treaty) agreements with the U.S. government the right to harvest on lands which were sold. In other words they kept the right to access and use certain property—namely fish, game, wild rice and other vegetation. These rights are similar to retaining mineral rights on land which is sold, or air rights which are sometimes reserved when selling property in New York City, or frailing rights in Oklahoma (which allows harvest of pecans on property which has been sold). These property rights of the Chippewa, which are not different from those held by non-Indian people, have been upheld in our nation's courts. They do not reflect "special" rights or privileges granted to Indians, as some like to say, but rather they uphold the law so all people, regardless of race, have the same legal access to property rights.

Equal rights: The property rights of United States citizens have always been held dearly. While our laws protect the property rights of citizens, laws have never demanded that citizens possess equal amounts of property. Some individuals and organizations claim that because tribal bag limits exceed the sports bag, the tribes are being allowed "superior" rights, when in fact they are simply making use of a legal property right, which entitles them to a certain quantity of the resource. Because one individual in our society earns more or owns more land than others, does not mean that the individual has superior rights. Rather his right to earn, acquire and use property is protected. Likewise the property rights of the tribes need to be protected.

Unfettered use of resources for 100 years has denied Chippewa Indians their rights for that period, resulting in a status quo that is artificial at best.

Natural resource depletion: Another issue of large concern has related to the depletion of the natural resources. Actually, court decisions protect the natural resources with provisions that allow harvest of species within safe limits, guaranteeing the resource remains sustainable.

If limits are adhered to by both tribal and state sports hunters and fishermen, the resources will be protected.

The following graphs (see next page) illus-

trate tribal impact on various species which are harvested. By looking at comparisons, it is easy to see that the tribal harvest has been minuscule in comparison to the state sports harvest. In light of the statistics, it seems ironic for the non-Indian to point a finger at tribes for resource depletion or appear at landings with signs saying "Greed not Need."

Adverse Economic Impact: Many have claimed that the tribal harvest, particularly spring spearing, will devastate the economic basis of the north and adversely impact the tourist industry. While this has been forecast by some groups annually, nothing has indicated that the economy has been hurt. The State Department of Tourism reports tourism is up in northern Wisconsin despite the glum predictions year after year. Much

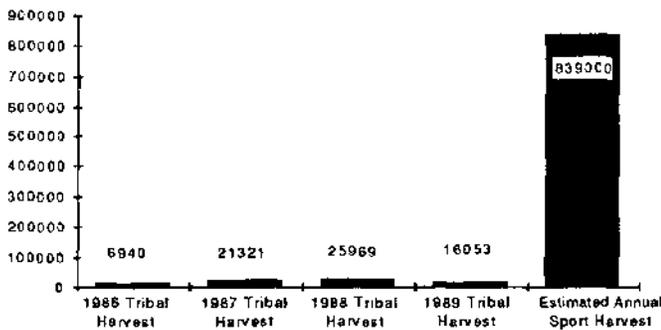
of this forecast is based on the premise that the resources are being depleted, which again has not been proven to be the case.

In a recent paper on "Economic Impact of the 1837 and 1842 Chippewa Treaties," Dr. David Wrone, History Department, University of Wisconsin-Stevens Point, states: "If the naked facts do not back the claims of the anti-treaty forces, what merit lies in their assertion that the treaty controversy has had a severe impact on the region's economic mainstay, the tourist and his/her dollar? The answer is none.

"Tourism in the north country is booming. 1989 is up over 1988; 1988 is up over 1987. Recent statements by the State Department of Tourism and Development affirm this beyond question. Yet, opponents to Chippewa treaty
(continued on page 17)

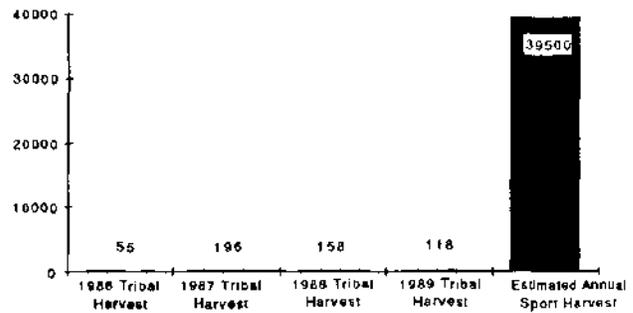
Walleye

Comparison of Sport and Tribal Walleye Harvest in Wisconsin



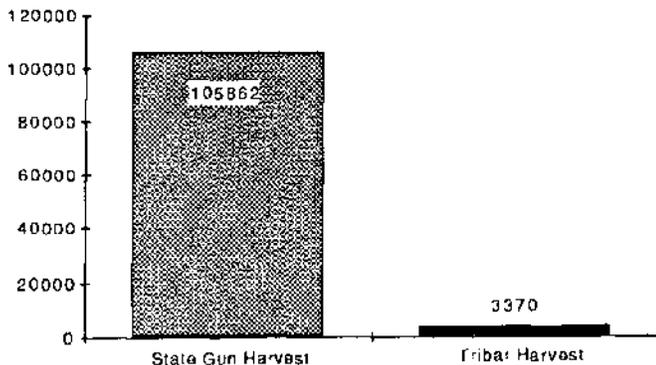
Musky

Comparison of Sport and Tribal Musky Harvest in Wisconsin



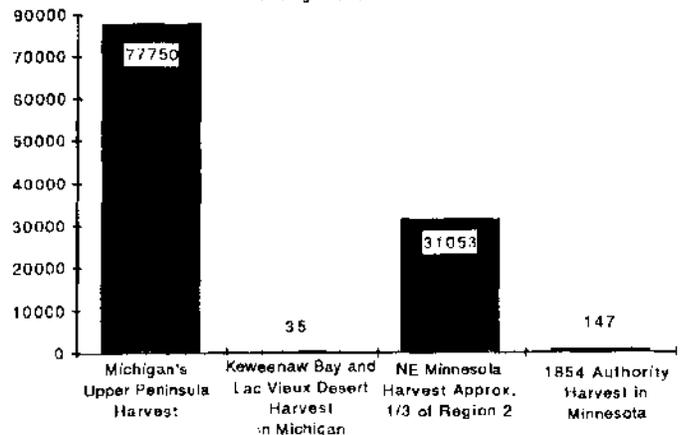
1988 Wisconsin Deer Harvest

Legal Deer Harvest in the Ceded Territories of Wisconsin 1988



1988 Michigan and Minnesota Deer Harvest

Legal Deer Harvest in the Ceded Territories of Michigan and Minnesota 1988



The Best of Lahey

Wednesday May 5, 1987

**How the
INDIANS
RUINED
THE NORTH**



Lahey's cartoons appear daily in the Green Bay News-Chronicle.



(Reprinted from the Milwaukee Sentinel, April 28, 1989 edition.)



(Reprinted from the Twin Cities Star-Tribune, April 29, 1989 edition.)

fishing vigorously persist in their claims and present several lines of what they refer to as evidence to support the charge that many specific resorts, lodges, and other tourist dependent businesses have been hurt or are even "going under."

Upon investigation we immediately discover they offer no scientific evidence to sustain their claims, although sophisticated methods exist which can precisely determine the facts. All charges pull out of anecdotes or hearsay or asserted-to-be-facts which reduce our confidence in them to nil. It is incumbent upon the anti-treaty forces to present clear, objective factual data if they expect to gain credibility. Unfortunately, they have also neglected to address the changing nature of the tourist industry, for the objectivist must begin here to understand the economic issues of the north country, an area with little or no relation to the Chippewa treaties controversy."

Methods of harvest: Argument has also centered on the ways in which tribal members can harvest game and fish. Some contend that since the treaties were signed in the early 1900's that tribal members should be confined to those methods. However, nothing in the treaty suggested that the tribes would be prevented from modernizing their methods. The same is true when mineral rights are reserved on lands. If mineral rights were reserved one hundred years ago on a piece of property by a man's great grandfather and passed on to his family and today oil was discovered beneath the surface, it does not mean that the inheritors of the mineral rights would be confined to the use of old-fashioned oil derricks.

Some people just simply object to the use of the spear. However, the same people are not seen objecting to the state sport spearfishery for sturgeon on Lake Winnebago in the winter or protesting the use of the spear in other legal spearfishing seasons. It seems to focus on Indian spearing.

The subject of methods can be a very emotional issue for some, with strong feelings against certain methods. However, the bottom line on harvest is the quota. If a certain number of fish and/or deer can be harvested, does it matter if it is done efficiently or in keeping with a certain "sports" ethic? Three dead fish are three dead fish whether caught within fifteen minutes with a spear or three hours with a hook and line.

Protest in Wisconsin which has gone beyond the argument

Excerpt from "Demagogy," The Nature of Prejudice by Gordon Allport

"Every character-conditioned source of prejudice that we have examined in previous chapters helps to explain the followers of demagogues. Demagoguery invites the externalization of hatred and anxiety; it is an institutional aid to projection; it justifies and encourages tabloid thinking, stereotyping, and the conviction that the world is made up of swindlers. It bifurcates life into clear-cut choices: follow the simple fascist formula or disaster will occur. There is no middle ground, no national solution. While the ultimate objective is vague, still the need for definiteness is met by the rule, 'Follow the Leader.' By declaring that every social issue is the result of out-group misconduct, the demagogue consistently avoids focusing his followers' attention upon their own painful internal conflicts. Their repressions are thus safeguarded and all the mechanism of ego defense are bolstered.

Agitators flourish because the authoritarian type of personality needs them. Their motives, however, are not altruistic. They have axes of their own to grind. ..."



The protest against Chippewa treaty rights has been wracked with violence and racial slurs since the beginning. An early report compiled by the Milwaukee Journal, October 14-17, 1984, captures some of the atmosphere of the first protest movement against Chippewa treaty rights. (See Appendix IV, 1984 Milwaukee Journal News Clips)

Bumper stickers, hats and signs with slogans saying "Kill an Indian," "Save a Deer" or "Spear an Indian, Save a Walleye" appeared in northern communities. From that inception, the hostility and racist nature of the protest has burgeoned to the scenes at the 1989 spearfishing landings which caught the attention of national media.

In 1989 Chippewa spearfishermen as well as other Indian people were subjected to rock throwing, being hit by ball-bearings shot from wrist-rockets, having their boats swamped and property damaged. Signage as well as verbal taunts

reiterated the threats of death: Spear a Pregnant Squaw, Save two Walleye. Some people carried effigies of Indians or Indian heads on spears and no vulgarities were spared. Protesters broke through lines of enforcement personnel, subjecting officers also to verbal taunts, spitting and jeering. Media were subjected to abuse, and persons supporting treaties were also threatened through bizarre gestures. Clearly, the protest has moved beyond the argument into a forum that resembles a lynch mob.

The following pages and clips in Appendix V depict the racist argument as it has appeared in northern Wisconsin over the past several years. The scenario is presented through the signs, flyers, photographs and media coverage which document the nature of the "debate." From this we can determine for ourselves the influence of racism in the treaty rights controversy.

(continued on page 22)



The following article was found at the Ashland County Courthouse in the employees mailboxes in early 1984.

The 1984 big game season will be canceled due to a shortage of big game animals. The following big game animals will not be hunted: Deer, Bear, Wild Boar, and Elephants. However, in place of big game animals, there will be open season "Smokes" also known as Injuns, Shenaubees, Chemukamons, Bow and Arrows, and War Hoops.

The season will be open from January 1, 1984 to December 31, 1984.

It Will Be Unlawful To Do The Following

1. Hunt in a party of more than 500.
2. Use more than 300 hounds
3. Shoot in a public establishment. (Bullets may ricochet off their heads and someone who is not on welfare)
4. Shoot any Smokes in a new undented car.

Trapping Regulations

1. Traps may be no closer than 20 feet from government housing.
2. Traps must not be baited with fire water, wacky tobaccy, maze, gill-netted trout, or government beef.

Other Rules and Regulations

1. It shall be unlawful to hunt Smokes in the woods as they are too lazy to get off the road.
2. It will be unlawful to attract the attention of Smokes with food stamps or government checks.

How To Tell If Smokes Are In The Area

1. Discarded stubs from government checks.
2. Empty firewater bottles.
3. Abandoned cars and rundown government housing.

Bag Limit

10 Daily or 250 per season per person.

Hunting Tips

1. Best hunting is close to the mailbox on the 1st and 15th of the month.
2. Close to welfare offices.

First Annual Indian Shoot

The following announcement was recently found by members of the St. Croix Band as well as pinned on the bulletin board of Tombstone Pizza, Medford, Wisconsin.

- TIME:** Early spring, beginning of walleye run
PLACE: Northern Wisconsin lakes
RULES: Open shoot, off hand position only, no scopes, no sling, no tripods, and no whiskey for bait!

OPEN TO ALL WISCONSIN TAXPAYING RESIDENTS

Residents that are **BLACK, HMONG, CUBAN** or those on **WELFARE, A.D.C., FOOD STAMPS,** or any other **GOVERNMENT GIVE-A-WAY** program, are not eligible. (Don't complain about discrimination, you'll have your own shoot later.)

SCORING: WISCONSIN RULES APPLY. POINT SYSTEM WILL BE USED.

PLAIN INDIAN	5 POINTS
INDIAN WITH WALLEYES	10 POINTS
INDIAN WITH BOAT NEWER THAN YOURS	20 POINTS
INDIAN USING PITCHFORK	30 POINTS
INDIAN WITH HIGH SCHOOL DIPLOMA	50 POINTS
SOBER INDIAN	75 POINTS
INDIAN TRIBAL LAWYER	100 POINTS
(Does not have to be spearing)	

JUDGES: Governor Tommy Thompson, Rev. Jesse Jackson

PRIZES: Fillet-O-Fish sandwiches and six packs of treaty beer

SPONSOR: Society Helping Individual Taxpayers Own Nothing (Known as SHIT ON)

ENTRY BLANK:

I _____ will attend shoot.

I _____ will _____ will not be taking scalps.

I BELIEVE SENATOR ROSHELL IS:

_____ HONEST	_____ CORRECT
_____ ACCURATE	_____ A SAINT
_____ ALL OF THE ABOVE	

I AM ENCLOSING \$ _____ FOR HIS RE-ELECTION

Bumper stickers reading "SAVE A FISH-SPEAR AN INDIAN" only \$5.00 each. "T" shirts with same message only \$10.00 each.

How to Resolve the Spearfishing Issue

The following article was transcribed from a hand-written flier. The flier was found posted on the bulletin board at the Eagle Lanes Bowling Alley in Eagle River on Saturday, May 6.

Overall Strategy

Get Federal attention by getting national attention —

You must get CBS, NBC, ABC, + CNN cameras by creating an Incident to wit, force Gov. Thompson to declare an emergency and/or call out the National Guard.

How to force his hand

1. Make it impossible to secure the lakes with the present staff by making security more difficult. Yelling is not enough. Some suggestions:

- a. Raise th stakes by bringing in firearms. Make them patrol every inch of shoreline to keep out ambushers. Make them use helicopters. Shots fired in the air in the dark will scare any brave.
- b. Identify Indian spearers by car and boat. Don't wait for them to come to you take it home to them. With good communications you can make travel difficult. Shoot out tires and shot up boats will force them to convoy plus force them to secure the roads.

2. Escalate the violence against poaching instruments — boats and cars. There are more of you than there are of them. Make them create an armed camp. Do not shoot Indians — that will only get more sympathy for them, but if you put hoes in their boats they can't spear and holes in their tires they can't get to the lakes.

Stop being wimps. Yelling or simply watching will not intimidate anyone. Sit-ins and protests don't work because Indians have the moral sympathy of a race oppressed. You are seen as the oppressor no matter what.

To create a crisis stop spearers on several lakes, spread enforcement thin, force confrontation and overreaction, escalate. Federal attention won't come without an emergency — they will ignore you until you wake the whole nation up.

You do not have their attention now. Nothing will change until you escalate.

(Do not get caught distributing this document because it is probably a federal offence.)

Excerpt from "Social Structure and Cultural Pattern," The Nature of Prejudice by Gordon Allport

"One device is to fix attention upon the group's own glorious past. Each nation has some verbal expression that indicates that its inhabitant are the people, or that they inhabit 'God's country,' or that God is 'mit uns.' The legend of a Golden Age intensifies the ethnocentrism. A modern Greek measures his worth by the ancient glory of Greece. An Englishman takes pride in his Shakespeare. An American proudly identifies himself as a Son of the American Revolution ... As territorial boundaries change and re-change, more and more groups pile up a claim, each thinking of its own Golden Age. ...

School instruction magnifies the friction. Virtually no history book ever teaches that one's country was ever in the wrong. Geography is ordinarily taught with a nationalistic bias. The number of inventions that Soviet Russia claims for itself causes a smile in other countries. All these chauvinistic devices breed ethnocentrism...

To accuse a group of holding prejudice is often an effective way of uniting that group and intensifying its convictions. ... Outside criticism is interpreted as an attack on the autonomy of the group. It usually results in greater cohesion. Hence the ethnocentrism that is under attack may become a necessary symbol of solidarity and flourish as never before."

The role of White Rights Groups

Several organizations in Wisconsin have been instrumental in agitating against Indian treaty rights. (see Appendix VI for news clips) Both Stop Treaty Abuse (STA) and Protect Americans' Rights and Resources (PARR) have treaty abrogation as their central theme. They do not want a settlement, nor do they want the Chippewa to exercise their rights. Quite simply, they just want to deprive the Indian of their legal rights through abrogation. They hope to achieve this through agitation of the voting public and to seat anti-treaty politicians in power.

They have been very active throughout Wis-

consin lobbying political leaders to that end, staging anti-treaty rallies and marches, protesting at the boat landings, taking out advertisements against treaty rights, spreading propaganda, and using every opportunity to grab media attention to their "cause."

STA marketed "Treaty Beer" in 1987 in an effort to raise funds to support anti-treaty politicians. They attempted to introduce the brew in the state of Washington in 1988 but met with failure and strong condemnation from state, tribal and church leaders. The brew also aroused the ire of several church leaders in Wisconsin, who denounced the entire effort. Nevertheless, Dean Crist returned to the northwest in early 1990 in another effort to introduce his "Hate in a Can" to that area. Not to be daunted, STA began a Legal Defense Fund in anticipation of being arrested during the 1989 spearing season when they vowed to interfere in spring spearing. Their tactics included breaking through enforcement lines, sit-ins on the landings and harassing spearkers on the water by causing wakes, some which swamped Chippewa boats in both 1988 and 1989.

STA's flyer "Wisconsin's Treaty Problems—What are the Issues?" (see Appendix VII) was distributed in northern Wisconsin and merits being placed in the "classics" division of propaganda. Racial stereotyping and slurs are reinforced throughout the piece. Indians are painted as lazy, greedy, negligent and wasteful. They are obliquely criticized for using Japanese outboard motors, and accused of killing thousands of eagles each year for monetary gain, a situation which is absolutely false. The piece is littered with accusations and "estimated" figures which are sourceless and unverified. Yet, people tend to believe the written word, assuming statements wouldn't be made which are untrue or unsubstantiated.

While licking wounds because of scenes of racial violence at the landings in 1987, PARR decided to encourage its membership to stay away from the landings in 1988. However, this stance was so unpopular that they vowed to be visible at the landings again in 1989, which they were.

Recently PARR announced its intention to buy billboard space and launch a television ad campaign against the Chippewa treaty rights, which suggest that money to the organization from some source which would fund an expensive anti-treaty campaign.

PARR has maintained connections with other

anti-treaty groups which are scattered throughout the country, generally in communities near reservations, whose goals and tactics are similar.

In regard to the nature of these groups, there has been some speculation of connections with other white rights groups by the Center for Democratic Renewal, Kansas City.

Cutting through the rhetoric

Excerpt from "The Second Stage in Learning Prejudice," The Nature of Prejudice by Gordon Allport

"...after a period of total rejection, a stage of differentiation sets in. The prejudice grows less totalized. Escape clauses are written into the attitudes in order to make it more rational and more acceptable to the individual. One says, 'Some of my best friends are Jews.' Or, 'I am not prejudiced against Negroes-I always loved my black Mammy.'...one must give lip service to democracy and equality, or at least ascribe some good qualities to the minority group and somehow plausibly justify the remaining disapproval that one expresses. It takes the child well into adolescence to learn the peculiar double-talk appropriate to prejudice in a democracy.

While members of these groups are careful to say they are not against Indians, but rather *like* Indian people, it is important to remember that their actions do not seem in harmony with their words. Their intent is simply to rob the tribes of their property rights. Whether they have one, two, three or more Indian friends with whom they may have gone to school or played ball does not mean that their activities are not racist.

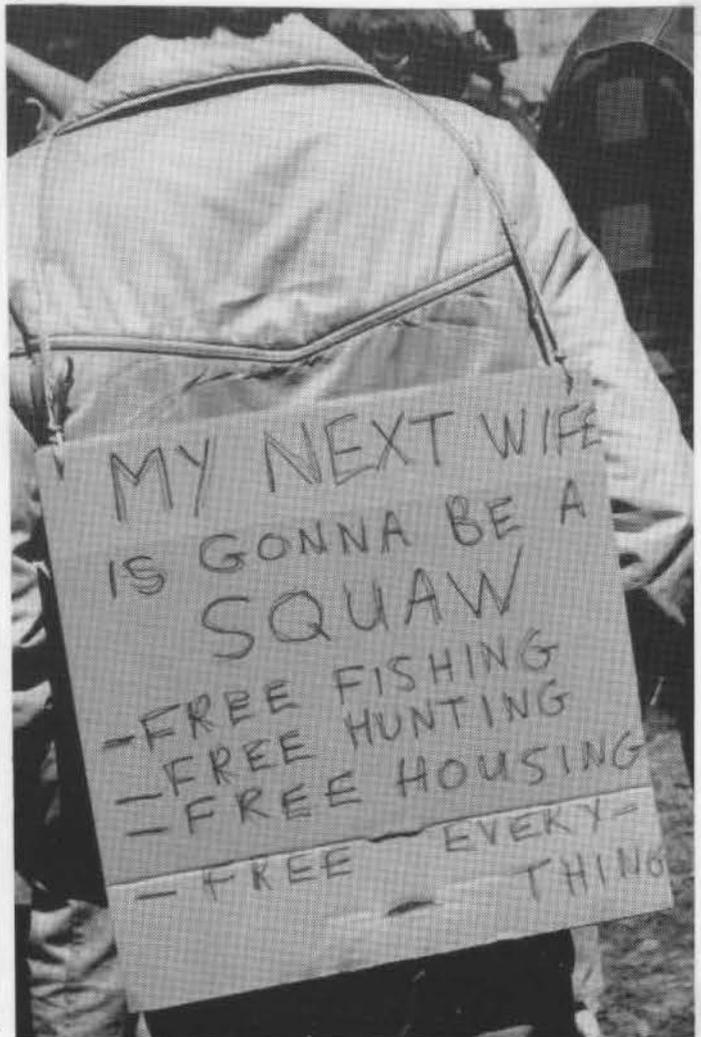


The Cost of Spearing vs. The Cost of Racism

The cost of "spearing" in Wisconsin is often talked about in the media and is, rightfully so, a subject of great concern to all of us taxpayers. However, the tribes cover the actual cost of spearing—the biological and enforcement staff necessary to assure that spearing is performed within the law.

The taxpayers are being burdened by the cost of violent, unruly protestors who make it necessary to bring hordes of enforcement personnel to contain them each spring. That's the cost of racism unchecked.

Outside of the dollar value and the burden to taxpayers' pockets, the cost of racism becomes immeasurable. The social disruption in schools and communities, the burden of hate, the pain of children, the turmoil of hearts set on violence and force are untold costs which, without careful and immediate attention, will be passed on to our next generations.



EXODUS 12:49

THERE SHALL BE ONE
LAW FOR THE NATIVE-
BORN AND FOR THE
RESIDENT STRANGER
AMONG YOU ALIKE.

LET'S ALL
"GO BY
THE BOOK"



WAKE UP,
WISCONSIN!
STOP THE SPEARING
SLAUGHTER NOW...
BEFORE IT'S TOO LATE!

The above sign was found posted in a northern bar. It uses a biblical reference to provoke anti-treaty rights sentiment. It is interesting to note in contrast that Article VI of the U.S. Constitution reads:

"...This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, anything in the Constitution or Laws of any State to the Contrary notwithstanding. ..."

Appendix I

Voigt Decision

Treaty Rights in Court

The Voigt Decision

The Voigt Decision refers to the affirmation of Chippewa hunting, fishing and gathering rights on off-reservation ceded lands received from the U.S. Court of Appeals, Seventh Circuit, on January 25, 1983.

The name "Voigt" stems from the cases' title: Lac Courte Oreilles vs. Lester B. Voigt. The case was originally filed by the Lac Courte Oreilles Band of Chippewa against the state of Wisconsin. Lester B. Voigt, then Secretary of the Department of Natural Resources, was named as a defendant, and the case has become popularly known as the Voigt Decision.

The beginning

On March 8, 1974 Fred and Mike Tribble, members of the Lac Courte Oreilles Band of Chippewa, crossed reservation boundaries while ice fishing on Chief Lake. They were arrested by WDNR wardens and found guilty in circuit court of possession of a spear for taking fish on inland waters and for occupying a fish shanty without name and address attached.

On March 18, 1975 the Lac Courte Oreilles Tribe, on behalf of all its members, filed a suit in Western District Federal Court, Madison, requesting that the state of Wisconsin stop enforcing state law against tribal members due to their reserved treaty rights in the Treaties of 1837 and 1842.

Federal Judge James Doyle decided against Lac Courte Oreilles four years later, concluding that the Lake Superior Band of Chippewa had relinquished their off-reservation rights when they accepted permanent reservations in the Treaty of 1854. He also concluded that the 1850 Presidential Removal Order had withdrawn the rights in question.

Lac Courte Oreilles appealed the Doyle's decision to the U.S. Court of Appeals, Seventh Circuit in Chicago.

On January 25, 1983 the U.S. Court of Appeals, Seventh Circuit, reversed Doyle's findings. A three judge panel concluded that Judge Doyle misinterpreted standard canons of construction when interpreting Indian law. This construction directs the court to the history surrounding the treaty, the negotiations, and how Indians would have interpreted the treaty.

The Seventh Circuit found that the Chippewa did not give up reserved rights when permanent reservations were established in the Treaty of 1854. It also found that the Removal Order of 1850 did not effect the reserved rights. The Court found that the Removal Order went beyond the presidential authority established in the previous treaties, which said tribes could only be removed if they "misbehaved." Since the tribes had not misbehaved, the order was ineffective. Also, since the Order was never enacted, the Court found it would have no effect on the reserved rights.

The Seventh Circuit remanded the case back to Judge James Doyle in Western District Federal Court to determine the scope of the rights and the degree of state regulation.

The following is the Conclusion as written in the 7th Circuit findings:

As to the collateral matters posed by this appeal, the tribe's motion to dismiss the defendants' cross-appeal in Ben Ruby and LCO is denied. The defendant's motion to strike the tribe's collateral estoppel argument and the tribe's references in their brief to documents not in the record are denied.

The LCO band enjoyed treaty-recognized usufructuary rights pursuant to the Treaties of 1837 and 1842. The Removal Order of 1850 did not abrogate those rights because the Order was invalid. These aspects of our holding are consistent with the conclusions reached by the judge below. We disagree with the district judge's conclusion that the Treaty of 1854 represented either a release or extinguishment of the LCO's usufructuary rights. At most the structure of the treaty and the circumstances surrounding its enactment imply that such an abrogation was intended. Treaty-recognized rights cannot, however, be abrogated by implication. The LCO's right to use the ceded lands remain in force.

Having considered all the arguments urged by the parties, the district court's summary

judgment in favor of the defendants as to the continued existence of the LCO's usufructuary rights is reversed. The exercise of these rights is limited to those portions of the ceded lands that are not privately owned. The case is remanded to the district judge with instructions to enter judgment for the LCO band on that aspect of the case and for further consideration as to the permissible scope of State regulation over the LCO's exercise of their usufructuary rights.

REVERSED AND REMANDED.

The state of Wisconsin appealed the decision of the Seventh Circuit Court to the U.S. Supreme Court of Appeals.

On October 3, 1983 the U.S. Supreme Court of Appeals refused to hear the appeal of the Seventh Circuit's findings, thus re-affirming the decision of the Seventh Circuit Court's three judge panel.

Although the Lac Courte Oreilles Band of Chippewa originally filed suit, five other Chippewa Bands which were signatories to the treaties of 1837 and 1842 joined in the final arguments. Those bands include: Red Cliff, Bad River, St. Croix, Lac du Flambeau and Mole Lake.

Interim agreements

Since the rights had been affirmed but further determinations regarding the scope of the rights and degree of state regulation were to further define the rights, the tribes and the state of Wisconsin have entered into a series of negotiated interim agreements allowing the partial implementation of the off-reservation rights until litigation is complete. These interim agreements have been negotiated between the Voigt Inter-Tribal Task Force, with representatives from each tribe, and the state negotiators, largely representatives from the Department of Natural Resources.

Agreements governing each hunting, fishing and gathering season have been worked out through negotiations, then taken back to each tribal council for ratification as a tribal ordinance.

The Doyle Decision (LCO III)

On February 23, 1987 Judge Doyle entered his order regarding Phase I of litigation subsequent to the Voigt Decision. This pertained to the scope of the treaty rights. Doyle found that the reserved rights "secures so much as, but no more than, is necessary to provide the Indians with a livelihood—that is to say, a moderate living."

Doyle's decision granted the tribes the right to procure natural resources by all the methods of harvesting used in treaty times as well as those developed since. He also ruled that the harvest can be commercially sold, using modern methods of sale and distribution. He exempted private land from such use, unless proven necessary to sustain a modest living; and he ruled that the state may impose conservation restrictions on resource use.

