

# Jim St. Arnold

*Boozhoo indinawemaaganidog. Nigaanigiishig indizhinikaaz. Ma'iingan indoodem. Gakiwe'onaning indoonijibaa.*

My name is Jim St. Arnold. I'm going to tell you a little bit of a story here. In 1972, when I'd gotten out of the Marines, my dad and I were out hunting for birds. We had decided to hunt off-reservation in the Baraga Plains area, which is national forest land. We knew some areas where there would be the good possibilities for partridge and such, but also some possibility for deer since we were looking for food for our family. So, with our shotgun, our birdshot, our buck shot and some shotgun slugs in our pockets and we went hunting.

We were out in the woods when a gentleman from the Michigan DNR came up to ask us what we were doing. During the course of the discussion, he set a [court] date for us and he confiscated what birds we'd gotten. He confiscated our rifles, our ammunition, issued us citations and sent us on our way.

Well, the first place we went was to our tribal chairman. We said to him that according to the treaties and everything that my grandfather and my great-grandfather told us about, the treaties that we could go off the reservation. So, our tribal chairman contacted the tribal attorney and the tribal attorney said, "Don't worry about it, I'll see what I can do." About an hour later he called us up and said "You can come get your rifles and your birds and they're dropping charges." Well, this was at a time when the state DNR didn't want to get into court, so there were a lot of times they were looking the other way.

In 1978, I became a tribally licensed commercial fisherman. I used to get out and set my nets at sunset, and raise them at sunrise. They weren't allowed to be out there during the day, and this was Keweenaw Bay. I remember an elder in the community who spent 50 years fishing and he was a night fisherman. He would go out and set his nets after dark and raise them before light, and that was the only way he could get food for his family.

In 1978, I also got elected to the Tribal Council. We began to discuss different things. We had conservation regulations for the reservation that included Keweenaw Bay, which the reservation cuts right across, so we considered that our waters. It was interesting to note that we began talking about resource management. We actually passed a regulation closing off Keweenaw Bay to all fishermen during the spawning season. We thought the tribes and sportsmen should be concerned about that. Well, it was interesting to note that the Tribal Council and each individual tribal member were presented with a lawsuit, a month later, from the local sportsmen club. I don't know whether they were interested in protecting the resources or what, but they didn't think it was right for us to tell them that they couldn't fish in Keweenaw Bay despite the fact we were trying to do it to protect the resources.

I remember in 1983, when I was Chairman of Keweenaw Bay, the Supreme Court had just turned down hearing the case out of Lac Courte Oreilles. I received a telephone call from Frank Opolka who was the director of the Michigan DNR. He said that the decision just came out of the Seventh Circuit Court. I said that I had heard about it. He said that it really didn't pertain to us because we're in the Second Circuit. Frank said that they weren't really interested or capable right now to battle with the tribes in court. They had just spent millions of dollars over in the 1836 area. He said that they would like to know what we were going to do about this. So I said that I'd talk to my Council, we'd look at the treaty, look at the court decisions, and then get back to him.

Well, we got back to him two years later. I went to our Tribal Council and we began discussions. We decided to develop a Conservation Committee whose purpose was to develop regulations for hunting, fishing and gathering off-reservation within the ceded territory for our members. We brought in Jon Gilbert from GLIFWC. We brought in our own tribal attorney. No offense to attorneys, but Keweenaw Bay Indian Community Tribal Council had a philosophy about attorneys. Tribal attorneys were good at telling us the things that we couldn't or shouldn't do. They were also there to protect us when we told them we were going to do it anyway, which we did quite a bit.

A good example was when we set up our first bingo operation. Monday morning we met with Gar Hood, our tribal attorney. We talked to him about the pros and cons of setting up the bingo operation. He spent a good hour and a half telling us everything that could go wrong and why we shouldn't do it. We sat there nodding our heads "yes, yes, yes," and then we got up to leave. Walking out the door, Fred Dakota, our tribal chairman, turned to him and said, "You'd better get ready because our operation starts in two days." So, that's the way we felt about our attorneys.