Crabb Decision (LCO IV)

On August 21, 1987 Judge Crabb issued an order establishing the legal standards "for the permissible bounds of state regulation" of Chippewa off-reservation usufructuary activities. In the order, Crabb decided that "effective tribal self-regulation ... precludes concurrent state regulation." Judge Crabb further ruled that the state may regulate "where the regulations are reasonable and necessary to prevent or ameliorate a substantial risk to the public health and safety, and does not discriminate against the Indians."

Crabb Decision (LCO V)

Judge Crabb determined that the Chippewa's "modest living needs cannot be met from the present available harvest even if they were physically capable of harvesting, processing, and gathering it."

Crabb Decision (LCO VI)

On March 3, 1989 Judge Crabb issued a decision relating to walleye and muskellunge which incorporated parts of both the state and tribal plan.

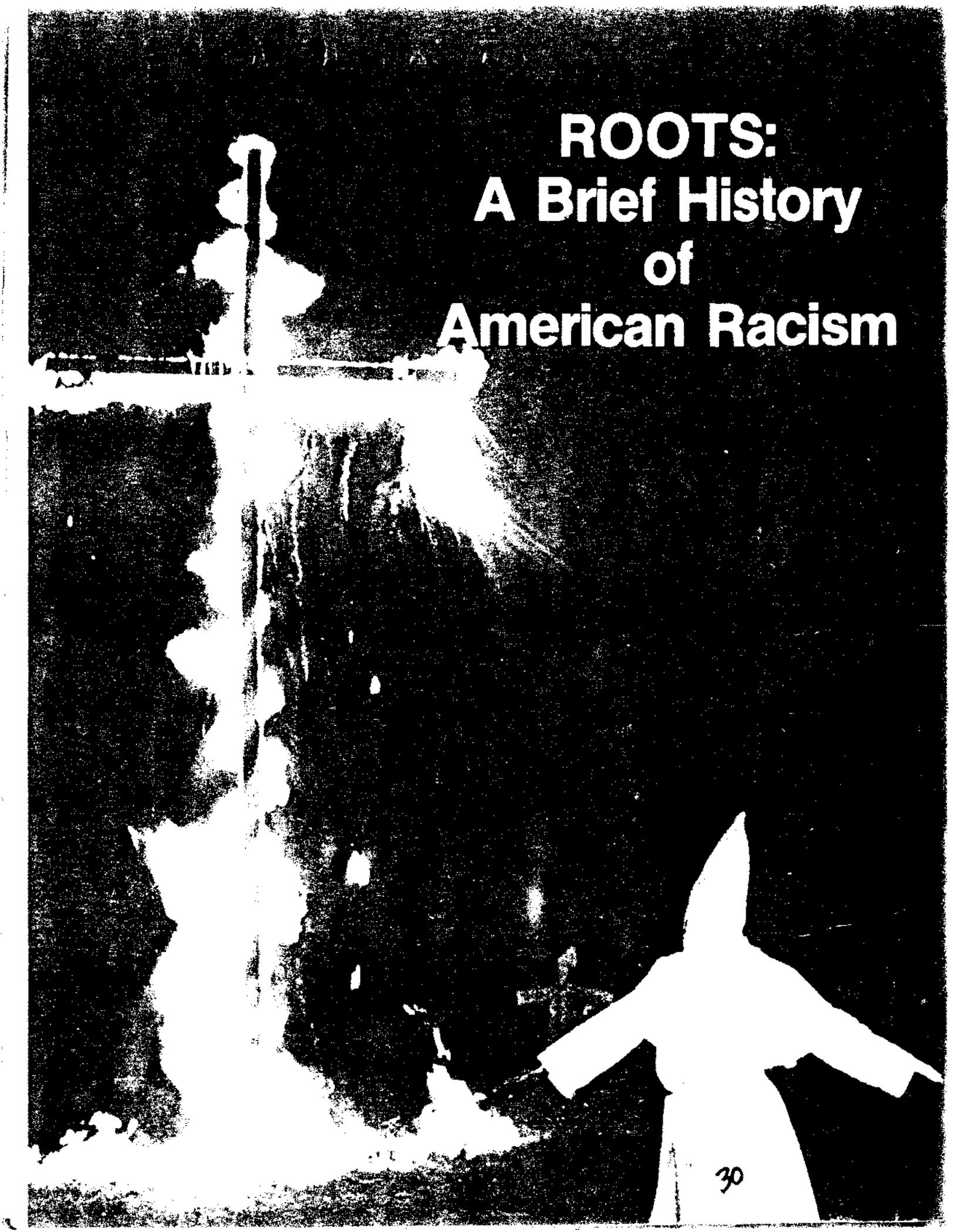
The decision required the "Total Allowable Catch" to be replaced by a far more conservative harvest level termed the "Safe harvest." Previously, walleye were allocated on a lake by lake basis with 7% of the adult population set aside for tribal quotas, 28% for sport harvest, and the remaining 65% for maintenance of fish stocks. However, the new Safe Harvest Level instituted a new safety factor to be added to the 65% for maintenance of fish stocks, thereby reducing the combined harvest for tribal and sport users alike.

The Safe Harvest Level, calculated using statistical techniques to consider age/reliability of population data, significantly reduces the harvest level for many lakes. For instance the total safe harvest in some lakes may be only 8% of the population, versus 35% in previous years. Using that Safe Harvest Level figure, the tribes may allocate up to 100% for tribal harvest quota. In 1989 60% was the maximum quota set by tribes.

The tribes determine quota based on need and may authorize tribal members to sell fish. The tribal allocation may be taken at any time throughout the year, so does not apply only to spring spearfishing.

Appendix II

Racism in the U.S.



**ROOTS:
A Brief History
of
American Racism**

Anycowpasture, U.S.A.

The scene is a cow pasture on the outskirts of a town somewhere in America. Several hundred people are milling around a makeshift speakers' platform decorated with "patriotic" slogans and strange symbols. The summer sun dropped below the treeline an hour ago and now the crowd's restlessness is rising along with the chirping of the crickets. By the road a highway patrol car and a pair of police cruisers are parked, and a steady stream of motorists passes, their necks craning to see what's going on. There are men with guns, silent, rough-looking men, scanning the faces in the crowd. A loudspeaker blares strange marching music.

As dark descends the music stops and a man in a white robe and tall pointed hat emerges from behind the platform. He gives a command and some two dozen men and several women and children put on white robes and move closer. The speaker makes a few remarks of welcome and then, gives the microphone to another man, this one draped in a purple robe with a fancy dragon embroidered on the chest.

The man begins his speech, talking about patriotism and what he claims are dangers facing the nation, telling the all-white crowd that most of their problems are the fault of blacks and Jews, of integration and "reverse discrimination," and the news media. He talks louder, telling the crowd that blacks — he calls them "niggers" — are taking away their jobs, making the schools unsafe for white children.

"Race War": Shouting now, he says they shouldn't stand for it, that white people should stop being pushed around and that he, for one, is preparing along with his organization for the "race war" he is sure is coming soon. He says his group is buying guns and lots of ammunition and learning how to use them and they should too, that they should join him if they don't want to be swept away by the hordes of black, yellow and brown people, by the Jews and homosexuals and liberals who are conspiring to take away their freedom.

Other speakers follow with the same message and the crowd responds with building excitement: someone yells "white power!" and the men and women in white parrot the slogan a couple of times; another yells "let's kill a nigger!" and another screams something about gassing Jews. Then the white robed men led by their purple-robed leader pick up torches and form a circle around a tall cross reeking of kerosene. They go through a ritual of lifting their fiery torches and marching in a circle and

finally throw the torches at the base of the cross, which sputters into flame.

The crowd begins to drift away as this typical Ku Klux Klan rally ends. Most of the spectators came out of curiosity and now that they have seen what the commotion was about, they are satisfied, or perhaps even disappointed. To them the robes and the burning cross and the speeches were a bunch of silly nonsense. But to some who were in the crowd the effect of the rally lingers in their minds for days after it is over and the robed men have disappeared. Something about the hate-filled message of this rally was appealing to some of the listeners, and the Klan had counted on that.

Scapegoating: Critics of the United States charge that our entire society, from the police to the schools, is infected by racism. To some degree, this may be true. Studies have shown, and common sense tells us, that few people are completely "color-blind" or totally accepting of religions or beliefs other than their own.

But Klan members are racial extremists. The average person tempers whatever racial feelings he or she may hold with the genuine desire to get along with other people. But not Klan members. They organize their lives by the dictionary definition of racism: **the notion that one's own ethnic stock is superior to that of everyone else.** And, since Klan members live in a society which by and

The Klan didn't invent racism, but became one of its biggest domestic distributors.

large rejects such a fanatical view, the Klan sees "enemies" over every hill and blames all of society's problems on people who are somehow different from themselves, either by color or belief. This process of placing blame elsewhere is called **scapegoating**, and the Ku Klux Klan is a master of it.

Thus, when the Klan holds rallies like that described above — which took place in 1981, not 1961 — one goal is to exploit the fears of those in the audience who are also looking for scapegoats. These are usually people who are frustrated and angry and who feel that they have no control over their lives and that they are not participants in the democratic process.

To such people, the Klan speakers

seem to have answers to every question and solutions to every problem. Maybe, such people think, maybe blacks really are to blame for the fact that they are unemployed, or poorly paid, that they don't own a new car and their future looks more bleak than it did 10 years ago. Maybe Jews are to blame for inflation and the energy crisis like the man in the purple robe said. Maybe he was right too about a race war. Maybe buying a gun would be a good idea. Maybe even joining the Ku Klux Klan would be the way to start changing things. These are the thoughts which go on in the minds of those who are attracted to the philosophy of the KKK.

The men and women who preach such racial hatred often seem so absurd, so removed from reality, that it is difficult for us to take them seriously, much less understand why they believe so strongly in such a philosophy. Yet in virtually every corner of the nation there is visible evidence that a few people do believe in the fundamental creed of the Ku Klux Klan: that the white race is not only superior to all others but has some sort of exclusive right to rule the country.

History has clearly shown the danger of ignoring such racism. The horror of Nazi Germany's holocaust against Jews is but the most extreme and familiar example. So even though the Klan and other groups like them are a tiny minority in the United States, they must be taken seriously. It's necessary to explore racism's origins, understand why it has flourished so in our nation and learn why it still exists in the United States two centuries after the Founding Fathers declared "all men are created equal."

Heathen Enemy: Racism is much older than the Ku Klux Klan, although how old or how prevalent is a matter of dispute. Some historians think that the first colonists arrived in America reasonably free of racist ideas, though the white settlers clearly believed their advanced technology and their Christian beliefs gave them the "right" to take America away from the natives the white men called Indians. This inevitably led to fighting and by 1690 fear, hatred and distrust of the Indian was the dominant feeling all along the Eastern Seaboard. But it may have been as much hatred of a "heathen" enemy as it was hatred inspired by race that the colonists felt.

Reflecting on the lost opportunity to live in peace with the Indians, the Virginia planter William Byrd suggested that the English had muffed their best

Learning How to Hate

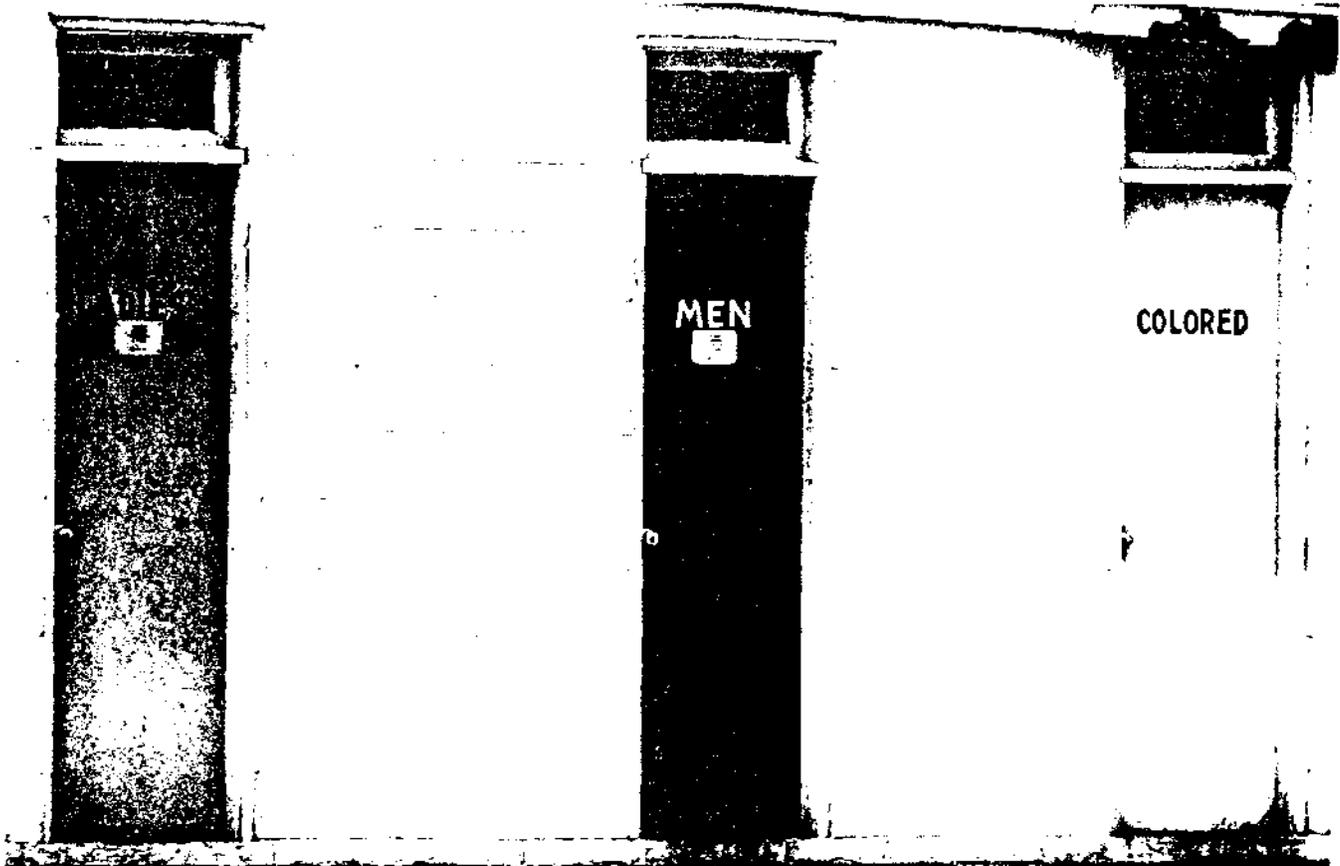
A Ku Klux Klansman would probably argue that humans are born racially prejudiced, that prejudice is a natural state of mind everyone inherits.

He would be dead wrong, however, in light of modern psychological research. Prejudice is not inherited; it is learned, first from parents and then from an ever widening circle of people and institutions ranging from relatives to schools. One of the pioneer scholars of racial prejudice, Gordon W. Allport, found

child grasping the concept that some children are different from himself, but that is more a matter of curiosity than anything else. Children get their first hint of what prejudice really means from language, from certain powerful words loaded with emotional impact that can wound their fragile self-esteem. These words may vary from region to region depending on the ethnic composition of a particular area. In the Northeast "kike," "dago," "wop" or

objects of the parents' prejudices.

In this stage, Allport and other researchers found, the child tends to go overboard. If blacks are the hated category then the child blindly condemns all blacks, viewing them all as having no good qualities, no redeeming features. The prejudiced child at this stage, often around the fifth grade, has mastered the proper bigoted phrases, even if he or she still hasn't quite given up a fairly democratic style of behavior toward the hated



Bruce Roberts

Southern restrooms were segregated (though for blacks, not by sex) well into the 1960's. Black travelers often could not find restrooms they could use, or motels where they could stay, or restaurants where they could eat.

that children can learn bigotry in two basic ways: by adopting the prejudice of their parents and other family members and from the cultural environment, or by being raised in such a way that they acquire suspicions, fears and hatreds that sooner or later focus on minority groups.

But the learning of prejudice is a complicated matter for children and it takes a long time. It begins with the

"spick" might be examples: in the South "nigger," "cracker" or "redneck" might produce the same reaction. But it takes children time to learn to whom these words refer and to completely understand their parents' rejection and hatred of those categories of people.

The next learning stage may take place between the ages of about seven through eleven and is characterized by the child's rejection of those who are the

category.

A child at this point often says harshly bigoted things but may still play with children of the group she or he is talking against. It takes the child another few years to learn to modify his or her total verbal rejection into something more realistic and easier to rationalize and defend.

At this stage the child, now a teenager, no longer claims all people of the

hated category have no good features and is willing to concede them some good attributes. But the behavior of the prejudiced young person at this point begins to harden into the familiar pattern of adult bigotry that is shared by his or her parents or family circle.

In short, it takes the entire period of childhood and much of adolescence to master prejudice.

Insecurity: Allport's study discovered that bigoted people go through life feeling threatened.

He wrote:

"Underlying insecurity seems to lie at the root of the personality. The individual cannot face the world unflinchingly and in a forthright manner. He seems fearful of himself, of his own instinct, of his own consciousness, of change, and of his social environment. Since he cannot live in comfort with himself or with others, he is forced to organize his whole style of living, including his social attitudes, to fit his crippled condition. It is not his specific social attitudes that are mal-formed to start with; it is rather his own ego that is crippled."

Prejudiced people blame the nation's difficulties on anyone who seems to be rocking the boat.

Knowing this about prejudiced people helps throw some light on several of the common extreme beliefs and activities of members of hate groups such as the Klan. Extreme insistence on a strict code of morality is one of these common threads in the lives of prejudiced people. Allport found they often grow up burdened by guilt left over from an early failure to learn to live with their own impulses and normal desires.

"As a consequence, when (a prejudiced person) sees any lapses from the conventional code in others he grows anxious. He wishes to punish the transgressor, just as he was punished. He develops a dread of the very impulses that trouble him . . . Having had to fight unholy impulses in himself, he cannot be permissive and lenient towards others."

Thus the moral posturing of the Klan can be seen as a kind of compulsive obedience to society's values, a window dressing for public consumption that hides serious conflicts within the Klansmen themselves.

Genuine morality is an integral part of the average person's life and when such a person sees evil in others the usual reaction is one of compassion, understanding and a desire to help. The

prejudiced person's reaction is almost the opposite.

Another common thread is the desire or absolute need for definiteness. "Prejudiced people demand clear-cut structure in their world," Allport concluded, "even if it is a narrow and inadequate structure. Where there is no order they impose it. When new solutions are called for they cling to tried and tested habits. Wherever possible they latch onto what is familiar, safe, simple, definite." It is in social institutions that prejudiced people find this order, and those who go several steps beyond in their search for stability may be considered prime candidates for membership in the Klan or some other hate group. And it is in super-patriotism that Klansmen and other bigots then express their compulsive craving for security. According to Allport:

"What happens is that the prejudiced person defines 'nation' to fit his needs. The nation is first of all a protection (the chief protection) of him as an individual. In it is his in-group. He sees no contradiction in ruling out of its beneficent orbit those whom he regards as threatening intruders and enemies (namely, American minorities). What is more, the nation stands for the status quo. It is a conservative agent; within it are all the devices for safe living that he approves. His nationalism is a form of conservatism. According to his definition, the nation is that which resists change. It follows that he distrusts liberals, reformers, supporters of the Bill of Rights, and other 'commies'; they threaten to change his safe conception of what the nation means."

American history both past and present is dotted with bursts of the sort of extreme bigotry and violence toward minorities that the Klan is infamous for. The people Allport describes have been and still are responsible for it.

Both their numbers and the extremism of their activity seem to increase when times get rough or when society is challenged by new problems. In such times prejudiced people tend to blame the nation's difficulties on minorities and anyone else who seems to be rocking the boat. The deep need for rigid authority on the part of the Klansmen, neo-nazis and other bigots reflects a deep distrust of human beings, a view that holds the world to be a hazardous place where all men are basically evil and dangerous.

The essential elements of American democracy, however, are precisely the reverse of that philosophy. As a result, Klansmen throughout all periods of history have been enemies of democracy, no matter how loudly they mouth patriotic slogans and wave the flag.

chance for tranquil relations by not intermarrying with Indians in the earliest days of the colony, and he scoffed at the idea that whites might think themselves too good for such a thing. "All the nations of men have the same natural dignity, and we know that very bright talents may be lodged under a very dark skin," he said.

Other colonists might have had mixed feelings about Byrd's proposal of marrying Indians, but they probably would not have much challenged his argument on racial equality. Throughout the more than 150 years leading up to the founding of the United States, the principle differences between colonists and Indians were as much those of culture and religion as of race.

The colonists' attitudes toward black slaves, who first arrived in Virginia in 1619, were slightly different, but nonetheless racial theories were not advanced to support slavery when it began to spread about 1680 in response to a demand for more labor in the tobacco fields.

Contract Slavery: At first the legal status of the Africans was little different from that of white bonded servants, since the word "slavery" had no meaning in English law. Blacks thus found themselves in a position not so different — except for the obvious lack of choice in coming here — from that of the white servants who had contracted to work for planters in exchange for their passage to the colonies. There is evidence that the two groups of servants, blacks and whites, intermarried and shared fairly similar lifestyles.

But this soon changed, and race, class and the economic interests of the planters all played a part. Large plantations required a massive work force, but the indentured white servants who came to the colonies were legally guaranteed freedom after a period of service. They then left the plantations and struck out into the interior after land of their own.

Thus by the mid-1600's some planters began to view Africans as the solution to their labor problems and by the 1660's and 1670's the colonial legislatures began to enact laws making slavery a permanent legal status for blacks. Gradually a barrier was built between blacks and whites, a barrier that was necessary if the planters were to keep the Africans in slavery. Laws were passed to prevent blacks from marrying whites and even to prevent and punish sex between the two races.

Later generations would embellish the barrier with various arguments appealing to divine providence, Biblical scripture and racial inferiority, and would enforce it with increasingly harsh treatment and degradation for

Racism

blacks until by the American Revolution the colonists had devised one of the cruelest, most extensive and inhumane systems of slavery in history. Yet even by then the notion of white supremacy, while it was certainly a part of the background, was not a clearly defined or widely discussed idea. At the time of the signing of the Declaration of Independence, the chief difference between a black man and a white man may have been, ironically, one of freedom, not color.

Formal theories of racial superiority and inferiority did not appear until the early 1800's, and they came not from the tobacco and cotton fields of the frontiers of America, but from the labor-

atories and universities of Europe, from men of science (at a time, of course, when bloodletting was still the treatment recommended by the most learned doctors for the most serious illnesses).

In the first half of the nineteenth century, the science of anthropology was embroiled in a controversy of whether all races of men were descended from a common ancestor or whether different races had different origins. This intellectual debate was frequently matched in America by the belief of many whites that blacks and Indians were not even human. This attitude was used as a rationale to kill Indians and enslave blacks. Charles Darwin's theory of evolution convinced most scientists that all men had common origins, but some continued to think there were important and measurable differences between the races and that the white race was superior to all others.

By the time the Ku Klux Klan began in 1865, it was fashionable among educated white Americans to discuss the latest "discoveries" in the field of anthropology, measurements of skulls, volumes and shapes of different brains or classifications of skin color, which tended to "prove" what many of them had wanted to believe all along — that whites were inherently superior to other races, and especially to Indians and blacks. And it



A white mob leers as a black man is burned to death in the St. Louis race riots of 1919.

Culver Pictures

was widely believed that race determined the particular qualities of individuals and those traits could be inherited if racial bloodlines were kept pure.

Anglo Supremacy: In the latter half of the nineteenth century and into the early 1900's, this attitude produced among learned men more and more elaborate and specific theories, which in America led to the assertion that the Anglo-Saxon or Teutonic "races" were uniquely suited to rule other men.

These ideas seem ridiculous today, but by 1900 so many theories of racial superiority and kinship were being debated that the word "race" had no precise meaning; it could mean whatever a particular advocate wanted it to mean.

Thus racist theories were conveniently suited to defending imperialism both in America and in Europe.

These theories were also easily adapted to defend the prevalent social policy of the era, which was the conviction that a law of nature made some people poverty stricken and ignorant and there was no use in the rich trying to help improve the lot of the poor. Thus for a long period of United States history, many educated white men, the intellectuals of the nation, viewed blacks, Indians, Chinese, Mexicans and immigrants from southern and eastern Europe as

people whose potential for improvement, intelligence and ability was "naturally" lower than that of whites from England, Scotland, Germany and other northern European countries.

Racist theorizing reached its peak in the mid-1920's, when the Ku Klux Klan had its highest membership. But over the next couple of decades, many racial theories were shattered by the scientific community. Historians cite two basic reasons for the failure of racism as a scientific theory. First, the various racial theories had developed into such a mass of conflicting claims and unprovable and emotional arguments that serious scientists began to recognize their worthlessness as an explanation for the mental and temperamental traits of different people. Second, racism's defenders failed to produce proof for their claims. As the sciences of biology, anthropology, sociology and psychology advanced and developed new ways to test old ideas, the established "facts" of the racists toppled one after another.

The importance of this in understanding the mentality of the Ku Klux Klan, both throughout its history and today, is difficult to overstate. For while race theories during the late nineteenth century and early 1900's were discussed and developed in the classroom and

drawing parlors of the intellectuals and scientists of the day, racism was practiced in the Congress and state legisla-

period were lucky if they were merely hanged. A black man in Paris, Texas, in 1893, for instance had his eyes gouged

his body and when the wretched man tried to speed his death by swallowing hot ashes, the coals were kicked out of his reach. The man was still alive even after his skin had begun to fall off, and when he finally did die there was a mad scramble among the spectators for his bones, which were prized souvenirs.

This was an era when hatred of blacks knew no bounds, when Southern governors and Congressmen like James K. Vardaman of Mississippi, "Pitchfork" Ben Tillman of South Carolina, and Tom Watson of Georgia routinely encouraged mobs to attack blacks. "To hell with the Constitution!" Tillman once said, if it stood in the way of mob violence against blacks.

The same situation existed in the 1950's and 1960's, when leaders like

Many of the victims of extreme racism were lucky if they were merely hanged.

tures in the form of repressive laws against minorities and it was used to justify and encourage lynchings, murders, mutilations, terrorism and tyranny on a scale that is still hard for modern Americans to comprehend.

Indeed, many of the victims of extreme racism in America during this

out with a red-hot poker before he was burned to death.

And in Arkansas in 1921, in one of the most gruesome acts in American history, a black man was chained to a log and roasted to death in front of a crowd of 500 men and women. His tormentors built small fires under different parts of



Bruce Roberts

Blacks trying to integrate a whites-only lunch counter at Nashville, Tenn., in 1960 are refused service. The lunch-counter sit-ins spread quickly across the South.

Racism

George Wallace of Alabama made fiery statements opposing desegregation and defied the nation's highest courts. What responsibility do Wallace and others like him then bear for the racists who decided to act instead of talk and bombed churches and killed civil rights workers? The question is just as relevant today. Klan leaders still give speeches saying that blacks should "be shipped

back to Africa" and that whites and blacks who socialize are "guilty of race treason" and will "have to be exterminated." After one such racist speech in a small Georgia town in 1980, someone fired a shotgun into a private home, hitting a nine-year-old black girl in the face. The little girl was wounded by pellets of lead, not by an intellectual racial theory, but the Klan's racist philosophy helped create the climate in which the trigger was pulled.



Once each year, the FCNL *Indian Report* is published as an issue of the *Washington Newsletter*. This newsletter serves as an autumn *Indian Report*.

No. 518

245 Second St. NE, Washington DC 20002 (202)547-6000

November 1988

RACISM AGAINST NATIVE AMERICANS

At first the poster, hanging in a tribal office or the headquarters of an urban Indian organization, doesn't catch your eye particularly. A simple poster, in black and white, of four sports pennants. But in a delayed reaction, your mind asks why you've never heard of a ball team called the Pittsburgh Negroes. Or the Kansas City Jews. Or the San Diego Caucasians. But you do know the team of the fourth pennant on the poster: the Cleveland Indians. Below the four pennants are the words "Maybe now you know how Native Americans feel. For too long America has treated its original citizens like mascots instead of people."

In this newsletter we offer the conviction of American Indian people that Americans must confront racism in ourselves and our society by being willing to look at unexamined assumptions, especially when others, like Indian people, find those assumptions incorrect or offensive.

In this newsletter we want to present the issue of *racism* and raise questions about its various expressions, including overt hatred or violence, ignorance or ignoring, definitions based solely on positive or negative images, exclusion from participation and resources, or failure to recognize the common ground of the human family.



Sports team mascots (Atlanta Braves, Washington Redskins, the most popular school team name), automobiles and travel trailers (Comanche, Pontiac and Winnebago), chewing tobacco (Red Man), food products (Indian Head cornmeal and Land o' Lakes butter). While these symbols may seem innocuous to some, Indian people take offense. Indian scholars, educators and tribal leaders say such borrowing and commercialization

of their lifeways and traditions has a degrading and dehumanizing effect. While these spokespersons recognize that other ethnic groups have suffered similar kinds of overtly racist images, remarks and actions, they point out that these expressions are no longer tolerated by the majority of society. Why is such racism toward Indian people considered "acceptable"?

All too often, the average person has a *one dimensional image* of American Indians. Frequently, either Indian people are spoken of in the past tense (as in this dictionary definition of the Nez Perce Tribe: "An Indian of the chief Shahaptian tribe, formerly occupying central Idaho . . ."), or are assumed to have all been alike—living in tepees, having been great warriors, wearing feather headdresses, being accomplished horsemen, conquered by federal troops during the "In-

dian wars." If Indian people are acknowledged in the present they "all" live in poverty, have alcohol problems, and live on reservations in the West.

Although there certainly are some common elements of heritage and culture, 370 federally recognized tribes and 200 Alaska Native villages present quite an array of peoples with their own unique histories, cultures and languages, rather than a homogeneous group. Furthermore, Indians are as much a part of the present and future as the past, and their communities are by no means static. Some tribes have maintained a fairly traditional lifestyle; others have blended tradition with elements of the dominant American culture of the 20th and 21st centuries. Notions of one-dimensionality and of fixation in the past live in the face of such diversity and continuing, vibrant presence.



Understandings of Racism: "Marking of the Other"

Before going further, let's look at several ways racism is seen or experienced.

Anthropologists suggest that there is no such thing as "race" or a "human race type." What is commonly called racism is actually cultural markings of and assumptions about "the other." Physical traits, "race," or culture are used as "markers" to "group" people, to separate individuals into "us" and "them." We deal with others along such divisions, and assume certain characteristics—negative or positive—about these groups.

American Indian and Alaska Native people experience racism in many of the same ways as other minority groups: prejudice and discrimination because of racial distinctions and color. But Native Americans also experience an added prejudice unique to them: Being Indian involves not only race, but also being part of the political and governmental unit of a tribe, pueblo or village. Therefore, racism as experienced by Native Americans involves what may be called a form of "nationalism," or the failure of the dominant society to recognize the sovereign powers of Indian governments.

The National Council of Churches and others define racism as prejudice plus power. Racism is the intentional or unintentional use of power to isolate, separate and exploit others, based on an unexamined assumption of the other's inferiority. Racism may be used to impose one group's cultural heritage on others, or used by institutions to reward and penalize. Racism is enforced and maintained by social, educational, legal, cultural, political and economic standards which are defined and controlled by the dominant culture, and is used by the majority to deprive a group of people, such as Native Americans, of their rights.



RACISM ONE HUNDRED YEARS OF PROGRESS

EXPERIENCES OF RACISM

Indian people are naming their experiences of ignorance, cultural degradation, overt hatred, and inequities in and abuses of power by institutions as racism and racist violence. Below are some examples. Not every Native American individual or community may experience each of these aspects of racism, but none is an isolated example.

❖ The one-third or more of a state's "recorded" history that is Indian history is mentioned in only a few paragraphs in school textbooks.

❖ A grade school student is called a "fat, waddling squaw" by her teacher.

❖ Non-Indians in a small town form a club which performs "authentic" tribal ceremonial dances, over the protest of that tribe.

❖ Indian prison inmates are prohibited from conducting sweat lodge, pipe or other ceremonies, while Christian prisoners may participate in their religious ceremonies.

❖ A southwestern tribe faces the destruction of its religion—and with it, the entire tribe—when a uranium company proposes to drill a mine at one of the tribe's most sacred sites.

❖ Two white men dig up the mummified body of an Indian man, and carry the body to parties in the back of their pickup truck.

❖ State troopers put up road blocks and search cars when Indian basketball teams play away games with white teams. Non-Indians are not similarly stopped and searched.

❖ A small tribe is approached about putting a hazardous waste incinerator next to its reservation. The company pushes job training for tribal members and income from the plant over health and environmental concerns.

❖ Two forms of birth control, both rejected by the Federal Drug Administration for health safety reasons, are distributed to Indian women by the Indian Health Service.

❖ A Native woman is denied a loan with which to buy a house because, the banker tells her, "her people" tear doors off houses to use as firewood.

❖ A judge finds it necessary to move a jury trial of an Indian, charged with killing a white police officer, to another county, because he is concerned that perceived ideas about Indians will affect the outcome of the trial.

❖ A sign reads: "Open Season on Indians. Bag Limit of 10 Per Day."

Last spring, the House Judiciary Committee's Subcommittee on Constitutional and Civil Rights held two hearings on anti-Indian activities.

An Indian fisherman from the Pacific Northwest described the firing of shots, vandalism of fishing nets, and verbal harassment that occurs every fishing season.

A Lumbee Indian from North Carolina discussed institutional racism in Robeson County. There Indians account for 37% of the county's population, the same percentage as whites; Blacks account for 26%. Yet Indians make up two-thirds of the defendants in Superior Court, and are found guilty 94% of the time in District Court. Three times as many Indians as whites end up in prison, and often have longer sentences than whites who have committed the same crime.

A tribal official of the Colorado River Tribes of Arizona described police brutality against tribal members. This occurs despite the fact that local police have no jurisdiction to make arrests on the reservation.

The subcommittee inquired specifically about anti-Indian violence in Wisconsin. Members of the Chippewa Tribes of Wisconsin began exercising their treaty rights to off-reservation lands and waters following a 1983 court decision which affirmed those rights.

The Chippewa believe the increase in violence since then is because non-Indians resent the fact that one unique form of property, treaty rights, is not available to everyone, but only to governmental entities known as tribes. Anti-Indian groups deliberately try to stir up resentment against tribal fishers by using an argument of economics: treaty rights will cause the depletion of the northern Wisconsin fish resource. In fact, in 1988, Indian fishers caught 26,000 walleyes, compared with 840,000 taken by non-Indians.

During the 1988 spring spearing season, leaders of an anti-Indian group called Stop Treaty Abuse, Inc. (STA) actually encouraged people to go to lakes to harass tribal fishers. There were incidents of harassment but no injuries, primarily because of a massive state law enforcement effort. Police officers, with canine units and riot gear, usually outnumbered the spearfishers.

PRESIDENT REAGAN'S MOSCOW REMARKS: An Uncomfortable Lesson in Common American Thinking

One example of stereotypical thinking occurred last May during President Reagan's summit trip to Moscow. Speaking to students at the Moscow State University, President Reagan was questioned about a group of Indians who had come to Moscow to meet with him, because they had been unable to see him in the U.S.

The President replied, "Let me tell you just a little about the American Indian in our land. We have provided millions of acres of land for what are called reservations—or the reservations, I should say."

Indians, "from the beginning, announced that they wanted to maintain their way of life, as they had always lived there in the desert and the plains and so forth. And we set up these reservations so they could, and have a Bureau of Indian Affairs to help take care of them. At the same time, we provide ... schools on the reservations. And they're free also to leave the reservations and be American citizens among the rest of us, and many do. Some still prefer ... that early way of life.

"We've done everything we can to meet their demands as to how they want to live. Maybe we made a mistake. Maybe we should not have humored them in that wanting to stay in that kind of primitive life style. Maybe we should have said, 'No, come join us. Be citizens along with the rest of us.'

"I'm very pleased to meet with them, talk with them at any time, and see what their grievances are or what they feel they might be. And you'd be surprised. Some of them became very wealthy because some of those reservations were overlaying great pools of oil. And you can get very rich pumping oil. And so I don't know what their complaint might be."

Later the President stated that all Americans had come to this country "from someplace else."

The President's statement, filled with historic and political mis-characterizations, undermined the credibility of his lectures to the Soviets about Soviet human rights abuses. In his eight years in office, the President has not once met with tribal leaders.

The following are some incorrect generalizations:

Indians were not "provided" with land. What became the United States was their nations' land to begin with.

Not all tribes lived "in the deserts and plains." Many tribes, particularly in the East, Southeast and even Northeast and Midwest, which had traditionally lived in forested, mountainous and/or fertile lands, were removed from their homelands by federal policy in order to "make way" for white settlers.

Indians are citizens, and have been since an act of Congress in 1924.

Reservations and the Bureau of Indian Affairs (BIA) were not "set up" in order to preserve Indian culture and government. To the contrary. The reservation system, while "reserving" for Indian nations a piece of a homeland, served to expropriate most tribal lands. BIA agents went forth to prohibit the practice of Indian religions, take Indian children away to boarding schools, and sell off land allotted to individual Indians.

Only a handful of reservations can make tribal members "wealthy" because of natural resources. The poverty rate for reservation Indians is almost four times the national average.

The response to the President's remarks from the American Indian community was bitter. Many Indian leaders used the word "racist" in their comments. Members of Congress were also quick to respond. Rep. Downey NY stated on the

floor of the House of Representatives that the President's remarks "will defy explanation." Rep. Richardson NM stated, "I can only imagine the severe discouragement and frustration our Native American citizens must have felt when hearing their President stand before the world and speak with such inexcusable ignorance about their history and themselves."

Rep. Campbell CO, the only Indian member of Congress, offered to set up a meeting for the President with Indian people. Then, he wrote, the President could hear "what it is like to live on a reservation, how Indian people came to be on reservations and the relationship of the federal government to Indian tribes." (See related article on page five.) Rep. Williams MT initiated a letter from 68 members of Congress, urging the President to meet with Indian leaders.

However embarrassing and disheartening, the President's remarks were instructive, many commentators observed, because they represent common American thinking. The President is "Everyman." "Everyman" often sees Native Americans through a perspective which reflects historical inaccuracies and a lack of understanding about the diversity of Indian cultures and communities. This view tends to blame the poverty and the low socioeconomic status of Alaska Native and Indian people on adherence to traditional lifeways, forms of government, languages, religions and legal rights. It blames the suffering of Indian people on superficial things such as cultural differences with the dominant culture (suggesting that these constitute the "Indian Problem"), or on the unique legal status of Indian governments. In fact, the real issue here, the real issue of racism, is that Indian people have been denied a share of the power of American citizenry and access to societal resources.



©1988 Tom Toles in the Buffalo News

BLANK

Computerized Networks of Hate

An ADL Fact Finding Report



Anti-Defamation League of B'nai B'rith
New York, N.Y.

Computerized Networks of Hate

Right-wing extremists have moved into the era of high technology through two computerized networks which link like-minded activists from all over the country. These operations are the work of Louis Beam, Texas Grand Dragon of the Knights of the Ku Klux Klan and a leader of the Idaho-based hate group known as the Aryan Nations, and George Dietz, a prosperous farm broker who lives in West Virginia and owns the largest neo-Nazi publishing mill in the United States. The system established by Beam -- it can be accessed by dialing phone numbers in Idaho, Texas, or North Carolina -- is sponsored by the Aryan Nations, some of whose members have been implicated recently in a series of armed robberies, shootouts with federal law enforcement officials and plans to carry out acts of urban terrorism.

Anyone with a home computer and a modem (phone link-up) can reach these bulletin boards by phone. Once the connection is made, the caller follows a few simple commands in order to receive a variety of hate messages. Only those authorized users whose passwords have been approved by the systems' operators are entitled to deposit messages and gain access to a list of their "members" (i.e., those who have been issued passwords).

Hate on 'Level Seven'

The use of computer technology marks a new departure for hate groups and represents an effort to give right-wing extremism a modern look. In a recent announcement promoting the Aryan Nations' system, Louis Beam calls it a "patriotic brain trust" and boasts that "computers are now bringing their power and capabilities to the American Nationalist Movement." Although some of the claims made for the system are exaggerated ("the possibilities," Beam remarks, "have only been touched upon"), it does offer extremists a trendy way to spread hate propaganda.

Not everyone is welcomed to phone into the networks. Under the heading "Info About System," the user of the "Aryan Nation Liberty Net" is made aware that it is "a pro-American, pro-white, anti-Communist network of true believers who serve the one and only God -- Jesus, the Christ" and that it is "for Aryan patriots only." In addition to hate propaganda, this network also provides the names and addresses of other "patriotic" organizations, announcements of dates and locations of upcoming Klan and neo-Nazi meetings, and enemy lists, some of which it claims can only be accessed if one has the proper ("level seven") clearance.

The neo-Nazi bulletin boards serve the hate movement in a variety of ways. First, by using computer technology which attracts young computer "hackers," they seek to spread their hate propaganda among young people, surely the most vulnerable to its influence. Second, they are able to bypass the closely enforced embargo which authorities have placed on the importation of hate literature into Canada. (In fact, Beam claims that his system was set up precisely for the purpose of combating this embargo, and has boasted that his group has "ended Canadian censorship.") The computer also supplies information about current trials in Canada involving the prosecution of neo-Nazis for spreading hate propaganda.

The third purpose of the bulletin boards is to stir up hatred against those whom the neo-Nazi organizers regard as their "enemies." For example, the system supplies the names and addresses of all national and regional offices of the Anti-Defamation League. Given the venomous attacks on Jews which callers are fed while using the system, its organizers would seem to be sending a clear signal of encouragement to engage in acts of harassment or even violence. Thus, in a message to his members advertising the computer, North Carolina Klan leader Glenn Miller reports that "We have an up-to-date list of many of the Jew headquarters around the country so that you can pay them a friendly visit."

The computer network is also a means by which its organizers make money. A \$5 fee is charged for a password to gain access to the system. Also, publications offered for sale are promoted electronically.

Finally, the system offers the potential for circulating coded messages among like-minded right-wing activists.

'Aryan' Technology vs. 'ZOG'

The material disseminated on the "Aryan Nation Liberty Net" falls into three categories. The preponderance of it is hate propaganda, some taken from printed sources, which attacks Jews, other minorities and the federal government (often referred to as the "Zionist Occupational Government," or "ZOG"). Much of this propaganda is supplied in the form of messages left by users of the system. Most of these messages are the work of Louis Beam, who often uses pseudonyms such as Nathan Bedford Forrest, the name of the Confederate general who led the Klan after the Civil War. In one message, Beam quotes Aryan Nations leader Richard Butler:

"There exists only one issue -- race! Race is the political issue, the moral issue, the war issue, the religious issue, the economic issue, the cultural issue, and the issue of all law. There exists no issue that does not have race as its foundation."

In another message entitled "Liberate Texas," Beam places the federal government and "those who aid" it on notice: "we intend to break the chains that bind us to the federals."

A second category of material concerns purported enemies and includes the listing of ADL offices. An entire section entitled "Know Your Enemies" includes the listing of "race traitors" and is said to be accessible only with special clearance. Nevertheless, any user of the system has access to a listing of known "ZOG informers," which was increased from two to three following the December, 1984 death of former Aryan Nations member Robert Mathews in a violent confrontation with FBI officials in Washington State. Mathews is reported by "A/N [i.e., Aryan Nations] intelligence" to have been informed on by a neo-Nazi from Philadelphia named Tom Martinez, a former lieutenant in the 1970s for David Duke's Knights of the KKK. Martinez was also affiliated with the National Alliance, a neo-Nazi organization headquartered in Washington, DC.

The two other "ZOG informers" listed are: Russell Rector, alleged to be a paid informer for the FBI in a case in the early 1970s involving a plan to bomb the transmitters of a left-wing California radio network, and Ward "Buster" Keaton, described as a Klan activist who "used his position to gather information on Texas patriots." A footnote in the report on Keaton states that Keaton was killed in an explosion emanating from his mailbox. (Texas authorities have linked Keaton's death last summer to a family dispute.)

At the end of the computer message on Rector, he is said to be "wanted by the Aryan Resistance for treason to the Constitution of our founding fathers." (Rector served as a government witness in a case involving a friend of Louis Beam who was convicted in 1971 of conspiracy to bomb the transmitters of a California radio station.) Those knowing his whereabouts are asked to report them "to this station."

The computer section on "ZOG informers" opens with the courtroom statement of Perry "Red" Warthan, a California neo-Nazi who was convicted in 1982 for the killing of a 17-year-old member of his organization whom he considered a "traitor." The computer message states: "What better way to begin our list than with the statement of a man recently accused of executing one? Hail victory!" In his statement, Warthan accuses the "Jewish-controlled media and churches" of using a violent act "as an excuse to remove me from the streets and silence my voice."

A third section of the bulletin board network provides listings of "patriotic groups" with the notation that "The following organizations fight for America." They include a variety of neo-Nazi and Klan organizations and armed racist groups such as the Christian Patriots Defense League and the Covenant, the Sword and the Arm of the Lord. Those wishing to have their groups included are requested to send "pertinent information" to Aryan Nations headquarters and a \$5 fee is charged for a listing.

In a fundraising appeal to his followers in October, 1984, Aryan Nations leader Richard Butler explained what he regards as the rationale and importance of the new technology:

"The Aryan Nations computer network is designed to bring truth and knowledge to our people on the North-American continent, especially those of our Northern cousins who are now chained by Jew Communist KGB 'thought control' police a la George Orwell's 1984. . .

"You may ask 'why the computer. . . technology?' The answer is simple, because it is our Aryan technology just as is the printing press, radio, airplane, auto, etc., etc. We must use our own God-given technology in calling our race back to our Father's Organic Law."

The Network Leaders

Richard Butler, 65, is the former Lockheed engineer who founded the Aryan Nations organization in the early '70s and moved it from Southern California to its current site in Hayden Lake, Idaho. The organization is associated with Butler's "Church of Jesus Christ Christian" and adheres to the "Identity" doctrine, a racist and anti-Semitic theology which contends that white "Aryans" are God's true chosen people and the Jews are instruments of Satan.

The organization's ultimate aim is the establishment of "a nationalist racist state." In furtherance of this aim it has sponsored a series of summer conferences attended by leaders of the Ku Klux Klan, neo-Nazi organizations and like-minded groups which are part of the "Identity" movement. At the conference held in the summer of 1984, seminars were offered in urban guerrilla warfare.

One of the regular seminar leaders at the Aryan Nations' annual conference is Klan leader Beam, who serves as the organization's "Ambassador-at-large" and whom many in the movement regard as Butler's heir apparent. Beam, as his role in establishing the "Aryan Nation Liberty Net" indicates, is also a key link between the Aryan Nations and other organizations on the extreme right.

A Vietnam veteran, Louis Beam played a major role in the late 1970s in recruiting Army personnel in Fort Hood, Texas. As Texas Grand Dragon of the Knights of the Ku Klux Klan during those same years, he also recruited and trained Klan members in paramilitary camps in east Texas. In 1980, he was convicted of using government property in Fort Worth for paramilitary exercises without a permit and was placed on six months probation.

The third figure involved in promoting the Aryan Nations' computerized network of hate is Glenn Miller of North Carolina, leader of the most active and militant Klan organization in North Carolina, the "Confederate Knights." Miller, once a member of the neo-Nazi National Socialist Party of America, is a former U.S. Army sergeant who, like his friend Louis Beam, is a veteran of the Vietnam war. His Klan organization sponsors paramilitary training exercises for members. Some were involved in the shootout in Greensboro, North Carolina in 1979 which left five members of the Communist Workers Party dead.

In a recorded telephone message announcing the establishment of his "computer information data bank" in Fayetteville, North Carolina, Miller asserted that it was set up as a result of the tremendously favorable response by the information-starved American people to the lines already established in Dallas and in Idaho. In fact, it is simply another phone number for gaining access to the Aryan Nations' network.

George Dietz, whose computer bulletin board (known as "Info International") is similar in content to the Aryan Nations' system, describes it as "the only computer bulletin board system and uncontrolled information medium in the United States of America dedicated to the dissemination of historical facts -- not fiction!" Dietz's entry into the field of electronically disseminated hate propaganda is consistent with his role as one of the largest publishers of neo-Nazi materials in the United States. Much of what he offers those who gain access to his bulletin board denies the reality of the Holocaust against European Jewry during World War II.

A naturalized U.S. citizen who has boasted of his service in the Hitler Youth, Dietz emigrated from Germany in 1957, and has since prospered as a farm broker. Much of the material he produces under the banner of "Liberty Bell Publications" reflects his attitude towards Jews, whom he has described as a "criminal gang" who "are manipulating for the benefit of their own evil ends, everyone's life, in almost every country on earth." Liberty Bell Publications has become a source of Nazi propaganda which has, in recent years, been smuggled into West Germany, where distribution of such materials is illegal.

Among the topics of "general interest" Dietz makes available on his computer line are "Holocaust: Fact or Fiction?", "Who Are The Money Creators!" and "The Jew in Review." (He also includes a section on "West Virginia Real Estate Bargains.") As in the case of the Aryan Nations' system where Beam approves user passwords, one gains regular access to "Info International" by sending \$\$ to Dietz, who offers the prospective user -- if approved -- a validated password.

The 'Dragons of God'

Although the purveyors of this hate material have clearly adapted to the "computer age," there is little to suggest that this represents a great leap forward in the spread of anti-Semitic and racist propaganda. Nevertheless, complacency about this new development would be unwise; to the extent that many users of computerized data banks are impressionable young people vulnerable to propaganda, these new developments are a cause for some concern.

More troubling, the use of new technology to link together hate group activists coincides with an escalation of serious talk among some of them about the necessity of committing acts of terror. Indeed, certain Aryan Nations members have already begun to translate such talk into action. At the time of this writing, law enforcement officials are still tracking down members of an Aryan Nations "splinter group" implicated in a series of West Coast

crimes, including armed robberies, shootouts with authorities and the stockpiling of illegal weapons. Butler has described one of them, Robert Mathews, who died in a shootout with FBI officials, as a man of the "highest idealism and moral character." These acts come on the heels of an Aryan Nations conference last summer when seminars were offered in urban guerrilla warfare.

If there is a single theme characteristic of the computerized hate messages, it is that "enemies" should be placed on notice that the days of simply talking about committing acts of violence may be ending. In a message left by Midwest Aryan Nations leader Robert Miles (under his code name "Fafnir"), the impending campaign is compared with the cycle of violence experienced over the years by the people of Ireland:

"Soon, our own version of the 'troubles' will be widespread. The pattern of operations of the IRA will be seen across this land.

"We, the older and less active spokesmen for the folk and faith are being replaced by the young lions. These dragons of God have no time for pamphlets, for speeches, for gatherings, they know their role. They know their duty. They are the armed party which is being born out of the inability of white male youths to be heard. They are the products of the failure of this Satanic, anti-white federal monstrosity to listen to more peaceful voices, such as our own.

"We called for the dog federals to let our people go! We called for the government in Le Cesspool Grande to let us be apart from their social experiments in their mongrelism. But to no avail. And now, as we had warned, now come the Icemen! Out of the North, out of the frozen lands, once again the giants gather. Soon, America becomes Ireland recreated."

January, 1985

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH

ANTI-DEFAMATION LEAGUE OF B'NAI B'RITH
823 United Nations Plaza, New York, NY 10017

(212) 490-2525

REGIONAL OFFICES

ARIZONA REGIONAL OFFICE The First Interstate Tower, 3550 North Central Ave., Suite 1520, Phoenix, AZ 85012	(602) 274-0991
CENTRAL PACIFIC REGIONAL OFFICE 121 Stewart Street, San Francisco, CA 94105	(415) 546-0200
CONNECTICUT REGIONAL OFFICE 1162 Chapel Street, New Haven, CT 06511	(203) 787-4281
D.C./MARYLAND REGIONAL OFFICE 1640 Rhode Island Avenue, NW, Washington, DC 20036	(202) 857-6660
EASTERN PENNSYLVANIA/DELAWARE REGIONAL OFFICE 225 South 15th St., Philadelphia, PA 19102	(215) 735-4267
FLORIDA REGIONAL OFFICE 150 SE 2nd Avenue, Suite 800, Miami, FL 33131	(305) 373-6306
FLORIDA WEST COAST REGIONAL OFFICE 5002 Lemon Street, Suite 2300, Tampa, FL 33609	(813) 875-0750
GREATER CHICAGO/WISCONSIN REGIONAL OFFICE 222 West Adams Street, Chicago, IL 60606	(312) 782-5080
JEWISH COMMUNITY RELATIONS COUNCIL ANTI-DEFAMATION LEAGUE OF MINNESOTA & THE DAKOTAS 15 South 9th Street, Minneapolis, MN 55402	(612) 338-7816
LONG ISLAND REGIONAL OFFICE 98 Cutter Mill Road, Great Neck, NY 11021	(516) 829-3820
MICHIGAN REGIONAL OFFICE 163 Madison Avenue, Suite 120, Detroit, MI 48226	(313) 962-9686
MISSOURI/SOUTHERN ILLINOIS REGIONAL OFFICE 10922 Schuetz Road, St. Louis, MO 63146	(314) 432-6868
MOUNTAIN STATES REGIONAL OFFICE 300 South Dahlia Street, Suite 202, Denver, CO 80222	(303) 321-7177
NEW ENGLAND REGIONAL OFFICE 72 Franklin Street, Suite 504, Boston, MA 02110	(617) 542-4977
NEW JERSEY REGIONAL OFFICE 513 West Mt. Pleasant Ave., Livingston, NJ 07039	(201) 994-4546
NEW YORK CITY REGIONAL OFFICE 823 U.N. Plaza, New York, NY 10017	(212) 490-2525
NEW YORK STATE REGIONAL OFFICE 65 South Broadway, Tarrytown, NY 10591	(914) 332-1166
NORTH CAROLINA/VIRGINIA REGIONAL OFFICE 1703 Parham Road, Suite 204, Richmond, VA 23229	(804) 288-0366
NORTHWEST TEXAS/OKLAHOMA REGIONAL OFFICE 12800 Hillcrest Rd., Suite 219, Dallas, TX 75230	(214) 960-0342
OHIO/KENTUCKY/INDIANA REGIONAL OFFICE 1175 College Avenue, Columbus, OH 43209	(614) 239-8414
ORANGE COUNTY REGIONAL OFFICE 2700 North Main St., Suite 500, Santa Ana, CA 92701	(714) 973-4733
PACIFIC NORTHWEST REGIONAL OFFICE 1809 7th Ave., Suite 1609, Seattle, WA 98101	(206) 624-5750
PACIFIC SOUTHWEST REGIONAL OFFICE 6505 Wilshire Boulevard, Suite 814, Los Angeles, CA 90048	(213) 655-8205
PALM BEACH COUNTY REGIONAL OFFICE 324 Danura Street, Suite 223, West Palm Beach, FL 33401	(305) 832-7144
PLAINS STATES REGIONAL OFFICE 333 So. 132 Street, Omaha, NE 68154	(402) 333-1303
SAN DIEGO REGIONAL OFFICE 7850 Mission Center Court, #207, San Diego, CA 92108	(619) 293-3770
SOUTH CENTRAL REGIONAL OFFICE 535 Gravier Street, Suite 501, New Orleans, LA 70130	(504) 522-9534
SOUTHEAST REGIONAL OFFICE 3384 Peachtree Road, NE, Suite 660, Atlanta, GA 30326	(404) 262-3470
SOUTHWEST REGIONAL OFFICE 4211 Southwest Freeway, Suite 101, Houston, TX 77027	(713) 627-3490
WESTERN PENNSYLVANIA/WEST VIRGINIA REGIONAL OFFICE Allegheny Bldg., 429 Forbes St., 7th Fl., Pittsburgh, PA 15219	(412) 471-1050

ABROAD

ISRAEL OFFICE 30 King David Street, Jerusalem	011-972-2-224-844
PARIS OFFICE Boite Postale No. 317-75265, Paris, CEDEX 06, France	011-33-1-42-22-12-02
ROME LIAISON OFFICE Via San Crescenziano 11, 00199, Rome, Italy	011-39-6-831-0761

Appendix III

Bishop Wantland on Racism/Treaty Rights

WISCONSIN RACISM AND INDIAN TREATY RIGHTS

By The Rt. Rev. William C. Wentland

For the past several years, northern Wisconsin has been racked by the worst form of blatant racism imaginable. Bumper sticker and sign proclaimed "Save a deer--shoot an Indian", or "Save a walleye--spear an Indian".

Indians exercising their legal right to hunt or fish according to ancient custom were jeered at. Crowds of non-Indians gathered at boat landings to verbally assault Indian spearfishers.

Two very powerful groups emerged to dominate local politics and local feelings. One is called "Equal Rights For Everybody", or ERFE. The other is "Protect America's Rights and Resources", or PARR. Each group disclaims any racist bias. Each group opposes Indian Treaty Rights, and the authority of tribal governments.

While there has always been a great deal of tension between Indian and non-Indian groups in Wisconsin, that tension was more latent than open, at least until three years ago, when the Federal Circuit Court of Appeals handed down its decision in the so-called Voigt case. This case, in a nut shell, upheld the right to hunt, fish and gather wild rice reserved by the Ojibwa (Chippewa) Indians in northern Wisconsin by a series of treaties between the Ojibwa and the United States of America.

Once that right was recognized, and Indians from the six Ojibwa Reservations began to provide for hunting of deer and spearing of fish according to the old ways, a terrible outcry was heard from the non-Indian majority in northern Wisconsin.

One of the claims made by ERFE and PARR was that Indian hunting rights would totally deplete the deer, with disastrous results for the tourism industry in northern Wisconsin. As a matter of fact, during the first Indian hunting season, non-Indian bow hunters took around 25,000 deer. Gun hunters took close to 200,000 deer. Automobiles accounted for another 25,000 deer killed. Indians took 600 deer!

When it became obvious that the deer population would not be affected by the Indian hunting rights, the concern was expressed that spear fishing would depopulate the lakes. This past year, Indian spearfishers took in excess of 20,000 walleye; but the non-Indian angler took over 1,800,000! The Indian, who makes up 5% of the population, took a little over 1% of the catch.

The groups which claim to be non-racist, have made their first concern the Treaty Rights of the Ojibwa people. However, there are five other Reservations in Wisconsin. These non-Ojibwa people have also been targets of the PARR and ERFE advocates. Brown and Outagamie Counties, together with the City of Green Bay, have brought suit to dissolve the Oneida Reservation, and destroy the tribal government. At least one Federal official has characterized the Menomonee Reservation as "unsafe for whites".

Racism is racism, however it is categorized. However, much of the impetus for racism, both in Wisconsin and elsewhere, stems from the idea that Indian Treaties give special rights and privileges to Indians. The lack of understanding concerning Treaty Rights is at the root of much of the problem. The average non-Indian citizen of the United States assumes that somehow, Treaty Rights involve special consideration for Indians, or the granting of special rights not granted to other citizens.