Gar Hood, at the time - when we began developing our conservation code - said, "You should be very careful about regulating." He said that we shouldn't develop our own regulations and to follow the state regulations as much as possible. We formed a committee which had people, who were very interested in following the state regulations, and we had people on the committee who were against any type of regulation, and we had people on the committee that wanted to develop something of their own. We contacted Jon Gilbert and I remember one of the first things Jon said about opening up deer hunting, no matter what, Jon advised us to wait because we have to protect the resource. He was throwing out some good possibilities. One of the real strong ones was if we didn't develop our own regulations and didn't start to protect the resources, we could potentially give the state the authority to come in and regulate us, and we didn't want that.

Two years later, I contacted Frank Opolka and said that we had regulations which we'd like to show them. So, with the state, we went through them regulation by regulation. It was similar to the time, a few years afterwards, when I was representing our tribe at *Voigt* negotiations with the State of Wisconsin. Wisconsin had their attorneys on one side and the tribes had their representatives on the other side. Well, we were doing something similar in Michigan. We had the DNR on one side of the room and all the Tribal Council was on the other side of the room. We were going through the conservation code one at a time. Every once in a while Frank Opolka would say that something didn't match Michigan's regulation. We'd just look at him in agreement and ask for a good biological reason, thanks to Jon, or a good safety reason, thanks to Gar Hood, why we should change that. We didn't tell them we'd change it. We just said, "We'll discuss it." Well, they never came back with a good biological or safety reason for possibly changing our regulations. I think part of that was due to the length of time we took developing them, and the fact that we did have people like Jon and Gar Hood helping us.

It's interesting to note some of the things that were going on during that time period. When the reservations were developed in the 1800's, there are records that show how our people traveled from the middle of Lake Michigan up to the northwest corner of Lake Superior. That was our territory. Before 1934 and the Indian Reorganization Act, there were community members and family members that were spread out in different communities. That's why there are DeNomies from Bad River who are related to Denomies in Keweenaw Bay. That's why there are Madoshes in Lac du Flambeau who are related to Madoshes in Keweenaw Bay, who have

families of Madoshes in Bad River. Our people were all over. They spread all over. There were no boundaries. One of the things that happened in 1934, under the Indian Reorganization Act, was that tribes had to define who their memberships would include. So, a lot of them decided that their memberships would be the Indians that were living in that area at that time. That is why a lot of families ended up being members of different tribes.

Also, during that time period, we had to do everything at the behest and with permission of the federal government. We had a researcher, during the Indian Claims Act, come into our community and he showed me a letter written around 1905 by a tribal member to the local Indian agent asking for permission to go to the grocery store and spend her money on groceries. That's how much control the people had over us at that time.

When people like Fred and Mike Tribble started standing up and saying, "Well, wait a minute, we have these rights." The tribes were kind of hesitant at first, even in Keweenaw Bay. Because of that, because they started winning those cases, as Sonny pointed out, you get into tribal sovereignty issues. As a former council member and a very activist person in my community, I watched the Tribal Council in the '70s be very hesitant in their own sovereignty. "We can't do that. They won't let us do that. The state won't let us do that or the federal government won't let us do that. The county won't let us do that." After the treaty rights battles were becoming active and we were starting to win them, all of a sudden I started seeing our Council and some of the other Councils take on other issues. "Who says we can't do that? We have that right." All of a sudden they started recognizing their power as a government. All of a sudden they started recognizing their power as a sovereign group of people.

With that, came a recognition of the things they needed to do. You know, at one point in the 50s and 60s, each reservation was basically its own little island. Red Cliff was fishing waters surrounding Red Cliff. Keweenaw Bay was fishing in Keweenaw Bay. We were only concerned with the fish in that bay. Once the decisions came down that allowed us to expand our exercise, then we began looking at the expansion of the responsibilities of those exercises.