The United States Commission on Civil Rights, in its June, 1981, report made the following observations in regard to the backlash against Indians in the 1970's:

"Many reasons have been given to explain and to justify the backlash. One explanation argues that, although there is a significant reservoir of sympathy for their situation, excessive political and material demands by Indians have soured the basically favorable disposition of the American people. From this viewpoint, it is said that the backlash is not racial or even political but is, rather opposite to the excesses of the activists. An 'equal rights' theory is often advanced to argue that Indian political power and control over Indian destiny is antithetical to the American system of equality and that Indian interests must give way to those of the larger society.

"Many individuals in the Indian world have placed a different construction on the backlash. They argue that the non-Indian interests, both governmental and private, that have been unfairly profiting at Indian expense have found their individual advantages disrupted by Indian legal and political victories and have organized to recapture their preferential position. In this view, the backlash is identified as a vocal minority of vested interests.

"A major difficulty in evaluating what has appeared to be a backlash against Indians is that most Americans do not have any frame of reference for distinguishing normality from change. Mel Tonasket, of the Confederated Tribes of the Colville Reservation in Washington, has stated:

I think a lot of the backlash coming from the common citizens is mainly out of ignorance because of the lack of educational systems to teach anything about Indians, about treaties . . . When the population really doesn't know what the rights are and what the laws say, they have to make judgment decisions based on what the media puts out to them or what a politician (says).

"Chairman Arthur Flemming of the U.S. Commission on Civil Rights observed after listening to several days of testimony on Indian issues from a range of citizens in Washington State:

It is clear to me from the testimony we've listened to, that there are a great many adults who do not have any understanding of the treaties, of tribal government and the implications of it, and so on, and they are reacting from a position of no knowledge."

This lack of knowledge and ignorance of Treaty Rights was also reflected by the American Indian Policy Review Commission of the U.S. Senate in 1977:

"One of the greatest obstacles faced by the Indian today in his drive for self-determination and a place in this Nation is the American public's ignorance of the historical relationship of the United States with Indian tribes and the lack of general awareness of the status of the American Indian in our society today."

Alvin Zientz, a member of the Indian Rights Committee of the ACLU, makes it clear that the arguments against Indian treaty rights predicated on the idea that such rights deny rights to other Americans is without any logical legal standing:

"As a matter of principle, there is no conflict whatever between Indian treaty rights and the 14th amendment, none whatever. The 14th amendment says simply that if you're going to have different treatment of different groups, there must be a rational basis for that difference. There is obviously a rational basis for the separate treatment of Indian groups, and that basis is the transactions which they made with this nation. They have in effect entered into a contract, and it is no more a denial of my 14th amendment rights that Indians continue to receive the benefits of the agreement they made than it is a denial of my rights that any groups that sold land to the United States Government gets paid for their land."

What, then, is the basis of Indian Treaty Rights? And how does that basis affect the relationship between Indian peoples and other Americans?

At the time Columbus "discovered" the New World, the North American continent was inhabited by over 400 Indian Nations and Tribes. These Native Nations were sovereign in every respect, and were treated as such by most of the European Nations. Treaties were entered into by the European and Indian governments.

A treaty is a contract between sovereign nations, and assumes a certain level of equality between the contracting parties.

After the Independence of the American States and the establishment of the present U.S. Government, the United States continued to make treaties with Indian Nations as agreements between equals. Indeed, the Indian population was as great as the white population at that time. It is generally recognized that treaties as between equal sovereigns were made by the United States with Indian Nations until the time of Andrew Jackson.

Thereafter, treaties were made by the United States as a dominant sovereign, and the Indian Nations were seen as dependent sovereigns. The United States Supreme Court, in fact, declared Indian Nations to be dependent or quasi sovereign governments in its landmark decision of Worcester v. Georgia in 1832.

Thereafter, until 1871, treaties were made with Indians primarily to obtain cession of land, or to limit Indian rights. Even though many of the Indian Nations were never at war with the United States, and therefore never were defeated in battle, the treaties made during this period were never made as between equals. Not one treaty gave any advantage to a single Indian government.

By the time Congress cancelled the treaty-making process in 1871, well over 600 treaties had been made between the United States and the various Indian Nations.

Perhaps it would be wise to review the legal effect of treaties, and the place of Indian treaties in 20th century American law.

Article II. Section 2, Clause 2 of the U.S. Constitution declares:

"The President shall . . . have power, by and with the advice and consent of the Senate, to make treaties, provided two-thirds of the Senators present concur . . ."

Article VI, Section 2, of the Constitution provides:

"This Constitution, and the laws of the United States which shall be made in pursuance thereof; and all treaties made, or which shall be made, under the authority of the United States shall be the Supreme Law of the Land."

Treaties, as the "supreme law of the land", are therefore superior to the law of any State. As the Constitution says, in regard to treaties; "(T)he judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the contrary notwithstanding."

While the United States continued to make treaties with Indian Nations until 1871, there had long been complaints from the U.S. House of Representatives that agreements with Indians should involve the Representatives as well as the Senators. Largely due to these complaints, in 1871 Congress passed what is now 25 USCA 71:

"No Indian nation or tribe within the territory of the United States shall be acknowledged or recognized as an independent nation, tribe, or power with whom the United States may contract by treaty; but no obligation of any treaty lawfully made and ratified with any such Indian nation or tribe prior to March 3, 1871, shall be hereby invalidated or impaired."

This statute ended the treaty making period of Indian-U.S. relations. However, the statute kept all previous treaties in full force and effect. For a number of years after the 1871 act, the United States Government entered into "Agreements" with various Indian Nations. These Agreements were virtually the same thing as treaties, except ratification was by both House and Senate of the U.S. Congress, as well as by the legislative body of the Indian Nation. For example, in December of 1897, an Agreement was executed between the United States and the Seminole Nation of Oklahoma providing for allotment of land in severalty. This agreement was ratified by the General Council of the Seminole Nation and by the U.S. Congress in the summer of 1898, and has the same effect as a treaty.

However, after 1903, with very few exceptions, the United States ceased making Agreements, and simply passed legislation through Congress which imposed upon the Indian nations whatever terms or conditions the U.S. Government wished.

The Basis for this action was the provision of Article I, Section 8, Clause 3 of the Constitution: "The Congress shall have power . . . To regulate commerce with . . . the Indian tribes . . ."

In 1903, the U.S. Supreme Court, in the case of Lone Wolf v. Hitchcock, declared that the Commerce Clause of the U.S. Constitution gave to congress "plenary power" over Indian Nations. The result of this decision was that congress may unilaterally repeal treaties, remove Indian people from their land, or even take the land. As recently as 1953, Congress has unilaterally taken rights away from Indian Nations and partially abrogated solemn treaties by granting certain Indian sovereign rights to the States without the knowledge or consent of the Indian Nations. (PL-280.)

However, in spite of the "plenary power" clause of the Constitution, and the fact that virtually every Indian treaty has been limited or broken, the Indian treaties still remain a part of the supreme law of the land, and are generally upheld in the Courts of the United States. Indeed, these Treaty Rights mark the whole basis for the existence of Indian Nations, and the rights and privileges of their citizens.

Unfortunately, most non-Indians assume that Indian treaties make a grant of special rights or privileges to Indians, and therefore are unfair. The truth of the matter was set out by the Supreme Court in 1905: An Indian treaty is "not a grant of rights to the Indians, but a grant of rights from them" (U.S. v. Winans). The purpose of an Indian treaty was not to give rights to the Indians but to remove rights they already had.

Nearly every treaty made involves the cession of land by the Indian Nation to the United States. In the cession of land, the Indian Nation agreed to give up the land in exchange for the protection of rights not specifically surrendered in the treaty, and in exchange for payment. The payment made by the United States might include money, but often also included payment of health or educational services. Thus, the provision of health and educational benefits to Indian Nations is not a form of welfare, but a sort of paid up insurance policy; a policy paid for by the Indians with millions of acres of land.

Two recent examples might illustrate the concept of reservation of rights. In the 19th century, Indians in Wisconsin and Washington State entered into a series of treaties, ceding land to the United States, land which the Indians owned totally and completely. Such ownership is called "fee simple absolute" ownership in legal terms.

When a land owner has fee simple absolute title, the owner may sell the full title to a buyer, or may sell only a partial interest in the land, reserving the rest of the title to himself. We are all familiar with the land owner who sells the surface interest in land, but retains (or reserves) the title to the minerals under the land. While the surface owner has the right to farm or build on the land, the former owner, and his heirs forever, have the reserved right to go on the land and prospect for the minerals.

The Washington and Wisconsin treaties reserved to the Indian peoples and their descendants the right to hunt and fish on the ceded land, just as the mineral owner had reserved the right to drill for oil or mine for coal.

When the State Governments and the non-Indian citizens challenged these reserved rights in the 1960's and 1970's, the U.S. District Courts (the Boldt case in Washington and the Voigt decision in Wisconsin) affirmed the treaty rights of the Indian Nations. These affirmations have been upheld by the Circuit Courts of Appeals.

In spite of the fact that the treaties are clearly the law of the land, and the Federal Courts have upheld these treaties, and the treaty reservations follow simple real property law principles, numerous local governments and citizens' groups have attacked these Treaty Rights. These attacks have resulted in numerous acts of physical violence and racist actions against Indian peoples. The backlash of the 1970's has carried over to the 80's. Tragically, these racist actions reflect total ignorance of Treaty Rights, as noted by the U.S. Commission on Civil Rights in its 1981 report.

The Episcopal Church has been very aware of these matters, and at the General Convention meeting in Anaheim, California, in September of 1985, Resolution B-007a was passed as the stated policy of the Church. Because of its importance, that Resolution is reproduced in full:

"Whereas, The United States of America has entered into solemn treaties with many Indian Nations and Tribes, which treaties have been duly ratified by the U.S. Senate, and become the supreme law of the land; and

"Whereas, in these treaties, the Native American people have reserved unto themselves and their descendents certain rights and health and education benefits, in exchange for the cession of most of their land; and

"Whereas, continuously since the days of Chief Justice Marshall, Indian Nations within this Republic have been recognized as 'dependent sovereign nations,' entitled to internal autonomy; and

"Whereas, Native American people currently face a growing tide of racism, erosion of treaty rights, and constant attacks on tribal sovereignty and self determination; and

"Whereas, Native American members of The Episcopal Church are asking the Church to speak out; therefore be it

"Resolved, the House of Bishops concurring, That the National Committee on Indian Work be instructed by the 68th General Convention of The Episcopal Church to request all agencies of the Church to advocate and support the honoring of all Indian treaty rights and the right to internal autonomy and self-determination of Indian Nations and Tribes."

Thus, The Episcopal Church recognizes the Treaty Rights of Indian Nations and peoples, and advocates and supports the honoring of those rights. The Church must work to educate its own members, and all citizens of the United States, to understand and respect these Treaty Rights. As the 1984 Oklahoma Consultation on Indian Ministries observed:

"The average person is ignorant of Indian Rights, and is ignorant of his ignorance."

It is this "ignorance of ignorance" which we, as Christians, must combat.

Appendix IV

1984 Milwaukee Journal News Clips



The following series of articles, written by
Dennis McCann and Don Bohm of the Journal Staff, appeared
in The Milwaukee Journal during Oct. 14-17, 1984.

North Woods steaming with racial hostility

Reserve, Wis. — Hostility is poisoning the tranquil waters of northern Wisconsin. Tension crackles through its forests, where your race determines when and where you can shoot deer.

There are outward signs of hot tempers:

"Spear an Indian, save a muskie. That's what I think," proclaims a man in a sporting goods store in the small community of Manitowish Waters.

In the same community, bumper stickers proclaim, "Shoot an Indian, save 25 deer."

In the Ashland County Courthouse, an unofficial notice circulates announcing "open season on Indians," setting a "bag limit of 10 per day."

Some resort owners, prompted by bar talk of armed Indian hunters gone wild, warn customers not to walk in the woods.

Equal Rights for Everyone, a new group dedicated to abrogation of Indian treaties, has gained thousands of members in a matter of months. When a federal official appeared in Minocqua to discuss the issue, more than 1,000 people turned out to listen.

On the opening day of the Indian deer season, Sept. 22, white hunters carrying picket signs and unloaded guns mounted a protest on public land near Conover.

So far emotions have not translated into anything but an incident or two of minor violence, but throughout the North, local officials say racial hostility is growing.

At issue is a ruling called the Voigt decision, in which a panel of federal judges upheld the rights of about 12,000 Wisconsin Chippewa Indians to hunt, fish and gather wild rice on territory the tribes ceded to the US in the mid-1800s.

As a result of the ruling, issued Jan. 25, 1983, the Wisconsin Department of Natural Resources negotiated hunting and fishing agreements with Chippewa tribal leaders separate from those governing other sportsmen. Last month, a 71-day rifle deer season for Chippewas opened on public lands in 29 northern counties. Last year, the special deer season netted Indian hunters 644 deer.

Still in effect is a special fishing season permitting only Indians to practice spearing and motor trolling on specified off-reservation lakes.



First of a series on the ramifications of court decisions reaffirming the rights of Chippewa Indians to hunt, fish and gather rice on public lands.



A man demonstrated against Indian hunting treaties at a protest rally

The special seasons just for Indians have caused anger and resentment.

Paul Mullaly, the Hayward builder who now works full time as president of Equal Rights for Everyone, says the mood is dangerous.

"I think people have patience, but you can see the anger building," he said. "It's just going to boil over. It's just going to be absolute trouble. There's just no other way."

The resentment goes beyond an extra deer for Indian hunters or a few more pounds of walleye for Indian fishermen. Behind the intense

emotions are issues of substance. Among them:

CIVIL RIGHTS — Indian hunting and fishing has become a civil rights issue in northern Wisconsin and around the US. There is a sometimes difficult-to-answer question of why one group of people in America — Indians — can do something that other groups cannot.

ECONOMICS — Tourism is the lifeblood of the north. Businessmen fear continued bickering could drive visitors, and their dollars, away.

RESOURCES — Some treaty op-

ponents say the Chippewas are outdoor outlaws who will, with extended rights, ruin sport fishing and hunting.

HISTORY — Treaty rights, given by the federal government 130 years ago when the Chippewas gave up their claims to the northern third of Wisconsin and portions of Minnesota and Upper Michigan, are considered sacred by Indians but outdated by many whites.

The issues are not Wisconsin's alone.

On Nov. 6, Washington state resi-

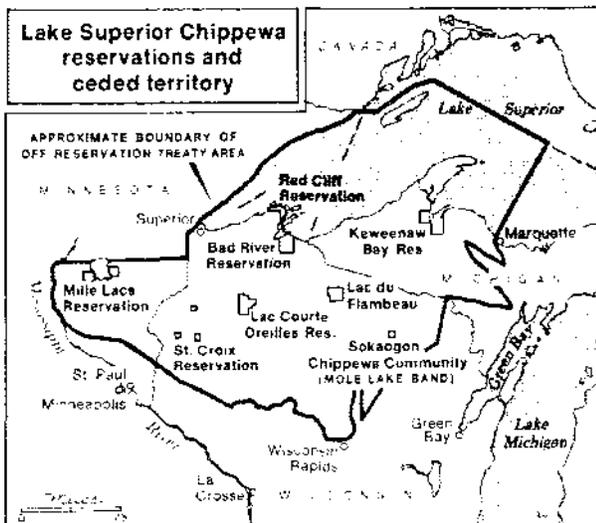
dents will vote on a non-binding resolution that urges the federal government to renege on 129-year-old treaty rights. Members of the Michigan Steelheaders Association complain that Chippewa fishermen are netting too many whitefish and lake trout and endangering the Lake Superior fishery west of the Keweenaw Peninsula. Last March, the Federal Court of Appeals affirmed the right of Klamath Indians in Oregon to hunt and fish unrestricted by state regulation on more than 617,000 acres of state-owned land. These are just a



WISCONSIN-A WILDLIFE WASTELAND THE CHIPPEWA CAN DO IT.

SIGNS OF CONFLICT — A photographic montage shows some of the signs hostile to Indian hunting and fishing found in the North Woods. Lac du Flambeau tribal judge Thomas Maulson (left) held a

bumper sticker protesting Indian hunting privileges. Lac Courte Oreilles tribal game warden Frank Lynk (right) showed a sign that was found in the Chequamegon National Forest.



few examples.

In Wisconsin, the Voigt decision ended a nine-year court fight that began when Fred and Mike Tribble, residents of the Lac Courte Oreilles reservation, challenged the Department of Natural Resources by fishing on an off-reservation lake. As they had expected, they were arrested. But as few whites had expected, Indian rights were upheld by federal courts, a decision that horrified many whites bound by more restrictive state laws.

Larry Peterson of Park Falls, vice president of Equal Rights for Everyone, told a deputy secretary of the US Department of Interior at a re-

cent meeting in Minocqua on Indian treaty rights:

"You have virtually tagged the non-Indian American as second class citizens. I cannot understand why you are allowing this gross injustice, prejudice and discrimination to carry on. I would like you to tell us that we are all equal . . . that this blunder of justice and our federal court system will be changed."

The court decision caught many by surprise, but it shouldn't have, said Walt Bresette of Red Cliff, public information officer for the Great Lakes Indian Fish and Wildlife Commission.

"The public of this generation gets its history of Indians from sensational headlines of the past, cowboy and Indian films and educational systems that either ignored contemporary Indian developments or characterized us as a novelty of the past," Bresette said. "It is unfortunate that at every turn I have to defend my rights when one would expect such discussions to have occurred and been resolved in any decent ninth-grade civics class."

Indians are having to defend their rights against ever stronger attacks.

But the lawsuit, and the subsequent court ruling that the Chippewa did indeed have off-reservation hunting, fishing and gathering rights, "just seemed to be the spark that set off generations of hostility toward the tribes," he said.

"There's some real bitter hatred among a few of those people."

After the court ruling, the issue for state officials became not what to do about the treaties but how to live with them.

But the opposite was true for Equal Rights for Everyone and other critics.

No-repeal policy

While federal policy long has been opposed to repealing Indian treaties, and while Congress shows no interest in moving in that direction, Equal Rights for Everyone is pushing hard to convince the government that it is finally time to change the course of Indian policy.

Some have blamed Mullaly and Equal Rights for Everyone for fueling the racial hostility. The organization is broad-based and driven by a variety of motives.

George Meyer, the DNR's chief of enforcement, said the membership of

Equal Rights for Everyone includes "a spectrum of people, and I don't think they should be branded one way or the other."

"I think there is probably a large portion of their membership that is very conscious of resource protection and very worried about what is going to happen," he said. "There's a segment that has a financial interest, the tourism industry, because a lot of resorts depend on how the public thinks fishing is in their lakes."

Others are tired of what they perceive as decades of failure in federal Indian policy. Meyer said. For them, the Voigt decision was "the straw that broke the camel's back."

But, Meyer said, "there are others in the group that I think have less pure motives, and I've seen statements from some people in that group and, in fact, in leadership positions that I think have very strong prejudicial overtones."

Others in the nation are making the same point as Equal Rights for Everyone. In the April issue of Outdoor Life magazine, Editor Clare Conley said the time was right to end treaties and solve "the Indian problem."

"Make no mistake," he wrote. "The tribes are on the move. They aim to lay claim to as much land — your land — as they can get, and they plan to commercialize our fish and game resources."

Others on both sides find that regrettable. One Indian who has lived on the Lac Courte Oreilles reservation for many years said that in the 1950s, "Nobody bothered us then because we didn't have anything. We were 'good' Indians then."

How it started

Indian brothers caught a lot of fish, a lot of trouble

Reserve, Wis. — Fred and Mike Tribble weren't sure they'd catch fish on Chief Lake that day, but they knew they might catch hell.

And they did, more than the limit. As they knew they would be, the Tribbles, members of the Lac Courte Oreilles Chippewa band, were arrested by state wardens and charged with illegally attempting to spear fish off their Indian reservation.

Convinced that the arrests in March 1974 violated long-ignored treaty rights to hunt and fish in northern Wisconsin, the tribe filed suit against the State Department of Natural Resources.

The Chippe was eventually won, and the victory touched off a conflict that a decade after the Tribbles' incident still is crackling through the North Woods like a forest fire.

The ruling in the Tribbles' case has been called the Voigt decision after

In the Voigt decision, handed down Jan. 25, 1983, the Chippewas finally won the case stemming from the arrest of Mike and Fred Tribble. The Federal Court of Appeals in Chicago determined that Chippewa tribes in Wisconsin, Upper Michigan

and Minnesota had retained rights to hunt, fish and gather wild rice on territory ceded to the government during the mid-1850s.

The US Supreme Court consequently refused to hear the state's appeal.

Today, Fred Tribble, 48, manages the Lac Courte Oreilles Bingo Palace — a high stakes bingo hall — and has not hunted or fished off the reservation in two years. Mike Tribble, 45, works part time at the bingo hall and has hunted off the reservation this season.



Fred and Mike Tribble touched off the conflict that still rages in the North Woods

US Rep. David Obey says Indians should give up some of their hunting and fishing rights. Obey's comments and those of the state's other congressmen are on Page 3 of Accent.

Lester Voigt, who was secretary of the State Department of Natural Resources at the time the suit was filed.

Treaty feelings differ by region

Nearly half of the 998 Wisconsinites surveyed in September by The Journal felt that the hunting and fishing treaties between the federal government and Indians should be maintained.

But in the northern part of the state, where most of the hunting and fishing under those 130-year-old treaties take place, only 21% think the treaties should be honored.

Statewide, 12% backed terminating the treaty rights, but in the north the percentage climbed to 30%.

Northern Wisconsin residents also see the issue as much more important than people elsewhere in the state see it.

Survey respondents were asked:

The federal government entered into a treaty with Indians 130 years ago allowing them special hunting and fishing rights. Do you think this treaty should be left alone and continued to be honored, renegotiated, or terminated?

Overall, the responses were: Left alone 47%, renegotiated 38%, terminated 12%, don't know 3%.

For those living in the southern part of the state, the response was: left alone 53%, renegotiated 35%,



terminated 8%, don't know 4%.

In the central part of the state, it was: left alone 44%, renegotiated 41%, terminated 13% and don't know 2%.

In the north, it was: left alone 21%, renegotiated 46%, terminated 30% and don't know 3%.

People also were asked to rate the importance to them of certain statewide issues.

Overall, 17% said Indian fishing and hunting rights were very important. Another 28% rated it as an important issue, 26% said it was somewhat important and 26% rated it not important at all. Three percent had no opinion.

But in the north, the response differed. It was: very important 37%, important 27%, somewhat important 13%, not important 17% and don't know 6%.



WHAT ABOUT THE INDIAN TREATIES ON HUNTING AND FISHING?

Source: Journal Poll

	Everyone in State	North	Central	South
Let them stand	47%	21%	44%	53%
Renegotiate	38%	46%	41%	35%
Terminate	12%	30%	13%	8%
Don't Know	3%	3%	2%	4%

About the survey

Telephone interviews were conducted from Sept. 21 through Sept. 25 with 998 people 18 and older throughout the state using a computer-generated random sample of telephone numbers.

In theory, with a sample of that size, 95% of the time the survey results should vary by no more than 3 percent-

age points from the results that would be obtained by surveying everyone 18 or older in the state.

Responses were analyzed with the help of Linda Hawkins of the social science research center at the University of Wisconsin — Milwaukee. The survey was conducted under the supervision of the research department of Newspapers Inc.

Indians should give up rights to ease tension, Obey says

Washington, D.C. — Rep. David Obey (D-Wis.) thinks that Indian leaders should agree to give up some of their special hunting and fishing rights under treaties negotiated more than a century ago.

"For a small number of additional deer, the special rights are creating incredible bitterness, which does not benefit the Indians or anyone else," Obey said in an interview.

"I think it is a legitimate question whether you can get society to accept that two sets of people are going to live side by side with two sets of rules. And you don't have to be a bigot to ask whether the Indians are being realistic when they ask you to go by 1846 rules on tribal sovereignty, but by 1984 rules as far as government benefits.

"In other words, if these guys want tribal sovereignty on the basis of some ancient treaty, if they want a separate nation, then how can they expect us to continue to pump in large amounts of federal money?"

Obey and Rep. Toby Roth (R-Wis.) represent House districts that stretch across northern Wisconsin from Green Bay to Superior. Many of their white constituents have been infuriated by a federal appeals court ruling that the Chippewa Indians have substantial, special off-reservation hunting and fishing rights in the northern third of Wisconsin.

Heavily attended meeting

Roth arranged a heavily attended meeting in Minocqua last month at which William Horn, deputy undersecretary of the Department of Interior, told area residents that there was almost no chance that Congress would change or terminate the

treaties that guarantee Indian hunting and fishing rights.

Obey and Roth agreed with that assessment, with Obey noting that President Reagan's administration had followed the longstanding policy of opposing any termination. And Obey noted that Congress had refused to change treaties unless the revisions had been approved in negotiations with Indian tribes.

"If you can't get it negotiated you won't get it changed," Obey said. "People may think that is unpleasant, but it is the fact and will not change."

Obey fears that some Indians are doing their own cause great harm because they are trying to make the point that people who are unhappy with the treaties are bigots.

"I don't question the Indians' rights under the treaties, but it doesn't mean that it is smart for the Indians to exercise those rights. The bigots are using the issue to spread venom all over the place. For the good of the Indians themselves, I think they should cooperate in negotiating a new agreement."

Shooting from cars

Roth said he was delighted that Chippewa Indian leaders agreed to ask tribal members to abandon the use of guns from vehicles on unpaved roads a few days after Horn's appearance. That practice, permitted under the agreement reached with the State Department of Natural Resources, had brought widespread protests that shooting accidents could increase.

Roth urged state officials, including Gov. Earl, to hold a series of meetings and negotiate a new agree-

ment with the Indians.

Sen. Robert W. Kasten Jr. (R-Wis.) also said the controversy was a matter that should be resolved in nego-



tations between state officials and the Indians.

"We have not talked about terminating the treaties in any detail," Kasten said. "If they can't reach an agreement, then the focus might shift to the federal government and Congress."

Kasten had written tribal leaders the day before they made their voluntary decision, urging them to "ban the carrying of loaded and uncased weapons in vehicles by your members, as well as to prohibit the firing of weapons from cars or trucks."

The issue apparently has had little impact in other congressional districts, although other members of the Wisconsin delegation also favored additional negotiations or said the disputes over Indian hunting and fishing rights had not reached the stage where congressional action was demanded.

"The problem hasn't been brought to my attention," said Rep. Les Aspin, a Democrat who represents the 1st District in southeastern Wisconsin.

Democrat Robert Kastenmeier of Sun Prairie had a similar reaction, noting that he had almost no mail on the subject and that he had not studied the problem.

"I haven't taken an activist role in this matter," said Republican Steve Gunderson, who represents the 3rd District in western Wisconsin. "I don't know how you can resolve it without some kind of agreement between the state and the Indians. You're not going to do it with strong-arming legislation."

Milwaukee Democrat Gerald Kleczka said he could find only one letter on the issue in his files.

"I don't see much possibility of Congress stepping in to make changes in the treaties," Kleczka said. "I would hope the DNR and the Indians could negotiate an acceptable compromise."

Rep. Jim Moody, another Milwaukee Democrat, agreed.

"I'd be opposed to canceling treaties with the Indians," he said. "A much more sensible way is to negotiate something better."

However, Rep. F. James Sensenbrenner Jr., a Republican from Menomonee Falls, said he thought "the equal protection clause of the Constitution requires people to be treated equally."

"Giving Indians substantially broader hunting rights does not treat people equally if Congress does have the power. I certainly would support moves to change the treaties."

Republican Thomas E. Petri of Fond du Lac said he, too, hoped that an agreement could be negotiated, but that the Indians would have to accept fewer special rights under the treaties if they wanted to keep their substantial federal financial support.

Arrest led him to fight treaties

Hayward, Wis. — Paul Mullaly found his cause last fall, about the same time a DNR warden found him with an uncased gun in his car.

Mullaly was arrested for that, as any white hunter in Wisconsin could expect to be. But Mullaly, who lives just a few miles from the Lac Courte Oreilles Chippewa Indian reservation, seethed inwardly as he paid his \$29 fine.

An Indian in his car would not have been arrested in the same circumstance, Mullaly said, and that does not constitute equal rights for everyone.

And so was born Equal Rights for Everyone, an organization that says

it is dedicated to uniting "the voices of the silent majority" in the pursuit of legislation that would abrogate treaties between Indians and the federal government.

In the organization's view, the government is giving Indians super rights, not just for hunting and fishing but in housing, medical and social welfare programs. The group's board of directors has vowed to "wage a battle of fairness, facts and non-violence to bring peace and harmony to our country by having one law for everyone regardless of race or creed."

The group has about 4,000 paid members so far and, if the members of sports groups that have joined as associates are counted, the number could be 8,000 or more, Mullaly said. A builder for 27 years, Mullaly now works full time, though not for salary, as president of Equal Rights for Everyone.

His willingness to become involved had been building for some time. The construction business in the North, never booming, had become more



Paul Mullaly

difficult in his area because of competition from a Lac Courte Oreilles construction company that underbids others because it does not pay taxes,

he said.

Mullaly suddenly became a recognized, influential figure in the North. In an election year, treaty rights have become a major issue in some legislative and congressional election campaigns.

Because Republicans have generally endorsed Equal Rights for Everyone's cause, many blue-collar members are thinking GOP, observers say.

"We have a lot of Democrats turning Republican up in northern Wisconsin these days. I'll guarantee you that," Mullaly said.

Mark Michaelsen, a Republican seeking Democrat David Obey's seat in Congress, has appealed to members of Equal Rights for Everyone and sportsmen's groups to align themselves behind his candidacy. Also outspoken on the issue have been Assembly candidate William Plizka (R-Mellen) and State Sen. Daniel Theno (R-Ashland).

Said Theno: "They don't understand the state budget very well but they do understand a few miles down the road an Indian is getting an extra deer."

Indians say treaty is simple, and they want their rights

La Pointe, Wis. — For Indians, the matter is simple. Treaties that guarantee hunting and fishing rights are contracts between their government and that of the US, as sacred as treaties with foreign nations and binding forever.

"You guaranteed it, your gov-

ernment, you guaranteed it because you took our land, you took our water, you took our air," said Billy Pocan, a Chippewa raised in Milwaukee who now lives in Bayfield. "You said as long as the sun shines, as long as the grass grows, as long as the river flows."

Pocan pointed to Lake Superior and pulled blades of grass from the lawn at his feet.

"Nothing's changed," he said. "You guaranteed it."

For many whites, however, the issue is excruciatingly complex and has caused anguish, resentment and unhappiness.

It was on Madeline Island, which is prophesized in tribal lore as a place where the Chippewas would live and prosper, that the last treaty between the Lake Superior Chippewas and the US was signed, the Treaty of 1854, in which Indians traded their remaining land for the permanent reservations that exist today.



John Hanson Jr. and Timothy Hanson, members of the Red Cliff band, demonstrated how they can hunt from a vehicle on a back road in Bayfield County

And it was a Chippewa leader born and raised here, GitcheBizhikee or the Great Buffalo, who made the treaty possible, journeying to Washington to obtain federal guarantees that the Treaty of 1854 would end years of strife for his people.

"We do not want to be deceived any more as we have in the past," he said at the time.

"We now understand that we are selling our lands as well as the timber and that the whole, with the exception of what we shall reserve, goes to the great father forever."

Buffalo is at peace now, buried down behind the marina in the small Indian cemetery, a collection of largely neglected and weather-scattered markers but still a curiosity to summer's tourists.

Not at peace

But Buffalo's descendants are not at peace, and the Treaty of 1854 and others are the reasons why. The land and the timber are no longer at issue but that which was reserved has led to strife once again.

Last year, Chippewas won court battles upholding the hunting, fishing and gathering rights contained in treaties made during the mid-1850s. But in so doing they encountered bitter opposition from whites who believe the treaties are outdated, unfair, unconstitutional and intolerable.

Many do not believe that an agree-

ment reached 130 years ago between the Great Buffalo and President Millard Fillmore should be binding in the Space Age. They argue that Indian blood has been diluted by years of intermarriage, that upholding treaty rights could open the door to widespread Indian land grabs and that natural resources are at stake.

Most often, they say there is no place in a democratic society for one set of rights for one group but another set of rights for others.

How did this all come about?

3 treaties

There were actually three treaties that form the foundation for today's debate.

In the first two, in 1837 and 1842, Chippewa leaders sold to the US parts of their holdings in what is now northern Wisconsin, Michigan and Minnesota. US government officials sought the treaties to secure ownership of vast timber acreage and copper resources.

The Chippewas retained the rights to live on and harvest the fish and game resources of their land. However, if they were found to have violated the privileges of occupancy, or in other words to have misbehaved, they could be removed from the land by order of the president of the United States.

After 1842, however, settlement of the south shore of Lake Superior

accelerated and copper mining increased, resulting in suggestions that the Chippewas be removed to land set apart for them west of the Mississippi River.

Issue order

At the urging of the commissioner of Indian affairs and the secretary of the interior, President Zachary Taylor issued an executive order suspending the Chippewa right to hunt, fish and gather wild rice on lands in the ceded territory.

The Indians were alarmed but also convinced that the order was invalid because they had not misbehaved. During the next few years they fought removal. Buffalo took the fight to Washington.

In June 1852 Fillmore countermanded his predecessor's order and, on Sept. 30, 1854, the final treaty was signed. In it, the Chippewas ceded their remaining land in Minnesota for permanent reservation sites.

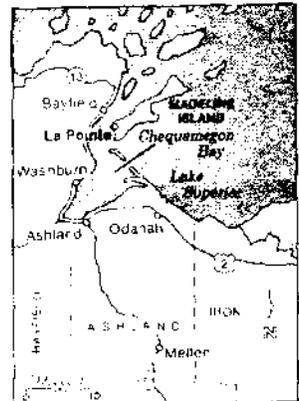
Reservation sites

In Wisconsin, the sites became reservations for Chippewa bands at Red Cliff, Bad River, St. Croix, Lac Courte Oreilles, Lac du Flambeau and Mole Lake. Other reservations were established in Minnesota and Michigan.

The issue in Lac Courte Oreilles Band vs. Voigt, the lawsuit sparked by the arrest of off-reservation tribal

fishermen in 1974, was the validity of Taylor's order. [Voigt is from Lester Voigt, who was secretary of the Wisconsin Department of Natural Resources at the time.]

Federal Judge James E. Doyle rejected the argument that the order terminating hunting and fishing rights in the ceded territory was



The Treaty of 1854 was signed at Madeline Island

valid, but agreed with the state's view that the Chippewas relin-

quished those rights by entering into the 1854 treaty.

The Federal Court of Appeals said last year, however, that the president's order was not valid and that the Chippewas had not relinquished previous rights under the Treaty of 1854.

When the Supreme Court refused to hear the case, affirming the Appeals Court's decision, the Chippewas were free to hunt and fish and gather rice on public lands in the ceded territory.

Abolish treaties

The Voigt decision, as it has come to be known, has sparked an escalating drive to abrogate, or abolish, the treaties. But William Horn, a deputy undersecretary of the Department of Interior, said in Wisconsin recently



that abrogation almost certainly was out of the question.

Horn said it would be up to Congress to do that, adding that "there has been no inclination anywhere in Congress at the leadership level to move anything that looks like abrogation and ... the basic administration policy [for years] has been no abrogation of a treaty ..."

As for those who object to different sets of rules, Horn said treaty rights were "paramount federal



Red Cliff tribal chairman Richard Gurnoe checked a gill net along the reservation shoreline

rights" and did not violate constitutional guarantees of equal treatment under the law.

It is fine to protest, as some groups are doing, but it would be better to learn to live with the treaties, Horn said.

The state has chosen that course.

Gov. Earl said, "I begin with the premise that the treaties ... are the law. They are not going to be abrogated. Let us learn to live with them."

Exercise of rights

While upholding fishing and hunting rights, the Voigt decision left for other courts to decide exactly what those rights include and the major issue of who should regulate exercise of those rights. The Chippewas say they should; the state thinks otherwise.

In the meantime, in order to permit immediate exercise of treaty rights, the Department of Natural Resources and tribes have entered into temporary agreements governing individual seasons for deer hunting, open water and ice fishing, and wild rice gathering.

At the same time, preparations continue on both sides for what are expected to be lengthy negotiations.

George Meyer, chief DNR negotiator on the issue, said some parts would come together easily, including rules for deer hunting, ricing and trapping. The state has no worries that meaningful exercise of treaty rights will harm those resources, he said.

Open water fishing, which has more profound implications for both fish populations on inland lakes and the tourism industry, will be a far stickier issue to resolve, Meyer said.

Tribes agreed to rules requested by DNR

Two agreements between Wisconsin Chippewa Indians and the State Department of Natural Resources have sparked anger among North Woods white residents who criticize the hunting and fishing plans as special privileges for one class of citizens.

Moreover, non-Indian sportsmen allege that the agreements will allow Indians to spear or net walleyes and muskies until there are no more in inland lakes and allow those same Indians to aggressively hunt white-tailed deer until they no longer exist in the northern Wisconsin forests.

George Meyer, the chief negotiator representing the DNR in all discussions of fishing and hunting agreements, insists that Chippewa tribal leaders agreed to numerous restrictions on their treaty-based rights to fish and hunt on public lands in the northern one-third of Wisconsin.

For example, said Meyer, the Indians agreed not to gill-net fish on off-reservation inland lakes this year. Sports fisherman oppose gill nets because they usually kill all of the fish they ensnarl — including game

fish.

In addition, tribal members are not allowed to harvest fish in state fish refuges.

At a June press conference announcing the 1984 open water fishing agreement, James Schlander, chairman of the Voigt Intertribal Task Force and a member of the Lac Courte Oreilles tribal council, said absolute restrictions on fishing in refuges, for example, were an indication of the tribes' willingness to accommodate DNR resource management goals.

"The resource is the number one goal in our mind," Schlander said. "We recognize the need for those fish refuges. We recognize the need for a limited season (and) bag limits."

The 1984 summer and fall open water fishing season agreement is in effect until Dec. 1.

It provides bag limits for hook and line fishing. For example, Indian fishers may take two muskies, a minimum of 32 inches long, per day, and 15 bass per day.

Tribal members will be allowed to motor troll on the Flambeau Flowage

in Iron County and five other northern lakes on which non-Indian anglers are not allowed to motor troll.

Sparing bag limits include two muskies per day until Oct. 31; a maximum walleye harvest of 5,000 pounds for all six Chippewa tribes.

"All violations by treaty fishers of regulations described in this agreement shall be referred for prosecution to the tribal court of the person's tribe," the agreement states.

The 1984 Chippewa Indian off-reservation deer hunting season expires Dec. 31.

A two-part rifle deer season — Sept. 22 to Nov. 2 and Nov. 17 to Dec. 15 — provides tribal members a

71-day hunting period. Non-Indian hunters are limited to a nine-day season. In addition, tribal members are allowed to hunt from vehicles parked on unpaved roads in public lands. One controversial clause allows Chippewa hunters to possess loaded and uncased weapons inside a vehicle parked at their hunting site. The tribes, however, agreed not to hunt from their cars.

Chippewa hunters will be allowed to kill as many as 8,475 deer — 2,825 antlerless deer and 5,650 antlered deer — in 55 state deer management units in 29 northern counties. The tribes, however, allocated themselves 8,000 deer and kept the remaining 475 in reserve to allow for errors in counting, or other adjustments.

The season for hunting deer with a bow and arrow or crossbow shall extend from Sept. 15 to Nov. 11 and Dec. 1 to Dec. 31, according to the agreement.

The agreement recognizes that some tribal members hunt deer for subsistence and there is no limit on the number of deer an individual hunter can kill.



Tribes differ on who is a Chippewa Indian

"Who is a Chippewa Indian?"

The question is being asked across Wisconsin's North Woods by residents who are critical of separate hunting and fishing rules for Chippewas based on 19th century treaties.

The treaties were made for full-blooded Indians and there aren't many of those left, white critics say.

James Clifton, a University of Wisconsin — Green Bay professor of anthropology and history, said that descendants of 19th century Chippewa Indians were legitimate heirs to treaty rights if they are considered enrolled members of a Wisconsin Chippewa band.

In fact, the definition of tribal membership used in the treaties is no longer in effect, Clifton said.

When the treaties were signed, Clifton said, only Indians with Chippewa fathers could benefit.

Later, most Chippewa constitutions described a member as an Indian who was one-fourth

Chippewa, Clifton said. In effect, a one-quarter Chippewa was someone who had only one Chippewa grandparent.

Beginning in the mid-1970s, tribal bands again amended the constitutional definition of member, he said.

Tribal officials were asked to explain their membership definitions based on their respective constitutions:

St. Croix — The most restrictive membership definition is contained in the St. Croix tribal constitution. One of the person's parents must be an enrolled member, said Eugene Taylor, chairman of the tribal council.

Lac du Flambeau and Lac Courte Oreilles — The single criteria is a one-fourth blood degree. On the Lac Courte Oreilles Reservation, for example, a membership committee would confirm that one of the person's four grandparents was a band member based on its 1940 census, according

to Marge Taylor, tribal enrollment clerk.

Bad River — Adeline Powless, enrollment officer for the band, said that someone applying for tribal membership there must prove that he or she is a lineal descendant of a Bad River member listed on the 1914 roll.

Red Cliff — A person attempting to gain tribal membership status must prove that he or she is a direct descendant of one member listed on either the 1896 roll or the 1934 census list, according to Leo LaFertier, vice chairman of the Red Cliff band. Children of a band member must be born on the reservation to be considered tribal members.

Sokaogon (Mole Lake) — Persons listed in a 1937 Bureau of Indian Affairs census of the Mole Lake band or their children are considered members of the tribe automatically, a spokesman for US Rep. Toby Roth (R-Wis.) said. Grandchildren would have to apply for membership.

State says Indians must enforce rules

Lac du Flambeau, Wis. — The tip came from an anonymous citizen: three hunters killed a deer out of season.

One of the hunters used a rifle to shoot the deer while they sat in a car parked on a paved road in the Town of Minocqua, the informant said.

Within several hours, the three

hunters, members of the Lac du Flambeau band of Chippewa Indians, were facing state game warden's charges outside the reservation's tribal center on Highway 47.

The hunters and a growing crowd of vocal supporters argued with wardens that the Wisconsin Department of Natural Resources did not have jurisdiction to en-

force state fish and game laws on the reservation, regardless of the wardens' charge that the three hunters had violated game laws off the reservation.

State wardens would have called a tribal warden to investigate the charges, according to Gary Scovel, warden supervisor at the DNR's Woodruff office.

However, the Lac du Flambeau band is one of two Chippewa communities in the state that have not hired tribal wardens.

Scovel decided to arrest the three hunters. He seized the rifle from the car and confiscated the deer.

A potentially violent showdown played itself out that night last August without injuries. The



Indian Fish and Wildlife Commission game warden Ken Rush kept watch at Lac Courte Oreilles reservation

Lac du Flambeau tribal judge, Thomas Mauison, arrived on the scene and stepped into the volatile circle of emotions. He persuaded the hunters to cooperate with Scovel.

Nagging contradiction

In recent interviews, state wardens and some tribal leaders described the incident at Lac du Flambeau as evidence of one nagging contradiction in the relationship between Chippewa Indians in Wisconsin and their newly confirmed treaty rights to gather wild rice and to hunt and fish on public lands in the northern third of Wisconsin.

The list of hunting and fishing rights came with a price tag: Increased responsibility to supervise the off-reservation activities of tribal hunters and fishermen and the added responsibility of safeguarding abundant fish and game resources in the North Woods.

George Meyer, the DNR's chief negotiator for the Indian hunting and fishing agreements, said he doubted whether intertribal self-regulation would be feasible at any time. Regardless of the best intentions, Meyer said, Indian self-regulation would require establishing a warden force as large as the state's.

Stretched to limit

Ralph Christensen, the state's chief warden, suggested that the state's force of 170 wardens statewide — 50 of them in the treaty area — already was stretched to the limit of its enforcement capabilities.

"We can hold violations to a certain minimum by focusing our personnel where the resources may be more vulnerable," he said.

Fish and game resources fall prey to both Indian and white predators, according to the chief warden. He cited the arrests of both white and Chippewa conservation law violators.

This year, DNR wardens reported more than 100 citations for violations of bear-hunting regulations since the season opened Sept. 15. "These violators were almost entirely white hunters," Christensen said.

In a well-publicized incident this spring, three Chippewa men from the Lac du Flambeau band were fined \$799 each by an Iron County Circuit Court judge for possession of a spear and possession of walleyes during a closed season.

"I don't think either side can eliminate violations," Christensen said.

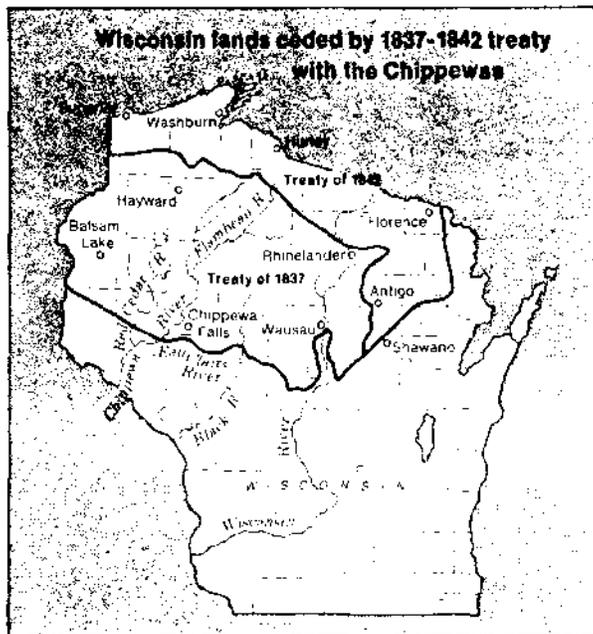
• • •

The federal courts last year reaffirmed the Chippewa Indians' tribal rights to hunt and fish on public land off reservations under a separate set of fish and game rules.

But the six Wisconsin Chippewa bands did not completely establish a tribal fish and game law enforcement structure prior to the 1984 fishing and hunting seasons.

Only four of the six bands, for example, have hired their own wardens for on-reservation enforcement duties. In addition, an intertribal task force has hired only six wardens, to date, for off-reservation enforcement.

Michael Cardinal, chief warden for the Voigt Intertribal Task Force, acknowledged in an interview that a



minimum of 12 wardens would be necessary to supervise Indian hunting and fishing activities on public lands within the ceded territory.

Budget information

"We're waiting for October budget information from the federal Bureau of Indian Affairs," he said. "We're hoping to get money for six more

wardens full time. Then that would give us two wardens to cover the area outside of each reservation.

"I consider the Voigt wardens to be a helping hand. With us outside the reservations, the DNR doesn't have to deploy their wardens there."

He said that the Lac du Flambeau and Sokaogon (Mole Lake) bands also were seeking BIA money to hire full-time tribal wardens.

The tribal warden force employed by the other four Chippewa bands, according to Cardinal, includes: Lac

Court Orelles, three; St. Croix, one; Bad River, one; and Red Cliff, three.

A full complement of tribal wardens will allow the Chippewas to establish a track record of effective enforcement of all fish and game laws, Cardinal said.

Doesn't share confidence

Cardinal's counterpart in the DNR does not share his confidence.

"There are a number of tribal members who seem to have the idea that if they commit violations off the reservation, all they have to do is get back to the reservation and they're home free," Christensen said.

"We have to work with tribal authorities ... to spread the word that if tribal members are out violating, there is no refuge, no home base.

"We'll go onto the reservation to make an arrest if it's necessary."

James Jannetta, the Lac du Flambeau tribal attorney, spoke to five dozen band members attending a Sept. 19 informational meeting on the new hunting agreement.

"We're quite serious that tribal members comply with the regulations," Jannetta said.

"If you're caught on private lands, you'll be prosecuted in state court. If a citation for some other offense is issued against a tribal member, by a Voigt warden or a DNR warden, we intend to prosecute here in tribal court," Jannetta said.

• • •

In three separate treaties, Wisconsin Chippewa Indians agreed to sell the federal government about 4,700 square miles of land. The area now includes two national forests, numerous state and county forests and 11,500 lakes.

The goal of self-regulation within



DEER HUNTING FACTS AND FIGURES

Indian

TRIBAL BANDS	1983 ENROLLED MEMBERSHIP	1983 DEER KILL ALLOCATION	1983 TAGS ISSUED	1983 REGISTERED KILL	1984 DEER KILL ALLOCATION
LAC COURTE OREILLES	3,100	1,848	715	201	2,400
LAC DU FLAMBEAU	2,000	1,032	777	241	1,968
BAD RIVER	2,860	1,514	396	57	1,352
RED CLIFF	2,100	1,011	379	74	1,312
MOLE LAKE	1,093	391	204	23	504
ST. CROIX	360	305	225	33	464
MILLE LACS	2,078	149	40	15	—
TOTALS	13,581	6,250	2,736	644	8,000

All hunters

	1983 LICENSED HUNTERS	1983 ESTIMATED KILL	1983 TAGS ISSUED	1983 REGISTERED KILL	1984 ESTIMATED KILL
RIFLE SEASON	649,972	—	649,972	197,600	225,000
BOW SEASON	194,367	—	194,367	32,876	35,000
DEER KILL BY VEHICLES	—	—	—	30,406	—
POACHED	—	10,000-20,000	—	—	—

Sources: US Bureau of Indian Affairs, Wisconsin Department of Natural Resources, Great Lakes Fish and Wildlife Commission.

This chart compares the Chippewa Indian deer kill in the ceded territory of Wisconsin with the deer kill by all hunters statewide. Even though the Mille Lacs band is based in Minnesota, the Voigt decision allowed it to hunt in Wisconsin in

1983. The Chippewa, when allocating deer this year, did not allocate any to the Mille Lacs band. The vehicle deer kill lists only those incidents reported to authorities and does not include deer that ran into the woods to die.

that vast array of inland lakes and woodlands appears impossible, at least for now, said Ray DePerry, executive director of the Great Lakes Indian Fish and Wildlife Commission.

Chuck Bronte, supervisor of the Fed Cliff band's Lake Superior fishery, said management of the fish resources in Lake Superior was only as good as the law enforcement behind it. The band is seeking federal money to hire more wardens.

Tribal and commission officials acknowledge the inadequacy of their existing warden forces. Nevertheless, the six Chippewa bands filed a motion in federal court in Wisconsin last April seeking to block the DNR from enforcing its rules against tribal members fishing on inland lakes within the ceded territory.

At a May hearing on the motion,

tribal attorneys argued that their goal of self-regulation off the reservations deserved a trial run.

In hundreds of pages of legal briefs and depositions, DNR officials had argued that tribal self-regulation, at this time, would limit protection of fish stocks in many lakes. Eager tribal fishermen, they said, could take too many fish out of popular walleye and muskie lakes and fish populations would be severely depleted.

Authority to regulate

Federal Judge James E. Doyle acknowledged that each of the bands had the authority to regulate treaty hunting and fishing activities of its members within the ceded territory and that each of the six tribes had enacted an open water fishing ordinance for 1984.

However, the judge stated: "The key question is the probable efficacy of tribal enforcement of the tribal code." Doyle considered the small number of tribal and Voigt wardens available for the job and decided not to take that chance.

On June 1, Doyle denied the Chippewas' request. He encouraged both sides to resume negotiations on a 1984 open water (summer and fall) fishing agreement.

The DNR decided that negotiating with the tribes for an equitable agreement was a far wiser course than pursuing long-shot litigation, said the DNR's Meyer.

The two sides completed negotiations on a 1984 open water fishing agreement in late June.

Chippewa fishermen could spear during a specified season on a limited number of lakes in the ceded territory, according to the agreement. A tribal member also would have to apply for a spearing permit and report the daily catch.

Regardless of the agreement's restrictions on tribal fishermen, a new wave of the familiar rhetoric of hostility against Indians greeted the June announcement.

Said Meyer:

"If we deal with the historical aspect and explain why legally we do what we have to do, people, I think, understand.

"The thing we can't explain is why there is a different system. We can tell people legally but we can't get them to accept it necessarily."

Tribe sees raising fish as helping out nature

Lac du Flambeau, Wis. — Residents of the Lac du Flambeau reservation are making a \$1 million investment in aquaculture.

Tribal employees said in recent interviews that the proposed year-round aquaculture venture — growing large numbers of a variety of fish species in tanks and ponds — could deflect persistent criticism from white sportsmen that Indians do nothing to replenish the fish resources on reservation lakes.

One often-repeated statement, now part of the regional rhetoric of white hostility that has developed toward separate Indian hunting and fishing rights, suggests that Indians sought unrestricted access to off-reservation lakes and streams several years ago because they already had depleted the fish resources in their own lakes.

"Everybody's talking about how depleted the resources are on the reservation," said Dewey Schwalenberg, tribal fisheries director. "The tribe here has had a fish hatchery operating for 47 years.

"We've been spawning out walleyes and stocking lakes on the reservation."

Expand program

Schwalenberg, who is not a member of the Lac du Flambeau band, was hired by the tribal council three years ago to expand the fish stocking program on reservation lakes.

"We stocked out 27 million walleye fry in the lakes up here this spring," Schwalenberg said. "Even though the recognized success rate is only 1% of the total fry, we are still gaining a significant number of young fish in our lakes each year."

Goals of this expanded fish hatchery effort include hatching out a greater number of walleye eggs and the eggs of several other species: muskie, northern pike, trout, bass, bluegills and white suckers.

"And we want to eventually get into lake trout production for the Great Lakes Indian Fish and Wildlife Commission that would be used for stocking in Lake Superior," Schwalenberg said.

Self-sufficient

Moreover, the fisheries program director said the aquaculture program could become self-sufficient if it could begin selling 50% of its fish fingerling production. A fingerling is

a young fish, two to six inches long, according to Schwalenberg.

In years past, the hatchery was dependent on the US Bureau of Indian Affairs for all operating money.

Schwalenberg now suggests that the State Department of Natural Resources also should provide money for the fish hatchery.

"The tribe receives no revenue from sales of state fishing licenses to non-tribal members who come up here and fish on the reservation. We want the state to give us our fair share of the license fees," he said.

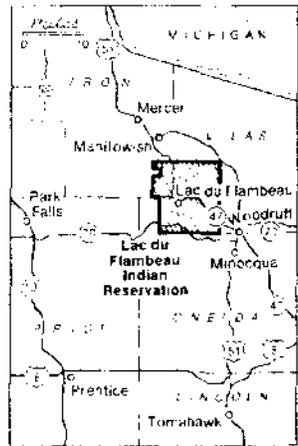
The long-term goal, however, is a hatchery operation that pays for itself.

Sell fingerlings

"By hatching a greater variety of fish species we can meet our management needs and sell fingerlings to private farm pond owners, state or federal conservation agencies and university programs," Schwalenberg said.

Lac du Flambeau tribal leaders took it upon themselves to establish a fisheries management training project by obtaining a \$90,000 three-year grant from the federal Department of Education to train 20 tribal members in up-to-date fish management techniques, he said.

ment of Education to train 20 tribal members in up-to-date fish management techniques, he said.



The Lac du Flambeau tribe wants to expand a fish stocking program that it has undertaken for years.

Will Indian hunt hurt tourism?

Minocqua, Wis. — Is the Chippewa Indians' deer hunting scaring people away and putting North Woods tourism businesses in a bind?

Jean Johnson, executive manager of the Wisconsin Indian Head Country tourism office, said that restaurant and motel owners in 19 northwestern Wisconsin counties have had a great autumn.

"We've had a lot of fall color traffic up here," she said.

But a store owner in Boulder Junction told a different story.

"How can we entice people up here to watch fall colors, go out bowhunting or birdwatching, go hiking in the woods or anything else ... during a 71-day gun season?" asked Jeffrey Long, a butcher

and owner of Long's Hillbilly Super Market in downtown Boulder Junction.

"None of the other outdoor activities are compatible with a 71-day rifle season," he said of the Indian hunting season, which began Sept. 22. The general gun season runs from Nov. 17 to Nov. 25.

Long and other business owners say, moreover, that the Department of Natural Resources gave away the fish and wildlife store to Chippewa Indians.

A woman who stood up at a Sept. 17 meeting in Minocqua posed the question: "Is the state and the federal government willing to subsidize us after they give our livelihood away?"

The consequences, they say, will



be the eventual closing of many small businesses that depend on the sale of food, bait and lodging to visitors.

Kurt Callebe, a mechanic and maintenance worker at the Musky Country Sport & Glass Co. in Manitowish Waters, is afraid of the consequences.

"I fear the loss of our deer herd in the North," he said. "The Indians will be shooting at everything — does, fawns and bucks. The Indians will be able to spear on the four largest lakes on the Manitowish Waters chain. We might be catching muskies around here now but wait 'till the Indians start spearing."

Tourism is vital to the North Woods.

Some 26% of Vilas County residents are employed in the tourism industry; 19% of Oneida County residents.

Visitors spent \$32,864,388 in Vilas County and \$59,342,661 in Oneida County in 1981, the most recent year

for which such information is available.

The Wisconsin Tourism Industry Study, published by the DNR in March 1983, concluded that all visitors, campers and resort dwellers spend an average of \$57 per person each day.

The communities of Hazelhurst, Lake Tomahawk, Minocqua, Woodruff, Arbor Vitae and Lac du Flambeau are home to approximately 11,389 permanent residents. Half of them are employed in tourist-dependent businesses, according to LaRoy Tannah, executive secretary of the Greater Minocqua Chamber of Commerce.

Tourism is the lifeblood of Northern communities and some business owners are fearing the worst.

Long, who is chairman of the Boulder Junction Town Board, stressed the economic consequences of special Indian hunting and fishing privileges.

"If a person's livelihood is threatened, the more likelihood there will be violence and hostility," Long said.

In a letter to William Horn, deputy undersecretary of the US Interior Department, Long wrote:

"Many people have spent their lives building a business to provide a livelihood. Everything they have invested in these businesses, and it amounts to billions of dollars throughout the treaty-affected area that is now threatened. People seeking recreation will seek and find other places to engage in these activities."

Destroy fishery

Further north, in Ontonagon, Mich., members of the Michigan Steelheaders Association complain that Wisconsin Indians from the Red Cliff and Bad River reservations are using gill nets to harvest whitefish and lake trout at a pace that will destroy the Lake Superior fishery west of the Keweenaw Peninsula of Upper Michigan.

"A good part of our trade up here is tourism," said Henry Hoefferte, owner of the Wilderness Supply Co., in Ontonagon.

"Tourism is with us in the long range, longer than factories that will

"My biggest concern is that people think the Indians are shooting all the deer. . . . It hasn't happened. The Indians aren't catching and spearing all the fish that swim . . . and they aren't shooting that many deer."

—Minocqua motel owner

come and go. Without the lake sport fishery, we won't make a go of it."

Caliebe, assessing the potential damage of gill nets on the Manitowish Waters chain of lakes, said: "The Indians will be putting up gill nets across all the lakes here, taking the fish out by the hundreds.

"What's the use of someone else going in to fish after that with a hook and a line?"

Their statements are examples of



Sam Maki, James Emery Jr. and his father, James Sr., (from left), unloaded fish at Keweenaw Bay

the emotional and fearful responses to recent agreements between the Wisconsin Department of Natural Resources and six Chippewa bands that allow tribal members to hunt and fish on public lands in 29 Northern counties under a separate set of rules.