I heard an elder say a long time ago, that with the right to harvest comes the responsibility to protect. And our tribal leaders started taking that responsibility on. They started looking beyond just their communities. They were becoming more socially active and more proactive outside the community. We started taking on the issues like the White Pine mine, the Yellow Dog mine or even the Flambeau mine. We started taking on the dams that were being relicensed and what was being done to the water and how the water is affecting their wild rice beds. I see tribes taking on different federal and state agencies with [tribal] power. What's really interesting is, during the treaty controversy of the '80s, there were a lot of non-Indians who didn't want to talk to Indians and didn't think the tribes could do anything. A lot of their children and even some of those people are now coming to the tribes themselves and asking, "How can you help us? What can you do for us?"

It's interesting that one of the things that I had to do when I first started working with GLIFWC and manned information booths at pow-wows, at state fairs, sport and boat shows. Well, we used to set up an information booth at the Milwaukee Sports and Boat Show. You want to talk about a hot area. I'd walk in that door and I knew how Custer felt when he came over that hill and saw nothing but Indians. I walked in the door and I saw nothing but rednecks. And I remember standing there one time in our booth and I was talking to this guy. He was right there in my face, talking how the tribes were going to take all the deer out of the woods and all the fish out of the lakes and rivers. The tribes were even going to be able to come on his land and cut down every tree on his land and he couldn't do a darn thing to stop them. And I was trying to

explain to him calmly, because I had to stay calm, about treaties and treaties rights and what they meant and what they didn't mean. And I happened to glance over his shoulder and I saw 11 other people standing in line behind him waiting for their turn to be right there in my face.

About five years later, I was in the booth at the sports and boat show down in Milwaukee and I was sitting there visiting with a person who was on a lake association in Northern Wisconsin. He was talking about how they'd worked out an agreement with one of the tribes. I don't remember for sure, but I think it was Lac du Flambeau. Lac du Flambeau was going to come help them by planting fish in their lake. They thought it was great and, boy, they were really enthused about it and they thought the tribes and treaty rights weren't that bad because they were really helping him out.

All of a sudden, this guy came storming into the booth and started getting right there in my face about how the treaties were going to rape all the lakes and kill off all the deer. This lake association guy jumped up, got in between me and him and got right there in his face. And I sat back in my chair and watched these two guys go at it. When they were done I turned to the guy I was talking to earlier and I said, "Where were you five years ago?" He told me "Five years ago, I was him." That's the growth that the community sees.

I mean, the racism is still there. The problems are still there, but they're not there as strong as they were. People that we were talking at twenty years ago, we're now talking to. Tribal Councils have expanded themselves. They're stocking lakes and rivers not only within the reservation boundaries but around in the ceded territory. They're involved in biological issues, invasives, mining issues, wildlife rehabilitation programs, not only for their community but for the surrounding communities, for everybody in the ceded territory.

I've heard a lot of our elders say that unless we do something to protect those resources, we will have lost our rights to harvest. One of the interesting things I heard, when Larry [Nesper] and I were going around, was of all the different things that the tribes have done and how much they've grown. Those include biology departments, tribal court and natural resource programs. When you look back at where they were 30 or 40 years ago, you can see the growth of how much things have happened with them and how much they have grown.

*Minwaaajimo* is a good title for this, because we've all got our story, but as was pointed out this morning, the pieces of the puzzle are all starting to fall together and when you listen to them, you can start to hear. And the younger people that are here, they can start to see and feel what was going on 30 and 20 years ago and when they go out spearing fish or hunting tonight, they can realize that I didn't have that opportunity and my father didn't have that opportunity. When my father went out hunting or fishing off the reservation he was poaching. When my father and my grandfather and my uncles were all hunting and fishing off the reservation, they were in danger of getting jail time because they wanted to feed their family. And our children don't have that worry right now.

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