James T. Addis, director of the Bureau of Fish Management for the Wisconsin DNR, said in an interview that current fishing agreements with the Chippewa bands would not significantly decrease fish populations in Northern lakes.

"There have been restrictions placed on fishing in spawning time and there is no netting presently allowed in inland lakes," Addis said.



Jeffrey Long

"And the Indians have taken little interest in spearing off the reservations."

Results in agreement

In fact, negotiations between the DNR and Chippewa tribal leaders resulted in an agreement that allows one group of Lac du Flambeau fishermen to gill net on Escanaba Lake in Vilas County on only four separate occasions this year.

This gill net experiment is the full extent of Chippewa fish netting activities on inland lakes off the reservations this year, according to Addis.

"Right now the biggest threat is the rhetoric. The people visiting the area are being turned off by the bar talk," he said.

Gary Scovel, a DNR warden supervisor at Woodruff, said the 1983 hunting agreement did not deplete the deer herd up North, and neither would the 71-day 1984 Indian gun deer season.

"There are very few hunters coming off the reservation at Flambeau," Scovel said.

On the day before the Indian gun deer season opened this fall, several tribes reported low numbers of deer permit applicants. Representatives of Lac Courte Oreilles, Red Cliff and Bad River stated that each band had 100 or fewer applicants for deer permits.

"We don't expect a large kill this year either," Scovel said.

Calm rhetoric

Harlow Scherf, owner of the Cross

Trails Motel and Family Restaurant on Highway 51 in downtown Minocqua, is one voice attempting to calm the hostility that has formed in opposition to the Indian hunting and fishing agreements.

"I really don't think that it's a big problem," Scherf said.

"My biggest concern is that people think the Indians are shooting all the deer. . . .

"It hasn't happened. The Indians aren't catching and spearing all the

"If a person's livelihood is threatened, the more likelihood there will be violence and hostility."

—Jeffrey Long,
Boulder Junction businessman

fish that swim . . . and they aren't shooting that many deer.

"But downstate, the hunters may think there is a real problem and people up here talk about a real problem."

"The talk is considered truth and soon you have fewer rooms full on the weekends."

On Sept. 17 this year, a stranger walked into the center of a crowd of 1,000 white North Woods residents assembled inside a high school auditorium in Minocqua.

The message delivered by Horn, of the Interior Department, was the need for accommodation between Indian and white residents.

"Your best efforts will be to work with the state and the tribes on behalf of fish and game resources that we all share," Horn said. The mediator addressed his comments to people who had joined groups seeking abrogation of 19th century treaties between Chippewa tribes and the federal government.

Congress has not ripped up a treaty in more than 100 years. Horn

said. "Great nations, like great men, keep their word."

Issues warning

To the Chippewa tribal leaders attending the meeting, Horn issued a warning:

"The bottom line is this. The basic resource cannot be harmed. This department has taken action against tribes when we have found that tribes are not capable of effective regulation. Tribal rights may turn out to be secondary to the overriding concern of resource conservation."

The next day, at a press confer-

ence at Nicolet College in Rhinelander, Horn told both sides: "The solution here is an expanded ... ongoing negotiation process."

"I have urged leaders of Equal Rights for Everyone to get down and talk with tribal people; to call the Indians and arrange a meeting," Horn said. Organizers of Equal Rights for Everyone are seeking abrogation of the treaties between the Chippewa tribes and the federal government.

"And I have urged these people, the Indian tribal leaders, that if the

phone call comes, to meet with these white citizens," Horn said.

About one month later, the phone call finally came.

On Oct. 10, the Ashland County Board adopted a resolution creating a special committee to meet regularly with members of the Bad River Chippewa band.

In addition, Chippewa tribal leaders have stepped into the next round of negotiations with DNR representatives. They are discussing a set of rules for the 1984-'85 ice fishing season.



The Milwaukee Journal

BLANK

Appendix V

News Clips– Violence/Racism Against Indians

5-9-89

Driver's fear almost caused tragedy

By Susan Stanich
News-Tribune staff writer

Butternut Lake, Wis.

Northern Wisconsin has been tense in recent days, fearing that anger directed against Chippewa spearfishermen would result in serious injury or death.

But it apparently was frayed nerves and fear, not anger, that came nearest to causing serious

injury, as the Chippewa spearfishing season wound down here Saturday.

A frightened white man — Terry Staroba of Phillips, Wis. — drove his car into a crowd of Indians Saturday.

After dark Saturday, Staroba's car approached a crowd of about 500 spearing supporters walking down a dark road toward the

landing.

The car paused; then turned and accelerated into the crowd, headlights shining. People screamed, scattered and fell into the ditches.

The marchers said it was a terrifying, nightmarish experience. Some said they thought they

Please see Fear, Page 4A

would be killed.

Staroba, 37, also said it was a terrifying, nightmarish experience. He said he and his wife thought they were under attack and might be killed.

Staroba, the director of public works of Phillips, said he and his wife were only trying to get away from the boat landing, where white protesters were getting "hostile."

The couple walked to their Datsun, got in and drove down the dark road about a block.

"And from ditchline to ditchline — I'm talking the whole width of the road, and about 300 feet deep down the road, was solid Indians, mixed in with some other people."

Leading the group were members of the American Indian Movement, singing to the drum.

The Indians and non-Indian supporters were tense, primed for danger.

Earlier that day, at the Lac du

spoke of the death threats they've received, the fear they've felt throughout the fishing season, their fear for their children, their sense of being abandoned by county and state law enforcement efforts, and their willingness to die in protection of their treaty rights.

AIM offered its support, which tribal leaders accepted.

Staroba knew AIM's reputation for militancy, but didn't know that AIM had pledged to tribal leaders its members wouldn't begin any violent incident.

And Staroba didn't know that most of the marchers were ordinary people. He said he thought the whole crowd was AIM.

All of a sudden, he said, people began pounding on his car. "The Indians wouldn't let me through," he said.

But according to some of the 200 state troopers at the landing, no one — except possibly the troopers, in an effort to stop him — pounded on Staroba's car. The

crowd was making way for Staroba when he suddenly turned into the packed lane.

Abbey Thompson of Lac du Flambeau was among the marchers.

"I was carrying a peace sign," she said. "And I heard a popping noise — I guess that was the officers beating on the car, trying to stop it. And I saw these carlights coming through the crowd; people scattering everywhere, people screaming. I froze. I thought, 'This can't be happening.'"

Bertha Eastman, 83, a Sioux who had come from Sisseton, S.D., in support of treaty rights, was knocked into the ditch. Observers later said she was shaken but remained at the site throughout the spearfishing.

Staroba said he accelerated to about 18 mph to escape the crowd.

"And these Indians just started scattering; it looked like a zipper, these people from the center just opened up, and I proceeded until I got through them."

The state troopers then pulled Staroba out of the car and handcuffed him. Some of the crowd, angry, rushed toward him, but cooler heads prevailed, said Thompson and Loren Raether, a trooper with the Wisconsin State Patrol. Observers later said that for a few tense seconds, the whole matter looked as though it would explode into a riot.

"I sure didn't want to hurt anybody," Staroba said. "That was the last thing on my mind. I just panicked, right in the beginning — I just lost it."

Raether said Staroba has been charged with reckless driving and will be arraigned June 6 in Ashland County Court in Ashland.

"It definitely looked like this man provoked that incident," Raether said, noting that he thinks Staroba intentionally drove into the crowd. "There was nothing that was provoked from the other side."

17

At least 87 arrested in record protests

Spearfishers hit by rocks; officers end up in hospital

By KURT KRUEGER

Escalating tensions at boat landings resulted in seven arrests Monday night — including the first three arrests for alleged battery on officers — sending the total number of arrests the past week to a record number of at least 87.

Two men were arrested at Harris Lake near Winchester for felony battery following a scuffle with police, which sent three officers to the Howard Young Medical Center, according to Jeff Welsch, a spokesman for the Department of Natural Resources.

Welsch said the scuffle occurred after the two ignored warnings not to bring alcoholic beverages on the landing. One protester and the officers were treated for minor injuries, and released. The two, John and David Kimball, were in the Vilas County Jail Tuesday morning pending the filing of charges.

A third protester arrested for battery for allegedly hitting an officer with a ball bearing from a wrist rocket, was taken from the Catfish Lake landing near Eagle River. No name was available before press-time.

There were four other arrests Monday night, including three for disorderly conduct at Bearskin Lake near Hazelhurst. Another was charged with disorderly at Catfish Lake.

Angry anti-treaty protesters have done everything but stay away from

boat landings since Lac du Flambeau Chippewa began spearfishing a week ago, which was requested by Governor Thompson, and a massive force of sheriff's deputies from all parts of Wisconsin had kept the peace.

Reduced bag limits for sport anglers on 254 lakes and cancellations for some resort owners and fishing guides has increased tensions far beyond anything seen since off-reservation spearfishing began in 1985 under 19th century treaty rights.

Though a harvest of about 12,000 walleye in the first week of the season is behind last year's pace, restrictions were placed on anglers based upon a tribal plan to harvest about 49,000 walleye this year through spearing and netting. Far fewer spearmen and spearing permits have been issued so far this year, officials said.

For the first time, the spearing activity is expected to overlap with the state's open water fishing season, which starts Saturday. Under a recent Federal Court ruling, the Chippewa can harvest fish from public lakes at any time of the year. More problems are expected with more people at the boat landings.

At Catfish Lake Monday night, a crowd of nearly 400 at the landing and between 35 and 40 protester boats on the water jeered the six

Turn to ARRESTS, Pg. 3

73

Arrests Total 87

FROM PAGE ONE

boats of Lac du Flambeau tribesmen who came to spear.

Alan Gall, a fishing guide, led a symbolic stand against the treaty rights by partially blocking access to the lake while holding a spotlighted American flag.

"I fought for this flag. I lost my friends for this flag," said the veteran. "I'm not going to set it down. Nobody is going to make me set it down."

The crowd sang patriotic songs and chanted the Pledge of Allegiance. They shouted for equal rights for all Americans.

"Go back to Flambeau, Moulson, and quit raping our lakes," came the shout from Gail Gould, an Eagle River resident in a protest boat.

"We're going to play hardball," said one protester as the crowd chanted "we will, we will rock you" to the melody of a once popular rock and roll tune.

While the Rainbow Flowage near St. Germain was the site last Wednesday of the largest number arrested at 35, the largest concentration of protesters, at least 800 during the night, gathered Saturday night at North Twin Lake near Phelps despite cold weather and snow. A similar crowd gathered Sunday night at Lake Minocqua, where four arrests were made.

Meanwhile, a Douglas County resident was facing charges for using a rifle in attempts to shoot down tree branches on top of spears on Lower Eau Claire Lake, according to a DNR information officer at Woodruff. They said the man was not shooting at the spears.

The huge crowd at Phelps triggered law enforcement officials to activate about 90 police officers dressed with helmets, face shields, nightsticks and other riot gear. Another 50 officers were on stand-by within 1½ minutes of the landing, authorities said.

As happened here during the first Chippewa off-reservation season in 1965, rocks were thrown by protesters as the Indians launched their boats just before dark. Of the seven people arrested, three were charged with disorderly conduct for throwing rocks at spears, according to an information officer with the DNR in Woodruff. No one was injured.

Nick Hockings, a spearer whose boat and fishing partner were hit by the heaviest concentration of rocks, was disgusted with the violence.

"When we were going out, I felt them hitting my back and you could hear them hitting the boat. They made a real snapping sound," Hockings said, noting his partner, Raymond Cadotte, was hit in the back with a large rock. "The same thing happened coming in. Raymond got hit in the face. All of these police were standing around. They probably could have caused that not to happen."

"You can put up with the name calling because a lot of these people are really uneducated . . . they're mad and they probably have been drinking too much," Hockings said.

Protesters shouted obscenities and jeered the large contingent of officers, about 25 of whom were lined up, facing the crowd. Other deputies, some with dogs, were lined up outside the fenced-off landing area between protesters and the nearby trees, surrounding the crowd.

"Boy, we're really spending a lot of tax dollars tonight," said one protester from Phelps. "What a waste."

The group of 13 spearers at North Twin took 386 walleye, bringing the total Chippewa take through Saturday night to 8,360 walleye and 42 muskie.

Those arrested at North Twin for disorderly conduct were Robert Musiek, 48, of Eagle River; Nick Amshlinger, 54, of Conover; Brian Tober, 42, of Rhinelander (two counts); Lonny Huebner, 32, of Rhinelander; and Rodd Alston, 21, of Rhinelander. Ross Maria Ostrowski, 40, of Phelps, was arrested for obstructing while David Worthen, 37, of St. Germain, was arrested for creating a hazardous wake with a boat. Worthen was also arrested for disorderly conduct at the Rainbow Flowage.

At Kentuck Lake the same night, two Laona residents, Joseph Cheney and Frank Pinsman, were arrested for disorderly conduct.

Unlike past years, protesters are being fenced away from the landing areas at all lakes where the Lac du Flambeau Band is spearing. Electric generators are being used to power large floodlights that are turned toward protesters. Helicopters have been heard overhead and bomb-sniffing dogs were visible at most busy landings through Friday night. Speared walleye are being counted on the lakes and not at the landings.

Sunday night, 12 persons were arrested, including four at Lake Minocqua, two at Carroll Lake, two at Clear Lake and four at Long Lake in Washburn County.

Among those arrested for obstructing was Dean Crist, 40, of Minocqua, a spokesman for the anti-treaty group Stop Treaty Abuse. Crist's arrest marked the second time he has been arrested at a boat landing this year and the fourth time he has been arrested while protesting treaty rights.

Three protesters were arrested last Tuesday night, the first night of spearfishing for the Lac du Flambeau Band, the most aggressive of the Chippewa bands. Two people were arrested at Lake Nokomis in Oneida County and a third at Big Butternut Lake in Polk County.

Brian Arnott, 29, of Tomahawk, was arrested at Nokomis for trespassing and obstructing an officer. Leon Sailor of Milwaukee was arrested for disorderly conduct and criminal damage to property after he allegedly slashed a tire on a squad car. A third man arrested at Big Butternut Lake was not formally charged.

At least 42 people were arrested last Wednesday night, including 35 at the Rainbow Flowage. See end of

area residents arrested at Sand Lake in Sugar Camp for obstructing were Mark Richardson, Kevin Cogar and Kenneth Korn. Four Tomahawk area residents arrested at the Willow Flowage for disorderly conduct were Dixie Arthur, William Staszak, Wayne Hess and Robert Morrer. William Bedard and Richard Bedard, both of Hazelhurst, were arrested for disorderly conduct at Squirrel Lake. A third person at Squirrel Lake, Timothy Welsh of Woodruff was arrested for obstructing. One person was arrested at Solberg Lake in Price County for allegedly throwing rocks at spears.

On Friday night, Richard Jorgenson, 40, of Rhinelander, was arrested for disorderly conduct at the Big Arbor Vitae Lake landing.

Among the arrests Wednesday, April 26, were these:

Rainbow Flowage, Oneida County: (35 charged or cited, most for obstructing an officer or disorderly conduct, or both) Gerald L. Abraham, 30, Minocqua; Patrick R. Abraham, 34, Woodruff; Cathy L. Ahlborn, 31, Woodruff; Charles W. Ahlborn, 25, Woodruff; Katherine M. Ahlborn, 25, Arbor Vitae; Mark S. Ahlborn, 31, Woodruff; Michael L. Ahlborn, 36, Woodruff.

Jeffrey D. Biertzer, 26, Woodruff; David W. Consoer, 27, St. Germain; Dean M. Crist, 40, Minocqua; Lawrence M. Ebeling, 39, Arbor Vitae; Sidney D. Hunter, 25, Lake Tomahawk; Tragg M. Hunter, 24, Woodruff; Clifford A. Jacobs, 39, Minocqua.

William J. Joost, 47, St. Germain; Alan F. Long, 29, Sayner; Neal R. Long, 40, Sayner; Robert R. Majewski, 25, Woodruff; Jeffrey A. Niemi, 30, Minocqua; Scott L. Nimz, 24,

Barbara J. Rehm, 37, Sayner; Lawrence T. Rehm, 36, Sayner; Charles Birton-Byron Slade, 38, Minocqua; Celia D. Sloniker, 41, Minocqua; Dennis L. Sloniker, 46, Minocqua.

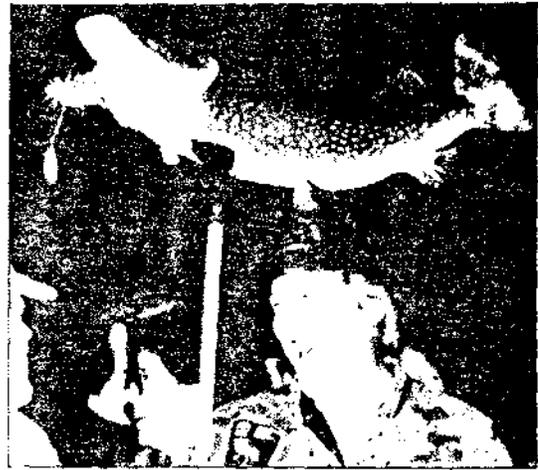
Alois J. Soik, 63, Arbor Vitae; Sonna L. Stenz, 36, Woodruff; Lawrence A. Stenz, 36, Woodruff; John T. Winger, 28, Hazelhurst; David W. Worthen, 37, St. Germain; Donald L. Ziebell, 45, Woodruff.

Crescent Lake, Oneida County: (one charge for disorderly conduct) Daniel J. Helgeson, 24, Rhinelander.

Balsam Lake, Polk County: (five arrested for disorderly conduct) Chris Hicks, Frederick, Larry E. Olson, Siren; Jeffrey Miller, Siren; Jeffrey Helene, Siren; Charles Keith, Siren.

APR 26 1989
MAY 11 20 1989

154
EDITORIALS



Associated Press
Protest signs range from humorous to insulting.

Racial slurs give black eye to all

The friction created during this year's Indian spearfishing season is the worst it has been in the five years of this controversy.

The immature actions and racism that have been exhibited both at boat landings in Northern Wisconsin and at a rally Wednesday at the state Capitol reflect on everybody in Wisconsin.

Consider a few examples:

- The slurs and threats shouted at Indians have been so vile they can't be shown on television or reported verbatim in newspapers, according to one Bureau of Indian Affairs official who was videotaping the conduct at a boat landing to give department higher-ups an idea of what was really happening.

- In Madison, the rally of treaty-rights protesters were led up the Capitol steps by a pit bull terrier draped in a Confederate flag.

- One T-shirt being sported at boat landings says: "Spear an Indian. Save a Walleye."

- Protesters up north have been arrested for allegedly spreading nails across the road and slashing car tires.

This kind of conduct is disgusting. It should be stopped before someone is hurt.

Some of the protesters have faulted Gov. Tommy Thompson and Attorney General Donald Hanaway, claiming they have not done enough to diffuse the situation.

Nothing could be further from the truth.

The governor did a fine job last week in negotiating a settlement that would limit Indians from taking the entire amount of fish they could safely harvest from a lake, leaving some for sport fishermen.

Hanaway also has made it his top priority to negotiate with the Indians a lease of their treaty rights.

That is the best course to follow. We keep working to reach such an agreement that will put an end to these annual ugly racial confrontations.

In the meantime, the Indians have a legal right to spear fish. These vocal and dangerous protests are only giving all in Wisconsin a black eye.

Protesters warned about rock throwing

By Maryann Mrowca
Associated Press

PHELPS, Wis. — Police won't tolerate protesters hurling rocks instead of verbal insults at Chippewa Indians spearing fish on northern Wisconsin lakes, a state official said Sunday.

"We won't tolerate any type of physical abuse like rock throwing," Department of Natural Resources spokesman John Nelson said. "We have been tolerating the verbal stuff because people have a right to their opinion, but that does not

Crowds of more than 100 people have gathered at many lakes at night when Chippewa fishermen use lights and multi-pronged spears to take walleyed pike and other fish from northern Wisconsin lakes.

Through Saturday night, Chippewa spearmen had taken 8,359 walleye this spring, according to figures compiled by the DNR. The first week's catch equaled about 17 percent of the 49,000 fish the tribe has said it plans to spear on 254 lakes this spring.

It is the fifth year Wisconsin's six Chippewa bands have speared since a federal court ruled the tribe retained the right to gather food off reservation under 19th century treaties that ceded much of northern Wisconsin to the federal government.

Treaty rights opponents object to rules that allow tribal fishermen different fishing methods and seasons than sportsmen. The critics particularly oppose the spears, which are more efficient than the traditional rod and reel.

This year, as in past years, protesters have hurled jeers at tribal members. They also have taunted the uniformed police officers who patrol the boat landings in riot gear and the news reporters and photographers who cover the protests.

■ A lawyer for the Mole Lake Chippewa says the band is trying to negotiate a new settlement over treaty rights in northern Wisconsin. Page 8A.

extend to the area of physical violence."

Meanwhile, a Wausau rally by the anti-treaty rights group Protect Americans' Rights and Resources attracted an estimated 1,500 people who heard PARR leader Larry Peterson call for recalling state congressmen who haven't shown concern for issues raised by the protesters.

The demonstrations, however, have been larger and arrests more numerous this year because the state has reduced anglers' bag limits for walleye on the 254 lakes the tribe plans to spear.

About 30 rocks showered from the crowd Saturday night as one of eight tribal boats entered the water at North Twin, said George Meyer, DNR administrator of enforcement. No one was injured.

Raymond Cadotte, a Lac du Flambeau Chippewa spearfisherman, said he felt one rock hit his back. The problem continued on the 2,788-acre lake in Vilas County,

Peterson said that included all of the state's congressmen except Republican Rep. F. James Sensenbrenner, Jr., of Menomonie Falls. Sensenbrenner has introduced legislation to make the Chippewa subject to the same state regulations as other anglers fishing in non-reservation waters.

Peterson credited Gov. Tommy Thompson for returning early from about 160 miles northwest of Green Bay, he said.

"We could bear them whizzing by our heads," Cadotte said.

Police did not arrest anyone who threw rocks in the first volley because it was difficult to identify who threw them, Meyer said.

"They came from many, many people," Meyer said.

Arrests were made hours later as individuals were caught throwing stones.

Dean Crist, a spokesman for the anti-treaty rights group Stop Treaty Abuse-Wisconsin, used a bullhorn to urge the crowd to be

a European trade mission and meeting face to face with spearfishing protesters Saturday at Boulder Junction. But Peterson and other speakers also criticized Thompson for being unresponsive to problems involving spearfishing.

Peterson said the governor was in a "Catch-22" situation on spearfishing because the treaty rights involved were granted by the federal government.

Thompson met with business leaders and treaty rights opponents, see Spearfishing/8A

page 8A.

"Let's not throw rocks. Let's not about racial slurs," he said. "What I'm trying to tell you is we're winning. Don't blow it."

Most arrests were for disorderly conduct, but one protester who was on the lake with a boat was arrested on charges he harassed a spearer by creating a hazardous wake, Nelson said.

A dozen DNR boats with wardens patrolled the lake. On shore, about 100 officers standing along a snow fence kept the crowd off the boat launching area. Many stood two- and three-deep, watching the crowd.

St. Paul Press Dispatch
5-1-89

Spearfishing/ An1

Continued from Page 1A

nents and said he would do what he could to reduce harmful effects from spearfishing. But he also told protesters it was his responsibility to enforce the law and keep the peace.

Police in riot gear have patrolled boat landings on the northern lakes where Chippewa are spearfishing under the guarantee of 19th century treaties.

Seven people were arrested Saturday night, including four for rock throwing, at North Twin Lake, where a crowd estimated at 1,000 people gathered Saturday night in

light snow.

A report of a gunshot heard by spearfishermen could not be verified by any law enforcement personnel on the scene, DNR spokesman David Kunelius said.

Nelson said protesters have thrown rocks in isolated incidents in the past but never to the degree that occurred at North Twin Lake Saturday night.

The arrests Saturday, including two others at Kentuck Lake in Vilas County, brought to 67 the number of protesters arrested since the tribal fishing season began last week.

Spearfishing totals for northern Wisconsin

Associated Press

ODANAH, Wis. — Here are the number of fish the Chippewa Indians speared Saturday night on northern Wisconsin lakes as reported Sunday by the Great Lakes Indian Fish and Wildlife Commission.

The figures include the lake, the county, the number of fish and the number of spearmen for each band. The Lac Courte Oreilles and St. Croix bands did not spearfish Saturday night be-

cause of inclement weather.

Bad River Band:

Diamond Lake, Bayfield, 75 walleye, 3 spearmen.

Red Cliff Band:

Upper Eau Claire Lake, Bayfield, 56 walleye, 4 spearmen.

Mole Lake Band:

Butternut Lake, Forest, 58 walleye, 5 yellow perch, 4 spearmen.

Kentuck Lake, Vilas, 75 wal-

leye, 1 crappie, 1 sucker, 3 spearmen.

Lac Vieu Desert, Vilas, 170 walleye, 10 spearmen.

Lac Du Flambeau Band:

North Twin Lake, Vilas, 385 walleye, 1 muskie, 13 spearmen.

South Twin Lake, Vilas, 4 walleye, 3 spearmen.

South Turtle Lake, Vilas, 47 walleye, 3 spearmen.

Rest Lake, Vilas, 97 walleye, 4 spearmen.

76

Spearfishing protesters take to water

SUGAR CAMP, Wis. (AP) — Some spearfishing opponents who took their protest to the water were warned against harassing Indian fishermen, while others who stayed on shore were arrested.

Eleven arrests were reported in separate incidents on four lakes Thursday as all six Wisconsin Chippewa bands speared walleyes and other fish, Dave Weitz, a state Department of Natural Resources spokesman, said today.

One Indian was ticketed at Lac Vieux Desert for spearing without a permit, Weitz said.

That brought to 57 the number of arrests made so far during the tribal off-reservation fishing season guaranteed by court-affirmed treaty rights.

David Vetterneck, a representative of the inter-tribal task force that regulates Chippewa spearfishing, said part of the tribe's agreement with Gov. Tommy G. Thompson to lower tribal fishing quotas included a state promise for a safe area for family members at the lakes.

He said he believed the situation at Squirrel Lake violated that provision.

Vetterneck also said he would recommend to the tribal council today that the Chippewa abandon their agreement not to take 100 percent of the safe catch because Thompson had not kept his promise.

Officials have said they believe the protests are greater this year because sport fishermen face reduced walleye sport bag limits on lakes targeted for possible tribal spearing.

Area police helping out

Monroe police officers and Green County sheriff's deputies are among law enforcement personnel from southern Wisconsin who have traveled to Oneida County in the northern part of the state to assist in dealing with the Chippewa spearfishing season.

According to Green County Sheriff Steven Elmer, law enforcement from numerous southern counties left Thursday and took equipment with them to provide mutual aid. Other counties providing assistance include Dane, Rock, Jefferson, Columbia, Sauk, and Lafayette Counties.

Elmer said this year is the first time that counties from the southern part of the state have been requested to assist in the spearfishing season. Two weeks ago Elmer, who is Emergency Police Services Director for the state's southern area, was contacted by Oneida County Sheriff Charles E. Crofoot, who holds that position for the northeast area, in arranging for extra police protection for spearfishing activities.

"Additional requests for assistance may be forthcoming," Elmer said, "depending upon the volume and intensity of activities occurring during the upcoming weekend."

Meanwhile, authorities said they were preparing for more protests during the weekend, when crowds tend to be larger and more people put boats on the water.

"We're always a little more concerned about the weekend," said Ralph Christensen, DNR chief warden.

"There's been so much protest action during the week, it's a little difficult to imagine how much worse it might be able to get on the weekend," he said.

On the water, DNR wardens warned non-Indian boaters on two Oneida County lakes: Squirrel and Sand.

Boatloads of protesters ran

what treaty rights opponent Dean Crist of Minocqua called "observation runs" on the water.

Crist, spokesman for Stop Treaty Abuse-Wisconsin, said earlier that protesters would be making the observation runs, staying 100 feet from tribal boats to avoid trouble.

Last year, spearers complained of protest boats harassing them by creating waves and dragging anchors.

Christensen said at Sand Lake, DNR wardens had more of a problem on the water with protest boats than they have had so far this spearing season.

At least one dozen protest boats joined one tribal boat with three spearers and four DNR boats on Sand Lake, said John Nelson, a DNR spokesman. At Squirrel Lake, DNR wardens in half a dozen boat patrolled the waters where at least nine protest boats joined four tribal boats.

The warnings were given to boaters "that were continuing to come in and try and create some problems with wakes and getting in front of the spearers and kind of riling up the water," Christensen said.

At Squirrel Lake, protesters on shore cheered as each protest boat was launched or moved toward the boat landing.

Three arrests were reported Squirrel Lake and another three Sand Lakes, both Oneida County lakes, Weitz said. Four people were arrested at the Willow Flowage Oneida County, and one was arrested at Solberg Lake in Price County, said.

Most arrests were for disorderly conduct, he said.

Vilas Co. News 4-3-89

Avoid racial overtones

Law enforcement officials, both with the Department of Natural Resources and with sheriff's departments across the state, have done an outstanding job of keeping the peace during intense boat landing protests the past week.

We commend them for their professionalism and efficiency, knowing full well that any violence will work against treaty opponents who want this issue solved immediately. How ironic it is that rowdy protesters scream about the law officers and the waste of tax dollars, when they are the cause of such peace-keeping efforts.

Though we have seen signs of racism against Indians in both signs and some slurs being tossed out from the crowds, it is obvious that the majority of protesters have made a stand based on equal rights for all Americans; and for protection of sport-fishing and tourism.

We urge protesters to lessen their racial overtones in the final week or so of the spring spearing of spawning walleye, lest their solid arguments in opposition to treaty rights be written off by state and federal officials as racism.

Daily Press

Ashland, WI — Friday, May 5, 1989 — 3

Explosive device found at St. Croix L.

SOLON SPRINGS (AP) — Two men were arrested after police found an explosive device laying on the ground early Thursday at a lake where Chippewa Indians were spearfishing, Douglas County Sheriff Richard A. Lindberg said.

"It was related to spearfishing," Lindberg said.

He said the two men had been approached, warned and asked to leave the area because they had been harassing spearmen on St. Croix Lake in Solon Springs before they were arrested about 1:30 a.m.

One man was released on bail and the second was held pending a court appearance Friday, the sheriff said.

"We have also asked the federal prosecutor to review the case for possible federal charges," Lindberg said.

Two other men were arrested on the lake on harassment charges, the sheriff said. They had a wrist rocket and allegedly were shooting steel ball bearings, he said.

There were reports of several different objects, including nails, being thrown at spearfishermen and officers, Lindberg said.

No one was injured, he said.

The dozen or so people who gathered Wednesday night at the boat landing for the lake caused no problems but police officers searched wooded areas along the shore for others, Lindberg said.

"The people that caused the problems were in the woods along the shoreline," he said.

Six spearmen from the Red Cliff band of Chippewa were on the lake in three boats, he said.

Racism? Federal panel studies spearing issue

By Tom Berger
and Eric Resultan
Wausau Daily Herald

Chippewa Tribal Judge Tom Maulson said there is a parallel between the Ku Klux Klan and some anti-treaty rights protesters, including Stop Treaty Abuse-Wisconsin leader Dean Crist.

Maulson called Crist the grand wizard of northern Wisconsin, alluding to one of the chief titles of the KKK, a white supremacist organization.

Crist, who spent Wednesday night in the Oneida County Jail after being arrested during a spearing protest, responded:

"When you can't defend the issue, you attack the man."

Both sides stood firm Thursday at a hearing held in Rib Mountain by an advisory group to the U.S. Commission on Civil Rights. The group plumbed the depth of racism in northern Wisconsin aimed at Chippewa Indians, now in the midst of their spearing season.

The federal commission will issue a report based on the testimony in September or October.

Maulson said the Chippewa will always exercise their court-affirmed, 19th-century right to spearfish off the reservation.

As long as racism continues, he will not sit down with Crist to negotiate a compromise with his opponents, he said.

"I have no reason to sit down with the gentleman (Crist)," Maulson said.

Crist, however, said he would sit down with Maulson and Chippewa leaders to try to settle the issue. He later said the only way to bring the volatile situation to an end would be to abrogate all federal treaty rights with Native Americans.

"Federal Indian policies don't help the Indians. They are in the worst situation," Crist said.

He claimed Indians have the nation's highest suicide rate, highest alcoholism rate and highest child abuse rate.

By presstime today, the Daily Herald was unable to get statistics to support or deny Crist's claim.

There always has been racism in the north, James Schlender, executive director of the Great Lakes Indian Fish and Wildlife Commission, said.

Court rulings upholding spearing rights for the Chippewa has been a "match to ignite latent embers of racial discrimination," he said.

Boat landings, particularly at Butternut Lake in 1987, have been scenes of "racial mob violence," he said.

But state officials downplayed racism as a cause of conflicts surrounding Chippewa spearing of walleyes and muskies.

About 10 to 20 percent of the people at boat landings protesting spearing have a racist intent, Attorney General Donald Hanaway said.

Others are motivated by economic, resource and fairness issues, he said.

"There are people in northern Wisconsin who genuinely fear the loss of

their jobs," Hanaway said.

"Those frustrations are manifested by a minority of people by racial slurs and epithets at the boat landings," he said. "I find that abhorrent."

Crist did not deny that racism has become part of the Chippewas' annual event, but said it exists because of the frustration over the lack of movement on the issue.

"Angry stickers don't scream prayers at people crossing a picket line," Crist said. "These people are fighting for their lives."

Maulson played an audio tape from protesters at the Big Eau Pleine Flowage Tuesday night, which was marred with racial slurs.

"These things hurt our people," Maulson said. "We have to go through police lines; white people don't have to. Minocqua has been named the most racist town in northern Wisconsin."

"It's sad to talk about racism."

Violence has occurred, Schlender said.

Rocks have been thrown at Indian biologists, he said. The tires of Schlender's car were slashed in Minocqua.

Bumper stickers have been produced saying, "Save a deer, shoot an Indian," and "Spear an Indian, save a walleye." Treaty rights protesters have carried spears topped by an effigy of an Indian head.

"That does violence to me," Schlender said. "It does violence to us."

MAY 2 1989

154

Canoe swamped, four arrested at Long Lake boat landing

Incidents involve nails, glass, rocks

A man and wife spearfishing on Long Lake Sunday evening were thrown into the lake when their canoe was swamped by waves from a high speed fishing boat, according to authorities.

It was the young couple's first year out spearing, according to Gloria Merrill of the St. Croix Tribal Center at Hertel.

No arrest was made in connection with the incident, but four persons, two male and two female, were arrested and charged with disorderly conduct at a Long Lake boat landing. The persons, from the Rice Lake area, were creating a disturbance and inciting the crowd, according to a law enforcement officer at the scene.

Glass and roofing nails were

thrown by some members of the crowd and fireworks, including M-80s, were set off, according to the officer. Star nails (roofing nails welded together) were used, he said.

Nails were also thrown on the ground at a public landing at Balsam Lake last Wednesday evening.

Merrill said she is concerned not only about the incidents at the boat landings but on the streets of local towns where Indians are being verbally assaulted.

"We're working with the St. Croix Valley Greens to carry out a series of presentations on the history of the treaty rights," she said. The presentations would be given for school classes and community organizations, she added.



This man waved at a motorist who honked in support of anti-treaty protesters Sunday at Turtle Lake.

MAY 1 1988

134
Protesters hurl rocks;
1,500 at PARR rally

PHELPS (AP) — Protesters who toss rocks instead of verbal insults at Chippewa Indians spearing fish on northern Wisconsin lakes will not be tolerated, a state official says.

"We won't tolerate any type of physical abuse like rock throwing," Department of Natural Resources spokesman John Nelson said. "We have been tolerating the verbal stuff because people have a right to their opinion, but that does not extend to the area of physical violence."

Authorities said eight people were arrested at three lakes Sunday night.

Meanwhile, an estimated 1,500 people attended a rally in Wausau by the anti treaty rights group Protect Americans' Rights & Resources.

PARR leader Larry Peterson told the crowd to seek the recall of state congressmen who haven't shown concern for issues raised by the protesters.

Peterson said that included all of the state's congressmen except Republican Rep. F. James Sensenbrenner, Jr., of Menomonie Falls. Sensenbrenner has introduced legislation to make the Chippewa subject to the same state regulations as other anglers fishing in non-reservation

"We won't tolerate any type of physical abuse like rock throwing..."

— John Nelson

waters.

Peterson credited Gov. Tommy G. Thompson for returning early from a European trade mission and meeting face to face with spearfishing protesters at Boulder Junction Saturday. But Peterson and other speakers also criticized Thompson for being unresponsive to problems involving spearfishing.

Peterson said at the rally Sunday that the governor was in a "Catch 22" situation on spearfishing because the treaty rights involved were granted by the federal government.

Thompson met with business leaders and treaty rights opponents and said he would do what he could to reduce harmful effects from



AP Laserphoto

An unknown man is arrested and led away handcuffed after he allegedly threw rocks at Indian spears at North Twin Lake boat landing Sunday.

spearfishing. But he also told protesters it was his responsibility to enforce the law and keep the peace.

Washburn County Sheriff Don

See Rocks Page 2A

Rocky Protesters throw rocks

Continued from Page 1A

Fuller said four people were arrested for disorderly conduct at Long Lake. Liz Boyler, a spokeswoman for the state spearfishing law enforcement task force, said one of those arrests was for swamping a boat of spears.

Two people were arrested Sunday night at Lake Minocqua in Minocqua. One person was cited for disorderly conduct and the other, who was in a boat, was taken off the lake and cited for causing a hazardous wake, police at the scene said. Another person was issued a warning for causing a hazardous wake.

About 800 people gathered at the Lake Minocqua boat landing, DNR

officials said.

The crowd was described as very quiet. However, many in the group yelled at Tom Maulson, a Lac du Flambeau band spearfishing organizer, who was on hand to monitor activities.

Two people were arrested Sunday night at Carrol Lake in Oneida County after crossing a police line. Officers at the scene said the pair were told twice not to cross the police line at the boat landing where about 50 protesters had gathered.

The crowd voluntarily dispersed after the arrests.

About 350 people gathered Sunday night at Clear Lake in Oneida County where four boats with Chippewa spearfishermen were launched. About nine boats of opponents also were on the lake along with five DNR boats monitoring the situation.

154

Wausau Daily Herald, Friday, April 28, 1989

Squirrel Lake spearers face abuse

By Frank Morris

Wausau Daily Herald

ROUND LAKE — Charles L. Fuhrman could understand the abusive screams and shouts against Chippewa Indians returning from spearfishing Thursday night at Squirrel Lake.

But Fuhrman, 57, Park Falls, cannot condone such tactics in the fight against the tribal treaty right that he, too, opposes.

"I'm peaceful. I don't want to see trouble. But I'm concerned," he said Thursday night at another anti-treaty gathering at Round Lake in northeastern Price County.

Near a boat landing there, he and others in a protest crowd of about 50 people said they prefer orderly opposition to get politicians to settle the treaty dispute.

"They're listening because we're here tonight ... You don't have to have any violence," Fuhrman said.

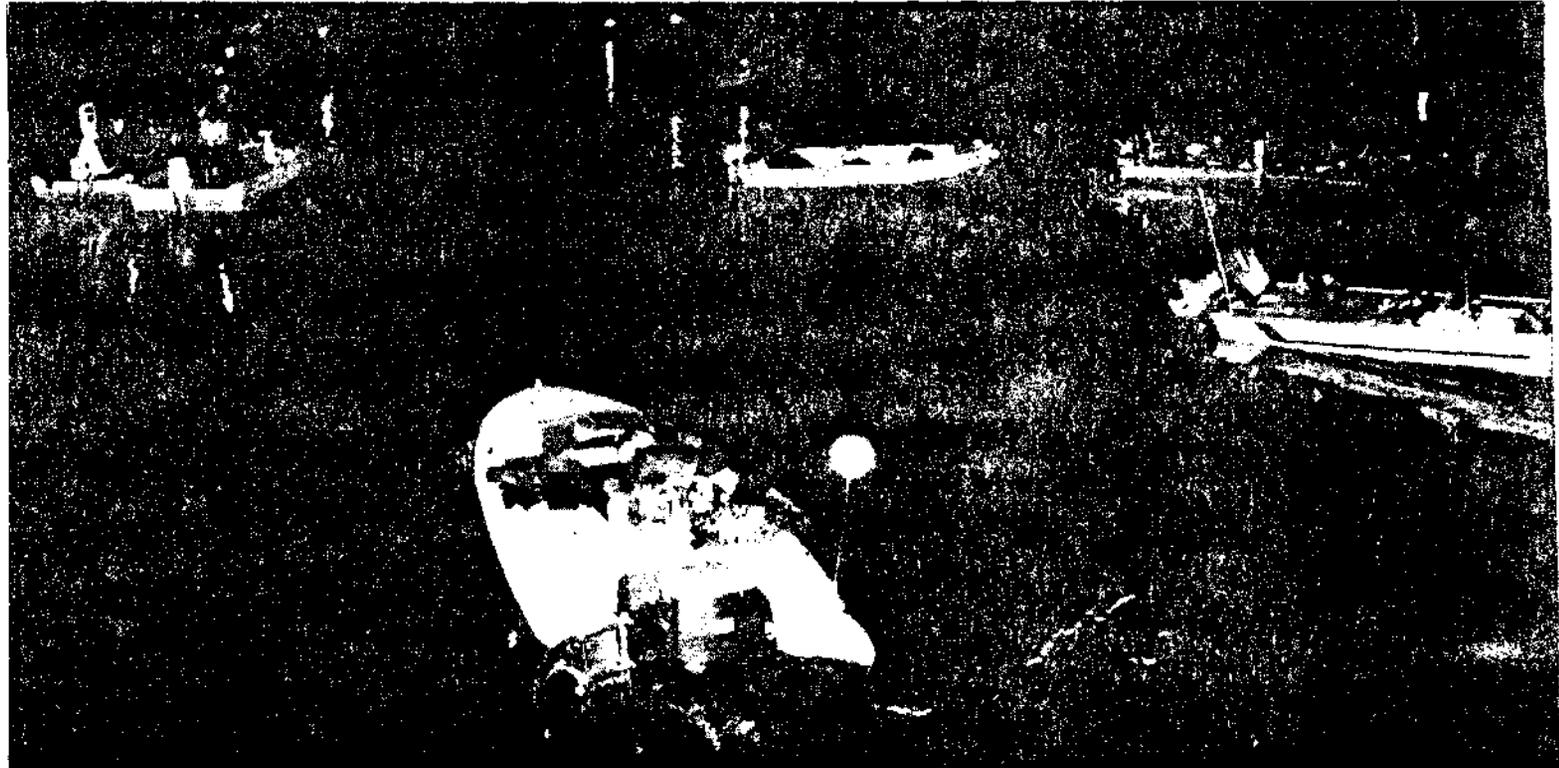
In earlier times and places, Fuhrman saw racial conflict, and he does not want to see anymore, he said.

In the mid-1960s, he saw the conflict while living in Milwaukee, where blacks burned buildings.

Two years ago, he saw it on a Butternut Lake boat landing just north of Price County. There, he had joined what authorities termed a near-riot against Chippewa spearers.

"I honestly think we were racist that night. But when you calm down, you think: 'What the hell did you do?'"

It is easy to get swept into the emotions of an unruly crowd, he said.



Dewey Pfister/Wausau Daily Herald

Anti-treaty protesters take to the water Thursday night at Sand Lake, near Sugar Camp in Oneida County.

Fuhrman and his compatriots did not get a chance to test their peaceful protest tactics Thursday. While the tribe's Lac du Flambeau band had named Round Lake and the adjoining Pike Lake for spearfishing, no members picked permits for them, and none came.

At least 30 local law enforcement officers, stationed there to maintain order, spent the night with little to do.

The scene was different Thursday at Squirrel Lake in northwestern Oneida County.

There, a rowdy crowd that peaked at about 200 pushed close against a

snow-fence barricade stretching the landing.

Past a guard-row of about 30 deputies and city police — including seven from the Wausau Police Department — anti-treaty protesters yelled slurs at Chippewa returning with buckets of speared fish. A few of the full-vol-

ume taunts and threats:

■ "Talk about destroying the environment!"

■ "Nice legs; I hope you can walk without them!"

■ "What are you going to tell your children?" Followed by, "Hopefully they won't have any children!"

Appendix VI

News Clips– PARR/STA

STOP TREATY ABUSE

Don't let obsolete treaties spear your business away!

Help fight the battle to right the wrong of our judicial system.

FACE IT! NO FISH NO BUSINESS

LETS JOIN TOGETHER TO HELP SAVE OUR LAKES

2 COLOR STICKERS--RED + BLACK ON WHITE

*WE'RE NOT AGAINST THE INDIAN - WE
ARE AGAINST THE SPEAR.*

IT'S NOT TOO LATE- SPEARING WILL NEVER STOP
UNLESS WE DO SOMETHING ABOUT IT NOW!

STICKERS

QUANTITY	PRICE	SUGG. SELL	XMU
50	27.50	\$1.00	45%
100	50.00	same	50%
500	225.00		55%
1000	400.00		60%



Send check, money order, or write for CDD to:

Save Our Lakes

635 Hickory St., Suite #126

West Bend, WI 53095

Quantities are limited. Orders are served on a first come first serve basis.

Who can't afford \$30.00 to help save Wisconsin's Lakes and tourism industry?

3-7-89

PARR: No boat landing protests if monitoring committee is formed

Another anti-treaty rights group--Protect Americans' Rights and Resources (PARR)--has chosen a different tactic for the upcoming Chippewa spearfishing season, urging its members to stay away from the boat landings-- provided that the state creates a committee of tribal and non-tribal representatives to monitor spearing.

The decision was made during an all-member conference in Wausau March 4-5.

An April 1 deadline was set for the committee to be created and ready to monitor the spearing season. The committee's purpose will be to document off-reservation spearfishing harvest totals. If no committee is formed, then PARR leaders will consider peaceful protest, said PARR Vice Chairman Chuck Valliere.

The Great Lakes Indian Fish and Wildlife Commission monitors the season already, but Valliere said PARR wants to confirm tribal figures, which PARR will use in a future lawsuit. He did not say what the lawsuit would be for.

The committee request was to go to Gov. Tommy Thompson on Monday.

PARR asked for \$1 million to be placed in a trust fund to hire lawyers with expertise in Indian law and its effect on the natural resources. That attorney would handle the pending federal lawsuit and appeals, Valliere said.

PARR Chairman Larry Peterson said the group had cooperated with state officials since the courts ruled in 1983 that the tribe retained the rights to hunt, fish and gather in the ceded territory. But inaction by legislators may lead PARR to take a more aggressive stance, he said.

Only about two dozen persons were present at the opening session Saturday. PARR officials blamed the weather which left about a foot of snow in the north for the low attendance.

Sunday's session was for PARR members only. They elected officers and decided on policies.

During Saturday's meeting, members talked about adopting the black civil rights tactics of the '60s--sit-down protests and marches--to champion their cause to the media and to convince Congress to change Indian policies.

If PARR members go to the boat landings, it should be only as observers and not to break any laws, PARR leaders said.

PARR has three protest rallies scheduled next month, one of them in Minocqua. Although it wasn't held last year, such rallies have drawn more than 1,000 persons.

PARR was formed in 1985 to oppose Indians' off-reservation hunting, fishing and gathering rights in the ceded territory. It has tried to go national to draw supporters who oppose Indian rights in their own states.

PARR urged its members and the general public not to go to boat landings last year. That may have worked against PARR, when officials interpreted fewer people at the boat landings meant that more people were accepting spearing, Peterson said.

Last month, another anti-treaty rights group, STA/Wisconsin, announced its plans to disrupt spearing with boats on the water, sit down protests and civil disobedience measures.

THE DAILY PRESS — Ashland, WI — Monday, May 8, 1989 — 5

Mood tense at Butternut landing

BUTTERNUT (AP) — The anger of non-Indian protesters and the silent determination of Chippewa spearfishers remained the constants of spring confrontations on boat landings in northern Wisconsin.

There were shouts of "Half breed," "White-skinned Indian" and "Take away their federal aid" as tribal members returned to Butternut Lake Saturday night, the last night of spring spearfishing for the Lac du Flambeau band.

But while the spearkers themselves remained passive, there also were chants of "Treaty rights" from a crowd of about 1,000 supporters of Chippewa spearfishing that police said outnumbered the opponents.

Eunice Corbine, 25, a member of the Lac Courte Oreilles band, said she came to the boat landing to help preserve the Chippewas' historic rights. "They're trying to take away something that's ours," she said of the spearing opponents. "I have three boys, and when they get older, I know they're going to want to fish."

"We don't have the same rights as the Chippewa and that's all right with me," said Mary Aschenbrenner of Westboro, who went to Butternut Lake to support the tribe.

"These are angry people," said Larry Peterson of Park Falls, board chairman of Protect Americans' Rights and Resources, an anti-treaty-rights group, said of the

spearing foes who stood toe to toe with supporters.

"We've got officers standing between the Indian (spearkers) and the non-ndians, and they're neighbors," Peterson said. "We never had problems before spearing."

"There are some brave people here; the people who go out in those boats at night," said James Yellowbank of the Indian Treaty Rights Committee, Chicago, before the tribal members set off from the Lac du Flambeau reservation that evening.

With sheriff's deputies, police officers and state troopers from around the state keeping the protesters well away from the landing, the confrontation at Butternut Lake was far more orderly than one two years earlier.

STA won't stop protest, disruption plans

Group seeks multi-million dollar relief fund for businesses hurt by spearing

By KURT KRUEGER
Stop Treaty Abuse/Wisconsin (STA) work stoppage encouraging protest and disruption of spearfishing this spring, despite warnings and pleas from Gov. Tommy Thompson, and the group wants a multi-million dollar state fund established for businesses hurt by treaty rights.

On the same day that four Chippewa bands agreed not to take 100% of the same walleye harvest from 15 lakes, giving sport anglers a daily bag limit of two instead of zero walleye, the governor flew to Milwaukee to talk with STA officials.

Thompson said in a news conference that he struck a deal with the Chippewa that they would lower their spearing harvest levels so that boat and line fishermen would have a two-fish walleye bag limit. The current daily bag limit is five walleye.

In return, Thompson assured Indian leaders that the state would do everything in its power to protect the spears.

"We will not allow for disruptions on or off the water," Thompson said. "I don't accomplish anything to have people show up at the landings. They should stay away." If violence should occur, "the devil's off," Thompson said.

Dean Crist, a spokesman for STA, said the group will not cancel planned protests at boat landings or on-water disruption of the spearfishing with boat wakes and long lines of non-Indian boaters.

Crist said the tribe was attempting to trade reduction of angler bag limits for several restrictions against protesters. The requests were:

- That the boat landings be cordoned off so that treaty protesters would not have access.

- Guaranteed launching and landing of tribal spearing boats.
- Prohibiting any protesters from being on the water to harass Chippewa spears.

- The governor's promise that if the situation became violence at the landings, that he would call out the National Guard.

At Sock, an STA leader, said all legal methods will be used to disrupt the spearing and lower the harvest. He said sheriff's in both Oneida and Vilas counties had called for equal access to the boat landings this year.

Relief Fund proposed
STA has proposed formation of a Ceded Territory Emergency Relief Fund to provide financial help to people affected by the exercise of treaty rights.

Money to pay for the new program, Crist said, should include the \$10 million offered as a proposed 10-year lease to the Mole Lake Chippewa, funds now used on state aid to the Indian reservations and the estimated \$600,000 being spent of law enforcement during spearfishing.

"It is the belief of STA that state tax dollars should be used to benefit state taxpayers and not state tax-exempt members of a sovereign nation who are causing severe harm to northern Wisconsin," Crist said. "All police protection of the tribes should be paid for by the tribes from federal funds."

STA also proposed, in the plan given to Thompson, that the state's negotiating team on treaty rights be disbanded and replaced by negotiators from the ceded territory who can meet with the tribe in accordance with Wisconsin's open meeting laws.

Relief for northern businesses was proposed by STA based on the conclusions drawn from three surveys done in northern Wisconsin which indicate the public's sentiment toward the treaties, Crist said. The surveys included:

- A state GOP survey run in the northern districts which showed 85% of the population opposed to the exercise of off-reservation treaty rights by the Chippewa.
- The recent state Democratic survey

It is the belief of STA that state tax dollars should be used to benefit state taxpayers and not state tax-exempt members of a sovereign nation who are causing severe harm to northern Wisconsin.

DEAN CRIST
STA Spokesman

which shows over 80% of the people in the northern districts opposed to a "buy off" or "lease off" of treaty rights with state funds.

- Results of anti-treaty rallies in Minnesota April 15 and Rice Lake April 16, where more than 6,000 protesters showed their opposition to treaty rights.

Crist said people in the North are establishing a "foundation" to finance legal research into the original Voigt decision to find ways of bringing the case up for retrial or appealing the case. He said several university experts and an attorney believe the Voigt decision can be overturned.

Crist said his corporation, Stop Treaty Abuse, which markets Treaty Beer, will

donate all profits from this year's sales to that foundation.

Gambling rights for Chippewa in lieu of off-reservation rights were also discussed with Gov. Thompson. Crist said he favored it, but only if it includes trading off all off-reservation rights.

Sugar Camp organizers
As had been done in St. Germain and some other communities the previous week, Crist was invited to speak to a gathering of more than 200 treaty protesters last Tuesday in the Sugar Camp Town Hall.

Though both protest and disruption of spearing were discussed, Crist said he did not advocate any kind of violence. One resident said all the wrist-rockets were sold out of area stores, indicating people might be purchasing the sling shoes to fire projectiles at spears.

At first, Crist said with a chuckle, "if you're going to do it, make sure it's an Indian you are shooting at."

Then moments later, he said, "On the sling shot, we don't advocate violence. I'm not going to tell you to do it. If you get caught, you're busted."

Crist said protest could be very effective at the landings because it is the most visible place to get media attention.

"Bring signs, lots of signs," he said. "They catch the attention of the media. Make sure there are no racial slurs—it will only hurt you... our cause. It's fair game to take a shot at politicians."

As for disruption, Crist said equal access to the landings and lakes meant protesters could put in their boats at the same time as spears.

"Unloading 10 or 12 boats can take a

long time," he said. "It's fair game. It's legal."

On getting arrested
As for sit-ins or blocking landings with vehicles to keep spears out, Crist said, "If you do, you will get a lot of (press) coverage—but also arrested."

Crist said nobody probably wanted to get arrested. But if they are going to, he offered a hint: "Do it when the press is there. You might as well have your picture taken."

If anyone is told they cannot launch a boat at a landing, Crist said, "That, by golly, is the time to get arrested."

On the water, Crist said the most effective way to minimize the spearing harvest is to "fill the back live wells and drive at half throttle."

"They need calm water to spear from a boat, or to stand in a boat," Crist said. "With waves they can't see fish either."

He warned boaters to make sure they had proper lights, cushions and registration in the event they were stopped by law enforcement.

"Do not shine lights in the eyes of wardens or spears," Crist said. "But where the reflection (off the water) goes is fair game."

Wisconsin's harassment law is weak, Crist said, and has little to do with the activities of protesters on the water. He said the law indicates that people cannot be harassed "for no legitimate purpose."

"I don't think a person in this room believes they don't have a legitimate purpose to be on the water," Crist said.

As for pro-treaty protesters at the landings, whose numbers are expected to be much larger this year, Crist said they should be ignored.

154

Treaty foes tap beer as fund source

By Keith Goldschmidt

Press-Gazette

Treaty Beer, sporting a label showing a walleye on a spear, will be introduced this weekend at a rally to protest Chippewa Indian spearfishing on northern Wisconsin lakes.

Proceeds from the sale of the beer, which is being billed as the "True Brew of the Working Man," will be used to help elected officials and groups opposing the abuse of Indian treaties, said Dean Crist.

Crist, who owns a pizza parlor in Minocqua, said he thought of the idea this spring at a rally sponsored by the anti-treaty group called Protect Americans' Rights and Resources.

PARR wants changes in the treaties that preserve Indian spearfishing rights. During each of the last three springs, Chippewa Indians have speared walleye and muskies in northern Wisconsin lakes.

The beer is being brewed at Tork Brewing Co. in Eau Claire and the first 2,184 cases will be shipped to the Minocqua area Friday, Crist said.

"It's wild," Crist said. "The calls from stores and people and other beer distributors is incredible. It's blown our socks off."

The brewery can distribute the beer into 11 states, and Crist is talking with other groups opposed to Indian treaties to market the beer in their states, he said.

There are many people who support the cause of fighting the abuse of Indian treaties but do not have the extra cash to help financially, Crist said.

But they do buy beer, he said. And when they buy Treaty Beer they will be helping the cause, he said. The beer will be sold at about the same price as other beers.

Crist and his partner, Don Long, formed a corporation called STA Inc., which stands for Stop Treaty Abuse. Long operates a bait and tackle store in Minocqua.

They will distribute funds to those opposing treaty rights, Crist said. "We don't have access to continued federal funds," he said.

Long said nothing has polarized the relations between whites and Indians like the spearfishing issue.

"To watch the continued rape of the resources under what is purported as treaty rights is frustrating," he said. "The concept (of selling beer) is born out of frustration."

The beer can is one way to spread the message, he said, especially when a can is sitting on a bar or the shelves of a grocery store.

The can is red, white, black and green with the speared walleye on the label. It also says "stop treaty

abuse." Also on the label is a picture of an American dollar being burned. But instead of a picture of George Washington on the dollar, it has the speared walleye.

Under the burning dollar, are the words "land claims, fishing rights, hunting rights and water rights."

The rally Sunday is organized by residents near Butternut Lake, the site where four whites were arrested during an angry protest last spring.

18

View Co News 4-19-89

Issues clarified over spearing at PARR rally

MINOQUA — The issue confronting opponents of treaty rights seemed clear Saturday as an estimated 2,000 protesters gathered for a Solidarity Rally in Torphy Park here, as they organized plans for protests at boat landings and for national unity to change federal Indian policies.

But while the speakers were blaring, there was other conversation occurring on the sidelines that also clarified some of the issues surrounding the treaty rights controversy.

The side talk included a conversation between Rep. Jim Holperin (D-Eagle River) and James Jannetta, an attorney for the Lac du Flambeau band. There were about 50 tribal members who observed the rally.

Holperin, speaking bluntly in a salt-pitch voice, asked Jannetta to help push the tribe toward a slightly lower spearing harvest in order for sport anglers to keep a three-walleye daily bag limit instead of two. He said in terms of the tribal harvest, "it would mean a very small reduction in the overall take."

But Jannetta replied, "We're playing hardball this year. If you want it (lower spearing limit), you'll have to pay for it."

Jannetta's comment reflects a position that surfaced years ago at Lac du Flambeau, where some tribal officials have said the state should pay for that portion of the resources

Turn to Rally, Pg. 3



SIGN LANGUAGE — The signs said it all at the Solidarity anti-treaty rally in Minoquas Saturday, where 2,000 protesters gathered to show the strength of

opposition to off-reservation spearing and other treaty rights held by Chippewa Indians. A pro-treaty placard was arrested. See more photos inside.

Staff Photo By KURT KRAEGER

Rally FROM PAGE ONE

the tribe agree to share with non-Indians.

But paying the Chippewas to limit or stop their spearing activities wasn't a part of the game plan being laid by treaty opponents.

"We will take whatever steps are necessary to minimize or stop the terrible injustices granted by our federal judges," said Al Sotik of Stop Treaty Abuse/Wisconsin, which co-sponsored the rally with the group Protect American's Rights and Resources, or PARR.

Sotik said lake watch groups have been organized to get the maximum number of people at each spearing site.

"We will use whatever methods are legally within our rights to accomplish our purpose," he said.

"We ask for no drinking or abusive behavior from our members at the boat landings."

One pro-treaty advocate, Rosemary Robinson of Madison, was arrested on a disorderly conduct charge and was taken to the Chiroka County Sheriff's Department.

Robinson had walked in front of the speakers' platform in a protest-off that PARR stood for "People Already Racist and Radical." After the was

erected by a chorus of boos from the crowd, two speakers asked uniformed law officers to remove her. She was cited after she refused to leave and had to be dragged away.

William Cover, president of the Citizens Equal Rights Alliance (CERA) of Big Arm, Mont., told the crowd that national unity is needed to get equal rights for all Americans.

"We seek positive change in federal Indian policies and laws which will assure equal rights for all citizens," Cover said.

Verna Lawrence, a Chippewa Indian and vice-president for STA, urged protesters to do it peacefully and within the structure of the law.

"We have the first amendment, right of freedom of speech, and we must not be deterred by intimidation, threats or taunts of racism," she said. "It is not racist to try to change federal Indian policy."

Dean Crist, a spokesman for STA, emphasized the statewide political importance of this year's treaty exercise.

"Madison only watches northern Wisconsin during the spring resource rape," Crist said. "But the sportsmen of all Wisconsin will vote the issue in 1990. Tony Earl lost the governorship because he underestimated the treaty rights issue. There is no question that Tommy Thompson will lose in 1990 if he ignores us

Racism tied to fishing protests

MADISON (AP) — Supporters of Indian treaty rights say racism, not concern about fish populations, is the main force behind protests against Chippewa spearfishing, and they urge state leaders to take a more forceful stand.

"Is it really the fish we are talking about?" said Sharon Metz, of Green Bay, a former Democratic legislator. "I don't think so. I think the hatred and fear generated in northern Wisconsin by anti-treaty groups will do more to impact the tourism industry than the small amount of fish that are taken by the spearers.

"I am disappointed in the leadership of Wisconsin from both parties," said Metz, executive director of the Lutheran Human Relations Association of America. "The silence has been deafening."

Gov. Tommy Thompson plans to issue a "very strong" statement urging spearfishing foes to stay away from boat landings used by tribal members this spring, said Jon Henkes, Thompson's news secretary.

Thompson has repeatedly said he does not believe racism is the primary factor behind anti-treaty protests, and some Democrats have concurred.

"Both Democrats and Republicans have pandered to the prejudices of the people up north," said the Rev. Tim Kehl of Madison, a member of the pro-treaty Honor Our Neighbors' Origins and Rights.

Kehl and other treaty rights supporters spoke Thursday at an

**"I am disappointed
in the leadership of
Wisconsin from
both parties. The
silence has been
deafening."**

— Former legislator
Sharon Metz

event sponsored by the American Indian Studies Program at UW-Madison. Their appearance came a day after the Chippewa Indians announced their spearfishing plans for this year.

Federal courts have upheld the right of Indians to spear fish under 19th century treaties. Such a fishing method, however, is more efficient than hook-and-line fishing and is illegal for sport anglers.

Ada Deer, a former leader of the state's Menominee tribe and a senior lecturer at the University of Wisconsin-Madison, asked Thompson and other officials to take a stronger stand against racism.

"We call on the leaders of our state from the governor on down to exercise their legal and moral authority," Deer said.

Thompson has met with groups on both sides of the issue, Henkes said.

"The governor has no interest in taking sides in this thing," Henkes said. "That's not the role of a governor. That's not Tommy Thompson."

PARR vows to be visible in spring '89

Protests will be peaceful: Peterson

Wausau (AP) — A vocal group opposing Indian treaty rights erred when it stayed away from the boat landing during spearfishing season and has lost members because of it, the group's chairman said Friday.

"We will become more visible next spring," Larry Peterson, chairman of Protect Americans' Rights and Resources, said in a telephone interview from his home in Park Falls. "We will initiate rallies and protest and exercise our free-speech rights."

Any such demonstrations will be peaceful, he said.

Peterson recently resumed the PARR chairmanship after Dick Hammon of Racine, who was elected in March, stepped aside.

Meanwhile, Larry Greschner, who had advocated working within the political system for changes in Indian treaties rather than protesting at boat landings, resigned as PARR's full-time executive director.

Greschner said he felt good about the way PARR's image had changed in the past 1 1/2 years "from a somewhat militant or-

ganization to a group that realizes for the most part that this must be dealt with in a political manner."

Greschner said he decided to resign, effective Aug. 6, partly because he wanted less stress and had another job opportunity. He also said differences of opinion in how PARR should operate influenced his decision.

"There were things coming into play. I didn't like to see two different groups," he said.

Al Soik, a former PARR spokesman, said he and other treaty opponents organized their own group, Stop Treaty Abuse Wisconsin a few months ago "because people were unhappy with the way things were being run" at PARR.

"I'm not saying we should be violent, but we've got to be there (at the boat landings and lakes) and stand up for our rights," he said.

"I had some real conflict with their former Greschner, who plans to work in sales, said he was also frustrated by the job.

(Ashland Daily Press, July 30, 1988)

JUN 14 1989

154

Spearing costs hit \$1.2 million

By JAMES B. NELSON
Sentinel staff writer

Madison — Local law enforcement agencies have submitted bills totaling \$672,000 for work during the Chippewa spearfishing season this spring — more than double their costs for the 1988 season, a state official said Tuesday.

The latest batch of local bills brings the total cost of the season to about \$1.2 million, said Gary R. Homuth, of the Department of Natural Resources Bureau of Law Enforcement.

Local police and state costs were \$591,852 for the 1988 season.

This spring, the DNR spent about \$314,000 and the State Patrol about \$200,000.

Estimates have not been received from the Department of Justice's Division of Criminal Investigation, Department of Administration's Division of Emergency Government and the Department of Military Affairs.

A total of 86 local police agencies have submitted bills for reimbursement. Agencies have until July 1 to apply.

So far, the largest bill was received from Outagamie County, which wants \$75,820 for wages, travel and other expenses in northern Wisconsin.

The department sent 37 officers, and records showed that about half were paid entirely at an overtime rate.

Milwaukee County was the second

largest, with a bill for \$60,261, including \$2,418 for travel, materials and supplies.

A total of 15 Milwaukee County officers participated, and the county filed for \$1,983 reimbursement for lodging. Milwaukee County included a \$11.61 bill, listed as dry cleaning of uniforms.

The Legislature's Joint Finance Committee has appropriated \$300,000 to pay for the spring spearing law enforcement.

Last year, local agencies spent \$322,569 and were reimbursed about 62% of that amount initially, and the remainder earlier this year.

Homuth said he did not know how many more bills were coming from local agencies, but that information had not been received from Oneida and Waukesha Counties.

"I'm expecting a fairly large bill one from Waukesha County," he said.

Oneida County, the heart of Lac du Flambeau off-reservation spearing, was involved in coverage during most of the spring season.

The vouchers included a \$950 bill from Polk County for removal of glass and nails that demonstrators threw on a Balsam Lake boat landing.

The incidents, which occurred April 26 and May 2, required several hours of work by the Polk County Highway Department.

Two trucks and a sweeper were used the first time, and a truck and a sweeper the second.

One parent's concern

Racial tensions rub off on kids

BOULDER JUNCTION (AP) — Elementary school children seem to be picking up some of the worst elements of the Indian spearfishing controversy, a parent says.

Mark Wahlgren, operator of a video rental store, said his son, a seventh-grader at North Lakeland Elementary School, brought home hand-drawn sketches with a pronounced anti-Indian theme.

One showed someone firing a shotgun at two Indians, with a caption reading: "Shoot the Indians ... save the fish."

Another showed a big fish spearing an Indian in the head, with a caption of, "Indian Warrior."

Some Chippewa spearfishermen refer to themselves as "Walleye Warriors."

Wahlgren said his son, Daniel, 13, did not draw the sketches himself. He said others drew the pictures and circulated them among classmates during the school day.

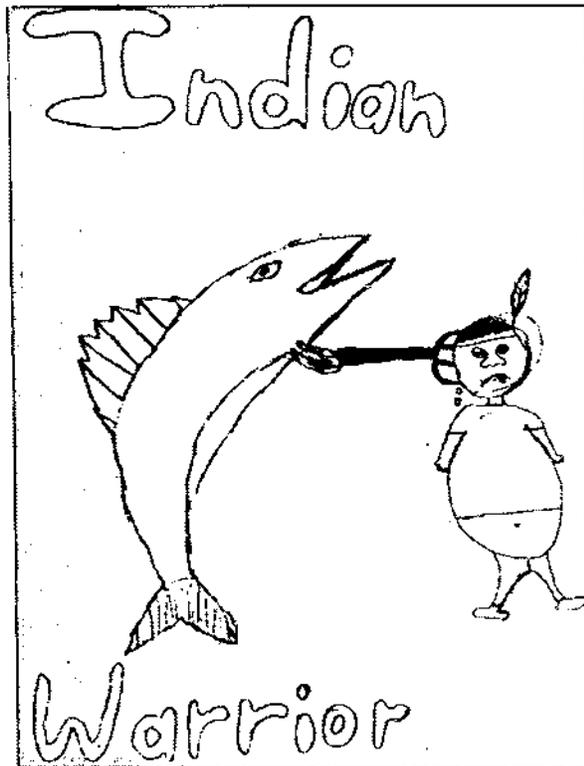
"This thing is going to just be getting worse for the next couple of years," Wahlgren said.

Off-reservation spearfishing by the Chippewa Indians of northern Wisconsin has triggered protests at boat landings where opponents of treaty rights have shouted racial slurs as Indians headed out to spear fish. There have also been rock-throwing incidents and more than 90 arrests.

Martin Holmquist, superintendent of the Arbor Vitae-Woodruff School District, said he had visited boat landings "part as an observer, and part as someone trying to come up with some kind of a solution."

He said he found the vast majority of spectators at the landings were not racists.

"We do have a small number — a few — racists in the crowd," he said, but others might say "kill the In-



AP photo
School sketch: Mark Wahlgren of Boulder Junction said he was alarmed when his 13-year-old son brought home sketches depicting anti-Indian messages. Wahlgren said his son didn't do the drawing, which had been circulating among the children at the elementary school.

dians' much like they say 'kill the umpire' " at a baseball game.

Gary Fredenhagen, owner of a Boulder Junction tavern, said his 10-year-old daughter, Tracey, wrote President Bush to express concern about treaty rights issues.

Daily Press
5-5-89

Students sent home for wearing anti-spear shirts

CRANDON (AP) — About two dozen Chippewa Indians students left school Thursday after some other students wore anti-spearfishing shirts, the Crandon High School principal said.

"We had some students come in (school) wearing T-shirts that were inappropriate," said Principal Jeffrey Jacobson.

Seven students were wearing the shirts and about half agreed to change them when the principal asked, he said.

About four students refused to change their shirts and were sent home for the day, Jacobson said.

"The T-shirts were a very strong statement against spearing," he said.

He described them as depicting a walleye being speared with a circle and slash through it.

The incident apparently

frightened some students and parents at the 346-student building that houses students in grades 7-12, Jacobson said.

"There were some tribal students who left (school)," he said. "The tempers were high today. They were nervous."

In the past, the school located near the Mole Lake Chippewa band's reservation in northeastern Wisconsin has had fights in the halls and sentiment over Indian spearfishing has been a contributing factor, he said.

There have been no such fights this year, he said.

"Many kids do have strong feelings" about spearfishing and Indian treaty rights and some of those feelings may come from things children hear at the supper table, the principal said.

WISCONSIN
Newspaper Association

702 Midvale Blvd.
Madison, Wis. 53705
Chicago Bureau Division
Green Bay News-Chronicle

Treaty supporters: We've been threatened

MADISON (UPI) — Members of several groups say harassing telephone calls, hate letters and some publicity have been aimed at them because of their support of Chippewa Indian treaty rights.

The treaty supporters held a news conference Thursday to appeal for calm and rational behavior during the Chippewa spearfishing season which will start later this month. It was to have begun this week but thick ice may delay its start until April 20, causing it to collide with the May 9 start of the general fishing season.

Sharon Meis, a former state representative from Green Bay who now works with the Lutheran Human Relations Association of America, said she is getting irate about angry telephone

calls every day at her office over the issue. The Rev. Timothy Eck of Madison said he is used to receiving negative comments because he is an outspoken person. But he said he has never received as much hate mail as he did when one of his editorials supporting the Chippewa treaties appeared in a daily newspaper.

David Wronce of the Department of History at the University of Wisconsin in Stevens Point said there are many myths and misconceptions about the treaties.

"But the truth of the issue is with the Chippewa," said Wronce. He added that personal criticism, harassment and "feeling a crushing evil" occurs on a daily basis because of his stand on the issue.



Meis: getting angry calls
Wronce has headed the treaties and claims his opponents and critics are not based upon fact.

Meis said the is treaty supporters appointed with the election of legislators and violence that may occur at the boat landings this year is rooted in hatred and racism, and probably does not have that much to do with the fish. The Chippewa are expected to take the 49,000 fish from more than 200 lakes in the north.

"If we divided the 49,000 fish that the Indian speakers may take this season, that amounts to less than one fish taken for every 36.1 persons in Wisconsin. Have the Indians impacted on the economy? Not according to the Division of Tourism," she said, citing a report that started last year Wisconsin

Limits may mean trouble

United Press International
Leaders of two anti-treaty groups said Thursday the decision by Chippewa Indians to take up to 49,000 fish from northern lakes, which will cause restrictions on regular fishing, may mean trouble this spring.

Chippewa Indians have released the quotas of fish they expect to take by spearfishing and other special methods from 254 northern lakes in their exercise of fishing rights on non-reservation lands.

David Kimmelius, a Department of Natural Resources spokesman, said Thursday the state will ask for a two valleys daily limit on most lakes the Indians spear because of the levels of fish the Indians will take.

He said on the lakes they take 100 percent of the safe harvest limits, only catch-and-release fishing for walleye will be allowed.

Deas Crut, head of Stop Treaty Abuse/Wisconsin, said the cuts on fishing will hurt tourism and sport fishing in northern Wisconsin.

"I expect interesting things to be heard later this year," he said.

In past years the lake has been the scene of the most bitter confrontations between Indians and non-Indians during the spearfishing season, which will start later this month. The season will start late because the lakes are still ice-covered and the spearfishing will run into the start of the general fishing season that opens May 9.

Larry Peterson of Park Falls, who heads the state chapter of Procter American's, said the large number of fish the Indians will take and the restrictions may mean trouble during the season.

"I have every fear for this spring, more so than for any spring since spearfishing began," he said.

Kimmelius said the bag limit will be announced early next week and will have to be approved as an emergency order at the Natural Resources Board's meeting April 26.

He said the Chippewa Indians this year under new orders by Federal Judge Barbara Crabb will not be limited to a spring fishing season but can fish until early winter. Because of that, he said bag limits for general fishermen must be set before the season begins.

"I had one of its best tourism seasons amount of fish that are taken by the ever."
"I think the hatred and fear against in Northern Wisconsin by anti-Treaty groups will do more to impact the tourism industry than the small

amount of fish that are taken by the ever."
"I think the hatred and fear against in Northern Wisconsin by anti-Treaty groups will do more to impact the tourism industry than the small

amount of fish that are taken by the ever."
"I think the hatred and fear against in Northern Wisconsin by anti-Treaty groups will do more to impact the tourism industry than the small

amount of fish that are taken by the ever."
"I think the hatred and fear against in Northern Wisconsin by anti-Treaty groups will do more to impact the tourism industry than the small

Treaty supporters say racism is major issue

MADISON (AP) — Supporters of Indian treaty rights say racism, not concern about fish populations, is the main force behind protests against Chippewa spearfishing, and they urge state leaders to take a more forceful stand.

"Is it really the fish we are talking about?" said Sharon Metz, of Green Bay, a former Democratic legislator. "I don't think so. I think the hatred and fear generated in northern Wisconsin by anti-treaty groups will do more to impact the tourism industry than the small amount of fish that are taken by the spearers."

"I am disappointed in the leadership of Wisconsin from both parties," said Metz, executive director of the Lutheran Human Relations Association of America. "The silence has been deafening."

Gov. Tommy Thompson plans to issue a "very strong" statement urging spearfishing foes to stay away from boat lan-

dings used by tribal members this spring, said Jon Henkes, Thompson's news secretary.

Thompson has repeatedly said he does not believe racism is the primary factor behind anti-treaty protests, and some Democrats have concurred.

"Both Democrats and Republicans have pandered to the prejudices of the people up north," said the Rev. Tim Kehl of Madison, a member of the pro-treaty Honor Our Neighbors' Origins and Rights.

Kehl and other treaty rights supporters spoke Thursday at an event sponsored by the American Indian Studies Program at UW-Madison. Their appearance came a day after the Chippewa Indians announced their spearing plans for this year.

Federal courts have upheld the right of Indians to spear fish under 19th century treaties.

Tribal attorney finds rooster in noose

LAC DU FLAMBEAU (AP) — Lac du Flambeau tribal attorney James Jannetta said Friday the discovery of a dead rooster hanging by a noose from his mailbox apparently was a "terrorist" activity designed to intimidate.

"It was a white rooster, hanging from a noose with a hangman's knot, hanging from my mailbox," he told the Milwaukee Sentinel.

The discovery, he said, was made Tuesday by his sons as they came home from school.

He said the incident likely was tied to his comments, broadcast Tuesday morning on a Minocqua radio station, about the Chippewa Indians' spring spearfishing season. His comments, taped during a speech last month, included criticism of northern Wisconsin law enforcement officials.

Jannetta said the rooster incident was especially frightening to his youngest son.

"It causes me to think about altering the family routine with my children," he said. "I look at it in terms of political terrorist activity, something that would probably affect the security of my home."

Jannetta and his wife, Kathryn Tierney, both non-Indians, are attorneys for the Lac du Flambeau Chippewa band and have handled a treaty rights lawsuit against the state.

The Lac du Flambeau are the most active of the six state Chippewa bands in exercising off-reservation treaty rights, especially spearfishing.

The dead bird was photographed, but Jannetta said he did not report the incident to the sheriff's department.

"I, frankly, don't believe it would have done much good to report things like that to the Vilas County Sheriff's Department," Jannetta said.

96

Appendix VII
STA Propaganda Flier

This hand-out was produced by STA/Wisconsin.

Wisconsin's Treaty Problems

—

What Are The Issues?

In the 1988 spring spearing season the Chippewas harvested 26,128 spawning walleyes and muskies. The number of fish that were fatally injured during spearing and later died is estimated at an additional 75,000 walleyes and muskies. This 1988 spearing season cost the Wisconsin taxpayers in excess of 1 million dollars. How did this mockery of tradition evolve in Wisconsin?

History of Chippewa Spearing

The original Chippewas of Northern Wisconsin were a self-sustaining tribe of North American Indians who derived their subsistence from hunting, fishing, and a small amount of agriculture. Their range included the Great Lakes region, primarily the south shores of Lake Superior and West Side of Lake Michigan.

Because of the large number of lakes in their region, the tribes devised various means of harvesting fish. Of particular interest were the techniques used for night harvesting of game. The Chippewas would place large torch baskets high over the bows of their canoes and use the light to attract fish. When the fish came into sight, the spearers would carefully spear the fish. Great care was used when spearing because the spears were made of hand carved and fire hardened wood. The original Chippewas had no hard metals from which spears could be made. If a spearer was careless and hit a rock, hours of work would be wasted in the recarving of another spear.

When pursuing the fish, the spearers would paddle the lakes and rivers in their birch bark canoes. Great care was used with these canoes since each canoe involved hundreds of hours of hand labor. One wrong move and a person could either put a foot through the bottom, tip the canoe, or rip open the canoe on a rock or snag.

The principle fish harvested during the spring were suckers and red horse. These rough fish were easily taken in the spring because they came by the thousands to creeks and rivers to spawn. The massive concentration of suckers and red horse meant the fish could be easily harvested by hand or spear.

After the Chippewas harvested their fish, great care was exercised in preserving the fish. Since there was little salt and no refrigeration, the fish were either eaten immediately after capture, sun dried on wooden racks or smoked. The Chippewas traditionally harvested the majority of fish during the fall. With cooler weather, the fish was less likely to spoil. The tribes also needed to gather as much food as possible for winter survival.

In summary, traditional Chippewa spearfishing was a form of subsistence carried out by self-sustaining people who used primitive hand tools and material from their local environment. The original Chippewas speared only what could be readily consumed by themselves.

How is Chippewa spearfishing done today different from traditional spearfishing?

Current Chippewa spearfishing is as different from traditional Chippewa subsistence spearing as primitive cave painting is from TV. Modern tribal members conduct the slaughter of spawning game fish with every modern means available. Instead of harvesting rough fish in the spawning season, they harvest the main game fishes of the state. Instead of hand constructed birch bark canoes, today's Chippewas use aluminum boats. Instead of wooden hand carved, fire-hardened spears, they use 12 foot metal spears which are mass produced in China and Korea. Instead of paddles, they move by gasoline outboards which are manufactured in Japan. Instead of torch light produced from burning pine pitch, they use 200,000 candle power halogen lights which are powered by 12 volt car batteries. Instead of fishing the lakes next to their villages, they travel by new pick-up trucks, hauling their metal boats as far as 50 miles, to lakes never traditionally speared before. Instead of using the fish for subsistence, the fish are filleted and frozen in deep freezes. Many are sold! Instead of taking only what is needed for subsistence, thousands of fish spoil because of warm weather and the lack of ambition to clean them. Each year thousands of spoiled game fish are dumped in dumps and along road sides because tribal member didn't want to clean them.

Who is currently allowed to spear during the spring spawning season?

Current policy allows anyone on the tribal roll to participate in the spearing season. Today that means people with no Indian blood whatsoever go out and participate in the rape of Wisconsin's fragile resources. There are virtually no participants who are whole or half Chippewa, and the majority are 1/4 to 1/16 Chippewa.

Do these tribal members need the fish as a form of subsistence?

Absolutely not! Even though these tribal members are only a fraction Chippewa, they receive huge amounts of free government surplus food including cheese, butter, milk, and other vast amounts of "commodity" foods. Along with these free foods they receive free food stamps and a cost of living allowance of over \$20,000/household/year. They are also eligible for free government housing, subsidized heat and light, a whole list of government entitlements and subsidies, and a host of other government benefits. Tribal members receive 100% free medical and dental care, 100% free pharmaceutical coverage, free day care, and free and complete educational subsidies. To help each member further, they are subsidized to the extent that tribal members pay NO state or federal income tax, NO state or federal sales tax, NO liquor or cigarette tax — virtually no taxes at all. Today's Indians are the most heavily subsidized minority in the nation. It has been estimated that the U.S. Department of Interior/Bureau of Indian Affairs, receives \$50,000 in tax dollars/tribal member in America today. The Bureau of Indian Affairs 1988 budget is in the excess of 5 billion dollars/year.

If the spring spearing conducted by modern tribal members isn't traditional and not for subsistence, why are the Chippewa doing it?

Simply put, they are conducting a form of economic terrorism and blackmail. The Chippewas are holding Wisconsin's resources hostage. In the spring of 1988 the tribal attorneys stated in federal court that the State of Wisconsin should pay the tribes 77 million dollars per year in order for the Chippewas to give up their spearing rights. This figure is derived for an estimate of \$23,000 per year per tribal member.

The Chippewa spearers go out of their way to aggravate as many sportsmen and landowners as possible by traveling great distances to spear. Instead of taking easily accessible rough fish in the spring, they take only the #1 and #2 game fish in the state, i.e., walleyes and muskies.

If the state were to "Buy Out" the spearing rights, would it put an end to treaty abuse?

Absolutely not. The spearing issue is only the tip of the iceberg. There are dozens of states where the tribes have already shown their colors as far as what Wisconsin can expect in treaty problems. Judge Crabb has opened the door to Northern Wisconsin's second most important industry, i.e., timber. The tribes have shown total disregard for good conservation practices. Imagine the long term effects on Northern Wisconsin if the Chippewas are allowed to practice the same mismanagement with timber resources. The timber resource cannot replenish itself in most of our lifetimes as the fish and game population may. Our state and federal timber stands could be wiped out before any court action could be launched to prohibit cutting.

Federal Indian Policy in other states has clearly shown the direction tribes intend to follow. Several states now have areas where non-tribal members have lost title to their land in ceded areas. (Northern Wisconsin is ceded territory) Tribes are now pursuing separate taxation for non-tribal members in several states. This taxation allows for no participation by non-tribal persons other than they have to pay whatever taxes are levied on them. (Taxation without representation). This practice denies the average citizen the right to participate in the democratic process by which our country was founded. Tribes have already claimed all mineral and timber rights in several states. Water rights, an area of monumental proportion, are in serious jeopardy in many western states.

Does Federal Indian Policy affect areas of wildlife conservation other than spearing fish and shooting deer in Northern Wisconsin?

You bet it does. Current policy means tribal members are above the Federal fish and game laws as well as state laws. Tribal members are allowed to shoot hundreds of eagles every year. These eagles are shot solely for financial gain. The tribal members sell the mounted birds for over \$1,000 each, or make eagle feather headdresses for sale in Europe. These commercial headdresses sell for over \$5,000

each. Whereas the U.S. Fish and Wildlife Service has spent millions to protect endangered species, any tribal member is above laws which are designed solely for the preservation of endangered species. In Florida, a tribal member intentionally shot an Everglades panther, the rarest large wild cat in North America. He was released and unpunished because he was a tribal member and not subject to Federal Game Conservation laws.

To bring this issue closer to home, Ducks Unlimited, along with state and federal tax dollars raised from the sale of licenses and duck stamps, spends millions of dollars each year to promote waterfowl conservation. Tribal members follow none of the regulations which apply to non-tribal members as far as good conservation and controlled harvest. Each year tens of thousands of migratory waterfowl are slaughtered without regard for seasons, methods of harvest, rare species, or types of shot. All this is allowed for tribal members, regardless of the fact that they may have no Indian blood, or the effect it has on migratory water fowl populations.

If all these things are wrong, why haven't state and federal governments moved to correct them?

The whole problem is a question of money, millions and billions of tax dollars. No matter how bad the situation is, no governor, senator or representative in his/her right mind is going to initiate an action that would curtail 10's of millions of tax dollars which are literally dumped in his/her state. In the battle to get as many tax dollars for their states as possible, politicians eagerly overlook the gross injustices which are fostered by these huge amounts of tax dollars. Reservations are viewed by each state government and its representatives as a vast sources of Federal income for the economy of each state. In fact, Texas, which has never had a reservation, is currently starting two of them just because they are a huge source of Federal dollars. In Wisconsin, which ranks 49 out of 50 states at the bottom of the list for re-investment of federal dollars, the amount of money dumped into the state after all Bureau of Indian Affairs deductions is estimated at approximately 30 million dollars per year.

If these injustices are true, how come recent court cases have upheld treaty rights?

Treaty rights are rights of law. The U.S. Supreme Court has not stated these rights are just. The court has only upheld the laws as they are currently written. Our constitution says that congress shall set the tone for what is a just society; the courts will only interpret the laws as they are written.

What is the basic underlying inequality concerning current Indian policy?

This inequality is because Indians are given rights denied to other American citizens. How can the Federal Government make treaties with one group of citizens and deny other citizens the same rights guaranteed by the Constitution?

Why is this incredible situation so little known in the U.S.?

It is hard to explain what Cap Weinberger called "America's thirst for contrition." The American people have an entrenched stereotype of the North American Indian. After decades of listening to Hollywood present its version of Federal Indian Policy, and after the Bureau of Indian Affairs spends 5 billion dollars of our tax money annually, much of which is for propaganda, 90% of Americans never fully understand current Federal Indian Policy. The religious left and the hard core liberals for some reason rally to support current Federal Indian policy. What is incredible is that these groups militantly oppose South Africa's Black Apartheid, but staunchly support America's Red Apartheid. The Reservation system was solely designed to separate American Indians from society. Federal Indian policy fosters poverty, racism and massive graft and corruption. America's strong point has always been her ability to form one nation, undivided, with liberty and justice for all. Federal Indian Policy is a direct reversal of our nation's policy of racial assimilation.

How can these laws be changed if not by the courts?

By electing U.S. congressmen and senators who are willing to correct the injustices. No politician is going to take a stand on an issue as volatile as treaty rights without being pressured by his/her constituents.

What can I do to help change this unjust situation?

Simply take the time to write or call each of your state and federal representatives. If you want to help more, join an organization which is opposing treaty rights such as STA/Wisconsin or a group from your own state. If you buy beer, buy Treaty Beer. All the profits from the sale of Treaty Beer Help Stop Treaty Abuse.

STA/Wisconsin Membership Application

P.O. Box 792 Woodruff, WI 54568 P

New Member _____ Renewal _____ —Please PRINT Clearly—

Single \$10 _____ Name _____

Family \$15 _____ Address _____

Associate \$100 _____ City _____ State _____ Zip _____

PAC Donation _____ Phone _____ Date _____
(Political Action Committee)

Voting Residence: State _____ County _____